

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, August 16th, 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.

- 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.

County Attorney Winters asked if the agenda could be amended to include an emergency situation regarding an economic development issue. She asked to add to executive session “to receive legal advice regarding an economic development issue”. Vice Chairman Branham motioned to add to executive session “To receive legal advice regarding an economic development issue”, second by Councilwoman Guy. Vote 6-0 to approve.

- 3. Approval of Minutes.**
 - a. July 19th, 2021 Council Minutes.**
Councilwoman Guy motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.
 - b. August 4th, 2021 Special Called Minutes.**
Councilwoman Guy motioned to approve, second by Councilman Vaughn. Vote 5-0 to approve. Councilman Killian was not present for the 8-4-2021 meeting and did not vote.

- 4. Citizen Comments**

Diana Holcomb, Jackie Kyles, Doris Macsmson, and Laurie Lewis were all in favor of building a new animal shelter.

Pamela Boulter Wood talked about a providing a better community by starting a family boot camp.

Sylvia Jennings asked Council to approve exit 65 for cleaning and painting at the next County Transportation meeting.

Steve Bishop, Mark Wyatt, Bill Stallings, Brandon Pridemore and Stephen Rosenburgh were in favor of the rezoning request on Village Drive.

- 5. Public Hearing-**None
- 6. Ordinances/Resolutions/Proclamations**

- a. 1st Reading in Title Only Local Option Sales Tax Ordinance.**

Treasurer Tommy Darby stated the local option sales tax was adopted by referendum in November of 1993, in accordance of South Carolina Code of Laws title 4-Chapter 10 the county had collected and used the funds as property tax credit since 1994. Over those years, the county had collected and returned over \$50 million to the taxpayers through the property tax credit fund. He gave an explanation of how the two funds comes to the county in two pots of money. One is called a property tax credit fund, and then the other is county revenue fund. The past year, the county collected a little over \$3.3 million dollars in total for both funds. The breakdown of those funds is in the property tax credit fund. That represents about 72% of that 3.3 million. So about 2.4 million dollars in fiscal year 2021, 100% of those monies have to be given back to the taxpayer as a credit. The other pot is county revenue fund that represents about 28% of the 3.3 million or about 940,000

dollars. That's how much was collected in this year 2021. That may be retained for accounting purposes in the general fund as general fund revenue. Currently, we give back 100% of both funds. As discussions about this program over the last couple of years, in our budget meetings, the county was looking of ways to look at revenue, different types of revenue that are coming into the county. So, we done a little research on this program. We could not find an ordinance in place that defined how those monies were to be allocated. He said, we get back 100% currently. This past year, we gave back about \$2.4 million. And so, what this ordinance would do is to define how that allocation goes back to the taxpayer. I would propose to council in this ordinance the county can retain some of those monies for county operating needs. Under the current level, we would be able to keep the millage level, so if this ordinance is not passed our cost to maintain our budget goes up without these revenues our millage would go up. We would be able to keep that level if the ordinance passes. That represents about a two mil increase or about \$8 to a taxpayer that has \$100,000 dollar owner occupied house, it would help the county meet current operating needs and the county would still be able to give back the same amount of credit to the taxpayers, which I think is most important. So that's basically the facts about the program. Councilman Wilson asked to have a copy of the referendum added to the next agenda packet for second reading. Vice Chairman Branham motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

7. Old Business- None

8. New Business

a. 2021-2022 ATAX Recommendations- Chairperson Cheryl Addison.

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

b. Update on progress of the Fort Lawn Fire Protection District.- Chief David A. Dutton.

Chief Dutton updated Council on the purchase of equipment and improvements to the fire station.

c. Council to approve a multi-year lease for servers and licensing in the amount of \$ 77,354.27 dollars.

- IT Director David Schuelke. Mr. Schuelke asked for approval of a sixty-month lease with Dell EMC to replace two core virtual host servers in the data center. Due to the current chip storage the price had increased significantly. The cost would be divided into five yearly payments. Attorney Winters asked if he had received confirmation back from the company stating the equipment would be new and not leased as is. Mr. Schuelke stated he had documentation it would be new and would provide the paperwork to Council. Attorney Winters stated if he could ask the company to change number four in the contract and add "where applicable" Mr. Schuelke said yes. Councilman Wilson motioned to approve as presented with the condition that number four is changed as discussed, second by Vice Chairman Branham. Vote 6-0 to approve.

d. 1st 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. Planning Director Mike Levister stated Mr. Love wanted to rezone to create one tax map number. Councilman Wilson motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

e. 1st 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. Mr. Levister stated HLC Holdings LLC would like to rezone to have a trucking company Vice Chairman Branham motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.

f. 1st 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. Mr. Levister stated there was an automotive shop there years ago the lot is vacant now, Mr. Evans wants to build a new auto shop. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.

g . 1st Reading of CCMA21-23: Mattie Howze request Tax Map # 160-00-00-025-000 located on Georgetown Road, Great Falls, SC be rezoned from R1 (Rural One) to RG-2 (General Residential). Planning Commission voted 7-0 to deny. Councilman Vaughn stated new information had been introduced after the Commission's hearing that could or could not influence their vote to reconsider. He asked for this rezoning request be remanded back to the Planning Commission. Attorney Winters stated at that meeting the commission did not have all the information regarding restrictive covenants on the property. The application would get a true review by going back to the commission. Councilman Vaughn motioned to remand the application back to the Planning Commission, second by Councilman Killian. Vote 6-0 to approve.

h. 1st 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, second by Councilwoman Guy. Councilman Jordan asked why they wanted a PD since in the limited commercial zoning they could do multi family. Mr. Levister stated because you're creating the development which gives the owner the opportunity to figure out what the density would be, limited commercial allows multi- family but doesn't define what the density is. Councilman Vaughn had concerns regarding the roads in the minutes from the planning commission it was stated ten to fifteen years down the road the County would be asked to take the upkeep of the roads. Mr. Levister stated only Council can agree to adopt the roads until that time it would be a private road which would be maintained by the developer or the homeowner's association. Councilman Jordan asked if a development agreement had been discussed at the planning commission meeting, Attorney Winters stated it was not discussed but could be in this discussion. In the seller's agreement for the purchase of the property the document had seller hereby appoints purchaser as its agent for purposes of filing for annexation between the city and county. She asked Mr. Roseburgh if they planned to do that, he told her it was there in case they needed it and the agreement had already been signed and sealed. Attorney Winters wanted Council to be aware the development could be annexed into the City of Chester.

Mr. Pridemore from US Development told Mr. Levister all the roads would be private with no exceptions. Councilman Wilson stated he didn't think the impact fee should be the same for each development since each one is different. Chester Freedom Ministries has a good track record and a good point in their favor. Councilwoman Guy withdrew her second, Vice Chairman Branham withdrew his motion. Vice Chairman Branham motioned to approve with a reverter clause if the developer's agreement was not in place, second by Councilwoman Guy. Vote 6-0 to approve.

i. 1st 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 with a reverter clause if the developer's agreement was not in place, second by Councilwoman Guy. Vote 6-0 to approve.

j. 1st 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 with a reverter clause if the developer's agreement was not in place, second by Councilwoman Guy. Vote 6-0 to approve.

9. Boards and Commissions- None

10. Executive Session

Vice Chairman Branham motioned to go to executive session, second by Councilman Jordan. Vote 6-0 to approve.

- a. To receive legal advice regarding a contractual matter for Building & Zoning.- Attorney Winters.
- b. To receive legal advice regarding a lease/contract for the Sheriff's Office. Attorney Winters.
- c. To receive legal advice for Project 2106-Attorney Winters.
- d. To receive legal advice for Project 2043-Attorney Winters.

- e. To receive legal advice for Project 2173.-Attorney Winters.
- f. “Added at the beginning of the meeting” To receive legal advice regarding an economic development issue.

11. Council Actions Following Executive Session

Councilwoman Guy motioned to go back to regular session, second by Vice Chairman Branham. Vote 6-0 to approve.

- a. **Action taken regarding legal advice on a contractual matter for Building & Zoning.** No action taken
- b. **Action taken regarding legal advice for a lease/contract for the Sheriff’s Office.** No action taken
- c. **Action taken regarding legal advice for Project 2106.** No action taken
- d. **Action taken regarding legal advice for Project 2043.** No action taken
- e. **Action taken regarding legal advice for Project 2173.** No action taken
- f. **Action taken regarding legal advice of an economic development issue.** No action taken

12. Council Comments-There were no comments.

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

Time: 9:40 PM.

Karen Lee, Clerk to Council

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.

