

Lancaster County Council Infrastructure and Regulation (I & R) Committee Regular Meeting Agenda

Tuesday, April 10, 2018

County Council Conference Room
County Administration Building
101 N. Main Street
Lancaster, SC 29720

1. **Call to Order Regular Meeting – Committee Chair Larry Honeycutt** 3:00 p.m.
2. **Approval of the agenda** *[deletions and additions of non-substantive matters]*
3. **Citizens Comments**
4. **Approval of Minutes from the March 13, 2018 I&R Committee regular meeting – pgs. 2-5**
5. **Discussion / Action Items**
 - a. Discussion of Animal Shelter – *Larry Honeycutt*
 - b. Discussion of Garage – *Larry Honeycutt*
 - c. TDON Development – Twelve Mile Creek Road – *John Weaver/Rod Stiegele/Jeff Kronengold – pgs. 6-11*
6. **Adjournment**

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting.

Lancaster County Council Infrastructure and Regulation Committee agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org

Larry Honeycutt, District 4, Chairman
Terry Graham, District 1
Billy Mosteller, District 3



Minutes of the Lancaster County Council Infrastructure and Regulation (I & R) Committee Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Tuesday, March 13, 2018

Council Members present were Larry Honeycutt, Terry Graham, Billy Mosteller and Charlene McGriff. Also present were John Weaver, Steve Willis, Chelsea Gardner, Veronica Thompson, Kimberly Hill, Jeff Catoe, and various department heads and citizens. A quorum of the Lancaster County I & R Committee was present for the meeting.

The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, *Fort Mill Times*, Cable News 2, Channel 9 and the local Government Channel. The agenda was posted in the lobby of the County Administration Building and also on the county website for the required length of time.

Call to Order

Committee Chairman Larry Honeycutt called the regular meeting to order at approximately 3:00 p.m.

Approval of the Agenda

Billy Mosteller moved to approve the agenda as written. Seconded by Terry Graham. The approval of the agenda passed by unanimous vote of 3-0.

Citizens Comments

There were no citizens that came forward to speak during citizens comments.

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Approval of Minutes

Terry Graham moved to approve the minutes from the February 13, 2018 I & R Committee regular meeting. Seconded by Billy Mosteller. The approval of the February 13, 2018 I & R Committee regular meeting minutes passed by unanimous vote of 3-0.

Discussion / Action Items

Ordinance 2018-1491 regarding Second Amendment to the Development Agreement

Avondale Development Ordinance Title: An Ordinance To Approve A Second Amendment To The Development Agreement Avondale Development; To Authorize Certain County Officials To Execute And Deliver The Second Amendment To The Development Agreement Avondale Development

Terry Graham made the motion to move the ordinance forward to full Council. Passed by a vote of 3-0.

Recycle Sites

Public Works Director, Jeff Catoe stated that they have gone back to daylight savings time however they left the hours at the recycling sites from 9:00 a.m. – 6:00 p.m. The long term plan is to have three more convenient sites like the one in the panhandle area.

County Administrator, Steve Willis stated that some of the sites hours will have to be reduced to expand hours at other sites. Steve stated that if they have no objections to adjust the hours then he can approve administratively.

Transportation Alternatives Program (TAP) grant application for proposed sidewalks on River Road

Planning Director, Penelope Karagounis stated that the grant that they are applying for is part of the Transportation Alternatives Program application and is due April 9th. The money that can be awarded is \$112,987. However the 5ft sidewalk would cost \$161,300 so they need a match. Penelope stated that she has reached out to the school district with the information.

Tween Program at Parks and Recreation

Program Supervisor for the after school, summer day camp, and farmers market for Lancaster County, Mike Barnes stated that this program would be for students that are between the elementary school and the teenagers that are not at the age to stay by themselves. Mike Barnes stated that he would like to start the program off at Springdale because it is a center location. There would be field trips in the morning and also life skills training, college access training,

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also different groups to come and talk with the teens. There would also be a three hour organized recreation program.

Summer Youth Program at Parks and Recreation

Program Supervisor for the after school, summer day camp, and farmers market for Lancaster County, Mike Barnes stated that he would like to do a once a month program beginning in May on Friday nights. There would be a DJ, nonprofits to come and counselors to come if anyone wanted to talk. There would be food where the youth could eat a good meal. Mike Barnes stated that if the tween program goes the way they think then the revenue from the tween program will pay for this program.

Billy Mosteller made the motion to send the information about the two programs to the Administration Committee. Passed 3-0.

FY 2016-2017 pool finance report (operating cost)

Assistant Recreation Director, Katherine Walters stated that she is giving this to Council for information. Katherine Walters stated that she has been made aware that with YMCA taking over the pool at USCL the lifeguards are making \$10.00 an hour at YMCA and Katherine stated the she starts the staff at \$8.00. Katherine stated she and Kimberly Hill are going to look at the budget and Katherine is going to try to have the numbers for how it will affect their budget for the Administration Committee meeting on Thursday.

Regional Recreation Site- Source of Funds for Purchase

Steve Willis, County Administrator stated that if they are going to want to do something like the Athletic Complex then something else will have defer something else.

Charlene McGriff asked what the cost was to finish the Buford recreation complex would be. Hal Hiott stated that the price to complete the Buford project would be around \$450,000

Community Input for Library – Partnering with J. Marion Sims AND timeline update on libraries

Rita Vogel, Library Director stated that they are in partnership with J. Marion Sims. They are helping them rollout a survey campaign that will last about 10 days. The survey will help them understand how people use the library, if they use the library or not, what are they looking for in the library.

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Discussion of Library

Two library board members were present, Phyllis Jarvis and Deborah Cureton to answer any questions that the Committee may have had. Charlene McGriff asked if there is a time line for the project. Rita mentioned that possibly in two years the projects will be completed per the architects which is from the time that they are hired.

Litter throughout the County

Larry Honeycutt discussed the litter problem within Lancaster County.

Executive Session

John Weaver, County Attorney stated he left the item on Executive Session from the Public Safety meeting just in case someone wasn't at the Public Safety meeting on March 12th also just in case anyone had any questions.

Adjournment

Terry Graham moved to adjourn the meeting. Seconded by Billy Mosteller. The motion to adjourn passed by unanimous vote of 3-0.

Respectfully Submitted:

Approved by the I & R Committee

Chelsea Gardner
Deputy Clerk to Council

Larry Honeycutt, Chairman

Agenda Item Summary

Ordinance #: N/A

Contact Person: John Weaver

Department: County Attorney

Date Requested to be on I&R Committee Agenda: April 10, 2018



Issue for Consideration: What means of relief would Council support TDON Development's effort to enforce and complete an agreement earlier reached between TDON Development and a member of the Garriss family that owns property along a portion of Twelve Mile Creek Road?

Points to Consider: Twelve Mile Creek Road originally was an unpaved, unplatted county owned road (via Prescriptive Easement) located in Indian Land running in a southeasterly direction near the intersection of Jim Wilson Road and Henry Harris Road. Some years back, TDON purchased multiple acres in this area for development of a residential subdivision that presently is under construction. That subdivision is located on both sides of Twelve Mile Creek Road. A number of other third-party, private properties are located along Twelve Mile Creek Road.

So as to improve the quality of the roadway for not only TDON, but also the adjacent property owners and Lancaster County, the parties agreed to close/abandon the gravel road via judicial order and thereafter realign and pave the road via a surveyed, defined easement. By order dated July 12, 2017, the road was abandoned. A copy of the order is attached to the AIS.

TDON (and Lancaster County now is faced with a situation where one of the adjacent property owners, in violation of his earlier commitment, refuses to comply with an Agreement to finalize the necessary legalities so as to realign and pave the road. Representatives of TDON Development will be present to further explain the situation and answer questions. Following that discussion, the representatives and county staff will offer several suggestions to the committee as to how this matter can be resolved.

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

TDON Development, Inc.)

Plaintiff,)

vs.)

County of Lancaster, South Carolina,)

South Carolina Department of)

Transportation, Billy A. and Gloria W.)

Garris, James Phillip Burt, Jr., James)

Doyle and Monica Garris, Kay Y. Sloan)

And Carol Ostendorff, Trustees of the)

Agnes W. Yarborough Living Trust,)

Monroe Hardware Company and any)

other interested party,)

Respondents.)

IN THE COURT OF COMMON PLEAS

C.A. NO: 2014-CP-29-00604

SPECIAL REFEREE'S

REPORT AND ORDER

CLOSING AND ABANDONING

A PORTION OF TWELVE MILE CREEK ROAD

CLERK OF COURT
LANCASTER, SC

2017 JUL 26 AM 11:42

FILED
OFFICE OF CLERK
OF COURT

CLERK OF COURT
LANCASTER, SC

2017 JUL 18 AM 10:59

FILED
OFFICE OF CLERK
OF COURT

Pursuant to Rule 53 SCRCP, the above entitled matter was referred to the Lancaster County Special Referee to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in this case. Any appeal from this Order is to the South Carolina Court of Appeals.

Pursuant to the Consent Order of Reference filed on February 25, 2015 in the above-entitled case, a hearing was held before the Honorable William C. Tindal, Special Referee for Lancaster County on June 15, 2017.

FINDINGS OF FACT

COURT FILINGS

1. The Summons and Petition for Abandonment and Closing of Road was filed in the Office of the Clerk of Court for Lancaster County on May 8, 2014. Included with the aforementioned Petition was the Certification of Publication wherein Plaintiff published a Notice of Intention to File Petition pursuant to Section 57-9-10, South Carolina Code, 1976, as amended.

2. Acceptances of Service evidencing service of the Summons and Petition for Abandonment on the following Respondents: County of Lancaster, South Carolina Department

of Transportation, James Doyle and Monica Garris, Billy A. and Gloria W. Garris, and Monroe Hardware Company, all of which were filed in the Office of the Clerk of Court for Lancaster County on October 3, 2014.

3. An Affidavit of Service from the Lancaster County Sheriff's Office evidencing service of the Summons and Petition for Abandonment on Defendant James Philip Burt, Jr. Mr. Burt was personally served on October 31, 2014 and the Affidavit was filed with the Clerk of Court for Lancaster County on June 1, 2017.

4. An Affidavit of Service from the York County Sheriff's Office evidencing service of the Summons and Petition for Abandonment on Defendant Carol Y. Ostendorff, Trustee of the Agnes W. Yarborough Living Trust. Ms. Ostendorff was personally served on October 17, 2014 and the Affidavit was filed with the Clerk of Court for Lancaster County on June 1, 2017.

5. An Answer of Lancaster County was filed in the Office of the Clerk of Court for Lancaster County on October 7, 2014.

6. An Answer of the South Carolina Department of Transportation filed in the Office of the Clerk of Court for Lancaster County on October 7, 2014.

7. No other Respondent, other than those referenced above in Paragraphs 5 and 6, filed an Answer with the Court.

8. The Court takes notice of a Limited Warranty Deed executed by Carol Ostendorff and Kay Y. Sloan, as Successor Co-Trustees of the Agnes W. Yarborough Living Trust ("Yarborough Living Trust"), dated September 13, 2001 conveying all of the Trust's interest in their property adjoining Twelve Mile Creek Road to Twelve Mile Creek Land Ventures, LLC, a North Carolina limited liability company which is managed by the Plaintiff, TDON Development, Inc. Said deed was filed in the Office of the Clerk of Court for Lancaster County on November 17, 2014 in Deed Book 831 at Page 327.

9. The Court takes notice of a Limited Warranty Deed executed by Monroe Hardware Company ("Monroe Hardware") conveying all of its interest in their property adjoining Twelve Mile Creek Road to Twelve Mile Creek Land Ventures, LLC, a North Carolina limited liability company which is managed by the Plaintiff, TDON Development, Inc. Said deed was filed in the Office of the Clerk of Court for Lancaster County on November 25, 2014 in Deed Book 833 at Page 322.

10. The result of the filing of the aforementioned deeds is that Twelve Mile Creek Land Ventures, LLC is the successor in title to both Monroe Hardware and Yarborough Living Trust.

11. The Notice of Hearing and Certificate of Mailing was filed in the Office of the Clerk of Court for Lancaster County on May 18, 2017, evidencing notice of the June 15, 2017 hearing to all Respondents.

[Handwritten signature]

Prior to the hearing, Plaintiff advised the Court that a settlement had been reached by all the parties whereby all parties have agreed to the abandonment and foreclosure of that portion of Twelve Mile Creek Road as outlined in the Plaintiff's Petition. That settlement is contained in an Agreement Regarding Dedication and Construction of Public Road Right of Way, and Conveyance of Construction Easements as well as a Temporary Road Construction Easement Agreement which has been executed by Lancaster County, Twelve Mile Creek Land Venture, LLC and all of the individual Respondents.

CLOSURE AND ABANDONMENT
OF A PORTION OF TWELVE MILE CREEK ROAD

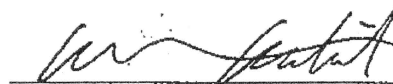
1. The roadway, Twelve Mile Creek Road, which is the subject of this action, is situate and located in Lancaster County, South Carolina.
2. This Court has jurisdiction over this matter and venue is proper in Lancaster County, South Carolina.
3. The Plaintiff has included all necessary parties in the filing of this action, all parties have been notified of this hearing and all statutory requirements for abandonment of a road pursuant to S. C. Code Ann. Section 57-9-10, *et seq.* (1976, as amended) have been met.
4. The portion of Twelve Mile Creek Road which is the subject of this action runs from its intersection with Henry Harris Road to Twelve Mile Creek (a tributary) for a linear distance of approximately 4000 feet. This portion of the road is designated as part of S29-93 on the road system map for Lancaster County. It is depicted on Exhibit "A" attached hereto.
5. The portion of Twelve Mile Creek Road to be abandoned is a gravel road which has been provided with only minimal maintenance by Lancaster County for many years. The South Carolina Department of Transportation has not maintained the road and does not claim it as a part of its road system.
6. The portion of Twelve Mile Creek Road to be abandoned, which is now permanently cut off from through vehicular traffic over Twelve Mile Creek, has as its sole purpose a means of ingress and egress for Respondents Billy A. and Gloria Garris, James Phillip Burt, Jr., and James Doyle and Monica Garris (hereinafter referred to as "individual Respondents").
7. Respondents Monroe Hardware Company and Carol Y. Ostendorff/Kay Y. Sloan, Co-Trustees of the Agnes W. Yarborough Living Trust, both of whom once utilized Twelve Mile Creek Road for ingress and egress, have sold their property to Twelve Mile Creek Land Ventures, LLC. Twelve Mile Creek Land Ventures, LLC is managed by Plaintiff, TDON Development, Inc.

[Handwritten signature]

8. All Respondents to this action have either agreed to the closure of that portion of Twelve Mile Creek Road or have raised no objection to same. Closure of this portion of Twelve Mile Creek Road will not adversely affect any adjoining property owner as Twelve Mile Creek Land Ventures, LLC is constructing a new road which will provide a means of ingress, egress and access to their respective property. The parties have agreed on a resolution and same is contained in an Agreement Regarding Dedication and Construction of Public Road Right of Way, and Conveyance of Construction Easements as well as a Temporary Road Construction Easement Agreement. This agreement was executed by Lancaster County, Twelve Mile Creek Land Ventures and all of the individual Respondents. It contains agreements as to the judicial abandonment of that portion of the existing Twelve Mile Creek Road referenced herein and provides for dedication and construction of a new public road among other things. The new public road will provide the individual Respondents with a means of ingress and egress to their property.
9. The Court believes it is in the best interest of all concerned that the portion of Twelve Mile Creek Road, as depicted on the attached Exhibit "A", should be closed and abandoned as a means of public access, all in accordance with S.C. Code Ann. Section 57-9-10, *et seq.* (1976, as amended). The Court further believes and finds that the title to that portion of the abandoned or closed road known as Twelve Mile Creek Road shall be vested in the respective owners of the adjoining property to the centerline by extending the respective property lines to the centerline of the closed road.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The portion of Twelve Mile Creek Road, from its intersection with Henry Harris Road to its intersection with Twelve Mile Creek (the tributary) shall be and is forever closed and abandoned as a public right of way or means of ingress and egress, all in accordance with S.C. Code Ann. Section 57-9-10, *et seq.* (1976, as amended), the same being depicted on the attached Exhibit "A".
2. The title to that portion of the abandoned or closed road known as Twelve Mile Creek Road shall be and is hereby vested in the respective owners of the adjoining property to the centerline by extending the respective property lines to the centerline of the closed road, as is depicted on the attached Exhibit "A".



William C. Tindal
Special Referee

Lancaster, South Carolina

July 12, 2017

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FILED
OFFICE OF CLERK
OF COURT

2017 JUL 26 AM 11:42

CLERK OF COURT
LANCASTER, SC

TWELVE MILE CREEK
LAND VENTURE
DB 835 PG 49
PB 10 PG 75
TAX ID 0014-00-041.00

JAMES
C
I
F
TAX I

ROD (FN

#5 REB,

TWELVE MILE CREEK
LAND VENTURE
DB 831 PG 327
PB 741
TAX ID 0015-00-01

TWELVE MILE CREEK
LAND VENTURE
DB 831 PG 327
PB 741
TAX ID 0015-00-005.01

EXISTING TWELVE MILE CREEK ROAD
(R/W TO BE ABANDONED)

BILLY A & GLORIA W GARRIS
DB M012 PG 212
PB 1885
TAX ID 0015-00-005.03

PROPOSED TWELVE MILE CREEK ROAD
(R/W TO BE ACQUIRED)

66' I

#4 ROD (FND)
4.80' ONLINE

AXLE (FND)

#4 REBAR (FND)

66' R/W (PB 2001 PG 4-45)
PAVED ROAD

AXLE (FND)

1" SQU ROD (FND)

PER PLAN #10/20

REBAR (FND)

#BENT ROD (FND)

#5 REBAR (FND)

1" PIPE (FND)

VIOLET V MOORE
DB 845 PG 285
PB 10 PG 113
TAX ID 0014-00-039.00

ELIZABETH R. JENKINS
DB 130 PG 122
PB 4094
TAX ID 0015-00-005.02

MAG NAIL (FND)

#BENT ROD (FND)

RAILROAD SPIKE (FND)

RAILROAD SPIKE (FND)

#5 REBAR (FND)

EXHIBIT "A"