



YORK COUNTY
COUNTY COUNCIL
MINUTES • MAY 16, 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

Paul Wise, Bethesda Fire Tax Board

Wayne Helms, Building Board of Appeals **ABSENT**

Veronica Ouderkirk, Bethel Lake Wylie Land Acquisition and Preservation Park District Board **ABSENT**

Laura Ullrich, Catawba Regional Council of Government

Walter Martinson, Board of Assessment Appeals (District 6) **ABSENT**

Appearances

(6:04pm) Sheriff Kevin Tolson and Council recognized Sgt. Wayne Richardson on his service and retirement with York County.

(6:09pm) Council recognized the Clover High School Drum Line on winning the WGI Dayton World Championship.

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

(6:20pm) Margaret Puckett with Tri Pointe Homes addressed Council regarding her support for rezoning 22-08.

(6:24pm) Bailey Patrick, MPV Properties addressed Council regarding his support for rezoning 22-08.

(6:26pm) Kelly Hawkins, 2272 Cross Trail Ridge, Rock Hill, South Carolina addressed Council regarding her support for rezoning 22-08.

(6:27pm) David Jennings, 1918 Coltharp Road, Fort Mill, South Carolina addressed Council regarding his support for rezoning 22-08.

(6:29pm) Kathryn Jennings, 1926 Coltharp Road, Fort Mill, South Carolina addressed Council regarding her support for rezoning 22-08.

(6:31pm) Ben Johnson, Attorney representing Tri Pointe Homes addressed Council regarding his support for rezoning 22-08.

(6:33pm) Deric Kraxberger, 5301 Meadow Croft Way, Fort Mill, South Carolina addressed Council regarding his opposition to rezoning 22-08.

(6:35pm) Karthdkeyan Manoharan, 5220 Meadow Croft Way, Fort Mill, South Carolina addressed Council regarding his opposition to rezoning 22-08.

(6:35pm) Kerri Bishop, 1851 Bon Rea Drive, Rock Hill, South Carolina addressed Council regarding her concerns with the contamination coming from New Indy Paper Mill.

(6:38pm) Scott Childers, 1349 Filbert Highway, York, South Carolina thanked Council regarding the RUD modifications that were made to the ordinance and the Resolution for "No Engine Braking" on Filbert Highway.

Consent Agenda

(6:38pm)

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

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

1. Approval of May 2, 2022 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

2. Approval of May 10, 2022 Workshop Minutes

ACCEPTED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

3. COUNCIL TO CONSIDER SECOND READING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 51.05, WATER AND SEWER RATES AND CHARGES, TERMS AND CONDITIONS OF SERVICE, SECTIONS (B)(2) AND (B)(10) IN ORDER TO AMEND THE WATER RATE SCHEDULE AND SEWER RATE SCHEDULE AND TO PROVIDE FOR MATTERS RELATED THERETO.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

4. Council to Adopt a RESOLUTION IN SUPPORT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION POSTING "ENGINE BRAKING PROHIBITED" SIGNS UPON HIGHWAY 161 FROM THE INTERSECTION OF PHILBECK ROAD (S46-44) TO THE INTERSECTION WITH FILBERT HIGHWAY (HIGHWAY 321), IN YORK COUNTY, SOUTH CAROLINA, ADDRESSING A QUALITY OF LIFE ISSUE

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

5. COUNCIL TO ADOPT A RESOLUTION IN SUPPORT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION POSTING "ENGINE BRAKING PROHIBITED" SIGNS UPON FILBERT HIGHWAY (HIGHWAY 321) FROM THE INTERSECTION OF ALEXANDER LOVE HIGHWAY WEST (HIGHWAY 5) TO THE INTERSECTION WITH PHILBECK ROAD (S46-44), IN YORK COUNTY, SOUTH CAROLINA, ADDRESSING A QUALITY OF LIFE ISSUE

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

6. Council to approve an annual renewal for forensic software licensing agreement with Grayshift LLC, of Atlanta GA, for a total cost of 63,990.00

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

7. Council to approve a request from Sheriff Tolson to allow retiring Sheriff's Office Sgt. Wayne Richardson to retain his service weapons.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

8. Council to authorize contract negotiations regarding RFP #2815 for Human Resources Classification and Compensation Consulting Services.

APPROVED [Unanimous]

MOVANT: Joel Hamilton

SECOND: Robert Winkler

9. Council to approve award regarding Bid #2819 for York County's Recycling Center Restroom Construction Project to the lowest responsive and responsible bidder, Carolina Contracting & Investments, Inc., of Lake Wylie SC, for the total cost of \$329,427.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

10. Council to approve award regarding Bid #2820 for the Exterior Painting of Hightower Hall & Outbuildings at Historic Brattonsville project Hightower Hall Painting Project, to the lowest responsive and responsible bidder, Positive Outlook Painting LLC of Simpsonville SC, to include alternates one, two, and three, for a total cost of \$86,885.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

11. Council to approve a procurement exemption to Mansfield Oil for the purchase of gasoline made through the use of the South Carolina State Fuel Card Program for York County vehicles, for a total amount not to exceed \$200,000.00.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

12. Council to approve a Mitigation Agreement with Star Investment Group, LLC for road improvements identified within the TIA for a proposed new Bojangles Restaurant at the intersection of Sutton Road South and Country Lodge Road in Fort Mill; referred as Tax Map Numbers 0202001052 and 0202001053.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

13. Council to Adopt a RESOLUTION AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF CERTAIN FEE IN LIEU OF TAX BENEFITS FROM KINGSLEY #7, LLC TO WAITT KINGSLEY #7, LLC FOR REAL PROPERTY ASSETS LOCATED IN YORK COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.

APPROVED [Unanimous]

MOVANT: Joel Hamilton
SECOND: Robert Winkler

Public Hearing(s)

1. Public Hearing

(6:39pm) 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 Robert Winkler to close the public hearing.

ALLOWED [Unanimous]

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

COUNCIL TO HOLD A PUBLIC HEARING, AMEND AND APPROVE THIRD READING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 90.02, "RATES, FEES, AND CHARGES FOR PUBLIC PARK FACILITIES, SERVICES, OR SPONSORSHIP'S" IN ORDER TO ESTABLISH USAGE FEES FOR THE NEWLY CONSTRUCTED ALLISON CREEK PARK, ESTABLISH A YEAR-ROUND DAY-USE FEE SCHEDULE AND ANNUAL PASSES FOR ALLISON CREEK PARK AND EBENEZER PARK, TO INCREASE RECREATIONAL VEHICLE AND TENT CAMPING RATES; MODIFY AND INCREASE CERTAIN SHELTER RENTAL RATES; TO ADDRESS SPONSORSHIP'S AT FIELD DAY PARK; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

(6:40pm)

APPROVED [Unanimous]

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

2. Public Hearing

The following individuals spoke in opposition of the proposed ordinance:

(6:41pm) Allison Harvey, Town Administrator for the Town of Clover addressed Council regarding her opposition to the proposed ordinance. Ms. Harvey requested additional time for everyone to review the impacts of the dissolution of the recreation tax ordinance.

(6:43pm) Beverly Carroll, 515 Guilford Road, Rock Hill, South Carolina addressed Council regarding her opposition to the proposed ordinance. Ms. Carroll stated that there are other proposals that need to be considered before dissolving the ordinance.

(6:46pm) There being no one else interested in speaking for or against the proposed ordinance, a motion was made by Council member Robert Winkler and seconded by Council member Tom Audette to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Robert Winkler

SECOND: Allison Love

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

COUNCIL TO HOLD A PUBLIC HEARING AND CONSIDER APPROVING SECOND 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.

(6:40pm)

DEFERRED [4 to 3]

MOVANT: Robert Winkler

SECOND: Tom Audette

AYES: Tom Audette, Robert Winkler, Brandon Guffey, Joel Hamilton

NAYS: Allison Love, William "Bump" Roddey, Christi Cox

Old Business

1. Rezoning Action: Consider Second Reading

Case #

22-05

Tax Map # 376-00-00-010
Zoning Request: To rezone from ID to AGC
Acres: 7.96 +/- acres
Council District: Two (2) - Love
Applicant: Earl Terry James
Owner: Earl Terry James
Location: 1125 Green Pond Road, Clover
Planning Commission Date: April 11, 2022
Staff Recommendation: Approve with condition
PC Recommendation: Approve with condition (8-0)

(7:14pm) Motion to approve with the following conditions:

Within 90 days of rezoning, the existing storage building must be removed, or the property owner must have filed for the building permit(s) necessary to convert the building to a residence. If the property owner opts to convert the building, they must diligently pursue completion. Expiration of building permits necessary for conversion shall constitute a violation of this condition.

APPROVED [Unanimous]

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

2. Rezoning Action: Consider Second Reading

Case # 22-06
Tax Map # 460-00-00-004
Zoning Request: To rezone from RUD to AGC
Acres: 80.5 +/- acres
Council District: Two (2) - Love
Applicant: Holly Simmons
Owner: Holly Simmons, Carol Simmons, James Beaver
Location: 2763 Kingsburry Road, Clover
Planning Commission Date: April 11, 2022
Staff Recommendation: Approve
PC Recommendation: Approve (8-0)

(7:15pm)

APPROVED [Unanimous]

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

3. Rezoning Action: Consider Second Reading

Case # 22-07
Tax Map # 357-00-00-029 (portion)
Zoning Request: To rezone from RUD to LI
Acres: 1.69 +/- acres
Council District: Three (3) - Winkler
Applicant: Duane Christopher, ASLA
Owner: Lawrence Enright and Jonathan Graham
Location: 2744 Meadow Road, Clover
Planning Commission Date: April 11, 2022
Staff Recommendation: Approve with condition
PC Recommendation: Approve with condition (8-0)

(7:15pm) Motion to approve with the following conditions:

The property must be subdivided so that no more than one zoning district is applied to a parcel. An approved subdivision plat encompassing the portion of the property zoned LI shall be recorded with the York County Register of Deeds within 90 days of the rezoning approval.

APPROVED [Unanimous]

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

4. Rezoning Action: Consider Second Reading

Case # 22-08
Tax Map # 655-00-00-011; 655-00-00-057; 655-00-00-083
Zoning Request: To rezone from AGC and RMX-10 to RMX-6
Acres: 10.82 +/- acres
Council District: One (1) - Audette
Applicant: Tri Pointe Homes Holdings, Inc.
Owner: Hinson, Nivens, Hawkins
Location: 1876 Coltharp Road, Fort Mill
Planning Commission Date: April 11, 2022

Staff Recommendation: Deny
PC Recommendation: Deny (7-1 (Duralia))

(7:16pm)

APPROVED [5 to 2]

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

5. Rezoning Action: Consider Second Reading

Case # 22-09
Tax Map # 721-00-00-003
Zoning Request: To rezone from UD to LI
Acres: 2,0 +/- acres
Council District: Seven (7) - Hamilton
Applicant: CPB Properties, LLC.
Owner: Christopher and Patricia Bachner
Location: 3350 Terry Road, Fort Mill
Planning Commission Date: April 11, 2022
Staff Recommendation: Approve
PC Recommendation: Approve (8-0)

(7:28pm)

APPROVED [Unanimous]

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

6. COUNCIL TO CONSIDER SECOND READING OF AN ORDINANCE TO ESTABLISH OPERATING AND CAPITAL BUDGETS FOR THE OPERATION OF THE COUNTY GOVERNMENT OF YORK COUNTY FOR THE FISCAL YEAR COMMENCING JULY 1, 2022; TO PROVIDE FOR THE LEVY OF TAXES FOR YORK COUNTY FOR THE FISCAL YEAR COMMENCING JULY 1, 2022; TO PROVIDE FOR THE EXPENDITURE OF TAX REVENUES AND OTHER COUNTY FUNDS; AND PROVIDE FOR OTHER FISCAL MATTERS RELATING TO COUNTY GOVERNMENT.

(7:29pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Allison Love

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

Motion to amend the original motion to amend the budget and increase account 1211-42240-810 by 5% instead of the 3% that is recommended by Management. This will be an increase of \$17,400 with a recommendation to take the funds out of account 1211-42240-652.

(7:29pm)

ADOPTED [Unanimous]

MOVANT: Robert Winkler

SECOND: Allison Love

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

Motion to amend the original motion to include the purchase of a vehicle for the Coroner's Office.

(7:33pm)

ADOPTED [5 to 2]

MOVANT: Tom Audette

SECOND: Robert Winkler

AYES: Audette, Winkler, Cox, Guffey, Hamilton

NAYS: Allison Love, William "Bump" Roddey

New Business

1. Council to provide First Reading of an Ordinance TO AMEND CHAPTER 154: LAND DEVELOPMENT CODE, ELIMINATING THE OPEN SPACE REQUIREMENT IN THE RUD AND RUD-I ZONING DISTRICTS, EXTENDING THE APPLICABILITY OF TREE SAVE SAMPLE SURVEYS, LIMITING PARCELS CREATED BY RECOMBINATION TO A SINGLE ZONING DISTRICT, ELIMINATING A DEVELOPMENT THRESHOLD FOR LIABILITY AGREEMENTS, AND CLARIFYING PROVISIONS RELATED TO UTILITY CONNECTIONS AND OPEN SPACE LOTS; TO AMEND CHAPTER 155: ZONING CODE, REDUCING CERTAIN DESIGN STANDARDS FOR MANUFACTURED HOMES IN THE RSF-30 DISTRICT, ALLOWING BEEKEEPING AS AN ACCESSORY USE TO A SINGLE-FAMILY DETACHED DWELLING, REDUCING THE APPLICABILITY OF ACCESSORY STRUCTURE STANDARDS IN THE LAKE WYLIE OVERLAY, MODIFYING THE SCREENING STANDARDS FOR VEHICLE STORAGE AND OUTDOOR STORAGE USES, CLARIFYING MEASUREMENT OF SETBACKS, AND MODIFYING THE DEFINITION OF “DATA CENTER”; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

(7:35pm)

APPROVED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Robert Winkler

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

2. Discussion on the method to develop Internal Controls and Accounting Protocols for County Boards not operated as an agency of the County, with the prospect of individual audits of those County Boards, followed by any resulting direction to Management.

(7:40pm) After Council discussion, it was the will of the Council to perform audits on the Fire Tax Boards to monitor accounting and County protocols.

Committee and Other Reports

(7:44pm) Finance and Operations Committee Meeting, Monday, May 16, 2022 5:30pm
Chairman Robert Winkler

Council Member New/Non-agenda Comments

(7:02pm) Council member William "Bump" Roddey reminded everyone of the upcoming Memorial Day holiday and asked that they keep in mind those that served in the military and lost their lives.

(7:03pm) Council member Robert Winkler reminded everyone of the Memorial Day Service on Sunday, May 29th at the Veterans Memorial Park in York.

(7:04pm) Council member Tom Audette also expressed his gratitude to those who have served in the military and lost their life defending their Country.

Citizen Concerns

(7:46pm) Jonathan Nazeer addressed Council regarding Victory Gardens International. Mr. Nazeer explained their current mission, Victory Gardens at Emmett Scott and their goal of helping citizens of York County obtain fresh food.

(7:52pm) Jennifer Ersek addressed Council regarding her request for assistance in getting high speed internet to residents in the western part of the County.

Executive Session

Receipt of Legal Advice/Contractual Matter: Engagement of John T. Lay of Gallivan, White, & Boyd for external legal services

Receipt of Legal Advice: Pending Litigation Update

Matters for consideration following Executive Session

1. Motion to engage John T. Lay of Gallivan, White and Boyd as discussed in Executive Session.

(8:29pm)

ADOPTED [Unanimous]

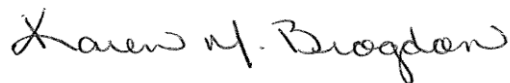
MOVANT: Joel Hamilton

SECOND: Robert Winkler

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

Adjourn

There being no further business, the meeting adjourned at 8:29pm.



Karen M. Brogdon, Clerk to Council