

Council Chambers  
Special Session  
Monday, February 8, 2010

**CITIZENS' HEARING 5:30 P.M**

Mr. David Whitesell, 3579 Enterprise Drive, addressed the City Council regarding the City's involvement in a demolition project. He also expressed concern that the City was in the home building business.

**REGULAR SESSION 6:00 P.M.**

Council met in special session with Mayor Echols, Mayor Pro Tem Hinton, and Councilmembers Black, Pender, Reno and Roddey, and Sutton present. Also present were City Manager Carey Smith, Assistant City Manager Gerald E. Schapiro, Assistant City Manager/Municipal Clerk David Vehaun, and City Attorney Paul Dillingham. Herald reporter Matt Garfield was also in attendance.

After Mayor Echols called the meeting into session the entire assembly recited the Pledge of Allegiance.

**EXECUTIVE SESSION**

Upon a motion by Councilmember Sutton which was duly seconded and unanimously approved, the City Council moved into Executive Session for consideration of the following items: for discussion of a potential agreement involving the purchase of property by the City near the City's urban core and to receive attorney-client privileged legal advice related to this matter; to receive attorney-client privileged legal advice related to a City ordinance litigation matter involving public health and safety issues and to receive attorney client privileged legal advice related to this matter; to discuss a potential legal document involving the creation of jobs and economic development within the City and to receive attorney client privileged legal advice related to this matter; for discussion of two matters involving the extension of City Utility services and related legal agreements and to receive attorney-client privileged legal advice related to these matters; and for discussion of Council appointments to City Boards and Commissions.

**RETURNED TO OPEN SESSION**

The City Council returned to Open Session and the Mayor reported that no action was taken during Executive Session.

**APPROVED MINUTES OF SPECIAL SESSION OF JANUARY 25, 2010**

Upon a motion by Councilmember Sutton which was duly seconded and unanimously approved, the City Council approved the minutes of the Special Session of January 15, 2010.

**ORDINANCE TO PROVIDE FOR THE DISPOSITION BY SALE OF PROPERTY LOCATED AT 627 EAST WHITE STREET, ROCK HILL, SOUTH CAROLINA BY THE CITY OF ROCK HILL TO NED L. POLK, INC.** - Adopted

An ordinance entitled AN ORDINANCE TO PROVIDE FOR THE DISPOSITION BY SALE OF PROPERTY LOCATED AT 627 EAST WHITE STREET, ROCK HILL, SOUTH CAROLINA BY THE CITY OF ROCK HILL TO NED L. POLK, INC. was given second reading and adopted upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

**ORDINANCE AUTHORIZING AN AMENDMENT TO GENERAL BOND ORDINANCE NO. 2009-45 OF THE CITY OF ROCK HILL, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO** - Adopted

An ordinance entitled AN ORDINANCE AUTHORIZING AN AMENDMENT TO GENERAL BOND ORDINANCE NO. 2009-45 OF THE CITY OF ROCK HILL, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO was given second reading and adopted upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

City Attorney Paul Dillingham commented on the ordinance and noted that the ordinance had been slightly revised between first and second reading.

**ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ROCK HILL, SOUTH CAROLINA AND ACTION STAINLESS & ALLOYS, INC. PURSUANT TO TITLE 4, CHAPTER 1 AND CHAPTER 29, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; AND OTHER MATTERS RELATING TO THE FOREGOING** - Adopted

An ordinance entitled AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ROCK HILL, SOUTH CAROLINA AND ACTION STAINLESS & ALLOYS, INC. PURSUANT TO TITLE 4, CHAPTER 1 AND CHAPTER 29, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; AND OTHER MATTERS RELATING TO THE FOREGOING was given second reading and adopted upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

**ORDINANCE TO PROVIDE FOR THE DISPOSITION BY SALE OF PROPERTY LOCATED IN TECHPARK, ROCK HILL, SOUTH CAROLINA BY THE CITY OF ROCK HILL TO WORKSPACE RESOURCES, LLC.** - Adopted

An ordinance entitled AN ORDINANCE TO PROVIDE FOR THE DISPOSITION BY SALE OF PROPERTY LOCATED IN TECHPARK, ROCK HILL, SOUTH CAROLINA BY THE CITY OF ROCK HILL TO WORKSPACE

RESOURCES, LLC. was given second reading and adopted upon a motion by Councilmember Reno which was duly seconded and unanimously approved.

**ORDINANCE TO PROVIDE FOR THE DISPOSITION BY SALE OF PROPERTY LOCATED IN TECHPARK, ROCK HILL, SOUTH CAROLINA BY THE CITY OF ROCK HILL TO THE HUTTON COMPANY, LLC.** - Adopted

An ordinance entitled AN ORDINANCE TO PROVIDE FOR THE DISPOSITION BY SALE OF PROPERTY LOCATED IN TECHPARK, ROCK HILL, SOUTH CAROLINA BY THE CITY OF ROCK HILL TO THE HUTTON COMPANY, LLC. was given second reading and adopted upon a motion by Councilmember Reno which was duly seconded and unanimously approved.

**ORDINANCE TO AMEND CHAPTER 7, ANNEXATIONS, OF THE CODE OF THE CITY OF ROCK HILL, SO AS TO PROVIDE FOR THE ANNEXATION, ZONING AND WARD DESIGNATION OF RAMBO ROAD AREA I LYING ADJACENT TO THE CITY LIMITS OF THE CITY OF ROCK HILL, S.C. (CASE #2010-01)** - Adopted

An ordinance entitled AN ORDINANCE TO AMEND CHAPTER 7, ANNEXATIONS, OF THE CODE OF THE CITY OF ROCK HILL, SO AS TO PROVIDE FOR THE ANNEXATION, ZONING AND WARD DESIGNATION OF RAMBO ROAD AREA I LYING ADJACENT TO THE CITY LIMITS OF THE CITY OF ROCK HILL, S.C. (CASE #2010-01) was given second reading and adopted upon a motion by Councilmember Black which was duly seconded and unanimously approved. The motion included a restriction on the final plat and on the covenants, declarations and restrictions that would notify future property owners of a future landfill. Councilmember Sutton asked for information on the landfill and the proximity to this property and Mr. Eric Hawkins, Planner, stated that the applicant agreed that there would be notes on the final plat and restricted covenants that acknowledge the presence of a construction and debris landfill and that the information will be passed along to future owners when the property is sold. Councilmember Sutton that he wanted the City Attorney to be certain that the information on the landfill had been properly disclosed to future owners.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES IN THE OFFICIAL ZONING MAP AFFECTING APPROXIMATELY 66.69 ACRES LOCATED AT 560 RAMBO ROAD FROM AGRICULTURE CONSERVATION DISTRICT (AGC) TO SINGLE FAMILY RESIDENTIAL-4 (SF-4). (CASE #M-2010-01)** -

Adopted

An ordinance entitled AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES IN THE OFFICIAL ZONING MAP AFFECTING APPROXIMATELY 66.69 ACRES LOCATED AT 560 RAMBO ROAD FROM AGRICULTURE CONSERVATION DISTRICT (AGC) TO SINGLE FAMILY RESIDENTIAL-4 (SF-4).

(CASE #M-2010-01) was given second reading and adopted upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

**ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT BY AND AMONG THE CITY OF ROCK HILL, SOUTH CAROLINA, RETFORD INVESTMENTS LLC AND BRADMAN-LAKE, INC. PURSUANT TO TITLE 4, CHAPTER 1 AND CHAPTER 29, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; AND OTHER MATTERS RELATING TO THE FOREGOING** – First Reading

An ordinance entitled AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT BY AND AMONG THE CITY OF ROCK HILL, SOUTH CAROLINA, RETFORD INVESTMENTS LLC AND BRADMAN-LAKE, INC. PURSUANT TO TITLE 4, CHAPTER 1 AND CHAPTER 29, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; AND OTHER MATTERS RELATING TO THE FOREGOING was given first reading upon a motion by Councilmember Hinton which was duly seconded and unanimously approved. The Infrastructure Reimbursement Agreement and Ordinance between the City of Rock Hill, Retford Investments, LLC and Bradman Lake, Inc. will reimburse certain costs incurred by the company in constructing the new facility. The reimbursements will be made annually from property tax payments made by the company to the City. The reimbursements are limited to no more than five years of City taxes to be paid by the company. Bradman Lake will be located in SouthCross Business Center and will invest nearly \$3 million in land and equipment and bring 50 new jobs to Rock Hill paying at or above the average wage in York County.

Rick Norwood, Business Development Coordinator, presented the item to the City Council.

**DEFERRED ACTION ON THE AWARD OF A CONTRACT FOR INSTALLATION AND CONSTRUCTION OF STREETScape IMPROVEMENTS ON PORTIONS OF CALDWELL STREET AND EAST WHITE STREET**

Without objection the City Council deferred action on a contract for installation and construction of streetscape improvements on portions of Caldwell Street and East White Street

**AWARDED A BID TO LEE'S HAULING AND GRADING, LLC FOR THE AMOUNT OF \$2,726,809.50 FOR THE MANCHESTER CREEK 42" SEWER REHABILITATION PROJECT**

Upon a motion by Councilmember Hinton which was duly seconded and unanimously approved, the City Council awarded a bid to Lee's Hauling and Grading, LLC for the amount of \$2,726,809.50 for the Manchester Creek 42" Sewer Rehabilitation Project. Bids were received from seventeen (17) contractors and ranged from \$2,726,809.50 to \$3,639,201.50. Staff has verified that the Contractor has the

appropriate General Contractor's License (i.e., WL5) to complete the proposed improvements. Over the past four years, the Utilities Department has completed six major sewer projects using this budgeted money to replace and repair old lines. These projects include Dutchman Creek, Hope Street, Green Street, Glencairn Gardens, Stoney Branch, and Arcade Mills.

Scott Motsinger, Utilities Director, presented the item to the City Council.

**APPROVED THE INTER-BASIN TRANSFER SETTLEMENT AGREEMENT BY THE CATAWBA RIVER BASIN COALITION MEMBERS.**

Upon a motion by Councilmember Reno which was duly seconded and unanimously approved, the City Council approved the inter-basin transfer settlement agreement by the Catawba River Basin Coalition members. The motion included a condition that any nonsubstantive changes can be made with the approval of the City Manager and further that the City's lead attorney in this matter, Hunton and Williams, shall be authorized to execute this settlement agreement on behalf of the City.

The Inter-basin Transfer Agreement is the document that outlines the rules under which the cities of Concord and Kannapolis, NC can transfer water from the Catawba River basin to the Yadkin River basin. The settlement, made between the two Cabarrus County cities and a coalition of municipalities in the Catawba River Basin, puts restrictions on how much water Concord and Kannapolis can pump from the Catawba River.

Scott Motsinger, Utilities Director, presented the item to the City Council. Councilmember Pender asked that the staff work to produce some kind of reporting mechanism to ensure that the provisions of the agreement are being enforced. Mayor Echols asked that staff clarify with DMAG how this reporting will be done and how the enforcement will be handled. Councilmember Sutton stated that he was concerned that there was no way to affect an immediate remedy if the limits were exceeded and the City Attorney stated that the City could seek an injunction in a case like that.

**ANNOUNCED SMARTSWITCH WINNER.**

This month's SmartSwitch winner, chosen at random by computer, is Darrel Kirk. This customer will receive a \$100 credit on their next utility bill.

**CITY COUNCIL COMMITTEE REPORTS.**

There were no City Council Committee reports.

**MISCELLANEOUS BUSINESS.**

**Councilmember Sutton Re: Procurement Policy**

Councilmember Sutton asked when the recommended changes to the procurement would be coming to the City Council. The City Manager stated that he had consulted with the City Attorney and that he planned to discuss some of those legal issues with City Council this evening.

### **RETURNED TO EXECUTIVE SESSION**

The City Council returned to Executive Session.

### **RETURNED TO OPEN SESSION**

The City Council returned to Open Session and the Mayor reported that no action was taken during Executive Session.

### **APPOINTMENTS TO CITY BOARDS AND COMMISSIONS**

Upon a motion by Councilmember Sutton which was duly seconded and unanimously approved, the City Council made the following appointments to City Boards and Commissions:

#### **Committee on Employment of People with Disabilities**

Mary Ann Aberman, 609 Lakeside Dr, for a term to expire on January 26, 2013.

Dr. Rebecca Evers, 768 Sumter, for a term to expire on January 26, 2013.

Betty Miller, 286 Twin Lakes Road, for a term to expire on January 26, 2013.

David LeGrande, 4680 Summerlin Pl, for a term to expire on January 26, 2013.

Paul Shoda, 1211 Joanies Ct, for a term to expire on January 26, 2013.

#### **Committee on Human Relations**

Mirion Hefney, 312 State St, for a term to expire on January 26, 2012.

Andrew Walker, 1773 Cedar Post Ln, for a term to expire on January 26, 2013.

#### **Fire Prevention Code Board of Appeals**

Bill Finch, 1234 Winthrop Dr, for a term to expire on March 9, 2013.

Ken Taylor, 2034 Montclair Dr, for a term to expire on March 9, 2013.

Rodney Hicks, 1517 Clarendon Pl, for a term to expire on March 9, 2013.

#### **Huckle Beautification Committee**

Steve Crump, 873 Museum Rd, for a term to expire on March 1, 2013.

Charles Williams, 429 Guilford Rd, for a term to expire on March 1, 2013.

Cynthia Bottomley, 1717 Trellis Drive, for a term to expire on March 1, 2013.

#### **Property Maintenance Code Board of Appeals**

Emma Dunham Peoples, 340 High St., for a term to expire on March 12, 2013.

Carl Reinisch, 1667 Essex Hall Dr., for a term to expire on March 12, 2013.

#### **York County Natural Gas Authority Board**

Larry Bigham, PO Box 11745, for a term to expire on March 1, 2013.

Cycling Center of the Carolinas Association (CCCA) Board

Frank "Moe" Bell, 1305 India Hook Rd., for a term to expire on March 1, 2011.

Kim Deacon, 2704 Bridgewater Rd., for a term to expire on March 1, 2012.

John Hornsby, 608 Meadowbrook Ln, for a term to expire on March 1, 2013.

There being no further business the meeting was adjourned.

Minutes approved and adopted this \_\_\_\_ day of \_\_\_\_\_ 2010.

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David B. Vehaun, Municipal Clerk