

# CHESTER COUNTY COUNCIL MEETING

## **R. Carlisle Roddey Chester County Government Complex**

1476 J.A. Cochran Bypass Chester, SC 29706

**Monday, November 15<sup>th</sup>, 2021 at 6:00PM**

### **Minutes**

**Present:** Interim Chairman Dr. Wylie Frederick, Vice Chairman Joe Branham, Councilman Brad Jordan, Councilman Mike Vaughn, Councilwoman Mary Guy, Councilman William Killian, Councilman Pete Wilson, County Attorney Joanie Winters and Clerk to Council Karen Lee.

- 1. Call to Order**-Interim Chairman Dr. Frederick called the meeting to order at 6:01 pm.
- 2. Pledge of Allegiance and Invocation**- Pledge was recited in unison: Councilwoman Guy gave the invocation.
- 3. Approval of Minutes**
  - a. November 1<sup>st</sup>, 2021 Council meeting.**  
Councilwoman Guy motioned to approve, second by Councilman Jordan. Vote 5-1 to approve. Councilman Wilson was not present and did not vote.
  - b. November 1<sup>st</sup>, 2021 Special Called Council meeting.**  
Councilwoman Guy motioned to approve, second by Councilman Jordan. Vote 5-1 to approve. Councilman Wilson was not present and did not vote.
  - c. November 4<sup>th</sup>, 2021 Special Called Council meeting.**  
Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 5-1 to approve. Councilman Killian was not present and did not vote.
- 4. Citizen Comments**

John Massey of 171 East Lacy St, Chester asked Council to consider a proclamation for November 28 that would become known as La Darius Wylie day.
- 5. Public Hearing**- Interim Chairman Dr. Frederick opened the Public Hearing.
  - a. 3rd Reading of 2021-16 Authorizing Funding for One Or More Projects According to The American Recovery Plan Act Of 2021; And Other Related Matters. No one signed up to speak.**
  - b. 3rd Reading of 2021-17 Amending Ordinance Nos. 2018-5 And 3-19-12a, To Update The Definition Of "Projects" Under an Installment Purchase Plan of Finance; And Other Related Matters. No one signed up to speak.**
  - c. 3rd Reading of 2021-18 Providing for Excess Funding to Be Used For "Projects" and/or "Capital Projects" As Provided Under Ordinance No. 2019-5, And Other Related Matters. No one signed up to speak.**

- d. **2<sup>nd</sup> Reading of 2021-14 Approving the Execution and Delivery of a Development Agreement Between The County And [Project Winchester]; And Other Related Matters.** Sara Shirley thanked Council for their continued support of the project. Interim Chairman Dr. Frederick closed the Public Hearing.

## 6. Ordinances/Resolutions/Proclamations

- a. **3<sup>rd</sup> Reading of 2021-16 Authorizing Funding for One Or More Projects According to The American Recovery Plan Act Of 2021; And Other Related Matters.** Councilman Wilson motioned to approve, second by Councilman Killian. Vote 6-0 to approve.
- b. **3<sup>rd</sup> Reading of 2021-17 Amending Ordinance Nos. 2018-5 And 3-19-12a, To Update The Definition Of "Projects" Under an Installment Purchase Plan of Finance; And Other Related Matters.** Councilman Vaughn motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.
- c. **3<sup>rd</sup> Reading of 2021-18 Providing for Excess Funding to Be Used For "Projects" And/or "Capital Projects" As Provided Under Ordinance No. 2019-5, And Other Related Matters.** Councilwoman Guy motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.
- d. **2<sup>nd</sup> Reading of 2021-20 Ordinance Adopting the 2020-2030 Chester County Comprehensive Plan.** Councilman Vaughn motioned to approve with the changes, second by Councilman Wilson. Vote 6-0 to approve.
- e. **2<sup>nd</sup> Reading of 2021-13 Approving The Execution And Delivery Of A Project Agreement Between The County And Project Village Drive; And Other Related Matters.** Councilman Wilson motioned to approve, second by Councilman Killian. Vote 6-0 to approve.
- f. **2<sup>nd</sup> Reading of 2021-14 Approving the Execution and Delivery of a Development Agreement Between The County And [Project Winchester]; And Other Related Matters.** Councilman Jordan stated concerning the development agreement. One of the questions he had concerned the enabling act under SC code 6-29-720, which defines the PDE as a development project comprised of housing of different types and densities, and of compatible commercial uses, shopping centers, office parks, mixed use developments. And then he looked at exhibit B, which is the development plan under this agreement, and he saw that there's some open spaces, but it does reference the conceptual rezoning map. And he looked back and didn't see that maybe he looked at the wrong one. One was there was some discussion previously about Winchester, including he thought it was two acres for an EMS, school, fire in that area. And also, under the enabling act, commercial land designated as commercial for future developable development of commercial use. And he didn't see that on the exhibit B either. Attorney Michael Kozlarek stated his understanding that exhibit B was approved by council from the rezoning discussions, and he realized there was some discussion at that point in a reverter put into the zoning. So the development agreement would be consistent with what council approved. If there are some additional issues with respect to the enabling act, we can go back and look at it, but it was his understanding that it is consistent with what council approved.

Councilman Jordan stated this is not my area of the law. But I know there's some case laws out there where ordinances have been struck down for them to comply with the enabling act. He would just ask that we look at that and determine if we need to add something for commercial use in that development agreement.

Attorney Kozlarek stated not a problem at all. And Greenville County is probably the most often cited example of difficulties with their zoning, for that very reason.

Councilman Jordan stated under the requirements for the development agreement, under SC code 6-31- 60. There're certain things that have to be included, as well. And one of them is, and he has brought this issue up before and he just wanted an opinion as to how we're dealing with this. But the development agreement has to include a description of public facilities that will serve as the development, including who provides the facilities, the date in any public facilities, if needed, will be constructed and scheduled to assure public facilities are available concurrent with the impacts of the development. And there's been some discussion about the sewer capacity. As he saw the development agreement, it does not include, you know, the future public facility, and who's going to provide it, he saw where it certainly states that the county isn't providing it, which, you know, thank you for including that. But what do we need to do to address that issue?

Attorney Kozlarek stated we need to go back to the developer to ensure that both the municipal district and wastewater recovery are going to provide those services. You're correct. It is not specifically stated in this document, because the county wouldn't be adopting the approval for another governmental entity to provide those services. But we can certainly get some sort of letter representation that those services will be provided or the timeline for that service to be provided. Councilman Vaughn motioned to approve, second by Councilman Killian. Vote 5-1 to approve. Councilman Jordan opposed.

**g. 2<sup>nd</sup> Reading of 2021-21 An Ordinance to Prohibit Truck Traffic on Canal Road.**

Councilman Wilson stated he had a couple of things. We did a similar ordinance relating to the Village Drive a while back. He had the same concerns, the one thing the ordinance states is six or more tires. And there's plenty of people that drive dually trucks as passenger vehicles. He asked that it be changed to 10 or more tires, it would still keep with what we are trying to be accomplished here. This is also minor, but it says trucks may enter Canal Road to deliver or pick up freight from businesses located within the zone. He thought it should be homes or businesses because there's plenty of, washing machines, refrigerators being delivered as well. So not a big deal. And maybe we could have those changes for third reading. Councilman Jordan stated I wouldn't have a problem with those changes, he motioned to approve with the changes, second by Councilman Vaughn. Vote 6-0 to approve.

**7. Old Business**

**a. From CCTC meeting 11-15-2021**

**1. Action regarding extra allocated money from SCDOT for roads.**

Councilman Vaughn motioned to approve Oliphant Lake Road, Hall St, Tate Drive, Cessna and Luscombe Road, second by Vice Chairman Branham.

**2. Action taken to reimburse the Road Department for road maintenance in the amount of \$18,093.28 dollars.** Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

**3. Action taken to reimburse the Recycling Department for recycling material in the amount of \$1259.69.** Councilman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.

**8. New Business**

**a. Discussion regarding security at the Magistrate Court on Dawson Drive- Councilman Jordan.**

Councilman Jordan stated you may remember we looked into security at the magistrate's court on Dawson drive in 2018. And we had actually allocated some funds. What we were looking at doing was basically restructuring the concept of the courtroom currently, when someone enters the courtroom, you can almost reach out and touch the judge, as you walk in the door. And so that the courtroom layout is not far from ideal. I've had hearings there. And it's just not a very safe layout. And so, back at the time, we looked into it, members of council went down toured it. He stated he was not aware of this but at the time the Chief Magistrate decided not to move forward with the project. The current Chief Magistrate Garis has brought this issue up again, and it is an ongoing problem. A judge should not be on the bench having to worry about someone coming in the door who can reach out and grab him or her. The Sheriff is here tonight as well. He may want to chime in on this issue, a first step would be obviously to reconfigure the courtroom. He didn't think the funds were still there and have been reallocated based on Chief Magistrate at the time not wanting to move forward.

Treasurer Tommy Darby stated there were funds allocated for that project. I think it was roughly \$90 to \$100,000 allocated for that reconfiguration. I think in January of 19, our supervisor at the time received a letter from Judge Underwood who requested that they abandoned that project. The supervisor went back to council and had those funds reallocated; I believe to the animal shelter. It was a list of projects that were complete. And he thought it was about \$125,000, that they moved to another project. That was done in February of 19. And that was done by resolution by council. Just some history on those funds or that project, that are not available now.

Sheriff Dorsey stated he had spoken with the Special Services Captain who's responsible for courthouse security. He says 95% of the time magistrates request security there, we put somebody there, but we don't have the resources to have someone there all the time. He urged council to do an assessment. There are a lot of security needs, at the main courthouse in there building, they have detention center issues that are being studied right now. So that may be a part of some more assessments that need to be made on the entire building. Due to the structural problems that have been recognized recently. He asked Council not to commit any funds right now. Until they have a full picture of what that building needs.

Mr. Darby stated he believed there was an assessment done of the courtrooms. We can try to pull all that information back up and see where it's at, and what they did before.

Councilman Jordan stated to have it back on the agenda that for the second meeting in January and have the other information as well.

**b. Update on glass, cardboard not being recycled. Councilman Jordan.**

Recycling Director Katie Fischer stated she was in full transparency for the citizens of Chester County, she gave a breakdown on the history of the whole glass and cardboard. In March 2020, we stopped due to COVID-19, because there just was not a market for it. A lot of places just weren't accepting it. Going forward around May of 2021 is when the market picked back up. Once I came into this position, we have been working diligently with Sunoco recycling out of Columbia and other counties to see the kind of work through the logistics of what they do so that we can make sure that we're moving forward and into the future with recycling for Chester County. Honestly, glass, there's no market right now for glass. She stated she had a meeting with Carol Gilchrist from Sunoco recycling tomorrow at one of the recycling centers, they we're going to be working on a restructuring plan that hopefully will be set up and enrolling by early to 2022. So that will start recycling cardboard and commingle material. Then if I can, I would like to remind the citizens for the household hazardous waste day, will be March 26. And we will be having shredding that day as well. We'll be putting it on the county's website and Facebook and all that, as you know, time gets closer.

Councilman Jordan asked if there was a timeline for the cardboard to start backup.

Mrs. Fischer stated before 2022, she would reach out to Karen Lee for a closer date so she could pass it on to Council.

**9. Boards and Commissions**

**a. Appointment to the Chester Metropolitan District Commission. - County Council**

Dr. Frederick stated there were three applicants for one seat, he would call the name, that's the person of your choice, then you just signify by raising right hands and say aye. Vice Chairman Branham motioned for Interim Chairman Frederick to call out the names and each one votes for their preference, second by Councilman Jordan. Vote 6-0 to approve. Dr. Frederick stated all those in favor of David Shinn raise your right hand and say aye, Councilman Wilson, Vaughn and Branham voted for Mr. Shinn. Dr. Frederick stated all those in favor of Marty King raise your right hand and say aye, Councilwoman Guy voted for Mr. King. Dr. Frederick stated all those in favor of Pete Skidemore raise your right hand and say aye, Councilman Killian and Jordan voted for Mr. Skidemore. Mr. Shinn received the most votes and was appointed to the Chester Metropolitan District Commission.

**10. Executive Session- Councilman Jordan motioned to go to executive session, second by Vice Chairman Branham. Vote 6-0 to approve.**

- a. To receive legal advice regarding Project 2058. Attorney Winters.
- b. To receive legal advice regarding a contractual matter in the Sheriff's Office. Attorney Winters.
- c. To receive legal advice regarding a personnel matter. Attorney Winters.

**11. Council Actions Following Executive Session- Councilman Jordan motioned to go to back to regular session, second by Vice Chairman Branham. Vote 6-0 to approve.**

**a. Action taken regarding legal advice for Project 2058.**

Vice Chairman Branham motioned to allow the economic development to proceed, second Councilman Killian.

**b. Action taken regarding a contractual matter at the Sheriff's Office.**

Councilman Vaughn motioned to approve pending legal review, second by Vice Chairman Branham. Vote 6-0 to approve.

**c. Action taken regarding legal advice of a personnel matter. Taken as information.**

**12. Council Comments-None.**

**13. Adjourn-Councilwoman Guy motioned to adjourn, second by Councilman Killian. Vote 6-0 to adjourn.**

Time: 8:30 PM.

Pursuant to the Freedom of Information Act, the Chester News & Reporter, The Herald in Rock Hill, SC, WSOC-TV, Channel 9 Eyewitness News, the Mfg. Housing Institute of SC, WRHI Radio Station, C&N2 News, WCNC News and Capitol Consultants were notified, and a notice was posted on the bulletin board at the Chester County Government Building 24 hours prior to the meeting.

Karen Lee, Clerk to Council

