



CHESTER COUNTY COUNCIL MEETING

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

**February 7, 2011
6:00 p.m.**

Chairman Roddey– Presiding

Minutes

In Attendance:

**Chairman Roddey
Vice Chairman Lucas
Council Member Oliphant
Council Member Guy
Council Member Jordan
Council Member Branham
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 January 18, 2011

Vice Chairman Lucas made a Motion to approve the Chester County Council Meeting Minutes of January 18, 2011, 2nd by Council Member Guy, Council Vote was unanimous.

IV. Citizens Comments

There were no Citizens Comments

V. Ordinances & Resolutions

1. 2nd Reading of an Ordinance to Amend that Certain Agreement for the Development of a Joint Industrial and Business Park between Chester County and Lancaster County Dated December 1, 2008 to include additional Haile Gold Mine, Inc.

Council Member Branham made a Motion to approve 2nd Reading of An Ordinance to Amend that Certain Agreement for the Development of a Joint Industrial and Business Park between Chester County and Lancaster County Dated December 1,

2008 to include additional Haile Gold Mine, Inc., 2nd by Vice Chairman Lucas, Council vote was unanimous.

2. 2nd Reading of an Ordinance Authorizing: (1) The Execution and Delivery of a Fee In Lieu 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 Guy made a Motion to approve 2nd Reading of an Ordinance Authorizing: (1) The Execution and Delivery of a Fee In Lieu 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, 2nd by Council Member Holcombe, Council vote was unanimous.

3. Fee In Lieu of Tax and Incentive Agreement (Project 1036)

Council Member Branham made a Motion to approve the Fee In Lieu of Tax and Incentive Agreement for Project 1036, 2nd by Vice Chairman Lucas, Council Vote was unanimous.

4. 1st Reading (In Title Only) of an Ordinance to Authorize and Approve an Agreement for the Development of a Joint Industrial and Business Park by and Between Lancaster County and Chester County with Property Located in Chester County (Project 1036); to Require the Payment of a Fee In Lieu of Ad Valorem Taxes by Businesses and Industries Located in the Park; to Apply Zoning and other Laws in the Park; to Provide for Law Enforcement Jurisdiction in the Park; and to Provide for the Distribution of Park Revenues within the County

Vice Chairman Lucas made a Motion to approve 1st Reading (In Title Only) of an Ordinance to Authorize and Approve an Agreement for the Development of a Joint

Industrial and Business Park by and Between Lancaster County and Chester County With Property Located in Chester County (Project 1036); to Require the Payment of a Fee In Lieu of Ad Valorem Taxes by Businesses and Industries Located in the Park; To Apply Zoning and other Laws in the Park; to Provide for Law Enforcement Jurisdiction in the Park; and to provide for the Distribution of Park Revenues within The County, 2nd by Council Member Guy, Council vote was unanimous.

VI. Old Business

1. Update on Chester Research and Development Park

Mr. Deepal Eliatamby with Alliance Consulting Engineers come before Council with an update on the Chester Research and Development Park. Mr. Eliatamby stated that in November Council authorized them to proceed with the water lines and roadway study and that they are now 99% complete. He expects to receive permits in 30 days then go out for bids. He stated that They could go out for bids now while waiting on DHEC but recommends waiting on the permits. Council Member Branham made a Motion to wait until after DHEC approved the permits before going out for bids, 2nd by Council Member Guy, Council vote was unanimous.

2. PLANNING COMMISSIONS RECOMMENDATION TO COUNTY COUNCIL

Third Reading: From Meeting of
November 16, 2010

Commission
Vote

Council
Vote

6-0 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

Vice Chairman Lucas made a Motion to approve 3rd and Final Reading of Planning Commissions recommendations on Map Amendment #MA10-8, 2nd by Council Member Jordan, Council vote was unanimous.

3. Third Reading: From Meeting of November 16, 2010

Commission
Vote

Council
Vote

6-0 to 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 3rd and Final Reading of Planning Commissions recommendations on Map Amendment #MA10-9, 2nd by Council Member Jordan, Council vote was unanimous.

4. Third Reading: From Meeting of

	<u>Commission</u>	<u>Council</u>
11/16/2010	<u>Vote</u>	<u>Vote</u>

6-0 to APPROVE 6-0 to Approve

MAP AMENDMENT # MA10- 10

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 3rd and Final Reading of Planning Commissions recommendations on Map Amendment #MA10-10, 2nd by Council Member Branham, Council vote was unanimous.

5. Second Reading: From Meeting of December 21, 2010

<u>Commission</u>	<u>Council</u>
<u>Vote</u>	<u>Vote</u>
5-0 Approve	6-0 to Approve

Case #10-11

Perry & Debbie Blakely

R2 to R1

Tax Map # 139-35

3.54 acres located at 2394 Hidden Valley Rd, Richburg, SC

Vice Chairman Lucas made a Motion to approve 2nd Reading of Planning Commissions recommendations on Case 10-11, 2nd by Council Member Holcombe, Council vote was unanimous.

6. Second Reading: From Meeting of December 21, 2010

<u>Commission</u> <u>Vote</u>	<u>Council</u> <u>Vote</u>
5-0 Approve	

Case #10-12

Shawn Hough

R2 to R1

Tax Map # 126-136

2.931 acres located at 787 Old Mill Rd, Richburg, SC

Vice Chairman Lucas made a Motion to approve 2nd Reading of Planning Commissions recommendations on Case 10-12, 2nd by Council Member Guy, Council vote was unanimous.

7. Update on Eureka Mill Cleanup

Mr. Mack Paul stated he had visited the site today and that it looked good. He also stated that DHEC could not attend this meeting but maybe the next one and that the cleanup was right on schedule. **Council Member Oliphant** mentioned the ticket receipts of stuff going to the landfill and Mr. Paul said he did not find any and the Attorney for the owner also did not have any. **Council Member Jordan** asked if he could tell us what took place at the Notice of Enforcement Meeting and **Mr. Paul** said he did not go.

Council Member Oliphant stated it didn't take place. Council Member Branham asked when would the smoke stack come down and Mr. Paul replied "probably in October".

Council Members Holcombe and Branham commented how good the site looked now.

8. Carolina Thread Trail Update

Council Member Jordan asked Mrs. Gloria Kellerhals to give Council an update since she had been the lead person on this project. Mrs. Kellerhals stated that plan were complete from McConnells to Oliphant Lake and they hope to get easements next month. She also stated that this project had been switched to non profit so that they can apply for more grants.

Council Member Guy asked how long it would take once the switch was made for her to apply for more grants and get the money and Mrs. Kellerhals said she already has a check. **Council**

Member Oliphant stated he very much appreciated Mrs. Kellerhals, she was totally committed

to the community and a great community worker. **Council Member Guy** then asked how long did she expect it would take to have the trail up and running and Mrs. Kellerhals said she really didn't know but shouldn't take too long. **Chairman Roddey** then stated that once the trail was completed it would be deeded over to the County for maintenance. Mrs. Kellerhals then said it would only be used for hikers, bikers, and walkers. Every one on Council thanked Mrs. Kellerhals for her hard work.

VII. New Business

1. Policy Manual Changes

County Attorney Winters went over four small changes suggested for the Policy Manual. Leave of Absence – Physical Disability and Personal Leave (applied only to employees employed less than 1250 hours in the preceding 12 months and to longer-term and to regular employees whose reasons for leave are not covered by the FMLA Act. The employee alcohol use and alcohol testing. The breaks for lactating mothers and the last was genetics information non-discrimination act (GINA). **Council Member Branham** asked who did the drug testing and **Chairman Roddey** replied, "Dr. Hughes". **Council Member Jordan** said at the beginning of the Manual it stated we are an "At Will Employer" and it states it later in the Policy, why? County Attorney stated if we want to give an employee a second chance. **Council Member Branham then made a Motion to Amend the Resolution from May 18, 2009 on the Policy Manual, 2nd by Vice Chairman Lucas, Council vote was unanimous.**

2. Approval of Solid Waste Draft

Bruce Todd came before Council to asked that they approve the solid waste draft that the Committee had been working on for a very long time as an amendment to the Ordinance Passed on 1-20-09 and consider this as first reading. **Council Member Oliphant** asked what Had changed and Mr. Todd said it was a re-do of the previous plan and covers existing solid Waste, demographics and future plans for the Council. Mr. Todd also said it required Council to meet once a year to make recommendations. **Council Member Jordan** asked about the projected population and Mr. Todd stated that was correct because we did not yet have the Census figures and that was one of the reasons the requested Council meet to look at these figures. **Council Member Oliphant** then said the census figures should be out soon and that it shouldn't be too difficult to change out and Mr. Todd replied that was correct. **Vice Chairman Lucas** then said it was a lot of reading and **Council Member Branham** then said he had contacted the County Attorney and **County Attorney Winters** stated she had read the entire manual.

Council Member Oliphant then made a Motion to consider this 1st Reading to Amend Ordinance Number 1-20-09 of the Solid Waste Draft, 2nd by council Member Branham, Council vote was unanimous.

3. Approval of By-Laws for Solid Waste Committee

Bruce Todd then requested that Council approve the By-laws as presented and that this be considered as 1st Reading. **Council Member Branham made a Motion to approve the Solid Waste By-Laws as 1st Reading, 2nd by Council Member Guy, Council vote was unanimous.**

4. Appointment of Committee Members

Chairman Roddey made a Motion to appoint Mr. Raymond Douglas to replace Linda Tinker on the Solid Waste Committee, 2nd by Council Member Oliphant, Council vote was unanimous.

Chairman Roddey made a Motion to appoint “T” Melton to replace Barney Nichols on the Solid Waste Committee, 2nd by Council Member Branham, Council Member Jordan then said he was distantly related to Mr. Melton and **County Attorney Winters** suggested that he recuse himself. **Council then voted and the vote was 5-0 to approve with Council Member Jordan recusing himself.**

5. Approval of Lease Agreement with Olde English Tourism District

County Attorney Winters stated that under Tab 10 in Council packages there was a draft of a lease agreement to lease space to the Olde English District at the Gateway Commons Business Park building (formerly Nourse Auto Mall). The only change in the Agreement was the term was for 120 months not 58 months as the Agreement stated. **Council Member Branham made a Motion to approve the Lease Agreement with the Olde English District, 2nd by Vice Chairman Lucas, Council vote was unanimous.**

6. Request to postpone Re-Assessment

County Attorney Winters said that State Law allows us to postpone one time but the Auditor and Tax Assessor had concerns because of the census data. **County Attorney Winters** stated that letters were written to the State Legislative delegation asking them to sponsor a bill to delay this re-assessment another year. **Council Member Oliphant** asked what the main reason was for this and **Chairman Roddey** said because the census figures were not out yet and **County Attorney Winters** said the census would change the Consumer Price Index. **Vice Chairman Lucas** asked if there was a downside and the **Tax Assessor, Ellis Faulkner** said there really wasn't a downside. **Vice Chairman Lucas** asked when we would look at another one and **Mr. Faulkner** replied “in four years”. **County Attorney Winters** also stated that we would need to Amend the Ordinance of 8-20-07. **Council Member Guy made a Motion to approve 1st Reading of an Ordinance to postpone re-assessment in the event the Legislative Delegation could get it delayed, 2nd by Vice Chairman Lucas, Council vote was unanimous.**

VIII. Boards & Commissions

Vice Chairman Lucas made a Motion to re-appoint Ms. Diana Smith to the Library Board, 2nd by Council Member Oliphant, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Mr. Bobby Jones to the Chester County, Rural Fire Commission, 2nd by Council Member Guy, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Mr. Buddy Baker to the Zoning Board, of Appeals, 2nd by Council Member Holcombe, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Mr. Rory McKeown to the Board of Assessment of Appeals, 2nd by Council Member Branham, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Ms. Dianne Porter to the A-Tax Board, 2nd by Council Member Holcombe, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Ms. Maxine Wood to the Planning Commission, 2nd by Council Member Guy, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Mr. William Burgess to the Construction Board of Adjustment, 2nd by Council Member Holcombe, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Mr. Marvin Black to the Hazel Pittman Board, 2nd by Council Member Oliphant, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Mr. Joshua Heffner to the Chester County Recreation Advisory Board, 2nd by Council Member Holcombe, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Ms. Janie Mae Cunningham to the Senior Services Board, 2nd by Council Member Guy, Council vote was unanimous.

Vice Chairman Lucas made a Motion to re-appoint Jeffery Coleman to the Richburg Fire Protection District Commission, 2nd by Council Member Branham, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint Mr. Wayne Goodyear to the Airport Commission, 2nd by Council Member Holcombe, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint Ms. Mozelle Robinson to the Library Board, 2nd by Council Member Guy, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint Mr. James Bowman Jr. to the Planning Commission, 2nd by Council Member Branham, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint Ms. Elizabeth Thrailkill to the Hazel Pittman Center Board, 2nd by Council Member Holcombe, Council vote was unanimous.

Council Member Jordan made a Motion to appoint Mr. William Beard to the Chester County Rural Fire Commission to replace Mr. Mike McBrayer who resigned, 2nd by Council Member Oliphant, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint James C. Brandon to the Lando Fire District Board, 2nd by Vice Chairman Lucas, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint Ms. Catherine Gaston. to the Lando Fire District Board, 2nd by Council Member Branham, Council vote was unanimous.

Council Member Jordan stated that Mr. Robert Moore did not wish to continue on the Lando Fire District Board due to health reasons.

Council Member Jordan made a Motion to re-appoint Mr. Richard Miller. to the Lando Fire District Board, 2nd by Council Member Guy, Council vote was unanimous.

Council Member Jordan made a Motion to re-appoint Mr. Vernon Terry to the Lando Fire District Board, 2nd by Council Member Branham, Council vote was unanimous.

Council Member Branham made a Motion to re-appoint Mr. Odell Steele to the Richburg Fire Protection District Commission, 2nd by Council Member Holcombe, Council vote was unanimous.

Council Member Branham made a Motion to re-appoint Ms. Marsha Eland to the A-Tax Board, 2nd by Council Member Oliphant, Council vote was unanimous.

Chairman Roddey made a Motion to appoint Ms. Janie Jackson to the Senior Services Board, 2nd by Council Member Holcombe, Council vote was unanimous.

Chairman Roddey made a Motion to appoint Mr. Mike Wylie to the Zoning Board of Appeals to take the place of Ms. Janie Jackson that he appointed to the Senior Services Board,, 2nd by Council Member Branham, Council vote was unanimous.

IX. Executive Session

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

1. Personnel Matter: Re: Detention Center
2. Personnel Matter: Re: Recycling Department

Vice Chairman Lucas made a Motion to go into Executive Session, 2nd by Council Member Holcombe, Council vote was unanimous. Time was approximately 7:10pm

Council returned from Executive Session and **Vice Chairman Lucas made a Motion to go back into Regular Session, 2nd by Council Member Guy, Council vote was unanimous.** Time was approximately 8:05pm

Chairman Roddey stated that a Personnel Matter Regarding the Detention Center had been discussed and **Mr. Robert Benfield, Risk Manager from the Association of Counties** had been in the meeting. Mr. Benfield said that we would need projected 49.5 staff members to open the jail. He also said because of the amount of inmates that are housed we may could open with 40 and may not have to go to the 49.5 for five or six years. **Council Member Oliphant** then said basically in order to open we will need to commit to 49.5 personnel which will be 164 people, but since we're below the number of inmates we can commit to 40 personnel and create 9.5 positions if we're below the 92 inmates we can stay at the 40. **Vice Chairman Lucas** then said that he wanted to make sure no other employees are added to this department and that the Chairman request that Mr. Blake Taylor from the Dept. of Corrections come to Chester to speak to Council. **Council Member Jordan** then said he did not think it was unreasonable for someone from the Dept. of Corrections to come talk to Council. Council Member Guy then asked what was the time frame these employees would need to be hired and **Sheriff Smith** said we "were kinda under the gun since we were scheduled to open in March.

Council Member Branham made a Motion to hire 49.5 to operate at full capacity, 2nd by Council Member Holcombe. Discussion: **County Attorney Winters** stated that the Motion really needed further clarification and asked that **Council Member Holcombe** withdraw his second and **Council Member Branham** his Motion. **Council Member Holcombe withdrew his second and Council Member Branham his Motion.** **Council Member Branham then made the motion to approve the 49.5 in personnel but fund at this time 41.5 personnel, 2nd by Council Member Holcombe, Council vote was unanimous.**

Chairman Roddey then stated that a Personnel Matter Regarding the Recycling Department had been discussed and was taken as information only.

X. Council Members Comments

Vice Chairman Lucas stated that another Council Meeting would be held before the corner

stone for the jail would be laid on March 12th and that the Grandmasters of the Free Masons will do the actual ceremony and that the public was invited to attend.

XI. Adjournment

Vice Chairman Lucas made a Motion to adjourn, 2nd by Council Member Jordan

Council vote was unanimous. Time was approximately 8:30 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 February 7, 2011

