



YORK COUNTY

COUNTY COUNCIL

MINUTES • AUGUST 15, 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: Late, Chairwoman Christi Cox: Present, District 6 Brandon Guffey: Present, District 7 Joel Hamilton: Present.

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

Donny Mitchell, York County Forever (District 3) **ABSENT**

Chrissy Stewart, Keep York County Beautiful (District 3) **ABSENT**

Jonathan Winn, Keep York County Beautiful (At Large) **ABSENT**

Megan Hylton, Keep York County Beautiful (At Large)

David Duncan, Culture and Heritage Commission (District 3)

Annie Wheat, Culture and Heritage Commission (District 6) **ABSENT**

Kelli Shannon, Board of Disabilities and Special Needs (Maxabilities) (At Large) **ABSENT**

Appearances

(6:09pm) Sheriff Tolson and Council recognized Lt. James "Mike" Ligon on his service and retirement with York County Sheriff's Department.

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

(6:14pm) Joe Ross, Recreation Director for the Town of Clover addressed Council regarding the Recreation Tax and his objection to the dissolution of the Recreation Tax Ordinance.

(6:16pm) Thomas Dismukes, 2507 Locust Hill Road, York, South Carolina addressed Council regarding the Recreation Tax and his objection to the dissolution of the Recreation Tax Ordinance.

(6:19pm) Pat Grant, 963 Normandy Way addressed Council regarding the Recreation Tax and her objection to the dissolution of the Recreation Tax Ordinance.

(6:22pm) TJ Bolen , 2133 Gillette Drive, Clover, South Carolina addressed Council regarding the Recreation Tax and his objection to the dissolution of the Recreation Tax Ordinance.

(6:24pm) Brenda Adams, 627 Briarcliff Road, Rock Hill, South Carolina addressed Council regarding her concerns with the lack of due process in the Court system.

(6:26pm) Brian Melewski, 1413 Jakey Drive, Fort Mill, South Carolina addressed Council regarding the Recreation Tax and his objection to the dissolution of the Recreation Tax Ordinance.

(6:28pm) Dr. Bradley Sabelli, 2099 Covered Bridge Court, Rock Hill, South Carolina addressed Council regarding the Recreation Tax and his objection to the dissolution of the Recreation Tax Ordinance.

(6:30pm) Tommy Williams, 1800 Berrywood Lane, Clover, South Carolina addressed Council regarding the Recreation Tax and his objection to the dissolution of the Recreation Tax Ordinance.

(6:31pm) Nan Toth, 1800 Berrywood Lane, Clover, South Carolina addressed Council regarding the Recreation Tax and her objection to the dissolution of the Recreation Tax Ordinance.

(6:31pm) Beth Toth, 1800 Berrywood Lane, Clover, South Carolina addressed Council regarding the Recreation Tax and her objection to the dissolution of the Recreation Tax Ordinance.

(6:34pm) Nicole Knight, 4055 Hwy 324, Rock Hill, South Carolina addressed Council regarding the Recreation Tax and her objection to the dissolution of the Recreation Tax Ordinance.

(6:36pm) Tom Farmer, 1123 Gold Rush Court, Rock Hill, South Carolina addressed Council regarding the Recreation Tax and her objection to the dissolution of the Recreation Tax Ordinance.

Consent Agenda

(6:38pm) Council member Brandon Guffey requested that item #15 (BIS Digital Annual Maintenance Agreement) be removed and moved to #3 in New Business

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

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

1. Approval of July 18, 2022 Finance & Operations Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

2. Approval of July 18, 2022 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

3. Consider approval of nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on July 18, 2022: Bill Murray, Lake Wylie Parks and Recreation District, Marija Mack, Catawba Mental Health Board, and Frank McKinney, Catawba Regional Workforce Investment Board.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

4. Council to Consider Providing Third Reading of AN ORDINANCE TO AMEND CHAPTER 33 OF THE YORK COUNTY CODE OF ORDINANCES, SECTION 33.069, OFFICIAL HOLIDAYS, SO AS TO ADD JUNETEENTH AND VETERANS DAY AS HOLIDAYS FOR REGULAR FULL-TIME EMPLOYEES AND REGULAR PART-TIME EMPLOYEES THAT HAVE WORK SCHEDULES OF MORE THAN 20 HOURS PER WEEK; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

5. Rezoning Action: Consider Third Reading

Case #	22-17
Tax Map #	721-00-00-064; 721-00-00-005 (portion)
Zoning Request:	To rezone from UD to GC
Acres:	1.96 +/- acres
Council District:	One (1) - Audette
Applicant:	Henry BreauX; Sterling York, LLC
Owner:	Sterling York, LLC; A&P Car Care Center
Location:	1905 Highway 21, Fort Mill
Planning Commission Date:	June 13, 2022
Staff Recommendation:	Approve
PC Recommendation:	Approve

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

6. Council to approve York County's annual insurance coverage by the State Fiscal Accountability Insurance Reserve Fund, for a total cost of \$1,560,433.52, for fiscal year 2022-2023.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

7. Council to Provide First Reading by Title Only of AN ORDINANCE TO AMEND SECTION 33.018, PAY, IN ORDER TO AMEND SUBSECTION (A)(2)(a) TO PROVIDE FOR HIRING PAY ADJUSTMENTS BY THE COUNTY MANAGER UP TO THE MAXIMUM HIRING SALARY FOR THE GRADE; TO DELETE SUBSECTION (A)(2)(b) IN ITS ENTIRETY; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

8. Council to approve a Mitigation Agreement with Atlantic Beach, Inc. for road improvements identified within the TIA for the development of townhomes located on Pleasant Road in Fort Mill, referred as Tax Map numbers 020-09-00-1034, 020-09-00-1035, 020-09-00-1089.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

9. Council to approve a Mitigation Agreement with May Green Properties for road improvements identified within the TIA for the development of a single family residential neighborhood off Hines Road in the Clover community, referred as Tax Map number 282-00-00-001.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

10. Council to approve a Mitigation Agreement with OSW 5 & 6, LLC for road improvements identified within the TIA for the development of 44,000 square feet of office space located on Patricia Lane in Fort Mill, referred as Tax Map number 652-00-00-117.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

11. Council to approve the purchase of wetland credits from Rocky Creek Mitigation Bank for Pennies 4 Project 17228-015: US 21, in the amount of \$26,000.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

12. Council to approve change order #1 with Blythe Development in the amount of \$890,000.00 for Pennies Project 11149-002: Hwy. 274/Pole Branch Road.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

13. County Council to Consider Approval of the Road Acceptance Requests for Vermilyea subdivision: Ivy Ridge subdivision; Paddlers Cove Townhomes Phases 1 and 2.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

14. The Engineering Department and County Management recommend the approval of a professional services contract with Armstrong Glen, PC for \$247,700.00 plus a 10% contingency for design of the Park Loop Road at Catawba Bend Preserve.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

15. Council to approve annual insurance premium coverage for use by the Information Technology Department, with Peoples First Insurance of Rock Hill SC, for a total cost of \$48,624.32.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

16. Council to approve a one year contract renewal option regarding Bid #2637 for processing and hauling of wood, yard waste, and debris from the York County Landfill, with Farmers Mulch and Rock Inc, of Dobson NC at a cost of \$32.99 per ton.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

17. Council to approve a one year contract renewal option regarding Bid #2541 for lawn services for closed solid waste cells and construction and demolition cells at the York County Landfill, with Asset Management Association of York SC, for the total cost of \$47,560.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

18. Council to authorize approval of a price adjustment for the preventative maintenance and service of HVAC systems in County facilities with MSS Solutions LLC of Charlotte, NC for an annual cost of \$196,877.00

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

19. Council to approve award regarding RFP #2829 for commissary services for York County's Detention Center and Prison, to McDaniel Supply Company of Jesup, GA.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

20. Council to approve amendment to award regarding the purchase of one new, unused 2022 Ford Police Interceptor Utility AWD SUV via state contract for use by the Sheriff's Office, from Santee Automotive LLC of Manning SC, as part of the SC Dept. of Public Safety Program, for a total cost of \$40,866.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

21. Council to authorize contract negotiations regarding RFP #2827 for the structural stabilization and exterior preservation of Historic Brattonville's Colonel Bratton and Homestead Houses project.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

22. Council to approve contract renewal with Southern Environmental Systems of Ft. Mill SC, regarding Bid #2550 for Odor & Erosion Control Chemicals for Waste Water Systems, for use by the Public Works Department, for a total cost of \$305,078.40.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

23. Council to approve procurement exemption for Xylem Water Solutions USA, Inc. for the sole source maintenance and repair of one Flygt submersible wastewater pump for the Crowders Creek Lift Station and the replacement of one Flygt submersible wastewater pump at the English Trails Lift Stations, for a total cost not to exceed \$71,165.04.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

24. Council to approve alternate methods of procurement regarding the purchase of one heavy duty pick up truck, one mid size SUV, and one tractor with front end loader and finish mower attachment, for use by the Parks and Recreation Department, for a total cost not to exceed \$272,000.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

25. Council to approve and authorize the submission of a SC Infrastructure Investment Program Grant through the Catawba Regional Council of Governments to support an application for a unique opportunity to make long-term capital improvements that will strengthen critical services to residents and businesses across the state.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

26. Council to approve a Venue Agreement with Fostering the Family Flight for Families 5K Race/Walk.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

27. Apply for and accept if awarded grant funds from BJA FY 2022 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$31,428.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

28. COUNCIL TO APPROVE A RESOLUTION FOR THE ABANDONMENT AND CLOSURE OF A PORTION OF RIGHT OF WAY ALONG THE FORT MILL SOUTHERN BYPASS AT THE CORNER JOINING FEATHERSON ROAD, IN THE FORT MILL AREA.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

29. Council to adopt A RESOLUTION OF THE YORK COUNTY COUNCIL SUPPORTING AN AMENDMENT TO THE OPERATING AGREEMENT WITH CATAWBA REGIONAL COUNCIL OF GOVERNMENTS AND PROVIDING FOR OTHER RELATED MATTERS.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

Public Hearing(s)

1. Public Hearing

(6:39pm) Jonathan Buono, Planning and Development Director provided an overview of the proposed rezoning.

The following individuals spoke in favor of the proposed rezoning:

(6:43pm) Adam Essink, addressed Council regarding his support for the proposed rezoning.

(6:43pm) There being no one else interested in speaking for or against the proposed rezoning a motion was made by Council member Robert Winkler and seconded by Council member Brandon Guffey to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Robert Winkler

SECOND: Brandon Guffey

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

Rezoning Action: Hold a Public Hearing and Consider First Reading

Case #	22-19
Tax Map #	723-00-00-079
Zoning Request:	To rezone from UD to LI
Acres:	28.518 +/- acres
Council District:	One (1) - Audette
Applicant:	Adam Essink
Owner:	Lakemont Property Investors, LLC
Location:	Foothills Way, Fort Mill
Planning Commission Date:	July 11, 2022
Staff Recommendation:	Approve
PC Recommendation:	Approve

(6:44pm)

APPROVED [Unanimous]

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

Old Business

1. Rezoning Action: Consider Second Reading

Case # 22-13
Tax Map # 654-00-00-008
Zoning Request: To rezone from AGC to RSF-40
Acres: 2.88 acres
Council District: One (1) - Audette
Applicant: New Old, LLC
Owner: New Old, LLC
Location: 2270 New Gray Rock Road, Fort Mill
Planning Commission Date: June 13, 2022
Staff Recommendation: Approve
PC Recommendation: Approve

APPROVED [Unanimous]

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

2. Rezoning Action: Consider Second Reading

Case # 22-14
Tax Map # 789-00-00-018
Zoning Request: To rezone from RSF-40 to RUD-I
Acres: 5.05 +/- acres
Council District: Six (6) - Guffey
Applicant: Jeffrey Wilburn
Owner: Jeffrey Wilburn
Location: 1691 Hands Mill Highway, Rock Hill
Planning Commission Date: June 13, 2022
Staff Recommendation: Deny
PC Recommendation: Deny

(6:44pm)

DENIED [Unanimous]

MOVANT: Brandon Guffey

SECOND: Tom Audette

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

3. Rezoning Action: Consider Second Reading

Case #	22-15
Tax Map #	716-00-00-086
Zoning Request:	To rezone from LI to GC
Acres:	6.69 +/- acres
Council District:	One (1) - Audette
Applicant:	Michael S. Pitts
Owner:	TT of Fort Mill Property, LLC
Location:	805 Gold Hill Road, Fort Mill
Planning Commission Date:	June 13, 2022
Staff Recommendation:	Approve
PC Recommendation:	Approve

(6:45pm)

APPROVED [Unanimous]

MOVANT: Tom Audette

SECOND: Robert Winkler

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

4. COUNCIL TO CONSIDER APPROVING THIRD READING OF AN ORDINANCE TO ABOLISH THE SPECIAL TAX DISTRICT KNOWN AS THE YORK COUNTY RECREATION TAX DISTRICT IN YORK COUNTY EFFECTIVE AS OF DECEMBER 31, 2022, AS DESCRIBED MORE PARTICULARLY HEREIN; TO SPECIFY THE TIME AND APPLICATION OF THE FINAL LEVY OF TAXES FOR THE OPERATION AND MAINTENANCE OF THE YORK COUNTY RECREATION TAX DISTRICT; TO PROVIDE FOR THE WINDING DOWN AND CESSATION OF OPERATIONS OF THE YORK COUNTY RECREATION TAX DISTRICT AS AN ADMINISTRATIVE DIVISION OF THE COUNTY; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

(6:46pm) Motion to deny sunsetting and modify existing ordinance with the following amendments:

Each of the recreation committee members will make a revenue needs request to Council for the next year and then Council will make the final decision on the revenue distribution. Each year

the areas receiving recreation funding will need to show how the revenues were used to benefit unincorporated residents and show that no additional fees were charged to the unincorporated residents for those benefits stated.

ADOPTED [Unanimous]

MOVANT: Tom Audette

SECOND: Joel Hamilton

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

(7:05pm) Motion to amend the original motion to add that management prepare an Intergovernmental Agreement to be executed before the funds are distributed to ensure that County residents outside city and town limits pay the same thing as those living inside the city and town limits. Also, request that Council redefine the ordinance between now and the next Council budget period to make it equitable for all municipalities.

(7:11pm) After Council discussion, Council member Love withdrew the second portion of her motion.

FAILED [2 to 5]

MOVANT: Allison Love

SECOND: William "Bump" Roddey

AYES: Allison Love, William "Bump" Roddey

NAYS: Audette, Winkler, Cox, Guffey, Hamilton

New Business

1. Council to Consider engaging White and Smith for purposes of developing a concurrency planning process for the County

(7:33pm) Motion to approve in a phased process to allow for the Consultant to provide a preliminary analysis.

APPROVED [6 to 1]

MOVANT: Allison Love

SECOND: William "Bump" Roddey

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

NAYS: Brandon Guffey

2. Council to approve award regarding Bid #2812 for the purchase of five night vision goggles for use by the Sheriff's Office, to the lowest responsive and responsible bidder, Nightline Inc., of Mountain City TN, for a total cost of \$45,394.75, as apart of the Coronavirus State and Local Fiscal Recovery Funds.

(7:49pm)

APPROVED [Unanimous]

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

3. Council to approve annual maintenance agreement for an indexing and imaging software system for use by the Register and Deeds Office, with Business Information Systems, for a total cost of \$48,150.00.

(7:50pm)

DENIED [Unanimous]

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

Committee and Other Reports

(7:51pm) Finance & Operations Committee Meeting, Monday, August 15, 2022, 5:30pm
Chairman Robert Winkler

1. Motion to suspend the rules to allow Citizens Concerns to occur prior to Council Member New/Non-agenda Comments.

(7:52pm)

ALLOWED [Unanimous]

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

Citizen Concerns

(7:53pm) The Fellas presented to Council information about their organization and the services that they provide to the community. Juan Joseph, President, Stacey Anderson, Vice-President and Roscoe Mixon, Chaplin explained that their organization was founded in 1983-84 as an unsanctioned organization. The organization has reformed with the goal to mentor and tutor to foster a commitment to students that will promote pro-social friendship, spirituality, strong people skills, and reassert a sense of hope in the future. The mission of The Fellas is to educate,

mentor, conduct performing arts, and to serve as a resource for parents, educator and all who seek to enrich the lives of young men.

Council Member New/Non-agenda Comments

(8:04pm) Council member William "Bump" Roddey notified everyone of the passing of Mr. Johnny McKinney. Mr. McKinney was 104 years old and grew up in Rock Hill. Mr. Roddey explained that Mr. McKinney was the President of the Burial Aid Society that will assist families that cannot afford burials. Also, Mr. Roddey stated that he would like to use some of the ARPA funds to help Oakdale Fire Department. Finally, Council member Roddey stated that the Turf Kings Football Event takes place this Saturday and invited everyone to attend.

(8:08pm) Council member Allison Love congratulated the Clover School District for not using their short-term debt to manipulate the debt service millage which is a savings for taxpayers.

(8:08pm) Council member Robert Winkler stated that none of the fire tax districts are cooperating with the audit, paperwork not turned in by any of the special fire tax district. Mr. Winkler would like a discussion on the next council agenda to determine how to proceed with this situation. Chairwoman Cox stated that this situation shall be referred to the Justice and Public Safety Committee for additional discussion.

(8:10pm) Council member Tom Audette wished the children a happy new school year.

(8:10pm) Council member Brandon Guffey thanked the community for the love and support his family has received recently. Also, Council member Guffey officially announced his resignation from County Council effective November 7, 2022.

(8:12pm) Council Chair Christi Cox announced that former County Attorney, Melvin McKeown passed away recently. Chairwoman Cox stated that Council held a joint workshop with the Planning Commission recently and they will continue to work with the Commission and staff on modifications to the code. Chairwoman Cox requested that the Planning and Zoning Committee research conditional use plans, preliminary plat approval, policy and culture, and exploring vested rights issues, mandatory neighborhood connectivity requirement and gaps in use table.

Executive Session

Receipt of Legal Advice: Blue Granite

Receipt of Legal Advice: Ongoing Pending Litigation

Matters for consideration following Executive Session

Adjourn

There being no further business, the meeting adjourned at 9:31pm.

Karen M. Brogdon

Karen M. Brogdon, Clerk to Council