

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, March 21st, 2022 at 6:00 PM

Present: Interim Chairman Dr. Frederick, Vice Chairman Branham, Councilman Jordan, Councilwoman Guy, Councilman Killian, Councilman Vaughn, Councilman Wilson, County Attorney Winters, and Clerk to Council Lee. **Absent:** Councilman Killian.

1. Call to Order- Interim Chairman Dr. Frederick called the meeting to order at 6:07PM.

2. Pledge of Allegiance and Invocation

Pledge was recited in unison; Councilwoman Guy gave the invocation.

3. Approval of Minutes

a. Council Minutes for March 7th, 2022.

Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.

Interim Chairman Dr. Frederick called for a motion to amend the agenda to delete item 10.d. and 11.d. Councilman Wilson motioned to amend the agenda by deleting item 10.d. and 11.d. second by Councilman Vaughn. Vote 5-0 to approve.

4. Citizen Comments

John Agee, PO Box 9, Richburg stated Shawn Nelson who was asked by the Fire Board to do a study of what the Richburg Fire department should look like in five years. To him he has a good plan.

5. Public Hearing -Interim Chairman Dr. Frederick opened the public hearing.

No one signed up to speak.

a. 3rd Reading of 2021-15 An ordinance to approve the execution and delivery of a development agreement between the County and Project Cheswick/Stanton and other related matters.

b. 3rd Reading of 2021-23 An ordinance To Adopt The Utility Development Agreement Regarding Construction, Financing And Ownership Of Wastewater Collection, Treatment And Discharge Facilities.

Interim Chairman Dr. Frederick closed the public hearing.

6. Ordinances/Resolutions/Proclamations

a. Proclamation to Honor and Commend John Agee of Richburg's Fire Department.

Chester County Council recognized Mr. Agee for over forty years of continuous service to Chester County communities. He became the first fire chief for the Town of Richburg in 2004

until his retirement December 14th, 2021. He helped implement the Eckman Study for improvements to add a rescue truck, new fire station, new substation, he also was the first full time firefighter for his district.

b. Proclamation to Honor and Commend ASO of the Chester County Sheriff Office.

Chester County Council and Chester County Sheriff's Office recognized K-9 Sheriff Deputy Aso for seven years of dedicated and heroic service to the Chester County community. Throughout his time with the Sheriff's Office, he and his handler Corporal Ford worked on numerous captures of criminals.

c. Resolution to provide for the gifting of a service weapon to Shawn Campbell.

Chester County Council allowed Sergeant Shawn Campbell to retain his weapon he used during his career with the Chester County Sheriff's Office in exchange for a payment of \$220.86 provided he completes the requisite documentation for the transfer of a Glock 23, .40 caliber, serial number XKK573.

- d. 3rd Reading of 2021-15 An ordinance to approve the execution and delivery of a development agreement between the County and Project Cheswick/Stanton and other related matters.** Bond Attorney Michael Kozlarek stated the parcels that were rezoned included the development agreement that basically the planned development district the development and would include use for public space. Essentially a public facility would include multifamily housing, single family housing and green space. On a separate and adjacent parcel commercial use as well, although not technically part of this development agreement. It is the same developer and part of the same overall development. It does appear to be otherwise compliant with the county's general development ordinance, which was adopted towards September of last year, and again otherwise appears to be compliant with state law and title six.

Councilman Jordan asked if this agreement in case of assignment if the developer retained all the development obligations.

Mr. Kozlarek stated that was correct the form of this agreement was done identically to a prior agreement, the only changes in this development was the terms of setbacks, minimum densities the overall concept is identical.

Councilman Wilson asked about the development fee amount for each single-family unit that would be paid at the time of the building permit.

Mr. Kozlarek stated the fee was \$1500 for each home. He stated there would be 108 low density homes, 450 medium density homes, 200 town homes and 240 apartments.

Councilman Wilson asked about the performance bond.

Attorney Winters stated that would come from building and zoning, the developer through the code of ordinance is required to obtain one. Councilman Wilson motioned to approve, second by Councilman Vaughn. Vote 5-0 to approve.

e. **3rd Reading of 2021-23 An Ordinance To Adopt The Utility Development Agreement Regarding Construction, Financing And Ownership Of Wastewater Collection, Treatment And Discharge Facilities.** Attorney Winters stated at the present time the document was not subject to the Freedom of Information Act, because all parties have not had their readings and votes. It was not subject to change, other than a Scriveners error if there was one. The Town of Fort Lawn will have their second reading tomorrow and Lancaster Water District will have their third and final reading next week. Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.

f. **2nd Reading of 2022-3 Ordinance Authorizing, Pursuant To Title 12, Chapter 44, And Title 4, Chapter 1 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes And Special Source Credit Agreement By And Between Chester County, South Carolina, And Last Step Recycling, LLC, Acting For Itself, One Or More Current Or Future Affiliates And Other Project Companies (Collectively, "Company"); Providing For A Fee-In-Lieu Of Ad Valorem Taxes Incentives; Modifying A Joint County Industrial And Business Park Of Chester And York Counties So As To Enlarge The Park; The Provision Of Special Source Revenue Credits; And Other Related Matters.** Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.

g. **2nd Reading of 2022-4. An Ordinance To Increase Adoption Fees for Chester County Animal Control.** Councilman Wilson motioned to approve by increasing the adoption fee for dogs to \$50.00 and \$35.00 for cats, second by Councilman Vaughn.

Councilman Wilson stated the current amount was \$25 for dogs and \$20 for cats, the request was \$75.00 for a dog and \$50.00 for a cat. He proposed cutting the request in half so there wouldn't be any adverse effects in slowing the adoption rate down by making it higher.

Animal Control Director Kelli Simoneau stated Fairfield charges \$85, Union \$75 while Lancaster County charges \$200.00. Any increase would help but she wanted Council to know the animals are spayed and neutered. The animals here are leaving with two rounds of vaccinations, microchipped, and altered. It cost the shelter around \$140 for dogs and \$125 for cats, she would take what she could get but stated it would not be an impact from what she had seen. People from Columbia and Lexington are driving up to adopt because it is so cheap, but they also give donations.

Councilman Wilson stated a moderate approach to the increase would be best in his opinion, this was second reading so there would be an opportunity for more community feedback. He appreciated the good information that was provided. Vote 3-2 to approve. Vice Chairman Branham and Councilman Vaughn opposed.

h. **1st Reading in Title Only An Ordinance to end the moratorium and to amend certain sections of the Chester County Land Development.**

Attorney Winters stated she and Planning Director Mike Levister had been working on the ordinance to end the moratorium to be able to tweak some of the verbiage in the ordinance, that Council have had concerns about. They were trying to meet the forty-five-day moratorium deadline that would end April 8th. A workshop with Charlie Compton has been planned for March 29th at 8:30 am with a special called meeting for the second reading after. Councilwoman Guy motioned to approve, second by Councilman Wilson. Vote 5-0 to approve.

7. Old Business

a. Discussion to extend or remove the suspension of certain rules of procedure relating to electronic attendance at Council meetings. - County Council.

Attorney Winters stated she was in the process of rewriting the rules of procedure to change over to the administrator form of government. She thought this would be a good time for council to insert language that would provide for electronic attendance. Especially through the times of Covid meeting virtually was beneficial. She cautioned Council to do this a few times a year in case of illness or out of town or certain exceptions. She stated she would present a draft for the next meeting.

b. FROM CCTC 3-21-2022

1. Action taken regarding County Road Department reimbursements/deductions adding \$180.93 from the November 15, 2021 meeting and deducting \$275.07 from the January 4, 2022 meeting. Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 5-0 to approve.

2. Action taken to reimburse the Road Department for County Road maintenance from December 7th 2021 to March 2nd, 2022 in the amount of \$19,996.53 dollars. Councilman Wilson motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.

3. Action taken regarding accepting Georgetown Road into the County Road System. Councilman Vaughn motioned to accept Georgetown Road into the County Road system the end portion of Georgetown Road that was not part of the SCDOT section of the road, second by Councilman Jordan. Vote 5-0 to approve.

8. New Business

a. Council to consider allowing EMA to use existing unused grant match funds in the amount of \$31,000 for other EMA projects. EMA Director Ed Darby. Vice Chairman Branham motioned to transfer the money to other EMA projects, second by Councilwoman Guy. Vote 5-0 to approve.

b. 1st Reading of CCMA22-01 Alexander Ricks PLLC – Collin Brown for Applicant: MacKenzie Investment Group LLC request Tax Map #: 115-00-00-017-000 on Lancaster Highway, Chester SC to be rezoned from General Commercial (GC) to Limited Industrial (ID-2). Planning Commission voted 6-0 to approve. Councilman Jordan motioned to approve with a reverter clause, second by Councilman Wilson. Vote 5-0 to approve.

c. Discuss the Richburg Fire District Study- Councilman Jordan.

Mr. Nelson stated there was many facets of the department other than just responding to fires. They make sure the equipment is operational, having the right training and making sure they have the funds to respond. They focused on the firefighters, the men and women of that department, the number of calls they run. He stated in 2005 they ran around 300 calls, last year they ran around 1200 calls. So, you can imagine that was a lot. That was all taken into consideration, but a couple of main points are that, you know, from an apparatus from a facility standpoint the district is in fairly good shape. The difficulties were on the call volume and the and the pressure on the fire of

the men and women of the Department to respond all the time to many of those calls. He thought council and the district have worked together, they put two firefighters in place Monday through Friday, eight to five, and that that was a good decision. I think even evaluating the calls from last year, a 47% of the calls were taking place during that time period, but at least 53% of the time, you know are at nights in the evenings and the weekends. And many of those calls are run by the same folks. You have the same active firefighters that sometimes work 24 hours and on multiple calls. I think to kind of reiterate that this past 36 hours there's been three fatalities in the district to motor vehicle accidents. One of the major identifiers of this study was the need to place firefighters there on shift 24/7 365 days. And he thought that would be a good step. We're not asking for a full Fire Company. What we're saying is, the times have changed. We've gone from a completely volunteer department. We're going to much like other departments around the nation in the Grow hydrotherapy are going to then a hybrid department where you have paid and volunteer. And then eventually I think that you'll see as it's happening in your county. We're going to a full time, you know, paid department completely. He knew that graduates can't do that overnight. Can't place that burden on the taxpayers. He thought that this is the first step and the gradual step to get there and match those calls to those responses that are required to do that. So that's the one of the major action items in this study. I think we ended up with 38 total action items. Many of those to organize within the department itself no additional funding, or monies are needed. They went through it again, those five categories to identify where they can improve, where do they want to be what do they want to achieve and how do they get there.

He thought this was probably the major one, Councilman Jordan, I think you spoke at a council meeting, several meetings ago talking about this very need about we're going to have to look at the rural fire departments and say, what do we have in place? How are we making sure that we're not burning out the volunteers that are there? How are we going to look at that from a financial standpoint of how we are going to do this, so this is probably the first step in that and bringing this to light and bringing it in and really kind of documented in a way that is organized and thoughtful.

Councilman Jordan stated there were at least three items that the recommendation was the need is immediate, the first one was the need for at least three additional firefighters and that would be one per shift. The estimate was around \$210,000 a year and asked what it covered.

Mr. Nelson stated it covers the base salary of the firefighters that covers their fringe benefits, if you make X dollars, there's an employer piece of that that must go in that place. And that's about 36 to 38% right now, is what they were estimating the other cost onto that is when once we put those firefighters on staff, we must supply them with training that's paid. When they're out sick, we must cover those shifts, and we have to pay those folks that have to cover those shifts. There's some holiday pay in there as well.

Councilman Jordan asked if that include outfitting those three.

Mr. Nelson stated it did include the base uniforms.

Councilman Jordan stated you can always use more. But that would be the first step that you're proposing.

Mr. Nelson stated in conversations with the folks at the fire department to Chief Agee, Chief Melton and Chairman Steel and in other departments they have gone through that same process.

Councilman Jordan stated another one of your items was a lower market rate for the USDA loans and that your projections for savings was pretty significant.

Mr. Nelson stated they started the study last year. There had been quite a number of changes in the market. They were trying to and had conversations or at least emails back and forth with Mr. Kozlarek, about how they can do that from a repricing standpoint. He knew that's a big thing in the in the cooperative because they're financed through USDA as well. And there's some struggles to get there. But there on a time clock, so he thought what we're seeing now, obviously the Fed's raised the rates 25 basis points last week, they anticipate that to go again, either 25 basis points or 50 basis points soon. He thought that is a fleeting opportunity at this point. He thought they need to have a plan in place if the rates do go down because I think we're in a changing world right now. The rates do come back down we need to have a plan in place where we can attempt to reprice those and that may require and based on conversations with Mr. Kozlarek and others, that they may have to be combined with other additional monies that the county is going after. A pre pricing is very hard to do on its own. Typically, it goes in with other dollars.

Councilman Jordan stated your third item for immediate need was adjust the fee schedule for EMS unit. And that would add about another \$7500 per year.

Mr. Nelson stated when those units started charging for the services for the EMS side of the house it's a matter of indexing against the Medicare Medicaid reimbursement costs. And that's typically the standard of what other departments that are doing the same thing. They try to index against that. His recommendation to the department was to move to that current price that current fee structure and then index that against the Medicare Medicaid reimbursement limitations, which is Federally set.

Councilman Jordan asked what he anticipated if the three additional firefighters would actually help with the response time.

Mr. Nelson stated he thought it would, if you break down the call volume with 47% being Monday through Friday eight to five where you already have two firefighters in the building. There is a there's a quicker response during that time period, obviously. And we I do anticipate that the response time and the weekends or the evenings would be less because of their station there. But I think the other important item is not just the response time is the burnout of those firefighters that are there. He could tell you from experience there's the sense of duty and responsibility to respond whether you're in Rock Hill or Lancaster or whatever. Some of those firefighters don't want to leave the area if they know you can't take

time off. Even if they're not responding to a call, they're limited on their ability because they feel this obligation and duty to the community.

Councilman Jordan stated he had looked at the numbers for the firefighters. You've got a handful of firefighters in Richburg that have run over 1000 calls, and several others that are closing in on that.

Mr. Nelson stated as the growth continues, he was not sure what Fort Lawn was doing and not sure what Lando Fire Department was doing. He thought eventually the county needs to look at it. The entire county is being impacted. Richburg obviously has been impacted first, because of the growth in that district. With other things growing and on the eastern side of the county, he thought this was going to be a recurring theme

Councilman Vaughn stated the thing that he really was impressed about was the strategic plan that it also took in growth in other areas. And the fact that growth that we have, it's a common theme and area and other areas that rely on volunteer organizations. This gives us a sensible, logical, doable way of funding the things that Richburg needs and thinks it's a good roadmap for the rest of the county to reapply as growth goes on in other places. I really commend you and Richburg for producing this. This is going to be a valuable document for the whole county, hoped the County would stick with this kind of activity as a county and look at the growth that will go on. Taken as information.

9. Boards and Commissions

a. Appointment to the Gateway Steering Committee-County Council.

Councilman Vaughn motioned to appoint Alex Oliphant, second by Vice Chairman Branham. Vote 5-0 to approve.

10. Executive Session

Councilman Jordan motioned to go into executive session, second by Councilwoman Guy. Vote 5-0 to approve.

- a. To receive legal advice regarding project 21100. Attorney Winters.
- b. To receive legal advice regarding personnel matter on Administrator. Attorney Winters.
- c. To receive legal advice regarding the Library Board. Attorney Winters.
- d. ~~To receive legal advice regarding American Rescue Plan payment. Attorney Winters.~~
- e. To receive legal advice regarding the Detention Center. Attorney Winters.

11. Council Actions Following Executive Session

Councilman Jordan motioned to go back to regular session, second by Vice Chairman Branham. Vote 5-0 to approve.

a. Action taken regarding legal advice for project 21100. Taken as information.

b. Action taken regarding legal advice for personnel matter on Administrator.

Councilman Jordan motioned the County move forward with a firm in Charleston called "Finding Great People" to begin the process for the hiring of the new administrator for the new form of government, second by Vice Chairman Branham. Vote 5-0 to approve.

c. Action taken regarding legal advice of the Library Board. Taken as information.

d. ~~Action taken regarding legal advice of the American Rescue Plan payment.~~

e. Action taken regarding legal advice of the Detention Center.

There was no action taken. Councilman Wilson stated a firm will do soil samples underneath the sinking Detention Center to help develop a plan of action to correct the problems. The cost would run around \$6000; the Sheriff has some funding available to use.

12. Council Comments- None

13. Adjourn

Councilman Jordan motioned to adjourn, second by Councilwoman Guy,
Vote 5-0 to adjourn.

Time: 8:50 PM

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