

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Government Complex

1476 J A Cochran Bypass, Chester, SC

August 19th, 2019 Monday at 6:00 PM

MINUTES

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 Joanie Winters and Clerk to Council Karen Lee.

1. **Call to Order**-Chairman Stuart called the meeting to order and stated Item 6.a. on the agenda for the 3rd reading for Project 1860 will be held September 3rd, 2019, the public hearing will still be held tonight.

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

3. Approval of Minutes

a. **July 24th, 2019 Special Called Council Minutes.**

Councilman Vaughn motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

b. **August 13th, 2019 Special Called Council Minutes.**

Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

4. Citizen Comments

Lee Johnson of Hayward Lane, Richburg SC stated the ordinances on the agenda did not include the dollar amount for what they will paying and wanted to know if it was a secret. He asked why the numbers and documents could not be made public between the first and third readings. Taxpayers should know this information without having to file a FOIA to obtain the information.

Mr. Johnson also spoke about the purchase of sixteen 800 Mhz radios. To his understanding there are still complaints regarding the radios, the radios would be obsolete and dead before they are paid for. Mr. Johnson asked Council to investigate more in this to see what is best for each department in the county.

Mr. Johnson spoke about fee in lieu of taxes and inflation and ask how the County protects itself when helping the companies. He asked if there were built in agreements in the fee in lieu of taxes. He inquired if the companies are reassessed each year like the citizens are. He asked if someone could answer these questions at the next meeting.

Mr. Johnson talked about how bad some of the roads were in Chester County, but stated he knew they were not all county roads. He stated patching over patches in the road does not help. Citizens don't know who to contact and he has told them to contact their Council person to complain.

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

- a. **3rd Reading of Ordinance 2019-9** 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.

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b. **3rd Reading of Ordinance 2019-10** An Ordinance To Amend Chester County Ordinance No: 2019-6 The 2019-2020 Chester County Budget Ordinance, In Certain Limited Particulars Only.

c. **2nd Reading of Ordinance 2018-15** “An Ordinance (1) Ratifying And Approving The Transfer And Assignment Of PPG Industries, Inc.’s Right Title And Interest Into Certain Fee In Lieu Of Taxes Arrangements With Chester County, South Carolina (The “County”); (2) Authorizing The Conversion And Transfer Of Property Subject To An Existing Lease Agreement Between The County And Electric Glass Fiber America, LLC To A Fee-In-Lieu Of Property Taxes Arrangement Under Title 12, Chapter 44 Of The South Carolina Code, As Amended; (3) Authorizing The Execution And Delivery Of Such Documents As May Be Necessary To Effect The Intent Of This Ordinance; And (4) Authorizing Other Matters Relating Thereto.”

Chairman Stuart closed the public hearing.

6. Ordinances/Resolutions/Proclamations

a. **3rd Reading of Ordinance 2019-9** *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. Moved to the September 3rd, 2019 meeting agenda.*

b. **3rd Reading of Ordinance 2019-10** **An Ordinance To Amend Chester County Ordinance No: 2019-6 The 2019-2020 Chester County Budget Ordinance, In Certain Limited Particulars Only.**

Chairman Stuart stated Councilman Oliphant had requested funds of \$38,712.60 that was left over from the previous demolition fund go back into line item 100-402-5204 to help remove derelict homes in Chester County. Councilman Wilson motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

c. **2nd Reading of Ordinance 2018-15** “An Ordinance (1) Ratifying And Approving The Transfer And Assignment Of PPG Industries, Inc.’s Right Title And Interest Into Certain Fee In Lieu Of Taxes Arrangements With Chester County, South Carolina (The “County”); (2) Authorizing The Conversion And Transfer Of Property Subject To An Existing Lease Agreement Between The County And Electric Glass Fiber America, LLC To A Fee-In-Lieu Of Property Taxes Arrangement Under Title 12, Chapter 44 Of The South Carolina Code, As Amended; (3) Authorizing The Execution And Delivery Of Such Documents As May Be Necessary To Effect The Intent Of This Ordinance; And (4) Authorizing Other Matters Relating Thereto.” Councilman Oliphant recused stating this was one of his customers. Councilman Vaughn motioned to approve, second by Councilwoman Guy. Vote 5-0 to approve.

d. **3rd 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 Oliphant stated this property was beside Walmart and behind the old Mac’s Auto & Exhaust and belongs to Sam Giltner. He stated the Phase one noted garbage on the property that could be cleaned up by the County. He would like the County to accept it since it was a gift and a valuable piece of property. Councilman Oliphant motioned to approved, second by Councilman Vaughn. Vote 6-0 to approve.

e. **Resolution 2019-19 To Adopt A Lease Agreement for the Rental of a Portion of Property known as One Argonne Avenue, Great Falls South Carolina.** Councilman Vaughn stated DHEC contacted him to see if there were any locations in Great Falls they could use for their WIC program and would be there one day a week. County Attorney Winters stated there must be some type of dollar amount for the lease contract. Chairman Stuart suggested one dollar a year and the County would do limited maintenance. Sheriff Dorsey stated the back part of the building was still used as a substation. Public Works Director Ellis Faulkner stated a new roof was put on the building a few years ago. Councilman Vaughn motioned to approve, second

by Councilman Jordan. Vote 6-0 to approve.

f. Resolution 2019-20 Change the Name of a Position on The Sheriff's Organizational Chart (Patrol Deputy to Director of Office of Professional Standards). Sheriff Dorsey stated he did not want to add to the org charts just take one of the deputy positions that he already has and change the name. He is not asking for any more money just to change the name to Director of Office of Professional Standards and would be an administrative role only. Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

g. 1st Reading of Ordinance No. 2019-12 An Ordinance to Amend Chester County Code Section 46-93 Littering. Chairman Stuart stated currently the ordinance is one page only. Attorney Winters stated Councilman Vaughn asked her to look at other litter control ordinances from other counties and to discuss this with Litter Enforcement Officer T J Martin and Judge Angel Underwood to obtain their input. They found changes that need to be made before the third reading such as removing "picking up dead animals" and correcting Mr. Martin's job title from Code Enforcement Officer to Litter Enforcement Officer.

Councilman Vaughn stated the current ordinance did not give Magistrates any guidelines to go by, other counties in South Carolina are also beefing up their litter ordinance. Councilman Jordan stated he has spoken about the off- premise's signage at previous meetings where there being mowed down creating litter. He would like to see more teeth in either the zoning ordinance or in this litter ordinance. Chairman Stuart stated Mr. Martin does not have the authority to enforce the zoning ordinance. He went on to say item "i" in the proposed ordinance states "Magistrates and municipal courts have jurisdiction to try violation of this article and shall publish the names of those persons convicted for violations of this article in a news publication of local circulation and on the County Facebook page. "and asked where that came from.

County Attorney Winters stated she and Judge Underwood along with Mr. Martin came up with this. Years ago, if you were passing bad checks in the County your name went in the newspaper, Mr. Vaughn wanted something in place to discourage littering. Councilman Vaughn stated if you look at the conditions of the roads in Chester County after they have been cut it will take drastic measures to discourage littering by having their face in the paper or on the County Facebook page. Councilman Wilson pointed out in item b, concerning pulpwood or loggers, Mr. Martin stated that was in an earlier ordinance but had been repealed and did not have a problem removing it. County Attorney Winters stated she would have a red line copy of the changes for the next meeting. Councilman Vaughn motioned to approve, second by Councilman Oliphant. Vote 6-0 to approve.

7. Old Business

a. Litter Report for July and Litter Enforcement Report-Chairman Stuart

Chairman Stuart stated 307 bags of trash was picked up along with nine tires and other miscellaneous items. As of 2017, 9851 bags of trash along with 212 tires and 130 miscellaneous items has been picked up in Chester County. He also announced the Sheriff's office had made available two state inmates to help pick up trash along with the part time employees.

b. Update on The Installing County Seals on County Vehicles-Vice Chairman Branham

Vice Chairman Branham stated when this ordinance was implemented, they failed to mention the seals should be the same size and type and be permanently affixed to the vehicles, it was never stated the signs could be magnetic. They agreed that Economic Development and the Sheriff's office investigative vehicles and anything from the Sheriff's department that are currently marked and identified as a Sheriff's vehicle will not be required to have a County seal. Public Works Director Ellis Faulkner stated some adhesive seals are smaller especially on the recycling and animal care vehicles, it has a wrap on it so a big seal could not be placed on it. As far as the different types the County is using a different color back ground but did not want to remove the existing seals since they were still good.

Councilman Wilson agreed stating his intent would be permanently affixed. Vice Chairman Branham motioned for all seals on County vehicles be consisted in size unless the vehicle already has something on it and be permanently affixed and no magnetic signs, second by Councilman Oliphant. Vote 6-0 to approve.

8. New Business

a. Conference Center Expansion Asphalt Repair. -Karlisa Parker Dean

Economic Developer Karlisa Parker Dean stated she wanted to make Council aware of the damaged that already existed before construction began. The cost to repair would be \$ 14,586.00. Councilman Oliphant motioned to use contingency fund money from the Gateway project fund, second by Vice Chairman Branham. Vote 6-0 to approve.

b. Christmas in Chester-Brenda McBrayer

Mrs. McBrayer asked Council if they would consider helping with the installation of Christmas lights downtown. The City of Chester gives \$6000 dollars each year along with companies here, she is asking for the children of Chester County along with visitors who comes and takes advantage of all the activities. The lights were privately bought years ago. She stated the County has never paid anything and she along with others doesn't want this to end. She is asking for \$ 23,000 dollars every year and it may go up. Everything is free for the children and parents, over thousand people participated last year. Councilman Oliphant suggested bringing this back to the next meeting and to see where and how Council could get the money to help.

c. Receive Authorization to Purchase Fifteen Desktop PC's in the amount of \$14,804.37 from Bond Monies- Susan Cok

Procurement Director Cok stated IT Director David Schuelke got the amount down from \$14,804.37 to \$ 10,995.59 dollars for the computers and the monitors, the prices change all the time so she could not give an exact price. The total amount for the bond money is \$30,000 and this amount tonight would be half of that. Councilman Wilson motioned to approve \$14,804.37, second by Councilman Vaughn. Vote 6-0 to approve.

d. Receive Authorization Purchase Sixteen 800 Mhz Radios in the amount of \$94,622.86from Bond Monies- Susan Cok

Procurement Director Cok stated the total amount of the bond for the radio's was \$91,500 dollars, but after talking to finance they would take the remaining \$3,122.86 from the county vehicle replacement fund. Councilman Oliphant motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

e. Receive Authorization to Purchase Vehicle for Building & Zoning \$ 29,986.00 from Bond Monies- Susan Cok

Procurement Director Cok stated the vehicle was a 2020 Ford Explorer with four-wheel drive, the bond amount for the vehicle was \$25,000 dollars but would use the remaining \$4,986.00 from the county vehicle account which had been discussed with finance. Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

f. Receive Authorization to Purchase Locking System for the Detention Center \$ 8,462.36 from Bond Monies- Susan Cok.

Councilwoman Guy motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

g. Receive Authorization to Purchase a Used Motor Grader in the amount of \$207,000.00 from Bond Monies- Susan Cok

Procurement Director Cok stated the cost went over by thirty-six cents, Public Works will pay the remainder. Councilman Wilson stated it did have a warranty good through January 25th, 2021 or 3000 hours on the meter. Councilman Wilson motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

h. Receive Authorization to Purchase Six Vehicles for the Sheriff Office in the amount of \$153,576.00- Susan Cok

Procurement Director Cok stated the six dodge chargers, were on State contract from Santee Automotive. Each vehicle is \$25,596.00 for a total of \$153,576 dollars and includes taxes and fees. The total amount of the bond was \$137,200 dollars the remaining \$16,376,00 dollars would come from the county vehicle replacement fund which was discussed with finance. Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

i. Receive Authorization to Purchase E-911 Phone System in the amount of \$59,600.00-Susan Cok

Procurement Director Cok stated the request was to purchase a portion of the upgrade on State Contract from Froniter Communications in the amount of \$59,600.00 dollars, the total amount is \$280,314.07 but the majority of the funds would be reimbursed from the state. The \$59,600.00 dollars was the amount the state would not cover. Councilman Wilson motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

j. Receive Authorization to Purchase E-911 UPS Batteries in the amount of \$8595.72- Susan Cok

Procurement Director Cok stated the Sheriff's Office was requesting to purchase the E-911 UPS batteries from Vertiv Corp in the \$8595.72 dollars including tax and labor, the total amount of the bond was \$9500.00 dollars. Councilwoman Guy motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

k. Update on the Trade-In of Old Sheriff Vehicles. - Sheriff Dorsey

Sheriff Dorsey told Council the King Ranch Truck along with the Mustang had been traded in and purchased three Dodge Chargers with the previous approval by Council. They still have the older mustang but plans to sell it.

l. Byrne Justice Assistant Grant (Jag) Grant #2017-DJ-BX-0863 - Awarded June of 2018 - \$10,460 for Body Armor (advise Council of award & request to move forward with purchases)-Sheriff Dorsey

Sheriff Dorsey told Council Barbara Cameron is now employed in his office, she is organizing grants within the department. She found the Byrne Justice Assistant Grant and was a no match grant that was awarded in June of 2018 in the amount of \$10,460 dollars, he asked Council for their approval to apply for the grant to purchase ten or eleven body armor for his deputies. Vice Chairman Branham motioned to approve, second by Councilman Oliphant. Vote 6-0 to approve.

m. Request to apply for JAG (100% funding) / available funds \$10,305 – needed for equipment in the Investigations Division. Sheriff Dorsey.

Sheriff Dorsey asked for approval to apply for the JAG grant to purchase necessary equipment in the investigative division. Councilman Oliphant motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

n. Sheriff's Office Personnel Update- Sheriff's Office, E-911 Dispatch and Detention Center. -Sheriff Dorsey

Sheriff Dorsey told Council he has some of the best deputies and employees he had ever worked with. He stated there are so many slots for the sheriffs, detention center and 911 offices, his goal from day one was to move more officers out in the field. Currently they are operating on one third of the positions as vacancies on patrol, they have 19 officers on patrol and that's from the captain down. There are seven frozen vacancies in the patrol division, he stated this is happening in other counties as well. Council has been gracious to give the open slots and he has restructured the salaries to be competitive with other counties, but they are still struggling to hire people. That was one of the reasons he reclassified one of the positions to the Director of Professional Standards, they will make sure the policies and procedures are current. They will also hire personnel for all the divisions with in the Sheriff's Department.

Currently, there is a lot of over time and not enough officers who are covering other shifts which creates burnout, he asked the public and Council to thank officers in Chester County for all the hard and extra work they do for the citizens of Chester County.

o. MOU with the State Election Commission County- Attorney Winters

County Attorney Winters stated the letter before them addressed to Marci Andino, Executive Director for State Elections initially the state elections sent all forty-six counties a memorandum of agreement, in which she called an adhesion contract where one member of the party gets more benefits from the contract than the other. Many of the County Attorneys did not agree and refused to sign off on the MOU. The Association of Counties talked with Mrs. Andino and negotiated to agree to allow Counties to put some of the information onto the Counties letterhead so it would not be contractual but an understanding of what the County obligations are. The obligation is the new election equipment in which they will have the ability to have statewide voting machines under state law which is an unfunded mandate. They will train and provide maintenance and support services through November of 2020 without any cost to the County. Attorney Winters stated they are not sharing what happens after November 2020, they will not share the contract they have signed with the vendor, FOIA's have been sent but have not received any response.

In order to get the voting machines ordered and be running in time for an election, this letter was crafted to suffice and Mrs. Andino indicated she would accept the letter. She asked Council to look at the end of the letter where it stated, "The Chester County Council reserves the right to withhold any appropriations in its budget to meet these requirements, and any agreement to these responsibilities and any additional requirements that may follow July 2020 and November 2020 are subject to final approval by County Council." She stated Council would be going along with the agreement until July 2020 and November 2020, so when the true numbers are out County Council can withhold appropriations in the budget. There is a bill in the State House that the association of counties is lobbying for it to be passed that may provide funding afterwards. The letter would need the authorization for the County Supervisor's signature along with Chairman of Chester County Election Commission. Councilman Oliphant motioned to allow the County Supervisor and the Chairman of the Chester County Election Commission to sign MOU letter to the States Election Commission, second by Councilman Vaughn. Vote 6-0 to approve.

9. Boards and Commissions

a. **Appoint Brian Grant to the ATAX Commission- Councilman Pete Wilson.**

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

b. **Appoint Wanda Stringfellow to the Catawba Regional Council of Government Board-County Council**

Councilwoman Guy motioned to approve, second by Councilman Oliphant. Vote 6-0 to approve.

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

a. Employment Matters Regarding the Clerk of Court

b. Discuss Contractual Matter Regarding a Ground Lease.

c. Receive Legal Advice Concerning Contract Matter Regarding Property Purchase.

d. Receive Legal Advice Concerning a Contract Matter for County Owned Property.

11. **Council Actions Following Executive Session-** Vice Chairman Branham motioned to go back to Regular Session, second by Councilwoman Guy. Vote 6-0 to approve.

a. **Action Taken Regarding Clerk of Court Employment Matters.**

Chairman Stuart motioned to reduce the Chester County Clerk of Court Organizational Chart by one clerk, second by Councilman Oliphant. Vote 6-0 to approve.

Chairman Stuart motioned to reallocate the funds to the current employees to Chester County Clerk of Court and Family Court, second by Vice Chairman Branham. Vote 6-0 to approve.

b. **Action Taken on Contractual Matter Regarding a Ground Lease.**

Taken as information only.

c. **Action Taken on Legal Advice Concerning a Contract Matter Regarding Property Purchase.**

Taken as information only. Councilman Wilson recused when this matter was discussed in Executive Session.

d. **Action Taken on Legal Advice Concerning a Contract Matter Regarding County Owned Property.**

Chairman Stuart motioned by Title only to propose to accept property on by the Chester County Hospital Board at the Chester County Hospital, the clinic's in Richburg and Great Falls, second by Councilman Vaughn. Vote 6-0 to approve. Councilman Jordan stated a Phase One should be done on the clinics in Richburg and Great Falls, Chairman Stuart stated due diligent would be done.

12. **Council Comments**

Chairman Stuart reminded everyone about the grand opening for Gaston, Stubbs and Marion in Richburg.

13. Adjourn-Councilwoman Guy motioned to adjourn, second by Councilman Jordan. Vote 6-0 to adjourn. Time 9:10 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.

K. Shane Stuart, Chairman & County Supervisor

Karen Lee, Clerk to Council

