

Council Chambers  
Regular Session  
Monday, January 11, 2010

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

No one was present to speak.

**EXECUTIVE SESSION**

Upon a motion by Councilmember Hinton was duly seconded and unanimously approved, the City Council moved into Executive Session for discussion of a downtown area project and for discussion of a potential contract involving the extension of City services and economic development incentives and to receive attorney client privileged legal advice; for discussion of appointments to City Boards and Commissions; for discussion of an area near the western part of the City and for discussion of a potential agreement involving the extension of City Utility Services and a related annexation agreement and to receive attorney client privileged legal advice related to the matter and annexation agreements; and to receive attorney client privileged legal advice related to a City Utility matter and the potential purchase of property for City utilities.

**RETURNED TO REGULAR SESSION**

Mayor Echols reported that no action was taken in Executive Session.

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

Council met in regular session with Mayor Echols, Mayor Pro Tem Sutton, and Councilmembers Gettys, Hinton, Pender, Reno and Roddey present. City Manager Carey Smith, Assistant City Manager Gerry Schapiro, Assistant City Manager/Municipal Clerk David B. Vebaun, and City Attorney Paul Dillingham were also present. Herald reporter Matt Garfield was in attendance. After Mayor Echols called the meeting into session the entire assembly recited the Pledge of Allegiance.

**APPROVED MINUTES OF REGULAR SESSION OF DECEMBER 14, 2009.**

Upon a motion by Councilmember Pender which was duly seconded and unanimously approved, the City Council approved the minutes of the Special Session of December 14, 2009. Councilmember Hinton noted a scribner error to the minutes from the meeting in December regarding the City Manager's contract.

**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 MILLER POND RD/OLD YORK RD AREA LYING ADJACENT TO THE CITY LIMITS OF THE CITY OF ROCK HILL, S.C. (CASE #M-2009-18) - 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 MILLER POND RD/OLD YORK RD AREA LYING ADJACENT TO THE CITY LIMITS OF THE CITY OF ROCK HILL, S.C. (CASE #M-2009-18) was given second reading and adopted upon a motion by Councilmember Reno which was duly seconded and unanimously approved.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES IN THE OFFICIAL ZONING MAP AFFECTING APPROXIMATELY 6.38 ACRES LOCATED 4900 AND 4940 OLD YORK RD. FROM BUSINESS DEVELOPMENT DISTRICT-III (BD-III) IN YORK COUNTY TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C). (CASE #M-2009-18) - 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 6.38 ACRES LOCATED 4900 AND 4940 OLD YORK RD. FROM BUSINESS DEVELOPMENT DISTRICT-III (BD-III) IN YORK COUNTY TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C). (CASE #M-2009-18) was given second reading and adopted upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

Mr. Eric Hawkins, Planner, noted that the cross access road between the parcels along Hwy 161 is not a public road but is simply a way to move between the lots. He also stated that the road will be built to a commercial collector standard. The staff will add a provision in the PD to require that each parcel owner will have to develop and maintain this connector road as the parcels are developed and maintain this connector into the future.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES TO THE TEXT AND OFFICIAL ZONING MAP BY REMOVING THE (YH) HISTORIC OVERLAY DISTRICT ZONING UPON APPROXIMATELY 0.24 ACRES LOCATED AT 327 W. MAIN STREET. (CASE #M-2009-21) - Adopted**

An ordinance entitled AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES TO THE TEXT AND OFFICIAL ZONING MAP BY REMOVING THE (YH) HISTORIC OVERLAY DISTRICT ZONING UPON APPROXIMATELY 0.24 ACRES LOCATED AT 327 W. MAIN STREET. (CASE #M-2009-21) was given second reading and adopted upon a motion by Councilmember Pender which was duly seconded and unanimously approved.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES IN THE OFFICIAL ZONING MAP AFFECTING APPROXIMATELY 5 ACRES LOCATED 1915, 1921, & 1925 EBENEZER RD. FROM NEIGHBORHOOD OFFICE (NO) TO MULTI-FAMILY-8 (MF-8). (CASE #M-2009-22) - 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 5 ACRES LOCATED 1915, 1921, & 1925 EBENEZER RD. FROM NEIGHBORHOOD OFFICE (NO) TO MULTI-FAMILY-8 (MF-8). (CASE #M-2009-22) was given second reading and adopted upon a motion by Councilmember Gettys which was duly seconded and unanimously approved.

**RECOGNIZED OUTGOING COUNCILMEMBER GETTYS**

The City Council recognized outgoing City Councilmember Gettys for his years of service on the City Council.

**INAUGURATION OF NEWLY ELECTED AND REELECTED MAYOR AND CITY COUNCILMEMBERS**

City Attorney, Paul Dillingham, administered the Oath of Office to Mayor Echols, Councilmember John Black, Councilmember Jim Reno and Councilmember Osbey Roddey.

**ORDINANCE AMENDING CHAPTER 27, TAXATION, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING DUE DATE, PAYMENT AND DELINQUENCY – First Reading**

An ordinance entitled AN ORDINANCE AMENDING CHAPTER 27, TAXATION, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING DUE DATE, PAYMENT AND DELINQUENCY was given first reading upon a motion by Councilmember Sutton which was duly seconded and unanimously approved.

Mr. David Vehaun, Assistant City Manager, presented the item to the City Council. Since 2000 the City has contracted with York County for the collection of property taxes. The County is recommending that the City consent to delay real estate property tax penalty dates as follows:

January 16<sup>th</sup>-3%

February 2<sup>nd</sup>-10% to 5%

March 17<sup>th</sup>-15% to 7%

April 16<sup>th</sup>-15%

**ORDINANCE TO PROVIDE FOR THE LEASE OF SPACE AT THE AIRPORT FROM THE CITY OF ROCK HILL TO RAYMOND D. PETTY** – First Reading

An ordinance entitled AN ORDINANCE TO PROVIDE FOR THE LEASE OF SPACE AT THE AIRPORT FROM THE CITY OF ROCK HILL TO RAYMOND D. PETTY was given first reading upon a motion by Councilmember Reno which was duly seconded and unanimously approved.

Mr. Eric Ramsdell, Airport Administrator, presented the item to the City Council. The ground lease is for a hangar in the newly completed corporate complex. The lease have been reviewed by the Airport Commission, the City Manager and the City Attorney.

**ORDINANCE TO PROVIDE FOR THE LEASE OF SPACE AT THE AIRPORT FROM THE CITY OF ROCK HILL TO ROBERTS ENTERPRISES** – First Reading

An ordinance entitled AN ORDINANCE TO PROVIDE FOR THE LEASE OF SPACE AT THE AIRPORT FROM THE CITY OF ROCK HILL TO ROBERTS ENTERPRISES was given first reading upon a motion by Councilmember Pender which was duly seconded and unanimously approved.

Mr. Eric Ramsdell, Airport Administrator, presented the item to the City Council. The ground lease is for a hangar in the newly completed corporate complex. The lease have been reviewed by the Airport Commission, the City Manager and the City Attorney.

**CONSIDERED PLANNING COMMISSION RECOMMENDATION**

The City Council considered the following recommendation from the City of Rock Hill Planning Commission. Mr. Eric Hawkins Planner, presented the item to the City Council.

- T-2009-06      A petition by Rock Hill Planning Commission to amend the zoning Ordinance affecting Article 2: Administration, regarding requirements for handling public notice affidavits and references to the Public Services Director. The Planning Commission voted 4-0 to recommend approval of the amendments subject to a statement in the staff report certifying that the required public notifications have been completed. The City Council agreed to the Planning Commission recommendation upon a motion by Councilmember Sutton which was duly seconded and unanimously approved.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE, ARTICLE 2: ADMINISTRATION, CONCERNING ADMINISTRATIVE CHANGES FOR PUBLIC NOTIFICATION AND REFERENCE TO DEVELOPMENT SERVICES DIRECTOR** – First Reading

An ordinance entitled AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE, ARTICLE 2:

ADMINISTRATION, CONCERNING ADMINISTRATIVE CHANGES FOR PUBLIC NOTIFICATION AND REFERENCE TO DEVELOPMENT SERVICES DIRECTOR was given first reading upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

**CONSIDERED PLANNING COMMISSION RECOMMENDATION**

The City Council considered the following recommendation from the City of Rock Hill Planning Commission. Mr. Bill Meyer, Development Services Director, presented the item to the City Council.

T-2009-07      A petition by Rock Hill City Council to amend the Zoning ordinance affecting Article 2: Administration and Article 4: Use Regulations, regarding land use separation requirements and to modify separation requirements for “back-to-back” properties. The Planning Commission voted 4-0 to recommend approval of the amendments subject to the inclusion of liquor stores and retail establishments that sell alcohol for off-site consumption on the list of uses that are ineligible for modifications to the separation requirements. City Council agreed to the Planning Commission recommendation upon a motion by Councilmember Sutton which was duly seconded and unanimously approved. Councilmember Sutton asked if it might be possible to move this process through the Zoning Board of Adjustments to allow the neighborhoods the opportunity to express their concern regarding a proposed change. Councilmember Reno asked that the City Attorney look into the possibility of creating some flexibility in the language when drafting the ordinance.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE, ARTICLE 2: ADMINISTRATION, CONCERNING ADMINISTRATIVE ADJUSTMENTS** – First Reading

An ordinance entitled AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE, ARTICLE 2: ADMINISTRATION, CONCERNING ADMINISTRATIVE ADJUSTMENTS was given first reading upon a motion by Councilmember Sutton which was duly seconded and unanimously approved.

**AUTHORIZED LETTER TO SCDOT IN SUPPORT OF CLOSING EXISTING RAILROAD CROSSINGS AT COMMUNITY AND MILL STREETS UPON COMPLETION OF A NEW, SAFER CROSSING AT QUANTZ STREET.**

City Council considered the authorization of a letter to SCDOT in support of closing existing railroad crossings at Community and Mill Streets upon completion of a new, safer crossing at Quantz Street.

Mr. Stephen Turner, Economic and Urban Development Director, presented the item to the City Council. The SCDOT has identified the existing railroad crossings as unsafe and have recommended their closure. Councilmember Sutton asked that the staff provide the Council a copy of the SCDOT recommendation regarding the crossing. SCDOT does seek the consent of local governments prior to closing railroad crossings. Due to the impacts on neighborhood residents and businesses City staff has suggested a replacement crossing. York County has provided funding of the closures from the Pennies for Progress fund. York County has agreed to allow the City to manage the project.

Mr. Adrian Sinkler, Manager of Grade Crossing Safety, spoke to the City Council in support of the plan to eliminate redundant grade crossings. Councilmember Sutton asked if Norfolk Southern would commit to keeping Quantz Street opening and Mr. Sinkler stated that they would not. Mr. Reno asked if Norfolk Southern would commit to not extending side tracks and Mr. Sinkler stated that he did not have the authority to respond to the question. Mr. Black asked if the railroad was opposed to at-grade crossings and Mr. Sinkler stated that they were. Mr. Roddey asked if there have been accidents at the two intersections Mr. Sinkler stated that there had been accidents – but that he had been told this by his director and did not have any data.

Mr. Phil Leazer, York County Engineering, addressed the City Council regarding the fact that the project had been approved in the 2003 Pennies for Progress referendum. Mr. Reno asked if any neighborhood meetings had been held at the time of the referendum and Mr. Leazer stated that there had not been any meetings. Councilmember Sutton expressed concern that the County would move forward with a project simply because it was on the list of projects without giving consideration to the project at the time of funding. Councilmember Sutton asked that the County provide the City a copy of the wording on the referendum regarding the rail crossing.

Ms. Leslie Moma, President of the Aragon Neighborhood Association, spoke in opposition to the proposal.

Mr. Josh Gray, President of the Industrial Mill Neighborhood Association, spoke in opposition to the proposal.

Dr. Jerry Sosebee, pastor of Northside Baptist Church, stated that former York County Councilmember Rick Lee, had presented to the church the option of closing the railroad intersections. Councilmember Lee also asked with and met with representatives from the other churches. The church did not approach anyone about that.

Ms. Libby Sweat Lambert, representing the Children's Attention Home, spoke in opposition to the proposal due to the problems it will create for the Attention Home.

Mr. Julian Harrison, Riverview Road, spoke in opposition to the closures and expressed concern for splitting up the neighborhoods.

Ms. Pat Selling, 605 Ferndale Drive and owner of a small rental house on Serene Street, expressed concern that fire trucks will be unable to reach the house due to the intersection closures.

Ms. Melanie Robinson, 309 Laurens Street, spoke in opposition to the plan and stated that the plan will affect property values.

Mr. John Charles, 316 Laurens Street, spoke in opposition to the plan.

Ms. Sharon Scruggs, 3 Parker Street, spoke in opposition to the plan.

Mr. Hans Lenger, owner of the Aragon Mill, spoke in opposition to the plan.

Mr. Lawrence Bell, 8 Mill Street, spoke in opposition to the plan.

Councilmember Reno made a motion to deny the approval of a letter recommending closure of the railroad crossing and stated that one of the City Council Strategic Goals was to support neighborhoods. Councilmember Sutton seconded the motion. Councilmember Pender asked about the likelihood of extending sidetracks if the railroad crossings are closed. Mr. Turner stated that the City would still have to negotiate the extension of the sidetracks – but that Norfolk Southern does own the right-of-way and they have certain legal rights within the right-of-way. Councilmember Sutton stated that the issue of closing the intersections is simply an effort to improve the situation in the downtown area and not really related to improving safety at the two intersections under consideration. Councilmember Roddey stated that the main issue seemed to be the issue of the side track. Councilmember Black stated that he wondered whether the problem at the White Street intersection would be solved by the closure of the two intersections under consideration. The motion to deny support of the letter was approved on a 4-3 vote with Mayor Echols and Councilmembers Hinton and Pender dissenting.

**AWARDED CONTRACT TO MONROE ROADWAYS CONTRACTORS, INC. FOR INSTALLATION OF APPROXIMATELY 3000' OF 16" DUCTILE IRON WATERLINE ALONG HWY 322 (MCCONNELLS HIGHWAY) FOR THE AMOUNT OF \$183,351.12.**

City Council considered an award to for installation of approximately 3000' of 16" ductile iron waterline along Hwy 322 (McConnells Highway). Councilmember Black made a motion to award the contract to Rogers Grading in the amount of \$190,299.20 instead of the low bid of \$183,351 from Monroe Roadways Contractors, Inc. as a result of a preferential award to the local contractor. Councilmember Sutton seconded the motion. The City Manager stated that he was considering a 3% preference threshold for local bidders – but that the bid from Rogers was still outside the 3% range. After a period of discussion, the motion failed on a 4-3 vote with Mayor Echols, and Councilmembers Hinton, Pender, and Reno dissenting.

Upon a motion by Councilmember Pender which was duly seconded by Councilmember Hinton and approved on a 6-1 vote with Councilmember Sutton dissenting, the City Council awarded a contract to Monroe Roadway Contractors, Inc. for installation of approximately 3000' of 16" ductile iron waterline along Hwy 322 (McConnells Highway) for the amount of \$184,351.12. Mayor Echols asked that the City Manager come forward with a recommendation regarding preferences for local contractors.

**RECEIVED RECOMMENDATION FOR 2010 ECONOMIC DEVELOPMENT GOALS FROM THE ROCK HILL ECONOMIC DEVELOPMENT CORPORATION**

At a workshop held on May 14, 2009, City Council shared its 2009-2012 Strategic Plan the RHEDC Board and Council. RHEDC was asked to support the City's goals as it developed it own work programs for the coming years. At a joint workshop on December 10, 2009, the RHEDC responded to the City's Strategic Plan with the

proposed economic development goals for 2010. The RHEDC presented these goals as part of the presentation to City Council.

Ms. Bev Carroll, RHEDC Chairperson, presented the item to the City Council.

**ANNOUNCED SMARTSWITCH WINNER.**

This months Smart Switch winner, chosen at random by computer, is Alex Bishop. This customer will receive a \$100 credit on their next utility bill.

**CITY COUNCIL COMMITTEE REPORTS**

**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:

**Cemetery Committee**

Mr. Anthony Pegues, 305 Byron Lane, for a term to expire on August 11, 2010.

**MISCELLANEOUS BUSINESS.**

There was no miscellaneous business.

Adjourn.