

# **CHESTER COUNTY COUNCIL MEETING MINUTES**

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

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

**Monday, November 4, 2019**

### **MINUTES**

**Present:** Chairman Shane Stuart, Vice Chairman Joe Branham, Councilman Pete Wilson, Councilman Alex Oliphant, Councilwoman Mary Guy, Councilman Mike Vaughn, County Attorney Joanie Winters and Clerk to Council Karen Lee.

**Absent:** Councilman Brad Jordan was absent with prior notification

1. **Call to Order-** Chairman Stuart called the meeting to order.
2. **Pledge of Allegiance and Invocation-** Pledge was recited in unison; Councilwoman Guy gave the invocation.
3. **Approval of October 21<sup>st</sup>, 2019 Minutes.** Councilman Wilson motioned to approve with changes to 7.h. remove the word “salary” in paragraph 4, second by Councilwoman Guy. Vote 5-0 to approve with changes.
4. **Citizen Comments**  
Karen Hill, 1400 Broken Circle, Chester asked Council if they would consider adding ADA swings at parks for special needs children. She handed out brochures for Council to consider.
5. **Public Hearing**
  - a. **3<sup>rd</sup> Reading of Ordinance 2019-14** - To Amend the Enabling Act for the Medical Responder Advisory Council. No one signed up to speak.
6. **Ordinances/Resolutions/Proclamations**
  - a. **3<sup>rd</sup> Reading of Ordinance 2019-14** - To Amend the Enabling Act for the Medical Responder Advisory Council. Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.
  - b. **1<sup>st</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.** Councilwoman Guy motioned to approve, second by Chairman Stuart. Vote 5-0 to approve.
  - c. **Resolution 2019-29 To Adopt The Lease Agreement For The Rental Of A Portion Of The Property Known As 224 N. Main Street, Richburg, SC (Richburg Fire District).**  
Councilman Oliphant motioned to approve, second by Councilman Vaughn. Chief John Agee pointed out the monthly lease agreement should be \$1200 a month for six months instead of \$250.00. Councilman Vaughn withdrew his second, Councilman Oliphant withdrew his motion, Councilman Oliphant motioned to approve with the change to lease for \$1200.00 a month for six months, second by Councilman Vaughn. Vote 5-0 to approve

- d. 1<sup>st</sup> Reading of Ordinance 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 5-0 to approve.

**7. Old Business**

- a. Approve Bid for Sale of Property on Ridgeview Rd. – Susan Cok.**

Councilman Oliphant motioned to approve the bid amount of \$ 32,241. 48 cents to sell the property to Greg Delleney, second by Vice Chairman Branham. Vote 5-0 to approve.

- b. Recycling Center Concrete Repairs on Old Columbia Road- Vice Chairman Branham**

Vice Chairman Branham stated his concern with the holes in the concrete at the site were the elderly may fall, he asked why the holes weren't repaired when the entrance was filled in, he knew it would be a temporary fix but could hold up until the funds were available to repair it adequately. Ellis Faulkner, Public Works Director stated he was not present at the last meeting when this was brought up. The hole at the entrance is asphalt and was repaired with asphalt but had received quotes on fixing the concrete holes that would run around \$4000 dollars. If the base under the concrete is not good pouring asphalt it will not hold up long, there are more oversized trucks going in and out of all the recycling centers than in the past. Mr. Faulkner stated he would do it himself if needed with weather permitting, they would repair the holes by next week.

- c. Update of County Seal Placement and Numbering on County Vehicles-Vice Chairman Branham**

Vice Chairman Branham stated at the last meeting Council voted to add numbers to the rear of all County vehicles and stated he had seen the Chairman had placed the numbers on his rear vehicle, he also asked when the rest of the vehicles would have the numbers installed. Chairman Stuart stated they were inventorying to see how many vehicles currently didn't have the numbers. Public Works Director Ellis Faulkner stated they did not have a certain total yet, they did install the seals and numbers on the Coroners three vehicles but not the Coroner, who was out of town for a trial. Phil Stephenson, Auto Maintenance Director will install the numbers on county vehicles as they come in for repairs or when vehicles are replaced. He did not see spending money to add them to older vehicles since they already had them on the sides.

Councilman Wilson stated he seen the purchase order in the amount of \$334.26 cents for the seals and numbers for the Chairman's vehicle and wanted to know why the money was taken out of County Council's advertisement and operational budget since it should have come out of the vehicle maintenance budget. Chairman Stuart stated it was a council action. Councilman Wilson stated the Council takes a lot of actions, generally things of this does not come from the Council's budget and asked what other Council members take was on this. Vice Chairman Branham stated he agreed it should come from vehicle maintenance budget. Councilman Wilson added he didn't think this was the right place to pull the money from, in the future it could be added to the agenda to discuss the approval of spending funds from the Council's budget. Chairman Stuart stated it could be pulled from the vehicle maintenance fund.

- d. Discuss Appointments to the Chester Metropolitan District Board- Vice Chairman Branham**

Vice Chairman Branham stated this was left at a previous meeting that Council did not have the authority to appoint anyone to this board. He was approached by Mr. Castles to see if Council could go ahead and appoint someone since they were in a dire need for board members to make decisions. From his understanding their lawyer and County Attorney Winters had talked concerning this. County Attorney Winters stated she had received a letter from there lawyer Author Gaston of his opinion on this, she had also sent the Election Commission a letter on June 20<sup>th</sup> to get clarification. She called them today and was told it was still in the queue, she stated to them that was not acceptable, and they have promised to expedite by the end of this week with an opinion. Once the opinion is provided, she would reach out to Council.

**e. Report of Findings by County Council's Investigation and Recommendations - Outside Counsel H. Thomas Morgan, Jr.**

Outside Counsel H. Thomas Morgan Jr., stated he was asked by Council to investigate the incident that took place on April 29, 2019 at the Manhattan Lounge that involved County employee Ace Hembree striking a private vehicle that was parked at the Manhattan Lounge as to whether the policies and procedures were followed at the time of the accident and provide recommendations that can be made going forward. He thanked Chairman Stuart and his employees with meeting with him and had full access to documentation he had asked for, along with Sheriff Dorsey.

Attorney Morgan stated he had gathered around 2000 pages of records that he would go through. He stated Chairman Stuart, Ace Hembree and two other ACE employees Jenna Laws and Elizabeth Boyette met after hours at the Manhattan lounge to discuss an upcoming trip to deliver seven dogs to a rescue group in Pennsylvania and were shown sitting inside the lounge by security footage. Chairman Stuart had stated he had one jack and coke, the two employees had tea, the receipt shown several dreamcicle shots. The receipts showed four jack and cokes, two teas, four dreamcicles along with food. The surveillance video showed Mr. Hembree spent very little time at the table and seemed to be engaged in a very heated conversation on the cell phone. Once in the parking lot he had a heated conversation with one of the ACE employees when he told her she would not be going to Pennsylvania to deliver the dogs to the rescue group.

Attorney Morgan stated in the video the two ACE employees can be seen leaving in a private vehicle. Chairman Stuart cannot be seen, Mr. Hembree gets into the county truck and proceeds to back up and hits a parked vehicle which belonged to Ronnie Dean and leaves the scene. The damage to the vehicle was less than \$1000 dollars. Afterwards a South Carolina Highway Patrolman shows up and took the owners information and went inside the lounge and watched the surveillance video and was told Mr. Hembree had been parked there earlier. The patrolman went to Mr. Hembree's home but did not see any evidence of damages, he started his investigation the next day by going to Mr. Hembree's office and spoke with him in the parking lot. Mr. Hembree was unaware he had hit the vehicle until he was told the next day. The trailer hitch on the county vehicle is what came in contact with the other vehicle. Attorney Morgan stated he had spoke to other people who had driven similar trucks and was told it would be impossible not to know he had struck another vehicle.

Attorney Morgan stated Mr. Hembree had told the patrolman he planned to use his own personal insurance since the accident occurred after hours and would pay from his insurance. The patrolman took his insurance information and also the county insurance information. Attorney Morgan stated two weeks later the county received a signed release in full of the person Mr. Hembree hit, with the stipulation being that the \$901.72 dollars in damages be paid for, Attorney Morgan stated Mr. Hembree agreed to reimburse that sum personally but there has been no record his pay was garnished to cover the cost, nor was a check ever received from Mr. Hembree to treasurer's office so the county paid for the damages to the vehicle. He stated two weeks later Mr. Hembree turned in his two weeks' notice with the last day to work be June 3<sup>rd</sup>. Once the job was posted there was only two applicants, one an internal candidate and the other Mr. Hembree. The county hiring board unanimously recommended hiring the other candidate. Instead per the paperwork Chairman Stuart filled out he was reinstated. Attorney Morgan stated he would not address any personnel in open session but would do so in executive session. He stated he would point out there seemed to be some discrepancies whether the policy manual was followed, the reporting, the drug testing and the requirement to get multiple estimates.

**8. New Business**

**a. Approval of TruVista 3-year contract for Clerk of Court – Susan Cok.**

Councilwoman Guy motioned to approve adding \$25.99 a month for a new phone line, second by Councilman Oliphant. Vote 5-0 to approve.

**b. Approval of Grant Match for Airport Runway Rejuvenation of \$ 13,750-Keith Roach.**  
Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 5-0 to approve.

**c. Discuss a Walmart Community Grant Award for the Sheriff's Office-Sheriff Dorsey**  
Councilwoman Guy motioned to approve the award of \$1000 dollars from Walmart to purchase camera's for the Sheriff's department, second by Vice Chairman Branham. Vote 5-0 to approve.

**d. Discuss a Radio Study Finding-Don Wood and Doug McMurray.**  
Doug McMurray, IT Director Sheriff's Office stated the study gave a good look at what the County currently has and primarily used by the fire service. An outside engineering company was hired to give an unbiased opinion of what the County uses now and what their recommendations would be. Many issues were found with the current radio system but still functioning but still very poor. All the recent repairs have not fixed the system, the final report from the engineer is the County needs a new system and suggested partnering with the State Palmetto 800 Radio system. Currently 150 radios are used in the County on this system by the Sheriff's Office and City Police. He anticipated the cost savings from building of a system to use a system that already exist and expand it to give better coverage.

Chairman Stuart asked why the consultant did not talk to the EMS Director. Mr. McMurray stated the consultant did not talk to individual departments, there were user group meetings where the EMS Director was present and was on the email chain that was updated at each step-in progress. He was notified of what was going on, his personnel doesn't use the county radio system, he uses an outside system for his radio service, so he did not take part in a lot of things but was informed about the discussions. Mr. McMurray stated the final report the County would need to add three more sites to the existing four Palmetto 800 sites that are currently in operation. Taken as information.

## **9. Boards and Commissions**

### **Consent Agenda**

- a. Reappoint Walt Whitman to the Lewis Fire Protection Tax District- Councilwoman Guy
- b. Reappoint Eumon Chisholm to the Lewis Fire Protection Tax District- Councilwoman Guy
- c. Reappoint Sarah B. Collins to the Lewis Fire Protection Tax District- Councilwoman Guy
- d. Reappoint Vic Hayes to the Lewis Fire Protection Tax District- Councilwoman Guy  
Councilwoman Guy motioned to appoint Walt Whitman, Eumon Chisholm, Sarah B. Collins and Vic Hayes to the Lewis Fire Protection District, second by Vice Chairman Branham. Vote 5-0 to approve.

**10. Executive Session-Councilwoman Guy motioned to go Executive Session, second by Councilman Wilson.**  
Vote 5-0 to go to Executive Session.

- a. Discussion and Receipt of Legal Advice Regarding a County Personnel Matter
- b. Receive Legal Advice Concerning the Purchase of Property.
- c. Personnel Matter Related to the Detention Center.

**11. Council Actions Following Executive Session-Councilman Oliphant motioned to back to Regular Session,**  
second by Vice Chairman Branham. Vote 5-0 to go back to Regular Session.

- a. **Action Taken Regarding Receipt from Legal Advice of a County Personnel Matter.**  
Councilman Oliphant motioned pursuant to South Carolina Code Annotated Section 4-9-430 Chester County Council terminated the employment with cause of Ace D. Hembree from Animal Control & Enforcement, second by Councilman Vaughn. Vote 5-0 to approve.

**b. Action Taken Regarding Legal Advice Concerning the Purchase of Property.** Taken as information.

**c. Action Taken Regarding a Personnel Matter Related to the Detention Center.**

Chairman Stuart stated through a County Audit requested by Sheriff Max Dorsey from 2013 to present irregularities were found at the Chester County Detention Center in the amount of \$238,610 dollars that the County Treasurer did not know about until it was identified. He stated at some point the County would be obligated to pay FICA \$30,100.00 dollars. Employees from the sheriff's office was paid out of a special account where taxes and FICA were not withheld. As the result there are penalties, the County will have to refile with IRS. Attorney Winters stated the County would comply with three years as required by law. Taken as information only.

**12. Council Comments**

Vice Chairman Branham asked Attorney Winters if she had heard anything back from the States Election Commission concerning the referendum to change the form of government since the first and second reading had been done. Attorney Winters stated she had talked to them last week to let them know the County needs to know something by the next meeting or the December meeting so the clerk would be able to publish for the public hearing.

Chairman Stuart stated he heard a lot of stuff for an investigation and to violate the county ordinance and still have an investigation of a simple guideline or policy procedure manual. He stated he was referring to the county ordinance where the county attorney recuses, the supervisor has to be privy in the hiring process which he was not included. He stated council failed to take procedural measures to suspend the rule therefore violating the county ordinance to go back to investigate the information.

**13. Adjourn-Councilwoman Guy motioned to adjourn, second by Councilman Wilson. Vote 5-0 to adjourn.**

Time 9:40 pm

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K. Shane Stuart, Supervisor & Chairman

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Karen Lee, Clerk to County 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**