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CHESTER COUNTY COUNCIL MEETING

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

August 17, 2009

Monday

6:00 p.m.

Carlisle Roddey, Chairman – 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 July 20, 2009

Vice Chairman Lucas made a Motion to approve the Chester County Council Meeting Minutes of July 20, 2009, 2nd by Council Member Holcombe, Council vote was unanimous.

IV. Citizens Comments

There were no Citizen's Comments

V. Ordinances

1. 1st Reading of an Ordinance to Update Chester County Code Chapter 34, Floods, to Comply with the South Carolina Department of Natural Resources Flood Mitigation Program Review.

Council Member Oliphant made a motion to approve the 1st Reading of an Ordinance to Update Chester County Code Chapter 34, Floods, to Comply with the South Carolina Department of Natural Resources Flood Mitigation Program Review, 2nd by Council Member Guy, Council vote was unanimous. Council Member Oliphant asked if this was

1 to comply with the Department of Natural Resources to get help if we have a National
2 Disaster and **County Attorney Winters** replied that it was.

- 3 2. 1st Reading of an Ordinance to Regulate and Administer Excavation and Construction on
4 County Roads and Property by Private Owners, Utilities, Contractors, and other Entities;
5 to Require a Permit; and to Impose a Permit Fee

6 **Council Member Oliphant made a motion to approve the 1st Reading of an Ordinance**
7 **to Regulate and Administer Excavation and Construction on County Roads and Property**
8 **by Private Owners, Utilities, Contractors, and other Entities; to Require a**
9 **Permit; and to Impose a Permit Fee , 2nd by Council Member Branham.** Discussion:

10 **County Attorney Winters** told members of Council that this Ordinance had been requested by
11 **Council Member Oliphant** because if contractors, utility company and citizens cut up or tear up
12 a sidewalk or road this would hold them responsible. **Council Member Oliphant** then said this
13 basically refers to SCDOT standards on curb cuts and sidewalk cuts. **Council Member Oliphant**
14 stated that some utilities will do as little as possible to save money and when the County is
15 spending C-Fund monies to make these repairs we need to make sure our investment is
16 protected and once this has had three readings the City should get a copy as well. **Council**
17 **Member Guy** asked if we would charge a fee and a fee for a permit and **County Attorney**
18 **Winters** replied that we would and that it was a lot like requiring a performance bond. **Council**
19 **Member Oliphant** then said he was glad **County Attorney Winters** brought that up because a
20 department might get over loaded doing permits that maybe a notification would work and
21 **County Attorney Winters** said that would also work. **Council Member Oliphant** then said he
22 would not be opposed to sending this to all of the utility companies to let them know what we're
23 doing. **Council Member Branham** then said if we put it back on the utility companies they would
24 be the ones to check on who they're paying to do the work. **Vice Chairman Lucas** then said
25 unless the municipalities whet along we may not get full cooperation and **Council Member**
26 **Oliphant** said that since we spent C-Fund monies in the municipalities this would help. **Council**
27 **then voted and the vote was unanimous**

- 28 3. 1st Reading of an Ordinance Authorizing the Execution and Delivery of a Fee In Lieu
29 of Tax Agreement Between Chester County, South Carolina, and Poly Eastern, Inc;
30 and Other Matters Relating Thereto Including, Without Limitation, Payment of a Fee In
31 Lieu of Taxes and Granting Certain Infrastructure Credits to Poly Eastern, Inc.

32 **Chairman Roddey** stated this Ordinance was withdrawn by Poly Eastern, Inc.

- 33 4. A Resolution Authorizing the Execution and Delivery of an Inducement Agreement by
34 and Between Chester County, South Carolina and Poly Eastern, Inc., Whereby, Under
35 Certain Conditions, Chester County will Execute a Fee In Lieu of Tax Agreement for a
36 Project Involving not less than Fifty Six Million Dollars (\$56,000,000) in the Project by
37 December 31 of the Fifth Succeeding Year After the Year of the Execution of the Fee
38 Agreement and not less than Seventy Five Million Dollars (\$75,000,000) in the Project

1 by December 31 of the Seventh Succeeding Year After the Year of the Execution of the
2 Fee Agreement

3 **Chairman Roddey** stated this Resolution was withdrawn by Poly Eastern, Inc

4 5. Fee Agreement between Chester County, South Carolina and Poly Eastern, Inc.,
5 a South Carolina Corporation

6 **Chairman Roddey** stated this Fee Agreement was withdrawn by Poly Eastern, Inc

7 6. Inducement Agreement and Millage Rate Agreement

8 **Chairman Roddey** stated this Fee Agreement was withdrawn by Poly Eastern, Inc
9

10 VI. Old Business

11 1. Electronic Voting Machines Update– **Vice Chairman Lucas/Elections Director Earl**
12 **Moore**

13 **Mr. Earl Moore/Elections Director** told Council he understood some concerns about voting
14 machines but the County used ES&S iVotronic voting machines and they were used State
15 wide. He then read (enclosed with minutes) a handout he gave to Council.

16 **Council Member Guy** said she did have concerns about absentee votes and Mr. Moore
17 said they had a list and knew who voted early. **Council Member Guy** said there was a
18 mark at the bottom of the ballot that wasn't very dark and need to be darker on the absentee
19 ballots and **Mr. Moore** said he would let the people at the State level know her concerns.

20 **Vice Chairman Lucas** also said the absentee ballots were the most venerable and that the
21 broad picture concerns him and he didn't see anything wrong with asking the Federal
22 Government for a paper trail and that this was in no way a reflection on Mr. Moore but that
23 there are computer experts that can make a computer do anything. **Vice Chairman Lucas**
24 wanted a letter sent from Chester County to State Officials asking for a verified paper trail.

25 **Mr. Moore** said he was seriously involved in security implementation and that in 2005 and
26 again in 2007 a bill was defeated that ask for this because no problems could be found.
27 He then invited all Council Members to come to his office and see if they could breach one of
28 the machines. The machines have five security checks and everyone is trained to look for
29 and observe all security checks on the machines. Vote buying and election rigging was
30 discussed briefly and **Mr. Moore** told Council Members who could guarantee a paper ballot
31 was credible, paper was a problem. **Vice Chairman Lucas** then said he appreciated the
32 information from **Mr. Moore** and he wasn't pointing a finger at him but the broad picture was,
33 it could happen. At this time, **Vice Chairman Lucas made a Motion that Council receive**
34 **this as information from Mr. Moore, 2nd by Council Member Oliphant, Council vote was**
35 **unanimous.**
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1 **Third Reading: From Meeting of June 16, 2009**

2 2. Planning Commissions Recommendation to County Council

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Commission **Council**
Vote **Vote**
6-0 to approve 6-0 to approve

9 **MAP AMENDMENT # CCMA09- 0009**

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11 **From: R2 (Rural Two) to GC (General Commercial)**

12 **Name:Shawn Grigsby**

13 **Tax Map..... 146-00-00-008-000**

14 **Location.....One Lot located at 5113 Thrailkill South Rd, Ft. Lawn, SC**

15 **Council Member Guy made a Motion to approve 3rd and final Reading of Planning**

16 **Commission’s recommendations on Map Amendment #CCMA09-0009, 2nd by**

17 **Vice Chairman Lucas, Council vote was unanimous.**

18

19 3. **Third Reading: From Meeting of June 16, 2009**

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Commission **Council**
Vote **Vote**
6-0 to approve 6-0 to approve

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25 **MAP AMENDMENT # CCMA09- 0007**

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27 **From: R2 (Rural Two) to GC (General Commercial)**

28 **Name:Shawn Grigsby**

29 **Tax Map..... 146-00-00-010-000**

30 **Location.....One Lot located at 5106 Thrailkill South Rd, Ft. Lawn, SC**

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32 **Vice Chairman Lucas made a Motion to approve 3rd and final Reading of Planning**

33 **Commission’s recommendations on Map Amendment #CCMA09-0007, 2nd by**

34 **Council Member Holcombe, Council vote was unanimous.**

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36 4. **Third Reading: From Meeting of June 16, 2009**

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Commission **Council**
Vote **Vote**
5-0 to Deny 6-0 to Uphold to
Deny

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43 **MAP AMENDMENT # CCMA09- 0006**

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45 **From: RS1 (Single Family) to R2 (Rural Two)**

46 **Name: Jeheil E. Taylor**

1 Tax Map..... 079-04-03-002-000
2 Location.....0.506 acres located at 616 Morningside Dr, Chester, SC

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4 Council Member Holcombe made a Motion to approve 3rd and final Reading of Planning
5 Commission’s recommendations on Map Amendment #CCMA09-0006, 2nd by
6 Council Member Guy, Council vote was unanimous.

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8 5. Third Reading: From Meeting of June 16, 2009

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10 Commission Council
11 Vote Vote
12 6-0 To approve 6-0 to approve

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14 MAP AMENDMENT # CCMA09- 0010

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16 From: R2 (Rural Two) to GC (General Commercial)
17 Name:Donald Collins
18 Tax Map..... 146-00-00-009-000
19 Location.....One Lot located at 5122 Thrailkill South Rd, Ft. Lawn, SC

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21 Council Member Guy made a Motion to approve 3rd and final Reading of Planning
22 Commission’s recommendations on Map Amendment #CCMA09-0010, 2nd by
23 Council Member Jordan, Council vote was unanimous.

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25 6. Third Reading: From Meeting of June 16, 2009

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27 Commission Council
28 Vote Vote
29 6-0 To approve 6-0 to approve

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32 MAP AMENDMENT # CCMA09- 0008

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34 From: R2 (Rural Two) to GC (General Commercial)
35 Name:Shawn Grigsby
36 Tax Map..... 146-00-00-050-000
37 Location.....One Lot located at Thrailkill South Rd, Ft. Lawn, SC

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39 Council Member Jordan made a Motion to approve 3rd and final Reading of Planning
40 Commission’s recommendations on Map Amendment #CCMA09-0008, 2nd by
41 Council Member Branham, Council vote was unanimous.

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1 **7. Third Reading: From Meeting of June 16, 2009**

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3 **Commission** **Council**
4 **Vote** **Vote**
5 **6-0 To approve** **6-0 to approve**
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7 **TEXT AMENDMENT #CCT09-0005** amending the *Chester County Zoning Ordinance*
8 *2000* by moving Article VI 5-600 thru 5-613 Sexually Oriented Business and adding to
9 Chapter 4-117 General Commercial District as special exception # 4

10 **Council Member Branham made a Motion to approve 3rd and final Reading of Planning**
11 **Commissions recommendations on Text Amendment #CCT09-0005, 2nd by**
12 **Council Member Jordan, Council vote was unanimous.**

13 **VII. New Business**

- 14 1. From CCTC: Approval of 2009-2010 25% C-Fund Monies for State Roads:
15 a. 1st Street, Great Falls
16 b. Underwood , Great Falls
17 c. Blaney Rd., Chester

18 **Chairman Roddey** stated Mr. Cannon was going to get further information on exact
19 cost to repair these State Roads.

20 Approval of low bidder for RIP 2009 Contract

21 **Council Member Oliphant made a Motion to approve the low bidder for the RIP 2009**
22 **Contract to Boggs for \$764,100.65, 2nd by Council Member Guy, Council vote was**
23 **unanimous.**

24 Permission to advertise: Rodman Sports Complex Project and Richburg fire
25 and Stone Road Transfer Lots

26 **Council Member Branham made a Motion to allow the Dennis Corporation to**
27 **advertise: Rodman Sports Complex Project, Richburg Fire Station, and Stone Road**
28 **Transfer Lots , 2nd by Council Member Jordan, Council vote was unanimous.**

- 29 2. Lease on Compactor for Landfill

30 **Jerry Baker/Finance Director** came before Council to request to proceed with a lease
31 purchase plan on a Landfill Compactor priced at \$723,216.31. Payments would be made
32 once a year and monies would come from the Enterprise Fund. **Council Member Oliphant**
33 **made a Motion to allow Mr. Baker to proceed with the lease purchase plan on the**
34 **compactor, 2nd by Council Member Holcombe, Council vote was unanimous.**

- 35 3. Change in Organizational Chart – Sheriff's Department Staff

36 **Sheriff Richard Smith** requested several changes in the Organizational Chart for the Sheriff's
37 Department and Detention Center saying he was not adding personnel just deleting one position
38 to another position. He was deleting a Lt. and adding an Administrative Assistant.

1 **Council Member Holcombe made a Motion to approve the Changes in the Organizational**
2 **Chart for the Sheriff's Department Staff, 2nd by Council Member Oliphant, Council vote was**
3 **unanimous.**

4 4. Dwellings unfit for Human Habitation Demolition and Liens

5 **Council Member Oliphant** asked this be removed from the Agenda.

6 5. Grant for Demolition of houses

7 **Council Member Oliphant** asked Council's blessing to go out and look for a Demolition

8 Grant. **Council Member Branham made the Motion to allow Council Member Oliphant**
9 **to look for Demolition Grants, 2nd by Vice Chairman Lucas, Council vote was unanimous.**

10 6. Economic Development Quarterly Update

11 **Karlisa Parker/Economic Development Director** apologized for the report being

12 late. **Ms. Parker** gave Council a handout (included with minutes) and after going over

13 the handout asked if there were any questions. **Council Member Oliphant** asked if the

14 Mega Site would heavy rail users be a must and Ms. Parker replied in her opinion,

15 value added food would be. **Council Member Oliphant** then asked on the Grant from

16 Blue Cross Blue Shield what was the total and **Ms. Parker** replied \$310,000. **Council**

17 **Member Branham** then commended **Ms. Parker** and her team on being one of the best

18 in the State.

19 **VIII. Executive Session**

20 **Chairman Roddey** stated two matters needed to be discussed in Executive Session:

21 1. Economic Development/Legal Matter: Re: Purchase of Land

22 2. Legal Matter: Re: Purchase of Land

23 **Council Member Holcombe made a Motion to go into Executive Session, 2nd by Council**
24 **Member Guy, Council vote was unanimous.** Time was approximately 7:33 p.m.

25 1. Economic Development/Legal Matter: Re: Purchase of Land

26 2. Legal Matter: Re: Purchase of Land

27 Council returned from Executive Session at approximately 8:10 p.m.

28 **Council Member Guy made a Motion to return to Regular Session, 2nd by Vice**
29 **Chairman Lucas, Council vote was unanimous**

30 **Chairman Roddey** stated in Executive Session two matters had been discussed

31 regarding land for Economic Development and authorized Ms. Parker to work with

32 perspective clients regarding the buying and selling of land.

33 **IX. Council Members Comments**

34 There were no Council Members Comments

35 **X. Adjournment**

36 **Vice Chairman Lucas made a Motion to adjourn, 2nd Council Member Oliphant Holcombe**
37 **vote was unanimous.** Time was approximately 8:15 pm

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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-Snipes, CCC
Clerk to Chester County Council

Chester County Council Meeting of August 17, 2009