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CHESTER COUNTY COUNCIL MEETING

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

May 4, 2009
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 Holcombe
County Attorney Winters

Absent:

Council Member Branham

Sound System Not Working Properly, Not Able to Hear and Tapes Not Audible because of System

I. Call to Order

II. Pledge of Allegiance & Invocation

After the Invocation, **Chairman Roddey** said a Grant for a new Fire Truck needed to added to the agenda under New Business.

Vice Chairman Lucas then made the Motion to add the Grant for a new Fire Truck to the agenda, 2nd by Council Member Holcombe, Council vote was unanimous.

III. Approval of Minutes

1. Chester County Council Meeting Minutes of April 20, 2009

Council Member Jordan said on page 4 of the April 20 Council Meeting Minutes, he asked if the Spec Building was on the Web Site, not was a Spec Building up and asked that the minutes be changed to reflect this. So noted by Clerk to Council and corrected.

Vice Chairman Lucas made the Motion to approve the Chester County Council Meeting Minutes of April 20, 2009 with the change noted by Council Member Jordan, 2nd by Council Member Guy, Council vote was unanimous.

1 **IV. Citizens Comments**

2 **Mr. Paul Singh**, Executive Inn Owner, said he was very concerned with the economic
3 conditions in Chester County. He said that his customers were not happy with the 11%
4 tax they had to pay and that business was bad and he was borrowing money to keep
5 going. Mr. Singh stated he had not seen any new business in a long while and he would
6 like to have something positive to tell his customers.

7 **Mr. Lakhwinder Singh**, Lowry’s One Stop Owner said he had just purchased his business
8 and that he was new to the area from Canada, but also had the same concerns as Mr.
9 Paul Singh.

10 **Mr. John Agee** thanked Council and the County Supervisor for their support when his
11 Mother recently passed away. Mr. Agee said that his Mother had laid the foundation for
12 people to be able to trace their heritage in this County. **County Supervisor Roddey** told
13 Mr. Agee that his Mother was a good woman and will be missed. **Council Member**
14 **Oliphant** said he had received an-email from Scott Coleman and that Scott had said his
15 mentor had passed and that her favorite saying was “Son the Mighty Catawba and Broad
16 Rivers are Bookends to me for I care about it all” and **Council Member Oliphant** said
17 he really liked that statement that it spoke volumes.

18 **V. Public Hearing**

19 **Chairman Roddey** opened the Public Hearing on:
20 An Ordinance to Provide for the Transfer of Full Authority to the Chester
21 County Election Commission for the Conduct of Municipal Elections for the City of
22 Chester
23 There were no speakers; therefore, **Chairman Roddey** closed the Public Hearing.

24 **VI. Ordinances & Resolutions**

- 25 1. 3rd Reading of an Ordinance to Provide for the Transfer of Full Authority to the Chester
26 County Election Commission for the Conduct of Municipal Elections for the City of
27 Chester
28 **Council Member Guy made a Motion to approve 3rd and Final Reading of an**
29 **Ordinance to Provide for the Transfer of Full Authority to the Chester County**
30 **Election Commission for the Conduct of Municipal Elections for the City of Chester,**
31 **2nd by Council Member Jordan, Council vote was unanimous.**
32 2. 2nd Reading of an Ordinance to Amend that Certain Agreement for the Development
33 of a Joint Industrial and Business Park between York County and Chester County
34 dated December 5, 2005
35 **Vice Chairman Lucas made a Motion to approve 2nd Reading of an Ordinance**
36 **to Amend that Certain Agreement for the Development of a Joint Industrial and**
37 **Business Park between York County and Chester County dated December 5, 2005,**

1 2nd by Council Member Holcombe, Council vote was unanimous.

2 3. 2nd Reading of an Ordinance on the Forfeited Land Commission
3 **Chairman Roddey** asked **County Attorney Winters** to briefly explain the purpose
4 of this Ordinance. **County Attorney Winters** replied that this Ordinance would
5 repeal Act 190 that was written in 1945 that says the Forfeited Land Commission
6 had to sell property at a public auction. **County Attorney Winters** went on to say
7 that Home Rule of 1975 says the Forfeited Land Commission does not have to do
8 that and that the Forfeited Land Commission can sell property when it's in the best
9 interest of Chester County.

10 Vice Chairman Lucas made a Motion to approve 2nd Reading of an Ordinance
11 on the Forfeited Land Commission, 2nd by Council Member Holcombe.

12 Discussion: **Vice Chairman Lucas** asked the County Attorney if Council would have the
13 final say on industrial property and **County Attorney Winters** said she would have to
14 research this. **Vice Chairman Lucas** then said he would appreciate her doing that
15 because in the past in his opinion "the Forfeited Land Commission has made a
16 mess out of some sales if industrial property and that has gotten Chester County
17 in a legal mess and that he felt that Council should get involved in industrial
18 property sales because Chester County did not need this burden".

19
20 **VII. Old Business**

21 1. Planning Commissions Recommendation to County Council

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23 Third Reading: From Meeting of March 17, 2009

	<u>Commission</u>	<u>Council</u>
	<u>Vote</u>	<u>Vote</u>
	4-0 to DENY	5-0 to Uphold
		Planning Commissions
		Recommendations

30
31 MAP AMENDMENT # CCMA09- 0004

32
33 **From: RG1 (Multi Family) to R2 (Rural Two)**

34
35 **Name:** Daniel Clayton

36 **Tax Map**..... 069-03-00-033-000

37 **Location**..... One lot located on the corner of Pineridge Rd and Linden Dr in Chester, SC

38
39 Vice Chairman Lucas made a Motion to approve 3rd Reading of Planning
40 Commission Recommendations on Map Amendment #CCMA09-0004, 2nd by Council
41 Member Oliphant, Council vote was unanimous

1 **VIII. New Business**

2 1. **Planning Commissions Recommendation to County Council**

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5 **First Reading: From Meeting of** April 21, 2009

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

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14 **TEXT AMENDMENT #CCT09-0001** amending *Chester County Land Development*
15 *Regulations* Article 3-1 (1) b. deleting (compliance with requirements for citizen
16 participation for subdivision or development plan involving 10 or more lots, as set forth
17 in section 3-9) and deleting Article 3-9 thru 3-9.4 Citizens Participation Plan

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20 **Council Member Oliphant made a Motion to approve 1st Reading of Planning**
Commission Recommendations on Text Amendment #CCMT09-0001, 2nd by Council
21 **Member Jordan, Council vote was unanimous**

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

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29 **TEXT AMENDMENT #CCT09-0002** amending *Chester County Land Development*
30 *Regulations* Article 3-1 (2) Review and approval of Preliminary Plat *adding* (adjacent
31 landowners must be notified 15 days prior to Preliminary meeting with Planning
32 Commission.)

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35 **Council Member Oliphant made a Motion to approve 1st Reading of Planning**
Commission Recommendations on Text Amendment #CCMT09-0002, 2nd by Council
36 **Member Guy, Council vote was unanimous**

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39 **First Reading: From Meeting of** April 21, 2009

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

1 **TEXT AMENDMENT #CCT09-0003** amending the *Chester County Zoning Ordinance*
2 *2000* to require Article 5-600 Sexually Oriented Businesses in General Commercial as a
3 Special Exception listed as # 4 in the General Commercial District Regulations.

4
5 **Mr. Mack Paul, Planning and Zoning Director** explained to Council that in the past Chester
6 County has permitted use of sexually oriented businesses in General Commercial, but this
7 change will have anyone wanting to open up this type of business to have to go before the
8 Zoning Board and ask for a Special Exception.

9 **Council Member Guy made a Motion to approve 1st Reading of Planning**

10 **Commission Recommendations on Text Amendment #CCMT09-0003, 2nd by Council**

11 **Member Jordan.**

12 Discussion: **Council Member Oliphant** then said that legally you couldn't "rezone anyone out"
13 but we'd have to have a place these places are allowed. **County Attorney Winters** then said
14 SOB's (Sexually Oriented Businesses) are protected under the 1st Amendment and that we would
15 have to be very careful. She said she would check this out before the next meeting because this
16 may be challenged. **Mr. Paul** then said "so some of the verbiage may need to be changed" and
17 **County Attorney Winters** replied "yes". **Council Member Jordan** said he had a concern with
18 General Commercial going into Residential areas because we had done this before and would
19 suggest new verbiage from the County Attorney. **Council Member Oliphant** asked if Council
20 could change the verbiage at this meeting and **County Attorney Winters** replied "no" but they
21 could make recommendations to go back to the Planning Commission. **Vice Chairman Lucas**
22 suggested they do that and County Supervisor asked if they could approve as 1st Reading with
23 the suggestion that it go back to the Planning Commission and **County Attorney Winters** replied
24 they could if **Council Member Jordan** withdrew his 2nd and **Council Member Guy** her Motion
25 and made a new Motion. **Council Member Jordan** withdrew his 2nd and **Council Member Guy**
26 **her Motion.**

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29 **Council Member Guy then made a Motion to approve 1st Reading of Text Amendment**
30 **CCT09-0003 with the necessary changes as discussed, 2nd by Council Member Jordan,**
31 **Council vote was unanimous.**

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

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37 **TEXT AMENDMENT #CCT09-0004** amending the *Chester County Zoning Ordinance*
38 *2000* by adding to Article 5-610 a. A sexually oriented business may be located only
39 within a GC- General Commercial district. adding: **as a Special Exception**

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41 **Council Member Guy then made a Motion to approve 1st Reading of Text Amendment**

1 **CCT09-0004 with the same changes as discussed in Text Amendment CCT09-003, 2nd by**
2 **Council Member Jordan, Council vote was unanimous**

3 2. Utility cuts on sidewalks

4 Clerk to Council could not hear all that **Council Member Oliphant** had to say because of
5 the sound system.

6 **Council Member Oliphant** said this was a subject that he had brought up previously and
7 that he felt the utility companies were not repairing cuts they made properly. He also
8 said he would like to involve the State because they had to repair their cuts and wanted
9 to notify the City once we had an Ordinance in place that had “teeth in it”.

10 **Council Member Oliphant made a Motion for the County Attorney to research old**
11 **legislation on this subject and prepare an Ordinance “with teeth in it”, 2nd by**
12 **Council Member Holcombe, Council vote was unanimous.**

14 3. Request for Approval for Grant from Chester Healthcare Foundation

15 **Sheriff Smith** said this Grant was for 54 units of “Body Fluid” clean up Totes and it
16 was a zero match. **Council Member Oliphant made a Motion to allow the Sheriff to**
17 **apply for the Grant from the Chester Healthcare Foundation with zero match, 2nd by**
18 **Vice Chairman Lucas, Council vote was unanimous.**

19 Added to the Agenda:

20 Request from **Mr. Jamie Walton** to approve Grant for Fire Truck

21 **Mr. Walton** came before Council and said he had just received information that the
22 Lewis Fire Department could apply to Homeland Security for a Pumper Truck and
23 that this (if they were granted the monies) would lower the ISO Rating for this area.

24 **Mr. Walton** said it was a 5% match which would be approximately \$11,500.

25 **Council Member Guy made the Motion to allow Mr. Walton to apply for the Grant**
26 **for a Pumper Truck with a 5% match, 2nd by Council Member Oliphant, Council vote**
27 **was unanimous.**

28 **IX. Boards & Commissions Appointments & Re-Appointments**

29 1. A-Tax Commission

30 **Council Member Guy made a Motion to nominate Cheryl Addison to the**
31 **A-Tax Commission, 2nd by Vice Chairman Lucas, Council vote was unanimous.**

32 2. Recreation Advisory Commission

33 **Vice Chairman Lucas made a Motion to nominate Joshua Heffner to the Recreation**
34 **Advisory Commission, 2nd by Council Member Guy, Council vote was unanimous.**

35 **X. Council Members Comments**

36 **Chairman Roddey** informed Council Members that the bid opening for the new jail
37 was on Tuesday, April 28 and that the low bidder was McCarroll Construction but
38 he had to pull his bid. The architectures are now working with the next lowest bidder,

1 Matthews Construction to try and get them around \$10.0M. **Chairman Roddey** also
2 informed Council Members that the bid on the Bond (1 cent sales tax) will be on May
3 13th at noon.

4 **Council Member Guy** then said that hopefully local people will be hired for the
5 construction jobs once the new jail gets started and **Chairman Roddey** agreed.

6 **XI. Adjournment**

7 **Vice Chairman Lucas made a Motion to adjourn, 2nd Council Member Guy Council**
8 **vote was unanimous.** Time was approximately 7:10 pm

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

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23 _____
24 **R. Carlisle Roddey**
25 **Chairman, Chester**
26 **County Council**

Carolyn S. Clayton-Snipes, CCC
Clerk to Chester County Council

26

27 Chester County Council Meeting of May 4, 2009