

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Government Complex

1476 J A Cochran Bypass, Chester, SC

July 1st, 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, County Attorney Winters and Clerk to Council Karen Lee.

1. Call to Order-Chairman Stuart called the meeting order at 6:00 pm.

2. Pledge of Allegiance and Invocation- Pledge was recited in unison, Councilwoman Guy gave the invocation.

3. Approval of Minutes-

a. Amend June 3rd, 2019 Council Minutes. Councilman Wilson motioned to amend the minutes, second by Vice Chairman Branham. Vote 6-0 to approve.

b. June 6th, 2019 Council Budget and Salary Study Workshop Minutes.
Councilman Vaughn motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.
Councilwoman Guy was not present at this meeting and did not vote.

c. June 17th, 2019 Council Minutes. Councilwoman Guy motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

d. June 20th, 2019 Special Called Council Minutes. Councilman Jordan motioned to approve, second Councilwoman Guy. Vote 6-0 to approve.

4. Citizen Comments

Tammy Roberts of 709 Meadowbrook Road, Chester stated the house in front of her was condemned, the owner tore the house down but left debris on her property. There are nails and debris in her yard debris and would like something done to correct the problem.

Larry Hill of 106 Hope Street, Chester stated the Take Back Chester Rally against gun violence will be July 20th, 2019.

Patricia Craig, 1149 Durham Road, Blackstock stated she was concerned for the community since the street's lights have been turned off and asked if Council could find some way to pay to have them turned on. They want to feel safe like other towns in Chester.

Jeff Kyles of 2505 Woodberry Lane stated his concern was what type of checks and balances are used for County Council, County Accountants along with the HR department, it seems to him this is costing the taxpayers.

5. Public Hearing-Chairman Stuart opened the Public Hearing- No one signed up to speak.

3rd Reading of Ordinance No. 2019-7 Authorizing And Ratifying The Execution And Delivery Of An Agreement Among Chester County, PPG Industries, Inc., PPG Industries Securities, LLC, PPG Industries Fiber Glass Products, Inc. And Nipon Electric Glass Co., Ltd, And Authorizing Other Matters Relating To Such Agreement.

Chairman Stuart closed the Public Hearing.

6. Ordinances/Resolutions/Proclamations

- a. **3rd Reading of Ordinance No. 2019-7 Authorizing and Ratifying The Execution And Delivery Of An Agreement Among Chester County, PPG Industries, Inc., PPG Industries Securities, LLC, PPG Industries Fiber Glass Products, Inc. And Nipon Electric Glass Co., Ltd, And Authorizing Other Matters Relating to Such Agreement.** Attorney Michael Kozlarek stated he anticipates after tonight he would have all the required signatures from the other company representatives along with the settlement check tomorrow in the amount of \$330,667.00 dollars by Wednesday, the taxes had been calculated by the Auditors Office based on the information from the Department of Revenue. The penalty dated for their taxes is July 31st, 2019 which is reflected in the agreement which they do anticipate paying their taxes on time. Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve. Councilman Oliphant recused from voting since he does business with the company.
- b. **2nd Reading of Ordinance No. 2019-8 An Ordinance to Authorize the County of Chester, By Chester County Council, To Accept A Donation of The Real Estate Described on Attached Exhibit “A” Which Is Incorporated Herein by Reference.** Councilman Wilson motioned to approve contingent upon a clean phase one report, second by Councilwoman Guy. Vote 6-0 to approve.
- c. **Resolution 2019-14 Providing Preliminary Approval For Certain Incentives To Induce One Or More Investors Identified For The Time Being As Project 1860 To Invest In Facilities In Chester County, South Carolina, Possibly To Include (1) A Negotiated Fee In Lieu Of Ad Valorem Taxes Arrangement; (2) A Special Source Revenue Or Infrastructure Credit; (3) A Multi-County Industrial Or Business Park Arrangement; And Other Related Matters.** Chairman Stuart motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.
- d. **1st Reading of Ordinance 2019-9 by Title Only Authorizing The Execution And Delivery Of A Fee In Lieu Of Ad Valorem Taxes Or Infrastructure Credit Agreement By And Between Chester County And Project 1860; The Inclusion Of The Project Site (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 Other Documents As May Be Necessary To Effect This Ordinance’s Intent; And Other Related Matters.** Chairman Stuart motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.

7. Old Business

- a. **3rd Reading CCMA19-09: Lin Yun Guanhg request Tax Map # 145-00-00-009-000 located on Lancaster Hwy, Chester, SC be rezoned from (R2) Rural Two to (RG-1) Multi Family Residential. Planning Commission voted 6-0 to approve.** Councilwoman Guy motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.
- b. **Discuss the Victims Assistance Agreement for the Town of Great Falls and the Town of Fort Lawn.** Sheriff Dorsey stated the documents he presented at the last council meeting were not dated correctly, the documents Council now has the correct wording and dates. He stated he was asking for Council’s permission to enter into agreement with the Town of Fort Lawn and Great Falls to provide victims assistance services to the municipalities. Councilman Wilson motioned to approve, second by Councilman Oliphant. Vote 6-0 to approve.
- c. **Discuss Appointing Chester Metropolitan District Board of Commissioners-Vice Chairman Branham** Vice Chairman Branham stated at the last meeting Councilman Oliphant did not feel comfortable doing this and asked County Attorney Winters to explain the reason why Council could not appoint anyone to this board. County Attorney Winters stated she had done research on this before, statue 4-9-170 states “we Chester County Council has the ability to appoint all county boards, committees and commission whose appointment is not provided for by the general law or the Constitution. This excludes school districts, special purpose districts or other

political subdivisions created by the general assembly, she stated that is the current law, and Chester Metropolitan District is a special purpose district by statute. She stated at the last meeting she was asked to contact the Attorney General for clarification in which she had done. She stated Council could reach out the legislative delegation ask them to appoint someone.

Vice Chairman Branham stated he would like to request from the delegation that County Council would like to be involved in the appointments, Chairman Stuart stated he would draft a letter asking if the County could be involved in the process of appointing to the Chester Metropolitan District Board.

d. Unlawful Sign Ordinance and Litter Ordinance.

Councilman Jordan stated the off premises business signs popping up all over the County were prohibited by the zoning ordinance and talked about at the last meeting if they could be treated as litter. The County litter ordinance may need to be amended. Councilman Vaughn stated Orangeburg County won the Palmetto Pride Award for doing the most work and felt like our ordinance needs more work also.

TJ Martin, County Code Enforcement Officer stated there is penalty in our ordinance that calls for thirty days in jail. Councilman Vaughn asked if anyone had been put in jail for littering. Mr. Martin stated there was one person, but you cannot get a warrant on a County ordinance strictly ticket only. The fine is \$500.00 dollars, and suggested the County Ordinance be rewritten to reflect South Carolina State Law.

Councilman Vaughn stated at the last meeting he had talked about the Barber Litter Picker Machine; *a video was shown how the machine operates*. Councilman Vaughn stated the machine was very effective asked if Public Works Director Ellis Faulkner and Chairman Stuart to investigate the pricing options and come back with recommendations. Councilman Vaughn motioned to have Winter's Law Firm move forward with setting up discussions to review the ordinances to see if they need updated with Magistrate Underwood and Code Enforcement Officer TJ Melton, second by Councilman Oliphant. Vote 6-0 to approve.

e. County Seal on Vehicles-Vice Chairman Branham

Vice Chairman Branham stated at the last meeting he had requested how many county owned vehicles did not have the county seals. Chairman Stuart stated they had identified two but was still in the process of checking. Vice Chairman Branham stated in the policy manual it states all county vehicles must have a county seal, he motioned to have a resolution to exempt the seal on the coroner and the sheriff's investigative vehicles, second by Councilwoman Guy with discussion. Councilman Oliphant stated all county vehicles should have the seal including the coroner and Chairman Stuart's truck with the exception of law enforcement. He asked why it was important to have the seal on county vehicles.

Vice Chairman Branham stated the county should not have vehicles anywhere in or out of the county where there not suppose to be. Councilman Oliphant stated everyone needs to see the seal so as to have transparency. Economic Development vehicle should not have a seal, due to the nature of bringing business to the County. Vice Chairman Branham stated the vehicle was not a county vehicle it was bought by the CDA (Chester Development Association) the insurance is paid by the County.

Councilman Wilson stated a list was asked for, but there needs to be more clarity and information. It could be brought back once we have more information. He agreed of adding the county seal to several vehicles that currently does not have them, but without the list and a resolution in hand it was too early for him to go along with it. The employees who don't want a county seal should also have the opportunity to explain to Council why the seal should not be added to their county vehicle. Councilman Oliphant stated he would like to talk to the Sheriff and get more clarity of what he thinks about the seal. Councilman Jordan stated the Council needs the list and the resolution to move forward. Councilwoman Guy withdrew her second, Vice Chairman Branham withdrew his motion, and stated Council would like to know how many vehicles does not have the seal, and if anyone had a problem with having the seal on their vehicle to come to the meeting to state why. He asked to add the subject back to the next agenda.

f. Discuss Street Lighting in Blackstock

Vice Chairman Branham stated Blackstock had a special place in his heart, he was born and raised there. When they rerouted 321 it hurt the town. he had talked to some residents concerning having the four existing street lights turned back on. What is done for one must be for all, if we pay the street lighting for Town of Richburg, Lowrys, Great Falls and the City of Chester why can't we do it for Blackstock. He was not sure if they had formed a committee to make Blackstock a town, so they could charge the residents a little bit of taxes to pay for the lighting and wanted Council's input on it. Councilman Oliphant stated if they incorporated like the Town of Lowrys does they could get money back from the State since they don't pay city taxes only county taxes.

Councilwoman Guy asked who paid the street light bill in Lowrys, Councilman Wilson stated the Town of Lowrys pays the electric bill for the lights. He also asked why the lights were turned off in Blackstock.

Patricia Craig of Blackstock stated some of the money from John Keziah park was used to pay for the street lights. Some of the residents paid for the lighting for a while but became too much for them and they stopped paying. She had spoken to Fairfield Electric and was told it would cost \$400 for the deposit and the bill would be \$ 72.80 a month. Vice Chairman Branham asked County Attorney Winters if Blackstock could become unincorporated, she stated that would have to be the citizens decision.

Councilman Wilson stated he agreed what's done for one must be done for all in December of last year up lighting was approved for exit 65 which ran around \$700.00 a year. The rural areas sometimes feel underserved and stated the lights should be turned on if the money could be found to do it with. It's a security issue also and he was one of the cars you may have seen roaming the streets, so he could see for himself. Councilman Wilson motioned to have the four street lights on Durham Road turned on and to ask Fairfield Electric if they would waive the \$400-dollar fee, second by Councilman Oliphant. Vote 6-0 to approve first reading by title only to amend the budget.

8. New Business

a. Discuss Adding LED lights to Two Existing Lights Poles to John Keziah Park-Moral Wellness Recreation Director-Anthony Worthy

Mr. Worthy stated the park was a nightmare at night, the current lights are 100 amp, he would like to add LED lights to two of them and leave the other two at 100 amp. He stated this park was not like the rest in Chester County where you can actually see the park. This park is behind trees, so you can't see what's going on and considered this as a security issue. In the future he would like to have some of the trees cut down, so the park can be seen. Councilman Wilson asked if the park was used at night since the gates are closed and locked. Mr. Worthy stated you can get in by walking around the gate. Vice Chairman Branham motioned to upgrade two lights to LED and maintain the two 100-amp lights, second by Councilman Oliphant. Councilman Oliphant stated the two lights converting to LED would have be added under the budget amendment by title only. Vote 6-0 to approve.

b. Bid for Janitorial Cleaning Services for Animal Care & Enforcement. -Procurement Director Susan Cok

Mrs. Cok stated she did not have any new information from the last meeting. She stated her question to Council would be whether they wanted to hire outside cleaning services from month to month or keep it in house. Office Pride came in with the lowest bid of \$2499.99 a month, TLC bid came in at \$3225.00 a month. Chairman Stuart motioned to approve Office Pride for \$2499.99 a month, second by Councilwoman Guy. Vote 6-0 to approve.

c. Inmate Jail charges to the City of Chester-Councilman Oliphant.

Councilman Oliphant motioned to dismiss the charges, second by Councilman Vaughn. Councilman Oliphant stated he felt the inmate charges of \$500,000 dollars against the City of Chester should be dismissed, Great Falls and Fort Lawn were never charged, this wasn't fair to the City of Chester. He stated if the rest of Council felt like they should be charged anything it should be for food and medicine only. Each municipality needs to be at the table when this is discussed with the Sheriff and his staff along with Council, so it can be fair. Councilman Jordan stated currently the recommendation is to dismiss the current charges against the City of Chester and agrees it was not fair but they do have more than double of inmates into the County, Council needs to look at what the actual cost is to

house an inmate along with the billing for everyone.

Councilman Oliphant stated to his understanding the City had asked for clarification from the beginning and according to Treasurer Tommy Darby no bills were ever sent to Great Falls or Fort Lawn. Detention Center Director Wayne Alley stated he was instructed to figure the total amount and send the bill to City Hall. He stated he did not know why the other two cities were not billed. Councilman Wilson asked if there was some type of agreement with the other two cities. Sheriff Dorsey felt like that was cleared up with the new agreement on the Victims Advocate Agreement with Great Falls and Fort Lawn earlier in the meeting where the County was providing advocated services and would not be a charge for housing inmates from those municipalities where it was in the past. Each municipality needs to be at the table when this is discussed with the Sheriff and his staff along with Council, so it can be fair. Councilman Oliphant asked for this to be added to next agenda concerning a meeting with all municipalities to discuss the inmate charges. Councilman Vaughn withdrew his second, Councilman Oliphant withdrew his motion. Councilman Oliphant motioned to dismiss the inmate charges for the City of Chester, City of Fort Lawn and Great Falls, second by Councilman Vaughn. Vote 5-0 to approve. Councilwoman Guy recused citing her daughter was the City Administrator.

d. Roll over \$37,117.48 in line item 100-402-5204 Professional Services for demolition projects. -Councilman Oliphant. Chairman Oliphant stated he would like to roll the remaining money over, so it could be used to demolish houses in the County. Chairman Stuart stated the amount had went up to \$38,712. 60 dollars. Councilman Oliphant motioned to amend the 2019-2020 budget by title only to roll over \$38,712. 60 dollars to line item 100-402-5204, second by Councilman Vaughn. Vote 6-0 to approve.

e. Consider Adding an Ambulance to the Richburg Fire Department-John Agee

Chief Agee stated it would be helpful to have a dedicated ambulance in Richburg, there have been issues where an ambulance was needed but none were available. They would like to run calls when other ambulances are busy, for example they needed one on I-77 recently but none were available and waited over thirty minutes for an ambulance to arrive. He stated they have been plenty of other issues like this so that's why they want to have one in Richburg. Chief Agee stated there was three things Richburg Fire District needed from Council. One- They need to be on medical control the County pays for EMS, Two- be under the liability insurance policy the County pays for EMS. Third- they want to be self-sustaining with the ambulance. He stated he was not asking the County for any money, they want to apply for their Medicare number, billing agents would take care of that with any money that comes through insurance carriers. The fees charges would be the same as what EMS charges and plans to work with EMS on calls.

County Attorney Winters stated when the Richburg Fire District Commission was created an ambulance was not included as a service, the enabling act would have to be amended to add an ambulance service.

f. County Policy Manual- The Use of County Vehicles

Vice Chairman Branham stated he had received from five separate people informing him a former County employee was seen driving Chairman's Stuart's County vehicle along with being shown a picture of the former employee driving the vehicle. Councilman Oliphant called the Supervisor to inquire about what he had heard and was told by the Supervisor he had given the former employee permission to drive it.

Chairman Stuart stated it was not normal working hours when he let the former employee drive his county vehicle. He stated when the vehicle is drove for non-work purposes he keeps up with the mileage for tax purposes and did not have a lot to explain concerning the vehicle.

Councilman Oliphant stated if a sheriff's deputy let a friend borrow his cruiser, he would be fired, the situation may be different since the Chairman is an elected official. The truck can be sold but doesn't want to do that but can be done. Vice Chairman Branham stated he was in favor of selling the truck, the Chairman could drive his own vehicle and be reimbursed for mileage.

g. Discuss adding a Referendum to Move to the Administrative Form of Government. Vice Chairman Branham
Vice Chairman Branham stated he did not want this to be personal, but he brought this move up in 2016 while campaigning for reelection numerous citizens indicated they wanted to get rid of the supervisor form of government. He feels this would be a good time to add it back on the ballots due to the lack of accountability from the Supervisor and motioned to put together a referendum for the change of form of government from Supervisor to Administrator form of government, second by Councilman Wilson. Chairman Stuart stated if it was about the citizens why not put all five forms of government on the ballot. Vice Chairman Branham stated that was not Council's choice, the six members of Council will choose. Councilman Oliphant suggested having clarification with dates attached from County Attorney Winters for a legal opinion of what the options would be and the process to have it added. Vote 6-0 to approve.

9. Executive Session-Councilman Jordan motioned to go to Executive Session, second by Councilwoman Guy.
Vote 6-0 to approve.

- a. To Receive Legal Advice Regarding Property Lease
- b. To Receive Legal Advice Regarding an Automobile Accident

10. Council Actions Following Executive Session-Councilman Wilson motioned to go back to Regular Session
second, by Councilman Jordan. Vote was 6-0 to approve.

- a. **Action Taken Concerning Legal Advice Regarding an Automobile Accident.** – Taken as information only.
- b. **Action Taken Concerning Legal Advice Regarding Property Lease.** -Taken as information only.

11. Council Comments

Chairman Stuart stated the policy was followed and the Highway Patrol was called. He announced the Blackstock Festival was this weekend.

12. Adjourn- Councilwoman Guy motioned to adjourn, second by Councilman Jordan. Vote 6-0 to adjourn.

Time was 9:45 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

Guidelines for Addressing Council

Citizens Comments:

- Please sign the sign-in sheet upon arrival, name, address and telephone number
- Each citizen will be limited to three minutes
- Large groups (more than 5) speaking on the same position on an issue must appoint one representative to speak on behalf of the group

Public Hearings:

- Please sign the sign-in sheet upon arrival, name, address and telephone number

- Each speaker will be limited to a three-minute presentation
- Large groups (more than 5) speaking on the same position on an issue must appoint one representative to speak on behalf of the group

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

