



## CHESTER COUNTY COUNCIL MEETING

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

October 5, 2009

Monday

6:00 p.m.

Carlisle Roddey, Chairman – Presiding

### Minutes

**In Attendance:**

Chairman Roddey

Vice Chairman Lucas  
Council Member Guy  
Council Member Jordan  
Council Member Oliphant  
Council Member Holcombe

**Absent:**

Council Member Branham  
County Attorney Winters

### I. Call to Order

### II. Pledge of Allegiance & Invocation

Chairman Roddey stated at this time, that **Council Member Branham** and **County Attorney Winters** were on an Economic Development trip and would not be at the meeting.

### III. Approval of Minutes

1. Chester County Council Meeting Minutes of September 21, 2009

**Vice Chairman Lucas made a Motion to approve the Chester County Council Meeting Minutes of September 21, 2009, 2<sup>nd</sup> by Council Member Jordan, Council vote was unanimous.**

### IV. Citizens Comments

There were *no Citizens Comments*.

### V. Public Hearing

**Chairman Roddey** opened the Public Hearing on:

1. The issuance by the Issuer from time to time of one or more series of its Economic Development Revenue Bonds (the "Bonds") in an aggregate principal amount not to exceed \$10,000,000, the proceeds of which will be made available to the Institute for Business and Home Safety, an Illinois nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Borrower"). The proceeds of the Bonds will be used by the Borrower to defray the costs of acquiring, constructing and equipping a state-of-the-art , multi-peril applied research and training laboratory to be located at 5721 Richburg Road, Richburg, South Carolina (the "Project"). The Borrower will be the initial owner and operator of the Project. The Borrower will unconditionally covenant to make payments sufficient to pay the principal of and interest on the Bonds. The Bonds will be payable by the Issuer solely and exclusively out of payments to be made by the Borrower and are to be secured, *inter alia*, by a security interest in the revenues derived by the Issuer from the Borrower in connection with the Project. The Bonds do not constitute an indebtedness of the State of, the County, or any other political subdivision of the State of South Carolina within the meaning of any state constitutional provision or statutory limitation or constitute or give rise to any pecuniary liability of such entities South Carolina, the Issuer or a charge against the general credit or taxing powers of any such entity.

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

**Chairman Roddey** opened the next Public Hearing on:

2. An Ordinance to Update Chester County Code Chapter 34, Floods, to Comply with the South Carolina Department of Natural Resources Flood Mitigation and FEMA Requirements (Part 2)

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

**Chairman Roddey** then opened the Public Hearing on:

3. An Ordinance Authorizing the Execution and Delivery of a Fee In Lieu of Tax Agreement Between Chester County, South Carolina, and Poly Eastern, Inc; and Other Matters Relating Thereto Including, Without Limitation, Payment of a Fee In Lieu of Taxes and Granting Certain Infrastructure Credits to Poly Eastern, Inc.

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

4. An Ordinance To Amend the Boundaries of the Chester Fire District, to Exclude from said Fire District Certain Economic Development Property Owned by Mars Partners LTD, and Other Matters Relating Thereto

**Chairman Roddey** then opened the Public Hearing on the following Ordinance:

5. An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of October 5, 2009 by and Between Chester County, South Carolina and Southeastern Petroleum LLC, Providing for a Payment of a Fee in Lieu of Taxes and an Infrastructure Credit

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

## **VI. Ordinances**

1. 3<sup>rd</sup> Reading of an Ordinance Authorizing the Execution and Delivery of a Fee In Lieu of Tax Agreement Between Chester County, South Carolina, and Poly Eastern, Inc; and Other Matters Relating Thereto Including, Without Limitation, Payment of a Fee In Lieu of Taxes and Granting Certain Infrastructure Credits to Poly Eastern, Inc.  
**Council Member Oliphant made a Motion to approve 3<sup>rd</sup> and final reading of an Ordinance Authorizing the Execution and Delivery of a Fee In Lieu of Tax Agreement Between Chester County, South Carolina, and Poly Eastern, Inc; and Other Matters Relating Thereto Including, Without Limitation, Payment of a Fee In Lieu of Taxes and Granting Certain Infrastructure Credits to Poly Eastern, Inc., 2<sup>nd</sup> by Vice Chairman Lucas, Council vote was unanimous.**
2. 3<sup>rd</sup> Reading of An Ordinance To Amend the Boundaries of the Chester Fire District, to Exclude from said Fire District Certain Economic Development Property Owned by Mars Partners LTD, and Other Matters Relating Thereto  
**Council Member Guy made a Motion to approve 3<sup>rd</sup> and final reading of an Ordinance to Amend the Boundaries of the Chester Fire District, to Exclude From said Fire District Certain Economic Development Owned by Mars Partners LTD, and Other Matters Relating Thereto, 2<sup>nd</sup> by Vice Chairman Lucas, Council vote was unanimous.**
3. 3<sup>rd</sup> 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 Holcombe made a Motion to approve 3<sup>rd</sup> and Final 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, 2<sup>nd</sup> by Council Member Guy, Council vote was unanimous.**
4. 3<sup>rd</sup> Reading of an Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of October 5, 2009 by and Between Chester County, South Carolina and Southeastern Petroleum LLC, Providing for a Payment of a Fee in Lieu of Taxes and an Infrastructure Credit  
**Vice Chairman Lucas made a Motion to approve 3<sup>rd</sup> and Final Reading of an Ordinance to Authorizing the Execution and Delivery of a Fee Agreement Dated as of October 5, 2009 be and Between Chester County, South Carolina and Southeastern Petroleum LLC, Providing for a Payment of a Fee in Lieu of Taxes and**

**an Infrastructure Credit, 2<sup>nd</sup> by Council Member Jordan, Council vote was unanimous.**

6. 1<sup>st</sup> Reading of An Ordinance to Amend That Certain Agreement for the Development of a Joint Industrial and Business Park Between Chester County and York County Dated December 5, 2005 to add Southeastern Petroleum Tract

**Vice Chairman Lucas made a Motion to approve 1<sup>st</sup> Reading of an Ordinance to Amend That Certain Agreement for the Development of a Joint Industrial and Business Park Between Chester County and York County Dated December 5, 2005 to add Southeastern Petroleum Tract, 2<sup>nd</sup> by Council Member Holcombe, Council vote was unanimous.**

7. An Amendment to Agreement for the Development of a Joint Industrial and Business Park Dated December 5, 2005 adding Southeastern Petroleum Tract (Chester and York Counties

**Vice Chairman Lucas made a Motion to approve An Amendment to Agreement for the Development of a Joint Industrial and Business Park Dated December 5, 2005 adding Southeastern Petroleum Tract (Chester and York Counties), 2<sup>nd</sup> by Council Member Guy.** Discussion: **Council Member Guy** asked what was the difference between the Amendment and the Ordinance they just voted on and **Council Member Oliphant** said the Ordinance would need three readings. **Council then voted and the vote was unanimous.**

8. A Resolution in Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Institute for Business and Home Safety (IBHS Project), Series 2009 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 \$10,000,000

**Council Member Oliphant 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 Bonds (Institute for Business and Home Safety (IBHS Project), Series 2009 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 \$10,000,000, 2<sup>nd</sup> by Vice Chairman Lucas.** Discussion: **Council Member Jordan** asked the Attorney for Nexsen Pruet, Mr. Chikhilikar, if the loan was contingent upon eligibility requirements, had the requirements been met and Mr. Chikhilikar stated that most have and before closing all requirements will have been met. **Council then voted and the vote was unanimous.**

## VII. Old Business

### 1. **2009 PLANNING COMMISSIONS RECOMMENDATION TO COUNTY COUNCIL**

**Second Reading: From Meeting of September 15, 2009**

<b><u>Commission</u></b>	<b><u>Council</u></b>
<b><u>Vote</u></b>	<b><u>Vote</u></b>
<b>5-0 to approve</b>	<b>5-0 to approve</b>

**TEXT AMENDMENT #CCT09-0005** amending *Chester County Comprehensive Plan 2005-2025* by adding Carolina Thread Trail to Parks and Recreation Areas.

**Vice Chairman Lucas made a Motion to approve 2<sup>nd</sup> Reading of Text Amendment #CCT09-0005, 2<sup>nd</sup> by Council Member Guy.** Discussion: **Council Member Jordan** said there were some trails around Oliphant's Lake and asked if they were included. **Council Member Oliphant** said not yet but they'd like to add them. **Chairman Roddey** then said the Committee would need to get approval from the Department of Natural Resources. **Council then voted and the vote was unanimous.**

## VIII. Boards & Commissions

### 1. Zoning Board of Appeals

**Council Member Holcombe made a Motion to appoint Troy J. Roberts to the Zoning Board Of Appeals, replacing John D. Clayton, 2<sup>nd</sup> by Council Member Oliphant, Council vote was Unanimous.**

## IX. Executive Session

**Chairman Roddey** stated Council would adjourn to Executive Session to discuss:

### 1. Personnel Matter: Re: Restructuring Sheriff's Dept.

**Vice Chairman Lucas Made a Motion to go into Executive Session, 2<sup>nd</sup> by Council Member Holcombe, Council vote was unanimous.** Time was approximately 6:17pm

Council returned from Executive Session at approximately 6:40pm and **Vice Chairman Lucas made a Motion to return to Regular Session, 2<sup>nd</sup> by Council Member Guy, Council vote was unanimous.**

**Chairman Roddey** stated that a Personnel Matter regarding Restructuring the Sheriff's Department had been discussed in Executive Session with no change in monies. At this time **Council Member Oliphant made a Motion to approve the change in the Organization Chart for the Sheriff's Department, 2<sup>nd</sup> by Council Member Holcombe, Council vote was Unanimous.**

## **X. Council Members Comments**

**Chairman Roddey** reminded everyone that the Youth Jam would be at the Chester High School on Tuesday and Wednesday of this week and Free Day at the Landfill on Saturday, October 10<sup>th</sup>.

## **XI. Adjournment**

**Council Member Holcombe made a Motion to adjourn, 2<sup>nd</sup> Council Member Oliphant vote was unanimous.** Time was approximately 6:43 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**

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**R. Carlisle Roddey**  
**Chairman, Chester**  
**County Council**

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**Carolyn S. Clayton, CCC**  
**Clerk to Chester County Council**

Chester County Council Meeting of October 5, 2009