



## **CHESTER COUNTY COUNCIL MEETING**

R. Carlisle Roddey Chester County Government Building

1476 J A Cochran Bypass- Council Chambers

Monday May 1<sup>st</sup>, 2017 at 6:00 PM

Chairman Shane Stuart – Presiding

### **Minutes**

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

1. **Call to Order** by Chairman Stuart at 6:00 pm.
2. **Approval of Minutes**
  - a. **April 13<sup>th</sup>, 2017 Chester County Council Budget Minutes**  
Council Member Lucas motioned to approve as written, seconded by Council Member Guy.  
Vote was 6-0 to approve.
  - b. **April 6<sup>th</sup>, 2017 Chester County Council Budget Minutes**  
Council Member Guy motioned to approve as written, seconded by Council Member Wilson.  
Council Member Jordan was absent from this meeting. Vote was 5-0 to approve.
  - c. **April 3<sup>rd</sup>, 2017 Regular Chester County Council Minutes**  
Council Member Guy motioned to approve as written, seconded by Council Member Jordan.  
Vote was 6-0 to approve.
3. **Citizens Comments**-No one signed up to speak.
4. **Public Hearing**-None
5. **Ordinances/Resolutions/Proclamations**
  - a. **First Reading** of the 2017/2018 proposed budget (by Title Only)  
Council Member Oliphant motioned to approve by Title Only, seconded by Council Member Branham. Vote was 6-0 to approve by Title Only.

**b. Second Reading** of an Ordinance to Amend Chester County Code Chapter 34, Floods, To Comply with The South Carolina Department of Natural Resources Flood Mitigation Program Review and FEMA Requirements

Council Member Wilson motioned to approve, seconded by Council Member Lucas. Vote was 6-0 to approve.

**c. Resolution to update and modify the Building and Zoning Organizational Chart**

Chairman Stuart stated this department was busier, experiencing more growth. The funding is there, Planning Director Justin Ford would like to create three Permit/Zoning Specialist and keep the Chief Building Inspector. Council Member Lucas motioned to approve, seconded by Council Member Wilson. Vote was 6-0 to approve.

**d. Resolution for the 2017/2018 Capital Requests**

Chairman Stuart read from the list provided, stating the total cost would be \$2,326,660 million dollars. Vice- Chair Branham asked if they were going to vote on this to include all of the items, or if they could take some things off the list. Chairman Stuart stated this was based on the budget ordinance approved last year on April 18, 2016. Council Member Oliphant asked if the ordinance allowed the Supervisor to approve the purchases without it coming back to Council. Chairman Stuart stated yes, Council Member Oliphant stated the Council wants to be more involved in this. Vice Chair Branham stated to be clear are these numbers estimates or have they already been bid on. Chairman Stuart stated they have received quotes on the big items. Vice Chair Branham asked if this had to be voted on tonight, since they did not have all of the information. Council Member Oliphant stated they could approve the ambulances and come back at the next meeting and approve the rest. Chairman Stuart stated it may be an issue with the resolution if it was done that way and asked Michael Kozlarek to explain.

Michael Kozlarek, with Parker & Poe stated last year in August the Council adopted a revolving capital ordinance that permits the Council once a year to borrow up to 2,500,000 million dollars in general obligation debt. This is based on a resolution that has the list of the items and estimated amount of the cost for each item for that year. Mr. Kozlarek stated if the Council adopted part of the resolution and borrow money for certain items on the list, then came back two weeks later with another list they would be borrowing again. That would be insufficient in the cost of issuing, if the Council is interested in making changes to the resolution it would be better to vote on the entire resolution. He stated this would not change the procurement process, the money would be there waiting on the items. If money was left over, Council could come back and add another item. Council Member Oliphant motioned to approve, seconded by Council Member Wilson. Vote was 6-0 to approve.

## 6. **Old Business**

**a. Second Reading** to Adopt the Planning Commission's Recommendation to Approve the Rezoning of J. D. Rinehart, Jr., Authorized Representative for Starmount Corporation, Request: a 2-acre portion of Tax Map # 124-00-00-060-000, located at 3190 Commerce Dr., Richburg, SC Rezone from ID-2 (Limited Industrial) to GC (General Commercial) Planning Commission voted 6-0 to approve.

Council Member Lucas motioned to approve, seconded by Council Member Guy. Vote was 6-0 to approve.

**b. Second Reading** to Adopt the Planning Commission's Recommendation to Approve the Rezoning of Charles W. Monteith Jr., Request: Tax Map # 161-02-00-020-000 2.00 acres located at 5721 Brooklyn Rd, Great Falls, SC Rezone from RG-1 (Multi-Family Residential) to RG-2 (General Residential) Planning Commission voted 6-0 to approve.  
Council Member Branham motioned to approve, seconded by Council Member Lucas.  
Vote was 6-0 to approve.

**c. Update on Portrait to be Commissioned for Carlisle Roddey-Vice Chairman Branham**  
This was taken as information only, and added to the May 15<sup>th</sup>, 2017 Council Meeting.

**d. From CCTC**

**1. Phase II Non-Reoccurring Funds Finalization List of County Roads**

Council Member Guy motioned to approve the list by adding Howe Road, Dearborn Street and Roof Lane, Old Store Road, Hall Street, Mt. Tabor Road, Cherokee Drive, Durham Road, and Mt. Tabor Road, seconded by Council Member Branham. Vote was 6-0 to approve.

**2. JA Cochran Bypass High visibility street signage at each major intersection of the bypass.**

This was taken as information only.

**3. Guard Rail installation at the Lewis turnout**

This was taken as information only.

**7. New Business**

**a. Richburg Substation Estimate for Concrete and Drain for Parking Lot-John Agee**

John Agee stated Council had agreed to pave the parking lot with C-Fund money back when the plan for the fire station was in motion but, after learning from the Attorney General of the State of South Carolina C-Funds cannot be used to pave parking lots. The quote from Walt Whitman to install the drain for the parking lot is \$65,000 dollars. Mr. Agee stated they borrowed \$400,000 dollars to build the fire station but this did not cover everything. Marion Sims Foundation donated a \$20,000 dollar grant to have the well and septic tank installed, other donors have donated \$200,000 to pay on the loan. The building is almost complete but they still need the parking lot, the handicap parking must be paved.

Mr. Agee stated the area is growing and this fire station will be a critical aspect to the community. Council Member Oliphant asked why they could not use the C fund to pave the whole parking lot, County Attorney Winters stated the letter received back from the Attorney General's office asking if they could use C fund money to pave parking lots since this would be egress and ingress was lukewarm. Attorney Winters stated the Attorney General stated in his letter what you are proposing may work or may not work. Council Member Oliphant proposed finding out how much it would cost to pave the whole parking lot. Council Member Oliphant motioned to approve using C fund money, seconded by Council Member Branham. Council Member Wilson asked Attorney Winters if the Attorney General did not agree with the Council's decision what would the consequences be and if there would be any additional penalties. Attorney Winters stated the Council would have to refund the amount and it would come out of County coffers and was not aware of any additional penalties.

L B Cannon stated if the Council were to do this, the Attorney General could take the administered C fund and give it back to SCDOT. He suggested Attorney Winters showing Herbert Cooper in the C Fund Department the letter from the Attorney General and get his opinion to whether they could use the C funds to pave the whole parking lot. Attorney Winters agreed, stating if Mr. Cooper signed off, this would be the safer route to go. Council Member Branham withdrew his second. Council Member Oliphant amended his motion to approve the C fund to pay for the project pending C Fund Manager approval, seconded by Council Member Branham. Vote was 6-0 to approve.

**b. EMS Tower Lease**

Britt Lineberger stated they have been having issues using VHF communications for a long time and would like to have this lease agreement to use tower space for UHF with Rock Communications. The company is offering UHF through the lease. The system has been tested and works, they would keep the VHF system. Council Member Branham motioned to approve with the corrections to the lease, seconded by Council Member Lucas. Vote was 6-0 to approve.

**8. Boards and Commissions**

**a. Appoint John Davis to the Airport Commission- Council Member Wilson**

Council Member Wilson motioned to approve John Davis, seconded by Council Member Branham. Vote was 6-0 to approve.

**b. Appoint Walker Thompson, Jr to the Recreation and Parks Advisory Board**

Council Member Wilson motioned to approve Walker Thompson, seconded by Council Member Jordan. Vote was 6-0 to approve.

**c. Re-appoint Elizabeth Claytor to the Accommodation Tax Committee-Council Member Oliphant**

Council Member Oliphant motioned to approve Elizabeth Claytor, seconded by Council Member Guy. Vote was 6-0 to approve.

**9. Executive Session- Council Member Branham motioned to go into Executive Session, seconded by Council Member Lucas. Vote was 6-0 to approve, Time was 7:09 PM**

- a. To Receive Legal Advice Concerning Speculative Building
- b. Economic Development Matter...Project 1641
- c. Receive Legal Update On Pending Lawsuits Against the County
- d. To Receive Legal Advice Concerning the Demolition of the Chester Cove

**10. Councils Actions Following Executive Session- Council Member Lucas motioned to go back into Regular Session, seconded by Council Member Guy. Vote was 6-0 to approve, Time was 9:08 PM**

- a. Actions taken on Legal Advice Concerning Speculative Building  
No action was taken; information only.
- b. Actions taken on Economic Development Matter ...Project 1641  
No action was taken; information only.
- c. Actions Taken On Update of Pending Lawsuits Against the County  
No action was taken; information only.
- d. Actions taken on Legal Advice of the Demolition of the Chester Cove  
No action was taken; information only.

11. **Council Comments-** No Comments

12. **Adjourn-** Council Member Oliphant motioned to adjourn, seconded by Council Member Jordan. Vote was 6-0 to adjourn, Time was 9:12 PM.

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K. Shane Stuart, Chairman and  
County Supervisor

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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**