

CHESTER COUNTY COUNCIL MINUTES

R. Carlisle Roddey Chester County Government Building

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, February 5th, 2018 at 6:00 PM

Present: Chairman Shane Stuart, Council Member Archie Lucas, Vice Chairman Joe Branham, Council Member Pete Wilson, Council Member Alex Oliphant, Council Member Brad Jordan, Council Member Mary Guy, County Attorney Joanie Winters and Clerk to Council Karen Lee.

- 1. Call to Order-** Meeting called to order by Chairman Stuart at 6:00 pm.
- 2. Approval of Minutes-January 16th, 2018 Council Minutes**
Council Member Guy motioned to approve, second by Council Member Lucas. Vote was 6-0 to approve.

3. Proclamations

a. A Proclamation to Honor the Lewisville High School 2017 1A State Volleyball Team

Champions. Council Member Jordan read the proclamation aloud and presented each proclamation to the following: Makeiya Fourney, Brooke Paquin, Shanya Williams, Talor Cherry, Kaylee Lee, Sha ‘Tarrisa Robinson, Alyson Butler, Allie Keels, Chole Thomas, Rachel Knox, Lauren Crocker, Kamryn Martin, Abby Dixon, Amber Bass and Ivy McCall. Head Coach, Joshua Renaud and Amelia Renaud, Jane Cherry, Allie Colvin, Wesleigh Pauqin, Emma Dorsey, Warren Pemberton, Jamal Sanders, Tammy Snipes and Caleb Hall. Chairman Stuart stated Council was extremely proud of them and at each entrance coming into the County the welcome signs show they are the current state champions.

b. A Proclamation to Honor the XXIII Olympic Winter Games

Chairman Stuart read the proclamation allowed. Council member Jordan stated he appreciated Council doing this, Mr. Young-jun Kim, the Korean Consul General based in Atlanta contacted Chan Ahn, an attorney who is “Of Counsel” with his law firm. He was seeking endorsements from lawmakers, ranking government officials and business leaders throughout the area he is over.

4. Citizen Comments

Paula Love, stated she had concerns about not being able to temp test the dogs at the animal shelter. When questions are asked if the dog is good around other animals they can’t answer this question since they are not allowed in to do it anymore.

5. Public Hearing

a. 3rd Reading of An Ordinance to Authorize the County of Chester, by Chester County Council, to Assign a Real Estate Option Agreement. -No one signed up to speak.

- a. **3rd Reading of An Ordinance to Amend Ordinance No. 3-19-12A, to Update the Definition of “Projects”; and Other Related Matters.** No one signed up to speak.
- b. **3rd Reading of An Ordinance to Authorize The County Of Chester, By Chester County Council, To Purchase The Real Estate Described On Attached Exhibit “A” Which Is Incorporated Herein By Reference Upon Such Terms And Conditions As Described In Exhibit A** -No one signed up to speak.

6. Ordinances/Resolutions

- a. **3rd Reading of An Ordinance to Authorize the County of Chester, by Chester County Council, Assign a Real Estate Option Agreement.** Council Member Oliphant Oliphant motioned to approve, second by Council Member Guy. Chairman Stuart stated Tax Map Numbers 116-00-00-015-000, 116-00-00-132-000 and 116-00-00-182-000 were assigned to Chester County, this is reassigning them to GITI properties for their purposes with no expense to the County. Vote was 6-0 to approve.
- b. **3rd Reading of An Ordinance to Authorize The County Of Chester, By Chester County Council, To Purchase The Real Estate Described On Attached Exhibit “A” Which Is Incorporated Herein By Reference Upon Such Terms And Conditions As Described In Exhibit A.** Council Member Wilson motioned to approve, second by Council Member Jordan. Chairman Stuart stated Tax Map Number 077-00-00-118-000 consisting of 14 acres and located on Aaron Burr Road with phase one environmental site assessment completed by Katawba Environmental Incorporated. The assessment did not reveal any environmental issues, the State will reimburse the County by 90 percent, the purchase price is \$65,000 dollars. Chairman Stuart stated Keith Roach is the Director of the Airport. Vote was 6-0 to approve.
- c. **2nd Reading of an Ordinance to Amend Chester County Ordinance Section 6-26 Cruelty Prohibited.** Council Member Oliphant motioned to approve with discussion, second by Council Member Jordan. Council Member Wilson stated the first draft had a lot in it and would make it difficult to enforce. The second draft looks better, it also shows where this ordinance will not apply to agriculture animals. On letter e in the draft it states, “It shall be unlawful for a responsible party to tether an animal while outdoors, except when originally *all of the* and changed to a *majority of the following conditions are met*”, thinks that could be worded better and keep the ten conditions.

He also stated what happens if someone breaks these rules, the draft reads “The Director of the Chester County Animal Shelter shall impound any animal found to be cruelly treated as defined by this article and the responsible person shall be fined five hundred dollars for the initial impound day and five hundred for each day the animal remains impounded with the County”, his question was what happens if the owner never comes up with the money. Not opposed to the fine but, how many dogs will not be picked up, need to plan ahead for this. Vice Chairman Branham said they have plenty of people out there who wants to adopt the dogs but can’t right now since they don’t know how the dog will react to other animals since the Sheriff will not let volunteers in to do temp testing.

Council Member Oliphant stated the ordinance must be done right, currently there is only a couple of county employees who go out to do this job and they work the whole the County. Do we want to give him more people, we need a better ordinance. He asked County Attorney Winters what type of policy could Council do to make it comfortable to allow volunteers or others to go in and do temp testing. County Attorney Winters stated she was not sure why the temp testing was stopped, she has not seen a waiver that has been spoken about in the past or even talked to the Sheriff of what his concerns are on the liability. She stated there is a liability with and without the temp testing.

Council Member Oliphant asked if she and Chairman Stuart could find out why the temp testing was stopped and bring the information back to the next meeting. Council Member Jordan withdrew his second, Council Member Oliphant withdrew his motion to approve. Council Member Wilson motioned to amend with changes, second by Council Member Oliphant. Vote was 6-0 to approve with changes.

7. Old Business

a. Update on Price Consideration for a Lighting Contractor to Hang Signs for Chester Street Projects. LB Cannon stated this was a hourly price on a State Contract and was not negotiable, the other bidder One Stop Lighting was not interested in this and never replied back. Walker Brothers was awarded the contract. The signs will be put up on the nine intersections in Chester, the contractor was roughly estimating twenty minutes per sign to install. Chairman Stuart asked if Mr. Cannon had the price for the signs, Mr. Cannon stated 321 Graphics was the lowest bid at \$29,878 dollars, the bids were put out twice. Vice Chairman Branham motioned to approve the bid for the \$29,878 for the signage and \$3750 for the installation, second by Council Member Wilson. Vote was 6-0 to approve. Chairman Stuart asked how much of this would go towards the C-funds. Mr. Cannon stated both will against the 25 percent.

8. New Business

a. 1st Reading of CCMA18-01: Malinda Washington (J.F. Construction), representing Marwan R Elnatshe requests Tax Map # 079-01-10-005-000, located at 636 Saluda Rd, Chester, SC; be rezoned from RS-1 (Single Family Residential) to GC (General Commercial). Planning Commission voted 6-0 approve. Council Member Oliphant motioned to uphold the Planning Commission's recommendation, seconded by Council Member Jordan. Vote was 6-0 to approve.

b. 1st Reading of CCMA18-02: Tonya T Vinson, representing Norman and Linda Trent, request Tax Map # 161-04-02-008-000, located at 5435 Old Winnsboro Road, Great Falls SC 29055, be rezoned from RG-1 (Multifamily Residential) to RG-2 (General Residential). Planning Commission voted 6-0 approve. Council Member Guy motioned to uphold the Planning Commission's recommendation, seconded by Council Member Oliphant. Vote was 6-0 to approve.

c. 1st Reading of CCMA18-03: Bobby MacNaughton (LGI Homes, Inc.) representing St Katherine Properties, LLC request Tax Map # 124-00-00-048-000 and Tax Map # 124-00-00-080-000, located on Edgeland Rd in Richburg, SC be rezoned from RS-1 (Single Family Residential) to PD (Planned Development District) Planning Commission voted 5-1 to approve. Council Member Lucas motioned to approve, second by Council Member Guy.

Council Member Jordan stated he is for growth since the need for Chester County is for more housing in the County and has been an advocate for impact fees since he has been on Council. The development calls for 800 houses, in some places seven houses could be on one acre of land. He stated his concerns were buffering issues with nearby Victorian Hills and the county's sewer capacity. The Chester County Wastewater Recovery asked for taxing authority to raise six million dollars to go towards a seventy-two million project which would be a band aid on what they really need. Council Member Jordan stated what type of affect will this have on schools and the fire district.

Bobby MacNaughton of LGI Homes, the builder requesting the zoning change, along with the engineer Michael Theberge of Bohler Engineering presented a short presentation. Mr. MacNaughton stated the average density would be 3.5 units per acre, more than double the required open space by the zoning ordinance code. Along with walking trails, park and a splash pad park. He stated there would be ample buffer zones between Victorian Hills and the development. Plans are in place for a fire and rescue parcel, pump station and utility tie-ins.

Chairman Stuart asked if a service road coming off Hernandez Road for fire, police and EMS would be utilized. Mr. Theberge stated currently there was not a right of way. Chairman Stuart stated he supports growth but worried about the financial impact on fire departments. Council Member Lucas asked what would the impact be on Lewisville School when it's completed. Mr. MacNaughton stated when it's completed the statistic show the average is 2 ¾ per household.

Council Member Wilson asked how wide the lots were on the main stretch of houses. Mr. MacNaughton stated the average was around fifty feet. Council Member Wilson also asked when the development was finished was it their plan to ask the County to take over the roads inside the development. Mr. MacNaughton stated yes that was there plan, the roads would be built to SCDOT standards.

Chairman Stuart asked where was the nearest place the same type of development has been accomplished. Mr. Theberge stated in Charlotte on Reserve Drive at Cannon Hill, Woodside in Gaston County and Whiteside Road in Fort Mill. Council Member Lucas motioned to approve, second by Council Member Guy. Vote was 5-1 to approve. Council Member Jordan opposed.

d. 1st Reading of CCLDTA18-01: Article 5 § 5-2.3: Cul-de-sacs

Add: *unless approved by County Council.*

Planning Commission voted 6-0 approve

Council Member Guy motioned to approve, second by Vice Chairman Branham. Vote was 6-0 to approve.

e. 1st Reading of CCLDTA18-02: Article 5 § 5-2.6: Intersections -

Delete: sixty (60) Replace with: seventy (70)

Delete: Curved s Replace with: S

Delete: tangent Replace with: throat length

Planning Commission voted 6-0 approve

Vice Chairman Branham motioned to approve, second by Council Member Wilson. Vote was 6-0 to approve.

f. **1st Reading of CCLDTA18-03: Article 5 § 5-2.9: Reverse Curves**

Delete: the State Highway Department **Replace with:** *SCDOT*

Planning Commission voted 6-0 approve

Council Member Guy motioned to approve, seconded by Council Member Wilson. Vote was 6-0 to approve.

g. **1st Reading of CCLDTA18-04: Article 5 § 5-5.17: Vertical Curves**

Add: *and SCDOT*

Planning Commission voted 6-0 approve

Vice Chairman Branham motioned to approve, second by Council Member Guy. Vote was 6-0 to approve.

h. **1st Reading of CCLDTA18-05: Article 5 § 5-9: Cemeteries**

Delete: *yard* (three deletions – each immediately after “buffer”)

Planning Commission voted 6-0 approve

Council Member Oliphant motioned to approve, second by Council Member Jordan. Vote was 6-0 to approve.

i. **1st Reading of CCLDTA18-06: Article 6 § 6-6: Curbs and Gutters**

Add: *Item 3: Curbs and gutters may be installed and may be roll-type or standard 90-degree curb.*

Planning Commission voted 6-0 approve

Council Member Guy motioned to approve, second by Council Member Jordan. Vote was 6-0 to approve.

j. **1st Reading of CCLDTA18-07: Add: Article 14: Exhibits**

Existing Text: None

New text will read:

Article 14: Exhibits

Exhibit A Cul-de-sacs: Designs and Users

Exhibit B Curves

Exhibit C Grades

Exhibit D Intersections

Exhibit E Lot Design

Exhibit F Lot Layout Related to Stream Beds and Drainage Way

Exhibit G Methods of Subdividing Along Major Thoroughfares

Exhibit H Setback

Planning Commission voted 6-0 approve

Vice Chairman Branham motioned to approve, second by Council Member Wilson. Vote was 6-0 to approve.

k. Forestry Grant Award Matching Funds- John Agee

Vice Chairman Branham motioned to approve second by Council Member Jordan.

John Agee stated he applied and was awarded a grant from the South Carolina Forestry Commission, the grant is a fifty-fifty match grant. They awarded him \$4259 dollars from the \$8518, they would use the money to buy twelve sets of wild land gear. Vice Chairman Branham motioned to take the funds from the Richburg Fire District Fund and reimburse back to the July 1st, 2019 budget from the grant matching account, second by Council Member Jordan. Vote was 6-0 to approve.

9. Boards and Commissions

a. Reappoint Tammy Davis to the Catawba Regional Workforce Board

Council Member Oliphant motioned to approve second by Vice Chairman Branham. Vote was 6-0 to approve.

b. Reappoint Georgette Boulware to the Catawba Regional Workforce Board

Council Member Guy motioned to approve, second by Council Member Jordan. Vote was 6-0 to approve.

10. Executive Session-Council Member Lucas motioned to go into executive session, second by Council Member Oliphant. Vote was 6-0 to approve.

a. Legal Advice Concerning Property on Dawson Drive

b. Economic Development Matter Project 1753-This item was dropped from the agenda. Due to paperwork not being provided.

c. Legal Advice Concerning **3rd Reading of** An Ordinance to Amend Ordinance No. 3-19-12 A, to Update the Definition of “Projects”; and Other Related Matters.

11. Council Actions Following Executive Session-Council Member Lucas motioned to go back to regular session, second by Council Member Guy. Vote was 6-0 to approve.

a. Action Taken Concerning Legal Advice for Property on Dawson Drive
This was taken as information only.

b. Action Taken Concerning Economic Development Matter Project 1753-Dropped from agenda.

c. Action Taken Concerning Legal Advice Concerning **3rd Reading of** An Ordinance to Amend Ordinance No. 3-19-12 A, to Update the Definition of “Projects”; and Other Related Matters.
Chairman Stuart motioned to approve, second by Council Member Jordan. Vote was 6-0 to approve.

12. Council Comments

Chairman Stuart reminded everyone about the annual African American banquet February 17th.

Vice Chairman Branham thanked Chairman Stuart for the letter he sent to Mr. Wiedeman who had spoken at the last Council Meeting concerning litter in Chester County. He also thanked County Council and the County for all the cards, emails and flowers in the death of this mother.

13. Adjourn

Council Member Oliphant motioned to adjourn, second by Council Member Jordan.
Vote was 6-0 to adjourn.

K. Shane Stuart, County Supervisor & Chairman

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**