

CHESTER COUNTY COUNCIL MEETING

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, December 6th, 2021 at 6:00PM

MINUTES

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

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

Interim Chairman Dr. Frederick called for a motion to add to the agenda under executive session an item to receive legal advice regarding planned developments under 10.c. and 11.c. Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.
3. **Approval of Minutes**
 - a. **November 12th, 2021, Special Called Council Minutes.**
Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.
 - b. **November 15th, 2021 Council Minutes.**
Councilwoman Guy motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.
4. **Citizen Comments-**No one signed up to speak.
5. **Public Hearing-** Interim Chairman Dr. Frederick opened the public hearing.
 - a. **3rd Reading of 2021-20 An Ordinance Adopting the 2020-2030 Chester County Comprehensive Plan.**
Joanna Angle of 2762 Blaney Road, Chester SC stated language from the previous comprehensive plan should also be included in the new plan as well, such as ensuring future growth and being compatible with existing development.
 - b. **3rd 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.** No one signed up to speak.
 - c. **3rd Reading of 2021-13 Approving the Execution and Delivery of a Project Agreement Between The County and Project Village Drive; And Other Related Matters.** No one signed up to speak.
 - d. **3rd Reading of 2021-14 Approving the Execution and Delivery of a Development Agreement Between The County And [Project Winchester]; And Other Related Matters.**
Sara Shirley, 8008 Corporate Center Drive, Charlotte, NC stated she along with Jonathan McCall, John Ross and Ron Scott from American Engineering for the Winchester project wanted to thank Council for their time and they looked forward to getting started.

- e. **3rd Reading of 2021-21 An Ordinance to Prohibit Truck Traffic on Canal Road.** No one signed up to speak.

Interim Chairman Dr. Frederick closed the public hearing.

6. Ordinances/Resolutions/Proclamations

- a. **3rd Reading of 2021-20 Ordinance Adopting the 2020-2030 Chester County Comprehensive Plan.** Councilman Vaughn stated the plan was a living document that could be changed. Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.
- b. **Resolution from the Planning Commission to recommend the update of the Chester County Comprehensive Plan 2020-2030.** No vote was taken.
- c. **3rd 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 Matter.** Vice Chairman Branham motioned to approve, second by Councilman Wilson. Vote 5-0 to approve.
- d. **3rd Reading of 2021-13 Approving the Execution and Delivery of a Project Agreement Between The County and Project Village Drive; And Other Related Matters.** Bond Attorney Michael Kozlarek stated it was approximately a 266 single family residential unit, 215 multifamily residential unit and 11 acres of commercial development that sits outside of the city limit of Chester. There would be a payment made for all of the potential development for the first single family, all the potentials development for the first multifamily and all the potential development for the first commercial permit that is pulled. Councilman Wilson asked what the total was for each. Mr. Kozlarek stated the single family residential is a lump sum mitigation fee of \$100,000. The multifamily is a lump sum mitigation fee of \$50,000 and in the commercial it's a lump sum mitigation fee of \$50,000 dollars. Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.
- e. **3rd Reading of 2021-14 Approving the Execution and Delivery of a Development Agreement Between The County And [Project Winchester]; And Other Related Matters.** Councilman Vaughn motioned to delay the third reading of the execution delivery of the agreement between Chester County and Project Winchester and other related matters until they received legal advice in executive session, second by Councilman Jordan. Vote 5-0 to approve.
- f. **3rd Reading of 2021-21 An Ordinance to Prohibit Truck Traffic on Canal Road.** Councilman Jordan motioned to approve, second by Vice Chairman Branham. Councilman Vaughn stated he recalled at the last meeting not to prohibit trucks hauling timber. Vice Chairman Branham withdrew his second, Councilman Jordan withdrew his motion. Councilman Vaughn motioned to prohibit truck traffic on Canal Road with changes but also to include to allow for the harvesting of timber, second by Councilman Jordan. Vote 5-0 to approve.

7. Old Business

- a. **Updates on multiple projects – Procurement Director Susan Cok.**

Mrs. Cok stated the bids for North Chester came in a few months ago, since then they were able to receive more funding and asked all the bidders to resubmit their bids which should be due by the 23rd. This should be on the agenda for the first meeting. She stated they were working on preliminary plans for Lewis Fire and the bid should go out soon. They were working with only one bidder for the West Chester air compressor but were trying to get more information that should also be on the agenda for the next meeting as well. Councilman Wilson asked if the project was in the budget. Mrs. Cok stated it was, but they weren't getting enough responses and may have to rebid it back out. The health department flooring, museum

windows and Courthouse windows were all waiting on asbestos and lead assessment and should be getting those this month. The I-77 interchange, and high mass lighting and highway nine roadway lighting is being handled by Bill Coleman with ICE. The Rodman Sports complex and Animal Control building which Council approved funding is waiting on final approval from CFC (Chester Facilities Corporation). She stated as soon as they have that information they could move forward. Attorney Winters asked if there were any drawings for both facilities. Mrs. Cok stated no, they did not want to put money in for that until they know they will have the actual funding. Attorney Winters stated she and Dr. Frederick would send out the letter this week to CFC indicating to them the wish of Council. And would ask them for a seven-day response. Councilman Wilson asked that council be notified when the meeting is scheduled.

b. Discussion regarding the 90-day moratorium placed on planned development applications.

Interim Dr. Frederick stated he didn't think it would be wise to keep extending the moratorium. They were consulted by Mr. Compton and his guidance to schedule a meeting with the planning commission. Currently the Council is working with development agreements for future developments. Attorney Winters stated since we have litigation maybe extend it for a short time. Mr. Compton's recommendation was not to extend it for too long. Planning Director Mike Levister stated he was receiving calls as to when they could start turning in applications and tells them once the moratorium is lifted. Councilman Vaughn motioned to extend the moratorium for 90 days, second by Councilman Jordan. Vote 3-2 to approve. Councilman Wilson and Vice Chairman Branham opposed.

8. New Business

a. 1st Reading of CCMA21-31: Raymond F. Reeves request Tax Map #: 079-03-02-007-000 (and to confirm tax map #: 079- 03-02-007-000 has been requested to be combined with 079-03-02-008-000 is also included) located on First Street, Chester, SC be rezoned from RS-1 (Single Family) to RG-2 (General Residential). Councilman Wilson motioned to approve, second by Councilman Vaughn. Vote 5-0 to approve.

b. 1st Reading CCMA21-32: Mitch Benton request a 4.648 portion of Tax Map #: 080-01-02-001-000 located on JA Cochran By-Pass, Chester, SC be rezoned from RG-1 (Multi Family) to GC (General Commercial). Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.

c. Council to approve additional funding in the amount of \$50,000.00 be used from CPST for the Chester Library Roof Improvements – Procurement Director Susan Cok. Mrs. Cok stated this came in over budget and asked if additional funding could be used. Treasurer Tommy Darby stated funds from unfilled positions from the building maintenance department could be used and put back from a budget amendment. Councilman Wilson motioned in title only to approve a budget amendment in the amount of \$50,000 dollars, second by Vice Chairman Branham. Vote 5-0 to approve.

d. Council to approve the bid of ATD Restoration in the amount of \$160,000.00 + \$10,000.00 for the Chester Library Roof Improvements. – Procurement Director Susan Cok. Councilman Vaughn motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.

e. Council to approve the bid of ATD Restoration in the amount of \$75,000.00 + \$7,000.00 for the EMA Roof Improvements – Procurement Director Susan Cok. Vice Chairman Branham motioned to approve, second by Councilman Wilson. Vote 5-0 to approve.

f. Council to approve the bid of Cudd Heating and Air in the amount of \$110,413.00 for the Courthouse HVAC and \$9,334.00 for the EMA HVAC – Procurement Director Susan Cok. Councilwoman Guy motioned to approve, second by Councilman Wilson. Vote 5-0 to approve.

g. Council to approve the 2022 Council/CTC meeting dates. - County Council. Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.

9. **Boards and Commissions-None**

10. **Executive Session**

Councilman Jordan motioned to go to executive session, second by Councilwoman Guy. Vote 5-0 to approve.

- a. To receive legal advice regarding opioid litigation. Attorney Winters.
- b. Discuss a contractual matter regarding Gallo.
- c. Receive legal advice regarding planned developments.

11. **Council Actions Following Executive Session**

Councilman Wilson motioned to go back to regular session, second by Vice Chairman Branham. Vote 5-0 to approve.

a. **Action taken regarding legal advice on opioid litigation.**

Councilman Vaughn motioned to approve Chester County joining Johnson & Johnson in the opioid lawsuit settlement, second by Councilman Wilson. Vote 5-0 to approve.

b. **Action taken regarding a contractual matter for Gallo.**

Councilman Jordan motioned to approve the 1st Reading in Title only an ordinance to adopt the utility development regarding the construction, financing, and ownership of wastewater collection, treatment, discharge facilities, second by Councilman Vaughn. Vote 5-0 to approve.

Councilman Jordan motioned to approve the 2nd Reading of an ordinance to approve and adopt a Memorandum of Understanding between Chester County and the Town of Fort Lawn, second by Councilwoman Guy. Vote 5-0 to approve.

c. **Action taken regarding legal advice on planned developments.**

Vice Chairman Branham motioned to approve with each developer remaining liability in the chain of assignment and the agriculture use notices appearing as a stand-alone covenant, second by Councilwoman Guy. Councilman Jordan and Guy asked if this was the third reading, they were voting on. Interim Chairman Dr. Frederick stated yes. Vote 4-1 to approve. Councilman Jordan opposed.

12. **Council Comments**

Vice Chairman Branham stated the sign at exit 65 needed to be repaired. Councilman Vaughn stated the entry signs coming into Chester County all needed to be improved as well. Councilwoman Guy stated she would like to include in next year's budget the purchase of a new Christmas tree for the Court House lawn, she had received several complaints. The current one is around twenty years old. Councilman Jordan stated he had also received complaints.

13. **Adjourn**

Councilwoman Guy motioned to adjourn, second by Councilman Jordan. Vote 5-0 to adjourn.

Time: 8:15 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.