

CHESTER COUNTY COUNCIL MINUTES

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Tuesday, April 6th, 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, Clerk to Council Karen Lee and County Attorney Joanie Winters. Rules of Procedure Section 2-59 and 60 were suspended.

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.
3. **Approval of Minutes**
 - a. **March 15th Council Minutes.**
Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.
 - b. **March 30th Special Called Minutes.** Councilman Wilson motioned to approve, second by Councilman Killian. Vote 5-0 to approve. Councilman Jordan was not present for the March. 15th meeting and did not vote.

4. **Citizen Comments**

Sarah Shirley of 8008 Corporate Center Drive, Charlotte, North Carolina, stated she was with American Engineering and has been working with the developer on Winchester design for the Winchester neighborhood. Based on collaboration and insight from staff, commissioners, and citizens, they eliminated approximately 950 homes from the project, they removed the parcel at the corner of Edgeland Road and Hernandez Road from the rezoning request. The revised conceptual plan will be provided to Council in the next council packet. She stated by making this change the new proposed density is less than three and a half units to the acre. And the proposed housing mix will be a range of single family detached homes. All entrances and or exits have been removed from Hernandez Road and will be provided solely from Edgeland Road. She said it was important to the development team and the property owners to provide a community, a community that meets the asks and needs of the county in which it will preside in the case of Chester County we have listened to the requested change and are working to meet the needs for homes for the county's new and existing citizens.

Barry Dodson, 3631 Hernandez Road, Richburg, SC stated he lives on an Hernandez Road. Thirty years ago, when Carlisle Roddey and Dr. Matthews were exploring planning and zoning, I did a pro forma for Chester County. I'm pro planning and pro building inspection, been working with it his whole life. This development in this area is not in accordance with the gateway master plan, and it should not be done, at this location.

Jason Hancock 4371 Simpson Road, Edgemoor stated he was here to say that he was hoping that you will take the recommendation of the Planning Commission to not approve this Winchester neighborhood. He and his wife are both from Rock Hill, they moved down in 2018, after having

lived in Rock Hill for about 12 years, moving away from the congestion of Rock Hill, looking for a property with some acreage in a rural setting where they can raise their kids and start a small farm. And what I'll share with you as my reasons to say that I don't believe this is a good idea. The growth of Chester County obviously, can come with great opportunity. But if we look at this section of Edgeland Road, roughly two and a half miles apart, we have the Linear neighborhood and the LGI neighborhood next to Victorian hills across from the proposed apartments. And this is sitting directly in the middle of those. And so even reducing this number of homes to closer to 1000 units at three and a half per acre for a two and a half mile stretch of a two-lane highway where these other two neighborhoods don't even have the first structure built. Does it make sense to add that level of density at one time, when we look at the planning the consideration of the impact of this local community to infrastructure. We had evidence presented to the planning commission that the sewage in that area cannot support this. We have seen that the Lewisville schools are already at their capacity. With the fifth graders having been moved to the middle school. Many residents in that area has grave concerns about the traffic without adding the first car from the number of homes we're already looking at without this neighborhood, potentially 600 homes, plus these apartments. I think it was said best by a member of the Commission, the night that we had the Planning Commission meeting, that here in Chester County, that we see many of the mistakes that our neighboring counties have made. And we haven't made many of those mistakes here yet. We have the opportunity to get this right. And I strongly believe as a newer member of this community, a community that my family and I have grown to love that it would make a lot more sense. It's it really is sensible for us to let these other neighborhoods progress, allow some of these units to be built, reassess that need in the area and see if a neighborhood like this is truly needed in the midst of such a rural area. And again, in compliance with the gateway master plan. Thank you for your time.

Ellen Reid 3549 Edgeland Road, Edgemoor, SC stated the Winchester development does not reflect the culture or integrity of our community. We do not need roofs. We need homes for the people who want to invest in our community. We do not need to over saturate this community with a plan development which is anything but planned and it certainly does not respect the investments the current residents who have chosen to live in the area. The Lewisville community has welcomed industry and they will welcome residential growth that is proactive but believes this development would be costly leading to increased taxes. She stated they don't want to end up like Fort Mill or Indian land their needs to be more planning by the county. She asked if a moratorium on development on highway 901 be put in place, until they have a preferred development that's plan protects conserves and reflects the integrity of our community, one that meets our expectations. If we can have a comprehensive and strategic plan a long-range plan, we can consider a way for growth to pay for itself and determine a fee that is fair and equitable to adequately provide each resident with transportation water, sewer, fire, parks, recreation, schools, and protection, a way in which the stakeholder is in agreement and a way that can be updated as needed. She believed the members of this community and the citizens of Chester County will feel better about our county and trust Council to make the best possible decisions going forward. Choose our people over roofs. I'm asking that you deny the request on the part of American Engineering or Chester Land Holdings to change the current zoning to plan development.

Will Walters, 151 Harley Street, Monroe, North Carolina. He was the newest member of this development team and was speaking on behalf of his father who couldn't be here tonight. The Bureau of Labor published a statistic in January of 2019 showing that 3825 people are employed in Chester County but don't or can't live here. That's over 4000 people today that leave here Friday afternoon and don't return until Monday morning. That's 4000 people missing Friday night dinner at the Front Porch, 4000 people missing Saturday night at the Wagon Wheel or Sunday brunch buffet at the Country Omelet. That's 4000 people that probably won't go to Ezell's hardware Saturday morning to buy paint or other supplies. The house state representative Mr. Randy Ligon

told us that Chester County has already lost a bowling alley and a ice cream shop. It's my opinion more people should help improve the schools. More people should help improve the hospital. More people should make the community better. And who knows it may even bring back a bowling alley and an ice cream shop.

John Ross, 3501 Lake Park Road, Indian Trail, North Carolina, stated he was a registered engineer in South Carolina and in North Carolina with over 36 years of experience in design, permitting and construction of residential and mixed-use communities. As a representative of the Winchester project development team, While the development team recognize the benefits of the Winchester development to the surrounding community and to the county as a whole, we also recognize and accept our responsibility for assessing and mitigating impacts on the surrounding areas. While we have heard specific concerns from the community regarding traffic, utility, infrastructure, and environmental impacts resulting from the Winchester parks is these concerns that I would like to address with regard to traffic. The development team has engaged a traffic consultant to conduct a traffic impact analysis for the project. The traffic impact analysis will be completed in a series of steps beginning with a scoping document. This document defines the area of study the intersections to be included in the study, the proposed points of access for the site and the background assumptions. This document will be reviewed and approved at the county and the SCDOT level before the impact analysis is initiated the traffic impact analysis, we will use the approved zoning plan and the anticipated project phasing. With roadway improvement to determine which roadway improvements are required to be mitigate the impacts to the existing roadway system. These improvements may include roadway widening turn lanes, intersection improvements or even signalization improvements, while the traffic impact analysis is not a requirement in the zoning process, we recognize the importance of this aspect and we are committed to providing the traffic mitigation improvements that will be identified by this analysis regarding water and sewer infrastructure. In October of last year, members of the development team met with Chester county personnel to assess the existing water and sewer availability in that meeting we were advised that Fishing Creek is the Water Supply sources that would serve this project that there has been no disruption service in 25 plus years. The county has capacity and pressure at the site to serve the proposed community with water. Last month, members of the development team met with Chester Wastewater Recovery and with ACON who is a consultant working on the masterplan modeling for the county and ACON states that currently, there's a half million gallons of water available for use at 300 gallons per day per house. The current availability can support 1667 units. We are working to secure a willingness to serve later for the planned community and we will commit to building a system including a pump station and infrastructure to Chester county standards to be owned and operated by Chester County. And finally with regard to environmental impact, a wetland and endangered species assessment was completed in October of last year. Our current zoning plan has been created in a manner that eliminates impacts to existing wetland features and minimizes crossings of existing streams throughout the site. The environmental study also notes that no documented occurrences of federally protected species are located within a mile of the project area.

Johnathan McCall, 5616 Lander Benton, Unionville, North Carolina, stated he was there to represent Chester Land Holdings and Carolina development services. You've heard a lot from my associates partners I just want to tell you a little bit about who we are. We have 75 plus years of experience of developing in the North and South Carolina. We've been doing it for 35 plus years. And we're proud of what we do. And we feel that we're exceptional at what we do. We serve we build in the larger cities such as the Charlotte, Columbia, Rock Hill, Fort Mill area That have grown over the years. But we also build in the more rural areas. Such as the Yorks, the Clovers and the Midlands. And what we do is we partner with these communities to understand what it is that's needed and, and what it is that they want. And I think there is without question. There's a need here in Chester, which coincides with the industry that has come. As you know, as I was driving in

tonight, he has seen it every single time (for hire signs) when they come down and there constantly looking for more growth within that the industry and work to do that, they want to have housing here with it as well. They would not be knocking on the door and asking you guys to partner with them if there was not a need, and they feel good about what they do and are asking you guys to partner with them because when it comes to this kind of opportunity, they usually want to be able to get community within the community. They have already made concessions after listening to the public and listening to planning. We live we work here we play here. And when I say here, I mean the Carolina's this is an investment for us also 10, 12, 15 years I want to be able to come here every year with my kids and feel good about the clients and the representatives that we have in this area for this neighborhood. We want you to feel the same. We want the public to feel the same and that's pretty much why we're here.

5. **Public Hearing-None**

6. **Ordinances/Resolutions/Proclamations**

a. 2021-7 Declaration of a state of emergency for Chester County.

Councilman Jordan motioned to approve, second by Councilman Killian.

Councilman Wilson said by extending this declaration of emergency what, what exactly does that do. County Attorney Winters stated it continues to allow us to drop some of the rules but there's an amendment in here that y'all should be aware of. And this was, this was triggered by the conversation that y'all had last time and it's on page two toward the bottom. At one point the emergency ordinance stated that only one would be allowed in chambers at a time. And so based on conversations with council, we've increased that to 15. But still requiring masks still asking for social distancing because we're not trying to completely return that we'd like to go back to normal but we're still having COVID hikes and things like that we still have to be cautious and careful. We are still maintaining a lot of the emergency measures including masks, including social distancing, and limiting the number of the folks that are in the room or also by suspending some of the rules, asking folks to continue to call in just as everyone who spoke today called in before 10 o'clock the day of the meeting just to get on the roster. Instead of having a signup sheet, again, that is strictly just to make sure we can limit the number of people who are in here at one time. It's not to limit public comment for sure. Councilman Wilson asked if this declaration trumps the previous approved by council. County Attorney Winters said it did, but if council wants to change it that could be done as well. Councilman Wilson said since there are 17 people in the audience, and it includes the Clerk to Council and IT Director it should be changed to 17. Councilman Jordan withdrew his motion, Councilman Killian withdrew his second. Councilman Jordan then motioned to amend and modify to seventeen (17) people in the audience, second by Councilman Killian. Vote 6-0 to approve.

b. 2021-5 An Ordinance To Adopt Various International And Standard Codes Relating To Inspection Activities Of The County Of Chester, South Carolina And Enforcement Of Building Provisions As Provided In Said Codes. Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

c. Proclamation in support of fair and equitable housing. Interim Chairman Dr. Frederick read the proclamation aloud.

7. **Old Business**

a. FROM CCTC:

1. Approval of bid for Deer Branch Culvert in the amount of \$ 45,221.50.

Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

2. Approval of obligated FEMA funds to mitigate Britt Lane.

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

8. New Business

a. 1st Reading of CCMA21-01: Pamela F. Guinn request Tax Map # 122-00-00-197-000 located on Clinton Rd, Edgemoor SC, ne rezoned from ID-1 (Restricted Industrial) to R1 (Rural One). *Planning Commission voted 7-0 to approve.* Councilman Jordan motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

b. 1st Reading of CCMA21-05: Patricia A Howze, Paulette Howze and Rachel D. Howze request Tax Map # 134-00-00-199-000 located on Highway 223, Chester, be rezoned from R2 (Rural Two) to RS-1 (Single Family) *Planning Commission voted 7-0 to approve.* Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.

c. 1st 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 Vaughn motioned to approve the rezoning of the property and deny the adoption of the Planning Commission's recommendation with the stipulation that densities of single family detached homes be reduced to a level acceptable by Chester County Council with the information provided to Council concerning other issues before final approval of the change is granted, second by Vice Chairman Branham.

Councilman Jordan stated Winchester is looking to reduce the number of homes. My concern is still there. First of all, with your motion, we don't know what density we're talking about now. And the density moved down to even three and a half houses is also taking into account the common areas and the wetlands. And so before when we're talking about six houses an acre the usable acreage there, you're really talking about probably eight or nine houses an acre that's actually being used. And so the three and a half my concern is more like six, five or six. So I'm still concerned about the density of this. This is my district and I have not had a phone call with anyone who is, quite frankly in support of this right now. It's my understanding and Mr. Levister might be able to correct me but part of this is already zoned Planned Development and the other part is zoned R-two, which means I believe they could put in an apartment complex and then one house every two acres, is that is that correct? Mr. Levister stated the current zoning for both parcels is on the agenda tonight is R-two. Okay, it's the one the other one was limited commercial. And R-two is one house every two acres. Okay My concern still is the density. You know, I can tell you that, before the Lenora and LGI home complexes started going up there is already a traffic issue for school traffic on 901 has been for a number of years, it needs to be addressed. There is going to be impact with schools there's going to be an impact with fire and police. You know, the sewer issues once all these go up, it's my understanding that we'll be at capacity issue. So I you know, I want to see development come I want to see it done right. And I do have some concerns that we're not ready for the additional. My other concern is, you know, with two other developments going on what is the need and perhaps you know the need is there. Perhaps it's not I don't know. But those are my concerns. I Understand what you're trying to do, and I'll certainly take a look at it and see what numbers you're proposing. But for tonight, you know, I can't support the density that we're talking about.

Councilman Vaughn stated I understand all your concerns. I share your concerns with this and that's why I put the stipulation in the motion. That we get more information from Mr. Long and Mr. Levister all the information council needs to make an informed decision, a wise decision in control. So we don't repeat the problems in various other counties that develop at a rapid pace and address

concerns they should have. I want to do it in a sensible way, growth in housing in Chester County but not at any price. We need to establish what Chester County's growth needs be and we're the ones that need to do it. And we've got two more readings of this after tonight. My proposal is we get that information in that time period see if we can either go forward or not.

Vice Chairman Branham said the reason that I agree with Mr. Vaughn on this is because I think every issue that the citizens over there came up with tonight it's still being looked at as far as the road situation. I know the highway departments heavily involved with this. I know the water and their issues I know the school issues needs to be addressed. Sewer to be addressed and of all the this for us just to flat turn it down without getting more answers and more details on this I think we will be in error doing this and holding the integrity of the rest of the county on the surrounding areas also.

Councilman Wilson stated the Council in the past is considered three different planned developments. And I know one of them was 840 homes and had big concerns about ingress and egress, I thought there was a safety issue there. But the way it was designed it was turned down by this council. Another PD we considered was, in my opinion there were inconsistency in what we were being told from the developer. And then another one that the home ownership models just did not work on the way they were proposed, the residents would own their own homes, but not the lot. I had problems with that. This one, I'll be honest, just from the outset, reading the minutes from the Planning Commission meeting, didn't have those red flags. But I do still have questions. And if Mr. Levister's around the corner there, get him back just for a second. You know, I always struggle personally with just the role of government, we want to make sure we don't, I don't want to be one to pick winners and losers if a project to say, I don't really think it's my role to say that that perhaps the home or the development, it's not something that I would choose, or maybe it is, but that's not what I want to do. I want to make sure it makes sense in terms of being safe with ingress and egress. I do have concerns about the density that's been talked about tonight. I would like some questions answered maybe you can work with advocate and get back to us before our next meeting. And let me run through a couple of them.

We talked about the lot size tonight of three and a half. More to Mr. Jordan's point. What does that include? Does that include wetlands does that include the roads we need? clarification on what that really means. We'd love to know more about the distance between the homes. There's always a fire concern there if one of them were to catch fire does it spread one to another? what's the distance from the wall of one home to the exterior wall of another home. The gateway master plan and that's been discussed several times under citizens comments. I've seen it discussed in the minutes I would really like to see if we can see a layout of what it says and what this is just side by side comparison so we can have a clear understanding of how and if it follows that plan. The traffic I know there's been some discussion from the developer I heard them say the study will be done and what kind of study is that? I'd like to know that as far as impact fees assumed this is a question you might get can answer. I assume if this was to be approved before impact fees are in place then all the homes associated with this planned development would not pay impact fees is that is that accurate?

Planning Director Levister stated that was correct, but they were not intact, I got an email from David Gamble, he said the department's only concern is mainly the narrow width and structural concerns with the bridge over Fishing Creek and did not have concerns with the road just the narrow construction on the bridge. At this time and is supposed to be on the list and be funded but who knows when it would be funded to do an upgrade.

Councilman Wilson said he was a farmer, and I'll will tell you that the change is something that is hard I'd like everything to be exact thing forever and always but does recognize that things change. If I was a neighbor to it, I'm probably the same way I'd probably say you know don't

want to send me to you, so I understand that position but also understand the need. This council has really gone after a lot of growth over the years from industries that require employees and employees require houses so it's time to get to keep that in mind if we're going to continue to incentivize businesses to locate here that that is going to bring change, and this may be what change looks like. We want to make sure this is a well-done development for me to support it but it does seem to look a little different than what we've seen in the past. And so for that reason, we really want to drill down on the density the developers are listening. We don't want something that's overly dense. We want some separation for fire safety and other things as well. Speaking for myself on that. And I have question with what was with drawn out of the request today that was that the apartment and townhomes that were pulled out is that is that accurate?

Mr. Levister stated that was correct what what Miss Sarah said that they were focusing on single family dwellings detached single family. Vote 5-1 to approve. Councilman Jordan opposed.

d. 1st Reading of CCMA21-04: Chester Land Holdings, LLC. Request Tax Map # 123-00-00-078-000 locate along Edgeland Road, Edgemoor SC, be rezoned from R2 (Rural Two) to PD (Planned Development) Planning Commission voted 7-0 to deny. Councilman Vaughn motioned to approve the rezoning of the property and deny the adoption of the Planning Commission's recommendation with the stipulation that densities of single family detached homes be reduced to a level acceptable by the Chester County Council with the information provided to Council concerning other issues before final approval of the change is granted, second by Vice Chairman Branham. Vote 5-1 to approve. Councilman Jordan opposed.

e. 1st Reading of CCMA21-06: J.M. Mullis, Inc request Tax Map # 165-00-00-079-000 located on Highway 21 (Catawba River Rd) Fort Lawn, SC be rezoned from R2 (Rural Two) to ID-3 (General Industrial) Planning Commission voted 7-0 to approve. Councilman Jordan motioned to approve with a reverter clause, second by Councilman Wilson. Vote 6-0 to approve.

f. 1st Reading of CCMA21-07: J.M. Mullis, Inc request Tax Map # 165-00-00-055-000 located on Highway 21(Catawba River Rd) Fort Lawn, SC be rezoned from R2 (Rural Two) to ID-3 (General Industrial) Planning Commission voted 7-0 to approve. Councilman Jordan motioned to approve with a reverter clause, second by Vice Chairman Branham. Vote 6-0 to approve.

g. 1st Reading of CCMA21-08: J.M. Mullis, Inc request Tax Map # 165-00-00-091-000 located on Highway 21 (Catawba River Rd) Fort Lawn, SC be rezoned from ID-2 (Limited Industrial) to ID-3 (General Industrial) Planning Commission voted 7-0 to approve. Councilman Jordan motioned to approve with a reverter clause, second by Councilwoman Guy. Vote 6-0 to approve.

h. 1st Reading of CCMA21-09: J.M. Mullis, Inc request Tax Map # 165-00-00-080-000 located on Highway 21 (Catawba River Rd) Fort Lawn, SC be rezoned from ID-2 (Limited Industrial) to ID-3 (General Industrial) Planning Commission voted 7-0 to approve. Councilman Jordan motioned to approve with a reverter clause, second by Councilman Vaughn. Vote 6-0 to approve.

i. 1st Reading of CCMA21-10: J.M. Mullis, Inc request Tax Map # 165-00-00-066-000 located on Highway 21 (Catawba River Rd) Fort Lawn, SC be rezoned from ID-2 (Limited Industrial) to ID-3 (General Industrial) Planning Commission voted 7-0 to approve.

Councilman Jordan motioned to approve with a reverter clause, second by Councilwoman Guy. Vote 6-0 to approve.

j. 1st Reading of CCMA21-11: J.M. Mullis, Inc request Tax Map # 165-00-00-065-000 located on Highway 21 (Catawba River Rd) Fort Lawn, SC be rezoned from ID-2 (Limited Industrial) to ID-3 (General Industrial) Planning Commission voted 7-0 to approve. Councilman Jordan motioned to approve with a reverter clause, second by Vice Chairman Branham. Vote 6-0 to approve.

k. Council to consider adding a temporary bi-lingual position for vaccine clinic support to EMS. -Britt Lineberger.

Tyanne Perry with Chester EMS This is Marie Ivey and John Faulkner. We would come before you to ask for a temporary position for a bilingual interpreter for Chester EMS for the COVID-19 vaccine clinic. With a lot of things were going on at EMS for the past several months and we've been doing a lot of testing for not just the employees of Chester County or the different departments also for anybody around Chester County. This past month we started doing vaccines for the county. And that means anybody, it does not have to be a Chester County resident.

Maria Ivey is our vaccine coordinator. I want her to come up and explain to you what's going on with the clinic itself, and then explain why we need the interpreter. On March 27, we held our first vaccine clinic over at EMS headquarters between that and April 3, where we held another mini clinic, we vaccinated 302 people, people came from as far away as Columbia and all the way up from Charlotte to this vaccine clinic. And we had 15 people that were non-English speaking. So, there's definitely a need for some interpretation, just to help the recipients understand what's going on and be able to understand the process, what the vaccine side effects are and things like that. On April 5, this past Monday, we received another 1000 doses of the moderna vaccine for reverse first vaccines, so we're holding our next vaccine clinic, this coming Sunday from 8am to 4pm. And we're going to offer a total of 500 slots we already have over 30 people have signed up for that clinic. We also have plans to go into the manufacturing sites around the county to do off site clinics to be able to get those people vaccinated as well. So a little bit of research on the population. The Hispanic population in the area, Chester County as of July of 2019 had to 2.2% of the population was Hispanic. That's 700 approximately 709 people, including the surrounding counties, we're looking at over 24,000 Hispanic people who live in the area. Now it doesn't say that all of them are non-English speaking but it's my experience in history. At EMS, you do run into a large quantity of people who are non-English speaking. So I really think that would be very important to be able to reach this community to give them a fair shot of understanding what is available to them. I included the other counties, because they may work in Chester County, or they may visit Chester County for a variety of reasons. And the end of the day, it's important for us to protect all the citizens of Chester County, whether they work here or they live here. So, I really think that this would be a great opportunity for us. Well, we did only have 15 people of the 300 that were Spanish speaking that day, we can also utilize this person to help with data entry, as well as pre-screening and things like that. So, she wouldn't just be idle in the time that she wasn't interpreting. So, it would be beneficial to us all around.

Vice Chairman Branham asked would it be a temporary position.

Ms. Ivey stated we're completing these COVID vaccine clinics. Now, it's hard to say how long that's going to go on. We do anticipate the COVID vaccine process to be ongoing throughout the rest of 2021. This person would only work when you're doing that thing.

Maria Gabby stated we don't charge for the vaccine; we're not allowed to charge for it is reimbursable by the federal government.

Attorney Winters asked so we're not charging for the vaccine. But are we charging for the service?

Maria Gabby said all of the people who are working these clinics are being paid through the COVID funds.

Attorney Winters but are the individuals charged for the service?

Maria Gabby said no.

Attorney Winters said we can't charge for the vaccine, but we can charge for the service. That's what I'm asking. We are not charging for this because I got a bill for both of my shots.

Maria Gabby, we are not charging for the service.

Attorney Winters said she got her shot at EMS and was sent a bill in the mail for both.

Councilman Killian said he got both of his from there and was not charged.

Councilman Wilson said I've got two questions. I guess first of all, maybe you could check into the payment thing and give council an update through Dr. Frederick, make sure we're squared away on that. So, we understand that and another question for the treasurer, Mr. Darby. My question is, first of all, are you fully comfortable that this will be reimbursable? Through that fund? 100%. That's 100%.

Mr. Darby stated, so we've reached out to emergency management, there's been some correspondence with the DHEC and other federal agencies, and it's my understanding that is a reimbursable cost. So, the vaccine clinic and the costs associated with that are reimbursable.

Councilman Wilson asked if this will be considered a part time employee and would it require a budget amendment.

Mr. Darby stated that is my understanding and temporary part time. I think it would be an org chart change because you're adding a position. But that is my only thought on that would be, you know, the org chart might have to be adjusted on it. It would be charged through special revenue fund set up for capturing our COVID cost. So, it would be charged to that account.

Vice Chairman Branham motioned to approve to hire a part time bi-lingual position for vaccine support starting from the date the position is filled and ending one year from the date of hiring, second by Councilwoman Guy. Vote 6-0 to approve.

I. Discussion of establishment of impact fees in Chester County-Councilman Vaughn.

I put this on the agenda because of the economic zoning changes that we had to consider this week. I think it's high time that the council take a hard look at impact fees and get the information we need to make decisions on whether we're going to go ahead and start these impact fees and how much the impact fees are.

Economic Developer Robert Long stated one of the things I guess I've been to several of these meetings regarding some of these proposed residential developments for mixed use developments. And I'll say two things that sort of percolate to the top that could be addressed through impact. These are traffic concerns, and the impact of schools. Now, I know when ya discuss this with the COG just a couple years ago, they sort of indicated that they did not think Chester was ready. I can say, from my personal experience, from what I am seeing, and folks that I'm talking to who have

expressed interest in developing and growing in Chester County. I think if we don't do something soon, we're going to potentially be leaving money on the table. So, I think it's an opportunity kind of this calm before the storm, to have this discussion, get a better understanding, what exactly needs to be done? That, you know, I think there's legal requirements that need to be done to be able to do impact fees, and then come up with, you know, what is the reasonable amount of how that money is divided? I think it's an important discussion for us to have this community.

Attorney Winters asked was there an impact study done? I think Mr. Darby and I were trying to figure out was it authorized by this council. But I don't know that we've ever seen it. And I think Mr. Darby still has the money set aside for it. So that's critical for all those questions you just raised. So I guess we need to circle back with the COG.

Councilman Jordan said the COG was working on it. And then I think the person at the COG passed away. And then the last meeting when they came, he had a notebook, which said, you know, but I don't think it was finalized.

Attorney Winters stated the problem is, is that it was two-year-old data, when we had nothing going on in the county. And so when they stood in front of y'all, I guess about six or eight months ago, they said y'all aren't ready for impact fees, because they were looking at two year old information.

Mr. Long said I think updating the capital improvement program is one of those steps, because you can't just wave a wand and do the impact feature. And you have to compile information and adopt a capital improvement program first. It was not it was started but never formally adopted, I think, at least at this point needs to be updated. And I know, Dr. Frederick has already sent out to all department heads and including myself to have, by the end of the month, an update to their capital improvement program, recommendations for your department. I mean, that's obviously one tool that I've been saying we need to have in our tool belt for a long time. And I think the sooner we can get this in place, the better. And I will say from our neighbors. You know, I think when I've talked to some developers, they've actually are surprised we don't already have an impact fee, because they're in communities that are used to doing this. And the fact that we don't have something we're a bit of an oddity now say one of our developments, which I would approach council yet officially with, they have sort of voluntary, like, well, we'd like to go ahead and propose to doing that to a development agreement, which can be done. Now is the time to have this conversation.

Attorney Winters said I think for council, I think there's a loud message there. If we have developers that are coming to the table and saying, well, we're prepared to pay impact fees, what do you mean, you don't have impact fees. So, they're used to it, it's built into their plan, their funding and all of that.

Mr. Long said it was a matter of coming up with what is a reasonable, that's not going to stifle growth, but at the same time, you know, address some of the concerns of the citizens.

Councilman Vaughn, I think that though, the impact fees north of here in York County and that's why we're getting the growth we're getting there. What's the York County impact fee?

Mr. Long said he was not sure the exact dollar amount but knew communities particularly Fort Mill they really increased the arrows increasingly, but even originally intentional, trying to slow down growth. I don't think we're there at this point. But I think the whole idea of coming up with original fee to address some of the concerns that citizens have, I think it would be a great opportunity for us to start having this discussion.

Attorney Winters as I think to Robert's point, it's a management tool for growth.

Councilman Vaughn this is a lengthy process, should we decide to start today? It's going to take a while, to actually implement. I think it's time for us to have a discussion, I propose that we have a workshop to get all this information together and make a decision based on that information.

Attorney Winters said I can tell you, Mr. Vaughn, Mr. Levister, and I've had that conversation where I think it should be sort of a twofold workshop for impact fees and also planned developments, how rooftops things like that is, I think that there's some information that may be missing for Council, the difference between, you know, a PUD and residential neighborhood and that sort of thing, not to bog you down with the weeds, but just to give you a cursory understanding of the differences and the impacts that could come with each different type of construction.

Vice Chairman Branham said if Dr. Frederick would go ahead and contact Randy Imler ant the COG to tell him to go ahead that we're going to do our part and getting the things ready to have it done, they need to proceed with it. Because we definitely want to impose this impact fee. And let them be updating their information or whatever. And then we can, with the through the workshops, provide what we need to provide.

Mr. Darby stated \$40,000 was budgeted and is still sitting there? I know they're working on some outdated information. But we had this discussion, I guess, last week, and I was going to go back through and look, make sure that I guess when Shane was here, that we didn't charge that to contingency or something of that nature. I have not had an opportunity to do that. But just off the top of my head, I know we have not used the budget that was set aside for it.

Attorney Winters said one thing I would just let council know is that one of the concerns raised by the COG was that there were two or three counties that were sued, because the money that they brought in from impact fees were not spent in a timely fashion. And so one of the things that we would want to put together as a county and this is why the capital improvement projects are important is to identify what we are going to spend that money on before we even start to collect. So that's why the capital improvement projects are so critical. And we're always talking about all these buildings and equipment that we need desperately so we can spend that money, but we need to have a plan of expenditure to do so.

Dr. Frederick and in the meantime, we've been working with departments on getting their capital needs. And we talked about, you know, at the council meeting, I was prioritizing. So we're going to continue working on those things, to have all that in place. And then we have the workshop and hopefully, move us in the right direction. He asked County Attorney Winters about the developer's fees, is that something that we can use some to we get the impact fees, and what would the process be.

Attorney Winters said we can if the contract is a contractual agreement between us and the developer, the only difference between impact fees and a development agreement is the developer has to be amenable to entering into that agreement where impact fees are that's an ordinance. You know, that's the fee you come into Chester County that's part of the fee. So obviously, the impact fees are better and stronger. But we do have an option for the interim. And we've had developers say they would volunteer to do it, and we'll even give you the template.

Mr. Long stated these are tools for us to produce quality growth as we start to grow as a community. There will be growing pains which is natural, this is a way to ease some of those pains by trying to get ahead of some of the demands on services and infrastructure.

m. Discussion of the Chester County Zoning Ordinance section on Planned Developments-Councilman Vaughn.

Councilman Vaughn stated well that we've kind of segwayed into that naturally, discussed a lot of it already. And I think that the zoning or in my research on this zoning change, I've learned a lot this week on our zoning ordinance, thanked Karen for sending it out. And I've discussed with various people of how you can whether it's better to revise the zoning ordinance to give developers clear guidance of what Chester County envisions in plan developments, or do we use the process that we have in place now, and there's varying opinions on that and can we bring Mr. Levister out to talk about the use of the ordinance as it stands now. How that process works for us to guide the developers to do what the council wishes.

Planning Director Mike Levister stated so Planned Development, an article in chapter four district regulations it tells you what the requirements are how to apply for an application to zoning administrator. It tells you the maximum lot width yards are set in approved plans as whatever they design and then approved to present to Chester County Planning Commission to either approve it or to deny or with modifications. And then it's different areas in there when you read like even when it gets to the back. The County Council action in the PD is upon receipt of the Planning Commission recommendation County Council may approve or approve with modifications so y'all at any time can make a modification to anything they present to Chester County on a PD is just a plan that is developed for them to present the Chester County. It's different areas and everybody has a different action and procedure that can be done. The planning commission can make modifications county council can make modifications.

Councilman Vaughn asked if the Planning Commission had they approved if they don't approve a development with densities that are higher densities, they still do the process is same for them with getting the plat they can put requirements on the development that were the lower densities at that point just like we can it get to us.

Planning Director Mike Levister said when they made the recommendation to deny it, y'all have the authority to approve it with modifications. Council has the authority to put any modification on anything that is presented to you from the Planning Commission.

Councilman Vaughn asked Mr. Levister if a developer is looking at Chester County to build a development in, and he's wanting to have a higher density on his projects he can, would it behoove us to, make our the limits that we have as a council, as to what we see is an acceptable number on single family density would it be better for us to have that information out there so they can see before they even start planning, would that make the process go smoother? Should we revise our ordinance to give the densities that we would like.

Councilman Jordan stated the other issue in the descriptive statement here and the application, they have to talk about the number and density of the dwelling units by type. And you've heard me say this, the problem I have with that is they calculate the common areas and the wetlands and everything else into that. And so, it's not a real number. And so, is there any way we could change that to say that the density has to be calculated by actual acres use for building? I'm just throwing that out. That way, if it's in the application, we know.

Mr. Levister said y'all can recommend the text amendment. And then we can get together like we did before on the 200 homes, to whatever y'all feel suitable to make the text amendment.

Councilman Jordan said he would have a couple of proposed text amendments by the next meeting.

n. Request to apply for Justice Assistance Grant (JAG) to purchase TruNarc Handheld Narcotics Analyzer (Estimated Cost \$50,000 with a 10 percent match). Sheriff Dorsey.
Councilman Wilson motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

o. Request to apply for Coronavirus Emergency Supplemental Funding (CESF), to purchase laptops and docking stations for vehicles (Estimated cost \$70,000 with NO match). Sheriff Dorsey. Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

p. Request to purchase 62 ballistic helmets for Sheriff's Deputies (Cost \$30,114.18). Sheriff Dorsey. Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

q. Request for approval of Victims Assistance & Support Agreement between Chester Sheriff's Office & the Town of Fort Lawn. Sheriff Dorsey. Councilman Jordan motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

r. Request for approval of Victims Assistance & Support Agreement between Chester Sheriff's Office & the Town of Great Falls. Sheriff Dorsey. Councilman Vaughn motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.

s. Provide information to Council about lightning strike / electrical damage to the Law Enforcement Center occurring on March 25, 2021. Sheriff Dorsey.

Sheriff Dorsey stated So on March 25th, 2021 had some significant storms come through the County. Unfortunately, the law enforcement center had some electrical damage that resulted from the storms. As you know these two guys behind me, they really run the place. They know the place better than anybody. Wayne Alley is the detention center director handles all maintenance issues out at LEC. Doug McMurray our IT and 911 director and so I've asked them to come and give you an update of what happened? Basically, we had some lightning strike in the area near the LEC. There was a transformer that blew, that energy from the transformer came back into the law enforcement center. And in caused some significant damage we have had some issues for about 10 minutes the center went down. We had a generator did not trip on like their supposed to, but after about 10 minutes luckily, we had people there on staff on the property they were able to get it back running So I've asked these guys to kind of give you some details.

Wayne Alley said currently we had multiple objects affected, one being the transfer switch one and the generators which caused it not to fire to power to build it. We had to call in the generator people that night on sight we also had to call Carolina Electric which we had multiple light fixtures went down and blew out. The lighting blew a hole through the breaker panel, it burned out one of the lights and contacts which controls the lights throughout the parking lot. The estimated cost is \$24,691.19. Carolina Electric said it may be an additional \$1500 once all parts coming in to install, but we're going to have to replace part of the electrical panel on one and the lighting contact on the other panels. The cost would be reimbursable to the County insurance, Mrs. Roddey was working on the claim but was not sure how much of it would be.

Mr. Darby said just like last time we've set up a fund to capture those costs, I think the majority of those cost will be reimbursable to our insurance, but they're working on that claim now with Mrs. Roddy, so we don't know exactly how much it'll be reimbursable yet. But we're trying to capture those cost separately so we can identify what that reimbursement will be. Vice Chairman Branham motioned to approve \$24,619 dollars to repair electrical damage at the law enforcement center, second by Councilman Vaughn. Vote 6-0 to approve.

9. Boards and Commissions

a. Appointment to the Rural Fire Commission-Councilman Killian.

Councilman Killian motioned to appoint Donald Trowell, second by Councilman Wilson. Vote 6-0 to approve.

10. Executive Session

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

- a. To receive legal advice regarding Catawba Chester Regional Airport. -Attorney Winters.
- b. To receive legal advice regarding Project Magma. - Attorney Winters.
- c. Discuss contractual matter regarding Great Falls. - Attorney Winters.
- d. To receive legal advice regarding Project 2112. -Attorney Winters.

11. Council Actions Following Executive Session.

Councilman Jordan motioned to go back to Regular Session, second by Councilman Killian. Vote 6-0 to approve.

a. Action taken regarding legal advice for Catawba Chester Regional Airport.

Taken as information only.

b. Action taken regarding legal advice for Project Magma.

Councilman Wilson motioned to approve second reading Authorizing, Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement By And Between Chester County, South Carolina, And A Company Identified For The Time Being As Project Magma, Acting For Itself, One Or More Current Or Future Affiliates And Other Project Companies (Collectively, "Company") And An Incentive Agreement Between The County And The Company; Providing For A Fee-In-Lieu Of Ad Valorem Taxes Incentive; Providing For A Special Source Revenue Credit; Modifying A Joint County Industrial And Business Park Of Chester And York Counties So As To Enlarge The Park; Authorizing The Execution And Delivery Of One Or More Grant Agreements; And Other Related Matters, second by Councilman Killian. Vote 6-0 to approve.

c. Action taken regarding contractual matter of Great Falls. Taken as information only.

d. Action taken regarding legal advice for Project 2112. Taken as information only.

12. Council Comments- There were no comments.

13. Adjourn-Vice Chairman Branham motioned to adjourn, second by Councilman Killian.

Vote 6-0 to adjourn.

Time: 10:00 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.