

Agenda

York County Council

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

Monday, December 15, 2008

6:00 p.m.

Call to Order ..... Houston O. Motz, Chairman

Invocation and Pledge of Allegiance ..... Rick Lee, District 7

Appearances

Joe Williams - Recognition of the World War II Veterans on the Washington, DC Memorial Trip

John Thomas - Smoking Ban Ordinance

Public Hearings

1. Public hearing and consider 1<sup>st</sup> reading:

Tax Map 146-9

Zoning request	AGC to AGC-I
Acres	82.13 +/-
Council district	3 Cox
Applicant	Michael S. Petty
Owners	Michael S. Petty
Location	Property is located on Locust Hill Road in the Sharon community.
Staff	Denial
Planning Commission	Approval
Zoning Committee	

2. Public hearing and consider 1<sup>st</sup> reading:

Tax Map 408-14

Zoning request	AGC to RUD
Acres	10.15 +/-
Council district	5 Chappell
Applicant	Ralph W. Adams
Owners	Ralph W. and Rebecca A. Adams
Location	Property is located at 4770 McConnells Highway in the York community.

Staff  
Planning Commission  
Zoning Committee

Approval  
Approval

3. Public hearing and consider 1<sup>st</sup> reading:

Tax Map 655-56

Zoning request                      RD-II to BD-III  
Acres                                      1.095 +/-  
Council district                      1 Lindemann  
Applicant                                George Crouch  
Owners                                    Business Development Corporation of SC  
Location                                 Property is located at 1787 Pleasant Road in  
the Fort Mill community.  
  
Staff                                        Denial  
Planning Commission                Deferral  
Zoning Committee

4. Public hearing and consider 1<sup>st</sup> reading:

Tax Map 196-48

Zoning request                      AGC to AGC-I  
Acres                                      105.67 +/-  
Council district                      3 Cox  
Applicant                                David Michael Broome  
Owners                                    David Michael Broome  
Location                                 Property is located at 1040 King Road  
in the York community.  
  
Staff                                        Denial  
Planning Commission                Approval  
Zoning Committee

5. Public hearing and consider 1<sup>st</sup> reading:

Tax Map 717-3-P, 20-P

Zoning request                      AGC to BD-III  
Acres                                      5.38 of 12.38 and 5.5 of 44.08 +/- acre parcels  
Council district                      1 Lindemann  
Applicant                                Mark Ullmer/Chaplin Spencer, ESP for DEDG,  
LLC and Mark Ullmer/Chaplin Spencer Esq. for  
Dennis Getter  
  
Owners                                    Anne Springs Close, Ben Floyd & Edward Niven  
Family Trust  
Location                                 Properties are located at 1890 highway 21  
Bypass North in the Fort Mill community.  
  
Staff                                        Approval  
Planning Commission                Approval  
Zoning Committee

6. Public Hearing and consider 2<sup>nd</sup> reading of revisions to the Stormwater Ordinance - Illicit Discharge Additions for an ordinance entitled, TO AMEND CHAPTER 152: STORMWATER MANAGEMENT AND SEDIMENT CONTROL, SECTIONS 152.01 THROUGH 152.10; 152.20 THROUGH 152.28; 152.40 THROUGH 152.42; 152.55 THROUGH 152.62; AND 152.99 OF THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, KNOWN AS "THE STORMWATER MANAGEMENT AND SEDIMENT CONTROL ORDINANCE OF YORK COUNTY, SOUTH CAROLINA;" TO DEFINE AND ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS TO PROTECT THE NATURAL RESOURCES OF YORK COUNTY AND THE GENERAL HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF YORK COUNTY, SOUTH CAROLINA; TO PROVIDE THE AUTHORITY FOR THE ENACTMENT OF THIS STORMWATER MANAGEMENT AND SEDIMENT CONTROL ORDINANCE; TO DEFINE THE JURISDICTION AND PROVIDE FOR THE ADMINISTRATION OF STORMWATER MANAGEMENT AND SEDIMENT CONTROL REGULATIONS; TO PROVIDE FOR EXEMPTIONS AND WAIVERS FROM THIS ORDINANCE; TO PROVIDE RULES OF LANGUAGE, INTERPRETATION AND DEFINITIONS; TO PROVIDE FOR NOTIFICATION OF THE REQUIREMENTS OF THIS CHAPTER TO PERSONS APPLYING FOR GRADING PERMITS; TO PROVIDE FOR INSPECTION AND ENFORCEMENT OF PROVISIONS OF THE STORMWATER MANAGEMENT AND SEDIMENT CONTROL ORDINANCE; TO DEFINE THE RELATIONSHIP OF THIS ORDINANCE WITH OTHER LAWS, REGULATIONS AND ORDINANCES; TO DEFINE PROCEDURES FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ORDINANCE; TO PROVIDE FOR THE PROTECTION OF EXISTING DISTURBED AREAS; TO ESTABLISH AN APPLICATION PROCESS FOR GRADING PERMITS, APPROVALS AND REVIEWS; TO ESTABLISH A FEE SCHEDULE FOR PERMITS, APPROVALS AND REVIEWS UNDER THIS CODE; TO PROVIDE FOR THE APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS; TO PROVIDE FOR VARIANCES, APPEALS AND ADMINISTRATIVE HEARINGS; TO DEFINE THE RESPONSIBILITY OF APPLICANTS FOR AUTHORIZATIONS, PERMITS, BONDS AND OTHER AUTHORIZATIONS, REQUIREMENTS OR APPROVALS; TO PROVIDE A MECHANISM FOR EXTENSIONS OF TIME; TO DEFINE THE RESPONSIBILITIES OF APPLICANTS AND OPERATORS; TO ESTABLISH MANDATORY STANDARDS AND PLAN REQUIREMENTS FOR STORMWATER POLLUTION PREVENTION PLANS; TO PROVIDE PLAN REQUIREMENTS FOR STORMWATER MANAGEMENT AND SEDIMENT CONTROL PLANS; TO PROVIDE REFERENCES AND RESOURCES TO ASSIST APPLICANTS IN MEETING MANDATORY STANDARDS AND REQUIREMENTS; TO DEFINE MAINTENANCE REQUIREMENTS DURING CONSTRUCTION; TO DEFINE MAINTENANCE RESPONSIBILITIES AFTER DEVELOPMENT; TO REQUIRE THE AMENDMENT AND MAINTENANCE OF SWPPP PLANS AND MAPS; TO PROVIDE FOR THE TERMINATION OF COVERAGE AND THE ISSUANCE OF NOTICES OF TERMINATION AND PRESCRIBE THE TERMS AND CONDITIONS THEREOF; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS CODE; TO PROVIDE FOR A PUBLIC HEARING BEFORE FINAL ADOPTION OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.
  
7. Public Hearing and consider 2<sup>nd</sup> reading of an Ordinance TO AMEND CHAPTER 33 OF THE YORK COUNTY CODE ENTITLED "PERSONNEL" IN CERTAIN PARTICULARS TO PROVIDE FOR A MORE ORDERLY ADMINISTRATION OF PERSONNEL CODES AND ORDINANCES BY YORK COUNTY; TO AMEND SECTION 33.004, DEFINITIONS, OF THE YORK COUNTY CODE, CHANGE OF STATUS, TO DISTINGUISH BETWEEN VOLUNTARY DEMOTION AND INVOLUNTARY DEMOTION; TO AMEND SECTION 33.019 (B) (1), ENTITLED "PROMOTION" TO PROVIDE FOR ADJUSTMENTS TO COMPENSATION; TO AMEND SECTION 33.021 OF THE YORK COUNTY CODE, DEMOTION, SUBSECTIONS (A) AND (B) RELATING TO INVOLUNTARY AND VOLUNTARY DEMOTION AND

ADJUSTMENTS IN SALARY; TO REPEAL SECTION 33.111, VEHICLE POLICY, AND ENACT A NEW SECTION 33.111, VEHICLE POLICY TO PROVIDE FOR THE SAFE, EFFICIENT AND EFFECTIVE USE OF ALL COUNTY VEHICLES, DEFINE THE USES OF COUNTY VEHICLES, ESTABLISH DRIVER REQUIREMENTS FOR THE USE OF COUNTY VEHICLES, REQUIRE THE YORK COUNTY HUMAN RESOURCES DEPARTMENT TO ESTABLISH AND MAINTAIN DOCUMENTATION AND CERTAIN DRIVER'S LICENSE AND VEHICLE DRIVING RECORDS, ESTABLISH DEPARTMENT HEAD AND SUPERVISOR REQUIREMENTS AND REVIEW FOR VEHICLE AUTHORIZATION, ESTABLISH RISK MANAGEMENT REQUIREMENTS FOR THE USE OF COUNTY VEHICLES, REQUIRE THE MARKING OF COUNTY VEHICLES WITH CERTAIN EXCEPTIONS, PROVIDE FOR THE MAINTENANCE OF RECORDS AND AN INFORMATION SYSTEM FOR ALL COUNTY VEHICLES, PROVIDE SAFETY EQUIPMENT FOR COUNTY VEHICLES, PROVIDE FOR THE INSTALLATION OF MOBILE COMMUNICATIONS IN CERTAIN COUNTY VEHICLES, ESTABLISH AN ACCIDENT REPORTING PROTOCOL AND AN ACCIDENT REVIEW COMMITTEE; TO PROVIDE FOR A PUBLIC HEARING; TO PROVIDE FOR THE REPEAL OR AMENDMENT OF INCONSISTENT SECTIONS OF COUNTY CODES AND ORDINANCES; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

### Old Business

1. Consider 3<sup>rd</sup> 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 DEPARTMENT OF PUBLIC SAFETY GRANT FUNDS FOR APPROPRIATIONS FOR ROADWAY SAFETY EDUCATION AND ENFORCEMENT ACTIVITIES; TO PROVIDE REVENUE FROM NEXTEL FOR APPROPRIATIONS REQUIRED FOR 800 MHZ REBANDING; AND TO PROVIDE ADDITIONAL CAPITAL IMPROVEMENT FUND INTEREST EARNINGS FOR ADDITIONAL BOND ISSUANCE COSTS, TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR MATTERS RELATING THERETO.

### Executive Session: Condemnations and Contractual Matter

### New Business

1. Consider giving 1<sup>st</sup> reading to an ordinance entitled, "TO AMEND THE YORK COUNTY CODE OF ORDINANCE BY INSERTING NEW SECTIONS THEREIN REGULATING SMOKING IN PUBLIC PLACES IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; TO DEFINE THE TERMS USED IN THIS ORDINANCE; TO PROHIBIT SMOKING IN PLACES OF EMPLOYMENT IN THE UNINCORPORATED AREAS OF YORK COUNTY; TO PROVIDE EXEMPTIONS IN UNINCORPORATED AREAS OF YORK COUNTY FROM THE PROVISIONS OF THIS ORDINANCE; TO PERMIT OWNERS, OPERATORS, MANAGERS OR PERSON IN CONTROL OF AN ESTABLISHMENT, FACILITY OR OUTDOOR AREA TO DECLARE THE ENTIRE ESTABLISHMENT, FACILITY, OR OUTDOOR AREA AS A NONSMOKING PLACE; TO REQUIRE THE POSTING OF NO SMOKING SIGNS IN EVERY PUBLIC PLACE AND PLACE OF EMPLOYMENT WHERE SMOKING IS PROHIBIT RETALIATION AGAINST EMPLOYEES, APPLICANTS FOR

EMPLOYMENTOR CUSTOMERS FOR THE EXERCISE OF ANY RIGHTS PORTECTED BY THIS ORDINANCE; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE THAT VIOLATIONS OF THIS ORDINANCE SHALL CONSTITUTE A MISDEMEANOR AND TO PROVIDE FOR FINES AND/OR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; TO DECLARE THAT VIOLATIONS OF THIS ORDINANCE SHALL CONSTITUTE A PUBLIC NUISANCE; TO PROVIDE CIVIL AND ADMINISTRATIVE REMEDIES FOR VIOLATIONS OF THIS ORDINANCE; TO REQUIRE A CONTINUING PROGRAM OF PUBLIC EDUCATION; TO EXPRESS THE LEGISLATIVE INTENT OF COUNTY COUNCIL IN ENACTING THE ORDINANCE; TO REQUIRE A PUBLIC HEARING BEFORE THIS ORDINANCE SHALL BECOME EFFECTIVE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

2. Consider giving 1<sup>st</sup> reading to an ordinance entitled, "TO AMEND THE YORK COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE AND OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF YORK COUNTY, SOUTH CAROLINA, BY REZONING THE REMAINDER OF A TRACT CONTAINING APPROXIMATELY 5.780 ACRES, MORE OR LESS, OWNED BY RUBY JANE NICHOLS LOCATED AT THE INTERSECTION OF BLACK HIGHWAY AND MCGILL ROAD WEST OF THE CITY OF YORK, IDENTIFIED AS TAX MAP NO. 156-00-00-008, OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF YORK COUNTY BY CHANGING SAID PROPERTY FROM A PLANNED DEVELOPMENT (PD) AND AGRICULTURAL (AGC) ZONING CLASSIFICATION TO A BUSINESS DEVELOPMENT III (BDIII) ZONING CLASSIFICATION."
3. Consider authorizing the adoption of a resolution recognizing Palmetto Volunteers in Medicine
4. Consider authorizing an inducement resolution committing York County to enter into a Fee Agreement for Project Arrow
5. Consider responses to the advertised RFQ to complete design services related to the SC Route 51 Gravity Sewer Extension; Bid #1849
6. Receive information on the status of the 2003 Capital Projects Sales and Use Tax Program Revenue - Projections and Collections
7. Consider entering into an agreement with SCDOT for construction engineering and inspection(CE&I) and construction administration services for Project 97-006: SC Route 274, Phase I (from south of SC 49/55 to south of Little Allison Creek) and for Project 97-007: SC Route 901(from SC 72 to I-77); and for right-of-way acquisition services, CE&I, and construction administration services for Project 97-011: SC Route 72/Albright Road and Project 03-003: SC Route 55 East of Clover

8. Consider approval of Construction Change Order No. 9 to Eagle Construction for Project 97-004: Fort Mill Northern Bypass as part of the 1997 York County Capital Projects Sales and Use Tax Program
9. Consider amendment to design services agreement with Campco Engineering for construction phase services related to Project 97-006: SC Route 274 as part of the 1997 York County Capital Projects Sales and Use Tax Program
10. Consider amendment to design services agreement with Florence & Hutcheson, Inc. (F&H) for construction phase services related to Project 97-012: SC Route 5 Bypass as part of the 1997 York County Capital Projects Sales and Use Tax Program
11. Consideration and approval of negotiations and purchase of Time & Attendance Software to increase efficiency of issuing appropriate payments to 1000+ employees on a biweekly basis.
12. Consider adopting the 2009-2010 Budget Calendar
13. Consider a sole source purchase of taser devices for use by the Sheriff Department
14. Consider bids for furniture for the Sheriff's Clover and Fort Mill District Offices; Bid #1821
15. Consider bids for sixteen each, 2009 model, full size, four door, sedan patrol vehicles for use by the Sheriff's Office (thirteen marked and three unmarked); Bid #1823
16. Consider bids for two each 2009 model, four door, Dodge Charger patrol vehicles for use by the Sheriff's Office; Bid #1824
17. Consider bids for nine each 2009 model, four door, intermediate size sedans, non-police pursuit for use by various departments; Bid #1825
18. Consider bids for one each 2009 model, intermediate size, four door, 4x4, Ford Explorer for use by the Sheriff's Office; Bid #1826

19. Consider bids for two each, 2009 model compact pickup trucks with 6' bed for use by the Rock Hill Building Maintenance and the Water/Sewer Departments; Bid #1827
20. Consider bids for one each, 2009 model compact pickup truck with extended cab and 6' bed for use by the Engineering Department; Bid #1828
21. Consider bids for each, 2009 model compact pickup truck, 4x4, with crew cab and 6' bed, for use by the Water/Sewer Department; Bid #1829
22. Consider bids for two each, 2009 model intermediate size four door two wheel drive SUVs for use by the Sheriff's Office; Bid #1830
23. Consider bids for four each, 2009 model intermediate size four door, 4x4, SUVs for use by the Engineering Department and Sheriff's Office; Bid #1831
24. Consider bids for one each, 2009 model, 7-passenger, mini-van for use by the Solid Waste Collection & Recycling Department; Bid # 1832
25. Consider bids for one each, 2009 model, 12-passenger van for use by the Detention Center; Bid #1833
26. Consider bids for one each, 2009 model ½ ton, full size pickup truck with an 8-ft body for use by Ebenezer park; Bid #1834
27. Consider bids for one each, 2009 model, ½ ton, 4x4, pickup truck with a 3-foot bed for use by the Engineering Department; Bid #1835
28. Consider bids for one each, 2009 model, ½ ton, 4x4, pickup truck with extended cab and 6-foot bed for use by the Fire Safety Department; Bid #1836
29. Consider bids for two each, 2009 model, ¾ ton, 4x4, pickup trucks with an extended cab and 6-foot bed for use by the Sheriff's Office and Department of Fire Safety; Bid #1837

30. Consider bids for each, 2009 model, 8560 GVWR cab and chassis for use by the Animal Control Department; Bid #1839
31. Consider bids for one each, 2009 model, 9000 GVWR crew cab, cab and chassis, truck with an 8-foot service body for use by the Water/Sewer department; Bid #1840
32. Consider bids for one each, 2009 model, tandem cab & chassis, for outside type tilt frame and reeving assembly for use by the Solid Waste Collections and Recycling Department; Bid #1841
33. Consider bids for one each, current production model, outside type tilt frame and reeving assembly; 60,000 pound capacity, with automatic tarp system for use by the Solid Waste Collections and Recycling Department; Bid #1842
34. Consider bids for one each, current production model, heavy duty articulated motor grader for use by the Road Maintenance Department; Bid #1843
35. Discussion about reconsidering the adoption of an ordinance for " Emergency Temporary Dwelling Permits"
36. Discussion regarding the number of fire substations to be built pursuant to the bond financed plan previously approved by the Council

#### Consent Agenda

<u>Item</u>	<u>Action</u>
a. Approve minutes of December 1, 2008 Council Meeting	Approve as written

Those wishing to appear not on the agenda

Adjourn