

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Government Complex

Monday, May 7th, 2018 at 6:00 PM

Chairman Shane Stuart Presiding

MINUTES

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

Absent: Council Member Jordan with prior notification.

- 1. Call to Order-**Chairman Stuart called the meeting to order.
- 2. Pledge of Allegiance and Invocation-** Pledge was recited in unison, Council Member Lucas opened with the invocation.
- 3. Approval of Minutes-April 16th, 2018 Minutes-**Council Member Lucas motioned to approve as written, seconded by Council Member Guy. Vote was 5-0 to approve.

4. Citizens Comments

Raymond Carter of 881 Yarbrough Road, Chester, SC stated he and the militia unit are a unit of people who are good at what they do. Mr. Carter stated if you come after what is his or his family or his unit they will fight the legal way.

Tony Pope, 1180 Oakwood Drive, Chester, SC stated he is the Vice President of the Chester Development Association, on behalf of the CDA they support the rezoning of seventeen acres on Hwy 901. He stated it meets the strategic plan for growth.

Hal Stone, 1079 JA Cochran Bypass, Chester, SC stated he's currently the secretary for the Chester Development Association and also supports the rezoning on Hwy 901.

Kevin Addison, 878 Elks Road, Chester, SC stated he is against the rezoning to add a mobile home park in his area, this will upset the community and does not see a need for a change.

5. Ordinances/Resolutions/Proclamations

a. First Reading of An Ordinance (By Title Only) Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax And Special Source Revenue Credit Agreement By And Between Chester County And Project 1814; The Inclusion Of Certain Real Property Located In Chester County In A Multi-County Industrial Park; The Provision Of Credits Against Fee In Lieu Of Tax Payments; The Execution And Delivery Of Such Documents As May Be Necessary To Effect The Intent Of This Ordinance; And Other Matters Relating Thereto. Vice Chairman Branham motioned to approve, second by Council Member Lucas. Vote was 5-0 to approve.

6. Old Business

a. 3rd Reading of CCMA18-07: Malinda Washington (J.F. Construction), representing Kenneth Frederick requests Tax Map # 078-03-07-039-000, located on 745 Darby Rd, Chester, SC; be rezoned from RG-1 (Multi Family Residential) to GC (General Commercial). Planning Commission voted 7-0 to approve. Council Member Guy motioned to approve, second by Council Member Wilson. Vote was 5-0 to approve.

Consent Agenda for items 6. b thru 6. i.

b. 3rd Reading of ZOTA18-01: amending the Chester County Zoning Ordinance 2000 to Include two NAICS codes to the Permitted Uses located in Chapter 4 § 4-11, section 2, RG-1 Multi Family Residential Uses. **Add:** *531110 Apartment building rental or lease 531311 Apartment Managers Office* Planning Commission voted 7-0 to approve.

c. 3rd Reading of CCLDTA18-08: **Article 3 § 3-2.1 Sketch Plan**

Add: *Bound, and an electronic copy (disk or flash drive)* **Revised text will read:** Be accompanied by a minimum of three (3) *bound* copies, *and an electronic copy (disk or flash drive)* of the Sketch Plan as described in these regulations and complying in all respects with these regulations. Planning Commission voted 7-0 to approve.

d. 3rd Reading of CCLDTA18-09: **Article 3 § 3-2.2 Preliminary Plat**

Add: *and an electronic copy (disk or flash drive)* **Revised text will read:** Be accompanied by a minimum of ten (10) copies, *and an electronic copy (disk or flash drive)* of the Preliminary Plat as described in these regulations. Planning Commission voted 7-0 to approve.

e. 3rd Reading of CCLDTA18-10: **Article 3 § 3-2.2 Preliminary Plat**

Delete: ~~3. Be accompanied by a minimum of six (6) copies of Construction Plans as described in these regulations.~~ **Revised text will read:** *Number three will be deleted from this section, and number four will change to number three.* Planning Commission voted 7-0 to approve.

f. 3rd Reading of CCLDTA18-11: Article 3 § 3-2.4 Final Plat

Add: *f. Be accompanied by a minimum of six (6) copies of Construction Plans as described in these regulations.* **Revised text will read:** Insert statement “f” which was removed from section 3-2.2 Preliminary Plat. No new text to the insert. Planning Commission voted 7-0 to approve.

g. 3rd Reading of CCLDTA18-12: Article 4 § 4-2 Preliminary Plat

Remove: ~~Grades and invert elevations of sewers shall be shown.~~ **Revised text will read:** *Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.* Planning Commission voted 7-0 to approve.

h. 3rd Reading of CCLDTA18-13: Article 4 § 4-3 Construction Plans

Remove: ~~Construction plans shall be prepared for all required improvements by a registered South Carolina Engineer at a convenient scale of not less than one inch equals 100 feet.~~

~~The Construction Plans shall include the following if such an improvement is proposed in the subdivision:~~

- ~~1. Profiles showing existing and proposed elevations along the centerline of all new roads. The elevation along the centerline of existing roads shall be shown within one hundred (100) feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.~~
- ~~2. Where steep slopes exist, the County Road Department may require that cross-sections of all proposed streets at one hundred foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said evaluation points shall be at the center of the street, each property line, and points twenty five (25) feet inside each property line.~~
- ~~3. Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, rights of ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to and exact location and size of all water, gas, or other underground utilities or structures.~~
- ~~4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, water mains, easements, water bodies, streams, and other pertinent features such as swamps, wetlands, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate 100 year flood elevations of such lakes or streams. All elevations shall be referred to the Mean Sea Level Datum where public water and/or public sewers are to be installed.~~

- ~~5. The acreage of each drainage area affecting the proposed subdivision.~~
 - ~~6. Topography at a contour interval of two (2) feet, referred to sea level datum when public water or public sewers are to be installed or portions of the subdivision would be inundated by a 100-year frequency flood.~~
 - ~~7. All specifications and references required by the construction standards and specifications of Chester County and other entity providing a utility, and the Department of Health and Environmental Control.~~
 - ~~8. A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection is proposed in the subdivision~~
 - ~~9. Title, name and address, telephone and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans and date, including revision dates.~~
- Revised text will read:** This section will be reserved for future use. Planning Commission voted 7-0 to approve.

i. 3rd Reading of CCLDTA18-14: Article 4 § 4-5 Construction Plans

Add: 4-5 Construction Plans

Construction plans shall be prepared for all required improvements by a registered South Carolina Engineer at a convenient scale of not less than one-inch equals 100 feet.

The Construction Plans shall include the following if such an improvement is proposed in the subdivision:

- 1. Profiles showing existing and proposed elevations along the centerline of all new roads. The elevation along the centerline of existing roads shall be shown within one hundred (100) feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.*
- 2. Where steep slopes exist, the County Road Department may require that cross-sections of all proposed streets at one-hundred-foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said evaluation points shall be at the center of the street, each property line, and points twenty-five (25) feet inside each property line.*
- 3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to and exact location and size of all water, gas, or other underground utilities or structures.*
- 4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, water mains, easements, water bodies, streams, and other pertinent features such as swamps, wetlands, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate 100-year flood elevations of such lakes or streams. All elevations shall be referred to the Mean Sea Level Datum where public water and/or public sewers are to be installed.*
- 5. The acreage of each drainage area affecting the proposed subdivision.*

6. *Topography at a contour interval of two (2) feet, referred to sea level datum when public water or public sewers are to be installed or portions of the subdivision would be inundated by a 100-year frequency flood.*
7. *All specifications and references required by the construction standards and specifications of Chester County and other entity providing a utility, and the Department of Health and Environmental Control.*
8. *A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection is proposed in the subdivision.*
9. *Title, name and address, telephone and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans and date, including revision dates.*
Revised Text: *Create Section 4.5 for Construction Plans. No new text, all copied from section 4-3 Planning Commission voted 7-0 to approve. Chairman Stuart motioned to approve 6.b. thru 6.i., second by Vice Chairman Branham. Vote was 5-0 to approve.*

7. New Business

a. 1st Reading CCMA18-08: **J.D. Rinehart Jr, authorized agent for Hackett Limited Partnership, request Tax Map # 124-00-00-009-000, located at 3303 Edgeland Rd, Richburg, SC; be rezoned from R2 (Rural Two) to RG-1 (Multi-Family Residential). Planning Commission voted 4-1 to approve. Council Member Oliphant motioned to approve, second by Vice Chairman Branham. Vote was 5-0 to approve.**

b. 1st Reading CCMA18-09: **Perry Isenberg, authorized agent for Harry J. Callahan Jr, request Tax Map # 079-01-17-013-000, located on York Rd, Chester, SC; be rezoned from RG-1 (Multi-Family Residential) R2 (Rural Two) to RG-2 (General Residential) Planning Commission voted 3-2 to approve. Vice Chairman Branham motioned to put on the table, second by Council Member Guy. Council Member Guy stated she had met with some of the residents in the area who were concerned. She has nothing against mobile home parks and thinks this is not a good location since it would be right beside an existing mobile home park. Lodge Street which now is a dead-end road would be turned into an access street for the mobile home park and feels like single wide mobile homes would decrease the value of existing homes, would like to see affordable housing instead.**

Perry Isenberg, applicant for the owner presented a preliminary plan to Council and stated there would be 177 lots and would adhere to all restrictions to the zoning for RG2. The access would be Lodge Street to Hughes Road. The single wide mobile homes will have brick underpinning and shingle roofs and will be rented.

Planning Director Mike Levister was asked if anyone voiced their opinion at the Planning Commission's public hearing. Mr. Levister stated one person spoke against the rezoning. Council Member Oliphant stated maybe there could be a better solution with the neighbors. Council Member Wilson asked if it was common for the Planning Commission to approve rezoning's without plans. Planning Director Mike Levister stated yes, developers want to get the approval first before they actually have plans drawn up since it's so expensive.

Council Member Guy stated she would like to see a photo of what the park would look like with homes. Council Member Wilson stated he will be doing more research on this and asking more questions before the second and third reading. Vote was 3-2 to approve. Chairman Stuart, Council Member Wilson and Vice Chairman Branham voted to approve, Council Member Guy and Oliphant opposed. Council Member Lucas recused stating he had a conflict of interest since he was related to the applicant.

c. 1st Reading CCMA18-10: Perry Isenberg, authorized agent for Harry J. Callahan Jr, request Tax Map # 078-01-01-034-000, located on York Rd, Chester, SC; be rezoned from RG-1 (Multi-Family Residential) to RG-2 (General Residential) Planning Commission voted 3-2 to approve. Vote was 3-2 to approve. Chairman Stuart, Council Member Wilson and Vice Chairman Branham voted to approve, Council Member Guy and Oliphant opposed. Council Member Lucas recused stating he had a conflict of interest since he was related to the applicant.

d. 1st Reading CCMA18-11: Stephanie Gill Stradford request Tax Map # 160-05-04-035-000, located at 2360 Barnes Rd, Great Falls, SC; be rezoned from RG-2 (General Residential) to RG-1 (Multi-Family Residential) Planning Commission voted 5-0 to approve. Council Member Lucas motioned to approve, second by Council Member Wilson. Vote was 5-0 to approve.

e. Trash Collection Pickup for April-Chairman Stuart

Chairman Stuart stated 444 bags of trash was picked up last month, with the year to date of 7005 bags accumulated. He also stated two of the employees had quit, but working hard to replace them.

f. Clarification on the Rural Fire Commission Ordinance-Bobby Jones

Mr. Jones stated the Rural Fire Commission would like for Council to give them clarification of their duties, responsibilities and obligation to the Rural Fire Commission. Mr. Jones stated the commission wants to do their job to the best of their ability. He read from Section 2-355 of the by-laws for the commission, “no claim against any fund in the hands of the treasurer to the credit of the board shall be paid by the treasurer unless such claim is itemized and approved, in writing, by a majority of the board. The board shall report annually to the supervisor and clerk to court of the county its financial transactions.” He stated the fire truck was purchased without their consent, and was concerned if they have a job, we go by the rules we were given what are we needed for if the truck was purchased without our knowledge.

Council Member Guy stated are you saying funds were paid out without your knowledge. Council Member Oliphant stated a better ordinance is needed, take this as information only and bring it back to the next meeting. County Attorney Winters stated this can be added to the next meeting under Executive Session to advise Council, then Council can decide if they want to meet with Rural Fire.

8. Executive Session-Council Member Lucas motioned to go into Executive Session, second by Council Member Oliphant. Vote was 5-0 to go into Executive Session.

a. Receive Legal Advice Concerning the Gateway

b. Receive Advice Concerning Project 1814

9. Council Actions Following Executive Session-Council Member Lucas motioned to come back into Regular Session, second by Council Member Guy. Vote was 5-0 to go back to regular session.

a. Action Taken Concerning the Gateway

Vice Chairman Branham motioned to confirm the Chester Facilities Corporation recommendation to borrow for the project and described in the County resolution to which was adopted March 19th, 2018 which includes refinancing the 2012 Gateway bids, speculative building, hazmat material building, Gateway expansion and renovations and the Gateway road, second by Council Member Lucas. Council Member Wilson stated he would like to hold off on the expansion right now and save the money so the Counties hands would not be tied for many years to come. Would like more details shared with the public about the list of projects, Council Member Wilson motioned to amend the original motion to remove the Gateway expansion and keep the renovations, second by Council Member Oliphant. Vote failed 3-2., Council Members Lucas, Branham and Guy opposed. With two motions on the floor, Chairman Stuart called for the question for the first motion, vote was 4-1 to approve. Council Member Wilson opposed.

b. Action Taken Regarding Project 1814

Chairman Stuart motioned to allow Karlisa Parker Dean to negotiate with Project 1814, second by Council Member Lucas. Vote was 5-0 to approve.

10. Council Comments-There were no comments

11. Adjourn-Council Member Oliphant motioned to adjourn, second by Vice Chairman Branham. Vote was 5-0 to 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

K. Shane Stuart, County Supervisor & Chairman

Karen Lee, Clerk to County Council