



CHESTER COUNTY COUNCIL MEETING

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, May 16th, 2022 at 6:00 PM

Agenda

- 1. Call to Order**
- 2. Pledge of Allegiance and Invocation**
- 3. Approval of Minutes**
 - a. May 2nd, 2022 Council Minutes.
- 4. Citizen Comments**
- 5. Public Hearing**
 - a. **3rd Reading of Ordinance 2022-6** Authorizing The Issuance Of General Obligation Bonds, In One Or More Series, Tax-Exempt Or Taxable, In An Amount Not To Exceed \$850,000 For The Purpose Of Acquiring, Constructing, Equipping, Or Rehabilitating Various Capital Projects In The Lando Rural Fire District; Authorizing The Interim Chairman Of The County Council/County Supervisor To Prescribe The Form And Details Of The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Of The Bonds; Providing For Borrowing In Anticipation Of The Issuance Of The Bonds; And Other Related Matters.
- 6. Ordinances/Resolutions/Proclamations**
 - a. **3rd Reading of Ordinance 2022-6** Authorizing The Issuance Of General Obligation Bonds, In One Or More Series, Tax-Exempt Or Taxable, In An Amount Not To Exceed \$850,000 For The Purpose Of Acquiring, Constructing, Equipping, Or Rehabilitating Various Capital Projects In The Lando Rural Fire District; Authorizing The Interim Chairman Of The County Council/County Supervisor To Prescribe The Form And Details Of The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Of The Bonds; Providing For Borrowing In Anticipation Of The Issuance Of The Bonds; And Other Related Matters.
 - b. **1st Reading in Title Only Ordinance 2022-7** Chester County Fiscal Year 2022/2023 Budget to Establish Operating And Capital Budgets For The Operation Of The County Government Of Chester County, South Carolina For The Fiscal Year Commencing July 1, 2022; To Provide For The Levy Of Taxes For Chester County For The Fiscal Year Commencing July 1, 2022; To Provide For The Expenditure Of Tax Revenues And Other County Funds; To Provide For Other County Purposes; To Authorize The County To Borrow Money In Anticipation Of Taxes And To Provide For The Repayment Of Sums Borrowed By The County Governing Body; To Provide For The Payment Of Tort Claims And Worker's Compensation Claims Against Chester County; To Provide For Certain Fiscal And Other Matters Relating To County Government.
 - c. **1st Reading in Title Only Ordinance 2022-8** An ordinance to Purchase property TM 080-03-03-001-000.
 - d. **1st Reading in Title Only Ordinance 2022-9** An Ordinance for Fee schedules for development agreements.

7. Old Business

a. **2nd Reading of CCMA22-02:** Applicant: Timothy D. Fudge request Tax Map #: 122-00-00-190-000 located at 2206 Fudge Guinn Rd. Edgemoor SC to be rezoned from Rural Two (R2) to Rural one (R1). Planning Commission voted 6-0 to approve.

b. Update Council on the progress of the Pal800 system upgrades, tower use and other system details. 911 Director Doug McMurray.

8. New Business

a. Council to approve award of bid RFP2122-07 regarding Solid Waste Collection & Transportation to Republic Services with a savings of \$187,000 dollars a year. Purchasing Director Susan Cok.

9. Executive Session

- a. Receive legal advice regarding a personnel matter in the Human Resource Dept. Attorney Winters.
- b. Receive legal advice regarding the County Administrator search. Attorney Winters.

10. Council Actions Following Executive Session

- a. Action taken regarding legal advice for a personnel matter in the Human Resource Department.
- b. Action taken regarding the County Administrator search.

11. Council Comments

12. 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.

↓ ***PUBLIC NOTICE*** ↓

Chester County Council has relaxed some of the COVID measures put into place for personal appearances at County Council meetings but continues to encourage social distancing while in County facilities.

Guidelines for Addressing Council

Citizens Comments: Each citizen will be limited to three minutes

Public Hearings: Each citizen 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, May 2nd 2022 at 6:00 PM

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

- 1. Call to Order-** Interim Chairman Dr. Frederick called the meeting to order.
- 2. Pledge of Allegiance and Invocation**
Pledge was recited in unison; Councilwoman Guy gave the invocation.
- 3. Approval of Minutes**
 - a. April 19th, 2022 Council Minutes.** Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote was unanimous.
 - b. April 4th, 2022 Council Minutes.** Councilman Jordan motioned to approve, second by Vice Chairman Branham. Councilman Wilson stated after reading the minutes it was discussed to add a fee schedule to the document relating to the development agreement. County Attorney Winters stated she would have that on the May 16th meeting agenda. Vote was unanimous.

Councilman Jordan motioned to amend the agenda under 7.b. CTC to include number 3. To authorize to move forward to bid out the two bridges on Carlisle White Road, second by Councilman Vaughn. Vote was unanimous.
- 4. Citizen Comments-**None
- 5. Public Hearing -** None
- 6. Ordinances/Resolutions/Proclamations**
 - a. 2nd Reading of Ordinance 2022-6 Authorizing The Issuance Of General Obligation Bonds, In One Or More Series, Tax-Exempt Or Taxable, In An Amount Not To Exceed \$860,000 For The Purpose Of Acquiring, Constructing, Equipping, Or Rehabilitating Various Capital Projects In The Lando Rural Fire District; Authorizing The Interim Chairman Of The County Council/County Supervisor To Prescribe The Form And Details Of The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Of The Bonds; Providing For Borrowing In Anticipation Of The Issuance Of The Bonds; And Other Related Matters.** Councilman Jordan motioned to approve, second by Vice Chairman Branham. Vote was unanimous.

7. Old Business

a. Council to authorize the approval of a 3-year contract from ICSolutions for inmate calling platform and tablets. Detention Center Director Wayne Alley. Vice Chairman Branham motioned to approve with a 30-day no-fault termination clause for either party, second by Councilman Vaughn. Vote was unanimous.

b. From CTC:

1. Approval to reimburse the Recycling Department for sign materials in the amount of \$4916.16 dollars. Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote was unanimous.

2. Approval to reimburse the Road Department for road materials in the amount of \$ 8,373.94 dollars. Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote was unanimous.

3. Approval to authorize to bid out to repair two bridges on Carlisle White Road. Councilman Wilson motioned to approve, second by Councilman Jordan. Vote was unanimous.

8. New Business

a. Council to authorize Sheriff's Office to apply for a Coronavirus Emergency Supplemental Funding Grant with no match required. Captain David Peeples. Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote was unanimous.

b. 1st Reading of CCMA22-02: Applicant: Timothy O. Fudge request Tax Map #: 122-00-00-190-000 located at 2206 Fudge Guinn Rd. Edgemoor SC to be rezoned from Rural Two (R2) to Rural one (R1). Planning Commission voted 6-0 to approve. Councilman Jordan motioned to approve, second by Councilman Wilson. Vote was unanimous.

9. Boards and Commissions

a. Appointment to the Assessment of Appeals Board- Interim Chairman Dr. Frederick. Vice Chairman Branham motioned to appoint David Beverley Sr, second by Councilwoman Guy. Vote was unanimous.

10. Executive Session

Councilman Jordan motioned to go into executive session, second by Councilwoman Guy. Vote was unanimous.

a. To receive legal advice regarding Morcon. Attorney Winters.

b. To receive legal advice regarding Project 2213. Attorney Winters.

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

d. To receive legal advice regarding the Gateway. – Attorney Winters.

e. To receive legal advice regarding the purchase of property. Attorney Winters.

f. To receive legal advice regarding the Assessor's Office. Attorney Winters.

11. Council Actions Following Executive Session

Councilman Wilson motioned to go back to regular session, second by Vice Chairman Branham. Vote was unanimous.

a. Action taken regarding legal advice of Morcon. Taken as information.

b. Action taken regarding legal advice of Project 2213. Taken as information.

c. Action taken regarding legal advice for a contractual matter of Gallo.

Councilman Vaughn motioned to authorize Dr. Frederick to pursue negotiations with RIA Rule Infrastructure Authority, second by Vice Chairman Branham. Vote was unanimous.

d. Action taken regarding legal advice of the Gateway. Taken as information.

e. Action taken regarding legal advice of the purchase of property.

Councilman Jordan motioned to allow Attorney Winters or Dr. Frederick to negotiate with the property owner concerning a parcel of property, second by Vice Chairman Branham. Vote was unanimous.

f. Action taken regarding legal advice of the Assessor's Office.

Councilman Jordan motioned to allow Attorney Winters to close out an employment matter, second by Vice Chairman Branham. Vote was unanimous.

12. Council Comments-None

13. Adjourn- Councilwoman Guy motioned to adjourn, second by Councilman Jordan. Vote was unanimous.

Time: 8:30 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.

CHESTER COUNTY, SOUTH CAROLINA

ORDINANCE NO. 2022-6

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TAX-EXEMPT OR TAXABLE, IN AN AMOUNT NOT TO EXCEED \$860,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING, OR REHABILITATING VARIOUS CAPITAL PROJECTS IN THE LANDO RURAL FIRE DISTRICT; AUTHORIZING THE INTERIM CHAIRMAN OF THE COUNTY COUNCIL/COUNTY SUPERVISOR TO PRESCRIBE THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR BORROWING IN ANTICIPATION OF THE ISSUANCE OF THE BONDS; AND OTHER RELATED MATTERS.

ADOPTED: MAY 16, 2022

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AN ORDINANCE

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TAX-EXEMPT OR TAXABLE, IN AN AMOUNT NOT TO EXCEED \$860,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING, OR REHABILITATING VARIOUS CAPITAL PROJECTS IN THE LANDO RURAL FIRE DISTRICT; AUTHORIZING THE INTERIM CHAIRMAN OF THE COUNTY COUNCIL/COUNTY SUPERVISOR TO PRESCRIBE THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR BORROWING IN ANTICIPATION OF THE ISSUANCE OF THE BONDS; AND OTHER RELATED MATTERS.

THE CHESTER COUNTY, SOUTH CAROLINA, COUNTY COUNCIL ORDAINS:

SECTION 1. Findings. The County Council (“Council”) of the Chester County, South Carolina (“County”), finds and determines:

(a) Article X, Sections 12 and 14 of the Constitution of the State of South Carolina, 1895, as amended (“Constitution”), provides that each county may incur general obligation bonded indebtedness upon such terms and conditions as the General Assembly may prescribe by general law subject to the following limitations: (i) such debt must be incurred only for a purpose which is a public purpose and a corporate purpose for a county, and (ii) unless excepted therefrom, such debt may be issued in an amount not exceeding eight percent of the assessed value of all taxable property of such county (“Bonded Debt Limit”).

(b) Pursuant to Title 4, Chapter 15, Code of Laws of South Carolina, 1976, as amended (“County Bond Act”), the county council of any county of the State may issue general obligation bonds for any corporate purpose of such county for a special tax district up to any amount not exceeding the Available Debt Limit (as defined below).

(c) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and result favorably thereto. Chapter 27, Title 11, Code of Laws of South Carolina, 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but is not required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(d) The County has created the Lando Rural Fire District, as a special tax district of the County, according to Chester Code of Ordinances section 2-626, *et seq.*;

(e) The County has determined to acquire, construct, equip, or rehabilitate various capital projects, as more fully described in Section 20 (collectively, “Projects”);

(f) The assessed valuation of all property in the Lando Rural Fire District in the County as of April 1, 2022 (unaudited), for purposes of computation of the Bonded Debt Limit, is not less than \$13,110,825. Eight percent of this assessed valuation is \$1,048,866 (“Lando Rural Fire Bonded Debt Limit”). As of the date of this Ordinance (unaudited), the County has outstanding no more than \$27,555 of limited-tax general obligation indebtedness subject to the Lando Rural Fire Bonded Debt Limit. As of the adoption of this

Ordinance, the difference between the Lando Rural Fire Bonded Debt Limit and the principal amount of the outstanding general obligation indebtedness subject to the Lando Rural Fire Bonded Debt Limit (“Available Debt Limit”) is the amount of general obligation indebtedness which the County may incur without a referendum, which is no less than: \$1,048,866.

(g) The Council has found it is in the best interest of the County for the Council to provide for the issuance of one or more general obligation bonds of the County, pursuant to the provisions of the Constitution and laws of the State of South Carolina, in aggregate \$860,000 for the purpose of: (i) funding all or a portion of the Projects; and (ii) paying the costs of issuance related to the Bonds (defined below).

SECTION 2. *Authorization and Details of Bonds and the Projects.* Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the County is authorized to issue an amount not to exceed the aggregate of \$860,000 in limited-tax, general obligation bonds of the County to be designated “Limited-Tax General Obligation Bonds of Chester County, South Carolina” (“Bonds”) for the purposes set forth in Section 1(e). The Bonds also may be issued in one or more series, taxable or tax-exempt, from time to time as may be determined in the manner provided below with such further designation of each series to identify the year in which such bonds are issued.

The Bonds may be issued as fully-registered bond; dated the date of their delivery or such other date as may be selected by the Interim Chairman of the County Council/County Supervisor; may be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall bear interest, if any, from their date as may be determined by the Interim Chairman of the County Council/County Supervisor; and shall mature as determined by the Interim Chairman of the County Council/County Supervisor.

SECTION 3. *Delegation of Certain Details of the Bonds.* The Council expressly delegates to the Interim Chairman of the County Council/County Supervisor determinations regarding the Bonds as are necessary or appropriate, including the form of the Bonds (or BANs) and whether to issue bonds as provided by any state or federal economic recovery or “stimulus” laws. The Interim Chairman of the County Council/County Supervisor is further directed to consult with the County’s bond counsel in making any such decisions.

SECTION 4. *Registrar/Paying Agent.* Both the principal installments of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts. The County Treasurer’s Office or a qualified financial institution shall serve as the Registrar/Paying Agent for the Bonds (“Registrar/Paying Agent”) and shall fulfill all functions of the Registrar/Paying Agent enumerated herein.

SECTION 5. *Registration and Transfer.* The County shall cause books (herein referred to as the “registry books”) to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose, the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

The Bonds shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent, duly executed by the registered owner or his duly authorized attorney. Upon the transfer of the Bonds, the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee new fully registered Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Bonds. Any Bond surrendered in exchange for a new registered Bond

pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name the fully registered Bonds shall be registered upon the registry books as the absolute owner of such Bonds, whether such Bonds shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bonds and for all other purposes, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bonds to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring the Bonds is exercised, the County shall execute and the Registrar/Paying Agent shall authenticate and deliver the Bonds in accordance with the provisions of this Ordinance. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of the Bonds during the period beginning on the Record Date (as defined in Section 6 hereof) and ending on an interest payment date.

SECTION 6. *Record Date.* The County establishes a record date (“Record Date”) for the payment of interest or for the giving of notice of any proposed redemption of the Bonds, and such Record Date shall be the 15th day of the calendar month next preceding an interest payment date on the Bonds or, in the case of any proposed redemption of the Bonds, such Record Date shall not be more than 15 days prior to the mailing of notice of redemption of the Bonds.

SECTION 7. *Lost, Stolen, Destroyed or Defaced Bonds.* In case the Bonds shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar/Paying Agent shall authenticate and deliver at the principal office of the Registrar/Paying Agent, or send by registered mail to the owner thereof at his request, risk and expense, a new Bond of the same interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar/Paying Agent evidence or proof satisfactory to the County and the Registrar/Paying Agent of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in such amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar/Paying Agent. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

SECTION 8. *Book-Entry Only System.*

(a) Notwithstanding anything to the contrary herein, so long as the Bond is being held under a book-entry system of a securities depository, transfers of beneficial ownership of the Bond will be effected pursuant to rules and procedures established by such securities depository. The initial securities depository for the Bond will be The Depository Trust Company (“DTC”), New York, New York. DTC and any successor securities depositories are hereinafter referred to as the “Securities Depository.” The Bond shall be registered in the name of Cede & Co., as the initial Securities Depository nominee for the Bond. Cede & Co. and successor Securities Depository nominees are hereinafter referred to as the “Securities Depository Nominee.”

(b) As long as a book-entry system is in effect for the Bond, the Securities Depository Nominee will be recognized as the holder of the Bond for the purposes of (i) paying the principal, interest and premium, if

any, on such Bond, (ii) if the Bond is to be redeemed in part, selecting the portions of such Bond to be redeemed, (iii) giving any notice permitted or required to be given to bondholders under this ordinance, (iv) registering the transfer of the Bond, and (v) requesting any consent or other action to be taken by the holder of such Bond, and for all other purposes whatsoever, and the County shall not be affected by any notice to the contrary.

(c) The County shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in the Bond which is registered to a Securities Depository Nominee under or through the Securities Depository with respect to any action taken by the Securities Depository as holder of the Bond.

(d) The County shall pay all principal, interest and premium, if any, on the Bond issued under a book-entry system, only to the Securities Depository or the Securities Depository Nominee, as the case may be, for such Bond, and all such payments shall be valid and effectual to fully satisfy and discharge the obligations with respect to the principal of and premium, if any, and interest on such Bond.

(e) In the event that the County determines that it is in the best interest of the County to discontinue the book-entry system of transfer for the Bond, or that the interests of the beneficial owners of the Bond may be adversely affected if the book-entry system is continued, then the County shall notify the Securities Depository of such determination. In such event, the County shall appoint a Registrar/Paying Agent which shall authenticate, register and deliver physical certificates for the Bond in exchange for the Bond registered in the name of the Securities Depository Nominee.

(f) In the event that the Securities Depository for the Bond discontinues providing its services, the County shall either engage the services of another Securities Depository or arrange with a Registrar/Paying Agent for the delivery of physical certificates in the manner described in (e) above.

(g) In connection with any notice or other communication to be provided to the holder of the Bond by the County or by the Registrar/Paying Agent with respect to any consent or other action to be taken by the holder of the Bond, the County or the Registrar/Paying Agent, as the case may be, shall establish a record date for such consent or other action and give the Securities Depository Nominee notice of such record date not less than 15 days in advance of such record date to the extent possible.

SECTION 9. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the County Council Interim Chairman and attested by the manual or facsimile signature of the Clerk to County Council under a facsimile of the seal of the County which shall be impressed, imprinted or reproduced thereon. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. The Bonds shall bear a certificate of authentication manually executed by the Registrar/Paying Agent in substantially the form set forth herein.

SECTION 10. Form of Bonds. The Bonds shall be in the form as determined by the Interim Chairman of the County Council/County Supervisor under Section 3.

SECTION 11. Security for Bonds. The full faith, credit and taxing power of the County are irrevocably pledged for the payment of the principal and interest of the Bonds as they mature and to create a sinking fund to aid in the retirement and payment thereof. There shall be levied and collected annually upon all taxable property in the Lando Rural Fire District in the County an ad valorem tax, without limitation as to rate or amount, sufficient for such purposes.

SECTION 12. *Exemption from State Taxation.* Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina, 1976, as amended, from all State, county, municipal, school district and all other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate and transfer taxes, but the interest thereon may be includable in certain franchise fees or taxes.

SECTION 13. *Sale of Bond, Form of Notice of Sale.* The Bonds may be sold at a public or private sale, as authorized by Section 11-27-40(4) of the Code of Laws of South Carolina, 1976, as amended, as the Interim Chairman of the County Council/County Supervisor may determine, using a Notice of Sale or other similar Notice, as the Interim Chairman of the County Council/County Supervisor may determine.

SECTION 14. *Deposit and Application of Proceeds.* It is expected that proceeds of the Bonds will be fully drawn at Closing. The proceeds of the Bonds or of BANs (authorized under Section 16 of this Ordinance), when drawn, will be deposited in a bond account fund for the County and shall be expended and made use of as follows:

(a) any accrued interest, if any, shall be applied to the payment of the first installment of interest to become due on the Bonds or BANs; and

(b) the remaining proceeds shall be expended and made use of to defray the cost of issuing the Bonds or BANs and to defray the costs of the Project. Pending the use of such proceeds, the same shall be invested and reinvested in such investments as are permitted under State law. Earnings on such investments shall be applied either to defray Project costs or, if not so required, to pay principal on the Bonds.

SECTION 15. *Defeasance.*

(a) If a series of bonds issued pursuant to this Ordinance shall have been paid and discharged, then the obligations of the Ordinance hereunder, and all other rights granted thereby shall cease and determine with respect to such series of bonds. A series of bonds shall be deemed to have been paid and discharged within the meaning of this Section under any of the following circumstances:

(i) If the Registrar/Paying Agent (or, if the County is the Registrar/Paying Agent, a bank or other institution serving in a fiduciary capacity) (“Escrow Agent”) shall hold, at the stated maturities of the bonds, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of such series of bonds or the interest thereon shall have occurred, and thereafter tender of payment shall have been made, and the Escrow Agent shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of payment; or

(iii) If the County shall have deposited with the Escrow Agent, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of maturity thereof, as the case may be, the principal of and interest on which, when due, and without reinvestment thereof, will provide moneys, which, together with the moneys, if any, deposited with the Escrow Agent at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due and to become due on such series of bonds and prior to the maturity date or dates of such series of bonds, or, if the County shall elect to redeem such series of bonds prior to their stated maturities, and shall have irrevocably bound and obligated itself to give notice of redemption thereof in the manner provided in the form of the bonds, on and prior to the redemption date or dates of such series of bonds,

as the case may be; or

(iv) If there shall have been deposited with the Escrow Agent either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, deposited with the Escrow Agent at the same time, shall be sufficient to pay, when due, the principal and interest due and to become due on such series of bonds on the maturity thereof.

(b) In addition to the above requirements of paragraph (a), in order for this Ordinance to be discharged with respect to a series of bonds, all other fees, expenses and charges of the Escrow Agent have been paid in full at that time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance with respect to a series of bonds, the Escrow Agent shall continue to be obligated to hold in trust any moneys or investments then held by the Escrow Agent for the payment of the principal of, premium, if any, and interest on, such series of bonds, to pay to the owners of such series of bonds the funds so held by the Escrow Agent as and when payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Escrow Agent to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the performance of the powers and duties under this Ordinance.

(e) Any moneys which at any time shall be deposited with the Escrow Agent by or on behalf of the County for the purpose of paying and discharging any bonds shall be and are assigned, transferred, and set over to the Escrow Agent in trust for the respective holders of such bonds, and the moneys shall be and are irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the holders of such bonds shall no longer be entitled to enforce payment of their obligations, then, in that event, it shall be the duty of the Escrow Agent to transfer the funds to the County.

(f) In the event any bonds are not to be redeemed within the 60 days next succeeding the date the deposit required by Section 15(a)(iii) or (iv) is made, the County shall give the Escrow Agent irrevocable instructions to mail, as soon as practicable by registered or certified mail, a notice to the owners of the bonds at the addresses shown on the registry books that (i) the deposit required by subparagraph (a)(iii) or (a)(iv) of this Section 15 has been made with the Escrow Agent, (ii) the bonds are deemed to have been paid in accordance with this Section and stating the maturity or redemption dates upon which moneys are to be available for the payment of the principal of, and premium, if any, and interest on, the bonds, and (iii) stating whether the County has irrevocably waived any rights to redeem the bonds, or any of them, prior to the maturity or redemption dates set forth in the preceding clause (ii).

(g) The County covenants and agrees that any moneys which it shall deposit with the Escrow Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Section, and whenever it shall have elected to redeem bonds, it will irrevocably bind and obligate itself to give notice of redemption thereof, and will further authorize and empower the Escrow Agent to cause notice of redemption to be given in its name and on its behalf.

SECTION 16. Authority to Issue Bond Anticipation Notes. If the Interim Chairman of the County Council/County Supervisor should determine that issuance of BANs pursuant to Chapter 17 of Title 11 of the Code (“BAN Act”) rather than the Bonds would result in a substantial savings in interest under prevailing market conditions or for other reasons would be in the best interest of the County, the Interim Chairman of the County Council/County Supervisor is further requested and authorized to effect the

issuance of one or more series of BANs pursuant to the BAN Act. If BANs are issued and if, upon the maturity thereof, the Interim Chairman of the County Council/County Supervisor should determine that further issuance of BANs rather than the Bonds would result in a substantial savings in interest under then prevailing market conditions or for other reasons would be in the best interest of the County, the Interim Chairman of the County Council/County Supervisor is requested to continue the issuance of BANs until the Interim Chairman of the County Council/County Supervisor determines to issue the Bonds on the basis as aforesaid, and the Bond is issued.

SECTION 17. *Details of Bond Anticipation Notes.* Subject to changes in terms required for any particular issue of BANs, the BANs shall be subject to the following particulars:

(a) The BANs shall be dated and bear interest from the date of delivery thereof or, if the BAN is issued on a draw-down basis, from the date of each such advance, payable upon the stated maturity thereof, at the rate negotiated by the Interim Chairman of the County Council/County Supervisor and shall mature on such date, not to exceed one year from the issue date thereof, as shall be determined by the Interim Chairman of the County Council/County Supervisor.

(b) The BANs shall be numbered from one upwards for each issue and shall be in the denomination of \$5,000 or any integral multiple thereof requested by the purchaser thereof. The BANs shall be payable, both as to principal and interest, in legal tender upon maturity, at the principal office of a bank designated by the County or, at the option of the County, by the purchaser thereof.

The BANs also may be issued as one or more fully registered “draw-down” style instruments in an aggregate face amount not exceeding the maximum amount permitted hereunder, to a lending institution under terms which permit the balance due under such note or notes to vary according to the actual cash needs of the County, as shall be determined by the Interim Chairman of the County Council/County Supervisor. In such event, the County may draw upon such note or notes as it needs funds so long as the maximum outstanding balance due under such note or notes does not exceed the aggregate face amount thereof.

(c) The Interim Chairman of the County Council/County Supervisor is authorized to negotiate or to arrange for a sale of the BANs and to determine the rate of interest to be borne thereby.

(d) The BANs shall be in the form as determined by the Interim Chairman of the County Council/County Supervisor under Section 3.

(e) The BANs shall be issued in fully registered or bearer certificated form or a book-entry-only form as specified by the County, or at the option of the County, by the purchaser thereof; provided that once issued, the BANs of any particular issue shall not be reissued in any other form and no exchange shall be made from one form to the other.

(f) In the event any BAN is mutilated, lost, stolen or destroyed, the County may execute a new BAN of like date and denomination as that mutilated, lost, stolen or destroyed; provided that, in the case of any mutilated BAN, such mutilated BAN shall first be surrendered to the County, and in the case of any lost, stolen or destroyed BAN, there shall be first furnished to the County evidence of such loss, theft or destruction satisfactory to the County, together with indemnity satisfactory to it; provided that, in the case of a holder which is a bank or insurance company, the agreement of such bank or insurance company to indemnify shall be sufficient. In the event any such BAN shall have matured, instead of issuing a duplicate BAN, the County may pay the same without surrender thereof. The County may charge the holder of such BAN with its reasonable fees and expenses in this connection.

(g) Any BAN issued in fully-registered form shall be transferable only upon the books of registry of the County, which shall be kept for that purpose at the office of the County as note registrar (or its duly authorized designee), by the registered owner thereof or by his attorney, duly authorized in writing, upon surrender thereof, together with a written instrument of transfer satisfactory to the County as note registrar, duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any BAN, the County shall issue, subject to the provisions of paragraph (h) below, in the name of the transferee, a new BAN or BANs of the same aggregate principal amount as the unpaid principal amount of the surrendered BAN. Any holder of a BAN in fully-registered form requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any BAN in fully-registered form, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal and interest of any BAN in fully-registered form shall be made only to or upon the order of the registered holder thereof, or his duly authorized attorney, and the County shall not be affected by any notice to the contrary, but such registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such BAN to the extent of the sum or sums so paid.

(h) BANs issued in fully registered form, upon surrender thereof at the office of the County (or at such office as may be designated by its designee) as note registrar, with a written instrument of transfer satisfactory to the County, duly executed by the holder of the BAN or his duly authorized attorney, may, at the option of the holder of the BAN, and upon payment by such holder of any charges which the County may make as provided in paragraph (i), be exchanged for a principal amount of BANs in fully registered form of any other authorized denomination equal to the unpaid principal amount of surrendered BANs.

(i) In all cases in which the privilege of exchanging or transferring BANs in fully-registered form is exercised, the County shall execute and deliver BANs in accordance with the provisions of such Ordinance. All BANs in fully-registered form surrendered in any such exchanges or transfers shall forthwith be canceled by the County. There shall be no charge to the holder of such BAN for such exchange or transfer of BANs in fully-registered form except that the County may make a charge sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer.

SECTION 18. *Security for Bond Anticipation Notes.* For the payment of the principal of and interest on the BANs as the same shall fall due, so much of the principal proceeds of the Bond when issued shall and is directed to be applied, to the extent necessary, to the payment of the BANs; and, further, the County covenants and agrees to effect the issuance of sufficient BANs or bonds in order that the proceeds thereof will be sufficient to provide for the retirement of any BANs issued pursuant hereto.

SECTION 19. *Tax and Securities Laws Covenants.*

(a) The County covenants that no use of the proceeds of the sale of the Bond or BANs authorized hereunder shall be made which, if such use had been reasonably expected on the date of issue of such Bond or BANs would have caused the Bond or BANs to be “arbitrage bonds,” as defined in the Code, and to that end the County shall comply with all applicable regulations of the Treasury Department previously promulgated under Section 103 of the Internal Revenue Code of 1954, as amended, and any regulations promulgated under the Code so long as the Bond or BANs are outstanding.

(b) The County further covenants to take all action necessary, including the payment of any rebate amount, to comply with Section 148(f) of the Code and any regulations promulgated thereunder.

(c) The County covenants to file IRS form 8038, if the Code so requires, at the time and in the place required therefore under the Code.

SECTION 20. *Reservation of Revenues.* The County shall reimburse itself from revenues that would otherwise be allocated to the District for any amounts expended for the Projects contemplated by this Ordinance and/or the Resolution adopted by the County Council on April 19, 2022, which funds are not otherwise paid directly from or reimbursed to the County by the proceeds of the Bonds.

SECTION 21. *Authorization for County Officials to Execute Documents.* The Council authorizes the Interim Chairman of the County Council/County Supervisor, Clerk to County Council and other County Officials to execute and consent to such documents and instruments, including, *e.g.*, purchase-sale agreements, option contracts, lease-purchase agreements, or other similar agreements, as may be necessary to effect the intent of this Ordinance, the issuance of the Bonds, and any documents related to the transfer to, or acquisition from (or both), the Projects.

SECTION 22. *Amendments.* The County Council, at any time and from time to time may enact amending or supplementing ordinances without the consent or concurrence of any registered owner of any Bond so long as the amendment or supplement does not materially and negatively impact any right of any holder of a Bond outstanding at the time of the enactment of the amendment or supplement.

SECTION 23. *Publication of Notice of Adoption of Ordinance.* Pursuant to the provisions of Section 11-27-40 of the Code, the Interim Chairman of the County Council/County Supervisor, at his option, is authorized to arrange to publish a notice of adoption of this Ordinance.

SECTION 24. *Retention of Bond Counsel and Other Suppliers.* The Council authorizes the Interim Chairman of the County Council/County Supervisor to retain the law firm of King Kozlarek Law LLC, as its bond counsel, in connection with the issuance of the Bonds.

The Council further authorizes the Interim Chairman of the County Council/County Supervisor to enter into such contractual arrangements with printers and the suppliers of other goods and services necessary to the sale, execution and delivery of the Bond as is necessary and desirable. To the extent feasible, such arrangements shall be made with persons of sound reputation after obtaining two or more bids for such services; however, the Interim Chairman of the County Council/County Supervisor is authorized to make such arrangements without obtaining bids or quotes where (i) the services to be provided are unique or (ii) it is impractical to obtain bids in order to comply with any time requirements with respect to the issuance and sale of the Bond or (iii) the County has had previous experience with a supplier who has performed reliably and satisfactorily.

SECTION 25. *General Repealer.* All ordinances, rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bond are, to the extent of such conflict, repealed and this Ordinance shall take effect and be in full force from and after its adoption.

Ordinance 2022-6

CHESTER COUNTY, SOUTH CAROLINA

Chairman/Interim Supervisor, County Council

(SEAL)
ATTEST:

Clerk to Council

First Reading: April 19, 2022
Second Reading: May 2, 2022
Public Hearing: May 16, 2022
Third Reading: May 16, 2022

Chester County Planning Commission Minutes
April 26, 2022

The April 26, 2022 meeting of the Chester County Planning Commission was held at 6:30 pm at R. Carlisle Roddey Government Complex located at 1476 JA Cochran Bypass, Chester, SC.

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the April 6th, 2022 Chester News & Reporter. All properties were also posted.

Quorum Established: Chairman Raines, Vice Chairman Smith, Commissioners Walley, Grant, Howell and Hill were present.

Absent: Commissioner Williams was absent with prior notification.

Staff Present: Mike Levister.

Call to Order- Chairman Raines called the meeting to order.

Approval of Agenda: Chairman Raines stated the applicant for CCMA22-03 had asked to withdraw her rezoning request due to certain circumstances she did not wish to proceed. She had provided staff with a letter to withdraw. Chairman Raines motioned to approve the agenda with the omission, second by Commissioner Howell. Vote 6-0 to approve.

Approval of Minutes from March 15, 2022 Meeting

Chairman Raines motioned to approve, second by Vice Chairman Smith. Vote 6-0 to approve.

New Business

CCMA22-02: Applicant: Timothy O. Fudge request Tax Map #: 122-00-00-190-000 located at 2206 Fudge Guinn Rd. Edgemoor SC to be rezoned from Rural Two (R2) to Rural one (R1).

Mr. Fudge stated he inherited the property and the house on it; the current zoning was R2, since R2 zoning required two acres he wanted the property rezoned to sell an acre to his niece and her husband. The property adjacent to his was zoned R1 which required one acre lot and he doesn't use the extra land.

Chairman Raines stated both properties would have to be the same zoning to combine them. No one spoke for or against the rezoning request. Chairman Raines motioned to approve, second by Vice Chairman Smith. Vote 6-0 to approve.

Removed CCMA22-03: Applicant: Sharrenda Hopkins request Tax Map # 160-03-02-013-000 located at 5243 George Beard Ave. Great Falls SC to be rezoned from Multi-Family Residential (RG-1) to General Residential (RG-2).

Comments/Discussion-There was no comments or discussion.

Adjourn-Chairman Raines motioned to adjourn, second by Vice Chairman Smith. Vote 6-0 to adjourn.

This is a summary of proceedings at the April 26th, 2022 meeting of the Planning Commission, and not a verbatim transcript of the meeting. This summary, and an audio recording of the meeting is retained by the Chester County Building & Zoning department, and available if requested. This summary represents the facts of this meeting, not the opinion or interpretation of the Secretary.



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 4/26/2022 Case # CCMA22-02 Invoice # 4966

The applicant hereby requests that the property described to be rezoned from R2 to R1

Please give your reason for this rezoning request:

per telephone conversation with Timothy 3.11.22 request to rezone to R1 to be zoned the same as his sisters property. This will allow him to be able to deed her a portion of his property.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: 2206 Fudge Guinn Rd Edgemore, SC 29712
 Tax Map Number: 122-00-00-190-0B Acres: 2.084

Any structures on the property: yes no . If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant (s): Timothy D. Fudge
2206 Fudge Guinn Rd Edgemore, SC 29712
 e: _____ cell _____ work _____

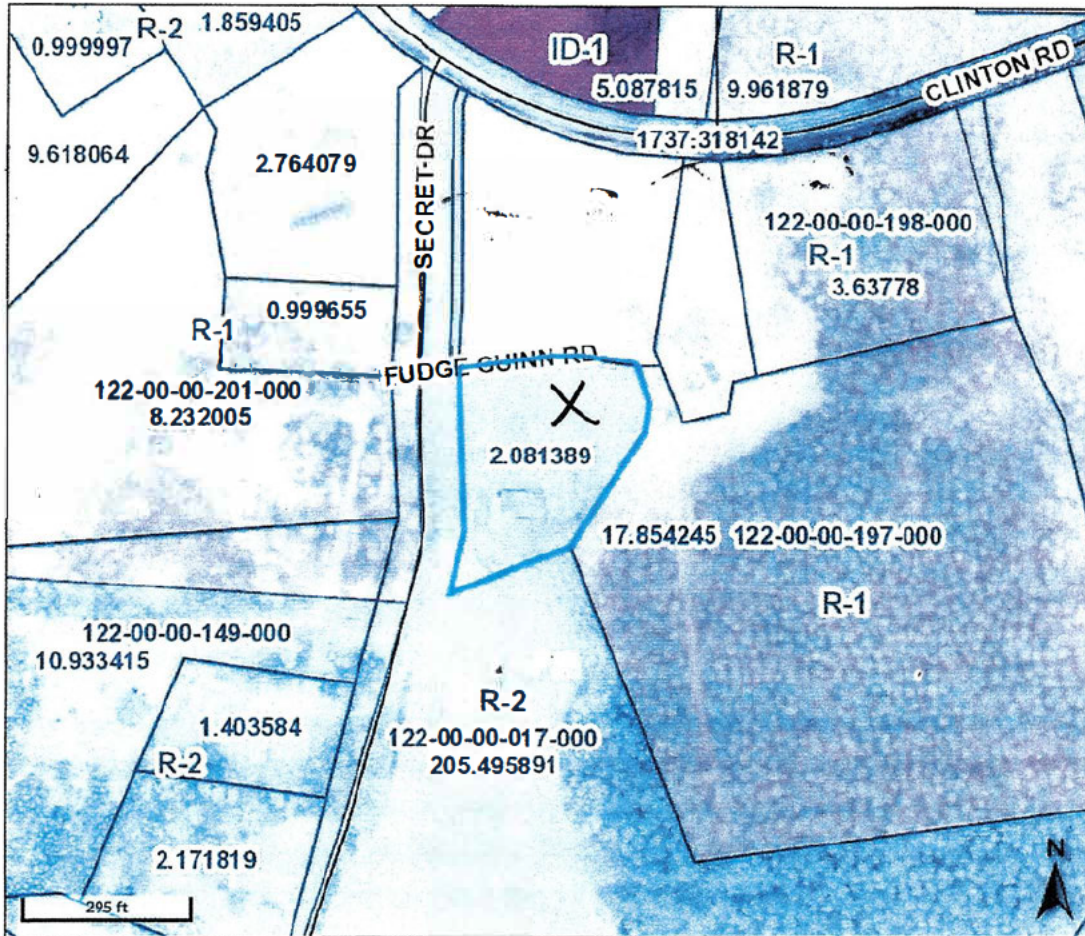
E-Mail Address: _____

Owner(s) if other than applicant(s): same as above
 Address: _____
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: Timothy D. Fudge Date: 3/10/22
 Applicant signature: _____ Date: _____

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.



Overview

Legend

- Roads**
- Secondary Road
 - SC Highway
- Parcel Types**
- Municipals
 - Parcels
- Chester County Zoning**
- AG
 - BI Basic Industrial
 - C1 - Central Commercial District
 - C2 - General Commercial District
 - CC Core Commercial
 - EDD
 - GC
 - GR General Residential
 - HC Highway Commercial
 - I - Industrial
 - I1 - Industrial Distr
 - ID-1
 - ID-2
 - ID-3
 - LC
 - LI Limited Industrial
 - MF Multi-family Residential
 - NC Neighborhood Commercial
 - NCH Neighborhood Commercial - Historic
 - PD Planned Development
 - R-1
 - R-2

- R-3
- R-4
- R10 One Family Residential
- R6 One and Two Family Residential
- R8 One Family Residential
- RG-1
- RG-2
- RIV
- RS-1
- County Boundary

Parcel ID 122-00-00 190 000
 Sec/Twp/Rng n/a
 Property Address 2206 FUDGE GUINN RD
 District 03
 Brief Tax Description TRACTB
 (Note: Not to be used on legal documents)

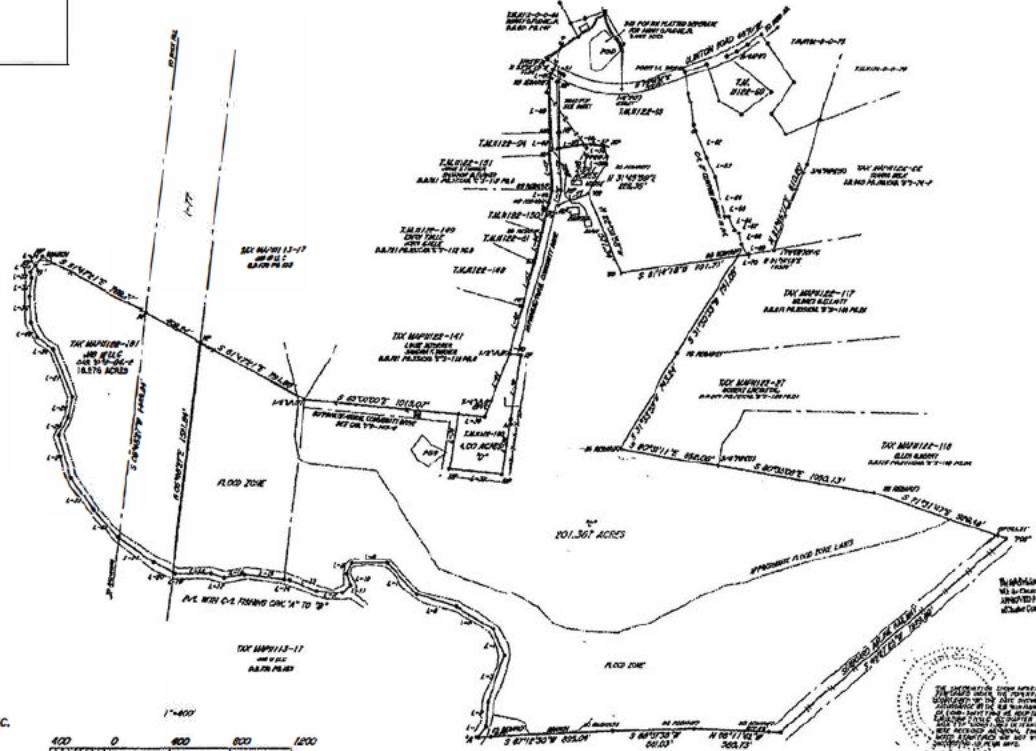
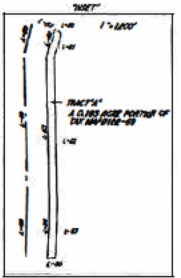
Alternate ID n/a
 Class R
 Acreage 2.081

Owner Address FUDGE TIMOTHY O
 2206 FUDGE GUINN RD
 EDGEMOOR SC 29712

PLAT OF SURVEY FOR
 MARC K. ROBINSON
 LOCATED ON CLINTON ROAD
 LEWISVILLE TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
 DECEMBER 17, 2015
 REFERENCED TO MAPS 0-0-17
 MAPS PLANNED FOR PL 17
 THE SURVEY 0-0-18
 A PORTION OF THE MAPS 0-0-18
 CASE 15-1432
 NTP MAP NUMBER 0108

CHANCE	BEARING	FEET
1-1	N 89° 52' 48" E	84.17'
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HIPP LAND SURVEYING, INC.
 2514 VICTORY WAY #115 DR
 RICHLAND, S.C. 29729
 PHONE (803) 789 3716



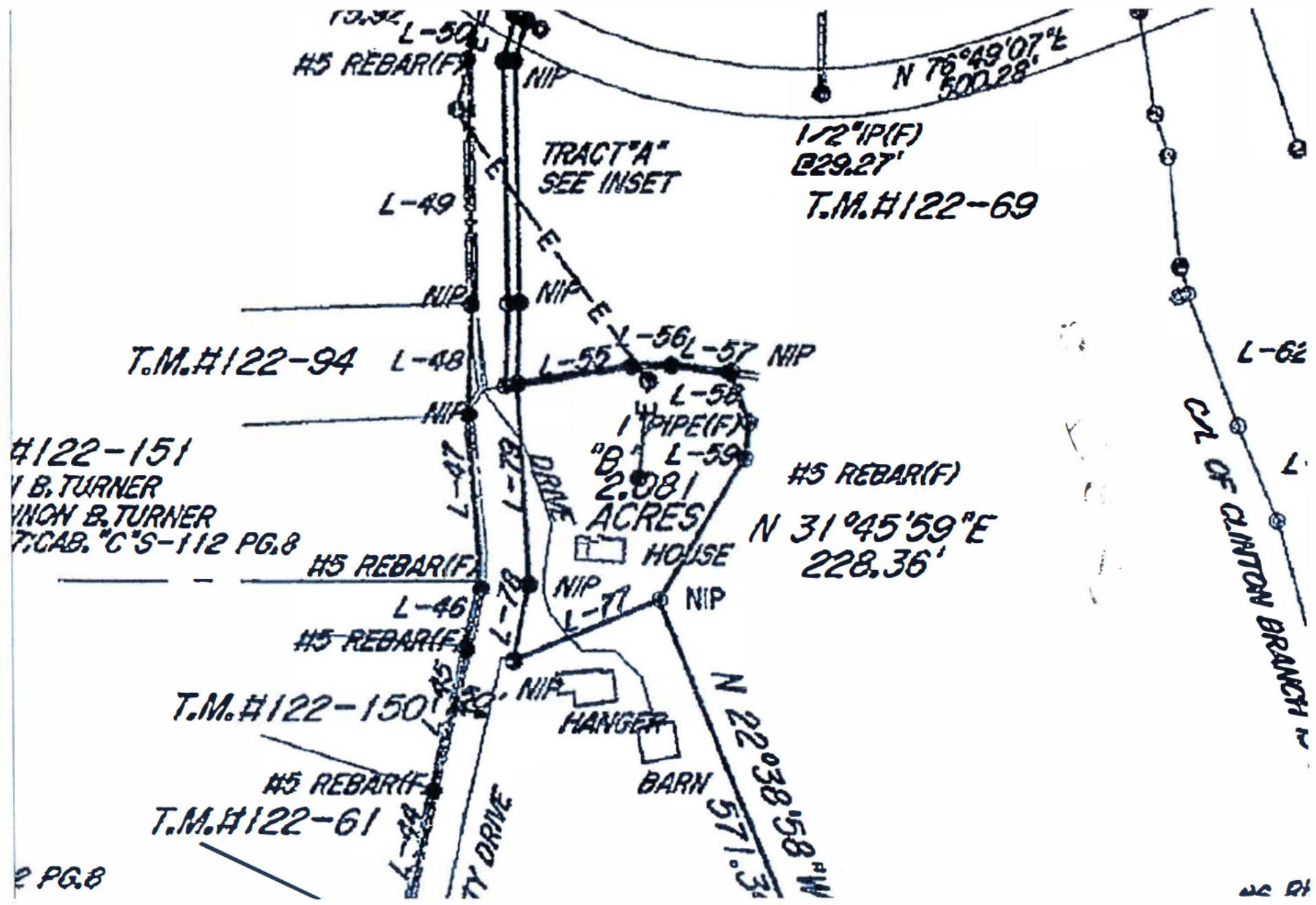
The plat and the lines hereon are hereby certified to be a true and correct copy of the original as shown to the recorder's hands on the date of this plat.

2-16

2015 DEC 17 10:00 AM

RECORDER OF DEEDS

CHESTER COUNTY, SOUTH CAROLINA



TO THE L-50
#5 REBAR(F)

N 76°49'07"E
502.28'

TRACT "A"
SEE INSET

1/2" IP(F)
229.27'
T.M.#122-69

L-49

T.M.#122-94

L-48

L-55

L-56

L-57 NIP

#122-151
W. B. TURNER
VINON B. TURNER
T.CAB. "C" S-112 PG.8

L-47

L-78

DRIVE

"B" 2.081 ACRES

#5 REBAR(F)
N 31°45'59"E
228.36'

HOUSE

#5 REBAR(F)

L-46

#5 REBAR(F)

L-77

HANGER

BARN

T.M.#122-150

#5 REBAR(F)
T.M.#122-61

N 22°38'58"W
571.3'

TY DRIVE

CL OF CLINTON BRANCH

22 21

2 PG.8



Chester County, South Carolina

Office of Purchasing
1476 J.A. Cochran Bypass
Chester, SC 29706

Date: May 16, 2022

To: County Council

From: Susan M. Cok

Subject: Approval of Bid – Solid Waste Collection & Transportation

Chester County Council Members,

On April 1, 2022, the Purchasing Office and Recycling Dept. issued RFP 2122-07. The bids were opened on May 10, 2022. There were 2 bids received: one from Waste Management and the other from Republic Services. Our recommendation is to award the bid to Republic Services out of Enoree, SC. The bids required multiple pricing. With the assistance of the Treasurer, Tommy Darby, we determined the county will save approximately \$187,000.00 per year by using Republic vs. Waste Management. This new contract will start on October 1, 2022, to give them time to purchase the containers for our county.

Respectfully,

Susan M. Cok

Susan M. Cok,
Director of Contracts and Procurement