



**YORK COUNTY
COUNTY COUNCIL
MINUTES • MARCH 4, 2019
FINAL**



County Council Meeting

**York County Government Center
6 South Congress Street
York, SC 29745**

6:00 PM

Council Chairman District 1 Michael Johnson: Present, District 2 Allison Love: Present, District 3 Robert Winkler: Present, District 4 William "Bump" Roddey: Present, District 5 Christi Cox: Present, District 6 Britt Blackwell: Present, District 7 Joel Hamilton: Present.

Notice of Meeting

Notice of the meeting was forwarded to members of Council, the news media, to staff, to the York County Library and all branches, to citizens requesting notification and posted to the county's web page.

Oath of Office for newly appointed Board and Commission Members

Appearances

(6:02pm) Brian Nurick with Compass Financial Advisors presented to Council information regarding the AAA financial rating.

Public Forum Session (limited to thirty (30) minutes, two (2) minutes per person)

(6:16pm) Attorney on behalf of Noura Dehar reported that his client would like the property at 102 Weatherwood Street rezoned to BD-III with no restrictions.

(6:18pm) Noura Dehar, 5089 Downing Drive, Fort Mill, SC addressed Council regarding her support for the proposed rezoning at 102 Weatherwood Street to BD-III with no restrictions.

Consent Agenda

Council member Britt Blackwell requested that item #7 (Boards & Commission appointments) be moved to new business #8.

APPROVED [Unanimous]

MOVANT: Britt Blackwell
SECOND: Robert Winkler
AYES: Johnson, Love, Winkler, Roddey, Cox, Blackwell, Hamilton

1. Approval of February 12, 2019 Workshop Minutes

ACCEPTED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

2. Approval of February 18, 2019 Finance & Operations Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

3. Approval of February 18, 2019 Transportation Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

4. Approval of February 18, 2019 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

5. Approval of February 21, 2019 Regular Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

6. Approve nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on February 4, 2019, Susan Champion, Board of Disabilities and Special Needs (District 5).

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

7. Rezoning Action: Consider Third Reading:

Case # 18-22
Tax Map # 6530000024
Zoning Request: To rezone from AGC to BD-II
Acres: 1.30 +/- acres
Council District: One (1) Michael Johnson
Applicant: William Henry Powell
Owner: William Henry Powell
Location: 124 Powell Place in the Fort Mill Community
Staff Recommendation: Approve
Planning Commission: Approved (7, 0)
Planning Commission Date: January 14, 2019
Public Hearing Date: December 3, 2018

APPROVED [Unanimous]

MOVANT: Britt Blackwell
SECOND: Robert Winkler

8. Rezoning Action: Consider First Reading

Case # 18-26
Tax Map # 6180000062; 6180000081
Zoning Request: To rezone from RUD to LI
Acres: 3.49 +/- acres
Council District: Five (5) Christi Cox
Applicant: Rusty Phillips
Owner: Phillips Properties of the Carolinas
Location: Mt Holly Road in the Rock Hill Community
Staff Recommendation: Approval
Planning Commission: Approval
Planning Commission Date: February 11, 2019

APPROVED [Unanimous]

MOVANT: Britt Blackwell
SECOND: Robert Winkler

9. Rezoning Action: Consider First Reading

Case # 18-27
Tax Map # 5920000007 (P); 5920000008
Zoning Request: To rezone from RD-I to B-II
Acres: 9.199 +/- acres

Council District: Six (6) Britt Blackwell
Applicant Hampshire Realty Advisors, LLC
Owner: Lee Thomasson and Matthew Thomasson
Location: Celanese Road at Twin Lakes Road in the Rock Hill
Community
Staff Recommendation: Approval
Planning Commission Date: March 11, 2019

APPROVED [Unanimous]

MOVANT: Britt Blackwell
SECOND: Robert Winkler

10. Council to Approve Second Reading of an Ordinance TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 32, SECTIONS 32.36(A)(1) AND (A)(3), FOR THE PURPOSE OF CLARIFYING THE MANNER IN WHICH INDIVIDUALS WHO HAVE SERVED IN AN EX OFFICIO CAPACITY ON THE CULTURE AND HERITAGE COMMISSION CAN THEREAFTER CONSECUTIVELY SERVE AS A VOTING MEMBER OF THE COMMISSION; DESIGNATING THE MANNER FOR CALCULATING THEIR TERMS; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

APPROVED [Unanimous]

MOVANT: Britt Blackwell
SECOND: Robert Winkler

11. Council to approve declaring the small building located behind the Agriculture Building as surplus property and donating it to P.A.T.H. Thrift Store.

APPROVED [Unanimous]

MOVANT: Britt Blackwell
SECOND: Robert Winkler

12. Council to approve the reclassification of the Equipment Maintenance Supervisor position, Grade 21, to a Fleet Manager position, Grade 26, due to a reorganization of job duties and qualifications. (Money is in the budget.)

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

13. Council to approve award of Bid #2577 regarding the purchase of three crew cab trucks for use by the Road Maintenance Department to the lowest responsive and responsible bidder, Conway Ford, Inc. of Conway, SC for the total cost of \$93,672.00.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

14. Council to approve award of Bid #2600 regarding the purchase of waste compaction equipment and containers for use by the Public Works Department, to the lowest responsive and responsible bidder, Bakers Waste Equipment of Lenoir NC, for a total cost of \$262,563.02.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

15. Council to approve award of Bid #2602 regarding the purchase of four HVAC units as part of York County's Baxter Crossing HVAC Replacement project, to the lowest responsive and responsible bidder, Harper Company of the Carolinas of Rock Hill SC, for a total cost of \$37,470.00.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

16. Council to approve award regarding Bid #2603 for the purchase of a new Drug Analysis Gas Chromatography Mass Spectrometer and Data System for use by the Sheriff's Office, to the lowest responsive and responsible bidder, Agilent Technologies, Inc. of Wilmington DE, for a total cost of \$89,395.47.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

17. Council to approve STV, Inc.'s Contract Amendment No. 3 totaling \$193,558.72 for Project 11149-004: US 21/SC 51 widening.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

18. Council to approve the ESP Associates Inc. Contract Amendment # 2 in a not-to-exceed amount of \$8,604.50 for the New Family Court Project.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

19. Council to declare a generator as surplus and donate to the York One School District.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

Public Hearing(s)

1. Rezoning Action: Hold Public Hearing

Case #	17-15
Tax Map #	5640000003
Zoning Request:	To rezone from RUD to RC-I
Acres:	178.8 +/- acres
Council District:	Two (2) Allison Love
Applicant:	MT Land, LLC
Owner:	Marsh Realty Company

Location: 457 Highway 274
Planning Commission Date: April 8, 2019

The following individuals spoke in opposition of the proposed ordinance:

(6:23pm) Linda Lyman, 527 Harper Davis Road, Clover, SC addressed Council regarding her opposition to the proposed rezoning. Ms. Lyman stated that she is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(6:29pm) Carrie Hartman, 582 Harper Davis Road, Clover, SC addressed Council regarding her opposition to the proposed rezoning. Ms. Hartman stated that she is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(6:32pm) Jim Davis, 431 Harper Davis Road, Clover, SC, addressed Council regarding his opposition to the proposed rezoning. Mr. Davis stated that he is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(6:34pm) Peggy Davis, 431 Harper Davis Road, Clover, SC addressed Council regarding her opposition to the proposed rezoning. Mrs. Davis stated that she is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(6:40pm) Dwayne Pension, Island Forks Road, Clover, SC addressed Council regarding his opposition to the proposed rezoning. Mr. Pension stated that he feels it is dishonest and disrespectful to the neighbors in the area to rezone a property in order to enrich the builder.

(6:43pm) Shawn Sides, 4997 Millcreek Road, Clover, SC addressed Council regarding his opposition to the proposed rezoning. Mr. Sides stated that he is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(6:46pm) Becky Barnes, 185 Autumn Falls Drive, Clover, SC addressed Council regarding her opposition to the proposed rezoning. Ms. Barnes is concerned with the increase of students in the Clover School District and the fear of overcrowding in the school system.

(6:49pm) Randy Woodward, 3353 Spooner Lane, Clover, SC addressed Council regarding his opposition to the proposed rezoning. Ms. Woodward stated that he is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(6:52pm) Deborah Davis, Harper Davis Road, Clover, SC addressed Council regarding her opposition to the proposed rezoning. Ms. Davis stated that she is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion allowed.

(6:55pm) Perry Johnston, 5001 Lake Mist Drive, Clover, SC addressed Council regarding his opposition to the proposed rezoning. Mr. Johnston stated that this property has come up for rezoning many times before and has always been denied and should be denied again.

(7:00pm) Kyle Crow, 320 Inland Cove Court, Clover, SC addressed Council regarding his opposition to the proposed rezoning.

(7:01pm) Billy Hagner, 1901 Voyager Road, Clover, SC addressed Council regarding his opposition to the proposed rezoning.

(7:04pm) Grant (last name unknown) , 936 Stoneridge Lane, Lake Wylie, SC addressed Council regarding his opposition to the proposed rezoning.

(7:06pm) William Davis, Harper Davis Road, Clover, SC addressed Council regarding his opposition to the proposed rezoning. Mr. Davis stated that he is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(7:07pm) Thomas Frederick, Harper Davis, addressed Council regarding his opposition to the proposed rezoning. Mr. Frederick stated that he is concerned with the increase of traffic and safety of citizens in the area if the subdivision expansion is allowed.

(7:10pm) Wilbur Harper, 3008 Foggy Hollow Lane, Lake Wylie, SC addressed Council regarding his opposition to the proposed rezoning and the increase to the Clover School system and the influx of students. Mr. Harper stated that he is also concerned with the increase of traffic and safety of citizens in the area if the subdivision is allowed.

(7:16pm) Tim Reed, owner of South 40 Farm, Clover, SC addressed Council regarding his opposition to the proposed rezoning because it will decrease the value of his property.

The following individuals spoke in favor of the proposed ordinance:

(7:20pm) Steve McCrae, Attorney for MT Land, LLC addressed Council regarding his support for the proposed rezoning. Mr. McCraw stated that the builder has agreed to work with the neighbors to come to an agreement to attempt to satisfy everyone in the area with full shield cut off lighting, 30 feet between homes and 100 feet between the front side of each lot and building material limitations.

(7:36pm) Jonathan Bickett, Lake Wylie, SC addressed Council regarding his support for the proposed rezoning and encouraged citizens to allow the builder to work with the neighbors and come to an agreement.

(7:40pm) Charles Myers with MT Land, LLC addressed Council regarding his support for the proposed rezoning. Mr. Myers stated that the builder is working with the community and Council to meet everyone's needs.

(7:44pm) Bailey Patrick, 267 Hempstead Place, Charlotte, NC addressed Council regarding his support for the proposed rezoning. Mr. Patrick stated that the builder is working with the community and Council to meet everyone's needs.

(7:51pm) Larry Burton, 6620 Gardner Lane, Charlotte, NC addressed Council regarding his support for the proposed rezoning. Mr. Burton requested Council to do what is right for the

propser

(7:52pm) There being no one else interested in speaking for or against the proposed rezoning a motion was made by Council member Britt Blackwell and seconded by Council member Robert Winkler to close the public hearing.

NOTE: This was a public hearing only. No vote was taken on the rezoning.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Robert Winkler

AYES: Johnson, Love, Winkler, Roddey, Cox, Blackwell, Hamilton

2. Rezoning Action: Hold Public Hearing

Case # 19-04
Tax Map # 4080000063
Zoning Request: To rezone from AGC to RUD
Acres: 2.576 +/- acres
Council District: Five (5) Christi Cox
Applicant: Shirley Collins
Owner: Shirley Collins
Location: 526 Hoffman Farm Drive
Planning Commission Date: April 8, 2019

The following individuals spoke in opposition of the proposed rezoning:

(7:53pm) Shannon Hall, 2408 Inkberry Court, Clover, SC addressed Council regarding her opposition to the proposed rezoning because she is concerned with the developers not following through with the things they say they will do.

The following individuals spoke in favor of the proposed rezoning:

(7:53pm) Shirley Collins, 526 Hoffman Farm Drive, addressed Council regarding her support for the proposed rezoning. Ms. Collins stated that she would like to subdivide it and give a portion to her son and sell the rest.

(7:54pm) There being no one else interested in speaking for or against the proposed rezoning a motion was made by Council member Christi Cox and seconded by Council member Allison Love to close the public hearing.

NOTE: This was a public hearing only. No vote was taken on the rezoning.

APPROVED [Unanimous]

MOVANT: Christi Cox

SECOND: Allison Love

AYES: Johnson, Love, Winkler, Roddey, Cox, Blackwell, Hamilton

3. Rezoning Action: Hold Public Hearing

Case # 19-05
Tax Map # 6590000007
Zoning Request: To rezone from RC-II to BD-II
Acres: 0.61 +/- acres
Council District: Seven (7) Joel Hamilton
Applicant: Michelle Pack
Owner: Carl Catoe
Location: 274 Sutton Road South
Planning Commission Date: April 8, 2019

(7:56pm) There being no one interested in speaking for or against the proposed rezoning a motion was made by Council member Britt Blackwell and seconded by Council member Allison Love to close the public hearing.

NOTE: This was a public hearing only. No vote was taken on the rezoning.

APPROVED [Unanimous]

MOVANT: Britt Blackwell

SECOND: Allison Love

AYES: Johnson, Love, Winkler, Roddey, Cox, Blackwell, Hamilton

Old Business

1. Rezoning Action: Consider Third Reading

Case # 18-16
Tax Map # 6520000114
Zoning Request: Major Amendment to the Brayden Planned Development
Acres: 5.77 +/- acres
Council District: One (1) Michael Johnson
Applicant: Stanchion Asset Partners, LLC
Owner: Standard Pacific of the Carolinas, LLC
Location: 804 Brayden Pkwy. in the Fort Mill Community

Staff Recommendation: Approval
Planning Commission Approval (Unanimous)
Planning Commission Date: November 12, 2018

(7:56pm)

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Robert Winkler
AYES: Johnson, Love, Winkler, Roddey, Cox, Blackwell, Hamilton

2. Rezoning Action: Consider Third Reading:

Case # 18-20
Tax Map # 5440000031
Zoning Request: To rezone from BD-I to BD-III
Acres: 1.53 +/- acres
Council District: Six (6) Britt Blackwell
Applicant: Noura Daher
Owner: Herbert Marshall ETAL
Location: 102 Weatherwood Street in the Rock Hill Community
Staff Recommendation: Denial
Planning Commission: Approved (5, 2)
Planning Commission Date: December 10, 2018

(7:57pm)

Motion to approve to BD I to BD III with the following conditions: 50 foot type C buffer must be maintained to separate the auto sales lot to the adjoining residential properties at the rear of the lot, in addition to the 50 foot type C buffer a 6 foot high opaque fence at the rear of the property must be constructed, auto repairs are prohibited from taking place on the property, all vehicles located on the property must be in operable condition, the use of the property is restricted to auto or boat sales, heating and air conditioning sales and service, art, craft or business supplies retail or other uses allowed in the BD-I district.

APPROVED [5 to 2]

MOVANT: Britt Blackwell
SECOND: Robert Winkler
AYES: Johnson, Winkler, Cox, Blackwell, Hamilton
NAYS: Allison Love, William "Bump" Roddey

(8:05pm) Council member William "Bump" Roddey made a motion to amend the original motion to defer to allow the property owners time to review the proposed conditions.

Motion fails for lack of a second.

FAILED

MOVANT:

SECOND:

(8:22pm) Motion was made by Council member William "Bump" Roddey and seconded by Council member Allison Love to defer to allow the property owners time to review the proposed conditions.

Council members Britt Blackwell, Michael Johnson, Christi Cox, Robert Winkler and Joel Hamilton voted in opposition. Motion fails.

FAILED

MOVANT:

SECOND:

3. Council to Consider Second Reading of AN ORDINANCE TO AUTHORIZE THE REFUND OF THE COUNTY GOVERNMENT PORTION OF OVERPAID TAXES FOR THE REAL PROPERTY ASSOCIATED WITH THE LEGAL RESIDENCE IDENTIFIED AS TAX MAP NUMBER 388-00-00-059; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

(8:24pm)

APPROVED [5 to 2]

MOVANT: Robert Winkler

SECOND: Britt Blackwell

AYES: Winkler, Roddey, Cox, Blackwell, Hamilton

NAYS: Michael Johnson, Allison Love

New Business

1. Council to hold a discussion regarding Pathways request of a one time donation to assist with capital needs.

(8:26pm) After Council discussion, they directed staff to provide a breakdown of surplus funds and what the needs and wants are for that to determine if there are extra funds to donate to Pathways or any other non-profit agency.

2. Council to hold a discussion regarding a safehouse for A New Creation of York County.

(8:49pm)

No discussion was held regarding a safehouse for A New Creation of York County because it falls into the same discussion that was held regarding Pathways.

3. Council to Adopt A RESOLUTION ENDORSING A PUBLIC PRIVATE PARTNERSHIP (“P3”) INITIATIVE IN FURTHERANCE OF COUNTY ECONOMIC DEVELOPMENT PURSUITS AND AUTHORIZING THE AMENDMENT OF THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 153, SECTIONS 153.30 THROUGH SECTIONS 153.34 OF THE COUNTY CODE, IN FURTHERANCE OF A P3 INITIATIVE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

(8:50pm)

APPROVED [5 to 2]

MOVANT: Robert Winkler

SECOND: Britt Blackwell

AYES: Johnson, Winkler, Roddey, Blackwell, Hamilton

NAYS: Allison Love, Christi Cox

4. Council to hold a discussion regarding a legal representative attending all Planning Commission meetings.

(9:12pm)

After Council discussion, it was determined that Council members would like to see legal representation from the County Attorney's office at all Planning Commission and Zoning Board of Appeals meetings.

5. Impact Fee Annual Report

(9:16pm) David Hudspeth, Planning Director explained that the Ordinance requires an update to the impact fee at the first County Council meeting in March each year. Mr. Hudspeth stated that modifications are needed to the ordinance that would further define "retiree housing" and clarify which applicants may qualify for a waiver for such housing and the Fort Mill School District may propose an amendment to Section VII entitled "Limitation on Use and Expenditures of Public Education Facilities Impact Fee Fund" to provide that to the extent allowed by law, impact fees may be used to pay financing costs (principal and interest) for public education facilities."

6. Council to hold a discussion regarding the use of Council Committees.

(9:18pm) Council member Britt Blackwell reminded Council members that the Committee's are not supposed to be used for deciding major decisions and requested that significant decisions need to be brought to the entire Council's attention.

7. Council to Approve an Intergovernmental Agreement with the City of Tega Cay for the Processing of Recyclables at the York County Material Recovery Facility.

(9:21pm)

APPROVED [4 to 3]

MOVANT: Robert Winkler

SECOND: Britt Blackwell

AYES: Michael Johnson, Robert Winkler, William "Bump" Roddey, Britt Blackwell

NAYS: Allison Love, Christi Cox, Joel Hamilton

8. Approve nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on February 18, 2019: John Howard, Bethel Fire Tax Advisory Board, Jennifer Riddle, Bethel Fire Tax Advisory Board, Dennis Getter, York County Natural Gas Board, Lara Bailey, Lake Wylie Parks and Recreation District, Robert Burton, Catawba Regional Workforce Investment Board, Richard Irby, Oakdale Fire Tax Advisory Board and Leon Yard, Oakdale Fire Tax Advisory Board.

(9:35pm)

APPROVED [5 to 2]

MOVANT: Christi Cox

SECOND: Allison Love

AYES: Johnson, Love, Roddey, Cox, Hamilton

NAYS: Robert Winkler, Britt Blackwell

(9:37pm) Motion was made by Council member Robert Winkler and seconded by Council member Britt Blackwell to nominate Joel Wood to the York County Natural Gas Board in place of Dennis Getter.

Council members Allison Love, William "Bump" Roddey, Britt Blackwell, Michael Johnson, Christi Cox and Joel Hamilton voted in opposition. Motion Failed.

FAILED

MOVANT:

SECOND:

Committee and Other Reports

(9:40pm) Zoning Committee Meeting, February 21, 2019, 5:30pm, Chairwoman Allison Love

(9:42pm) Economic Development Committee Meeting, February 26, 2019, 11:00am, Chairman Robert Winkler

(9:44pm) Justice & Public Safety Committee Meeting, March 1, 2019, 1:00pm, Chairman Britt Blackwell

Council Member New/Non-agenda Comments

(9:45pm) Council member Christi Cox requested that Council move forward with amending the ordinance regarding the economic development fund to allow Council to have discretion to decide what types of things go into that fund.

(9:46pm) Council member Allison Love questioned the Fire Committee that was established and why is there a county employee on the committee, why is there no agenda for the meetings, and why are the meetings are not open to the public. Council member Love requested an explanation from County Management in writing on why this committee is set up differently than other boards. Council member Love also requested to know where is the money in the rural fire board fund and what is the intended use for it.

(9:49pm) Chairman Michael Johnson requested that County Management provide an answers to Council as quickly as possible.

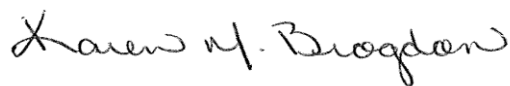
Citizen Concerns

Executive Session

Matters for consideration following Executive Session

Adjourn

There being no further business, the meeting adjourned at 9:49pm.



Karen M. Brogdon, Clerk to Council