

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Government Complex

1476 J A Cochran Bypass, Chester, SC

Monday, August 20th, 2018 at 6:00 PM

Chairman Shane Stuart Presiding

MINUTES

Present: Chairman Shane Stuart, Vice Chairman Joe Branham, Council Member Alex Oliphant, Council Member Mary Guy, Council Member Archie Lucas, Council Member Pete Wilson, Council Member Brad Jordan, 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. would be taken off the agenda. Mr. Williams could not be at the meeting.
- 2. Pledge of Allegiance and Invocation-** Pledge was recited in unison, Council Member Lucas opened with the invocation.

3. Approval of Minutes

a. July 24th, 2018 Workshop Minutes-Council Member Lucas motioned to approve, second by Council Member Jordan. Vote 5-0 to approve. Council Member Guy did not vote, she was out of town July 24th.

b. July 24th, 2018 Special Called Council Minutes- Council Member Lucas motioned to approve, second by Council Member Jordan. Vote 5-0 to approve. Council Member Guy did not vote, she was out of town July 24th.

4. Citizens Comments

John Massey of 171 East Lacy Street, Chester stated he was there to talk about eleven-year-old Darius Wylie who died saving his sister. His name should be recognized by America to see what a hero looks like. A Chester County community activist fought to have a monument erected but to this date it has not happened. Mr. Massey stated something needs to be done so Darius will never be forgotten.

Eddie Murphy, Chester County Emergency Management Director stated he would like to thank Council for items much needed on the upcoming bond.

La Tanya Williams stated she and others would like to clean up the old little league field at the Eureka. She asked Council if they could provide a container to deposit the trash. They plan to do this September 18th or the 25th.

5. Public Hearing

- a. **3rd Reading of An Ordinance Allocating Fee-In-Lieu-Of-Tax Collections for Specific “70/30 Property” located In the County; And Other Related Matters.** Mellanie Jinnette, Chief Financial Officer for the County School District, stated the school district was concerned with only obtaining twenty six percent from the fee in lieu. They appreciate the fire district and economic development but, in the future, they would like to be a part of the conversation.
- b. **3rd Reading of An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax And Special Source Revenue Credit Agreement By And Between Chester County And Shayonano Opt, LLC (Formerly Known as 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.** No one signed up to speak.
- c. **3rd Reading of An Ordinance Allocating Fee In Lieu Of Tax Collections for Some Property Located in The County; And Other Related Matters.** No one signed up to speak.

6. Ordinance/Resolutions/Proclamations

- a. **3rd Reading of An Ordinance Allocating Fee-In-Lieu-Of-Tax Collections for Specific “70/30 Property” located In the County; And Other Related Matters.** Council Member Oliphant motioned to approve, second by Council Member Jordan. Attorney Michael Kozlarek stated the change for this is the County will receive sixty six percent, the fire district four percent and the school district will maintain the thirty percent. In exhibit A it reflects six properties, originally there were four. He verified with Treasurer Tommy Darby it is only four properties, Carolina Poly and Specialty Polymers comes off the exhibit. After much discussion Council Member Oliphant withdrew his motion, Council Member Jordan withdrew his second. Council Member Oliphant then motioned to approve by taken off Carolina Poly and Specialty Polymers from exhibit A, second by Council Member Jordan. Vote 6-0 to approve.
- b. **3rd Reading of An Ordinance Authorizing the Execution And Delivery Of A Fee In Lieu Of Tax And Special Source Revenue Credit Agreement by And Between Chester County and Shayonano Opt Properties, LLC (Formerly Known as: 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.** Council Member Wilson motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.
- c. **3rd Reading of An Ordinance Allocating Fee In Lieu Of Tax Collections for Some Property Located in The County; And Other Related Matters.** Council Member Oliphant motioned to approve with changes to the split, 30% to the school district, 62 % to the county, 4% to economic development and 4% for the fire district, second by Council Member Jordan. Vote was 5-1 to approve. Council Member Wilson opposed.

- d. 1st Reading of An Ordinance Authorizing The Execution And Delivery Of A First Amendment To Fee-In-Lieu Of Tax Agreement By And Between Chester County And Carolina Poly, Inc.; And Other Matters Relating Thereto. Council Member Guy motioned to approve, second by Council Member Wilson. Vote was 6-0 approve.**
- e. Resolution Identifying the Capital Projects as Part of a Program of General Obligation Borrowing; and Other Related Matters.** Chairman Stuart presented the resolution, discussion ensued, Vote was unanimous.
- f. Resolution To Authorize The County Of Chester, By Chester County Council, To Sell The Sheriff's Office Patrol Vehicles Identified On Attached Exhibit "A" Which Is Incorporated Herein By Reference Upon Such Terms And Conditions As Described In Exhibit A.** Vice Chairman Branham motioned to approve, second by Council Member Wilson. Vote 6-0 to approve.
- g. Resolution To Authorize The County Of Chester, By Chester County Council to Sell A Retired Ambulance.** Council Member Guy motioned to approve, second by Council Member Jordan. Vote was 6-0 to approve.
- h. Resolution to Adopt Memorandum of Understanding between the Chester County Sheriff and the Chester County School District.** Council Member Oliphant motioned to approve, second by Council Member Jordan. Attorney Winters stated the school district had not approved the memorandum of understanding, the sheriff and the school district most agree. Council Member Wilson motioned to amend the motion, Council Member Oliphant withdrew his motion, Council Member Jordan withdrew his second. Council Member Wilson motioned to approve the MOU and omit section 1.e. and section 5.e. to the original amounts, second by Council Member Oliphant. Vote was 6-0 to approve.

7. Old Business

- a. 2nd Reading of CCMA18-17: ShayoNano OPT Properties, LLC request Tax Map # 098-00-00-166-000, located at 564 Ecology Ln, Chester SC, be rezoned from ID-2 (Limited Industrial) to ID-3 (General Industrial). Planning Commission voted 5-0 to approve. Council Member Guy motioned to approve, second by Council Member Lucas.** Council Member Jordan stated at the last meeting he had requested a reverter clause be added in case the company went out of business it would revert back to the ID2 zoning classification. Council Member Guy withdrew her motion, Council Member Lucas withdrew his second. Council Member Guy motioned to approve with a reverter clause so if the company goes out of business the property would revert back to ID2, second by Vice Chairman Branham. Vote was 6-0 to approve.

8. New Business

- a. City of Chester's Request for Landfill Charges-Carlos Williams-taken off the agenda.**
- b. ATAX Recommendations-Cheryl Addison**
Council Member Oliphant motioned to approve the recommendations, second by Vice Chairman Branham. Vote was 5-1 to approve. Council Member Lucas opposed.

c. Approval of bid for Bathroom Renovations – EMA in the amount of \$10,786.00. Susan Cok Council Member Wilson motioned to approve, second by Council Member Jordan. Vote was 6-0 to approve.

d. Nuisance Abatement and Nuisance Abatement Ordinance-Alex Oliphant

Council Member Oliphant stated it is critical for the County to update the nuisance and abatement ordinance. He and Council Member Wilson plan to work on it together and plan to bring it back to Council.

e. Update on S.C. Freedom of Information Act – Attorney Joanie Winters

Attorney Winters stated she wanted to bring to the attention of Council a law suit in Mt. Pleasant and could be a liability for the town. During the council meeting a member of council moved to amend an item on the agenda from executive session up. Our Council has done this also if someone is at the meeting who has traveled far to be here, so their item was moved up by amending the agenda. The attorney general stated this violates FOIA, he stated “a court can conclude council had played musical chairs with the public”. Attorney Winters stated that would be problematic for Council if agenda items need to be moved up, she stated she and other attorneys will likely file an amicus brief or file a motion to the attorney general to ask him to reconsider his opinion.

9. Boards and Commissions

a. Charles Wilson’s Resignation from the ATAX Committee-Pete Wilson

Council Member Wilson motioned to accept Mr. Wilson’s resignation, second by Council Member Jordan. Vote was 6-0 to approve.

10. Council Comments

Chairman Stuart stated Congressman Ralph Norman and his staff visited the County building to listen to the needs and concerns from citizens of Chester County. Mr. Norman comes monthly to the complex.

Council Member Guy thanked Terry Graham for his years’ service as the voter registration director and hates he is leaving Chester. But wishes him the best on his new job.

11. Adjourn-Vice Chairman Branham motioned to adjourn, second by Council Member Jordan. Vote was 6-0 to adjourn.

K. Shane Stuart, County Supervisor & Chairman

Karen Lee, Clerk to Council

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