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CHESTER COUNTY COUNCIL MEETING

R. Carlisle Roddey Government Complex
1476 J.A. Cochran By-Pass

February 4, 2008
6:00 p.m.

Carlisle Roddey, Chairman – Presiding

Minutes

In Attendance:

Chairman Roddey
Vice Chairman Lucas
Councilman Oliphant
Councilman Martin
Councilwoman Guy
Councilman Jordan
Councilman Branham
County Attorney Winters

I. Call to Order

II. Pledge of Allegiance & Invocation

III. Approval of Minutes

a. Meeting of January 22, 2008

Councilman Branham made a Motion to approve the County Council Meeting Minutes of January 22, 2008, 2nd by Councilwoman Guy, Council vote was Unanimous.

IV. Citizens Comments

Jack Cabrey, 142 West End St., Chester, SC stated he was Vice Chairman of the Planning Commission and had “heard a rumor” that Council may overturn one of their decisions on rezoning. Mr. Cabrey said the area on Great Falls Highway was zoned R-2 and is a residential area. Hwy. 97 is a two lane road and it would be extremely dangerous having 18 wheelers entering onto that road. He also stated that neighbors in the area spoke against rezoning the property at the Planning Commission meeting.

1 There was another rezoning item on the agenda and if you allow one change you may
2 have to allow the other stated Mr. Cabrey.

3 **Mr. Jerry Hinson**, 143 Lancaster St., Chester, SC had read about the enhancement and
4 improvements around the Exit 65 interchange and was glad to hear it. He asked that
5 Council consider getting areas on Saluda St. and Lancaster St. cleaned up because they
6 were “eye sores”.

7 **Mrs. Gail Roof**, 1234 Stringfellow Rd., Chester, SC stated they had owned their home and
8 8 acres of land since 1978 and had never had any complaints until some new neighbors
9 moved in. Mrs. Roof said they had 3 trucks that were parked on the property when not in
10 use and asked that Council overturn Planning Commission’s recommendations.

11 **Mr. Brian Knight**, 1682 Pleasant Grove Rd., Chester, SC spoke against the trucking
12 business relocating to Highway 97. Mr. Knight said this was more or less a farming
13 community and a trucking business in a residential area would not be safe at all plus
14 he felt the property values would decrease.

15 **Mr. Tom Miller**, 4900 Gorham Dr., Charlotte, NC, stated that he owned property at the
16 corner of Pleasant Grove Rd. & Hwy. 97. He said he has owned this property when
17 the Swygarts had a few trucks in their back yard and that did not present a problem,
18 however, 31 trucks would pose a potential environmental problem as well as a safety
19 problem. Mr. Miller also stated there had been a number of new homes built on Hwy.
20 97 and if rezoning were allowed it would have adverse affects on the number of homes
21 built in this area.

22 **Mr. Robert Van Bevern**, 1212 Pitts Rd., Chester, SC stated he was the “new neighbor”
23 referred to earlier and it wasn’t just trucks parked in the yard, it was trucks running
24 and leaving out at all hours, the fumes and the fact there were many homes in the
25 area. Mr. Van Bevern asked Council to not overturn Planning Commissions ruling.

26 **V. Public Hearing**

27 **Chairman Roddey opened the Public Hearing on:**

28 An Ordinance to Develop a Joint Industrial/Business Park in Conjunction with Lancaster
29 County, Such Industrial/Business Park to be Initially Geographically Located in Lancaster
30 County and Established Pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina,
31 1976 as Amended; to Provide for a Written Agreement with Lancaster County to Provide for
32 the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of
33 Fees in Lieu of Ad Valorem Taxation; and other matters related thereto. (Little Dude Road
34 Properties of ECN Industries, Inc./Charged Properties LLC and Special Materials Company
35 site in Lancaster County, and in Chester County the Springland “M” site and the Springland
36 “P” sites and SC Hwy 9 Industrial Complex – Chester Wood yard Tract).

37 **There were no speakers; therefore, Chairman Roddey closed the Public Hearing.**

38 **VI. Ordinances & Resolutions**

a. 3rd Reading on an Ordinance to Develop a Joint Industrial/Business Park in Conjunction with Lancaster County, Such Industrial/Business Park to be Initially Geographically Located in Lancaster County and Established Pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976 as Amended; to Provide for a Written Agreement with Lancaster County to Provide for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees in Lieu of Ad Valorem Taxation; and other matters related thereto. (Little Dude Road Properties of ECN Industries, Inc./Charged Properties LLC and Special Materials Company site in Lancaster County, and in Chester County the Springland "M" site and the Springland "P" sites and SC Hwy 9 Industrial Complex – Chester Wood yard Tract).

Councilman Martin made a motion to approve 3rd and final reading on the above Multi County Park Agreement with Lancaster County, 2nd by Vice Chairman Lucas, Council vote was unanimous.

VII. Old Business

From Planning Commission

1. Third Reading: From Meeting of 12-18- 07

TAX MAP # 125-00-00-002 From R2 to GC

<u>Commission Vote</u>	<u>Council Vote</u>
4-0 to Approve	6-0 to Approve

Name:John Faust
Map Amendment # CCMA07-0027
Tax Map..... 125-00-00-002
Location..... 6 acres located at 3571 Lancaster Hwy, Richburg, SC

Vice Chairman Lucas made a Motion to Uphold 3rd and Final Reading of Tax Map #125-00-00-002, 2nd by Councilwoman Guy, Council vote was unanimous.

2. Third Reading: From Meeting of 12-18- 07

TAX MAP # 149-00-00-007 From R2 to GC

<u>Commission Vote</u>	<u>Council Vote</u>
4-0 to Approve	6-0 to Approve

Name:Reuben Connell
Map Amendment # CCMA07-0028
Tax Map..... 149-00-00-007
Location..... Portion of 42 acres located at 4939 Great Falls, SC 29055

Vice Chairman Lucas made a Motion to Uphold 3rd and Final Reading of Tax Map #149-00-00-007, 2nd by Councilman Martin, Council vote was unanimous.

3. Second Reading: From Meeting of November 20, 2007

<u>Commission Vote</u>	<u>Council Vote</u>
4-0 to Approve	6-0 to Approve

1 **TEXT AMENDMENT # CCTA07-0002**

2 Amending the Chester County Zoning Ordinance by adding to Chapter 5 Section § 5-604.
3 To include c. Signage for Sexually Oriented Business which shall read:
4

5 **Signage**

6
7 **A. It shall be unlawful for the owner or operator of any regulated establishment or any other**
8 **person to erect, construct or maintain any sign for the regulated establishment other than**
9 **one (1) flat plan, rectangular in shape *primary sign* and one (1) flat plan, rectangular in**
10 **shape *secondary sign* as provided herein.**

11
12 **B. *Primary* signs shall have no more than two (2) display surfaces. Each such display surface**
13 **shall**

14 **not:**

- 15
16 **1. Contain any flashing lights;**
17 **2. Exceed 20 square feet in area; or**
18 **3. Exceed ten (10) feet in height**

19
20 **C. *Primary* signs shall contain no photographs, silhouettes, drawings or pictorial**
21 **representations of**
22 **any manner, and may contain only:**

- 23
24 **1. The name of the regulated establishment; and/or**
25 **2. One (1) of more of the following phrases:**
26 **a) Adult Bookstore**
27 **b) Adult Movie Theater**
28 **c) Adult Cabaret**
29 **d) Adult Entertainment**
30 **e) Adult Model Studio**

31
32 **3. *Primary* signs for adult movie theaters may contain the additional phrase,**
33 **“Movie Title Posted on Premises.”**

34
35
36 **D. Each letter forming a word on a *primary* sign shall be of a solid color, and**
37 **each such letter shall be the same print-type, size and color. The**
38 **background behind such lettering on the display surface of a *primary* sign**
39 **shall be of a uniform and solid color.**

40
41 **E. *Secondary* signs shall have only one display surface. Such display surface shall:**

- 42
43 **1. Be a flat plane, rectangular in shape;**
44 **2. Not exceed ten (10) square feet in area;**
45 **3. Not exceed five (5) feet in height;**
46 **4. Be affixed or attached to any wall or door of the establishment.**
47 **5.**

48 **Councilwoman Guy made a Motion to Uphold 2nd Reading of Text Amendment**

49 **#CCTA07-0002, 2nd by Councilman Oliphant, Council vote was unanimous.**

50
51 **4. Second Reading: From Meeting of November 20, 2007**
52
53

Commission Council
Vote Vote
4-0 to Approve 6-0 to Approve

TEXT AMENDMENT # CCTA07-0002

ADDING TO SECTION Chapter 4.8 GENERAL COMMERCIAL REGULATIONS UNDER
CONDITIONAL USES

**Tattoo Parlors, Body Piercing and Body Branding,
providing all following conditions are met:**

- a. the use shall be located no closer than 500 feet from the following uses;
- b. adult day care;
- c. child day care;
- d. educational institution (public or private)
- e. religious institution;
- f. residential zoning district;
- g. another body piercing establishment, body branding establishment or tattoo parlor.
- h. any permits required by SCDEC, LLC and any other federal, state or local governmental department or agency which has rules and regulations governing these types of uses.

**Councilwoman Guy made a Motion to Uphold 2nd Reading of Text Amendment
#CCTA07-0002, 2nd by Councilman Martin, Council vote was unanimous.**

5. Impact Fees

Tim Winslow/Association of Counties gave Council an informative update on impact fees. He stated that entities that have a lot of growth do adopt an impact fee. But, Mr. Winslow stated that a specialist would be needed to write the plan. The question for County Government “would you have enough development in the area to justify the expense”? **Councilman Oliphant** asked what fee is associated in hiring a specialist and Mr. Winslow said he would be guessing but in the neighborhood of \$200,000. **Vice Chairman Lucas** asked if he (Mr. Winslow) would recommend development fees over impact fees and Mr. Winslow said he would. **Vice Chairman Lucas** then asked of the 46 counties how many have impact fees and Mr. Winslow said about two and most others have development agreements. He stated that the development fees are the easiest way. **Councilman Branham** then said that at a seminar he attended for the Association of Counties they discussed the same thing and development fees are much better than impact fees. **Chairman Roddey** asked if the COG knew anything about them and Mr. Winslow replied they did and that the COG knows a lot because they’ve done several for cities in this area. **Councilman Jordan** thanked Mr. Winslow for coming and stated that he felt that we needed to look at something to offset taxes our current residents are paying. Mr. Winslow gave Council Members a booklet on Revenue Resources for County Governments.

1 Vice Chairman Lucas made a Motion to take the information received on Impact
2 Fees as "Information Only", 2nd by Councilwoman Guy, Council vote was
3 unanimous.

4 6. Update on County Website
5 **Councilman Oliphant** suggested that a committee be appointed to update the
6 County Website because it was really bad and he would like to do something to
7 help out. **Chairman Roddey** then suggested that **Councilman Oliphant, Council**
8 **Member Jordan** and the **Purchasing Director, George Thomas** be on a committee
9 and come back to Council with an update.

10
11 **VIII. New Business**

12 1. Request change in Rural Fire Organizational Chart
13 **Andy Martin, Chairman of the Rural Fire Board** could not be at the meeting, therefore,
14 **Chairman Roddey** suggested that the information in Council packages be taken as
15 "Information Only" and be placed back on the agenda at a later date. **Vice Chairman**
16 **Lucas** asked if the responsibilities of the present Fire Coordinator would be changed and
17 **Chairman Roddey** replied they would not. **Councilman Branham then made a Motion**
18 **to take the information in the packages as information only and have the item on the**
19 **agenda at another meeting, 2nd by Councilman Oliphant, Council vote was**
20 **unanimous.**

21
22 2. Planning Commission Recommendations

23			
24	<u>First Reading:</u>	<u>CCPC Meeting Date: 1-15-08</u>	
25		<u>Commission</u>	<u>Council</u>
26		<u>Vote</u>	<u>Vote</u>
27		6-0 to Deny	3-1 to Reverse
28			Planning
29			Commission
30			Decision

31
32 **Tax Map #** 101-00-00-003

33
34 **From:** R2 (Rural Two) to ID-1 (Restricted Industrial)

35 **Name:** April Counterman

36 **Tax Map:** 101-00-00-003-000

37 **Location:** 10 acres located at 1671 Great Falls Hwy, Chester, SC

38 **Map Amendment #CCMA08-0003**

39
40 **Councilman Oliphant** asked if he would need to remove himself from the room when the
41 vote was taken because he did business with this company and would abstain from
42 voting. **County Attorney Winters** replied he would not need to remove himself from the room
43 because he did business with the company. **Councilman Branham** then said he would also

1 abstain from voting because his parents had deeded the across the road from this location to him
2 and his brothers. **Vice Chairman Lucas** stated that Chester County had 34,000 residents and
3 these trucks have to travel the main roads. **Councilwoman Guy** then said considering where the
4 present business is located it seems more residential than where they wanted to relocate to and
5 since this business does employ people we need employment. **Councilman Jordan** then stated
6 that the Planning Commission vote wasn't even close and that Mr. Cabrey had stated why they
7 voted the way that they did and also said it would be a grave error for us to overturn their vote.

8
9 **Vice Chairman Lucas then made a Motion to overturn Planning Commissions**
10 **recommendations of Tax Map #101-00-00-003 to approve #CCTA07-0002, 2nd by**
11 **Councilman Martin, Council vote was 3-1 to overturn with Councilman Branham abstaining**
12 **and Councilman Oliphant abstaining and Councilman Jordan opposing.**

13
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15 **3. First Reading: CCPC Meeting Date: 1/15/2008**

	<u>Commission</u>	<u>Council</u>
	<u>Vote</u>	<u>Vote</u>
	6-0 to Deny	4-0 to Uphold

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21 **Tax Map # 088-00-00-012**

22
23 **From:** R2 (Rural Two) to LC (Limited Commercial)

24
25 **Name:** Matthew R. Niemiec

26 **Tax Map:** 088-00-00-012-000

27 **Location:** 8 acres located at 1234 Stringfellow Rd, Chester, SC

28 **Map Amendment #CCMA08-0002**

29 **Councilwoman Guy** said she had talked to people who opposed this change and also to the
30 owners and her thought was that the owners would be grandfathered in. **County Attorney**
31 **Winters** then relayed to **Councilwoman Guy** that the answer was "no" they would not because
32 the company came in after Zoning. **Planning and Zoning Director, Mack Paul** then spoke to
33 Council and told them that the homeowners had been cited. The R-2 permits the parking of
34 one truck per dwelling and that the parties went to Court and settled out of Court so then it
35 went to Planning. **Councilwoman Guy** then asked what was the alternative. Mr. Paul said that
36 the sons have homes near 1234 Stringfellow Rd. and could also park a truck but it has to be
37 a hardship basis. **Councilman Oliphant** then asked what would be allowed under the LC status
38 and Mr. Paul stated pretty much anything but they would have to wait another year after Council's
39 decision. **Vice Chairman Lucas** then said it sounded like somebody was "trying to pull their
40 livelihood out from under them and that's not good". **Councilman Branham** asked how close
41 were the neighbors and Mr. Paul said "close".

1 At this time, Councilman Martin made a Motion to overturn Planning Commission's
2 recommendation on Tax Map #088-00-00-012, 2nd by Councilwoman Guy. Council
3 voted and the vote was 3 to uphold this Motion and 3 opposed to this Motion. In
4 favor of the Motion was Councilman Martin, Councilwoman Guy and Vice Chairman
5 Lucas. Opposed Council Members Oliphant, Jordan and Branham. Chairman Roddey
6 then voted to oppose the Motion to break the tie.

7
8 4. First Reading: CCPC Meeting Date: 1-15-08
9

<u>Commission</u>	<u>Council</u>
<u>Vote</u>	<u>Vote</u>
6-0 To Approve	6-0 to Uphold

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13 **TEXT AMENDMENT # CCTA08-0001**

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15
16 *Amending the Chester County Zoning Ordinance, 2000 Chapter 3 Article § 3- by adding § 3-106 to*
17 *read:*
18

19 Any portion of property to be rezoned must be surveyed and cut out.
20

21 **Councilwoman Guy made a Motion to Uphold Planning Commissions Recommendations**
22 **on Text Amendment #CCTA08-0001, 2nd by Councilman Oliphant, Council vote was**
23 **unanimous.**

- 24
25
26 5. From CCTC: (a) One Way In and One Way Out
27 (b) Saluda St. Sidewalks
28 (c) Lancaster St. Sidewalks
29 (d) Langley Rd.
30 (e) Hopps Rd.
31 (f) Cedar Grove Lane
32 (g) Hunter Rd.
33

34 **Vice Chairman Lucas made a Motion to receive the information from CCTC as information**
35 **Only, 2nd by Councilman Oliphant, Council vote was unanimous.**
36

37 **IX. Appointments**

38 1. Board of Assessment Appeals
39 **Councilman Branham made a Motion to appoint Mr. Jim Gaston to the Board of**
40 **Assessment Appeals, 2nd by Councilman Oliphant.** Discussion: **Councilwoman Guy**
41 asked if the person before Mr. Gaston had resigned and would Council not need to accept
42 the resignation. **County Attorney Winters** replied that they should vote to accept a
43 resignation before appointing someone else. **Councilman Oliphant then rescinded his 2nd to**
44 **the motion and Councilman Branham withdrew his Motion.**
45 **Councilman Branham then made a Motion to accept the resignation of Mr. Ronnie Cassel's**

1 **from the Board of Assessment Appeals, 2nd by Councilman Oliphant, Council**
2 **Vote was unanimous.**

3 **Councilman Branham made a Motion to appoint Mr. Jim Gaston to the Board of**
4 **Assessment Appeals, 2nd by Councilman Oliphant, Council vote was unanimous.**

5 **X. Council Members Comments**

6 **Councilman Branham** then expressed his condolences to the Knox family and Roddey
7 Family for the loss of their mother and sister. **Chairman Roddey** thanked Council for
8 their condolences.

9 **Chairman Roddey** then told Council the dedication of the new facility and open house
10 would be on February 24th at 3:00 p.m.

11 **XI. Adjournment**

12 **Vice Chairman Lucas made a Motion to adjourn, 2nd by Councilwoman Guy,**
13 **Council vote was unanimous.** Time was approximately 7:40 pm

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17 Pursuant to the Freedom of Information Act, the **Chester News & Reporter,**
18 **The Herald in Rock Hill, SC, WSOC-TV, Channel 9 Eyewitness News, the Mfg. Housing**
19 **Institute of SC, WRHI Radio Station, C&N2 News and Capitol Consultants**
20 **were notified and a notice was posted on the bulletin board at the R. Carlisle Roddey**
21 **Government Complex 24 hours prior to the meeting**

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29 _____
30 **R. Carlisle Roddey**
31 **Chester County Supervisor**

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34 _____
35 **Carolyn S. Clayton-Snipes, CCC**
36 **Clerk to Chester County Council**

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