

Council Chambers  
Special Session  
Monday, June 28, 2010

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

**RECOGNIZED THE CITY'S PARTNERSHIP WITH THE IRS  
VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM**

Upon a motion by Councilmember Pender which was duly seconded and unanimously approved, the City Council recognized the City's partnership with the IRS Volunteer Income Tax Assistance (VITA) Program. Mr. Bill Perry was present to accept the proclamation.

**RECOGNIZED FINANCE DEPARTMENT FOR RECEIPT OF THE  
DISTINGUISHED BUDGET PRESENTATION AWARD FOR THE CURRENT  
FISCAL YEAR FROM THE GOVERNMENT FINANCE OFFICERS  
ASSOCIATION (GFOA)**

The City Council recognized the Finance Department for receipt of the Distinguished Budget Presentation Award for the current fiscal year from the Government Finance Officers Association of the United States and Canada (GFOA). The award is the highest form of recognition in governmental budgeting and represents a significant achievement by the City of Rock Hill. This is the 19<sup>th</sup> straight year that the City has received the award.

Ms. Monica Croskey, Financial Analyst, was present to accept the award. She also stated that the City had been selected to participate in a performance management program with the National Center for Civic Innovation.

**APPROVED MINUTES OF REGULAR SESSION OF JUNE 14, 2010**

Upon a motion by Councilmember Hinton which was duly seconded and unanimously approved, the City Council approved the minutes of the Regular Session of June 14, 2010.

**APPROVED APPROPRIATING RETAINED EARNINGS TO FUND  
YEAR-END EXPENSES, IF NECESSARY**

Upon a motion by Councilmember Reno which was duly seconded and unanimously approved, the City Council approved appropriating retained earnings to fund year-end expenses, if necessary. As the end of the fiscal year approaches, the influence of many factors can still affect the year-end bottom line. Uncertainties and complexities in expenditure and revenue receipts make it extremely difficult to predict exact year-end figures. At the end of each fiscal year, the City Council is asked to authorize the City Manager to appropriate from the City's retained earnings any revenue that will be sufficient to meet a year-end shortfall. According to state law, this action must be taken in the current fiscal year. At this time, staff does not anticipate needing to appropriate the retained earnings.

Mr. Steven Gibson, Administrative Services Director, presented the item to the City Council.

**ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING ELECTRIC RATES** – Adopted

An ordinance entitled AN ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING ELECTRIC RATES was considered by the City Council. City Manager Carey Smith presented the item to the City Council. He stated that the staff had looked at some ideas for dealing with the proposed rate electric rate increase and offered several options for reducing the proposed increase – including eliminating several projects and appropriating a portion of the fund balance from the 2009/10 fiscal year. This proposal would reduce the electric rate increase from 5.3% to 4.0%.

Councilmember Sutton expressed concern with the fact that City staff had supported the proposed PMPA increase. The City Manager stated that PMPA had increased their rates due to the increased cost of nuclear fuel, a need to replace the intake used to cool water, increased maintenance costs associated with operating the facilities, and the increased cost of supplemental power. Councilmember Sutton stated that in the future the City Manager needed to provide information to the City Council on the actions of PMPA. Mayor Echols suggested that the staff begin to look at decisions that will impact the City in the future with regard to PMPA and present this information at the City Council retreat. He also stated that he believed that reducing the rate to 4.0% was shortsighted. Councilmember Hinton stated that based on feedback from the community she was unwilling to support any rate increases at this time. Councilmember Roddey stated that he felt as if the City Council needed to move forward with the process proposed by the staff. Councilmember Pender stated that she believed that a stable, effective government was important and that she had considered using the reserve fund to further reduce the proposed rate increase – but she was concerned about the impact on the budget for the coming year.

Following this period of discussion, Councilmember Reno made a motion to approve the 4.0% increase and to amend the budget with the following changes:

1. Eliminate the Eden Terrace Electric Line Relocation \$220,000
2. Eliminate the Heckle Blvd Street Lighting Project \$434,000
3. Appropriate fund balance from 2009/10 to 2010/11 \$282,000

The motion failed on a 4-3 vote with Mayor Echols and Councilmembers Black, Hinton, and Sutton dissenting.

Upon failure of the vote, the City Manager stated that if the City Council did not approve an electric rate increase, then the City budget would have to be reduced by \$3.8 million. Mayor Echols stated that the City had always used good financial prudence in making decisions and it was important that the enterprise funds stand on their own. Councilmember Sutton stated that he believed that the additional cuts could be made in the General Fund since there is still \$511,000 that is being over-funded by the transfer policy. Councilmember Black stated that the General Fund needed to be run like a business – just like the enterprise funds. The Mayor subsequently made a motion for reconsideration of the item which was duly seconded by Councilmember Sutton and unanimously approved.

Councilmember Reno made a motion to approve the 4.0% increase and to amend the budget (reducing the budget by \$936,000) with the following changes:

1. Eliminate the Eden Terrace Electric Line Relocation \$220,000
2. Eliminate the Heckle Blvd Street Lighting Project \$434,000
3. Appropriate fund balance from 2009/10 to 2010/11 \$282,000

The motion was duly seconded by Councilmember Pender and approved on a 4-3 vote with Councilmembers Black, Hinton and Sutton dissenting.

**ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING WATER RATES** - Adopted

An ordinance entitled AN ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING WATER RATES was given second reading and adopted upon a motion by Councilmember Pender which was duly seconded and approved on a 4-3 vote with Councilmembers Black, Hinton and Sutton dissenting.

**ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING SEWER RATES** - Adopted

An ordinance entitled AN ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING SEWER RATES was given second reading and adopted upon a motion by Councilmember Pender which was duly seconded and approved on a 4-3 vote with Councilmembers Black, Hinton and Sutton dissenting.

**ORDINANCE TO RAISE REVENUE, ADOPT A BUDGET AND WORK PROGRAM FOR THE CITY OF ROCK HILL, SC FOR THE FISCAL YEAR ENDING JUNE 30, 2011, AND TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES FROM TIME TO TIME DURING THE FISCAL YEAR 2010/2011** - Adopted

An ordinance entitled AN ORDINANCE TO RAISE REVENUE, ADOPT A BUDGET AND WORK PROGRAM FOR THE CITY OF ROCK HILL, SC FOR THE

FISCAL YEAR ENDING JUNE 30, 2011, AND TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES FROM TIME TO TIME DURING THE FISCAL YEAR 2010/2011 was given second reading and adopted upon a motion by Councilmember Roddey which was duly seconded and approved on a 4-3 vote with Councilmembers Black, Hinton and Sutton dissenting.

Mr. Steven Gibson, Administrative Services Director, addressed the City Council and stated that the total amount of the budget ordinance changed to \$167,562,801.

### **CONSIDERED PLANNING COMMISSION RECOMMENDATIONS**

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.

M-2010-03 A withdrawal of a petition by MV Residential LLC to rezone approximately 16.7 acres at 620 Herlong Ave. from Residential Conservation District-I (RC-I) in York County to Planned Development-Commercial (PD-C). Tax parcels 684-00-00-008, -013, -014, -015, -016, -017, -018, & -019. The developer withdrew the petition and the City Council agreed to accept the withdrawal upon a motion by Councilmember Roddey which was duly seconded and unanimously approved.

M-2010-06 A petition by City of Rock Hill to rezone approximately 12.68 acres at 703 Cowan Farm Rd. from Multi-family-15 (MF-15) to Office & Institutional (OI). Tax parcel 669-04-01-043 (portion). The Planning Commission unanimously recommended approval of the petition. The City Council agreed to the Planning Commission recommendation upon a motion by Councilmember Hinton which was duly seconded and unanimously approved. Councilmember Sutton noted that the City was required to leave the natural buffer as part of the agreement.

### **ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES IN THE OFFICIAL ZONING MAP AFFECTING APPROXIMATELY 12.68 ACRES LOCATED AT 703 COWAN FARM RD. FROM MULTI-FAMILY RESIDENTIAL-15 (MF-15) TO OFFICE & INSTITUTIONAL (OI). (CASE #M-2010-06) – First Reading**

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 12.68 ACRES LOCATED AT 703 COWAN FARM RD. FROM MULTI-FAMILY RESIDENTIAL-15 (MF-15) TO OFFICE & INSTITUTIONAL (OI). (CASE #M-2010-

06) was given first reading upon a motion by Councilmember Hinton which was duly seconded and unanimously approved.

**CONSIDERED PLANNING COMMISSION RECOMMENDATIONS**

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.

M-2010-07 A postponement of a petition by Big Vision LLC to rezone approximately 45 acres at the Gates at Eastview from Rural Development District-I (RUD-I) to Office & Institutional (OI). Tax parcels 504-01-01-015, 504-01-01-023 thru -031, 504-01-01-044 thru -069, and 504-01-01-072. The developer requested deferral of the item and City Council agreed to defer the item for up to 30 days upon a recommendation upon a motion by Councilmember Pender which was duly seconded and approved on a 6-0 vote. Councilmember Reno recused himself due to a potential conflict of interest. An official copy of his statement is hereby attached and made an official part of the record.

**CONSIDERED PLANNING COMMISSION RECOMMENDATIONS**

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.

M-2010-08 A petition by Warren Norman Company, Inc. to rezone approximately 10 acres located at 640 and 648 Galleria Boulevard from Community Commercial (CC) to Planned Development-Commercial (PD-C), and to make additional amendments to the previously approved PD Master Plan regarding vehicle sales and signage. Tax map numbers 667-01-01-005, 667-01-01-008, 667-01-01-011, 667-01-01-031, and 667-01-01-126. The Planning Commission unanimously recommended approval of the petition. The City Council agreed to the Planning Commission recommendation upon a motion by Councilmember Hinton which was duly seconded and unanimously approved. Councilmember Reno stated that the elimination of certain time limits with regard to the rezoning could be reinstated with a future public/private agreement with the developer. Councilmember Pender asked for additional information on the height of the sign and the topography in the area. She also asked for information on the height of other signs in the area.

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE BY MAKING CERTAIN CHANGES IN THE OFFICIAL ZONING MAP AFFECTING APPROXIMATELY 193 ACRES LOCATED AT 640 AND 648 GALLERIA BLVD. FROM COMMUNITY COMMERCIAL (CC) AND PLANNED DEVELOPMENT-COMMERCIAL (PD-C) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C). (CASE #M-2010-08)** – First Reading

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 193 ACRES LOCATED AT 640 AND 648 GALLERIA BLVD. FROM COMMUNITY COMMERCIAL (CC) AND PLANNED DEVELOPMENT-COMMERCIAL (PD-C) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C). (CASE #M-2010-08) was given first reading upon a motion by Councilmember Reno which was duly seconded and unanimously approved.

**CONSIDERED PLANNING COMMISSION RECOMMENDATIONS**

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-2010-02      A petition by Rock Hill Planning Commission to amend the zoning ordinance of the City of Rock Hill by making certain text changes affecting Article 4: Use Regulations; Article 5: Density, Intensity, & Dimensional Standards; Article 6: Development & Design Standards; and Article 10: Definitions & Rules for Interpretation, in relation to design standards for alternative energy systems and facilities. The Planning Commission unanimously recommended approval of the petition. The City Council agreed to the Planning Commission recommendation 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, ARTICLE 4: USE REGULATIONS; ARTICLE 5: DENSITY, INTENSITY, & DIMENSIONAL STANDARDS; ARTICLE 6: DEVELOPMENT & DESIGN STANDARDS; AND ARTICLE 10: DEFINITIONS & RULES FOR INTERPRETATION, CONCERNING DESIGN STANDARDS FOR ALTERNATIVE ENERGY SYSTEMS AND FACILITIES. (CASE #T-2010-02)** – First Reading

An ordinance entitled AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROCK HILL CODE, ARTICLE 4: USE REGULATIONS; ARTICLE 5: DENSITY, INTENSITY, & DIMENSIONAL STANDARDS; ARTICLE 6: DEVELOPMENT & DESIGN STANDARDS; AND ARTICLE 10: DEFINITIONS & RULES FOR INTERPRETATION, CONCERNING DESIGN STANDARDS FOR ALTERNATIVE ENERGY SYSTEMS AND FACILITIES. (CASE #T-2010-02) was

given first reading upon a motion by Councilmember Pender which was duly seconded and unanimously approved.

**APPROVED AMENDMENTS TO THE AGREEMENT WITH YORK COUNTY COUNCIL ON AGING RELATED TO ENHANCEMENTS TO THE DEMAND RESPONSE TRANSPORTATION PROGRAM TO PROVIDE PEAK PERIOD SERVICE.**

Upon a motion by Councilmember Pender which was duly seconded and unanimously approved, the City Council approved amendments to the agreement with the York County Council on Aging related to enhancements to the Demand Response Transportation Program to provide peak period service. This proposed amendment will provide for dedicating buses during morning and late afternoon times for employment travel purposes. The amendments reflect peak period operations will be available Monday through Friday from 5:30 am to 9 am and from 3:30 pm to 6:00 pm. The cost is covered by an American Recovery and Reinvestment Act grant.

Mr. David Hooper, Transportation Planner, presented the item to the City Council.

**APPROVED A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCK HILL APPROVING A VEHICLE LEASE AGREEMENT BETWEEN THE CITY AND YORK COUNTY COUNCIL ON AGING**

Upon a motion by Councilmember Hinton which was duly seconded and unanimously approved, the City Council approved a resolution approving a vehicle lease agreement between the City and York County Council on Aging.

Mr. David Hooper, Transportation Planner, presented the item to the City Council.

**AWARDED A CONTRACT FOR AUDIT SERVICES TO BURKETT, BURKETT & BURKETT**

Upon a motion by Councilmember Roddey which was duly seconded and unanimously approved, the City Council awarded a contract for audit services to Burkett, Burkett, & Burkett. Pursuant to state law, the City cannot contract for audit services for a period of not more than four years. Even though the current auditors will complete their work in the fall of 2010 for our fiscal year ending June 30, 2010, state law requires the City to award a contract for the next audit term prior to the beginning of the first fiscal year for which the firm will serve as auditor. With this in mind, the Finance Department circulated a Request for Proposals (RFP) for audit services to all local CPA firms and to select other area firms that had previously expressed interest. The bids, inclusive of fees for the audit of the Housing Development Corporation, are summarized below:

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Burkett, Burkett & Burkett	41,000	41,000	42,000	42,000
Cline, Brandt & Kochenower	52,550	52,550	52,550	52,550

Faulkner & Thompson	80,600	82,000	85,000	88,000
Greene, Finney & Horton	53,500	55,100	56,800	58,500
Moyer, Smith & Roller	55,550	57,550	59,550	61,550

The City's current contract is with Burkett, Burkett & Burkett. City staff and management have been pleased with their performance and their level of governmental expertise.

Mr. Drew Cooper, Controller, presented the item to the City Council.

**ANNOUNCED SMARTSWITCH WINNER**

This month's SmartSwitch winner, chosen at random by computer, is Danica O. Boular. 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 Pender Re: City Assistance with Customer Utility Bills**

Councilmember Pender stated that the City works very closely with citizens that are having trouble paying their bills and works with Carolina Community Action to assist customers in need, The City Manager stated that Project Hope was an important component of the City's assistance program.

**EXECUTIVE SESSION**

Upon a motion by Councilmember Roddey which was duly seconded and unanimously approved, the City Council moved into Executive Session for consideration of the following items: for discussion of two items related to contractual negotiations involving two potential agreements for property near Cherry Road and the extension of City services related thereto and to receive attorney client privileged legal advice related to these matters; for consideration of appointments to City Boards and Commissions; and to discuss the employment of an employee.

**RETURNED TO OPEN SESSION**

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