

**MINUTES
TOWN OF FORTMILL
TOWN COUNCIL MEETING
August 10, 2015
7:00 PM**

Present: Councilmen Huntley, Adams, Helms, Shirey, Councilwoman Savage and McCarley, Mayor Funderburk, Manager Pieper, Attorney Mack

Guests: Town Engineer, Paul Mitchell, Public Works Director, Davy Broom, Planning Director, Joe Cronin, Assistant Planner, Chris Pettit, Operations Director, Jeff Hooper

Mayor Funderburk called the meeting to order at 7:00 pm and led the Pledge of Allegiance. Councilman Adams gave the invocation and the Mayor welcomed everyone to the meeting. Councilwoman Savage made a motion to approve the July 27 Council meeting minutes with a second by Councilman Huntley. The motion was approved with a 7-0 vote.

PUBLIC COMMENT

Mayor Funderburk opened the meeting for public comments. Mayor Funderburk recognized Renee Walser. Ms. Walser stated that her privacy is/has been. Ms. Walser stated her discontentment with Councilwoman Savage in particular and asked for assistance from Council to help protect her privacy. Ms. Walser explained that she feels as though she is being used as entertainment and does not appreciate it. Mayor Funderburk thanked Ms. Walser for her time.

Mayor Funderburk recognized Donna Sigman. Ms. Sigman stated that she did not understand how development can continue in the town without a solution. Ms. Sigman believes it is a disservice and irresponsible to allow grow without properly addressing it. As a conclusion, Ms. Sigman stated that she supports the impact fees and placing the cost of growth on those causing it. Mayor Funderburk thanked Ms. Sigman for her time.

No additional comments were received. Mayor Funderburk closed the public comment section of the meeting.

PUBLIC HEARING ITEMS

1. An ordinance amending the Code of Ordinances for the Town of Fort Mill; Chapter 2, Administration; Article IV, Finance and Taxation; so as to add a new division to be numbered Division 4, Development Impact Fees; providing for the adoption of development impact fees for the Town of Fort Mill; providing for the administration and enforcement thereof; and other matters related thereto: The following comments were received:
 - A. David Bowman stated his support for impact fees allowing future construction with impact fees to solve the growth issue in town. Mr. Bowman explained that even with impact fees in place it will not decrease the growth of new home growth. Mr. Bowman stated that everyone has a level of responsibility due to the growth but he asks Council not to have residents foot the bill for recreation needs. Mr. Bowman stated his appreciate and respect to Council for all their work.
 - B. Chuck Epps, Fort Mill School Superintendent, stated that the impact fees will adversely affect the school district. Mr. Epps explained that there is no money received from the Town for the operation of the schools. If data and projections are provided to the public Mr. Epps would feel better about the final decision made. Mr. Epps final statement was a request for a discount should the impact fees pass.

- C. Michele Branning is on the Fort Mill School Board as well as a small business owner. Ms. Branning stated that she would love to move her small business corporate office from Charlotte to Fort Mill however, if impact fees are approved she will not be able to afford the move.
- D. Dehler Hart believes that impact fees will prevent new commercial attraction to Fort Mill. Mr. Hart asked Council to consider implementation of fees the impact fees are approved. Mr. Hart asked Council to wait a few more years until growth continues before implementing impact fees. Councilman Adams asked Mr. Hart what affects Mr. Hart believes no residential development would cause to the community. Mr. Hart stated that residential development needs to be aimed towards high home value.
- E. Manning Kimmel represented the York City Economic Development Board. Mr. Kimmel received the very detailed and thorough report regarding the impact fee study. Mr. Kimmel stated that Fort Mill needs to offer a balanced approach to commercial growth and the Board sees the implementation of impact fees as a risk. Mr. Kimmel stated that is believed that impact fees will adversely affect commercial growth and will also affect companies looking at Fort Mill for relocation.
- F. Ralph Norman provided a handout to Council. Mr. Norman explained that he had neglected to address the water and sewer tap fees during his last comments. Mr. Norman provides examples of water and sewer taps fees for commercial businesses in Fort Mill. Mr. Norman also states that they want to do more projects in Fort Mill but with the implementation of impact fees that would mean one less truck or amenity for the project. Mr. Norman stated that Fort Mill needs new commercial growth.
- G. Bart Kinzel represented the York County Regional Chamber Fort Mill location. Mr. Kinzel stated that small businesses of Fort Mill are concerned their voices will not be heard while they have been good listeners. Mr. Kinzel stated that the comparisons of other municipalities to Fort Mill in the impact fees study was not substantial due to the location of the area municipalities. Mr. Kinzel stated that Fort Mill and York County are unique to South Carolina.
- H. Rick Jiran represented the York County Chamber of Commerce. Mr. Jiran explained that small businesses of Fort Mill have employees of 20 or less and are already struggling with startup and the fees associated. Mr. Jiran stated that businesses make living more affordable for residents of Fort Mill. York County Chamber of Commerce is ready to assist Council in finding a solution to growth aside from impact fees.
- I. Cathy Weaver is a native of Fort Mill and works for an attorney that deals with commercial developments. Ms. Weaver stated facts received from the Herald and the level of commuting done outside of Fort Mill. Ms. Weaver stated that there is a potential gold mine in Fort Mill for bringing workplaces here however, impact fees will negatively affect this option.

Councilwoman Savage stated her appreciation for everyone that spoke during the Council meetings and those that appreciate Council's hard work and decision. Ms. Savage explained that each Council member is looking at impact fees independently. Ms. Savage gave credit to all those that studied impact fees in the past few weeks.

Councilman Huntley provided a quote from Berkley that stated impact fees were a deterrent to their commercial growth.

Councilman Adams stated that the quote provided was from a municipality that was being sued due to incorrectly executing the use of the funds received via impact fees.

- 2. An ordinance adopting the Town of Fort Mill Capital Improvements Plan for FY 2015-16 through FY 2019-2020: Councilwoman Savage stated that she would like to see the plan attached to the minutes. Councilwoman McCarley explained her surprise to see the Plan after Impact Fees. Councilman Adams explained that the state requires the Capital Needs Plan before the study of impact fees. No additional comments were received.

3. An ordinance amending the 2008 Comprehensive Plan for the Town of Fort Mill, as amended on January 14, 2013, so as to incorporate the Town of Fort Mill Capital Improvements Plan as an addendum to the Priority Investment Element contained within Volume 2, Fort Mill Tomorrow: Councilman Shirey asked how fluid this would be regarding the addition or subtraction of items. Town Manager, Dennis Pieper advised that Council can review anytime and amend via ordinance. Planning Director, Joe Cronin, provided clarification on different areas of the Plan. No additional comments were received.
4. An ordinance amending the Fiscal Year 2014-15 Annual Budget to appropriate revenues and expenditures to the Fire Protection Impact Fee Trust Fund, Parks & Recreation Impact Fee Trust Fund, Municipal Facilities Impact Fee Trust Fund, and Transportation Impact Fee Trust Fund; and amending the Fee Schedule for Building Permit and Building Plan Review Fees: Councilwoman Savage stated that if impact fees were not implemented that a discussion of the permitting process would need to stay in effect. Planning Director, Joe Cronin, explained that this was stated in the ordinance. No additional comments were received.

OLD BUSINESS

1. Selection of design build services for fire station #2 (Dobs Bridge Road): Acting Chief, Chipper Wilkerson, provides an overview to Council of what was done and made himself available for any questions from Council. Chipper explained that a matrix was created from the submitted proposals and staff recommendation is for Bobitt. Councilwoman Savage asked if Council had voted and approved this process. Town Manager, Dennis Pieper explained that this is for the Request of Qualifications. Councilman Helms clarified that there is not a fee associated for the approval of Bobitt to move forward at this time. Town Manager, Dennis Pieper explained this approval would allow Bobitt to proceed with cost information. Councilman Adams made a motion to approve Bobitt in the design build services. The motion was seconded by Councilman Helms. The motion passed by a 6-1 vote with Councilwoman Savage opposed.

NEW BUSINESS

1. An ordinance amending the Code of Ordinances for the Town of Fort Mill; Chapter 2, Administration; Article IV, Finance and Taxation; so as to add a new division to be numbered Division 4, Development Impact Fees; providing for the adoption of development impact fees for the Town of Fort Mill; providing for the administration and enforcement thereof; and other matters related thereto: Councilwoman Savage stated that there is an infusion of goals and there are risks associated with the goals. Mrs. Savage also explained that she has no issues voting for a residential impact fee but the state is being aggressive in trying to obtain new businesses. Mrs. Savage would like more jobs in Fort Mill. Councilman Adams stated that he and the other Council members were treated disrespectfully the School Board and Chamber of Commerce. He explained that this is no place for rudeness. Councilman Huntley stated that four businesses have placed their move to Fort Mill on hold due to discussions being held about impact fees. Mr. Huntley would like to wait 5 years until after Kingsley. Councilwoman McCarley asked if Council would be voting on the impact fees and discount structure at the same time. Councilman Adams explained that a motion could be stated with amendments for discounts. Planning Director, Joe Cronin, explained how fees work and how they would be applied. Mayor Funderburk shared his comments explained the growth rate of Fort Mill and transitioning Fort Mill to a great city area that many municipalities desire to be. Councilwoman McCarley asked how the Town is prepared to manage if impact fees are implemented. Would additional personnel be needed? Town Manager, Dennis Pieper stated that the Finance Director handles financial aspect of the fees and no additional staff are foreseen. Councilman McCarley stated that there is 1.8 million ear marked and a lot of the Capital Improvements could be marked off with those funds. Councilwoman Savage stated that the Capital Improvement lists is a wish list for things we hope to happen. Councilman Adams stated that if impact fees are not implemented then town residents would have to be taxed. Impact fees allow for growth. Mr. Adams explains that if only residential impact fees were

implemented then residents would need to be taxed to compensate. Councilwoman Savage stated that if impact fees were not an option the Capital needs list would be revisited. Councilwoman McCarley asked for clarification on the Capital Improvement list. Mrs. McCarley also asked for an update regarding the meeting held with Tega Cay and the County and the help that was asked for the County. Planning Director, Joe Cronin, clarified the removal of the trash service from the Capital Improvement list. Town Manager, Dennis Pieper advised that Town Staff only completed what was asked of them to do by Council two years ago. Councilman Huntley asked what happens if impact fees are implemented and new businesses do not come. Councilwoman Savage made a motion not approve the ordinance as presented. The motion was seconded by Councilwoman McCarley. The motion did not pass by a 3-4 vote with Mayor Funderburk, Councilman Shirey, Helms and Adams opposed. Councilman Adams made a motion to approve the ordinance with a 100% discount at all four areas in the impact fees. The motion was seconded by Councilman Helms. The motion passed by a 4-3 vote with Councilwoman Savage, McCarley and Councilman Huntley opposed.

2. An ordinance adopting the Town of Fort Mill Capital Improvements Plan for FY 2015-16 through FY 2019-2020: Councilman Shirey stated that he believed this Plan to be a wish list as well. Councilwoman McCarley believes there will be relief coming in the next few years. Mayor Funderburk explained that he had spoken to all staff and the above is a needs list. Town Manager, Dennis Pieper explained that this plan is a long projection of what will be needed. Councilman Adams made a motion to approve the ordinance as presented. The motion was seconded by Councilman Shirey. The motion passed by a 5-2 vote with Councilwoman Savage and McCarley opposed.
3. An ordinance amending the 2008 Comprehensive Plan for the Town of Fort Mill, as amended on January 14, 2013, so as to incorporate the Town of Fort Mill Capital Improvements Plan as an addendum to the Priority Investment Element contained within Volume 2, Fort Mill Tomorrow: Planning Director, Joe Cronin advised that this is a requirement of the state and is independent of the impact fee study. Councilman Adams made a motion to approve the ordinance as presented. The motion was seconded by Councilman Shirey. The motion passed by a 6-1 vote with Councilwoman Savage opposed.
4. An ordinance amending the Fiscal Year 2014-15 Annual Budget to appropriate revenues and expenditures to the Fire Protection Impact Fee Trust Fund, Parks & Recreation Impact Fee Trust Fund, Municipal Facilities Impact Fee Trust Fund, and Transportation Impact Fee Trust Fund; and amending the Fee Schedule for Building Permit and Building Plan Review Fees: Planning Director, Joe Cronin clarified the ordinances purpose and use. Councilwoman McCarley stated that growth would need to be considered. Councilman Adams made a motion to approve the ordinance as presented. The motion was seconded by Councilman Shirey. The motion passed by a 4-3 vote with Councilwoman Savage, McCarley and Councilman Huntley opposed.
5. Request to approve a contract with Waste Pro for residential curbside recycling service: Public Works Director, Davey Broom, provides a presentation of bids received and Staff recommendation of Waste Pro. Davey explains that waste removal would increase from \$14 to \$18 and a possible schedule change would need to be considered. Councilwoman Savage stated that after the last public survey the Town received many positive comments regarding waste removal. Councilwoman McCarley asked what the cost would be if the Town continued to provide recycling services. Davey stated the cost would be \$19. Councilman Shirey asked if this was a locked in rate. Town Manager, explained that their could be a rate increase but the cap would be no more than 3%. Councilman Adams made a motion to approve the contract as presented. The motion was seconded by Councilwoman Savage. The motion passed by a 7-0 vote.
6. Request to consider an amendment to the monthly solid waste collection fee (\$18.00 per month, effective October 1, 2015): Councilman Adams made a motion to approve the amendment as presented. The motion was seconded by Councilwoman Savage. The motion passed by a 7-0 vote.

GENERAL DISCUSSION

Councilwoman McCarley extended her thanks to the Parks and Recreation department.

Councilman Adams thanked his fellow Council members for working together on the Impact Fee decision.

Councilwoman Savage complimented Brown Simpson, Park and Recreation Director, for maintaining Doby Park and keeping it clean and beautiful. Mrs. Savage also thanked Davey Broom, Public Works Director, for all his work.

Mayor Funderburk echoed Councilman Adams, thanking his fellow Council members and stated it has been a pleasure to serve as Mayor.

ADJOURN

Motion to adjourn was made by Councilman Adams and seconded by Councilwoman Savage. The motion to adjourn was approved unanimously.

Meeting was adjourned at 9:12 pm.

Respectfully submitted,

Dana Powell
Municipal Clerk