

# CHESTER COUNTY COUNCIL MEETING

## **R. Carlisle Roddey Chester County Government Complex**

1476 J.A. Cochran Bypass Chester, SC 29706

**Monday October 4<sup>th</sup>, 2021 at 6:00PM**

### **Agenda**

Interim Supervisor Dr. Wylie Frederick Presiding

1. **Call to Order**
2. **Pledge of Allegiance and Invocation**
3. **Approval of Minutes** – September 20<sup>th</sup>, 2021 Council Minutes.
4. **Citizen Comments**
5. **Public Hearing**
  - a. **3<sup>rd</sup> Reading of 2021-11** An Ordinance To Amend The Master Agreement Governing The York-Chester Industrial Park Between Chester County, South Carolina And York County, South Carolina So As To Enlarge The Park.
6. **Ordinances/Resolutions/Proclamations**
  - a. **3<sup>rd</sup> Reading of 2021-11** An Ordinance To Amend The Master Agreement Governing The York-Chester Industrial Park Between Chester County, South Carolina And York County, South Carolina So As To Enlarge The Park.
  - b. **1<sup>st</sup> Reading of 2021-6** An Ordinance Authorizing (1) The Execution And Delivery Of A Second Amendment To That Certain Special Source Credit Agreement Previously Entered Into By And Between Chester County, South Carolina And Insurance Institute For Business And Home Safety; And (2) Other Matters Related Thereto.
7. **Old Business**
  - a. **3<sup>rd</sup> Reading of CCMA21-27** Chris and Alma Hoskins request Tax Map # 122-01-03-010-000 located at 4431 Edgeland Road, Edgemoor SC be rezoned from R2 (Rural Two) to GC (General Commercial). *Planning Commission voted 4-0 to approve.*
8. **New Business**
  - a. **1<sup>st</sup> Reading of CCMA21-28:** Mattie Howze request Tax Map # 160-00-00-025-000 located at Georgetown Rd, Great Falls SC to be rezoned from R1 (Rural 1) to RG-2 (General Residential). *Planning Commission voted 6-0 to approve.*
  - b. **1<sup>st</sup> Reading of CCMA21-29:** Leonard Stevens Bishop request Tax Map # 079-00-00-032-000 located on Village Dr, Chester SC to be rezoned from RG-1 (Multi-family Residential) to LC (Limited Commercial). *Planning Commission voted 6-0 to approve.*
  - c. **1<sup>st</sup> Reading of CCMA21-30:** Nate McDaniel request Tax Map # 060-00-02-010-000 located at 1047 Pinckney Rd, Chester SC to be rezoned from R2 (Rural 2) to ID-3 (General Industrial). *Planning Commission voted 5-1 to approve with a reverter clause once the business is no longer in existence (leveling the lot and removing gravel), it will revert back to R2.*

9. **Boards and Commissions**

- a. Appointment to the Catawba Mental Health Board-County Council.

10. **Executive Session**

- a. Receive legal advice regarding the APRA. Attorney Winters.
- b. Receive legal advice regarding the CFC. Attorney Winters.
- c. Receive legal advice regarding Capital Projects. Attorney Winters.
- d. Receive legal advice regarding Project Magma. Attorney Winters.
- e. Receive legal advice on a contractual matter regarding the Sheriff's Office. Attorney Winters.
- f. Receive legal advice on a contractual matter regarding the Sheriff's Office. Attorney Winters.
- g. Receive legal advice regarding the Detention Center. Attorney Winters.

11. **Council Actions Following Executive Session**

- a. Action taken regarding legal advice on APRA.
- b. Action taken regarding legal advice on CFC.
- c. Action taken regarding legal advice on Capital Projects.
- d. Action taken regarding legal advice on Project Magma.
- e. Action taken regarding legal advice on a contractual matter for the Sheriff's Office.
- f. Action taken regarding legal advice for a contractual matter for the Sheriff's Office.
- g. Action taken regarding legal advice for the Detention Center.

12. **Council Comments**

13. **Adjourn**

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.

↓ **\*\*\*PUBLIC NOTICE\*\*\*** ↓

Chester County Council has relaxed some of the COVID measures put into place for personal appearances at County Council meetings but continues to encourage social distancing while in County facilities.

**Guidelines for Addressing Council**

**Citizens Comments:**

- Each citizen will be limited to three minutes

**Public Hearings:**

- Each speaker will be limited to a three-minute presentation

**When introduced:**

- Approach the podium, state your name and address
- Speak loudly and clearly making sure that the microphone is not obstructed
- Do not address the audience – direct all comments to Council
- Do not approach the Council table unless directed

**Anyone addressing Council will be called out of order if you:**

- Use profanity
- Stray from the subject
- Make comments personally attacking an individual member of Council



# **CHESTER COUNTY COUNCIL MEETING MINUTES**

## **R. Carlisle Roddey Chester County Government Complex**

1476 J.A. Cochran Bypass Chester, SC 29706

**Monday, September 20th 2021 at 6:00 PM**

**Present:** Interim Chairman Dr. Wylie Frederick, Vice Chairman Joe Branham, Councilman Brad Jordan, Councilman Mike Vaughn, Councilwoman Mary Guy, Councilman William Killian, Councilman Pete Wilson, County Attorney Joanie Winters and Clerk to Council Karen Lee.

1. **Call to Order-** Interim Chairman Dr. Frederick called the meeting to order at 6:00 pm.
2. **Pledge of Allegiance and Invocation-** Pledge was recited in unison; Councilwoman Guy gave the invocation.

**Interim Chairman Dr. Frederick entertained a motion to insert an executive session item to the agenda following item 6.c. for the purpose to receive legal advice regarding development agreements. Councilman Vaughn motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.**

### 3. **Approval of Minutes**

#### **a. September 7<sup>th</sup>, 2021 Council Minutes.**

Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.

#### **b. September 10<sup>th</sup>, 2021 Special Called Council Minutes.**

Vice Chairman Branham motioned to approve, second by Councilman Killian. Vote 5-0 to approve. Councilman Jordan was not present for the 9-10-2021 meeting and did not vote.

### 4. **Citizen Comments**

Sara Shirley, 8008 Corporate Center Drive, Charlotte, NC and Johnathon McCall, 2627 Brekon Ridge Centre Drive, Charlotte both spoke in favor for the Chester Land Holdings, LLC request that was on the agenda for third and final reading.

Steve Bishop, 531 Sherwood Circle, Chester, SC spoke in favor for the US Development request for the third and final reading.

### 5. **Public Hearing-**Dr. Frederick opened the public hearing.

#### **a. 3<sup>rd</sup> Reading of 2021-10** An Ordinance to Establish Distribution of the Local Option Sales Tax.

No one signed up to speak and Dr. Frederick closed the public hearing.

### 6. **Ordinances/Resolutions/Proclamations**

#### **a. 3<sup>rd</sup> Reading of 2021-10** An Ordinance to Establish Distribution of the Local Option Sales Tax. Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote was 6-0 to approve.

#### **b. 2<sup>nd</sup> Reading of 2021-11** An Ordinance To Amend The Master Agreement Governing The York-Chester Industrial Park Between Chester County, South Carolina And York County, South Carolina So As To Enlarge The Park. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.

- c. **2<sup>nd</sup> Reading of 2021-12 An Ordinance Adopting The Requirements Of The South Carolina Local Government Development Agreement Act; Creating Uniform Requirements For The County's Executing And Delivering Development Agreements; And Other Related Matters.** Councilman Wilson motioned to approve, second by Councilman Killian. Vote 6-0 to approve.

Councilwoman Guy motioned to go into executive session to receive legal advice regarding development and performance agreements, second by William Killian. Vote 6-0 to approve.

Vice Chairman Branham motioned to go back to regular session, second by Councilman Jordan. Vote 6-0 to approve. Interim Dr. Frederick stated the legal advice regarding development and performance agreements were taken as information.

## 7. Old Business

### a. Update on current projects- Procurement Director Susan Cok.

Mrs. Cok stated they were currently working on a proposal to obtain additional funding for Rodman Sports Complex, North Chester Fire and Lewis Fire. The next project which is the Hazmat building which will be built on this site the grading will start in November. They were currently working with other department heads on equipment purchases from the 2020 sales tax monies to get those projects going so their equipment can be purchased. Currently they are in initial design processes for several other projects.

### b. Update regarding mid-year economic development and Gateway Quarterly Report Economic Developer Director Robert Long, Project Manager Kris Phillips and Event Planner Kimberly Starnes.

Mrs. Starnes gave an update regarding the rental and usage of the Gateway. Mr. Long gave a status report for the number of projects which was 78 and still climbing. Mr. Phillips stated he would be sending Council information regarding two upcoming events the first one being held next month is National Manufacturing Day and in November the Red-Carpet tour for the State Department of Commerce.

### c. From CCTC:

#### 1. Action taken from the CTC 2022 Road Paving for district six.

Vice Chairman Branham motioned to approve State Park Road, second by Councilman Killian. Vote 6-0 to approve.

### d. **3<sup>rd</sup> Reading of CCMA21-02: Chester Land Holdings, LLC. Request Tax Map # 123-00- 00-032-000 located along Edgeland Road, Edgemoor SC, be rezoned from R2 (Rural Two) to PD (Planned Development) Planning Commission voted 3-4 to deny.**

Councilman Wilson motioned to approve with a reverter clause in place and that a development agreement with Winchester must be in place by December 31<sup>st</sup>, 2021, second by Vice Chairman Branham. Vote 5-1 to approve. Councilman Jordan opposed.

### e. **3<sup>rd</sup> Reading of CCMA21-04: Chester Land Holdings, LLC. Request Tax Map # 123-00-00-078-000 located along Edgeland Road, Edgemoor SC, be rezoned from R2 (Rural Two) to PD (Planned Development) Planning Commission voted 7-0 to deny.** Councilman Wilson motioned to approve with a reverter in place, it would revert back to the original zoning if the development agreement was not in place by December 31<sup>st</sup>, 2021, second by Councilwoman Guy. Vote 5-1 to approve. Councilman Jordan opposed.

- f. **3<sup>rd</sup> Reading of CCMA21:20: Todd Marion Love request Tax Map # 115-00-00-023-000 located on Lancaster Highway, Chester, SC be rezoned from GC (General Commercial) and R2 (Rural Two) to ID-2 (Limited Industrial). Planning Commission voted 7-0 to approve. Vice Chairman Branham motioned to approve, second by Councilman Killian. Vote 6-0 to approve.**
- g. **3<sup>rd</sup> Reading of CCMA21-21: HLC Holdings, LLC request Tax Map # 115-00-00-144-000 located on Lancaster Highway, Chester, SC be rezoned from GC (General Commercial) to ID-2 (Limited Industrial). Planning Commission voted 7-0 to approve. Councilman Vaughn motioned to approve second by Vice Chairman Branham. Vote 6-0 to approve.**
- h. **3<sup>rd</sup> Reading of CCMA21-22: Earl L. Evans request Tap Map # 069-07-01-026-000 located at 528 West End Road, Chester, SC be rezoned from RG-2 (General Residential) to GC (General Commercial). Planning Commission voted 7-0 to approve. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.**
- i. **3<sup>rd</sup> Reading of CCMA21-24: US Developments request Tax Map # 079-04-02-020-000 located on Village Drive, Chester, SC be rezoned from LC (Limited Commercial) to PD (Planned Development). Planning Commission voted 5-2 to approve. Vice Chairman Branham motioned to approve a project agreement that is currently being worked out between the lawyers and with a reverter clause and must be completed by December 31<sup>st</sup>, 2021, second by Councilwoman Guy. Vote 6-0 to approve.**
- Attorney Winters stated for the record the difference between a project agreement and a development agreement was the project agreement is not predicated on the passage of a comprehensive plan and it allows for a little more expedient movement. US Development would have a project agreement as opposed to a development agreement.
- j. **3<sup>rd</sup> Reading of CCMA21-25: US Developments request Tax Map # 079-04-02-088-000 located on Village Drive, Chester, SC be rezoned from RG-1 (Multi Family) to PD (Planned Development). Planning Commission voted 5-2 to approve. Vice Chairman Branham motioned to approve a project agreement that is currently being worked out between the lawyers and with a reverter clause and must be completed by December 31<sup>st</sup>, 2021, second by Councilwoman Guy. Vote 6-0 to approve.**
- k. **3<sup>rd</sup> Reading of CCMA21-26: US Developments request a 28-acre portion of Tax Map # 079- 00-00- 032-000 located on Village Drive, Chester, SC be rezoned from RG-1 (Multi Family) to PD (Planned Development). Planning Commission voted 5-2 to approve. Vice Chairman Branham motioned to approve a project agreement that is currently being worked out between the lawyers and with a reverter clause and must be completed by December 31<sup>st</sup>, 2021, second by Councilwoman Guy. Vote 6-0 to approve.**
- l. **2<sup>nd</sup> Reading of CCMA21-27 Chris and Alma Hoskins request Tax Map # 122-01-03-010-000 located at 4431 Edgeland Road, Edgemoor SC be rezoned from R2 (Rural Two) to GC (General Commercial). Planning Commission voted 4-0 to approve. Councilman Jordan motioned to approve with a reverter clause, if the business ceases operation the property would revert back to the original zoning, second by Councilwoman Guy. Vote 6-0 to approve.**

**8. New Business**

- a. Council to consider the approval of a recycling and disposal service agreement-Public Works Director Robert Hall and Recycling/Litter Control Coordinator Katie Fischer.**  
Councilman Vaughn motioned to approve the service agreement, second by Vice Chairman Branham. Vote 6-0 to approve.
- b. Setting the 2021 Tax Millage-Auditor Donnie Wade and Treasurer Tommy Darby.**  
Vice Chairman Branham motioned to approve 2021 tax millage, second by Councilman Vaughn. Vote 6-0 to approve.
- c. Council to consider the approval for Lewis Fire Protection District to apply for a \$10,000 dollar grant from the SC Forestry Commission with a \$5000 dollar match. Jay Williams.**  
Vice Chairman Branham motioned to approve Lewis Fire Protection District to apply for the grant, second by Councilwoman Guy. Vote 6-0 to approve.

**9. Boards and Commissions-None**

**10. Executive Session-Councilman Jordan motioned to go to executive session, second by Councilman Killian. Vote 6-0 to approve.**

- a.** To receive a legal update regarding Opioid litigation. Attorney Winters.
- b.** To receive legal advice regarding Chester Research & Development Park. Attorney Winters.

**11. Council Actions Following Executive Session-Councilwoman Guy motioned to go back to regular session, second by Councilman Jordan. Vote 6-0 to approve.**

- a. Action taken regarding the legal update for Opioid litigation.** Taken as information.
- b. Action taken regarding legal advice for Chester Research & Development Park.**  
Taken as information.

**12. Council Comments**

Interim Chairman Dr. Frederick reminded Council the comprehensive plan and feasibility study had been added to their iPads and asked if they would send their recommendations to him for the comp plan no later than October 12<sup>th</sup>. He stated the Planning Commission would look it over in October. He also reminded everyone EMS will hold a vaccine clinic this Saturday September 25<sup>th</sup> from 8am to 4pm, anyone who would like to get the vaccine must pre-register on the County's website.

**13. Adjourn-Councilwoman Guy motioned to adjourn, second by Councilman Wilson. Vote 6-0 to adjourn.**

Time: 7:45 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 Chester County Government Building 24 hours prior to the meeting





STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHESTER )

Ordinance No.2021-11

**AN ORDINANCE TO AMEND THE MASTER AGREEMENT GOVERNING THE YORK-CHESTER INDUSTRIAL PARK BETWEEN CHESTER COUNTY, SOUTH CAROLINA AND YORK COUNTY, SOUTH CAROLINA SO AS TO ENLARGE THE PARK.**

**E. & J. GALLO WINERY (PROJECT MAGMA)**

**WHEREAS**, pursuant to Ordinance No. 12-03-12A enacted by Chester County Council, Chester County entered into a Master Agreement Governing the York-Chester Industrial Park dated as of December 31, 2012, with York County (as amended from time to time, the "Agreement"); and

**WHEREAS**, pursuant to Section 1.01(a) of the Agreement, the boundaries of the park created thereby (the "Park") may be enlarged pursuant to adoption of an approving resolution or ordinance increasing the Park's boundaries by the County Council of Chester County and delivery of the approving resolution or ordinance and a description of the additional parcel to be included in Chester County's property exhibit to the Agreement to York County; and

**WHEREAS**, in connection with certain incentives being offered by Chester County to E. & J. Gallo Winery (also known as Project Magma), it is now desired that the boundaries of the Park be enlarged to include certain parcels in Chester County constituting the Project Magma project site.

**NOW, THEREFORE**, be it ordained by Chester County Council that Exhibit A-1 to the Agreement is hereby and shall be amended and revised to include property located in Chester County described in the schedule attached to this Ordinance, and, pursuant to Section 1.01(a) of the Agreement, upon delivery to York County of this approved Ordinance or adoption by York County of a corresponding ordinance, the Agreement shall be deemed amended to include such property on Exhibit A-1, without further action by either county.



**Ordinance No.2021-11**

Enacted and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

CHESTER COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_

Dr. Wylie Frederick  
Interim Supervisor, Chester County

Attest:

By: \_\_\_\_\_

Clerk to County Council  
Chester County, South Carolina

First Reading: 9-7- 2021  
Second Reading: 9-20-2021  
Public Hearing: 10-4- 2021  
Third Reading: 10-4- 2021

Chester County, South Carolina

**SCHEDULE**

Addition to Exhibit A-1 to  
Master Agreement Governing the York-Chester Industrial  
Park dated as of December 31, 2012, as amended,  
between Chester County and York County

The following parcels of land located on or near Highway 21 (Catawba River Road), Fort Lawn, Chester County, South Carolina, as described in more detail in that certain Survey for E. & J. Gallo Winery and R&V Title Agency and Chicago Title Insurance Company prepared by March E. Mills, SCPLS 10779, dated June 4, 2021, and recorded in the Office of the Clerk of Court for Chester County, South Carolina in Plat Cabinet E, Slide 96, at pages 2 and 3 on June 14, 2021:

(a) All of TM No. 165-00-00-058-000 containing approximately 408 acres ("Parcels 1 and 1a") and TM No. 165-00-00-055-000 containing approximately 57 acres ("Parcel 2");

(b) a portion of TM No. 165-00-00-080-000, containing approximately 83 acres ("Parcel 3a");

(c) all of TM No. 165-00-00-066-000, containing approximately 31 acres ("Parcel 4a");

(d) a portion of TM No. 165-00-00-065-000, containing approximately 26 acres ("Parcel 5a");

(e) a portion of TM No. 165-00-00-091-000, containing approximately 75 acres ("Parcel 7a"); and

(f) a portion of TM No. 165-00-00-079-000, containing approximately 475 acres ("Parcel 10a").

**Ordinance No.2021-11**

**STATE OF SOUTH CAROLINA        )**  
**)**  
**COUNTY OF CHESTER                )**

I, the undersigned Clerk to County Council of Chester County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received majority approval, by the County Council at meetings of \_\_\_\_\_, 20\_\_, \_\_\_\_\_, 20\_\_ and \_\_\_\_\_, 20\_\_, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

\_\_\_\_\_  
Karen Lee  
Clerk, Chester County Council

Dated: \_\_\_\_\_, 2021

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR CHESTER COUNTY  
ORDINANCE NO. 2021-6

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO THAT CERTAIN SPECIAL SOURCE CREDIT AGREEMENT PREVIOUSLY ENTERED INTO BY AND BETWEEN CHESTER COUNTY, SOUTH CAROLINA AND INSURANCE INSTITUTE FOR BUSINESS AND HOME SAFETY; AND (2) OTHER MATTERS RELATED THERETO.

WHEREAS, Chester County, South Carolina (“County”), acting by and through its County Council (“Council”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina, 1976, as amended through the date hereof (“Code”), particularly Title 4, Chapter 1 of the Code (“Multi-County Park Act” or, as to Section 4-1-175 thereof, the “Special Source Act”) (collectively, “Act”) and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to acquire, or cause to be acquired, certain industrial and commercial properties and to enter into agreements, with certain investors to construct, operate, maintain, and improve such properties through which the economic development of the State of South Carolina (“State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize the manpower, agricultural products and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax payments with respect to such properties in accordance with the Multi-County Park Act; (iii) to permit such investors to claim special source revenue credits (“Special Source Credits”) against their fee in lieu of *ad valorem* tax payments to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of manufacturing or commercial enterprises in order to enhance the economic development of the County (“Special Source Improvements”); and (iv) to develop, in conjunction with one or more other counties, a multi-county industrial park in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits;

WHEREAS, pursuant to Ordinance No. 04-06-09A, duly enacted by the Council on April 6, 2009, and Ordinance No. 12-03-12F, duly enacted by the Council on December 3, 2012, the County and Insurance Institute for Business and Home Safety, a corporation organized and existing under the laws of the State of Illinois and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and frequently known as the Institute for Business and Home Safety (the “Company”), respectively entered into that certain Special Source Credit Agreement, dated as of October 20, 2008, and that certain Amendment to Special Source Credit Agreement, effective as of December 31, 2012 (collectively, the “Special Source Credit Agreement”), wherein the County granted Special Source Credits to the Company, any affiliates of the Company, and certain other entities (each a “Credit Eligible Entity”) to reimburse each such Credit Eligible Entity for a portion of its investment in the costs of certain Special Source Improvements undertaken in connection with the development and establishment of certain facilities located in the County (“Project”); and

WHEREAS, in order to induce continued investment in the Project, including, without limitation, in Special Source Improvements, the County has determined to extend the period during which such Special Source Credits will be made available to each Credit Eligible Entity, all as set forth in greater detail in the Second Amendment to Special Source Credit Agreement (“Second Amendment”), the substantially final form of which is attached as Exhibit A.

NOW THEREFORE, BE IT ORDAINED, by the County Council:

**Section 1. Ratification of Special Source Credit Agreement.** The terms and conditions of the Special Source Credit Agreement are ratified, confirmed, and approved, except as otherwise specifically modified by the Second Amendment.

**Section 2. Second Amendment to Special Source Credit Agreement.**

(a) The form, terms, and provisions of the Second Amendment presented to this meeting and filed with the Clerk to County Council, including the twenty-year extension of the number of years for which the Special Source Credits will be made available to each Credit Eligible Entity, as set forth in the table below and shown in greater detail in the Second Amendment, are approved and all of the terms, provisions, and conditions of the Second Amendment are incorporated by reference;

<u>Percentage</u>	<u>Property Tax Year</u>
98%	2009
98%	2010
85%	2011
95%	2012
95%	2013
95%	2014
95%	2015
95%	2016
95%	2017
95%	2018
95%	2019
95%	2020
95%	2021
80%	2022
80%	2023
80%	2024
80%	2025
80%	2026
80%	2027
80%	2028
80%	2029
80%	2030
80%	2031
80%	2032
80%	2033
80%	2034
80%	2035
80%	2036
80%	2037
80%	2038
80%	2039
80%	2040
80%	2041

Notwithstanding the above provisions of this Ordinance, in the event that the annual fee-in-lieu of tax liability due with respect to any of the property tax years set forth above would, following application of the Special Source Credits percentage applicable for such property tax year as set forth in the above table,

amount to less than the annual fee-in-lieu of tax payment made with respect to property tax year 2020, which the County and the Company agree to be \$36,704 (the “Base Fee-in-Lieu of Tax Payment Amount”), the applicable Special Source Credits percentage for such property tax year shall be reduced in an amount sufficient such that the annual fee-in-lieu of tax liability due for such property tax year after application of such reduced Special Source Credits percentage shall equal the Base Fee-in-Lieu-of-Tax Payment Amount; provided, however, that, for any such property tax year, the applicable Special Source Credits percentage shall not be reduced to increase the annual fee-in-lieu of tax liability, as set forth in the foregoing sentence, if, and to the extent that, any above-referenced shortfall in annual fee-in-lieu of tax liability (as compared to the Base Fee-in-Lieu-of-Tax Payment Amount) is due to disposal, decommissioning, or other action resulting in Project property no longer being subject to fee-in-lieu of tax payments; and

(b) The Second Amendment to be executed on behalf of the County shall be in substantially the form now before the Council and shall include only changes that are approved by the County officials executing the Second Amendment. The County officials shall consult the attorney for the County with respect to any changes to the Second Amendment. The execution of the Second Amendment by County officials shall constitute conclusive evidence that they have approved all changes to or revisions of the Second Amendment now before this meeting.

**Section 3. *Authorization to Execute and Deliver Second Amendment.*** The County Supervisor (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to execute and deliver the Second Amendment, and to take further actions and execute and deliver further documents as the County Supervisor (and his designated appointees) deems reasonably necessary and prudent to effect this Ordinance’s intent.

**Section 4. *General Repealer.*** Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

**Section 5. *Effective Date.*** This Ordinance is effective after its third reading and public hearing.

[ONE SIGNATURE PAGE FOLLOWS]  
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CHESTER COUNTY, SOUTH CAROLINA

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Dr. Wylie Frederick  
Interim Supervisor/Chairman, Chester County Council

(SEAL)  
ATTEST:

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Karen Lee  
Clerk, Chester County Council

First Reading:      October 4, 2021  
Public Hearing:      October 18, 2021  
Second Reading:    November 1, 2021  
Third Reading:     November 1, 2021



Ordinance 2021-6

**EXHIBIT A**  
**FORM OF SECOND AMENDMENT TO SPECIAL SOURCE CREDIT AGREEMENT**

**SECOND AMENDMENT TO  
SPECIAL SOURCE CREDIT AGREEMENT**

**BETWEEN**

**CHESTER COUNTY, SOUTH CAROLINA**

**AND**

**INSURANCE INSTITUTE FOR BUSINESS  
AND HOME SAFETY**

**AMENDED, EFFECTIVE: NOVEMBER 1, 2021**

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**This Second Amendment pertains to that certain Special Source Credit Agreement previously entered into by and between Chester County, South Carolina, and Insurance Institute for Business and Home Safety, as amended by that certain Amendment to Special Source Credit Agreement.**

**SECOND AMENDMENT TO  
SPECIAL SOURCE CREDIT AGREEMENT**

THIS SECOND AMENDMENT TO SPECIAL SOURCE CREDIT AGREEMENT (this “Second Amendment”), effective November 1, 2021, is between CHESTER COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina (the “County”), and the INSURANCE INSTITUTE FOR BUSINESS AND HOME SAFETY, an Illinois corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and frequently known as the Institute for Business and Home Safety (the “Company”).

WITNESSETH:

WHEREAS, the County, acting by and through its County Council (the “Council”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina, 1976, as amended through the date hereof (the “Code”), particularly Title 4, Chapter 1 of the Code (the “Multi-County Park Act” or, as to Section 4-1-175 thereof, the “Special Source Act”) (collectively, the “Act”) and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to acquire, or cause to be acquired, certain industrial and commercial properties and to enter into agreements, with certain investors to construct, operate, maintain, and improve such properties through which the economic development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize the manpower, agricultural products and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax payments with respect to such properties in accordance with the Multi-County Park Act; (iii) to permit such investors to claim special source revenue credits (“Special Source Credits”) against their fee in lieu of *ad valorem* tax payments to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of manufacturing or commercial enterprises in order to enhance the economic development of the County (“Special Source Improvements”); and (iv) to develop, in conjunction with one or more other counties, a multi-county industrial park in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits;

WHEREAS, pursuant to Ordinance No. 04-06-09A, duly enacted by the Council on April 6, 2009, and Ordinance No. 12-03-12F, duly enacted by the Council on December 3, 2012, the County and the Company respectively entered into that certain Special Source Credit Agreement, dated as of October 20, 2008, and that certain Amendment to Special Source Credit Agreement, effective as of December 31, 2012 (collectively, the “Special Source Credit Agreement”), wherein the County has granted Special Source Credits to the Company, any affiliates of the Company, and certain other entities (each a “Credit Eligible Entity”) to reimburse each such Credit Eligible Entity for a portion of its investment in the costs of certain Special Source Improvements undertaken in connection with the development and establishment of certain facilities located in the County (the “Project”);

WHEREAS, in order to induce continued investment in the Project, including, without limitation, in Special Source Improvements, the County has determined to extend the period during which such Special Source Credits will be made available to each Credit Eligible Entity, all as set forth in greater detail in this Second Amendment;

WHEREAS, the County approved the foregoing action to be taken, and authorized the execution and delivery of this Second Amendment pursuant to that certain Ordinance duly enacted by the Council with respect to this Second Amendment on November 1, 2021.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference, and respective representations and agreements hereinafter contained, and other lawful consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the Company agree as follows:

**Section 1. Definitions.** Defined terms used in this Second Amendment and not otherwise defined in this Second Amendment have the meanings ascribed to them in the Special Source Credit Agreement.

**Section 2. Amendment of Special Source Credit Agreement.** Section 1 of the Special Source Credit Agreement is hereby deleted in its entirety and replaced with the following:

**Section 1. Special Source Credits.** The County hereby grants each of the Company, any affiliates of the Company, and any other entities described in Section (d) of the above recitals (each a “Credit Eligible Entity”) Special Source Credits to reimburse each such Credit Eligible Entity for a portion of its investment in the costs of certain Special Source Improvements in the percentages and for the property tax years as follows:

<u>Percentage</u>	<u>Property Tax Year</u>
98%	2009
98%	2010
85%	2011
95%	2012
95%	2013
95%	2014
95%	2015
95%	2016
95%	2017
95%	2018
95%	2019
95%	2020
95%	2021
80%	2022
80%	2023
80%	2024
80%	2025
80%	2026
80%	2027
80%	2028
80%	2029
80%	2030
80%	2031
80%	2032
80%	2033
80%	2034
80%	2035
80%	2036
80%	2037
80%	2038
80%	2039
80%	2040
80%	2041

The County Auditor is hereby directed to apply the Special Source Credits amount to reduce each Credit Eligible Entity's annual fee-in-lieu of tax liability at the Project in the amounts and for the years specified above. The Special Source Credits amounts shall be shown on the bill sent by the County to the Company or other applicable Credit Eligible Entity at the Project. Each Credit Eligible Entity shall be required to use the Special Source Credits to reimburse itself for a portion of its investment in the costs of certain Special Source Improvements.

Notwithstanding the foregoing provisions of this Section 1, in the event that the annual fee-in-lieu of tax liability due with respect to any of the property tax years set forth above would, following application of the Special Source Credits percentage applicable for such property tax year as set forth in the above table, amount to less than the annual fee-in-lieu of tax payment made with respect to property tax year 2020, which the parties hereto agree to be \$36,704 (the "Base Fee-in-Lieu of Tax Payment Amount"), the applicable Special Source Credits percentage for such property tax year shall be reduced in an amount sufficient such that the annual fee-in-lieu of tax liability due for such property tax year after application of such reduced Special Source Credits percentage shall equal the Base Fee-in-Lieu-of-Tax Payment Amount; provided, however, that, for any such property tax year, the applicable Special Source Credits percentage shall not be reduced to increase the annual fee-in-lieu of tax liability, as set forth in the foregoing sentence of this Section 1, if, and to the extent that, any above-referenced shortfall in annual fee-in-lieu of tax liability (as compared to the Base Fee-in-Lieu-of-Tax Payment Amount) is due to disposal, decommissioning, or other action resulting in Project property no longer being subject to fee-in-lieu of tax payments.

Pursuant to Section 4-29-68(A)(2)(ii) of the Code, to the extent any Special Source Credits are used as payment for personal property, including machinery and equipment, and the personal property is removed from the Project at any time prior to the termination or expiration of this Agreement, then the annual fee-in-lieu of tax liability due on such personal property for the year of such removal from the Project shall also be due for the two (2) years following such removal; provided, that if such removed personal property is replaced with other personal property, then such personal property shall not be considered removed from the Project for these purposes.

**Section 3. Remaining Terms and Provisions.** Except as amended in Section 2 above, the terms and provisions of the Special Source Credit Agreement shall remain unchanged and in full force and effect.

**Section 4. Entire Understanding.** The Special Source Credit Agreement, as amended by this Second Amendment, expresses the entire understanding and all agreements of the parties hereto pertaining to the matters set forth herein and therein.

**Section 5. Multiple Counterparts.** This Second Amendment may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

[Execution Pages Follow]

Ordinance 2021-6

IN WITNESS THEREOF, the parties hereto, each after due authorization, have executed this Second Amendment to Special Source Credit Agreement, effective the date first above written.

CHESTER COUNTY, SOUTH CAROLINA

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Dr. Wylie Frederick  
Interim Supervisor/Chairman, Chester County Council

(SEAL)  
ATTEST:

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Karen Lee  
Clerk, Chester County Council



INSURANCE INSTITUTE FOR BUSINESS  
AND HOME SAFETY

By: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
\_\_\_\_\_

Its: \_\_\_\_\_  
\_\_\_\_\_

**Chester County Planning Commission**  
**August 17, 2021**

The August 17, 2021 meeting of the Chester County Planning Commission was held at 6:30 pm at The Government Complex Center located at 1476 JA Cochran Bypass, Chester, SC

**Notice of Meeting:** Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the July 28, 2021 Chester News & Reporter. All properties were also posted.

**Quorum Established:** Vice Chairman Smith, Commissioners Hill, Howell, and Williams were present.

**Absent:** Chairman Raines, Commissioners Walley and Grant were absent with prior notification.

**Staff:** Mike Levister, Nicole Hutchins and Morgan Carelock were present.

**Call to Order:** Vice Chairman Smith called the meeting to order.

**Approval of Agenda:** Vice Chairman Smith asked if there were any additions or amendments to the agenda presented by staff. There were none. Vice Chairman Smith made a motion to approve the agenda as presented; seconded by Commissioner Howell. Vote 4-0 to approve.

**Approval of Minutes:** Chairman Raines asked if there were any additions or amendments to the July 20, 2021 minutes as presented by staff. Commissioner Hill pointed out a couple of typos; page 6 “tying” should be “trying” and page 11, second paragraph, “they” should be “the” and “of” should be “if”. Ms. Hutchins from staff reminded Commissioner Hill this is just a transcript of the meeting. Typos do not need to be pointed out on the record. Commissioner Howell made a motion to approve the minutes as written; seconded by Commissioner Williams. Vote 4-0 to approve.

**New Business:**

**CCMA21-27:** - Chris and Alma Hoskins request Tax Map # 122-01-03-010-000 located at 4431 Edgeland Rd, Edgemoor SC be rezoned from R2 (Rural Two) to GC (General Commercial)

The applicants, Chris and Alma Hoskins, were awaiting test results and unable to attend the meeting. Director Levister informed the commissioners he had spoken with Mr. Hoskins and Mr. Hoskins preferred to move forward with the rezoning request, rather than postpone the process. Director Levister said he would try to answer any questions they may have.

Vice Chairman Smith said he just questioned, on a busy night, how many people attended that auction. Is it a few hundred? Director Levister said he didn't have a clue. Commissioner Howell said it just depends on the time of the year. His wife grew up across the street and it could be anywhere from 100 people to 300 people there. Ms. Hutchins from staff said I've seen cars parked up and down both sides of the road. Director Levister said it must be a good business, Mr. Hoskins has been doing it for 25 years. Vice Chairman Smith said that was going to be his next question, how long had it been in business?

Commissioner Howell asked if this was one of the properties that just got zoned wrong? Director Levister said it was already existing and that's the way it was zoned. Now he is limited to square footage by the current zoning. The only way to do any increase on the square footage is to rezone the property. Commissioner Howell stated what he's asking now is an upgrade. Director Levister said correct. Right now, if they have to unload a truck and it's a storm outside, they get soaked is what Mr. Hoskins said.

Vice Chairman Smith asked how late do the auctions run? Commissioner Howell said 2:00 AM is normal. Commissioner Howell also stated this was started as an animal auction. Horses, cows and pigs would be sold first. Then later in the night, they would sell whatever people brought, bridles, saddles, household goods.

Vice Chairman Smith said really what it all comes down to, this business was already in before zoning. Commissioner Howell said they are a good community partner. He does a lot of under the scenes work at Christmas. He gets bicycles that are manufactured in Savannah, brings them up and sells them to different organizations for cost. He goes and picks them up for free. He's trying to return as much as he can. Vice Chairman Smith said I feel like since it's been here before zoning, and this is such a good community relation.... I haven't heard a negative thing about the action barn. I just didn't know much about it.

(No citizens were present for this meeting)

Vice Chairman Smith made a motion to approve the rezoning as requested; seconded by Commissioner Howell. Vote was 4-0 to approve.

### **Comments & Discussion:**

County Attorney Joanie Winters had provided 4 days in August to establish training for the Planning Commission. Ms. Hutchins informed the board she would let Ms. Winters know their availability so she can assign the training. Once the training date has been established, Ms. Hutchins will contact all members of the date and time.

Vice Chairman Smith made a motion to adjourn; seconded by Commissioner Williams. Vote was 4-0 to adjourn.

This is a summary of proceedings at the August 17, 2021 meeting of the Planning Commission: and not a verbatim transcript of the meeting. This summary, and an audio recording of the meeting is retained by the Chester County Building & Zoning department, and available if requested. This summary represents the facts of this meeting, not the opinion or interpretation of the Secretary.





**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: Aug. 17, 2021 Case # CCMA21-27 Invoice # 4177

The applicant hereby requests that the property described to be rezoned from R-2 to GC

Please give your reason for this rezoning request:

We would like to put a Carport up to protect us from the weather while unloading trucks (After twenty five years of working in the elements) it will make our business much more efficient for the next twenty five years. ☺

*Copy of plat must be presented with the application request*

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: 4431 Edgeland Road Edgemoor SC 29712  
 Tax Map Number: 122-01-03-010-000 Acres: \_\_\_\_\_

Any structures on the property: yes  no . If you checked yes, draw locations of structures on plat or blank paper.

**PLEASE PRINT:**

Applicant(s): Chris and Alma Hoskins  
 Address 4028 Berryhill Road Edgemoor SC 29712  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

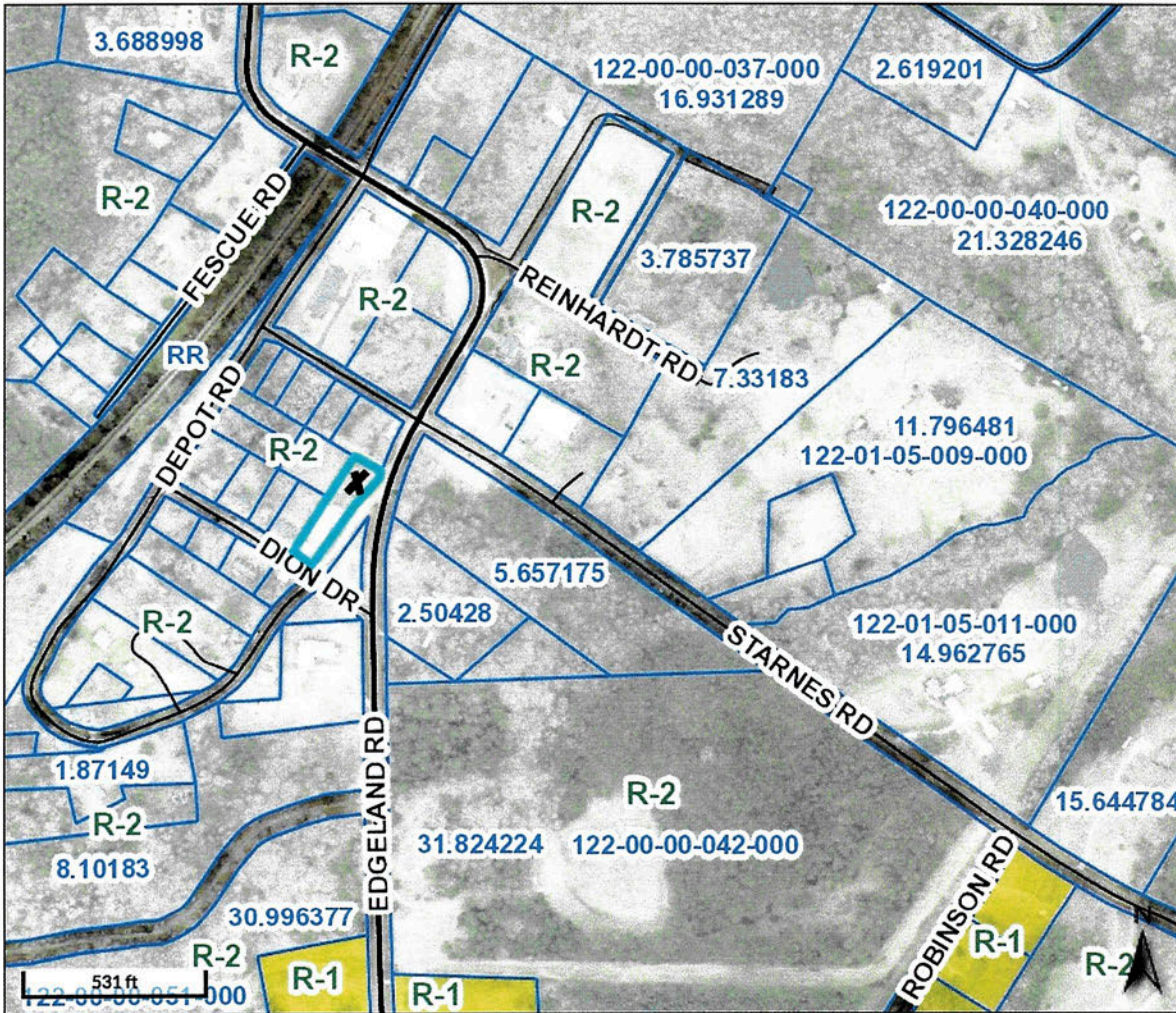
Owner(s) if other than applicant(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

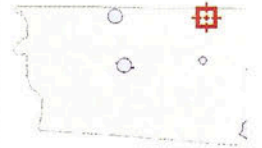
Owner's signature: Alma R Hoskins Date: 7-14-21  
 Applicant signature: Christopher Hoskins Date: 7-14-21  
Alma R Hoskins

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.





**Overview**



**Legend**

- Roads**
- Secondary Road
  - SC Highway
  - Municipals
  - Parcels
- Chester County Zoning**
- AG
  - EDD
  - GC
  - ID-1
  - ID-2
  - ID-3
  - LC
  - R-1
  - R-2
  - R-3
  - R-4
  - RG-1
  - RG-2
  - RIV
  - RS-1
  - County Boundary

<b>Parcel ID</b>	122-01-03-010-000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	HOSKINS ALMA LYNN
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	C		4028 BERRYHILL ROAD
<b>Property Address</b>	4431 EDGELAND RD	<b>Acres</b>	0.574		EDGEMOOR SC 29712
<b>District</b>	03				
<b>Brief Tax Description</b>	AUCTION BARN				

(Note: Not to be used on legal documents)

Date created: 8/18/2021  
 Last Data Uploaded: 8/18/2021 3:21:11 AM



**CCMA21-28:** Mattie Howze request Tax Map # 160-00-00-025-000 located at Georgetown Rd, Great Falls SC to be rezoned from R1 (Rural 1) to RG-2 (General Residential)

Applicant Mattie Howze was not in attendance, with prior notification to staff. Ms. Howze gave permission for Director Levister to speak on her behalf, in reference to this case.

Chairman Raines asked Director Levister to step to the podium. Director Levister opened by stating Ms. Howze wants to rezone the property from R1 to RG-2, so she can put a mobile home on the property. Chairman Raines asked if that would be permitted under the current zoning. Director Levister said no. Chairman Raines stated that the Commission had previously heard her case before and that there was a difference in opinion regarding the stipulations of her deed. Levister confirmed that was correct. Director Levister stated that Ms. Howze owns lot number three, but lot three is not described in the deed restrictions. Chairman Raines asked if the restrictions, as mentioned before, were not mentioned in relation to her property. Director Levister confirmed that was correct.

Chairman Raines asked if anyone on the Commission had any questions. Attorney Winters asked Director Levister back to the podium. Attorney Winters asked if the request to rezone is approved, Ms. Howze will have to get a new survey. Director Levister stated that was correct. Attorney Winters mentioned that there was previous discussion with County Council regarding another continuous property that has a prescriptive easement. Attorney Winters asked if that would have to be reflected on Ms. Howze's new survey. Director Levister confirmed, that is correct so she can meet the setbacks. Attorney Winters then asked if the continuous properties would see the prescriptive easement. Director Levister confirmed, that is correct.

Chairman Raines asked if any members of the public would like to speak in opposition to this request. No response from public. Chairman Raines then asked if any members of the public would like to speak in favor of this request.

Russ Trotter stepped to the podium and said he was not in favor nor against Ms. Howze's case. Mr. Trotter stated that he had spoken to County Council and Attorney Winters two weeks prior, with the recognition of the prescriptive easement, that Attorney Winters mentioned earlier. Mr. Trotter stated he had a few questions but was unsure if this meeting was the appropriate place to ask or if he needed to speak with Building and Zoning. He asked the dimensions of the prescriptive easement, if the easement would be treated (by Chester County) as a road, and if it will have to be resurveyed each time someone else wants to build.

Attorney Winters asked Director Levister if the easement would be dictated by ordinance. Director Levister stepped to the podium and stated that the setbacks would be determined by that, but the centerline for the right-a-way would be a decision of County Council and

the Road Department. Attorney Winters stated that there is a specific criteria that would be used, not just pulling a number out of the air.

Attorney Winters told Mr. Trotter they could have a conversation before anything is solidified. Trotter asked if the easement would have the same setbacks as a road. Director Levister stated the County would make that decision with the road department. Director Levister also stated that the county would maintain the easement, so they would maintain what the right-a-way is going to be. Mr. Trotter stated he understood.

Chairman Raines asked if once the easement is made would it be apart of the property. Attorney Winter stated it would run with the property. Mr. Trotter said when the county makes determination, anytime someone wants to build on the lots, the surveyor will have to know dimensions of easement and what applicable setbacks the county decides. Attorney Winters stated that is correct, but it will already be standing so will not have to be revisited. Mr. Trotter had no further questions nor statements.

Chairman Raines asked the Commission if they had any further thoughts. None were mentioned. Chairman Raines made a motion to approve the rezoning, as the easement legalities have been cleared up; seconded by Vice Chairman Smith. Vote 6-0, approved to rezone from R1 to RG-2.





**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 9-21-2021 Case # CCMA 21-28 Invoice # Remanded (4043)

The applicant hereby requests that the property described to be rezoned from R-1 to RG-2

Please give your reason for this rezoning request:  
want to purchase a mobile home

*Copy of plat must be presented with the application request*

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: Georgetown Rd Great Falls S.C. 29055  
 Tax Map Number: 160-00-00-025-000 Acres: 0.546

Any structures on the property: yes \_\_\_\_\_ no . If you checked yes, draw locations of structures on plat or blank paper.

**PLEASE PRINT:**

Applicant (s): Mattie Howze  
 Address 5262 George Beard Ave Great Falls SC 29055  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

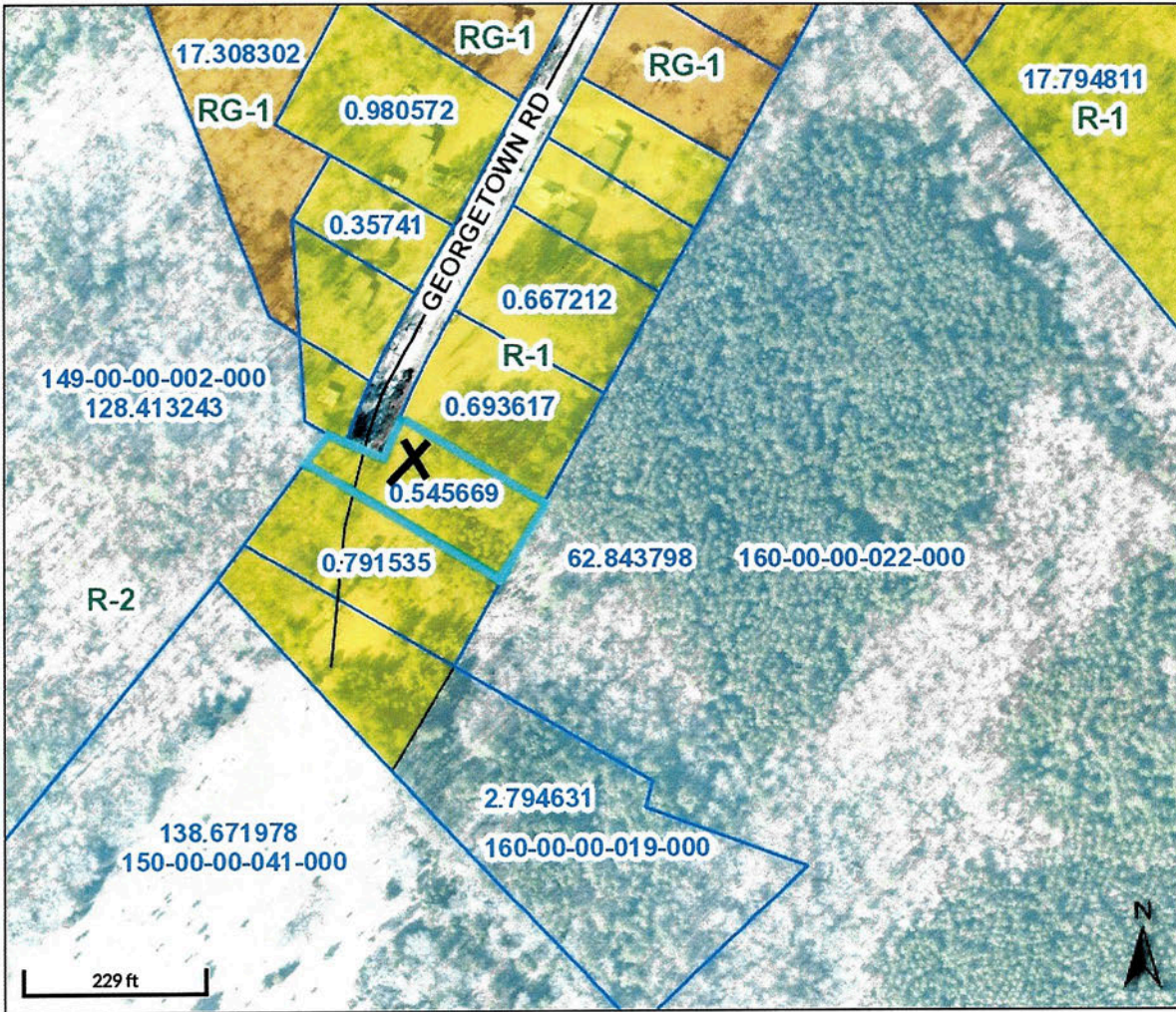
Owner(s) if other than applicant(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

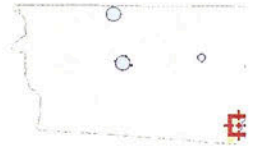
Owner's signature: Mattie Howze Date: 8-18-2021  
 Applicant signature: Mattie Howze Date: 8-18-2021

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.





**Overview**



**Legend**

**Roads**

- Secondary Road
- SC Highway
- Municipals
- Parcels

**Chester County Zoning**

- AG
- EDD
- GC
- ID-1
- ID-2
- ID-3
- LC
- R-1
- R-2
- R-3
- R-4
- RG-1
- RG-2
- RIV
- RS-1
- County Boundary

Parcel ID 160-00-00-025-000  
 Sec/Twp/Rng n/a  
 Property Address  
 District 01  
 Brief Tax Description LOT3

Alternate ID n/a  
 Class RN  
 Acreage 0.546

Owner Address HOWZE MATTIE  
 5262 GEORGE BEARD AVE  
 GREAT FALLS SC 29055

(Note: Not to be used on legal documents)

Date created: 9/23/2021  
 Last Data Uploaded: 9/23/2021 3:18:40 AM

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**CCMA21-29:** Leonard Stevens Bishop request Tax Map # 079-00-00-032-000 located on Village Dr, Chester SC to be rezoned from RG-1 (Multi-family Residential) to LC (Limited Commercial)

Chairman Raines opened this case by stating the entire property is not up for rezoning. As indicated on the Rezoning Application, it is just 5.882 acres.

Leonard Stevens Bishop, of 531 Sherwood Circle Chester, SC, stepped to the podium and stated he was here to represent the Herbert and Anna Lutz foundation. The foundation was established in 1996 to help and support the Community of Chester; in areas such as Health, Education, Religious Groups, Organizations, and various projects. All grantees must be 501C status. Since inception, the foundation has given the community and surrounding areas 8 million dollars - through 750 applicant grants.

Mr. Bishop continued to explain; Mr. Lutz appointed his niece Joanna Guyton and husband Dewey Guyton as directors of the foundation. They are responsible of day-to-day operations, along with three board members. The current primary office space for the foundation is in their family home. They plan to build a 1200 sq. ft. permanent office space on the property, to house the Lutz Foundation, if rezoned. Their future plans are to sell their personal property, that money will go to the foundation, and they will need a space for the foundation to continue to exist. Bishop stated the request is to rezone from RG1 to LC to provide a house/house-office for the Lutz foundation.

Chairman Raines asked the Commission if they had any questions for Mr. Bishop. There was none.

Chairman Raines asked if any member of the public would like to speak in opposition of this request. No member of the public spoke up. Chairman Raines then asked if there was any member of the public that would like to speak in favor of the request. Again, no member of the public spoke up.

Commissioner Grant made a motion to approve the rezoning request as requested; seconded by Commissioner Howell. Vote 6-0 to approve.



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 9.21.21 Case # CCMA21-29 Invoice # 4243

The applicant hereby requests that the property described to be rezoned from RC-1 to LC

Please give your reason for this rezoning request:

To build office home for the CLARENCE H AND ANNA E Lutz FOUNDATION.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: 55114

Property Address Information

Property address: VILLAGE DRIVE, CHESTER, S.C. 29706  
 Tax Map Number: 079-00-00-032 Acres: 5.882

Any structures on the property: yes \_\_\_\_\_ no . If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant(s): LEONARD STEVENS Bishop  
 Address: 729 VILLAGE DRIVE, CHESTER SC 29706  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Owner(s) if other than applicant(s): Dewey B. Guyton, President  
CLARENCE H. AND ANNA E Lutz FOUNDATION  
 Address: P.O. Box 147 (1373 WEST END ROAD) CHESTER, S.C. 29706  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

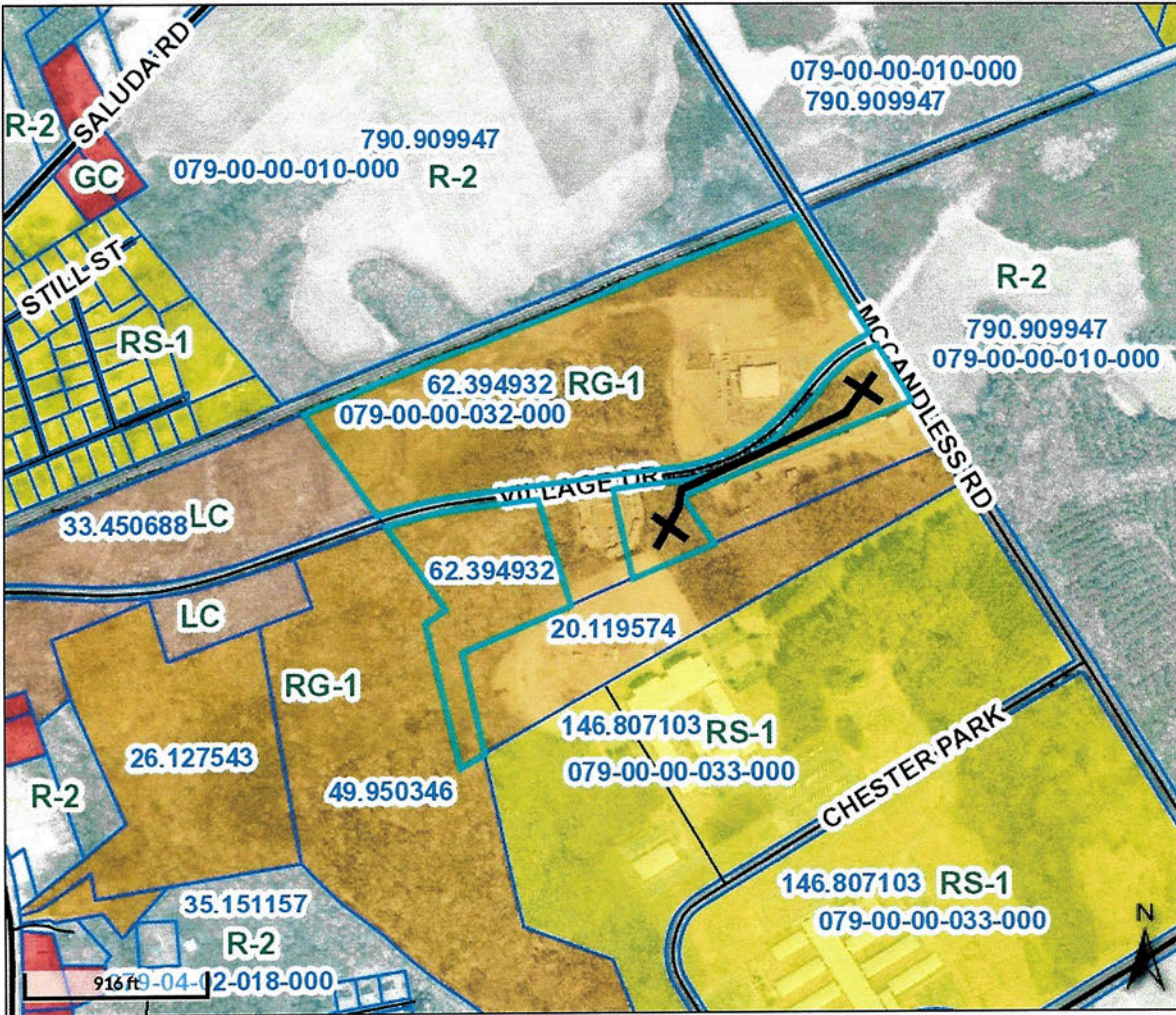
I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: Dewey B. Guyton Date: 8-3-2021

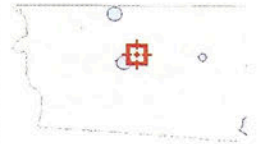
Applicant signature: Leonard Stevens Bishop Date: 8-3-2021

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.





**Overview**



**Legend**

**Roads**

- Secondary Road
- SC Highway
- Municipals
- Parcels

**Chester County Zoning**

- AG
- EDD
- GC
- ID-1
- ID-2
- ID-3
- LC
- R-1
- R-2
- R-3
- R-4
- RG-1
- RG-2
- RIV
- RS-1
- County Boundary

<b>Parcel ID</b>	079-00-00-032-000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	SECOND BAPTIST CHURCH
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	EX		962 MCCANDLESS ROAD
<b>Property Address</b>	729 VILLAGE DR	<b>Acreage</b>	62.395		CHESTER SC 29706
<b>District</b>	02				
<b>Brief Tax Description</b>	MCCANLESS ROAD				

(Note: Not to be used on legal documents)

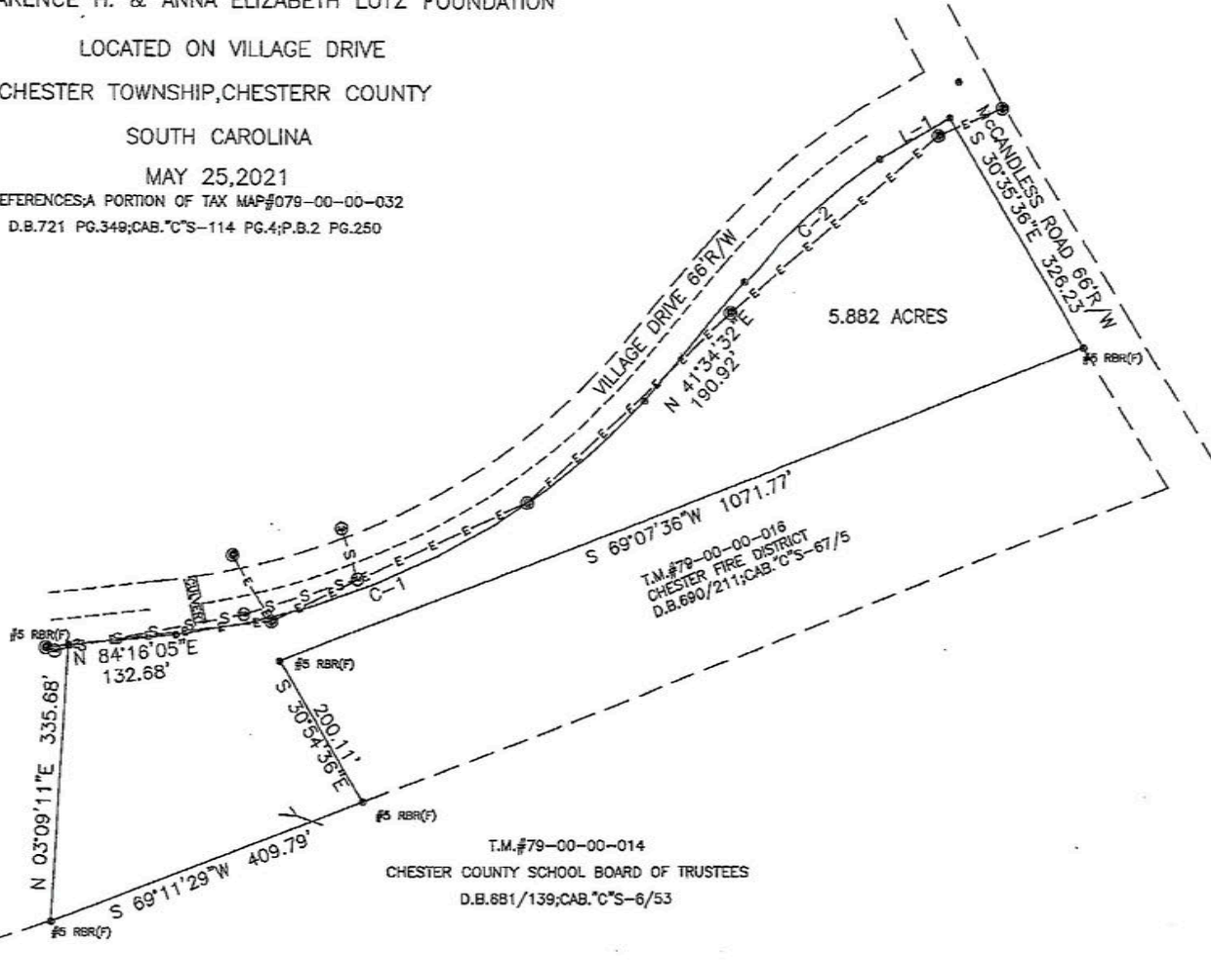
Date created: 9/23/2021  
 Last Data Uploaded: 9/23/2021 3:18:40 AM

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 GEOSPATIAL

MAGNETIC NORTH

PLAT OF SURVEY FOR  
 THE CLARENCE H. & ANNA ELIZABETH LUTZ FOUNDATION  
 LOCATED ON VILLAGE DRIVE  
 CHESTER TOWNSHIP, CHESTERR COUNTY  
 SOUTH CAROLINA

MAY 25, 2021  
 REFERENCES A PORTION OF TAX MAP #079-00-00-032  
 D.B. 721 PG. 349; CAB. °C°S-114 PG. 4; P.B. 2 PG. 250



T.M. #079-00-00-050  
 COTTAGES OF CHESTER VILLAGE  
 D.B. 867/210; CAB. °D°S-55/6

NOTE:  
 EIP = EXISTING IRON PIN  
 NIP = NEW IRON PIN  
 PK = PK NAIL  
 RR = RAILROAD SPIKE  
 P.P. = PINCHED PIPE

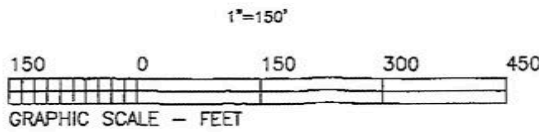
T.M. #79-00-00-014  
 CHESTER COUNTY SCHOOL BOARD OF TRUSTEES  
 D.B. 681/139; CAB. °C°S-6/53

CALL TABLE:

C-1	A=659.61'
	R=933.00'
	C=845.96' N 63-35-34 E
C-2	A=230.30'
	R=717.00'
	C=229.32' N 48-36-08 E
L-1	N 60-28-31 E 101.04'

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.  
 3574 VICTORIAN HILLS DRIVE  
 RICHBURG, S.C. 29729  
 PHONE (803) 789 3716



THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPPI AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS -A STANDARD. THE AREA (IF SHOWN) WAS DETERMINED USING THE D.M.D. METHOD. ENCROACHMENTS WERE RECKONED AS SHOWN. ENCROACHMENTS ARE AS SHOWN UNLESS NOTED STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO FEMA MAPS.

WILLIAM V. HIPPI, P.L.S. 17557



**CCMA21-30:** Nate McDaniel request Tax Map # 060-00-02-010-000 located at 1047 Pinckney Rd, Chester SC to be rezoned from R2 (Rural 2) to ID-3 (General Industrial)

Nate McDaniel, of 4307 Cahnnas Way Waxhaw, NC, stepped to the podium. Mr. McDaniel explained he and his partner own this property on Pinckney Road and that it has a large hill. His partner is in the retaining wall business and believed that the hill is made of good structural fill. Mr. McDaniel said he had the hill bored and compaction test results confirmed the dirt is good structural fill. He has gone through DHEC and they had a public hearing in Chester. Mr. McDaniel stated DHEC said due to the volume of dirt, even though he is not going sub-grade, nor mining, nor blasting that they needed a mining permit for their intent. The mining NAICS code does not work for the current zoning. He needs to rezone to be able to grade the hill down, make it flat, and hopefully provide structural fill to many projects in and around Chester.

Chairman Raines asked how much in excess they were, under what they could have mined under R2 (current zoning). Mr. McDaniel said that he does not have a straight answer on that. In addition to volume, there is also reclaiming. Due to the fact that the dirt will be leaving site, volume, and unknown duration they (DHEC) felt this should be coded a mining permit. Chairman Raines asked if the intent is to mine this and not to level the property for any other purpose. Mr. McDaniel said the goal is to sell the structural fill and make it flat. What started this endeavor is a group out of Mooresville, approached his partner, looking to purchase a million yards of dirt. If someone was looking for 10 truckloads, a couple times a week, that would take a lot longer. There are some unknowns here and with the growth coming to Chester. I don't have a good answer, as to what the County will want because it could be two years from now. Depending on how the growth goes, without knowing how long it will take, we didn't think it was smart to make a plan just to anticipate changing it.

Chairman Raines said he read in the permit that it mentioned a million cubic feet. He asked if that was the volume Mr. McDaniel was talking about. Mr. McDaniel said the estimate is a million and a half cubic yards and they cannot disturb more than twenty-five acres at one time. They cannot disturb the entire 44 acres at once, cannot go sub-grade, and cannot dig a mine or hole.

Chairman Raines asked if they must complete the reclamation on the 25 acres, before they can move on. Mr. McDainel stated that was correct. Chairman Raines asked if they planned on a standard dump truck. Mr. McDaniel said they estimate between 11 and 17 ton trucks. Chairman Raines asked what their process would be to keep dirt out of the road, as he was familiar with another gravel business that had truck washing stations to wash the tires. Mr. McDaniel said he could do that if need be. DHEC suggested 100 feet of riprap and gravel, we did 400 feet. If that isn't enough, we could do truck washing stations or whatever it takes. Chairman Raines asked if those are functions of DHEC and their permitting of trucking and operating a mine. Mr. McDaniel responded that they (DHEC) does not give



you a plan. He hired a civil engineer and he put in specs and DHEC either allows it or makes changes. That is where the terranean, or below sub-grade, came from.

Commissioner Grant asked what he means by grade level, does that mean level with the road that is going in there. McDaniel said yes, that is correct. It will be level with Hwy 9 or Pinckney Road. Commissioner Grant asked what kind of dirt is being claimed or mined. Mr. McDaniel said pit gravel is most of what they have seen, some orange. He has borium and compaction results and can provide those. Commissioner Grant asked what will be done with the grading and stumps taken out. McDaniel said in the front (of the property) by Hwy 9 is flat and has discussed putting them there. To burn, Mr. McDaniel mentioned, he would have to apply for a burn permit.

Mr. McDaniel also explained that there is a lot of property there. He could work 25 acres and shove stumps to the other side of the property. Commissioner Grant asked if that would be taken out and then put back. Also, would that be a part of the reclamation. Chairman Raines stated the permit reads the topsoil will be redistributed as a part of the reclamation. Mr. McDaniel said that is correct, but thought they were talking about stumps. Commissioner Raines clarified that they were not talking about debris, rather the surface removed before mining. He asked if that would be pushed over to the side and then placed back on top of the final grade. McDaniel said that is right. He will have to plant trees and grass. Chairman Raines asked if the stumps would be burned or hauled off. McDaniel said he would do what the County allowed; burn permits, mulching, whatever makes most sense.

Commissioner Grant asked if the property was logged not too long ago. Mr. McDaniel said correct, it was timbered. Commissioner Grant clarified that those were the stumps he was referring to. He asked Mr. McDaniel what he was going to do with those stumps to get to the pit gravel to be mined. Mr. McDaniel said it would be moved over to the acreage not being mined at the time. Commissioner Grant asked if there was going to be any buffers around the mining operation. Mr. McDaniel said yes that DHEC had them written in the permit.

Vice Chairman Smith asked if there was a plan for stormwater runoff. Mr. McDaniel stated yes. DHEC has approved and it is place. Mr. McDaniel explained they put in additional riprap and a culvert, near the farm pond and adjacent property so water will continue to pass over and through. He paid an engineer to put those in place.

Commissioner Howell asked if the loads are going to be scaled. Mr. McDaniel said if he could, he would like to wait. He has already invested a lot of money into this project and would be nice to capture some back before purchasing scales. If it's a requirement of the County to have them scaled, that's fine. He said he heard if not dealing with rock gravel, you generally do not approach over weights. Commissioner Howell stated that he wanted to be sure Mr. McDaniel realized he would be passing Highway Patrol's main office.



Chairman Raines, in reference to Commissioner Grants previous question, stated that the setbacks are 30 feet, according to the sketch plat. Director Levister stepped to the podium to say that the permit reads 50 feet, a total of 10.06 acres involved in the buffer.

Chairman Raines asked the Commission if they had any additional questions. They did not. Chairman Raines asked if any member of the public wished to speak in opposition of the request.

Blake Woods, of 2038 Price Rd Carlisle, SC, stepped to the podium and said he was not for or against. He owns property that joins Mr. McDaniel's. He asked for clarity on how it would affect his property. He said he received a letter from the County that mentioned General Industrial, so he was thinking an industrial plant.

Mr. McDaniel stepped back to the podium and said the hill goes up and slopes off and he can not do a solid wall, but buffers are in place. Mr. McDaniel said he can take additional precautions, if needed. Mr. Woods asked Mr. McDaniel if there is a fence on the property that connects to his. Mr. McDaniel said he believed there was, but right now is the watershed runoff with rebar. Mr. Woods asked if what Mr. McDaniel is doing would affect property in the area. Mr. McDaniel stated he does not see how it could, that he has to stay 50 ft off and there are grade requirements. Mr. McDaniel offered to have Mr. Woods schedule an appointment to go out and look. Mr. Woods said he would do that at some point. Commissioner Grant asked Mr. Woods what house he lived in. He stated he owns 12.5 adjoining wooded acres.

Chairman Raines asked if there were any additional members of the public that wanted to speak in opposition or favor of the request. Attorney Winters asked that the Commission reiterate the process of rezoning. Chairman Raines said that no matter how the Planning Commission votes, it is only advisory. County Council has three readings that will either approve or deny in an official capacity. Attorney Winters stated this is the only Public Hearing. There is not a public hearing with Council, comments are allowed but it is not an exchange.

Chairman Raines asked if any Commissioners had a recommendation or motion.

Commissioner Howell asked that the motion is approved with a reverter clause; once the business is no longer in existence (leveling the lot and removing gravel) that it reverts back to the current zoning classification. Chairman Raines seconded the motion.

Chairman Raines asked if there was any further discussion. Vice Chairman Smith asked staff if the County has an SR4 for stormwater runoff. Director Levister stated the stormwater is regulated by DHEC.

Vote 5-1 to approve. Commissioner Grant was opposed.



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 9.21.21 Case # CCMA21-30 Invoice # 4299

The applicant hereby requests that the property described to be rezoned from R-2 to T0-3

Please give your reason for this rezoning request:

PLEASE SEE ATTACHED

*Copy of plat must be presented with the application request*

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: 238910

Property Address Information

Property address: 1047 PINCKNEY RD CHESTER, SC 29706  
 Tax Map Number: 060-60-02-010-000 Acres: 44.47

Any structures on the property: yes  no . If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant(s): M. DANIEL, NATR  
 Address: 4307 CAMNNAS WAY WAXHAW NC 28173  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Owner(s) if other than applicant(s): REBILCO LLC  
 Address: 4107 CAMNNAS WAY WAXHAW NC 28173  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: REBILCO LLC \_\_\_\_\_

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: [Signature] Date: 26 AUG 21

Applicant signature: [Signature] Date: 20 AUG 21

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.



## Reason For Rezoning

1047 Pinelawn Rd is a hill of good structural fill that peaks at approximately 75 feet with estimated volume of 1.5M yards of dirt.

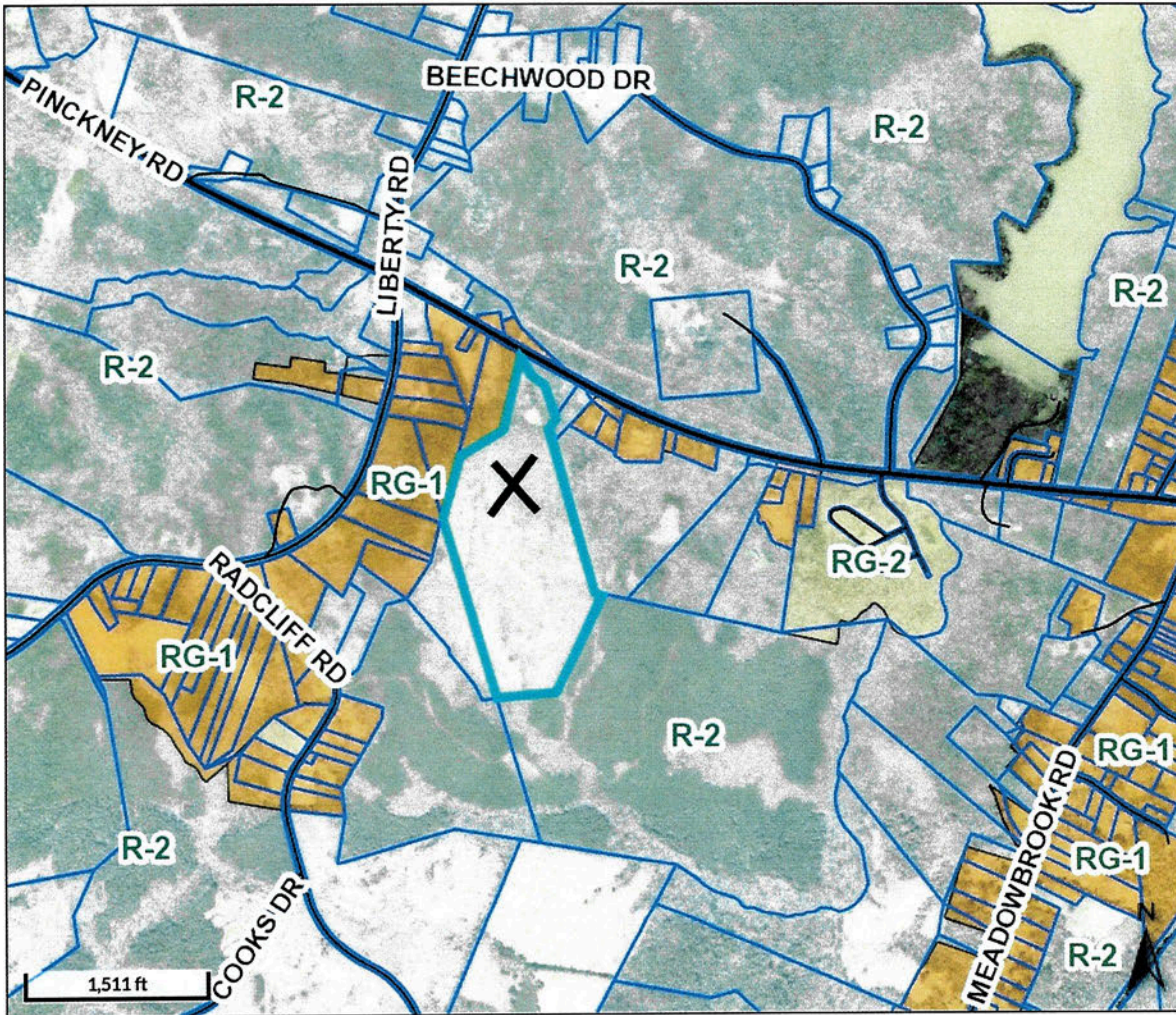
We consulted DHEC for a permit to grade the land and make it flat. Permit (included) specifically notes we are not to go below grade. Our intention is to make the land flat.

Due to volume and not reusing the dirt on site or reclaiming it, DHEC classified it as a mining operation, even though we are not going below grade.

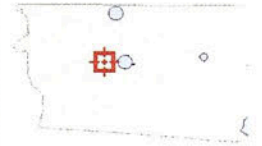
DHEC informed us they communicated with Chester and put out a public notice.

After meeting with the Chester zoning department, we found out that due to NALs code 238910, the property would need rezoned.





**Overview**



**Legend**

- Roads**
- Secondary Road
  - SC Highway
  - Municipals
  - Parcels
- Chester County Zoning**
- AG
  - EDD
  - GC
  - ID-1
  - ID-2
  - ID-3
  - LC
  - R-1
  - R-2
  - R-3
  - R-4
  - RG-1
  - RG-2
  - RIV
  - RS-1
  - County Boundary

Parcel ID 060-00-02-010-000  
 Sec/Twp/Rng n/a  
 Property Address 1047 PINCKNEY RD

Alternate ID n/a  
 Class RN  
 Acreage 44.472

Owner Address MCDANIEL NATE-1/2 INT  
 % NATHAN MCDANIEL  
 4107 CAHNNAS WAY  
 WAXHAW NC 28173

District 02  
 Brief Tax Description n/a

(Note: Not to be used on legal documents)

Date created: 9/23/2021  
 Last Data Uploaded: 9/23/2021 3:18:40 AM

Developed by  Schneider  
 GEOSPATIAL



**Application for Chester County Boards, Commissions and Councils**

Chester County Council selects citizens for service on Council Appointed Boards and Commissions from individuals who have either volunteered, been recommended for appointment or shown interest in being appointed. The Clerk to Council uses this form to update the roster of volunteers and give Council basic information about each volunteer.

Date: 9/7/21

Board, Commission or Council Appointment being sought: Catawba Mental Health Board

Name: Sam Stone Occupation: Physician

Street Address: 517 Doctor Court Voter ID#: \_\_\_\_\_

Mailing Address: (if different from above) \_\_\_\_\_

Telephone (Home): [REDACTED] Cell: [REDACTED] E-Mail: [REDACTED]

Date of Birth: 05/15/1954 SEX: M

If recommended by a Council Member, indicate name: \_\_\_\_\_

In which Council District do you reside? Please indicate (1-6) 3

Are you presently serving on a County Board or Commission? no If "yes" when does your term expire? 1/1/

CONFLICT OF INTEREST STATEMENT: I, Sam Stone, as a voting member of any Chester County board, commission or council, agree to disqualify myself from voting on any issue(s) which may arise and in which a conflict of interest exists. (Signature) [Signature]

Board members shall serve at the will of the appointing Council member and terms shall also run concurrent with that of the appointer.

**Boards**

- Accommodation Tax Board
- Catawba Mental Health Board
- Catawba Regional Workforce Board
- Hazel Pittman Center
- Chester County Library
- Board of Assessment of Appeals
- Zoning Board of Appeals
- Catawba Regional Council Government
- Chester County Recreation Advisory Board
- Solid Waste Board

**Commissions**

- Airport Commission
- Chester County Rural Fire District Commission
- Lando Rural Fire District Commission
- Chester County Planning Commission
- Richburg Fire Protection District Commission
- Olde English District Commission
- John Keziah Park Commission

Please Return to: Clerk to Council, P.O. Box 580, Chester SC 29706 or you may call at (803)-377-7852 or email to [tleec@chestercounty.org](mailto:tleec@chestercounty.org)