



CHESTER COUNTY COUNCIL MEETING

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Tuesday, February 21st, 2023 at 6:00 PM

Agenda

1. Call to Order

2. Pledge of Allegiance and Invocation

3. Approval of Minutes

a. February 6th, 2023 Council minutes.

b. February 15th, 2023 Special Called minutes.

4. Citizen's Comments

5. Public Hearing

a. **3rd Reading Of 2023-1** An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Chester County, South Carolina (The "County") And [**Project Phoenix22**], Acting For Itself, One Or More Affiliates Or Other Project Sponsors (Collectively, The "Company"), Whereby The County Shall Covenant To Accept Negotiated Fees In Lieu Of *Ad Valorem* Taxes In Connection With The Acquisition, Improvement And Equipping Of Certain Facilities In The County (Collectively, The "Project"); (2) Special Source Revenue Credits In Connection With The Project; (3) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Project; (4) The Allocation Of Fees In Lieu Of *Ad Valorem* Taxes Received From The Project; And (5) Other Matters Relating Thereto.

b. **3rd Reading of 2023-4** An Ordinance To Repeal Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting.

6. Ordinances/Resolutions/Proclamations

a. **3rd Reading Of 2023-1** An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Chester County, South Carolina (The "County") And [**Project Phoenix22**], Acting For Itself, One Or More Affiliates Or Other Project Sponsors (Collectively, The "Company"), Whereby The County Shall Covenant To Accept Negotiated Fees In Lieu Of *Ad Valorem* Taxes In Connection With The Acquisition, Improvement And Equipping Of Certain Facilities In The County (Collectively, The "Project"); (2) Special Source Revenue Credits In Connection With The Project; (3) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Project; (4) The Allocation Of Fees In Lieu Of *Ad Valorem* Taxes Received From The Project; And (5) Other Matters Relating Thereto.

b. **3rd Reading of 2023-4** An Ordinance to Repeal Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting.

- c. **2nd Reading of 2023-5** An Ordinance to Amend Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting.
- d. **2nd Reading 2023-7** An Ordinance to amend County Council Rules of Procedure Section 2-59 Appearances by Citizens
- e. **2nd Reading 2023-8** An Ordinance to Amend Chester County Code, Chapter 6, Animals.
- f. **1st Reading of 2023-9** An Ordinance for Social Media Policy.

7. Old Business

- a. Update regarding the Burnt House Cemetery Advisory Committee- Neely Gaston.
- b. **3rd Reading of CCMA22-24** Jeremiah Kibbey request Tax Map #101-00-00-099-000 at 2115 Great Falls Hwy, Blackstock, SC 29014 to be rezoned Rural 2 (R2) to General Residential District (RG-2). Planning Commission voted 5-0 to approve.
- c. **3rd Reading of CCMA22-25** Luck Companies request a portion (7.8 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve.
- d. **3rd Reading of CCMA22-26** Luck Companies request a portion (1.82 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
- e. **3rd Reading of CCMA22-27** Luck Companies request a portion (48.89 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
- f. **3rd Reading of CCMA22-28** Luck Companies request a portion (17.92 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve.
- g. **3rd Reading of CCMA22-29** Luck Companies request Tax Map #088-00-00-054-000 off Mallard Creek Dr., Chester, SC 29706 to be rezoned from Restricted Industrial District (ID-1) to Agricultural District (AG). Planning Commission voted 5-0 to approve.
- h. **3rd Reading of CCMA22-30** Luck Companies request a portion (174.46 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
- i. **3rd Reading of CCMA22-31** Luck Companies request a portion (19.35 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
- j. **3rd Reading of CCMA22-32** Luck Companies request Tax Map #089-00-00-025-000 off Lancaster Hwy, Chester, SC to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
- k. **3rd Reading of CCMA22-33** Luck Companies request a portion (9.35 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.

1. 3rd Reading of CCMA22-34 Luck Companies request a portion (1.01 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.

8. New Business

a. Council to approve a FEMA Fire Act Grant in the amount of \$200,602.39 dollars with a match of \$10,632.40 dollars to purchase a new 6000 psi air system to assist in incidents. Chief T. Melton.

b. Discussion regarding moving the Probate Office to the Federal Building. Probate Judge Terri Zion.

9. Boards and Commissions

a. County Council Appointments and Reappointments.

1. Reappointment to the Lewis Fire Protection District.
2. Appointment to the Lando Fire Protection District.
3. Reappointments to the Richburg Fire Protection District.

b. Councilman Guy appointment.

1. Appointment to the Hazel Pittman Board.

c. Councilman Vaughn appointment.

1. Appointment to the Construction Board of Appeals.

10. Executive Session

- a.** To receive legal advice regarding Bailey Bill. Attorney Winters.
- b.** To receive legal advice regarding Project 2187. Bond Attorney Kozlarek.
- c.** To receive legal advice regarding Project 2271. Bond Attorney Kozlarek.
- d.** To receive legal advice regarding a contractual matter. Attorney Winters.
- e.** To receive legal advice regarding a contractual matter. Attorney Winters.

11. Council Actions Following Executive Session

- a.** Action taken regarding Bailey Bill.
- b.** Action taken regarding Project 2187.
- c.** Action taken regarding Project 2271.
- d.** Action taken regarding a contractual matter.
- e.** Action taken regarding a contractual matter.

12. Council Comments

13. Adjourn

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.

Guidelines for Addressing Council

Citizens Comments:

- Each citizen will be limited to three minutes.

Public Hearings:

- Each speaker will be limited to three minutes.

When introduced:

- Approach the podium, state your name and address.
- Speak loudly and clearly making sure that the microphone is not obstructed.
- Do not address the audience – direct all comments to Council.
- Do not approach the Council table unless directed.

Anyone addressing Council will be called out of order if you:

- Use profanity
- Stray from the subject
- Make comments personally attacking an individual member of Council



CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, February 6th, 2023 at 6:00 PM

Present: Chairman Branham, Vice Chairman Wilson, Councilman Vaughn, Councilman Guy, Councilwoman Mosley, Councilman Agee, County Attorney Winters and Clerk to Council Lee. **Absent:** Councilman Killian

- 1. Call to Order-**Chairman Branham called the meeting to order.
- 2. Pledge of Allegiance and Invocation-** Pledge was recited in unison; invocation was given by Councilman Guy.

3. Approval of Minutes

a. January 30th, 2023 Special Called Council Minutes.

Vice Chairman Wilson motioned to approve, second by Councilwoman Mosely. Vote was unanimous.

b. January 26th, 2023 Special Called Council minutes.

Councilman Vaughn motioned to approves, second by Councilman Guy. Vote was unanimous.

c. January 17th, 2023 Council minutes.

Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

4. Citizen's Comments

Trent Bagley, 1076 Craighbrow Circle, Chester addressed Council regarding being in favor of the rezoning of CCMA22-25 thru CCMA22-34.

Joan Hyde, 2440 Gill Jordan Road, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Ben Thompson, 1297 Lancaster Hwy addressed Council regarding being in favor of the rezoning of CCMA22-25 thru CCMA22-34.

JoAnna Timms, 1110 Dogwood Lane, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Joe Carnahan, 1297 Lancaster Hwy addressed Council regarding being in favor of the rezoning of CCMA22-25 thru CCMA22-34.

Kenneth Myhren, 1163 Cedarhurst Rd, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

George Sweatt, 2528 Rodman Rd, Chester, addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Dorothy Willard, 938 Mallard Creek Rd, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Kathy Huntsinger 918 Craigbrow Circle, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Roxann James, 3007 Steele Village Rd, Rock Hill addressed Council stating she wanted to invite them and veterans to an important meeting February 13th, at 5PM located at 623 Baseball Alley to discuss changes to laws regarding veterans.

5. Ordinances/Resolutions/Proclamations

a. **2nd Reading of 2022-18 in Title Only An Ordinance Authorizing An Amendment to the Master Agreement Governing The York-Chester Industrial Park By And Between Chester County, South Carolina (The “County”) And York County, South Carolina (“York County”) To Enlarge The Boundaries Of The Joint County Industrial Park To Include Certain Real Property Located In Chester County; And Other Matters Related Thereto.** Project Power Councilman Vaughn motioned to approve by title only, second by Councilman Agee. Vote was unanimous.

b. **2nd Reading Of 2023-1 An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Chester County, South Carolina (The “County”) And [Project Phoenix22], Acting For Itself, One Or More Affiliates Or Other Project Sponsors (Collectively, The “Company”), Whereby The County Shall Covenant To Accept Negotiated Fees In Lieu Of *Ad Valorem* Taxes In Connection With The Acquisition, Improvement And Equipping Of Certain Facilities In The County (Collectively, The “Project”); (2) Special Source Revenue Credits In Connection With The Project; (3) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Project; (4) The Allocation Of Fees In Lieu Of *Ad Valorem* Taxes Received From The Project; And (5) Other Matters Relating Thereto.** Councilman Guy motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

c. **2nd Reading of 2023-2 An Ordinance Authorizing An Amendment To The Agreement For Development Of Joint County Industrial And Business Park (York And Chester Counties) To Enlarge The Boundaries Of The Joint County Industrial Park To Include Certain Real Property Located In Chester County; And Other Matters Related Thereto.** Vice Chairman Wilson motioned to approve, second by Councilman Guy. Vote was unanimous.

d. **2nd Reading of 2023-3 An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Chester County And [Project Power]; The Inclusion Of Certain Real Property Located In Chester County In A Multi-County Industrial Park; The Provision Of Credits Against Fee In Lieu Of Tax Payments; The Execution And Delivery Of Such Documents As May Be Necessary To Effect The Intent Of This Ordinance; And Other Matters Related Thereto.** Councilman Vaughn motioned to approve, second by Councilman Guy. Vote was unanimous.

e. **2nd Reading of 2023-4 An Ordinance To Repeal Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting.** Councilman Agee motioned to approve, second by Councilwoman Mosley. Attorney Winters stated the ordinance currently prohibits the County from appropriating any money for street lighting anywhere in the County. The next ordinance on the agenda will be to amend the ordinance to provide under certain circumstances the ability to provide street lighting on highways, streets or roads. Vote unanimous.

f. 1st Reading of 2023-5 An Ordinance To Amend Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting. Councilman Guy motioned to approve, second by Councilman Wilson. Attorney Winters stated the language for the new ordinance would be “The county shall provide street loading on highway streets or roads as determined appropriate by Chester County Council. During a duly called meeting and with a unanimous vote for such provision. The county shall ensure adequate funds are appropriated at that time and for future funding.” This would allow Council to determine where lighting is appropriate or necessary and to appropriate the money for the lighting. Vice Chairman Wilson asked to remove “unanimous vote” and include “majority vote”. Vice Chairman Wilson withdrew his second, Councilman Guy withdrew his motion. Councilman Guy amended his motion to the vote does not have to be unanimous but a majority, second by Vice Chairman Wilson. Vote was unanimous.

g. 1st Reading of 2023-6 in Title Only An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Chester County, South Carolina And A Company Or Companies Known To The County At This Time As “Project Raven” With Respect To Certain Economic Development Property In The County, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes, Including The Provision Of Payments For Certain Investments In Infrastructure And Providing For The Inclusion Of The Company Or Companies Property In A Multi-County Industrial And Business Park; And Other Matters Related Thereto. Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

h. 1st Reading of 2023-7 in Title Only An Ordinance to Amend Chester County Code, Chapter 2, Administration, Article III, Section 2-59 Appearances by Citizens. Attorney Winters stated the rules of procedure were different from parliamentary procedures. Currently there was one comment sheet to sign up for to speak. That was changed after the last meeting to three sign up sheets which consist of the regular signup sheet along with speaking in favor or speaking to oppose. Councilwoman Mosley motioned to approve, second by Vice Chairman Wilson. Vote was unanimous.

i. 1st Reading 2023-8 in Title Only An Ordinance to Amend Chester County Code, Chapter 6, Animals. Councilman Vaughn motioned to approve, second by Councilman Guy. Vote was unanimous.

6. Old Business

a. 2nd Reading of CCMA22-24 Jeremiah Kibbey request Tax Map #101-00-00-099-000 at 2115 Great Falls Hwy, Blackstock, SC 29014 to be rezoned Rural 2 (R2) to General Residential District (RG-2). Planning Commission voted 5-0 to approve. Councilwoman Mosley motioned to approve, second by Councilman Vaughn. Vote was unanimous.

b. 2nd Reading of CCMA22-25 Luck Companies request a portion (7.8 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve. Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Guy. Vote was unanimous.

c. 2nd Reading of CCMA22-26 Luck Companies request a portion (1.82 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve. Councilman Vaughn motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Vice Chairman Wilson. Vote was unanimous.

d. 2nd Reading of CCMA22-27 Luck Companies request a portion (48.89 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Guy. Vote was unanimous

e. 2nd Reading of CCMA22-28 Luck Companies request a portion (17.92 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve.
Councilman Agee motioned to approve with the conditions listed in the February 3, 2023 version of the plan titled proposed zoning and special exception plan in addition to a reverter clause should a change in ownership of the property occur as well as phasing changes contingent on DHEC approval of those changes, second by Councilmen Guy. Vote was unanimous.

f. 2nd Reading of CCMA22-29 Luck Companies request Tax Map #088-00-00-054-000 off Mallard Creek Dr., Chester, SC 29706 to be rezoned from Restricted Industrial District (ID-1) to Agricultural District (AG). Planning Commission voted 5-0 to approve.
Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Vaughn. Vote was unanimous

g. 2nd Reading of CCMA22-30 Luck Companies request a portion (174.46 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
Councilman Vaughn motioned to approve with the conditions listed in the February 3, 2023 version of the plan titled proposed zoning and special exception plan in addition to a reverter clause should a change in ownership of the property occur as well as phasing changes contingent on DHEC approval of those changes, second by Vice Chairman Wilson. Vote was unanimous.

h. 2nd Reading of CCMA22-31 Luck Companies request a portion (19.35 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
Councilman Guy motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilwoman Mosley. Vote was unanimous.

i. 2nd Reading of CCMA22-32 Luck Companies request Tax Map #089-00-00-025-000 off Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
Councilman Vaughn motioned to approve with the conditions listed in the February 3, 2023 version of the plan titled proposed zoning and special exception plan in addition to a reverter clause should a change in ownership of the property occur as well as phasing changes contingent on DHEC approval of those changes, second by Vice Chairman Wilson. Vote was unanimous.

j. 2nd Reading of CCMA22-33 Luck Companies request a portion (9.35 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilwoman Mosley. Vote was unanimous.

k. 2nd Reading of CCMA22-34 Luck Companies request a portion (1.01 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve. Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Agee. Vote was unanimous.

7. New Business

a. Council to consider approval of \$ 61,645 dollars to purchase appraisal computer software for the Assessor's Office approved in the current capital budget. Rick Anderson.

Vice Chairman Wilson motioned to approve contingent on the contract being approved by the County Attorney, second by Councilman Vaughn. Vote was unanimous.

b. Council to approve Chester County Animal Control to accept a \$22,000 dollar matching grant from the Lutz Foundation for the Spay and Neuter/ Lab program. Kellie Simoneau.

Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

c. Council to authorize Chester County 250 Committee to apply for a \$3000 grant with no match to promote, engage and enhance tourism through places in Chester County during the American Revolutionary War. Councilman Guy motioned to approve, second by Councilwoman Mosley. Vote was 5-0 to approve. Councilman Vaughn recused.

8. Boards and Commissions

a. County Council Appointments and Reappointments

1. Reappointment to the Airport Commission.

Councilman Vaughn motioned to reappoint Dale Hinson, second by Councilwoman Mosley. Vote was unanimous.

2. Reappointments to the Burnt House Meeting Cemetery.

Councilman Vaughn motioned to reappoint Scott Coleman, second by Councilwoman Mosley. Vote was unanimous.

Councilman Guy motioned to reappoint Tally Johnson second by Councilwoman Mosley. Vote was unanimous.

3. Resignation from the Catawba Regional Workforce Board.

Councilman Guy motioned to accept Alexander Rankin resignation, second by Councilwoman Mosley. Vote was unanimous.

4. Reappointments to Catawba Regional Workforce Board.

Councilman Vaughn motioned to reappoint Joanie Winters, second by Councilwoman Mosley. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Angie Bagley, second by Vice Chairman Wilson. Vote was unanimous.

5. Reappointment to Fort Lawn Fire Protection District.

Councilman Agee motioned to reappoint Steve Nunn, second by Councilman Guy. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Linda Gandy, second by Councilman Vaughn. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Richard Hulse second by Councilman Agee. Vote was unanimous.

6. Reappointments to the Lando Fire Protection District.

Councilwoman Mosley motioned to reappoint Jamie Bowman, second by Councilman Guy.

Vote was unanimous.

Councilman Agee motioned to reappoint Shirley Brice, second by Councilman Guy.

Vote was unanimous.

7. Appointments to the Lando Fire Protection District.

Councilman Agee motioned to appoint Brad Jordan, second by Councilman Vaughn. Vote was unanimous.

Councilman Agee motioned to appoint Shawn Meredith , second by Vice Chairman Wilson.

Vote was unanimous.

Discussion was had regarding appointing the last board member. Councilwoman Mosley motioned to table to the next meeting, second by Councilman Guy. Vote was unanimous.

8. Reappointment to the Lewis Fire District.

Councilman Guy motioned to reappoint Walt Whitman, second by Councilman Agee. Vote was unanimous.

Councilman Guy motioned to reappoint Vic Hayes, second by Councilwoman Mosley. Vote was unanimous.

Councilman Guy motioned to reappoint Eumon Chisholm, second by Councilman Agee. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Anthony Williams, second by Councilman Guy. Vote was unanimous.

9. Appointment to the Richburg Fire Protection District.

Councilman Agee appointed Charlie O. Barber, second by Councilwoman Mosley. Vote was unanimous.

b. Councilmember Mosley Appointments and Reappointments.

1. Reappointment to the Parks and Recreation Advisory.

Councilwoman Mosley motioned to reappoint Forest Baker, second by Councilman Guy. Vote was unanimous.

2. Appointment to Zoning Board of Appeals Board.

Councilwoman Mosley motioned to appoint Katherine Fischer, second by Councilman Guy. Vote was unanimous.

3. Appointment to Chester County Library.

Councilwoman Mosley motioned to appoint Elisa Hare Hedgpath, second by Councilman Guy. Vote was unanimous.

c. Councilmember Guy Appointments and Reappointments.

1. Reappointment to the Planning Commission.

Councilman Guy motioned to reappoint Carolyn Williams, second by Councilwoman Mosley. Vote was unanimous.

2. Reappointment to the Parks and Recreation Board.

Councilman Guy motioned to reappoint Jermaine Mapp, second by Councilwoman Mosley. Vote was unanimous.

3. Appointment to the Rural Fire Commission.

Councilman Guy motioned to appoint James McNeil, second by Councilman Agee. Vote was unanimous.

d. Councilmember Agee Appointments and Reappointments.

1. Appointment to Tax Assessment Board of Appeals.

Councilman Agee motioned to appoint Pete Burton, second by Councilman Guy.

Vote was unanimous.

9. Executive Session

Councilwoman Mosley motioned to go to executive session, second by Councilman Guy.

Vote was unanimous.

a. To receive legal advice regarding Project 2242. Attorney Winters.

b. To receive legal advice regarding Project 2302. Attorney Winters.

c. To receive legal advice regarding a contractual matter. Attorney Winters.

d. To receive legal advice regarding the hiring of the County Administrator. Attorney Winters.

10. Council Actions Following Executive Session

Councilman Vaughn motioned to go back to regular session, second by Councilman Guy.

Vote was unanimous.

a. Action taken regarding Project 2242. Taken as information only.

b. Action taken regarding Project 2302. Vice Chairman Wilson motioned to give permission to proceed, second by Councilman Vaughn. Vote was unanimous.

c. Action taken regarding a contractual matter. Taken as information only.

d. Action taken regarding the hiring of the County Administrator.

Councilwoman Mosley motioned to offer the county administrator position to Mr. Brian Hester and to approve his employment contract, second by Councilman Agee. Vote was unanimous.

11. Council Comments-None

12. Adjourn-Councilwoman Mosley motioned to adjourn, second by Councilman Vaughn.

Vote 6-0 to adjourn.

Time: 10:30 PM.

KI

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.



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1476 J.A. Cochran Bypass Chester, SC 29706

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Agenda

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b. February 15th, 2023 Special Called minutes.

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- a. Update regarding the Burnt House Cemetery Advisory Committee- Neely Gaston.
- b. **3rd Reading of CCMA22-24** Jeremiah Kibbey request Tax Map #101-00-00-099-000 at 2115 Great Falls Hwy, Blackstock, SC 29014 to be rezoned Rural 2 (R2) to General Residential District (RG-2). Planning Commission voted 5-0 to approve.
- c. **3rd Reading of CCMA22-25** Luck Companies request a portion (7.8 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve.
- d. **3rd Reading of CCMA22-26** Luck Companies request a portion (1.82 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
- e. **3rd Reading of CCMA22-27** Luck Companies request a portion (48.89 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
- f. **3rd Reading of CCMA22-28** Luck Companies request a portion (17.92 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve.
- g. **3rd Reading of CCMA22-29** Luck Companies request Tax Map #088-00-00-054-000 off Mallard Creek Dr., Chester, SC 29706 to be rezoned from Restricted Industrial District (ID-1) to Agricultural District (AG). Planning Commission voted 5-0 to approve.
- h. **3rd Reading of CCMA22-30** Luck Companies request a portion (174.46 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
- i. **3rd Reading of CCMA22-31** Luck Companies request a portion (19.35 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
- j. **3rd Reading of CCMA22-32** Luck Companies request Tax Map #089-00-00-025-000 off Lancaster Hwy, Chester, SC to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
- k. **3rd Reading of CCMA22-33** Luck Companies request a portion (9.35 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.

1. 3rd Reading of CCMA22-34 Luck Companies request a portion (1.01 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.

8. New Business

a. Council to approve a FEMA Fire Act Grant in the amount of \$200,602.39 dollars with a match of \$10,632.40 dollars to purchase a new 6000 psi air system to assist in incidents. Chief T. Melton.

b. Discussion regarding moving the Probate Office to the Federal Building. Probate Judge Terri Zion.

9. Boards and Commissions

a. County Council Appointments and Reappointments.

1. Reappointment to the Lewis Fire Protection District.
2. Appointment to the Lando Fire Protection District.
3. Reappointments to the Richburg Fire Protection District.

b. Councilman Guy appointment.

1. Appointment to the Hazel Pittman Board.

c. Councilman Vaughn appointment.

1. Appointment to the Construction Board of Appeals.

10. Executive Session

- a.** To receive legal advice regarding Bailey Bill. Attorney Winters.
- b.** To receive legal advice regarding Project 2187. Bond Attorney Kozlarek.
- c.** To receive legal advice regarding Project 2271. Bond Attorney Kozlarek.
- d.** To receive legal advice regarding a contractual matter. Attorney Winters.
- e.** To receive legal advice regarding a contractual matter. Attorney Winters.

11. Council Actions Following Executive Session

- a.** Action taken regarding Bailey Bill.
- b.** Action taken regarding Project 2187.
- c.** Action taken regarding Project 2271.
- d.** Action taken regarding a contractual matter.
- e.** Action taken regarding a contractual matter.

12. Council Comments

13. Adjourn

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.

Guidelines for Addressing Council

Citizens Comments:

- Each citizen will be limited to three minutes.

Public Hearings:

- Each speaker will be limited to three minutes.

When introduced:

- Approach the podium, state your name and address.
- Speak loudly and clearly making sure that the microphone is not obstructed.
- Do not address the audience – direct all comments to Council.
- Do not approach the Council table unless directed.

Anyone addressing Council will be called out of order if you:

- Use profanity
- Stray from the subject
- Make comments personally attacking an individual member of Council



CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, February 6th, 2023 at 6:00 PM

Present: Chairman Branham, Vice Chairman Wilson, Councilman Vaughn, Councilman Guy, Councilwoman Mosley, Councilman Agee, County Attorney Winters and Clerk to Council Lee. **Absent:** Councilman Killian

- 1. Call to Order-**Chairman Branham called the meeting to order.
- 2. Pledge of Allegiance and Invocation-** Pledge was recited in unison; invocation was given by Councilman Guy.

3. Approval of Minutes

a. January 30th, 2023 Special Called Council Minutes.

Vice Chairman Wilson motioned to approve, second by Councilwoman Mosely. Vote was unanimous.

b. January 26th, 2023 Special Called Council minutes.

Councilman Vaughn motioned to approves, second by Councilman Guy. Vote was unanimous.

c. January 17th, 2023 Council minutes.

Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

4. Citizen's Comments

Trent Bagley, 1076 Craigbrow Circle, Chester addressed Council regarding being in favor of the rezoning of CCMA22-25 thru CCMA22-34.

Joan Hyde, 2440 Gill Jordan Road, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Ben Thompson, 1297 Lancaster Hwy addressed Council regarding being in favor of the rezoning of CCMA22-25 thru CCMA22-34.

JoAnna Timms, 1110 Dogwood Lane, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Joe Carnahan, 1297 Lancaster Hwy addressed Council regarding being in favor of the rezoning of CCMA22-25 thru CCMA22-34.

Kenneth Myhren, 1163 Cedarhurst Rd, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

George Sweatt, 2528 Rodman Rd, Chester, addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Dorothy Willard, 938 Mallard Creek Rd, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Kathy Huntsinger 918 Craigbrow Circle, Chester addressed Council regarding being opposed to rezoning CCMA22-25 thru CCMA22-34.

Roxann James, 3007 Steele Village Rd, Rock Hill addressed Council stating she wanted to invite them and veterans to an important meeting February 13th, at 5PM located at 623 Baseball Alley to discuss changes to laws regarding veterans.

5. Ordinances/Resolutions/Proclamations

a. **2nd Reading of 2022-18 in Title Only An Ordinance Authorizing An Amendment to the Master Agreement Governing The York-Chester Industrial Park By And Between Chester County, South Carolina (The “County”) And York County, South Carolina (“York County”) To Enlarge The Boundaries Of The Joint County Industrial Park To Include Certain Real Property Located In Chester County; And Other Matters Related Thereto.** Project Power Councilman Vaughn motioned to approve by title only, second by Councilman Agee. Vote was unanimous.

b. **2nd Reading Of 2023-1 An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Chester County, South Carolina (The “County”) And [Project Phoenix22], Acting For Itself, One Or More Affiliates Or Other Project Sponsors (Collectively, The “Company”), Whereby The County Shall Covenant To Accept Negotiated Fees In Lieu Of Ad Valorem Taxes In Connection With The Acquisition, Improvement And Equipping Of Certain Facilities In The County (Collectively, The “Project”); (2) Special Source Revenue Credits In Connection With The Project; (3) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Project; (4) The Allocation Of Fees In Lieu Of Ad Valorem Taxes Received From The Project; And (5) Other Matters Relating Thereto.** Councilman Guy motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

c. **2nd Reading of 2023-2 An Ordinance Authorizing An Amendment To The Agreement For Development Of Joint County Industrial And Business Park (York And Chester Counties) To Enlarge The Boundaries Of The Joint County Industrial Park To Include Certain Real Property Located In Chester County; And Other Matters Related Thereto.** Vice Chairman Wilson motioned to approve, second by Councilman Guy. Vote was unanimous.

d. **2nd Reading of 2023-3 An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Chester County And [Project Power]; The Inclusion Of Certain Real Property Located In Chester County In A Multi-County Industrial Park; The Provision Of Credits Against Fee In Lieu Of Tax Payments; The Execution And Delivery Of Such Documents As May Be Necessary To Effect The Intent Of This Ordinance; And Other Matters Related Thereto.** Councilman Vaughn motioned to approve, second by Councilman Guy. Vote was unanimous.

e. **2nd Reading of 2023-4 An Ordinance To Repeal Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting.** Councilman Agee motioned to approve, second by Councilwoman Mosley. Attorney Winters stated the ordinance currently prohibits the County from appropriating any money for street lighting anywhere in the County. The next ordinance on the agenda will be to amend the ordinance to provide under certain circumstances the ability to provide street lighting on highways, streets or roads. Vote unanimous.

f. 1st Reading of 2023-5 An Ordinance To Amend Chester County Code, Chapter 46, Streets, Sidewalks, and other Public Property, Article VII, Acceptance of Streets, Section 46-202 Street Lighting. Councilman Guy motioned to approve, second by Councilman Wilson. Attorney Winters stated the language for the new ordinance would be “The county shall provide street loading on highway streets or roads as determined appropriate by Chester County Council. During a duly called meeting and with a unanimous vote for such provision. The county shall ensure adequate funds are appropriated at that time and for future funding.” This would allow Council to determine where lighting is appropriate or necessary and to appropriate the money for the lighting. Vice Chairman Wilson asked to remove “unanimous vote” and include “majority vote”. Vice Chairman Wilson withdrew his second, Councilman Guy withdrew his motion. Councilman Guy amended his motion to the vote does not have to be unanimous but a majority, second by Vice Chairman Wilson. Vote was unanimous.

g. 1st Reading of 2023-6 in Title Only An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Chester County, South Carolina And A Company Or Companies Known To The County At This Time As “Project Raven” With Respect To Certain Economic Development Property In The County, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes, Including The Provision Of Payments For Certain Investments In Infrastructure And Providing For The Inclusion Of The Company Or Companies Property In A Multi-County Industrial And Business Park; And Other Matters Related Thereto. Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

h. 1st Reading of 2023-7 in Title Only An Ordinance to Amend Chester County Code, Chapter 2, Administration, Article III, Section 2-59 Appearances by Citizens. Attorney Winters stated the rules of procedure were different from parliamentary procedures. Currently there was one comment sheet to sign up for to speak. That was changed after the last meeting to three sign up sheets which consist of the regular signup sheet along with speaking in favor or speaking to oppose. Councilwoman Mosley motioned to approve, second by Vice Chairman Wilson. Vote was unanimous.

i. 1st Reading 2023-8 in Title Only An Ordinance to Amend Chester County Code, Chapter 6, Animals. Councilman Vaughn motioned to approve, second by Councilman Guy. Vote was unanimous.

6. Old Business

a. 2nd Reading of CCMA22-24 Jeremiah Kibbey request Tax Map #101-00-00-099-000 at 2115 Great Falls Hwy, Blackstock, SC 29014 to be rezoned Rural 2 (R2) to General Residential District (RG-2). Planning Commission voted 5-0 to approve. Councilwoman Mosley motioned to approve, second by Councilman Vaughn. Vote was unanimous.

b. 2nd Reading of CCMA22-25 Luck Companies request a portion (7.8 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve. Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Guy. Vote was unanimous.

c. 2nd Reading of CCMA22-26 Luck Companies request a portion (1.82 acres) of Tax Map #089-00-00-005-000 at 1207 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve. Councilman Vaughn motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Vice Chairman Wilson. Vote was unanimous.

d. 2nd Reading of CCMA22-27 Luck Companies request a portion (48.89 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Guy. Vote was unanimous

e. 2nd Reading of CCMA22-28 Luck Companies request a portion (17.92 acres) of Tax Map #089-00-00-008-000 at 1113 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Planning Commission voted 5-0 to approve.
Councilman Agee motioned to approve with the conditions listed in the February 3, 2023 version of the plan titled proposed zoning and special exception plan in addition to a reverter clause should a change in ownership of the property occur as well as phasing changes contingent on DHEC approval of those changes, second by Councilmen Guy. Vote was unanimous.

f. 2nd Reading of CCMA22-29 Luck Companies request Tax Map #088-00-00-054-000 off Mallard Creek Dr., Chester, SC 29706 to be rezoned from Restricted Industrial District (ID-1) to Agricultural District (AG). Planning Commission voted 5-0 to approve.
Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Vaughn. Vote was unanimous

g. 2nd Reading of CCMA22-30 Luck Companies request a portion (174.46 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
Councilman Vaughn motioned to approve with the conditions listed in the February 3, 2023 version of the plan titled proposed zoning and special exception plan in addition to a reverter clause should a change in ownership of the property occur as well as phasing changes contingent on DHEC approval of those changes, second by Vice Chairman Wilson. Vote was unanimous.

h. 2nd Reading of CCMA22-31 Luck Companies request a portion (19.35 acres) of Tax Map #089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
Councilman Guy motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilwoman Mosley. Vote was unanimous.

i. 2nd Reading of CCMA22-32 Luck Companies request Tax Map #089-00-00-025-000 off Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve.
Councilman Vaughn motioned to approve with the conditions listed in the February 3, 2023 version of the plan titled proposed zoning and special exception plan in addition to a reverter clause should a change in ownership of the property occur as well as phasing changes contingent on DHEC approval of those changes, second by Vice Chairman Wilson. Vote was unanimous.

j. 2nd Reading of CCMA22-33 Luck Companies request a portion (9.35 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Planning Commission voted 5-0 to approve.
Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilwoman Mosley. Vote was unanimous.

k. 2nd Reading of CCMA22-34 Luck Companies request a portion (1.01 acres) of Tax Map #089-00-00-001-000 at 1295 Lancaster Hwy, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Planning Commission voted 5-0 to approve. Vice Chairman Wilson motioned to approve with the conditions listed in the February 3, 2023 version of the plan and titled proposed zoning and special exception plan, second by Councilman Agee. Vote was unanimous.

7. New Business

a. Council to consider approval of \$ 61,645 dollars to purchase appraisal computer software for the Assessor's Office approved in the current capital budget. Rick Anderson.

Vice Chairman Wilson motioned to approve contingent on the contract being approved by the County Attorney, second by Councilman Vaughn. Vote was unanimous.

b. Council to approve Chester County Animal Control to accept a \$22,000 dollar matching grant from the Lutz Foundation for the Spay and Neuter/ Lab program. Kellie Simoneau.

Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was unanimous.

c. Council to authorize Chester County 250 Committee to apply for a \$3000 grant with no match to promote, engage and enhance tourism through places in Chester County during the American Revolutionary War. Councilman Guy motioned to approve, second by Councilwoman Mosley. Vote was 5-0 to approve. Councilman Vaughn recused.

8. Boards and Commissions

a. County Council Appointments and Reappointments

1. Reappointment to the Airport Commission.

Councilman Vaughn motioned to reappoint Dale Hinson, second by Councilwoman Mosley. Vote was unanimous.

2. Reappointments to the Burnt House Meeting Cemetery.

Councilman Vaughn motioned to reappoint Scott Coleman, second by Councilwoman Mosley. Vote was unanimous.

Councilman Guy motioned to reappoint Tally Johnson second by Councilwoman Mosley. Vote was unanimous.

3. Resignation from the Catawba Regional Workforce Board.

Councilman Guy motioned to accept Alexander Rankin resignation, second by Councilwoman Mosley. Vote was unanimous.

4. Reappointments to Catawba Regional Workforce Board.

Councilman Vaughn motioned to reappoint Joanie Winters, second by Councilwoman Mosley. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Angie Bagley, second by Vice Chairman Wilson. Vote was unanimous.

5. Reappointment to Fort Lawn Fire Protection District.

Councilman Agee motioned to reappoint Steve Nunn, second by Councilman Guy. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Linda Gandy, second by Councilman Vaughn. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Richard Hulse second by Councilman Agee. Vote was unanimous.

6. Reappointments to the Lando Fire Protection District.

Councilwoman Mosley motioned to reappoint Jamie Bowman, second by Councilman Guy.

Vote was unanimous.

Councilman Agee motioned to reappoint Shirley Brice, second by Councilman Guy.

Vote was unanimous.

7. Appointments to the Lando Fire Protection District.

Councilman Agee motioned to appoint Brad Jordan, second by Councilman Vaughn. Vote was unanimous.

Councilman Agee motioned to appoint Shawn Meredith , second by Vice Chairman Wilson.

Vote was unanimous.

Discussion was had regarding appointing the last board member. Councilwoman Mosley motioned to table to the next meeting, second by Councilman Guy. Vote was unanimous.

8. Reappointment to the Lewis Fire District.

Councilman Guy motioned to reappoint Walt Whitman, second by Councilman Agee. Vote was unanimous.

Councilman Guy motioned to reappoint Vic Hayes, second by Councilwoman Mosley. Vote was unanimous.

Councilman Guy motioned to reappoint Eumon Chisholm, second by Councilman Agee. Vote was unanimous.

Councilwoman Mosley motioned to reappoint Anthony Williams, second by Councilman Guy. Vote was unanimous.

9. Appointment to the Richburg Fire Protection District.

Councilman Agee appointed Charlie O. Barber, second by Councilwoman Mosley. Vote was unanimous.

b. Councilmember Mosley Appointments and Reappointments.

1. Reappointment to the Parks and Recreation Advisory.

Councilwoman Mosley motioned to reappoint Forest Baker, second by Councilman Guy. Vote was unanimous.

2. Appointment to Zoning Board of Appeals Board.

Councilwoman Mosley motioned to appoint Katherine Fischer, second by Councilman Guy. Vote was unanimous.

3. Appointment to Chester County Library.

Councilwoman Mosley motioned to appoint Elisa Hare Hedgpath, second by Councilman Guy. Vote was unanimous.

c. Councilmember Guy Appointments and Reappointments.

1. Reappointment to the Planning Commission.

Councilman Guy motioned to reappoint Carolyn Williams, second by Councilwoman Mosley. Vote was unanimous.

2. Reappointment to the Parks and Recreation Board.

Councilman Guy motioned to reappoint Jermaine Mapp, second by Councilwoman Mosley. Vote was unanimous.

3. Appointment to the Rural Fire Commission.

Councilman Guy motioned to appoint James McNeil, second by Councilman Agee. Vote was unanimous.

d. Councilmember Agee Appointments and Reappointments.

1. Appointment to Tax Assessment Board of Appeals.

Councilman Agee motioned to appoint Pete Burton, second by Councilman Guy.

Vote was unanimous.

9. Executive Session

Councilwoman Mosley motioned to go to executive session, second by Councilman Guy.

Vote was unanimous.

a. To receive legal advice regarding Project 2242. Attorney Winters.

b. To receive legal advice regarding Project 2302. Attorney Winters.

c. To receive legal advice regarding a contractual matter. Attorney Winters.

d. To receive legal advice regarding the hiring of the County Administrator. Attorney Winters.

10. Council Actions Following Executive Session

Councilman Vaughn motioned to go back to regular session, second by Councilman Guy.

Vote was unanimous.

a. Action taken regarding Project 2242. Taken as information only.

b. Action taken regarding Project 2302. Vice Chairman Wilson motioned to give permission to proceed, second by Councilman Vaughn. Vote was unanimous.

c. Action taken regarding a contractual matter. Taken as information only.

d. Action taken regarding the hiring of the County Administrator.

Councilwoman Mosley motioned to offer the county administrator position to Mr. Brian Hester and to approve his employment contract, second by Councilman Agee. Vote was unanimous.

11. Council Comments-None

12. Adjourn-Councilwoman Mosley motioned to adjourn, second by Councilman Vaughn.

Vote 6-0 to adjourn.

Time: 10:30 PM.

KI

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.



CHESTER COUNTY COUNCIL MEETING SPECIAL CALLED

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Wednesday, February 15th 2023 at 9:00 AM

MINUTES

Present: Chairman Branham, Vice Chairman Wilson, Councilman Vaughn, Councilwoman Mosley, Councilman Agee, County Attorney Winters and Clerk to Council Lee. Councilman Guy arrived at 9:02 am.

Absent: Councilman Killian

1. **Call to Order-** Chairman Branham called the meeting to order.
2. **Executive Session**
Councilman Vaughn motioned to go into executive session, second by Vice Chairman Wilson.
Vote 5-0 to approve.
 - a. To receive legal advice regarding Economic Development Projects. Attorney Winters.
3. **Council actions following Executive Session.**
Vice Chairman Wilson motioned to go back to regular session, second by Councilman Vaughn.
Vote 6-0 to approve.
 - a. Action taken regarding Economic Development Projects. Taken as information only.
4. **Adjourn-**Councilman Guy motioned to adjourn, second by Councilwoman Mosley. Vote unanimous.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR CHESTER COUNTY
ORDINANCE NO. 2023-1

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN CHESTER COUNTY, SOUTH CAROLINA (THE "COUNTY") AND IKO GLASS FIBER INC. AND IKO MAT TECH INC., PREVIOUSLY IDENTIFIED AS PROJECT PHOENIX22, ACTING FOR THEMSELVES, ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (COLLECTIVELY, THE "COMPANY"), WHEREBY THE COUNTY SHALL COVENANT TO ACCEPT NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES IN CONNECTION WITH THE ACQUISITION, IMPROVEMENT AND EQUIPPING OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT"); (2) SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE PROJECT; (4) THE ALLOCATION OF FEES IN LIEU OF *AD VALOREM* TAXES RECEIVED FROM THE PROJECT; AND (5) OTHER MATTERS RELATING THERETO.

WHEREAS, Chester County, South Carolina ("County"), acting by and through its County Council ("County Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended ("Code"), particularly Title 12, Chapter 44 of the Code ("Negotiated FILOT Act"); and Title 4, Chapter 1 of the Code ("Multi-County Park Act", or as to Section 4-1-175 thereof, and, by incorporation, Section 4-29-68 of the Code, "Special Source Act") (collectively, the "Act") and by Article VIII, Section 13 of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina ("State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments, including, but not limited to, negotiated FILOT ("Negotiated FILOT") payments made pursuant to the Negotiated FILOT Act, with respect to a project; (iii) to permit investors to claim special source revenue credits against their FILOT payments ("Special Source Credits") to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County ("Special Source Improvements"); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park ("Multi-County Park") in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits;

WHEREAS, IKO Glass Fiber Inc. and IKO Mat Tech Inc., previously identified as Project Phoenix22, each acting for themselves, one or more current or future affiliates, and other project sponsors (collectively, "Company"), propose to invest in, or cause others to invest in, the acquisition, improvement and equipping of certain facilities to be operated primarily for manufacturing facilities, at one or more locations in the County (collectively, "Project") and anticipates that, should its plans proceed as expected, the Project will generate aggregate investment in the County of approximately \$363,300,000 and expects to create, or cause to be created, approximately 180 new jobs at the Project;

WHEREAS, based solely on information provided to the County by the Company, the County has determined that the Project will subserve the purposes of the Act and has made certain findings pertaining thereto in accordance with the Act;

WHEREAS, in accordance with such findings and determinations and in order to induce the Company to locate the Project in the County, the County Council adopted a Resolution on January 17, 2023 (“Inducement Resolution”), whereby the County identified the Project as a “project” within the meaning of the Act, and determined to provide certain negotiated FILOT, Special Source Credit, and Multi-County Park benefits with respect to the Project;

WHEREAS, the County and the Company have agreed to specific terms and conditions of such arrangements as set forth herein and in a Fee in Lieu of Tax and Incentive Agreement by and between the County and the Company with respect to the Project (“FILOT Agreement”), the form of which is presented to this meeting, and which is to be dated as of February 21, 2023 or such other date as the parties may agree; and

WHEREAS, it appears that the FILOT Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council, as follows:

Section 1. Evaluation of the Project. Based solely on information provided to the County by the Company, County Council has evaluated the Project on the following criteria:

- (a) whether the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based solely on information provided to the County by the Company, the County Council hereby finds that:

- (a) the Project will constitute a “project” within the meaning of the Negotiated FILOT Act;
- (b) the Project, and the County’s actions herein, will subserve the purposes of the Negotiated FILOT Act;
- (c) the investment by the Company in the Project is anticipated to be approximately \$363,300,000, to be invested within 5 years from the “Commencement Date” as such term is defined in the Negotiated FILOT Act;
- (d) the Project will be located entirely within the County;
- (e) the Project will benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;
- (f) the Project will not give rise to a pecuniary liability of the County or any incorporated municipality nor a charge against its general credit or taxing power of the County or any incorporated municipality;

- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (h) the inducement of the location of the Project is of paramount importance; and
- (i) the benefits of the Project to the public are greater than the costs to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the Negotiated FILOT Act, the Project is designated as “economic development property” under the Negotiated FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT payments to be made with respect to the Project, as more fully set forth in the FILOT Agreement.

Section 4. Special Source Revenue Credits. As an additional inducement, and as reimbursement to the Company for expenditures on Special Source Improvements, the County will provide to the Company Special Source Credits under the Special Source Act, as more fully set forth in the FILOT Agreement.

Section 5. Execution of the FILOT Agreement. The form, provisions, terms, and conditions of the FILOT Agreement, as attached as Exhibit A, and presented to this meeting and filed with the Clerk of County Council be and hereby are approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement was set out in this Ordinance in its entirety. The Chairman of the County Council, the County Administrator, and the Clerk of the County Council be and they are hereby authorized, empowered, and directed to execute, acknowledge, and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the County and as shall be approved by the County’s economic development counsel and the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the FILOT Agreement now before this meeting.

Section 6. Inclusion of Project in Multi-County Park. The County will use reasonable efforts to ensure the Project is included, if not already included, and will remain, in the boundaries of a multi-county industrial or business park pursuant to the provisions of the Multi-County Park Act and Article VIII, Section 13 of the State Constitution, as set forth in the FILOT Agreement.

Section 7. Miscellaneous.

(a) The Chairman of the County Council, the County Administrator, and all other appropriate officials of the County are hereby each authorized, empowered, and directed to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, consummate the transactions authorized by this Ordinance, and do any and all things reasonably necessary and prudent to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

(b) This Ordinance shall become effective immediately upon enactment following the public hearing and third reading by the County Council;

(c) The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or

unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder; and

(d) All orders, ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

[SIGNATURE PAGE FOLLOWS]
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CHESTER COUNTY, SOUTH CAROLINA

By: _____
Joe Branham
Chairman, County Council

[SEAL]

Attest:

Karen Lee
Clerk to County Council

First Reading: January 17, 2023
Second Reading: February 6, 2023
Public Hearing: February 21, 2023
Third Reading: February 21, 2023

EXHIBIT A
FORM OF FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT

FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT

between

CHESTER COUNTY, SOUTH CAROLINA

IKO GLASS FIBER INC.;

and

IKO MAT TECH INC.

Dated as of February 21, 2023
