



CHESTER COUNTY COUNCIL MEETING

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

**December 6, 2010
6:00 p.m.**

Chairman Roddey– Presiding

Minutes

In Attendance:

- Chairman Roddey**
- Vice Chairman Lucas**
- Council Member Oliphant**
- Council Member Guy**
- Council Member Branham**
- Council Member Jordan**
- Council Member Holcombe**
- County Attorney Winters**

I. Call to Order

II. Pledge of Allegiance & Invocation

III. Approval of Minutes

1. Chester County Council Meeting Minutes of November 15, 2010
Vice Chairman Lucas made a Motion to approve the Chester County Council Meeting Minutes of November 15, 2010, 2nd by Council Member Branham, Council vote was unanimous.

IV. Citizens Comments

There were no Citizens Comments

V. Public Hearing

Chairman Roddey opened the Public Hearing on:

1. An Ordinance Indefinitely Suspending Sunday Work Prohibitions and Other Matters Related Thereto

There were no speakers, therefore **Chairman Roddey** closed this portion of the Public Hearing.

Chairman Roddey then opened the Public Hearing on:

2. A Resolution in support of the issuance by the S.C. Jobs-Economic Dev. Authority to support the proposed issuance and delivery by JEDA of not exceeding \$15,000,000 Economic Development Revenue Bonds (Upper Palmetto YMCA Project) Series 2010 Bonds.

Mr. Jerry Hinson, 143 Lancaster St., came before Council to speak on the JEDA Resolution. Mr. Hinson stated he was all for jobs especially jobs that fit here in Chester County but felt that additional information would help his understanding of this Resolution. He wanted to know the number of new jobs this would create and also if any jobs would be created from a spin off. He asked how this would specifically affect Chester County or was this just a replacement of existing finance? Mr. Will Johnson from the Law Firm of Haynsworth, Sinkler and Boyd was called to the podium to explain. Mr. Johnson stated that only part of this Resolution was related to Chester County and it was a refinancing of 2004 Bonds which was for the swimming pool in Chester, this would provide lower financing and save money. Mr. Johnson also stated that Chester County has no liability in passing this Resolution. Mr. Chris Zamorski with the Upper Palmetto YMCA then stated that this refinancing was to consolidate debt and create cash flow.

Chairman Roddey thanked Mr. Johnson and Mr. Zamorski for clarification on the Resolution then closed the Public Hearing.

VI. Ordinances & Resolutions

1. 3rd Reading of an Ordinance Indefinitely Suspending Sunday Work Prohibitions And Other Matters Related Thereto
Council Member Oliphant made a Motion to approve 3rd and final reading of An Ordinance Indefinitely Suspending Sunday Work Prohibitions, 2nd by Council Member Jordan. Discussion: **Council Member Guy** said she had checked on some things and found out almost anything except clothes could be purchased anytime and that she was all for this move during the holidays but not year round. **Council then voted, Council Members Oliphant, Lucas and Jordan voted in favor, Council Members Holcombe, Branham and Guy opposed. Chairman Roddey broke the tie in favor of the Ordinance. Final vote was 4 in favor and 3 opposed.**
2. 2nd Reading on an Ordinance to Amend the Enabling Act for the Chester County Medical Responder Advisory Council
Council Member Branham voted to approve 2nd Reading of an Ordinance to Amend The Enabling Act for the Chester County Medical Responder Advisory Council, 2nd by Vice Chairman Lucas, Council vote was unanimous.
3. A Resolution in support of the issuance by the South Carolina Jobs-Economic Development authority of its economic development revenue bond Upper Palmetto YMCA) Series 2010, pursuant to the provisions of title 41, chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding

\$15,000,000.

Vice Chairman Lucas made a Motion to approve a Resolution in support of the Issuance by the South Carolina Jobs-Economic Development authority of its Economic development revenue bond (Upper Palmetto YMCA) Series 2010, pursuant to the provisions of title 41, chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not Exceeding \$15,000,000, 2nd by Council Member Branham, Council vote was unanimous.

4. 1st Reading of AN ORDINANCE IN TITLE ONLY, AUTHORIZING:

(1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN CHESTER COUNTY, SOUTH CAROLINA (“CHESTER COUNTY”) AND A COMPANY TO BE KNOWN FOR THE TIME BEING AS PROJECT 1036, ACTING ON BEHALF OF ITSELF OR ANY AFFILIATE OR OTHER PROJECT SPONSOR (THE “COMPANY”), PURSUANT TO WHICH CHESTER COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO THE EXPANSION OF CERTAIN MANUFACTURING FACILITIES IN THE COUNTY (THE “EXPANSION PROJECT”); (2) CERTAIN SPECIAL SOURCE CREDITS AGAINST THE FEE IN LIEU OF *AD VALOREM* TAX PAYMENTS WITH RESPECT TO THE EXPANSION PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY PARK TO BE MADE AVAILABLE TO THE COMPANY; AND (4) OTHER MATTERS RELATING THERETO

Council Member Branham made a Motion to approve 1st Reading of an Ordinance (In Title Only) authorizing: (1) The Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement Between Chester County, South Carolina (“Chester County”) and a Company to be known for the time Being as Project 1036, acting on behalf of itself or any affiliate or other project sponsor (the “Company”), pursuant to which Chester County shall covenant to accept certain negotiated Fes In Lieu Of Ad Valorem Taxes with respect to the expansion of certain manufacturing facilities in the County (The “Expansion Project”); (2) certain special source credits against the Fee In Lieu of Ad Valorem Tax Payments with respect to the Expansion Project; (3) the Benefits of a Multi-County Park to be Made available to the Company; and (4) Other Matters Relating Thereto, 2nd by Council Member Guy, Council vote was unanimous.

VII. New Business

1. Audit Update

Mr. Bob Faulkner could not be in attendance, therefore, the Audit Update was postponed until the next meeting.

2. Approval of County Council Meeting Dates for 2011

Council Member Branham made a motion to approve the Chester County Council Meeting dates for 2011, 2nd by Council Member Holcombe, Council vote was unanimous.

3. Agreement Between County & City for Office, Courtroom & Jail Use

Council Member Oliphant stated that as far as he knew no one had been able to locate any kind of agreement between the County and other municipalities in the County regarding the use of the jail, courtrooms, etc. and he knew years ago the city limits had been moved to include the jail on Dawson Drive so the inmates from the City could be housed there and that all municipalities only paid \$1.00 to feed each inmate they sent and paid for nothing else. **Council Member Oliphant** said that he felt some sort of Agreement or Contract should be drawn up. **Chairman Roddey** and Council agreed, and **Chairman Roddey** said that **County Attorney Winters** was, in fact, working on a proposed draft for Council review. **Chairman Roddey** said the jail should be completed by March so the agreement should be ready before that time. **Council Member Jordan** asked if there was an agreement between the City and County Magistrates and **County Attorney Winters** replied there was but that was all we had. **Council Member Oliphant** then added that we would need an extensive agreement on the usage of space for the City and other Municipalities.

4. Discussion on Tags for Government vehicles

Council Member Holcombe said that several folks had contacted him that County vehicles had been seen with no tags on them and he felt that all County vehicles should have County tags. **Chairman Roddey** said he would have the County Attorney draw up a Resolution and give all entities in Chester County a copy. **Council Member Oliphant** then said he had asked for a complete listing of all vehicles the County owned and had never gotten one. **Chairman Roddey** said he would get him one.

5. Award Contract for "on call Engineering Firm

Susan Cok – Contracts & Procurement Director stated that on Oct. 12, 2010 a Request for Qualifications for Professional Civil Engineering Services had been issued and a committee formed consisting of Mr. Roddey, Mr. Mac Paul, Mr. Ellis Faulkner and Mr. Robert Hall. Seven firms responded and it was narrowed to four finalists. The finalists were: Campco, Dennis Corporation, Alliance Consulting and Florence Hutchenson. The Dennis Corporation was chosen because the committee felt they would best serve the interest of Chester County based on the quality of their presentation and the overall qualifications of their firm.

Vice Chairman Lucas then made a Motion to accept the decision of the committee and Award the contract to the Dennis Corporation, 2nd by Council Member Holcombe, Council vote was unanimous.

6. PLANNING COMMISSIONS RECOMMENDATION TO COUNTY COUNCIL

First Reading: From Meeting of
November 16, 2010

Commission
Vote

Council
Vote

6-0 to Approve

6-0 to Approve

MAP AMENDMENT # MA10- 8

From: R2 to GC

Name: Donald Bell, Jr

Tax Map..... Portion of 139-44 -3.018 acres

Location.....Beside 3691 Mtn. Gap Rd, Richburg, SC

Council Member Guy made a Motion to approve 1st Reading from the Planning Commission's recommendation on Map Amendment #MA10-8, 2nd by Council Member Branham, Council vote was unanimous.

7. PLANNING COMMISSIONS RECOMMENDATION TO COUNTY COUNCIL

First Reading: From Meeting of
11/16/2010

Commission
Vote

Council
Vote

6-0 Approve

6-0 to Approve

MAP AMENDMENT # MA10- 9

From: R2 to R1

Name: David Ramsey & James H. Ramsey

Tax Map..... 122-2-1-001

Location.....1.15 acres located at 4297 Edgeland Rd, Edgemoor, SC

Council Member Holcombe made a Motion to approve 1st Reading from the Planning Commission's recommendation on Map Amendment #MA10-9, 2nd by Council Member Guy, Council vote was unanimous

8. PLANNING COMMISSIONS RECOMMENDATION TO COUNTY COUNCIL

First Reading: From Meeting of
11/16/2010

Commission
Vote

Council
Vote

6-0 Approve

6-0 to Approve

MAP AMENDMENT # MA10- 9

From: RG1 to R2

Name: Mary Welch

Tax Map..... 78-3-7-11

Location.....7 acres located at 1221 Welch Dr, Chester, SC

Council Member Guy made a Motion to approve 1st Reading from the Planning Commission's recommendation on Map Amendment #MA10-9, 2nd by Council Member Branham, Council vote was unanimous.

VIII. Boards & Commissions

1. Accept Resignation of Troy Roberts/Zoning Board of Appeals

Council Member Holcombe made a Motion to accept the resignation of Troy Roberts from the Zoning Board of Appeals, 2nd by Council Member Guy, Council vote was unanimous.

2. Appointment to Zoning Board of Appeals

Council Member Holcombe made a Motion to appoint Mr. Jim Holley to the Zoning Board of Appeals, 2nd by Council Member Oliphant, Council vote was unanimous.

3. Appointment to Library Board

Council Member Jordan stated that his appointee, Mr. Gerald Hensley ask that he not be re-appointed to the Library Board, therefore, Council Member Jordan made a Motion to appoint Mrs. Mozelle Robinson to the Library Board to fill the remainder of Mr. Hensley's term, 2nd by Council Member Guy, Council vote was unanimous.

IX. Executive Session

Chairman Roddey stated Council needed to go into Executive Session to discuss:

1. Legal Matter: Receive Legal Advice Regarding Property
2. Legal Matter: Receive Legal Advice Regarding Property
3. Economic Development Matter: Project 1023

Vice Chairman Lucas made a Motion to go into Executive Session, 2nd by Council Member Holcombe, Council vote was unanimous. Time was approximately 6:40pm.

Council returned from Executive Session and **Council Member Holcombe made a Motion to return to Regular Session, 2nd by Council Member Guy, Council vote was unanimous.** Time was approximately 7:55pm

Chairman Roddey stated that the Legal Advice Regarding Property had been

discussed in Executive Session and no decision was made other than to allow **Ms. Parker, Economic Development Director** to negotiate with the owner on property discussed.

The second Property discussed was concerning property an owner was giving to the West Chester Fire Department to build a Substation. **Council Member Holcombe made a Motion to accept the property for the purpose of building a Substation, 2nd by Council Member Oliphant, Council vote was unanimous.**

At this time, **Mr. Andy Martin, Fire Chief of the West Chester Fire Department** spoke and stated that this substation would help lower the ISO Ratings from a Class 10 to a Class 5 and would be a substantial savings for home owners in that District.

The Economic Development Matter: Project 1023, Council directed Ms. Parker to pursue this Project.

X. Council Members Comments

Council Member Guy wished everyone a Merry Christmas, as did **Chairman Roddey**.

XI. Adjournment

Council Member Branham made a Motion to adjourn, 2nd by Vice Chairman Lucas Council vote was unanimous. Time was approximately 8:05 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 R. Carlisle Roddey Government Complex 24 hours prior to the meeting

R. Carlisle Roddey
Chairman, Chester
County Council

Carolyn S. Clayton CCC
Clerk to Chester County Council

Chester County Council Meeting of December 6, 2010