



**YORK COUNTY
COUNTY COUNCIL**

MINUTES • FEBRUARY 21, 2022

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

Kristin Kelly, Keep York County Beautiful (At Large) **ABSENT**

Tabatha Jefferies, Keep York County Beautiful (At Large) **ABSENT**

Anne Violanti, Bethel Lake Wylie Land Acquisition and Preservation Park District Board

Appearances

(6:03pm) Public Works Director, Eric Rekitt and Council recognized Bill Crute, Mel Laws, and Annette Wallace on their service and retirement with York County.

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

(6:06pm) Attorney Jonathan Yates, addressed Council regarding his concerns with the proposed recode and the communication tower portion of the ordinance. Mr. Yates requested that the communication tower section of the ordinance be deferred to a later date to allow additional time for vetting by staff.

(6:09pm) Keith Powell, Omni Towers addressed Council regarding his concerns with the proposed recode and the communication tower portion of the ordinance.

(6:11pm) Joey Deese, 1472 Hwy 324, Rock Hill, South Carolina addressed Council regarding his concerns with the proposed recode and the event venue portion of the ordinance.

(6:13pm) Dave Oxendine, 2550 Neely Store Road, Rock Hill, South Carolina addressed Council regarding his concerns with the proposed recode and the event venue portion of the ordinance.

(6:15pm) Steve Garrison, 3065 Moonlight Road, York, South Carolina addressed Council regarding a drug problem in his community and requested Council's help with this situation.

(6:18pm) Trisha Conway, 749 Painted Lady Court, Rock Hill, South Carolina addressed Council regarding the excessive traffic on Boatshore Drive entering and exiting Ebenezer Park.

(6:20pm) Elizabeth Crippen, 1795 Faires Road, Rock Hill, South Carolina addressed Council regarding her opposition to the rezoning at 1555 Faires Road.

Consent Agenda

(6:22pm) Move items #19 (Assignment - 782 Paragon Way) and #20 (Assignment - LEL Paragon Way) to #3 and #4 in new business.

APPROVED [Unanimous]

MOVANT: Allison Love

SECOND: Joel Hamilton

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

1. Approval of February 7, 2022 Planning & Economic Development Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Allison Love

SECOND: Joel Hamilton

2. Approval of February 7, 2022 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Allison Love

SECOND: Joel Hamilton

3. COUNCIL TO APPROVE THIRD READING OF AN ORDINANCE TO AMEND CHAPTER 33 OF THE YORK COUNTY CODE OF ORDINANCES SO AS TO REVISE TIMING AND APPROVAL OF RECLASSIFICATION OF COUNTY POSITIONS, GRADE LEVELS AND SALARY RANGES AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

APPROVED [Unanimous]

MOVANT: Allison Love

SECOND: Joel Hamilton

4. Rezoning Action: Consider Second Reading

Case #	21-24
Tax Map #	339-00-00-010

Zoning Request: To rezone from AGC to RUD
Acres: 9.639 +/- acres
Council District: Three (3) - Winkler
Applicant: Travis Boyd
Owner: Travis Boyd Construction, LLC
Location: 2321 Chester Highway, York
Planning Commission Date: January 10, 2022
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

5. Rezoning Action: Consider Second Reading

Case # 21-25
Tax Map # 434-00-00-019
Zoning Request: To rezone from AGC to RUD
Acres: 1.0 +/- acres
Council District: Five (5) - Cox
Applicant: Michael Delaney
Owner: Julie Delaney
Location: 1555 Faires Road, Rock Hill
Planning Commission Date: January 10, 2022
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

6. Council to approve the authorization of staff to apply for and accept, if awarded, for the 2022 Palmetto Pride Litter Prevention Grant in the amount up to \$5,000 with no matching funds required.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

7. Council to approve a one year contract renewal option regarding Bid #2671 for routine electronic recyclables transportation and processing services, with Powerhouse Recycling Inc., of Salisbury, NC, for a total cost of \$120,000.00.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

8. Council to approve insurance premium regarding property and liability coverage for the Culture and Heritage Museums, with the South Carolina State Fiscal Accountability Authority Insurance Reserve Fund, for a total premium cost in the amount of \$64,543.50.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

9. Council to authorize the purchase of technology equipment from Dell Marketing LP., of Round Rock TX, for use by multiple York County Departments, for a total cost of \$180,657.99.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

10. Council to approve annual insurance premium coverage for use by the York County Volunteer Firefighters, with Correll Insurance Group-Gaffney of Gafney SC, for a total cost of \$42,895.00.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

11. Council to approve award of Bid #2807 for the purchase of two, new, unused, 2022 model, 19,500 GVW, crew cab & chassis, 4x4, dual rear wheel trucks to the lowest responsive and responsible bidder, Friendship Ford of Bristol, TN, for a total cost of \$140,844.00.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

12. Council to approve award of Bid #2808 for the purchase of five new, unused, 2022 model, 11,400 GVW, crew cab & chassis, 4x4, single rear wheel trucks, to the lowest responsive and responsible bidder, Friendship Ford of Bristol, TN for the total cost of \$335,060.00.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

13. Council to approve award regarding the purchase of one (1) each, new, unused, 2022 Chevrolet Tahoe, Police Pursuit SUV to Love Chevrolet of Columbia, SC for the total cost of \$36,282.00.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

14. Council to approve forensic software upgrades by The Computer Solution Company of Virginia LLC, for use by the Sheriff's Office, for a total cost of \$45,450.00.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

15. Council to approve a professional services agreement with Kimley Horne and Associates (KHA) for \$254,236.00 plus a 10% contingency to prepare preliminary engineering plans for Catawba Bend Preserve Greenway.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

16. Council to reject all bids received in response to Bid #2806 regarding the Avenue of the Carolinas/Carowinds Blvd Intersection Improvement Project.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

17. Council to approve the use of construction funds to purchase of US 21/SC 51 Pennies 3 and US 21 Pennies 4 Mitigation Credits in the amount of \$2,266,884.30 for use in the environmental permitting for these project.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

18. Council to approve authorizing the expenditure of \$39,575 in York County Forever Commission funds to Nation Ford Land Trust (NFLT) for expenses related to a Conservation Easement on the 101 acres of property along Highway 324 in York and referred to as TM 437-00-00-007 and 437-00-00-008.

APPROVED [Unanimous]

MOVANT: Allison Love
SECOND: Joel Hamilton

Public Hearing(s)

Old Business

1. COUNCIL TO CONSIDER THIRD READING OF AN ORDINANCE TO REPEAL AND REPLACE CHAPTERS 154: SUBDIVISION CODE AND 155: ZONING CODE; TO ADOPT A REVISED ZONING MAP WHICH RENAMES CERTAIN ZONING DISTRICTS AND PROVIDES FOR NEW ZONING DISTRICTS; TO RELOCATE § 154.038 DEVELOPMENT AGREEMENTS TO CHAPTER 153: PLANNING AND DEVELOPMENT; TO RELOCATE CERTAIN CODE SECTIONS PERTAINING TO TAX DISTRICTS FROM THE ZONING CODE TO CHAPTERS 35: TAXATION AND FINANCE; TO APPROVE THE YORK COUNTY LAND DEVELOPMENT MANUAL RELATED TO THE IMPLEMENTATION OF THE REQUIREMENTS OF CHAPTER 154; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

(6:23pm) Motion to approve third reading

(7:36pm) After several motions to amend the main motion, the main motion passes

APPROVED [Unanimous]

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

(6:24pm) Motion to amend reserve section 155.765 to provide exemptions to event venue requirements for rural event venues classified as secondary to certain primary uses in the particulars as more specifically shown on the attachment herewith being presented to Council, but which allows a Zoning Compliance for Rural Event Venue when a proposed parcel is minimum of ten (10) acres in size, is zoned AGC, AGC-I, RUD or RUD-I, and has an agricultural structure on the property secondary to a principal farm or agritourism use; or alternatively, secondary to a primary farmhouse residence, where the farm or agritourism structure can be used intermittently as a rural event venue.

ADOPTED [4 to 3]

MOVANT: Robert Winkler

SECOND: Tom Audette

AYES: Tom Audette, Robert Winkler, Christi Cox, Brandon Guffey

NAYS: Allison Love, William "Bump" Roddey, Joel Hamilton

(6:43pm) Motion to amend reserve section 155.265 of recode to provide recreational vehicle as a temporary dwelling during construction of a new principal dwelling in the particulars as more particularly shown on the attachment herewith being presented to Council, but which allows a Zoning Compliance for an RV to be used as a temporary dwelling for not more than 6 months, with one six month extension, on lots that are one acre or greater and for which the owner has a building permit for a single family detached principal dwelling.

ADOPTED [5 to 2]

MOVANT: Robert Winkler

SECOND: Tom Audette

AYES: Audette, Winkler, Cox, Guffey, Hamilton

NAYS: Allison Love, William "Bump" Roddey

(7:00pm) Motion to amend the main motion with the following change: That **Section 155.656(B)**, within **Subpart 4.5: Backyard Chicken Keeping**, be revised to state "**Roosters Prohibited**. Except within the Lake Wylie Overlay, it shall be unlawful to keep a rooster, defined as a male chicken of at least one year of age

ADOPTED [Unanimous]

MOVANT: Allison Love

SECOND: William "Bump" Roddey

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

(7:00pm) Motion that the main motion be amended with the following change: That Section 155.201, **Residential Development Standards - Single-Family Detached**, be revised to add a subparagraph (6) under (A) **Applicability** that states, "New homes intended for occupation by persons aged 55 or older, as stated in a subdivision's covenants, conditions, and restrictions (CCRs), constructed on lots that received preliminary plat approval prior to January 1, 2021 are exempt from the provisions of this Section."

ADOPTED [Unanimous]

MOVANT: Allison Love

SECOND: William "Bump" Roddey

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

(7:06pm) Motion that the main motion be amended with the following changes: Section 155.934 **General Sign Standards**, paragraph (D), subparagraph (3)(a), regarding electronic reader boards, be revised to state "Signs may feature electronic reader boards as indicated in the sign standards for each

district. Signs in residential developments or the Lake Wylie Overlay Sign District may not include electronic reader boards and Table 155.935-4: **Freestanding Canopy Sign Standards** be revised to include a note that “Electronic reader boards are not allowed in the Lake Wylie Overlay Sign District and Table 155.935-5: **Ground Signs by District** and Table 155.936-1: **Incidental Signs by District** be revised to change the Electronic Reader Board row to a “No” in the Lake Wylie sign district column.

ADOPTED [Unanimous]

MOVANT: Allison Love

SECOND: William "Bump" Roddey

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

(7:10pm) Motion to amend the main motion for Setback Distances: Communications towers must be set back a distance equal to the lesser of 75% of their overall height, or the fall zone for the communications tower as certified by a South Carolina Professional Engineer from the lot line for any lot in a zoning district; however, guy-wire anchors need only comply with the provisions of subsection (A).

ADOPTED [Unanimous]

MOVANT: Brandon Guffey

SECOND: Tom Audette

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

(7:15pm) Motion to amend the main motion with the following change: That **Table 155.271-2: Use Table** in the Zoning Code be amended to include Landscape Supply Facilities as a permitted use in the General Commercial district.”

ADOPTED [Unanimous]

MOVANT: Brandon Guffey

SECOND: Robert Winkler

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

(7:16pm) Motion to amend the main motion with the following change: That **Section 154.199 Tree Conservation**, subsection (A)(3) **Non-residential Tree Save Requirements**, including **Figure 154.199-3: Non-Residential Tree Planting Requirement**, and **Section 154.204 York County Tree Fund Established** be removed in their entirety, and that sections be renumbered appropriately to accommodate the deletions.

ADOPTED [Unanimous]

MOVANT: Brandon Guffey

SECOND: Joel Hamilton

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

(7:17pm) Motion to amend the main motion as follows: Zoning Code Part 3: Conditional and Special Exception Uses, Subpart 3:36 Tattoo and Body Piercing Establishments be amended to modify the minimum separation distance in section 155.596(B) from 500 feet to 200 feet.

ADOPTED [5 to 2]

MOVANT: Brandon Guffey
SECOND: William "Bump" Roddey
AYES: Audette, Love, Roddey, Guffey, Hamilton
NAYS: Robert Winkler, Christi Cox

2. COUNCIL TO CONSIDER THIRD READING OF AN ORDINANCE TO AMEND YORK COUNTY CODE OF ORDINANCES, CHAPTER 31: COUNTY POLICIES, SECTION 31.01, RATES, FEES AND CHARGES FOR ZONING APPEALS, APPLICATIONS FOR VARIANCES, REZONING REQUESTS, PERMITS, INSPECTIONS, PLAN REVIEWS AND OTHER APPLICATIONS, PROCEDURES AND SERVICES RENDERED BY THE YORK COUNTY PLANNING AND DEVELOPMENT DEPARTMENT AND THE YORK COUNTY ENGINEERING DEPARTMENT TO RETITLE THE SECTION "LAND DEVELOPMENT FEE SCHEDULE"; TO CREATE FEES FOR NEW PROCEDURES PURSUANT TO REVISIONS TO THE ZONING CODE AND LAND DEVELOPMENT CODE; TO REVISE AND REORDER THE FEE TABLE AND TABLE NOTES; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

(7:36pm)

APPROVED [Unanimous]

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

New Business

1. Council to approve a request from the York County Library to allow the painting of a mural on the Rock Hill Library building, owned by York County.

(7:37pm)

APPROVED [Unanimous]

MOVANT: Brandon Guffey

SECOND: Joel Hamilton

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

2. Council to consider approval of a purchase and sale agreement in the amount of \$1,200,000.00 plus brokerage fee of 2.5% between Natubhai G. Patel and York County for property located at 236 Northpark Drive, Rock Hill, SC 29730.

(7:37pm) County Manager, David Hudspeth clarified that the 2.5% brokerage fee does not apply.

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Joel Hamilton

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

3. COUNCIL TO ADOPT A RESOLUTION CONSENTING TO AND RATIFYING THE ASSIGNMENT AND ASSUMPTION OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT FROM PARAGON 782, LLC TO LEL PARAGON WAY ASSOCIATES LLC; AND OTHER RELATED MATTERS.

(7:38pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Joel Hamilton

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

4. COUNCIL TO ADOPT A RESOLUTION CONSENTING TO AND RATIFYING THE ASSIGNMENT AND ASSUMPTION OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT FROM LEL PARAGON WAY ASSOCIATES LLC TO INDUS REALTY TRUST, INC.; AND OTHER RELATED MATTERS.

(7:39pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Joel Hamilton

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

Committee and Other Reports

(7:40pm) Finance & Operations Committee Meeting, Monday, February 21, 2022, 5:30pm
Chairman Robert Winkler

(7:41pm) Chairwoman, Christi Cox reported that the Catawba Bend Committee met and received an update from staff on the status of the park.

Council Member New/Non-agenda Comments

(7:53pm) Council member Tom Audette reported that March 1st at 6:00pm is the next Health and Environmental Protection Committee meeting to receive an AgriTourism update, an update on the Data Walk and to receive an update on Catawba Bend Preserve.

(7:54pm) Council member Brandon Guffey requested that the County consider a local bid preference.

(7:55pm) Council member William "Bump" Roddey expressed his concerns with the litter along the roadways, reminded everyone to control their trash and encouraged citizens to get involved with cleaning up the County.

(7:57pm) Chairwoman Christi Cox stated that they York Technical College annual meeting has been cancelled and they have decided to come to speak to full Council at a future Council meeting.

Citizen Concerns

(7:42pm) Mike Duralia, 390 Pitts Road, Rock Hill, South Carolina on behalf of the Citizens for Preservation of York County addressed Council regarding development in York County and its impact on citizens. Mr. Duralia invited all Council member to the community meeting March 3rd.

Executive Session

Receipt of Legal Advice/Contractual Matter: GT Real Estate

Receipt of Legal Advice/Contractual Matter: Nuisance Property

Matters for consideration following Executive Session

Motion to direct County Management to explore the option that was presented in Executive Session.

(10:11pm)

ADOPTED [5 to 2]

MOVANT: Joel Hamilton

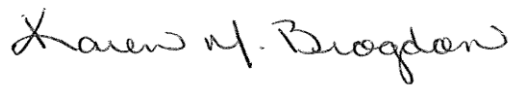
SECOND: William "Bump" Roddey

AYES: Love, Winkler, Roddey, Guffey, Hamilton

NAYS: Tom Audette, Christi Cox

Adjourn

There being no further business, the meeting adjourned at 10:11pm.

A handwritten signature in black ink, reading "Karen M. Brogdon". The signature is written in a cursive, flowing style.

Karen M. Brogdon, Clerk to Council