

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Government Complex

1476 J A Cochran Bypass, Chester, SC

May 6th, 2019 Monday at 6:00 PM

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

1. **Call to Order**-Chairman Stuart called the meeting to order.
2. **Pledge of Allegiance and Invocation**- Pledge was recited in unison; Vice Chairman Branham gave the invocation.
3. **Approval of Minutes- April 15, 2019**-Vice Chairman Branham motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve as written.
4. **Citizen Comments**

Octavia Wilmore of 2624 Georgetown Road, Great Falls, SC stated she was against the rezoning request signed by Mr. Paul Hicklin, he owns property parallel to her and her husband. She stated farms are usually located in rural areas, and not in subdivisions. Mr. Hicklin has different animals and their family cannot go outside because of the smell.

George Wilmore of 2624 Georgetown Road, Great Falls, SC stated he was also against the rezoning request. He cannot enjoy going outside after work due to the animals near his property line and the smell.

Mary Beaty of 5214 George Beard Road, Great Falls, SC stated she also was against the rezoning, stating if this is approved to the Rural Two zoning this would become a sanitary issue, and would lower their property values.

Roy Carter, 2519 Hoke Drive, Great Falls, SC stated a farm was not the place for the area in question.
5. **Ordinances/Resolutions/Proclamations**
 - a. **2nd Reading of Ordinance No. 2019-4 An Ordinance To Authorize The Postponement Until Property Tax Year 2021 Of Reassessment And Revised Property Values Resulting From The Equalization Program As Provided Pursuant To Section 12-43-217 Of The Code Of Laws Of South Carolina, 1976, As Amended.** Chairman Stuart stated this will be pushed to 2021 which the law allows, so the Assessor's Office will have time to work on over 22 to 23,000 pieces of property that will need to be reassessed. Councilwoman Guy motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.
 - b. **Proclamation for National Fibromyalgia Awareness Day**- Chairman Stuart read the proclamation aloud and declared May 12th as National Fibromyalgia Awareness Day.

6. Old Business

- a. **3rd Reading CCLDTA19-01:** - Article 5 § 5-2: Streets Chester County Land Development Regulations – Text Amendments. **Adding to paragraph 2:** *The design and layout of the streets, including without limitation, arrangement, character, width, grade, and location may be required to conform to the current Chester County Comprehensive Plan, and Gateway Master Plan (where applicable), to adjoining street systems or adjoining properties, and to the topography, natural features and drainage systems required by the County. Minor streets shall be so laid out so that non-essential use by through traffic will be discouraged.* **Adding to paragraph 4:** *Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing a new subdivision or extending an existing one unless meeting all County standards and approved by the Planning Commission. The Planning Commission will require a minimum of two (2) access roads for subdivisions proposing lots in excess of 200 lots and may require additional access if the increased traffic and noise would create a safety hazard or otherwise be detrimental to residents of the existing subdivision.* **Planning Commission voted 6-0 to approve.**

Councilman Wilson motioned to approve, second by Councilman Vaughn. Councilman Jordan stated at some point there would not be different access for every 200 lots in increments, his concern was where it states “may require additional access” but a study could state safety hazards, but no additional access would be required for ingress and egress. He asked if a traffic study would be done for every subdivision over 200 houses. Planning Director Mike Levister stated yes, it’s required now. Councilman Jordan stated he would like to change the word “may” to “shall”. Councilman Wilson agreed and stated the key is right now there is no minimum his main goal is to have one. Planning Director Levister stated it would be an improvement since currently there is nothing. Councilman Wilson withdrew his motion, Councilman Vaughn withdrew his second. Councilman Wilson motioned to approve with the revision the Planning Commission will require a minimum of two (2) access roads for subdivisions proposing lots in excess of 200 lots and shall along with the remainder of the paragraph, second by Councilman Jordan. Vote 6-0 to approve.

7. New Business

Chairman Stuart stated for the record, item 7.a. and 7.b. it should read 1st Reading.

- a. **CCMA19-07:** **Paul and Virginia Hicklin request Tax Map # 160-03-04-039-000 located on Georgetown Road, Great Falls, SC be rezoned from (RG-1) Multi-Family to (R2) Rural Two. Planning Commission voted 5-1 to Deny.** Councilwoman Guy moved to uphold the Planning Commission’s recommendation to deny, second by Councilman Oliphant. Vice Chairman Branham asked if the property owners lived own or near this property. Mr. Hicklin stated from the audience he lives on the property. Councilman Oliphant asked if this is the property that presently has the farm. Councilman Vaughn stated yes. Councilman Oliphant stated regardless of what happens to the zoning Mr. Hicklin is grandfathered in. Planning Director Levister read from the Chester County Zoning Ordinance under chapter 3-200 which states “Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this ordinance. It is the intent of this ordinance to allow nonconformities to continue until they are removed, but not to encourage their survival.”

Mr. Levister stated the animals has been on the property for thirty plus years as Mr. Hicklin stated at the Planning Commission meeting and can still be used as farm land whether the property is rezoned or not. County Attorney Winters asked why the property went before the Planning Commission to be rezoned. Mr. Levister stated it started when a citizen complained about animals being on Mr. Hicklin’s Jr’s property. They investigated and sent Mr. Hicklin Jr., a letter stating it was not in his zoning district to have farm animals on his property. He

assumed when Mr. Hicklin Sr. came to the office he decided to do the right thing and have his property zoned to allow for farm use also as his son did. Mr. Hicklin, Jr. approached the podium and stated the issue with the parcel of land is the law, rights and jurisdiction, he stated by law he has the right to farm. He spent \$150,000 dollars on the land and wants to use it as a farm. Councilman Wilson stated the signed petition that was handed out objected to the second request not the one they were currently discussing. Vote 4-2 to Deny. Councilman Wilson and Vice Chairman Branham opposed.

b. CCMA19-08: Paul and Margaret Hicklin Jr. request Tax Map # 160-03-04-017- 000 located on Hoke Drive, off of Georgetown Road, Great Falls, SC be rezoned from (RG-1) Multi-Family to (R2) Rural Two. Planning Commission voted 5-1 to Deny.

Councilman Vaughn motioned to uphold the Planning Commission's recommendation to deny, second by Councilman Jordan. Chairman Stuart stated this was the one referencing the petition signed by surrounding property owners presented earlier. Councilman Wilson stated to be clear this property was purchased recently of this year and prior to that there were not any cattle on the property and currently the zoning does not allow cattle. Planning Director Levister stated that was correct. Councilman Vaughn stated prior to purchasing property always check the zoning to see what is allowed. Vote 6-0 to Deny.

c. Litter Enforcement Report-Chairman Stuart

Chairman Stuart stated this was an update of tickets that were written and would like to have the litter enforcement and pickup together in the future. Councilman Vaughn commended TJ Martin for the fine job he does as a sole member of the department. Vice Chairman Branham stated he would like to see the fines and how the tickets were handled. Chairman Stuart stated he would have that information when it comes back to Council.

8. Executive Session-Chairman Stuart motioned to go to Executive Session, second by Vice Chairman Branham. Vote 6-0 to go in Executive Session.

a. Discuss Economic Development Project 1915

b. Receive Legal Advice Regarding the 2020 CPST Referendum

c. Receive Legal Advice Regarding the Fee Agreement between PPG/NEG

d. Discuss Economic Development Matter- Project 1860

e. Receive Legal Advice Regarding County Buildings

9. Council Actions Following Executive Session-Councilwoman Guy motioned to go back to Regular Session, second by Councilman Jordan. Vote 6-0 to approve.

a. Action Taken Regarding Economic Development Project 1915

Did not discuss no information provided.

b. Action Taken Regarding Legal Advice on the 2020 CPST Referendum

(i) Resolution creating the 2019-2020 Capital Project Sales and Use Tax Commission

Chairman Stuart motioned to approve, second by Councilman Oliphant. Vote 6-0 to approve.

(ii) Ordinance by Title Only To Levy And Impose A One Percent Sales And Use Tax, Subject To A Referendum In Chester County Pursuant To The Capital Project Sales Tax Act, South Carolina Code Annotated Section 4-10-300, Et Seq.; To Define The Specific Purposes And Designate The Projects For Which The Proceeds Of The Tax May Be Used; To Provide The Maximum Time For The Imposition And Collection Of The Tax; To Provide For A County-Wide Referendum And To Prescribe The Contents Of The Ballot Question In The Referendum; To Provide Conditions Precedent To The Imposition Of The Tax And Conditions Or Restrictions On The Use Of The Tax Revenue; To Establish The Priority In Which The Net Proceeds Of The Tax Are To Be Expended For The Purposes And Projects Stated; To Provide For The Conduct Of The Referendum By The Chester County Board Of Voter Registration And Elections; To Provide For The Payment Of The Tax; TO PROVIDE FOR THE ISSUANCE OF BONDS, IN ONE OR MORE SERIES, TAX-EXEMPT OR TAXABLE, IN AN AMOUNT NOT TO EXCEED THE AGGREGATE OF \$[]; AUTHORIZING THE COUNTY SUPERVISOR TO PRESCRIBE THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND PLEDGE OF REVENUES RELATED TO THE BONDS; PROVIDING OTHERWISE FOR THE DISPOSITION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR BORROWING IN ANTICIPATION OF THE ISSUANCE OF THE BONDS; PROVIDING FOR THE DISPOSITION OF PROPERTY RELATED TO THE BONDS; AND OTHER RELATED MATTERS. Chairman Stuart motioned to approve the first reading in title only, second by Vice Chairman Branham. Vote 6-0 to approve.

c. Action Taken Regarding Legal Advice on the Fee Agreement between PPG/NEG
Taken as information only. Councilman Oliphant recused himself from this discussion.

d. Action Taken Regarding Economic Development Project 1860
Chairman Stuart motioned to allow Economic Development to negotiate with Project 1860, second by Vice Chairman Branham. Vote 6-0 to approve.

e. Action Taken Regarding Legal Advice on County Buildings
Taken as information only.

10. Council Comments

Chairman Stuart stated the Chamber of Commerce has started using the symbol # to buy local. Asked citizens to use this symbol when buying local. He also stated the Chester County Youth Soccer Association sign up would be held May 11th, 18th and June 1st.

Councilman Wilson reminded everyone about the open house for Lowry's Town Hall renovations at 6:00 p.m., May 9th.

11. Adjourn-Councilman Jordan motioned to adjourn, second by Councilwoman Guy. Vote 6-0 to adjourn. Time 7:45 pm.