



YORK COUNTY COUNTY COUNCIL

MINUTES • SEPTEMBER 18, 2023

FINAL



County Council Meeting

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

6:00 PM

District 1 Tom Audette: Present, Vice-Chairwoman Allison Love: Present, District 3 Tommy Adkins: Present, District 4 William "Bump" Roddey: Present, Chairwoman Christi Cox: Present, District 6 Watts Huckabee: Present, District 7 Debi Cloninger: 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

Susan Piening, York County Library Board (District 2)
Ashley Schemine, Board of Zoning Appeals (District 7)
Robert Jones, Veterans Memorial Park Advisory Committee
Cheryl Sige, Board of Assessment Appeals (District 3) **ABSENT**

Appearances

(6:07pm) Mike Geddings appeared in place of Robert Alexander with the Gravity Center and presented information regarding a funding request to assist small businesses and entrepreneur opportunities through the Gravity Center. Mr. Geddings explained that they are requesting \$300,000 (\$100,000/year for 3 years) from York County Economic Development or York County. The strategy will be used for small business and entrepreneurs in 3 phases:

1. Foundation Building and Targeted Marketing
2. Accelerate, Integrate and Solidify
3. Sustaining and Resilience efforts

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

(6:31pm) Andy Lytle, 517 Cuxhaven Court, Fort Mill, South Carolina addressed Council regarding his concerns with ASCE 7, minimum design loads for buildings and his opposition to Silfab Solar Cells coming to Fort Mill.

(6:35pm) Amanda Sisko, 1414 Harbor's Inlet, Lake Wylie, South Carolina addressed Council regarding her support for the FILOT for Silfab Solar Cells.

(6:37pm) Chris Chamberlain, 4040 Honeysuckle Road, Rock Hill, South Carolina addressed Council regarding his concerns with the current language in the ordinance for tattoo establishments.

(6:40pm) Martha Kern, Foxcreek Lane, Rock Hill, South Carolina addressed Council regarding her concerns with the company Silfab Solar Cells coming to Fort Mill.

(6:42pm) Treff McDonald with Silfab Solar Cells addressed Council regarding his support for the company coming to Fort Mill.

(6:44pm) Renee Terreri, Buffalo, New York addressed Council regarding her support for Silfab Solar Cells coming to Fort Mill.

(6:45pm) Bruce Byrnes with Flint Hill Fire Department stated that the Flint Hill Fire Department is capable of handling any situations that could arise from Silfab Solar Cells in Fort Mill.

(6:48pm) Peter MacVean, 907 Lake Club Drive, Rock Hill, South Carolina addressed Council regarding his support for Silfab Solar Cells coming to Fort Mill.

(6:50pm) Marc Howie, with York Electric Co-op, addressed Council regarding his support for Silfab Solar Cells coming to Fort Mill.

(6:51pm) Joe Fazzari, Carolina Orchards, Fort Mill, South Carolina addressed Council regarding his opposition to Silfab Solar Cells coming to Fort Mill.

(6:53pm) Wally Buchanan, 256 Baxter Lane, Fort Mill, South Carolina addressed Council regarding his opposition to Silfab Solar Cells coming to Fort Mill.

(6:55pm) Lacey Lane, Fort Mill, South Carolina addressed Council regarding her concerns with the lack of responses from Council to emails. Also, asked when will Council address the other Boards and Commissions with At Large board members, not just the Library Board. Ms. Lane also expressed her concerns with the newly appointed Library Board members.

(6:58pm) Danielle Graham, Regent Park addressed Council regarding her opposition to Silfab Solar Cells coming to Fort Mill.

(7:00pm) John Gossett, 5717 Lake Wylie Road, Lake Wylie, South Carolina addressed Council regarding his support for Silfab Solar Cells and QTS Data.

(7:02pm) Denise Bach, Hammond Road, Fort Mill, South Carolina addressed Council regarding her opposition to Silfab Solar Cells coming to Fort Mill.

Consent Agenda

(7:04pm) Remove item #12 (Resolution Animal Care) and move to item #3 in New Business

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

1. Approval of August 21, 2023 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

2. Approval of September 5, 2023 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

3. COUNCIL TO CONSIDER SECOND READING OF AN ORDINANCE TO AMEND ORDINANCE NUMBER 521 (ADOPTED JANUARY 19, 2021), "BETHEL-LAKE WYLIE LAND ACQUISITION AND PRESERVATION PARKS DISTRICT," BY CLARIFYING THE PROCESS FOR RESOLVING ANY DISPUTES THAT MIGHT ARISE BETWEEN THE DISTRICT BOARD AND THE COUNTY MANAGER OR HIS DESIGNEE; BY DETAILING THE EXISTING AUTHORITY OF THE COUNTY MANAGER OR HIS DESIGNEE TO CALL A MEETING OF THE DISTRICT BOARD; BY DETAILING THE EXISTING AUTHORITY OF THE COUNTY MANAGER OR HIS DESIGNEE TO OPERATE THE DISTRICT AS AN AGENCY OF THE COUNTY INCLUDING BUT NOT LIMITED TO, DEVELOPMENT OF AN ORGANIZATIONAL CHART FOR THE ADMINISTRATION OF THE DISTRICT, ALONG WITH A DETERMINATION OF ANY NEEDED PERSONNEL AND ANY TRAINING AND COMPENSATION TO BE PROVIDED TO PERSONNEL; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

4. Rezoning Action: Consider Third Reading

Case # 23-27
Tax Map # 723-00-00-082
Zoning Request: To rezone from UD to OA
Acres: 2.48 acres
Council District: One (1) - Audette
Applicant: Michael Johnson
Owner: Cabela's Wholesale, Inc
Location: Cabelas Drive, Fort Mill
Planning Commission Date: July 10, 2023
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Tom Audette
SECOND: Allison Love

5. Rezoning Action: Consider Second Reading

Case # 23-30
Tax Map # 576-06-01-008
Zoning Request: To rezone from UD to GC
Acres: 19.58 acres
Council District: Two (2) - Love
Applicant: YDG Waterside, LLC/Skinner Holdings, LLC
Owner: YDG Waterside, LLC/Skinner Holdings, LLC
Location: 4035 Charlotte Highway, Lake Wylie
Planning Commission Date: August 14, 2023
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Tom Audette
SECOND: Allison Love

6. Rezoning Action: Consider Second Reading

Case # 23-31
Tax Map # 721-00-00-055
Zoning Request: To rezone from UD to GC
Acres: 2.56 acres
Council District: Seven (7) - Cloninger
Applicant: Zack Kosofsky

Owner: HOP, LLC
Location: 3474 Highway 21, Fort Mill
Planning Commission Date: August 14, 2023
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

7. Rezoning Action: Consider Second Reading

Case # 23-32
Tax Map # 385-00-00-029
Zoning Request: To rezone from AGC to RUD
Acres: 1-acre portion of a 7-acre parcel
Council District: Three (3) - Adkins
Applicant: Jerry Dale and Gayle McKenzie
Owner: Jerry Dale and Gayle McKenzie
Location: 297 Boyd Road, Clover
Planning Commission Date: August 14, 2023
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

8. Rezoning Action: Consider Second Reading

Case # 23-33
Tax Map # 366-00-00-013
Zoning Request: To rezone from RSF-40 to RSF-30
Acres: 0.688-acre portion of a 0.842-acre parcel
Council District: Two (2) - Love
Applicant: Steven Tripi
Owner: Palmetto House & Home, LLC
Location: 810 Belwood Street, Clover
Planning Commission Date: August 14, 2023
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

9. Rezoning Action: Consider Second Reading

Case #	23-34
Tax Map #	650-00-00-057
Zoning Request:	To rezone from NC to GC
Acres:	0.54 acres
Council District:	One (1) - Audette
Applicant:	Dan Ballou
Owner:	Sam's Commercial Properties, LLC
Location:	2891/2889 Highway 160, Fort Mill
Planning Commission Date:	August 14, 2023
Staff Recommendation:	Approve
PC Recommendation:	Approve

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

10. Approve nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on September 5, 2023: Annette Killian, Catawba Regional Workforce Investment Board, Jeffrey Lyon, York County Culture and Heritage Commission (District 4), and Joel Fensch, Keep York County Beautiful (At Large).

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

11. Council to approve Field Day Park applying and accepting, if awarded, a grant from the Major League Baseball and the Players Association (MLB-MLBPA) Youth Development Foundation for a batting cage project.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

12. Council to approve a Mitigation Agreement with Mac's Fort Mill, LLC for road improvements identified within the TIA for the development of a restaurant use located on Highway 160, referred as Tax Map numbers 653-00-00-025; -024; -010.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

13. Council to approve the purchase of one new, unused, custom Pierce Tower Ladder with cab, chassis and ladder for use by the Flint Hill Fire Department, from Spartan Fire and Emergency Apparatus Inc., of Roebuck SC, for a total cost of \$2,121,976.00, in accordance to the Cooperative Purchase provision as defined in section 35.008 (C)(2) of the York County Procurement Code.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

14. Council to approve Change Order #9 with Midwest Maintenance Inc., of Piqua OH, for the structural stabilization of Historic Brattonsville's Colonel Bratton and Homestead Houses project (RFP #2827), in the amount of \$1,219.00.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

15. Council to approve award regarding Bid #2887 for the purchase of driving surface aggregate materials for use by Road Maintenance and Engineering Department, to the lowest responsive and responsible bidder, Martin Marietta of Charlotte NC, for a total cost of \$21.00 per ton.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

16. Council to authorize contract negotiations regarding RFQ #2885 for professional architectural services for the planning, design, and construction of a new York County Coroner's facility.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

17. Council to approve a grant funded purchase for York County Sheriff's Office DNA Lab in the amount of \$351,082 for an instrumentation upgrade and validation project.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

18. Council to approve Sheriff's Office purchase of four grant funded 2023 Dodge Durango Police Pursuit SUVs for use by School Resource Officers (SRO) and certain equipment for these positions using funds awarded by grant no. SR-028-C4600-24 by the S.C. Dept. of Public Safety FY 2024, for an estimated total cost of \$166,440.00.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

19. Council to approve annual maintenance agreement for an indexing and imaging software system (RFP #2366) and the microfilming of recorded land records for use by the Register and Deeds Office, with Business Information Systems, for a total cost of \$48,150.00.

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Allison Love

Public Hearing(s)

1. Public Hearing

(7:05pm) Jonathan Buono, Planning and Development Director provided an overview of the proposed ordinance amendment.

(7:08pm) There being no one interested in speaking for or against the proposed ordinance a motion was made by Council member William "Bump" Roddey and seconded by Council member Allison Love to close the public hearing.

ALLOWED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Allison Love

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

Council to hold a Public Hearing and consider Second Reading of an ordinance to amend Chapter 154: Land Development Code to reduce the number of tiers of the Traffic Impact Analysis; to provide for a public hearing; and to provide for other matters related thereto.

(7:08pm)

APPROVED [Unanimous]

MOVANT: Allison Love

SECOND: Tom Audette

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

2. Public Hearing

(7:08pm) Jonathan Buono, Planning and Development Director provided an overview of the proposed ordinance amendment.

(7:19pm) There being no one interested in speaking for or against the proposed ordinance a motion was made by Council member William "Bump" Roddey and seconded by Council member Allison Love the close the public hearing.

ALLOWED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Allison Love

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

Council to hold a Public Hearing and consider Second Reading of an ordinance to amend Chapter 154: Land Development Code and Chapter 155: Zoning Code to define the term "Property Violation", and to allow for rezonings and other applications to be withheld from processing for subject properties with an active property violation; to provide for a public hearing; and to provide for other matters related thereto.

(7:29pm)

(7:19pm) Original motion to approve was made by Council member Allison Love and seconded by Council member William "Bump" Roddey.

(7:24pm) Council member William "Bump" Roddey withdrew his second to the original motion

(7:29pm) Council member Allison Love withdrew the original motion

(7:29pm) Motion was made by Council member William "Bump" Roddey and seconded by Council member Tom Audette to defer until after the October 10th Council Workshop.

This matter will be discussed at the October 10th Council Workshop.

DEFERRED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Tom Audette

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

3. Public Hearing

The following individual spoke in favor of the proposed ordinance:

(7:30pm) Ryan Wayman, 409 Liberty Express Place, Knightingdale, North Carolina addressed Council regarding his support for QTS coming to York County.

(7:31pm) There being no one else interested in speaking for or against the proposed ordinance a motion was made by Council member William "Bump" Roddey and seconded by Council member Allison Love to close the public hearing.

ALLOWED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Allison Love

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

COUNCIL TO HOLD A PUBLIC HEARING AND APPROVE THIRD READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN YORK COUNTY, SOUTH CAROLINA AND A COMPANY OR COMPANIES KNOWN TO THE COUNTY AS QTS YORK, LLC, FORMERLY KNOWN AS "PROJECT COBRA," WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF TAXES, INCLUDING THE PROVISION OF CERTAIN SPECIAL SOURCE CREDITS; AND OTHER MATTERS RELATED THERETO."

(7:31pm)

APPROVED [Unanimous]

MOVANT: Allison Love

SECOND: William "Bump" Roddey

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

Old Business

1. COUNCIL TO CONSIDER THIRD READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN YORK COUNTY, SOUTH CAROLINA (THE "COUNTY"), SILFAB SOLAR CELLS SC INC., AND SILFAB SOLAR PV SC INC., COMPANIES PREVIOUSLY AND COLLECTIVELY IDENTIFIED AS "PROJECT MOUNTIE", WITH RESPECT TO CERTAIN PROPERTY, INCLUDING, WITHOUT LIMITATION, ECONOMIC DEVELOPMENT PROPERTY, IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATED THERETO.

(7:36pm) Main motion to approve was made by Council member Watts Huckabee and seconded by Council member William "Bump" Roddey.

(8:24pm) Motion was made by Council member Christi Cox and seconded by Council member Tommy Adkins to amend the original motion to amend the FILOT agreement as follows:

1. The wages are a minimum of \$22/hour
2. The company and sponsor affiliate shall procure if attainable and maintain environmental insurance for the duration of the incentive agreement in the amount of \$1,000,000.00 naming the property owner and the County as additional insured's and naming the County as a certificate holder along with required proofs of insurance and that for the duration of the FILOT agreement the company place a letter of credit in the amount of \$50,000 on file in case of the site being left for purposes of access to the funds in the event that the respective designees determine they must address an occurrence necessitating the clean up in order to allow a business to occupy the site. **Council members Tom Audette, Debi Cloninger and Allison Love voted in opposition of the motion to amend.**

APPROVED [4 to 3]

MOVANT: Watts Huckabee
SECOND: William "Bump" Roddey
AYES: Tommy Adkins, William "Bump" Roddey, Christi Cox, Watts Huckabee
NAYS: Tom Audette, Allison Love, Debi Cloninger

New Business

1. Council to Adopt a Resolution CONSENTING TO AND RATIFYING THE ASSIGNMENT AND ASSUMPTION OF A FEE IN LIEU OF TAX AGREEMENTS FROM RG BAXTER LANE LLC TO EXETER 7149 LOGISTICS, L.P.; AND OTHER RELATED MATTERS.

(7:29pm)

APPROVED [4 to 2]

MOVANT: Tom Audette
SECOND: William "Bump" Roddey
AYES: Tom Audette, William "Bump" Roddey, Christi Cox, Watts Huckabee
NAYS: Allison Love, Debi Cloninger
ABSENT: Tommy Adkins

2. Council to approve an Intergovernmental Agreement with the City of York for weekday Magistrate Services for municipal court.

(7:30pm)

APPROVED [Unanimous]

MOVANT: William "Bump" Roddey
SECOND: Allison Love
AYES: Audette, Love, Roddey, Cox, Huckabee, Cloninger
ABSENT: Tommy Adkins

3. COUNCIL TO DISPENSE WITH REFERRAL TO COMMITTEE AND APPROVE A RESOLUTION IN SUPPORT OF COST OF ANIMAL CARE LEGISLATION, HOUSE BILL 3682 AND SENATE BILL 456.

(7:30pm) This matter is referred to the Public Works Committee for further discussion.

DEFERRED [Unanimous]

MOVANT: William "Bump" Roddey
SECOND: Tom Audette
AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee, Cloninger

Committee and Other Reports

(7:33pm) Planning & Zoning Committee Meeting, Wednesday, September 13, 2023, 6:30pm, Chairwoman Debi Cloninger

Citizen Concerns

(7:34pm) Natasha Witherspoon to address Council regarding a proposed hate crime ordinance for York County. **ABSENT**

(7:35pm) Perry Stacks, 639 Druery Lane, Lake Wylie, South Carolina addressed Council regarding his concerns with the 660 foot separation rule in the Lake Wylie Overlay.

Council Member New/Non-agenda Comments

(7:43pm) Council member Tommy Adkins reported that the next Justice & Public Safety committee meeting will address the request from the Sheriff's Department to discuss towing/wrecker service.

Chairwoman Cox referred this item to the Justice & Public Safety Committee for discussion.

(7:45pm) Council member William "Bump" Roddey requested that Council begin looking at reducing the Boards & Commissions with At Large members, like they did with the Library Board.

(7:46pm) Chairwoman Cox stated that the only 2 boards that have a tax assessed only have 7 members. If there are boards that Council would like to look at, then those need to be brought up specifically.

(7:47pm) Council member Watts Huckabee requested that Council discuss the grand tree ordinance at the workshop on October 10th. Mr. Huckabee would also like to discuss the 660 foot separation rule at the October 10th workshop as well.

Chairwoman Cox consented to discussing these items at the next workshop.

(7:50pm) Council member Allison Love requested that the workshop be held in Council Chambers so that it can be live streamed.

Chairwoman Cox consented to moving the location to Council Chambers.

(7:51pm) Council member Tom Audette stated that he has concerns with the structure of the Voter Board of Registration Elections and could the County Council play a greater role in the appointment process.

Executive Session

Personnel Matter/Contractual Matter: County Manager

Matters for consideration following Executive Session

1. Motion to pursue the personnel contractual matter as discussed in Executive Session.

(9:15pm)

ADOPTED [Unanimous]

MOVANT: Tom Audette

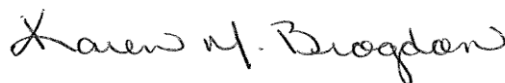
SECOND: Allison Love

AYES: Audette, Love, Adkins, Roddey, Cox, Huckabee

ABSENT: Debi Cloninger

Adjourn

There being no further business, the meeting adjourned at 9:15pm.



Karen M. Brogdon, Clerk to Council