

Agenda

York County Council

Council Chambers, Agricultural Bldg, 6 S. Congress St., York, SC

Monday, April 6, 2009

6:00pm

Call to Order Houston O. Motz, Chairman

Invocation and Pledge of Allegiance Houston Motz, District 6

Oath of Office for newly appointed Board and Commission Members

Twan Barber - York County Planning Commission
Kelvin Mullinix- Catawba Regional Workforce Investment Board
Jefferson Nash - Flint Hill Fire District Board
Korey W. Markle - Flint Hill Fire District Board
William Ferrara - Board of Assessment Appeals
Marty Bumgarner - Board of Assessment Appeals
Steve Skinnell - Board of Rural Fire Control
Dennis Settlemyre - Board of Rural Fire Board
Larry Williams - Board of Rural Fire Board
Kim Killian - Clover Medical Facility Commission
Debbie Meek - Clover Medical Facility Commission
Steven P. Tripi - Zoning Board of Appeals
David Roberts - Culture & Heritage Commission

Appearances

Tricia Lecque, U.S. Department of Commerce, regarding 2010 U.S. Census Bureau

Kyle Boyd, York County Christian School, regarding a Community Event at the Bobcats Training Facility

Pete Green, York County citizen, regarding the York County Library

Public Hearing

1. Consider 1st reading:
Tax Map 146-01

Zoning request:

AGC to AGC-I

Acres:	352.32 +/-
Council district:	3 Cox
Applicant:	Thoroughbred Partners, Ltd
Owners:	Thoroughbred Partners, Ltd
Location:	Property is located on Locust Hill & McGill Road in the Sharon community.
Staff:	Approval
Planning Commission:	Approval
Zoning Committee:	

2. Public hearing and consider 1st reading of an Ordinance entitled "AN ORDINANCE AMENDING AND ADOPTING THE YORK COUNTY 2025 COMPREHENSIVE PLAN - OPEN SPACE PLAN ELEMENT; TO AMEND THE 2025 YORK COUNTY COMPREHENSIVE PLAN AND 2025 LAND USE COMPREHENSIVE PLAN MAP OF YORK COUNTY BY AMENDING OPEN SPACE PROVISIONS THEREOF AND ADOPTING THE OPEN SPACE PLAN PROVISIONS CONTAINED IN THIS ORDINANCE; ADOPTING CHAPTER 1, OVERVIEW; CHAPTER 2, PUBLIC OPEN SPACES AND ASSETS; CHAPTER 3, RECOMMENDATIONS; CHAPTER 4, COSTS AND FINANCING; CHAPTER 5, GOALS AND STRATEGIES; APPENDIX A, DEFINITIONS; APPENDIX B, GREENWAY MODEL METHODOLOGY; APPENDIX C, CAROLINA THREAD TRAIL MASTER PLAN; APPENDIX D, POTENTIAL FUNDING SOURCES; AND APPENDIX E, NATIONAL RECREATION AND PARKS ASSOCIATION RECOMMENDED LEVELS OF SERVICE OF AN OPEN SPACE PLAN PREPARED BY THE YORK COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT DATED DECEMBER 2008, AS AMENDMENTS TO THE 2025 YORK COUNTY COMPREHENSIVE PLAN, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; TO PROVIDE FOR THE AMENDMENT OF INCONSISTENT SECTIONS OF THE 2025 YORK COUNTY COMPREHENSIVE PLAN; TO PROVIDE FOR A PUBLIC HEARING BEFORE FINAL ADOPTION OF THIS ORDINANCE; TO PROVIDE FOR THE AMENDMENT OF THE 2025 COMPREHENSIVE LAND USE MAPS, WHERE APPROPRIATE, TO CONFORM TO THE PROVISIONS OF THIS ORDINANCE; TO PROVIDE THE EFFECTIVE DATE UPON WHICH THIS ORDINANCE SHALL TAKE EFFECT; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO".

3. Public hearing and consider 3rd reading to an ordinance entitled, "TO AMEND SECTION 56.68 OF THE YORK COUNTY CODE OF ORDINANCES TO PROHIBIT OPEN BURNING OF WASTE, DEBRIS, TRASH, STUMPS, TREE BRANCHES, LAND CLEARING WASTE AND DEBRIS AND HAZARDOUS WASTE IN OR WITH RESPECT TO NEW COMMERCIAL, INDUSTRIAL AND CERTAIN RESIDENTIAL DEVELOPMENTS IN THE UNINCORPORATED AREA OF YORK COUNTY EXCEPT AS PROVIDED HEREIN; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF AMENDED SECTION 56.68 OF THE YORK COUNTY CODE OF ORDINANCES; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS CODE; TO PROVIDE ADMINISTRATIVE REMEDIES FOR VIOLATIONS OF COUNTY CODES AND ORDINANCES; TO PROVIDE EXCEPTIONS FROM THE APPLICATION OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO."

4. Public hearing and giving 3rd reading to an ordinance entitled, TO AMEND THE CODE OF THE COUNTY OF YORK BY CREATING CHAPTER 156, TEMPORARY DWELLING PERMITS, SECTIONS _____ THROUGH _____, UNDER THE COUNTY'S AUTHORITY CONFERRED BY THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT, TITLE 6, CHAPTER 29, AS AMENDED, AND ITS AUTHORITY TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF YORK COUNTY, BY ESTABLISHING TEMPORARY ALLOWANCES FOR SECONDARY DWELLINGS, THE NEED FOR WHICH IS CREATED

UNDER EXIGENT CIRCUMSTANCES AND PERSONAL HARDSHIP, WHERE AN APPLICANT FOR A TEMPORARY DWELLING PERMIT DEMONSTRATES: THE NEED FOR THE PROVISION OF CONTINUOUS MEDICAL CARE OR ASSISTANCE TO AN INDIVIDUAL, OR THAT THE OWNERS OF THE PARCEL IN ISSUE ARE IN THE PROCESS OF BUILDING A PERMANENT DWELLING UPON THE PARCEL, OR THAT THE OCCUPANT OF THE TEMPORARY DWELLING IS AN IMMEDIATE FAMILY MEMBER WHO IS EXPERIENCING FINANCIAL HARDSHIP; AND, WHERE THE APPLICANT FOR THE TEMPORARY DWELLING PERMIT CAN MEET CRITERIA REQUIRING DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS, PROVIDE CURRENT VEHICULAR LICENSES FOR RECREATIONAL VEHICLES USED AS TEMPORARY DWELLINGS, DEMONSTRATE ONLY ONE TEMPORARY DWELLING PER PARCEL, AFFIRM THAT NO RENT, FEE, OR PAYMENT OF ANY KIND WILL BE RECEIVED FOR THE PROVISION OF THE TEMPORARY DWELLING, DEMONSTRATE THAT THE DWELLING MEETS SCDHEC REQUIREMENTS FOR WATER AND WASTEWATER AND MEETS YORK COUNTY REQUIREMENTS FOR TEMPORARY ELECTRICAL SERVICE, AND DEMONSTRATE THAT THE TEMPORARY DWELLING MEETS THE SETBACK REQUIREMENTS FOR THE PRINCIPAL STRUCTURE ON THE PARCEL; AND, WHERE THE PARCEL OWNER SEEKING THE TEMPORARY DWELLING PERMIT SUBMITS AN APPLICATION TO THE YORK COUNTY PLANNING AND DEVELOPMENT DEPARTMENT WHICH INCLUDES A SITE PLAN FOR THE PARCEL, A DESCRIPTION FOR THE PROPOSED DWELLING, A NOTARIZED STATEMENT SIGNED BY ALL OWNERS OF THE PARCEL SETTING FORTH THE CIRCUMSTANCES NECESSITATING THE TEMPORARY DWELLING, PAYMENT OF THE APPLICATION FEE AS ESTABLISHED BY YORK COUNTY COUNCIL, AND, IN THE CASES OF MEDICAL EMERGENCY, A STATEMENT FROM A PHYSICIAN SUBSTANTIATING THE NEED FOR CONTINUOUS CARE FOR A PERSON RESIDING ON THE PARCEL IN ISSUE; AND, TO ESTABLISH THE PROCEDURE FOR WHICH THE YORK COUNTY COUNCIL IS TO HEAR THE APPLICATION FOR THE PERMIT, MAKE ITS FINDINGS CONCERNING HARDSHIP AND CRITERIA, AND RENDER ITS DECISION; TO PROVIDE FOR COUNTY COUNCIL TO ATTACH REASONABLE CONDITIONS TO THE APPLICATION REQUEST, IF GRANTED; TO PROVIDE FOR A DEFINITE SIX MONTH TERM FOR THE TEMPORARY DWELLING PERMIT, AND A PROCESS FOR RENEWING THE PERMIT FOR AN ADDITIONAL SIX MONTH TERM; TO PROVIDE FOR THE REVOCATION OF THE PERMIT; TO PROVIDE FOR THE EXPIRATION OF THE PERMIT AND THE REVERSION OF THE DWELLING TO ITS PRIOR USE BEFORE THE ISSUANCE OF THE PERMIT; TO PRONOUNCE THAT THE ISSUANCE OF A TEMPORARY DWELLING PERMIT DOES NOT CONFER A PERMANENT OR VESTED RIGHT; TO PROVIDE FOR THE ULTIMATE RECISSION OF THIS ORDINANCE BY ACTION OF THE COUNCIL; AND, TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

5. Public hearing and consider 3rd reading of an ordinance entitled, "AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR YORK COUNTY GOVERNMENT OF SOUTH CAROLINA

6. Public hearing of an ordinance entitled, "TO AMEND THE YORK COUNTY CODE OF ORDINANCES BY INSERTING NEW SECTIONS 31.20.1 THROUGH 31.20.6 ENACTING NEW YORK COUNTY PRIVACY PROTECTION PROVISIONS PROVIDING FOR THE PROTECTION OF PERSONAL INFORMATION AS DEFINED HEREIN EXCEPT FOR A LEGITIMATE PUBLIC PURPOSE; TO REQUIRE THAT THE COLLECTION OF PERSONAL INFORMATION PERTAINING TO CITIZENS PF YORK COUNTY, SOUTH CAROLINA IS LIMITED TO SUCH PERSONAL INFORMATION REQUIRED BY ANY COUNTY AGENCY, BOARD, COMMISSION, INSTITUTION, DEPARTMENT, OFFICIAL OR EMPLOYEE NECESSARY TO FULFILL A LEGITIMATE PUBLIC PURPOSE; TO PROHIBIT THE OBTAINING OR USE OF YORK COUNTY PUBLIC RECORDS FOR COMMERCIAL SOLICITATION; TO REQUIRE THAT YORK COUNTY AND ITS AGENCIES, BOARDS, COMMISSIONS, INSTITUTIONS, DEPARTMENTS, OFFICIALS AND EMPLOYEES SHALL TAKE

REASONABLE MEASURES TO ENSURE THAT NO PERSON OR PRIVATE ENTITY OBTAINS OR DISTRIBUTES PERSONAL INFORMATION OBTAINED FROM A PUBLIC RECORD FOR COMMERCIAL SOLICITATION; TO PROHIBIT OR LIMIT THE USE OF SOCIAL SECURITY NUMBERS AND PERSONAL IDENTIFYING INFORMATION TO SUCH PERSONAL INFORMATION AS MAY BE REQUIRED BY YORK COUNTY OR ANY AGENCY, BOARD, COMMISSION, INSTITUTION, DEPARTMENT, OFFICIAL AND EMPLOYEE NECESSARY TO FULFILL A LEGITIMATE PUBLIC PURPOSE; TO REQUIRE THE ADOPTION AND IMPLEMENTATION OF A PERSONAL IDENTIFYING INFORMATION PRIVACY PROTECTION POLICY IN YORK COUNTY; TO REQUIRE THE DISPLAY OF THE YORK COUNTY PRIVACY POLICY ON THE YORK COUNTY WEB SITE; TO PROVIDE FOR A PUBLIC HEARING; TO PROVIDE THAT VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE SHALL CONSTITUTE MISDEMEANORS; TO PROVIDE FOR A FINE OR TERM OF IMPRISONMENT UPON CONVICTION FOR VIOLATIONS OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

7. Public hearing and consider 2nd reading of an ordinance entitled, "TO AMEND SECTIONS 153.30 THROUGH 153.32 OF THE CODE OF ORDINANCES OF YORK COUNTY, SOUTH CAROLINA TO EXPAND THE MEMBERSHIP OF THE YORK COUNTY ECONOMIC DEVELOPMENT BOARD TO SEVENTEEN MEMBERS; TO PROVIDE FOR THE APPOINTMENT AND TERMS OF OFFICE OF THREE ADDITIONAL MEMBERS OF THE YORK COUNTY ECONOMIC DEVELOPMENT BOARD WHO SHALL BE APPOINTED BY THE YORK COUNTY COUNCIL FROM THE MEMBERSHIP OF YORK COUNTY GROWTH PARTNERS, INC. AFTER RECEIVING RECOMMENDATIONS FROM YORK COUNTY GROWTH PARTNERS, INC.; TO AMEND SECTIONS 153.30 THROUGH 153.34 OF THE YORK COUNTY CODE RELATING TO THE COMPOSITION, ORGANIZATION AND TERMS OF OFFICE OF THE YORK COUNTY ECONOMIC DEVELOPMENT BOARD; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO."
8. Public hearing and consider 3rd reading of an ordinance entitled, "TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS FOR MEMBERS OF THE YORK COUNTY COUNCIL, SUBJECT TO APPROVAL IN A PUBLIC REFERENDUM; TO PROVIDE FOR A PUBLIC REFERENDUM ON CHANGING THE TERMS OF OFFICE OF MEMBERS OF THE YORKCOUNTY COUNCIL FROM TWO-YEAR TERMS TO FOUR-YEAR STAGGERED TERMS; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

Old Business

None

Executive Session: Condemnations, Contractual Matter and Legal Advisement

New Business

1. Consider adopting a resolution in honor of the late Mrs. Zora Holmes
2. Consider 1st reading of an ordinance entitled, "AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (THE "INCENTIVE AGREEMENT") BETWEEN YORK COUNTY, SOUTH CAROLINA ("THE COUNTY") AND DAIMLER TRUCKS NORTH AMERICA LLC, ACTING FOR ITSELF OR AN AFFILIATE OR OTHER PROJECT SPONSOR, (THE COMPANY"), WHEREBY, UNDER CERTAIN CONDITIONS, THE COUNTY SHALL GRANT INCENTIVES TO THE COMPANY IN

CONNECTION WITH THE ESTABLISHMENT OF CERTAIN MANUFACTURING FACILITIES IN THE COUNTY (THE "PROJECT"); (2) THE COUNTY TO COMVENANT IN SUCH INCENTIVE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE PROJECT; (3) SPECIAL SOURCE CREDITS TO REIMBURSE THE COMPANY FOR A PORTION OF THE COSTS OF CERTAIN INFRASTRUCURE OR REAL PROPERTY COSTS INCURRED IN CONNECTION WITH THE PROJECT; (4) THE BENEFITS OF A MULTI-COUNTY PARK TO BE MADE AVAILABLE TO THE COMPANY; AND (5) OTHER MATTERS RELATING THERTO

3. Consider 1st reading of an ordinance entitled, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AMONG YORK COUNTY, STEELFAB, INC, A NORTH CAROLINA CORPORATION, AND OTHER MATTERS RELATING THERETO INCLUDING , WITHOUT LIMITATION PAYMENT OF A FEE-IN-LIEU OF TAXES
4. Consider 1st reading of an ordinance entitled, "AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE TOWN OF HICKORY GROVE TO THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE TOWN OF HICKORY GROVE; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.
5. Consider 1st reading of an ordinance entitled, "AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE TOWN OF McCONNELLS TO THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE TOWN OF McCONNELLS; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.
6. Consider 1st reading by title only of an ordinance entitled, " AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT (PD) ZONING AND PLAN FOR CROWDERS CREEK SOUTH AS REFERRED TO AND DESCRIBED IN THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN YORK COUNTY AND CRESCENT RESOURCES, LLC, DATED AS OF SEPTEMBER 2, 2008 AS MODIFIED BY A FIRST MODIFICATION THERETO; TO REQUIRE A PUBLIC HEARING BEFORE FINAL LEGISLATIVE ACTION IS TAKEN FOR THE ADOPTION OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO
7. Consider 1st reading by title only of an ordinance entitled, " AN ORDINANCE TO AMEND A DEVELOPMENT AGREEMENT BY AND BETWEEN YORK COUNTY AND CRESCENT RESOURCES, LLC, DATED AS OF SEPTEMBER 2, 2008, IN CERTAIN PARTICULARS; TO

AUTHORIZE THE EXECUTION AND DELIVERY OF A FIRST MODIFICATION TO SUCH DEVELOPMENT AGREEMENT; TO REQUIRE A PUBLIC HEARING BEFORE FINAL ADOPTION OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

8. Consider 1st reading of an ordinance entitled "TO FURTHER AMEND AN ORDINANCE ENTITLED "TO ESTABLISH OPERATING AND CAPITAL BUDGETS FOR THE OPERATION OF THE COUNTY GOVERNMENT OF YORK COUNTY FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, ETC"; TO PROVIDE FOR SOUTH CAROLINA COORDINATING COUNCIL GRANT FUNDS TO BE USED FOR DIRECT ASSISTANCE FOR AN ECONOMIC DEVELOPMENT PROJECT; TO PROVIDE FOR APPROPRIATION OF GENERAL FUND FUND BALANCE AND TRANSFER OF C FUNDS TO PROVIDE FOR HIGHWAY 21 BRIDGE BEAUTIFICATION ENHANCEMENTS AND TO APPROPRIATE GENERAL FUND FUND BALANCE TO PROVIDE GRANT MATCH FUNDS TO A PLACE FOR HOPE FOR A SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION GRANT; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR MATTERS RELATING THERETO."
9. Consider approval of relocation expenses associated with Tract 21 for Project 97-007: SC Route 901 as part of the 1997 Capital Projects Sales and Use Tax Program
10. Consider adopting a resolution in support of Fair and Equitable Housing
11. Consider adopting a proclamation in support of the 2010 South Carolina Census initiative.
12. Consider authorization to request funding from the State Infrastructure Bank (SIB) for the Dave Lyle Blvd. Expansion Initiative in conjunction with Lancaster County
13. Consider award of bid for five each 40-cubic yard roll-on/roll-off open top refuse containers, Bid #1858
14. Consider proposals for the construction of a boathouse and pier for use by Sheriff's Office and Public Safety Agencies
15. Consider award of bid for five each 4-cubic yard stationary compactors with 40-cubic yard closed top roll-off/roll-on containers, Bid #1859
16. Discussion of permit fee requirements in extraordinary circumstances
17. Status report and possible recommendations regarding temporary access agreement with Lifepointe Christian Church

Consent Agenda

<u>Item</u>	<u>Action</u>
a. Approve minutes of March 16, 2009 Council Meeting	Approve as written
b. Approve minutes of March 16, 2009 Finance & Operations Meeting	Approve as written

Those wishing to appear not on the agenda

Adjourn