



YORK COUNTY COUNTY COUNCIL

MINUTES • SEPTEMBER 7, 2021

FINAL



County Council Meeting

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

6:00 PM

District 1 Tom Audette: Present, District 2 Allison Love: Present, Vice-Chairman Robert Winkler: Present, District 4 William "Bump" Roddey: Present, Chairwoman Christi Cox: Present, District 6 Brandon Guffey: 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

Victoria Nolph, Catawba Mental Health Board
Angie Clinton, Bethel-Lake Wylie Land Acquisition and Preservation Parks District Board
Penny Sheppard, York County Culture and Heritage Commission (District 1) **ABSENT**
Flint Holbrook, Stormwater Appeals Board

Appearances

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

(6:02pm) Jean McCallum, SC Youth Challenge Academy addressed Council regarding the program for at risk youth that are struggling with high school and encouraged Council to let their constituents know about the program.

(6:06pm) Aaron Morgan, 1918 Leesburg Drive, Clover, South Carolina addressed Council regarding his support for the proposed rezoning of Lake Pointe Academy.

(6:08pm) Park Gillespie, 1938 Leesburg Drive, Clover, South Carolina addressed Council regarding his support for the proposed rezoning of Lake Pointe Academy.

(6:10pm) Melody Miller, 1815 Sherrer Road, York, South Carolina addressed Council regarding her support for the proposed rezoning of Lake Pointe Academy.

(6:12pm) Jennifer Shortridge, 211 Carolina Crossing Drive, requested that the County require a Tier 2 traffic study for the Lake Pointe Academy rezoning.

(6:14pm) Jay Morrison, 769 Tee Box Court, York, South Carolina addressed Council regarding the proposed Lake Pointe Academy rezoning and requested a Tier 2 Traffic Study prior to Council moving forward with the rezoning.

(6:15pm) Tom Flanagan, 753 Tee Box Court, York, South Carolina addressed Council regarding his concerns with the Lake Pointe Academy rezoning.

(6:18pm) Karen Flanagan, 753 Tee Box Court, York, South Carolina addressed Council regarding her concerns with the Lake Pointe Academy rezoning and requested a Tier 2 traffic study.

(6:20pm) Ken Rodgers, 2398 Gordon Road, Rock Hill, South Carolina addressed Council regarding his support of the proposed Lake Pointe Academy rezoning.

(6:22pm) Louis Lemmon, 3068 Van Hook Drive, York, South Carolina addressed Council regarding his support of the proposed Lake Pointe Academy rezoning.

(6:24pm) Chelsea Padgett, 1106 Chateau Crossing Drive, Fort Mill, South Carolina thanked Council for her nomination to the York County Library Board and stated that she is looking forward to serving on the board.

(6:25pm) Michael Valente, 337 Iron Club Drive, York, South Carolina addressed Council regarding his concerns with the proposed rezoning of Lake Pointe Academy. Mr. Valente requested a Tier 2 traffic study.

Consent Agenda

Moved item #4 (Boards and Commission appointment) to # 3 in New Business.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

1. Approval of August 10, 2021 Workshop Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

2. Approval of August 16, 2021 Finance & Operations Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

3. Approval of August 16, 2021 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton
SECOND: William "Bump" Roddey

4. Rezoning Action: Consider Third Reading

Case # 21-09
Tax Map # 511-00-00-013
Zoning Request: To rezone from AGC to RUD
Acres: 5.0 +/- acres
Council District: Five (5) Christi Cox
Applicant: Antonio Wade
Owner: Ralph and Kathy George
Location: 5336-5346 Sugar Loaf Lane, Rock Hill
Planning Commission Date: June 14, 2021
Staff Recommendation: Approve, subject to conditions
PC Recommendation: Approve, subject to conditions

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: William "Bump" Roddey

5. Rezoning Action: Consider Third Reading

Case # 21-10
Tax Map # 738-00-00-044
Zoning Request: To rezone from RD-II to BD-I
Acres: 0.5 +/- acres
Council District: Five (5) Christi Cox
Applicant: Lauren Samra/Connie Long/ Springhaven Development LLC
Owner: Same as applicant
Location: 1988 Haire Road, Fort Mill
Planning Commission Date: June 14, 2021
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

6. Council to give First Reading by Title Only of AN ORDINANCE AMENDING CHAPTER 56 OF THE YORK COUNTY CODE OF ORDINANCES, NUISANCES; LITTERING, TO CLARIFY THE DEFINITION OF PUBLIC NUISANCE; TO CLARIFY REQUIREMENTS REGARDING MAINTENANCE OF LAND, LOTS, OR PROPERTY; TO CLARIFY PROCEDURES BY WHICH UNCLEAN, UNSAFE, OR DERELICT PROPERTY MAY BE DECLARED A NUISANCE; TO CLARIFY AND AMEND THE PROCEDURES FOR SERVING NOTICE OF NUISANCE ORDINANCE VIOLATIONS; TO CLARIFY AND AMEND THE PENALTIES FOR FAILURE TO ABATE A NUISANCE INCLUDING, BUT NOT LIMITED TO, FINES AND COUNTY ABATEMENT IN CONJUNCTION WITH THE PLACEMENT OF A LIEN FOR THE COST OF ABATEMENT TO BE COLLECTED IN THE SAME MANNER AS DELINQUENT TAXES; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

7. Council to authorize the approval of the maintenance & warranty agreement with Elections Systems & Software, Inc. of Omaha, NE for York County's election management system and voting equipment, for the amount of \$110,252.80.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

8. Council to Consider First Reading of AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT EXCEEDING TEN MILLION DOLLARS (\$10,000,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF YORK COUNTY, SOUTH CAROLINA, TO DEFRAY THE COSTS OF ACQUIRING PROPERTIES FOR GREENSPACE, CONSERVATION, HISTORIC RESTORATION, PASSIVE RECREATION, AND INTERACTIVE COMMUNITY USES IN THE BETHEL-LAKE WYLIE LAND ACQUISITION AND PRESERVATION PARKS DISTRICT, AND THE COSTS OF ISSUANCE THEREOF; AND OTHER MATTERS RELATING THERETO

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

9. Council to approve a Mitigation Agreement with Amisub of South Carolina, Inc. for road improvements identified within the TIA for the development of Fort Mill Medical Center located on Highway 160 E, referred as Tax Map numbers 020-09-01-015 and 020-09-01-014.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

10. Council to approve a Mitigation Agreement with Atlantic Beach, Inc. for road improvements identified within the TIA for the development of Vista Road Townhomes, a residential subdivision located on Vista Road, referred as Tax Map numbers 020-09-01-031, 020-09-01-032, 020-09-01-033, and 716-00-00-028.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

11. Council to approve a Mitigation Agreement with OSW IV for road improvements identified within the TIA for the development of mixed-use project on Dave Gibson Boulevard and Patricia Lane in Fort Mill, referred as Tax Map number 652-00-00-118.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

12. Council to authorize acceptance of insurance settlement regarding a wrecked 2020 Ford Explorer SUV vehicle.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

13. Council to award the purchase of an Intercept Body Scanner for use by the York County Prison, from Tek 84 of Poway CA, for a total purchase amount of \$164,000.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

14. Council to rescind award regarding Bid #2759 for Overhead Roll-Up Door & Fire Shutter Preventative Maintenance Services, for a total annual cost of \$10,225.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

15. Council to award Bid #2759 for Overhead Roll-Up Door & Fire Shutter Preventative Maintenance Services, to the lowest responsive and responsible bidder, DH Pace Door Services of Charlotte, NC for a total annual cost of \$12,906.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

16. Council to authorize contract negotiations regarding RFP #2764 for the purchase of contract management software for use by the Procurement Department.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

17. Council to approve award regarding Bid #2769 for HVAC maintenance services to lowest responsive and responsible bidder, MSS Solutions LLC of Charlotte, NC, for an annual cost of \$176,889.00 and authorize York County to enter into a three year contract for the services with the option to extend two additional one year periods.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

18. Council to Consider Third Reading of AN ORDINANCE TO APPROVE AN EXPANSION OF THE CATAWBA INDIAN RESERVATION BY ADDING TAX MAP PARCELS 768-00-00-002, 767-00-00-018, 767-00-00-022, 767-00-00-029, AND 767-00-00-047 TO THE RESERVATION PURSUANT TO THE 1993 CATAWBA INDIAN TRIBE LAND CLAIMS SETTLEMENT AGREEMENT, SOUTH CAROLINA CODE SECTIONS 27-16-10 ET SEQ., AND PUBLIC LAW 103-116-OCT. 27, 1993; TO APPROVE PROSPECTIVE EXPANSION OF THE RESERVATION INVOLVING SOLELY THE ADDITION OF PARCELS CONTIGUOUS TO THE EXISTING OR EXPANDED RESERVATION AND IN ACCORDANCE WITH THE FEDERAL AND STATE LEGISLATION IMPLEMENTING THE 1993 CATAWBA INDIAN TRIBE LAND CLAIMS SETTLEMENT AGREEMENT; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

19. Council to approve an Agreement with Summit Engineering, Laboratory & Testing, Inc of Fort Mill, SC to perform Construction Inspection and Materials Testing on Hubert Graham Way Extension Project and approve the transfer of funds.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

20. Council to approve entering into a Financial Participation Agreement totaling \$3,576,371.98 with the South Carolina Department of Transportation for improvements to the Carowinds Blvd./Pleasant Road intersection.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

21. Council to approve the execution of an Engineering Contract with Labella Associates, PC of Charlotte, NC for \$1,019,000.00 plus 10% contingency for Design of Crowders Creek Pump Station and Force Main Replacement.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: William "Bump" Roddey

Public Hearing(s)

1. Public Hearing

Jonathan Buono, Planning and Development Director provided a brief overview of the proposed rezoning.

The following individual spoke in favor of the proposed rezoning:

(6:31pm) Nate Pierce, Attorney on behalf of AME, Inc addressed Council regarding his support for the proposed rezoning.

(6:34pm) There being no one else interested in speaking for or against the proposed rezoning a motion was made by Council member William "Bump" Roddey and seconded by Council member Robert Winkler to close the public hearing.

ALLOWED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Robert Winkler

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

Rezoning Action: Hold a Public Hearing and Consider First Reading

Case # 21-08
Tax Map # 714-00-00-005; 714-00-00-006
Zoning Request: To rezone from RD-I to ID
Acres: 3.5 +/- acres
Council District: One (1) - Tom Audette
Applicant: AME, Inc. (Nate Pierce)
Owner: Gene and Donna Evans
Location: 1955 Luckadoo Road, Fort Mill
Planning Commission Date: August 9, 2021
Staff Recommendation: Approve
PC Recommendation: Approve

(6:34pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Joel Hamilton

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

2. Public Hearing

Jonathan Buono, Planning and Development Director provided a brief overview of the proposed rezoning.

(6:36pm) There being no one interested in speaking for or against the proposed rezoning a motion was made by Council member Robert Winkler and seconded by Council member Allison Love to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Robert Winkler

SECOND: Allison Love

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

Rezoning Action: Hold a Public Hearing and Consider First Reading

Case #	21-14
Tax Map #	362-00-00-085
Zoning Request:	To rezone from UD to RUD-I
Acres:	10.013 +/- acres
Council District:	Two (2) Allison Love
Applicant:	Terry Wilson
Owner:	Terry Wilson
Location:	Highway 321, Clover
Planning Commission Date:	August 9, 2021
Staff Recommendation:	Approve
PC Recommendation:	Approve

(6:36pm)

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton
AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

3. Public Hearing

(6:37pm) There being no one interested in speaking for or against the proposed ordinance a motion was made by Council member Robert Winkler and seconded by Council member Joel Hamilton to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Robert Winkler
SECOND: Joel Hamilton
AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

Council to Hold a Public Hearing and Consider Third Reading of AN ORDINANCE TO AMEND SECTION 35.009 OF THE YORK COUNTY PROCUREMENT CODE, SO AS TO ADD NEW SUBSECTION 35.009(G)(1)(y) TO INCLUDE “MENTAL HEALTH WELLNESS SERVICES, INCLUDING BUT NOT LIMITED TO MEDICALLY RELATED SERVICES AND COUNSELING” AS PART OF THE EXPRESS EXCEPTIONS TO THE YORK COUNTY PROCUREMENT CODE AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

(6:37pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Joel Hamilton

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

Old Business

1. Rezoning Action: Consider Second Reading

Case # 21-11
Tax Map # 536-00-00-101
Zoning Request: To rezone from RD-I to RUD
Acres: 13.71 +/- acres
Council District: Four (4) Bump Roddey
Applicant: Rita Pressley
Owner: The 2017 Rita Shaw Pressley Revocable Trust
Location: 1596 Oak Park Road, Rock Hill
Planning Commission Date: July 12, 2021
Staff Recommendation: Deny
PC Recommendation: Approve

(6:38pm)

APPROVED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Joel Hamilton

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

2. Rezoning Action: Consider Second Reading

Case # 21-12
Tax Map # 448-00-00-002; 448-00-00-044; 448-00-00-083;
448-00-00-084; 448-00-00-149
Zoning Request: To rezone from BD-I, RUD-I, and AGC-I to RC-I
Acres: 16.278 +/- acres
Council District: Three (3) Robert Winkler
Applicant: Lake Pointe Academy (Ken Rodgers)
Owner: YMCA of Upper Palmetto and the Cotton Hall of York, LLC.
Location: Carolina Crossing Drive, York
Planning Commission Date: July 12, 2021
Staff Recommendation: Approve, subject to conditions

PC Recommendation: Approve, subject to conditions
(6:43pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler
SECOND: Allison Love
AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

3. Rezoning Action: Consider Second Reading

Case # 21-13
Tax Map # 535-00-00-155; 535-00-00-156; 535-00-00-157
Zoning Request: To rezone from RC-II to RD-II
Acres: 3.67 +/- acres
Council District: Four (4) Bump Roddey
Applicant: Darby Rentals, LLC
Owner: Darby Rentals, LLC
Location: 1883-1993 Corwin Drive and 1644-1692 Oak Ridge
Meadows Ct., Rock Hill
Planning Commission Date: July 12, 2021
Staff Recommendation: Approve, subject to conditions
PC Recommendation: Approve, subject to conditions

(6:51pm)

APPROVED [Unanimous]

MOVANT: William "Bump" Roddey
SECOND: Joel Hamilton
AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

New Business

1. Council to reject all bids received regarding Bid #2768 for the Avenue of the Carolinas Carowinds Blvd Intersection Improvement Project.

(6:52pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Joel Hamilton

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

2. Council to Consider Adoption of the YORK COUNTY COUNCIL EMERGENCY ORDINANCE RELATING TO THE CONTINUING AND PERSISTENT THREAT AND SPREAD OF COVID-19 AND COVID-19 DELTA VARIANT AND TEMPORARILY SUSPENDING CERTAIN ASPECTS OF THE RULES OF THE YORK COUNTY COUNCIL FOR THE CONDUCTION OF ITS COUNCIL MEETINGS, SPECIAL CALLED MEETINGS, WORKSHOPS, AND COUNCIL COMMITTEE MEETINGS AND RELATED COUNCIL RULES FOR THE CONDUCTION OF COUNTY COUNCIL BUSINESS; ESTABLISHING A REMOTE MEETING PARTICIPATION PROCESS INCLUDING THE RULES FOR THE CONSTITUTION OF A QUORUM OF COUNCIL AT REGULAR AND SPECIAL MEETINGS, WORKSHOPS, AND COMMITTEE MEETINGS; CALLING FOR THE APPLICATION OF THE REMOTE MEETING PROCESS TO APPLY SIMILARLY TO COUNTY BOARDS AND COMMISSIONS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO

(6:54pm)

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

3. Approve nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on August 16, 2021: Kyle Eller, Bethel Fire Tax District Board, Jule Rogers, Bethesda Fire Tax District Board, Marlo Dykes, Bethesda Fire Tax District Board, Anne Witte, York County Library Board (District 3), April Hershey, York County Library Board (District 7), Chelsea Padgett, York County Library Board (At Large), Tiffany Moeller, York County Library Board (At Large), and Teleia White, York County Library Board (At Large).

(6:55pm) Motion to approve all with the exception of the Bethel Fire Tax Board recommendation and have that addressed at the October Finance & Operations Committee meeting.

APPROVED [5 to 2]

MOVANT: Allison Love
SECOND: Joel Hamilton
AYES: Love, Winkler, Roddey, Cox, Hamilton
NAYS: Tom Audette, Brandon Guffey

Committee and Other Reports

(7:04pm) Justice and Public Safety Committee Meeting, Tuesday, August 31, 2021, 3:00pm
Chairman Brandon Guffey

Council Member New/Non-agenda Comments

(7:05pm) Council member William "Bump" Roddey addressed everyone regarding COVID and its impact on the community and encouraged parents of school age children to remind them to wash their hands, keep their distance, and wear their mask while at school.

(7:07pm) Chairwoman Christi Cox welcomed our new Public Information Officer, Greg Suskin.

Citizen Concerns

Executive Session

Receipt of Legal Advice: Consideration of Mediated Settlement Agreement for Project: US 21/SC 51, Project No. 11149-004, Tract No. 162

Receipt of Legal Advice: Request to Authorize Condemnation regarding Project No. 11149-004, Tract 80 (US 21/SC 51)

Receipt of Legal Advice: Fort Mill School District Impact Fees

Receipt of Legal Advice: Opioid Litigation update

Receipt of Legal Advice: Morningstar litigation

Receipt of Legal Advice: Blue Granite

Matters for consideration following Executive Session

1. Motion to authorize association of Chad Johnston with Willoughby and Hoefer relating to Fort Mill School District Impact Fees, proceed with meeting as discussed in Executive Session and take appropriate action according to discretion of legal Counsel.

(8:54pm)

ADOPTED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

2. Motion to authorize the mediated Settlement Agreement for Project: US 21/SC 51, Project No. 11149-004, Tract No. 162.

(8:55pm)

ADOPTED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

3. Motion to authoirze condemnation regarding Project No. 11149-004 tract 80 on US 21/SC 51.

(8:55pm)

ADOPTED [Unanimous]

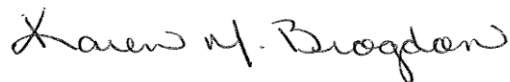
MOVANT: Joel Hamilton

SECOND: Robert Winkler

AYES: Audette, Love, Winkler, Roddey, Cox, Guffey, Hamilton

Adjourn

There being no further business, the meeting adjourned at 8:55pm.



Karen M. Brogdon, Clerk to Council