

# **CHESTER COUNTY COUNCIL MEETING MINUTES**

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

**1476 J A Cochran Bypass, Chester, SC**

**Monday, November 18th, 2019**

### **MINUTES**

1. **Call to Order**-Meeting called to order by Chairman Stuart.
2. **Pledge of Allegiance and Invocation**- Pledge was recited in unison; Councilwoman Guy gave the invocation.
3. **Approval of Minutes**-November 4<sup>th</sup>, 2019- Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve. Councilman Jordan was not present for this meeting and did not vote.
4. **Citizen Comments**

Doris Macomson of 718 Will Jones Circle, Rock Hill stated she was a dog rescuer and also a non profit organization. She stated currently she cannot see the animals at the animal shelter to evaluate them before transporting to rescue groups. The employees at the shelter will bring the dog out or show her a picture. She cannot convince rescue groups to go by a picture for a evaluation. She asked Council if rescue groups with insurance could actually go back and see the animals to evaluate and hopes that Chester County could be a no kill shelter.
5. **Public Hearing**-No public hearing.
6. **Ordinances/Resolutions/Proclamations**
  - a. **2<sup>nd</sup> Reading of Ordinance 2019-15 To Amend Chester County Code Chapter 46, Streets, Sidewalks, And Other Public Property To Comply With The South Carolina Department Of Transportation And Land Development Regulations.** Planning Director Mike Levister stated this will bring the Land Development and County Code Chapter 46 to meet South Carolina Department of Highways standards. Chairman Stuart motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.
  - b. **2<sup>nd</sup> Reading of Ordinance 2019-16 to Adopt the Ground Lease Agreement between GITI Property USA Limited and Chester County.** Chairman Stuart motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.
  - c. **2<sup>nd</sup> Reading of Ordinance 2019-17 To Amend Chester County Ordinance No: 2019-6 The 2019-2020 Chester County Budget Ordinance, In Certain Limited Particulars Only.**

Chairman Stuart stated this ordinance would adjust the economic developer salary which is currently being publicized. Councilman Wilson stated at a previous meeting salary number's were provided but did not match up with what other counties paid their economic developer, and asked for clarity to exactly what other neighboring counties pays by the third reading. Councilwoman Guy motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.

**d. Resolution 2019-32 Adopting Building Inspection Services from the Town of Richburg for the Purposes of the Richburg Fire Department Building.**

John Agee stated Chester County Building & Zoning completed the inspections when the new Fire department was built and issued the final certificate of occupancy in 2012. Everything was completed with the exception of the floor coverings and the plumbing. The Town of Richburg transferred their authority by resolution on October 30, 2019 not to continue with the inspections and asked the County if they would take the authority for the current renovation's inspections for that building only. Attorney Winters stated this was not for any future renovations. Planning Director Levister stated the permit to do the work would be sold by the County in order to have the inspections done by the County. Vice Chairman Branham motioned to approve, second by Councilman Oliphant.  
Vote 6-0 to approve.

**e. Resolution 2019-30 to Amend the Organizational Chart for the Chester County Sheriff's Office.** Sheriff Dorsey stated the position was to add school resource officer, the salary only would be funded by a State grant and had not been filled but were actively searching. Councilman Oliphant motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

**f. Resolution 2019-31 to Amend the Chester County Employee Handbook Policy 1-13 Transportation and Travel/Maintenance and Care of County Vehicles, Section 1(a), Maintenance.** Attorney Winters stated this was requested by Vice Chairman Branham to add assigned numbers to the rear of County vehicles in addition to the County seal at a previous meeting. Vice Chairman Branham motioned to approve, second by Councilman Jordan.  
Vote 6-0 to approve.

**7. Old Business**

**a. Litter Report for October and Litter Enforcement Report-Chairman Stuart.**

Chairman Stuart stated there were 714 bags of trash picked up along with 43 tires and other miscellaneous items totaling 766 for the month of October. The litter enforcement report also shown how many tickets and fines were issued for the month of October.

**8. New Business**

**a. Approval of TruVista 3-year contract for Great Falls EMS – Susan Cok**

Procurement Director Susan Cok stated currently Great Falls EMS uses Verizon, but services were not good, they want to switch to TruVista which will be \$85.97 a month. Councilman Oliphant motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

**b. Review Year to Date Overtime of All Departments. -Councilman Wilson**

Councilman Wilson stated there are five departments with a fair amount of overtime that included the Sheriff's Department, Detention Center, E911, EMS and Animal Control. He had asked Treasurer Tommy Darby to provide copies of all the overtime for years 2016, 2017, 2018, 2019 and year 2020 for estimated numbers. He stated looking at the numbers the sheriff's office looked to be under budget with the rest over budget. After much discussion it was agreed to have updates of overtime on all future agendas.

**c. Discuss Possible Revisions to the County Personnel Policy Manual- Councilman Vaughn.**

Councilman Vaughn stated at the last meeting recommendations were discussed for changes to the County Personal Handbook. The four that stood out to him and not being followed such as drivers training and hearing and eye test along with employees reporting accidents to their

private insurers. A refresher course with employees as to what to do when you have an accident was needed. He asked about the two conflicting policies 1-13 and 5-5. Councilman Vaughn stated he would like to propose to add to the manuals for drivers training, hearing and eye test "shall be done". County Attorney Winters stated some County employees are under DOT regulations and are required to have the test.

Vice Chairman Branham asked if there would be any type of liability and asked if it was Human Resource's responsibility to make sure it was done. County Attorney Winters stated yes there would be liability if the policy manual is not followed and it would be Human Resource's responsibility.

Chairman Stuart suggested spelling it out in the policy manual to say the internal accident report that is required by the Association of Counties is the accident report, since the Highway Patrol has a different one. He stated Hyatte Kelsey (HR) was already reviewing changes to the policy.

Councilman Vaughn stated he would like clarity concerning the conflict with the drug testing and accident policy. County Attorney Winters stated the County has the vehicle accident and drug testing policy, the United States Constitution was written to protect us from government. The County cannot randomly make drug test like a private sector can. As far as the vehicle policy they may conflict, but they are there for two separate reasons. If you feel the vehicle policy should have similar criteria that can be done. Attorney Winters stated she would work with Councilman Vaughn to determine language for an accident, Chairman Stuart asked if she would also work with the HR Director to include his updates to the policy manual.

Councilman Vaughn brought up the matter of rehiring employees after they had been fired by Council. Councilman Oliphant asked if different language such as putting a time limit on when an employee could be hired back be added to the manual concerning this. Attorney Winters stated every termination was different if he was proposing that she would encourage him to consider the grievance procedure which is open to employees. Councilman Oliphant stated he did not want to micromanage but if someone was terminated by Council before they were rehired Council would review it and stated we all have to comply with the Home Rule Act. He knew this would have to go in two different places in the handbook but didn't mind tweaking it and stated he would like to add "former employees who have been terminated would not be eligible for rehire for a minimum of one year, following the date of the termination and proposed exceptions to this policy would be reviewed by Chester County Council".

Councilman Jordan stated the problems with that would be for instance if an employee who alleged discrimination and it's a prima facie case of that may want to offer the job back to that employee to cut the damages, so we don't need a set time period. We don't want every termination coming back to Council. Councilman Wilson stated the language could be "if you are terminated by County Council". Attorney Winters stated that would keep Council from micromanaging. Councilman Oliphant asked if that language comply with the home rule act, County Attorney Winters stated Council makes the policies, and the Supervisor carries out the policies, he has the authority to hire and fire and Council has the same opportunity to do the same with a two-third vote. Councilman Oliphant asked if the wording Councilman Wilson used "if you are terminated by County Council" if Attorney Winters felt confident that policy would comply with the Home Rule Act and if the policy was violated it would be violating the Home Rule Act. Attorney Winters stated yes. Councilman Wilson motioned by Resolution to change the policy manual to state any employee that is terminated by County Council is not eligible for rehire without Council action, second by Councilman Vaughn. Vote 6-0 to approve.

- d. **Discuss Moving December 2<sup>nd</sup>, 2019 Council meeting to December 3<sup>rd</sup>, 2019-Chairman Stuart.** All agreed to keep the meeting for December 2<sup>nd</sup>, 2019 at 6:00pm.
  - e. **Approval of 2020 Chester County Council and Chester County Transportation Meeting Dates.** Councilman Wilson motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.
9. **Executive Session-**Councilwoman Guy motioned to go to Executive Session, second by Vice Chairman Branham. Vote 6-0 to approve.
- a. Personnel Matter-Animal Control
  - b. To Receive Legal Advice About Leasing County Property.
10. **Council Actions Following Executive Session-** Vice Chairman Branham motioned to go back to Regular Session, second by Councilman Jordan. Vote 6-0 to approve.

**a. Action Taken Regarding Personnel Matter-Animal Control**

Councilman Oliphant motioned pursuant to South Carolina Code Annotated section 4-9-430 Chester County Council terminate employment with cause of Ace D. Hembree from Animal Control & Enforcement effective immediately, second by Vice Chairman Branham. Councilman Oliphant stated he had been on Council for a long time and stated when it came to fire one of the supervisor's employees it would be a dark day in Chester County and unfortunately this would be the second time doing it. He believed the rehiring of the employee was a violation of the Home Rule Act, additional language was added into the handbook that will give it more weight, if it happens again this would be another violation of the Home Rule Act which could trigger other actions. This also makes the County look bad.

Vice Chairman Branham agreed with Councilman Oliphant stating he had never seen this happen before where the County had to fire an employee. It's a sad day where the will of Council was defied since they set the rules, everyone should go by them. Hopefully this is the end of the controversy and it can be put to rest so Council can move on in a positive way.

Councilman Wilson echoed the same sentiments stating under this form of government it's the supervisor's job to carry out and execute policies and legislative actions taken by Council. Even the ones you may not like, as long as this keeps going on it's a distraction, Council cannot focus on the business for the County the way it needs to be done with this going on. He hoped this will be behind them and not be doing this again at the next meeting.

Councilman Vaughn stated the ordinance was clear and the legislative action should have been followed.

Chairman Stuart stated the legislative action was carried out and the employee terminated. The job was posted and carried out by code 4-9-420 subsection 12, the County Supervisor has the option to hire.

Councilman Jordan stated he was not present at the last meeting, the actions of Council were taken pursuant to State Law, and the Chairman knew what Council's intent was in doing it, but you rehired this employee. He hoped that the Chairman will honor Council's action tonight.

Chairman Stuart stated he followed State law and not a hearsay document that was illegally set forth stating County Council did not follow there on rules. He stated the county ordinance states when the County Attorney recuses herself, the County Supervisor hires the attorney for

Council. But since I was allegedly involved, Council failed to suspend the rule and moved forward without him. Councilman Wilson asked if he had those concerns why didn't he speak up. Chairman Stuart stated he wasn't familiar with that particular ordinance at the time and if he had known he would have told them. Councilman Oliphant stated the Chairman recused himself and participated in the investigation and recused himself from the hiring of the attorney. Chairman Stuart stated that was correct and asked if there were any other comments.

Councilwoman Guy stated all of this looks bad for the County, despite of the legalities and hated to use the word but disrespectful to Council since they are there to respect each other and respect the Chairman in his positions and wants to be respected in the Council's positions also. Vote 6-0 to approve.

**b. Action Taken Regarding Legal Advice to Lease County Property. Taken as information only.**

**11. Council Comments**

Chairman Stuart stated he would like to add to the third and final budget amendment the 2% percent raise for employees that were not included on the phase one of this year and would take effect in January.

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

Time: 7:47 PM

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K. Shane Stuart, Supervisor & Chairman

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Karen Lee, Clerk to Council

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.