



CHESTER COUNTY COUNCIL MINUTES

**R. Carlisle Roddey Chester County Government Building
1476 J.A. Cochran Bypass Chester, SC 29706
Tuesday, September 5th, 2017 at 6:00 PM**

MINUTES

Present: Chairman Shane Stuart, Vice Chairman Joe Branham, Council Member Archie Lucas, Council Member Brad Jordan, Council Member Pete Wilson, Council Member Alex Oliphant, Clerk to Council Karen Lee and County Attorney Joanie Winters. Council Member Mary Guy was absent with prior notification.

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

2. **Approval of Minutes**- August 21st, 2017 County Council Minutes
Council Member Lucas motioned to approve, seconded by Council Member Wilson. Vote was 5-0 to approve.

3. **Citizen Comments**

Gene Loving, 841 Redwood Lane, Chester, SC stated he and Roxanne James in a joint effort between the Disabled Veterans of America, American Legion and the Marine Corp League to have a Veteran's Day parade this year. Mr. Loving and Mrs. James invited Council Members to be a part of the parade and they hoped the parade would continue for many years to come in Chester County.

Raymond Carter, PO Box 585, Chester, SC stated he had spoken to City Council about Chester Counties Police Department. He stated three people has resigned since he spoke to them concerning the murder of Shane Reginal Kennedy, he said when Chester County Sheriff's department asked for money for gangs they were wanting the money for themselves since they were the gangs.

4. **Ordinances/Resolutions/Proclamations**

a. **Second Reading** of "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN CHESTER COUNTY AND [PROJECT 1725]; THE INCLUSION OF CERTAIN REAL PROPERTY LOCATED IN CHESTER COUNTY IN A MULTICOUNTY 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 RELATED THERETO." Vice Chairman Branham motioned to approve, seconded by Council Member Jordan. Vote was 5-0 to approve.

b. Second Reading of AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NOT EXCEEDING \$450,000 FIRE PROTECTION DISTRICT IMPROVEMENT REVENUE BOND OF CHESTER COUNTY, SOUTH CAROLINA, FOR THE PURPOSE OF DEFRAYING THE COST OF IMPROVEMENTS TO THE FORT LAWN FIRE PROTECTION DISTRICT; PRESCRIBING THE FORM AND DETAILS OF THE BOND; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND FROM THE REVENUES DERIVED FROM THE OPERATION OF THE SYSTEM; CREATING AND ESTABLISHING CERTAIN FUNDS AND ACCOUNTS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING; AND OTHER RELATED MATTERS. Council Member Jordan motioned to approve, seconded by Council Member Lucas. Chairman Stuart stated this bond is to help Fort Lawn Fire District build a substation on Highway 21 near El Bethel Church. He stated this will help the citizens of Fort Lawn by bringing the cost of insurance down. Vote was 5-0 to approve.

c. First Reading of AN ORDINANCE TO AUTHORIZE THE NEGOTIATION AND PURCHASE OF PROPERTY LOCATED ON DAWSON DRIVE. Chairman Stuart stated this property is currently owned by the Chester County Forfeited Land Commission, the property is located beside the Chester County Natural Gas. He stated he had spoken to Donnie Wade with the Forfeited Land Commission with the hopes of purchasing the property so it could be used for future expansion when the Public Works Department moves to the location. Council Member Oliphant motioned to proceed with the negotiation and purchase, seconded by Council Member Wilson. Vote was 5-0 to approve.

d. Second Reading of An Ordinance Gateway District Master Plan. Council Member Jordan motioned to approve, seconded by Council Member Lucas. Council Member Wilson asked where were they at on the governing documents for the implementation committee. County Economic Developer Karlisa Dean stated they would do what was asked of them. She stated if a formal board was needed Council could appoint from each of their districts, but the steering committee that helped form this plan would like to continue to be involved. Council Member Wilson stated he was ok with keeping the steering committee but wants one that has meaning to it. County Attorney Winters stated he could ask for an addendum to be included for membership of the implementation committee to follow parliamentary procedure. Attorney Winters stated she would draw up a draft for the addendum for third reading of the ordinance. Vote was 5-0 to approve.

e. Second Reading of AN ORDINANCE TO AUTHORIZE THE COUNTY OF CHESTER, BY CHESTER COUNTY COUNCIL, TO SELL THE REAL ESTATE DESCRIBED ON ATTACHED EXHIBIT "A" WHICH IS INCORPORATED HEREIN BY REFERENCE TO DON WOOD UPON SUCH TERMS AND CONDITIONS AS APPROVED BY COUNTY COUNCIL. Council Member Oliphant motioned to approve, seconded by Vice Chairman Branham. Vote was 5-0 to approve.

f. First Reading- An Ordinance to Ratify the Termination of the November 7, 2005 Fee Agreement Between Chester County and ACT (American Carbon Technology) With Respect to The Entire Project Effective August 1, 2017. (By Title Only) Council Member Oliphant motioned to approve, seconded by Council Member Jordan with discussion. Attorney Winters stated American Carbon Technology had a division agreement allowing them to terminate, the building has been vacant for a long time. The company got in touch with Mr. Stuart by letter indicating their interest to terminate. They would like to sell the building, if they don't sell they would be on straight ad valorem tax. Attorney Winters stated the fee was adopted by ordinance and she was asking Council to adopt the termination by ordinance. Vote was 5-0 to approve.

5. Old Business

a. Second Reading to Adopt the Planning Commission’s Recommendation to Approve the Rezoning of Michael and Lisa Carr’s Request: A Portion of Tax Map Number 104-00-00-082-000 Consisting of 5 Acres Located on Gregg Road, Rock Hill, SC To Be Rezoned from R-1 Rural One To R-2 Rural Two. Planning Commission Voted 7-0 To Approve. Council Member Lucas motioned to approve, seconded by Council Member Jordan. Vote was 5-0 to approve.

b. Second Reading to Adopt the Planning Commission’s Recommendation to Approve the Rezoning of Richard and Donna Sharpe’s Request: Tax Map Number 060-01-00-019-000 Consisting of 1.5 Acres for Property Located at 1196 Radcliff Road, Chester, SC To Be Rezoned from RG1 Multi Family Residential to RG2 General Residential. The Planning Commission Voted 7-0 to approve. Vice Chairman Branham motioned to approve, seconded by Council Member Lucas. Vote was 5-0 to approve.

6. New Business

a. From CCTC:

Reimburse County Roads Department for Road Maintenance from March 2017 to June 2017 in The Amount of \$ 13,255.93. Council Member Wilson motioned to approve, seconded by Council Member Jordan. Vote was 5-0 to approve.

b. First Reading to Adopt the Planning Commission’s Recommendation to Approve a Text Change from the Zoning Administrator by adding to Chapter 4 §4-117, GC-General Commercial District Uses; GC Conditional Uses: Item 9 as shown below:

<p>9. Finance - provided all following conditions are met:</p> <ol style="list-style-type: none"> 1. Repossessed cars, equipment, etc. may not be parked or stored; temporarily, short term or long term, in designated customer parking; but must instead be kept in an opaque, enclosed privacy fence. 2. Opaque white, opaque beige, opaque grey and opaque green privacy fences are permitted; use of other opaque colors require approval from the Zoning Administrator. 3. Privacy fence must be maintained at all times. 	<p>522220 522290 522291 522390</p>	<p>Sales Financing; Other Non-Depository Credit Intermediation; Consumer Lending; Other Activities Related to Credit Intermediation</p>	<p>1 per 200 square feet of gross office or sales area</p>
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County Planning Director Justin Ford stated this all stemmed from Covington Credit. They tried to occupy a building beside the UMI restaurant without a certificate of occupancy permit. They came to the Building and Zoning Office to apply for a sign permit, but was told they could not occupy that location since it was not permitted by zoning. To his understanding a text change to the ordinance was done around 2013 not allowing finance companies in the general commercial district. He stated Covington Credit went before the Zoning Board of Appeals to appeal the interpretation of the ordinance. The ZBA agreed with the Planning Director’s interpretation of the ordinance and did not allow them to move forward by

occupying the new location. It was then sent to Circuit Court where the Judge agreed with Covington Credits lawyer stating it was a nonconforming use. The County could not prove the previous finance company had been gone for six months under the nonconforming use. Council Member Oliphant stated he thought under nonconforming once you left you could not go back. Mr. Ford stated you can as long as it is in the six-month period. Chairman Stuart stated the Planning Commission voted 5-0 to approve the current text change to allow finance companies in the general commercial district under conditional uses. This will avoid any future lawsuits. Mr. Ford stated currently he has another individual fighting this.

Council Member Oliphant stated you cannot zone a business out but can zone where they are allowed. Mr. Ford stated he listened to the Planning Commission and Council minutes where this was approved in 2013, the discussion in the minutes for finance companies were predatory lending and did not want these types of businesses located on the bypass. This first come into play when the finance company on the corner JA Cochran Bypass beside Walmart opened, the color of the building and all the repossession of cars in the parking lot. Council Member Oliphant stated the zoning ordinance needs to be looked at, this is all about how we want to develop and grow the County and how we want the community to look.
Vote was 5-0 to approve.

7. Council Comments

Chairman Stuart reminded everyone about the Veteran's Day Parade November 11th at 11:00 am. Also, State Park is finishing up on major improvements.

Council Member Wilson asked to keep Gene Johnson's family in their thoughts and prayers, he was a Lowry's Town Council Member for three terms and will be truly missed.

8. Adjourn- Council Member Jordan motioned to adjourn, seconded 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 Council