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## CHESTER COUNTY COUNCIL MEETING

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

February 18, 2008  
6:00 p.m.

Carlisle Roddey, Chairman – Presiding

### Minutes

**In attendance:**

Chairman Roddey  
Vice Chairman Lucas  
Councilman Oliphant  
Councilman Martin  
Councilwoman Guy  
Councilman Jordan  
Councilman Branham  
County Attorney Winters

#### I. Call to Order

#### II. Pledge of Allegiance & Invocation

#### III. Approval of

a. Meeting of February 4, 2008

**Councilman Branham** said he would like the minutes corrected to “say the reason he abstained from the vote on a zoning change was because he and his brothers owned the land in front of the proposed change” not that it would be deeded in the future to him and his brothers. **Councilman Oliphant** requested that “financial interest” be changed to “he did business with the company involved in the proposed zoning change”. Both changes will be made by Clerk to Council.

**Councilwoman Guy made a Motion to approve the Council Minutes of February 4, 2008, 2<sup>nd</sup> by Councilman Branham, Council vote was unanimous.**

#### IV. Citizens Comments

**Ms. Brenda Kelly**, was speaking for her Mother who resided at 1242 Stringfellow Rd. Ms. Kelly stated that her Mother lived next door to the Roof’s and she grew up there but

1 her Mother is awaken all hours of the night by the trucks coming in and out, the exhaust  
2 fumes from the trucks left running made it impossible for her Mother to be outside, the  
3 trucks obstruct the view and lastly they should not have the stress of trucks going in and  
4 out of a neighborhood.

5 **Mr. Bob VanBevern**, 1212 Pitts Rd., said he was two blocks from the house the trucks  
6 were operating out of and that a trucking company requires a commercial license and  
7 that there were several trucks there not just one. The trucks run continuously as well  
8 as maintenance being done on the trucks. He asked that Council please protect the  
9 people from businesses such as this in a residential area.

10 **Mrs. Gail Roof**, 1234 Stringfellow Rd., stated they had lived there 22 years and had eight  
11 acres of land and had never had complaints before Mr. VanBevern had moved into the  
12 neighborhood. She stated the non-conforming use had now, all of a sudden, become an  
13 issue and does not understand why this is happening.

14 **Mr. Andrew Douglas**, 1622 Wellridge Rd., was concerned about the rezoning on Hwy. 97.  
15 He stated that he was also speaking for his church (Old Wilson Church) and they had  
16 concerns about hazardous waste, safety and noise issues.

17 **Mr. Jeffrey Lett**, 1492 Meadow Glen Lane, Rock Hill, said he lived in Rock Hill but owned  
18 62 acres that back up to the location D&C wanted to relocate to. He was not contacted  
19 about this and stated he would not want to live next to a trucking company with 31 trucks  
20 because of the noise, traffic, fumes and also that Hwy. 97 was a two lane road and that  
21 there were safety issues with traffic as well as for school buses.

22 **Ms. Sharon Furr**, 2049 Boyd Rd., presented a signed petition to Council representing  
23 neighbors near the location D&C wanted to relocate. She said that the area surrounding  
24 that location was rural and there were a lot of natural resources there. She also stated  
25 that none of the neighbors knew that this rezoning was going on. Ms. Furr said that she  
26 feared the trucking company would use Boyd Road as a thoroughfare to get to 321.  
27 She asked that Council not overturn the Planning Commission's recommendation.

## 28 **V. Old Business**

### 29 **From Planning Commission**

- 30  
31 1. Third Reading: From Meeting of November 20, 2007

<u>Commission</u>	<u>Council</u>
<u>Vote</u>	<u>Vote</u>
4-0 TO APPROVE	6-0 to Uphold

### 32 TEXT AMENDMENT # CCTA07-0002

33  
34 Amending the Chester County Zoning Ordinance by adding to Chapter 5 Section § 5-604.  
35 To include

36  
37 c. Signage for Sexually Oriented Business which shall read:  
38  
39  
40  
41  
42

1  
2  
3 **Signage**  
4

5 A. It shall be unlawful for the owner or operator of any regulated establishment or any other  
6 person to erect, construct or maintain any sign for the regulated establishment other than  
7 one (1) flat plan, rectangular in shape *primary sign* and one (1) flat plan, rectangular in  
8 shape *secondary sign* as provided herein.  
9

10 B. *Primary signs* shall have no more than two (2) display surfaces. Each such display surface  
11 shall  
12 not:

- 13  
14 1. Contain any flashing lights;  
15 2. Exceed 20 square feet in area; or  
16 3. Exceed ten (10) feet in height  
17

18 C. *Primary signs* shall contain no photographs, silhouettes, drawings or pictorial  
19 representations of any manner, and may contain only:

- 20  
21 1. The name of the regulated establishment; and/or  
22 2. One (1) of more of the following phrases:  
23 a) Adult Bookstore  
24 b) Adult Movie Theater  
25 c) Adult Cabaret  
26 d) Adult Entertainment  
27 e) Adult Model Studio  
28  
29 3. *Primary signs* for adult movie theaters may contain the additional phrase,  
30 "Movie Title Posted on Premises."  
31

32  
33 D. Each letter forming a word on a *primary sign* shall be of a solid color, and  
34 each such letter shall be the same print-type, size and color. The  
35 background behind such lettering on the display surface of a *primary sign*  
36 shall be of a uniform and solid color.  
37

38 E. *Secondary signs* shall have only one display surface. Such display surface shall:

- 39  
40 1. Be a flat plane, rectangular in shape;  
41 2. Not exceed ten (10) square feet in area;  
42 3. Not exceed five (5) feet in height;  
43 4. Be affixed or attached to any wall or door of the establishment.  
44

45 **Councilman Oliphant made a Motion to approve 3<sup>rd</sup> and Final Reading of Text**  
46 **Amendment # CCTA07-0002, 2<sup>nd</sup> by Vice Chairman Lucas, Council vote was**  
47 **unanimous.**  
48

49 2. Third Reading: From Meeting of November 20, 2007  
50

51 Commission                      Council  
52 Vote                                      Vote  
53 4-0 to Approve                      6-0 To Uphold  
54  
55

1 **TEXT AMENDMENT # CCTA07-0002**  
2 ADDING TO SECTION Chapter 4.8 GENERAL COMMERCIAL REGULATIONS UNDER  
3 CONDITIONAL USES  
4

5 **Tattoo Parlors, Body Piercing and Body Branding,**  
6 **providing all following conditions are met:**

- 7  
8 a. the use shall be located no closer than 500 feet from the following uses;  
9 b. adult day care;  
10 c. child day care;  
11 d. educational institution (public or private)  
12 e. religious institution;  
13 f. residential zoning district;  
14 g. another body piercing establishment, body branding establishment or tattoo parlor.  
15 h. any permits required by SCDEC, LLC and any other federal, state or local governmental  
16 department or agency which has rules and regulations governing these types of uses.  
17

18 **Vice Chairman Lucas made a Motion to approve 3<sup>rd</sup> and Final Reading of Text**  
19 **Amendment # CCTA07-0002, 2<sup>nd</sup> by Councilman Martin, Council vote was**  
20 **unanimous.**

21  
22 3. Second Reading: CCPC Meeting Date: 1-15-08  
23 Commission Council  
24 Vote Vote  
25 **6-0 to Deny** **3-1 To Overturn**  
26

27 **Tax Map # 101-00-00-003**  
28

29 **From:** R2 (Rural Two) to ID-1 (Restricted Industrial)

30 **Name:** April Counterman

31 **Tax Map:** 101-00-00-003-000

32 **Location:** 10 acres located at 1671 Great Falls Hwy, Chester, SC

33 **Map Amendment #CCMA08-0003**  
34

35 **Vice Chairman Lucas made a Motion to Overturn Planning Commissions**  
36 **recommendation on Tax Map # 101-00-00-003, 2<sup>nd</sup> by Councilman Martin**  
37 **Council vote was 3-1 to overturn the Planning Commission recommendation,**  
38 **with Council Members Branham and Oliphant abstaining and Council Members**  
39 **Lucas, Guy and Martin in favor and Councilman Jordan opposing.**

40 **Councilman Jordan** then stated that he spoke at the last meeting in opposition to  
41 overturning the Planning Commissions recommendations and was still opposed. He  
42 felt this was not in the best interest of the County and fears "spot zoning", an industrial  
43 section that we're going to be rezoning in an area that's primarily residential.  
44

45 **Councilman Branham** asked that the County Attorney explain the Ethics law regarding  
46 abstaining from a vote. **County Attorney Winters** said that a Council Member abstains for  
47 either personal or financial reasons that are stated on the record. When a Council Member  
48 abstains, it is unethical for them to discuss what their opinions are, they cannot give their

1 opinion in what is called and “ex parte” setting, which is outside of the formal meeting, nor  
2 can they give it at the meeting. To do so would be unethical and could cause that Council  
3 Member to be sited by the Ethics Commission with a violation

4 **4. Second Reading:      CCPC Meeting Date: 1/15/2008**

5		
6	<u>Commission</u>	<u>Council</u>
7	<u>Vote</u>	<u>Vote</u>
8	<b>6-0 to Deny</b>	<b>4-3 to Uphold</b>
9		

10 **Tax Map # 088-00-00-012**

11  
12 **From:** R2 (Rural Two) to LC (Limited Commercial)  
13 **Name:** Matthew R. Niemiec  
14 **Tax Map:** 088-00-00-012-000  
15 **Location:** 8 acres located at 1234 Stringfellow Rd, Chester, SC  
16 **Map Amendment #**CCMA08-0002

17  
18 **Councilman Jordan made a Motion to uphold Planning Commission’s**  
19 **Recommendation to Deny Tax Map # 088-00-00-012, 2<sup>nd</sup> by Councilman**  
20 **Branham, Council vote was 3-3 with Council Members Branham, Oliphant and Jordan**  
21 **voting to uphold and Council Members Martin, Guy and Lucas opposing. Chairman**  
22 **Roddey then voted to uphold Planning Commissions Recommendation to make the**  
23 **vote 4-3 to uphold.**

24  
25 **5. Second Reading:      CCPC Meeting Date: 1-15-08**

26		
27	<u>Commission</u>	<u>Council</u>
28	<u>Vote</u>	<u>Vote</u>
29	<b>6-0 to Approve</b>	<b>6-0 To Uphold</b>
30		

31 **TEXT AMENDMENT # CCTA08-0001**

32  
33 **Amending the Chester County Zoning Ordinance, 2000 Chapter 3 Article § 3- by adding § 3-106 to**  
34 **read:**

35  
36 Any portion of property to be rezoned must be surveyed and cut out.

37  
38 **Councilman Oliphant made a Motion to approve 2<sup>nd</sup> Reading of Text Amendment**  
39 **#CCTA08-0001, 2<sup>nd</sup> by Councilwoman Guy, Council vote was unanimous.**

40  
41 **6. Location of Welcome Signs**

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43 **Chairman Roddey** wanted input from Council Members as to the location of the  
44 welcome signs. **Councilman Branham made a Motion to place two each at the**  
45 **beginning and ending of Hwy. 9, Hwy, 321, Hwy, 72, Hwy 21 and Hwy 97, 2<sup>nd</sup> by**  
46 **Councilwoman Guy, Council vote was unanimous.** Vice Chairman Lucas said

1 we may need some more signs and **Councilman Oliphant** also said we may need  
2 some signs on 901 and maybe we could work with the Rotary Club on this issue.

## 3 4 **VI. New Business**

- 5 1. Name change on Organizational Chart for Economic Development

6 **Chairman Roddey** requested that Council approve a name change for the Existing  
7 Industry Coordinator on the Organization Chart to Business Retention and Expansion  
8 Program Manager. **Councilman Oliphant made a Motion to approve this request,**  
9 **2<sup>nd</sup> by Councilman Martin, Council vote was unanimous.**

- 10 2. Application for Law Enforcement Technology Grant

11 **Chief Deputy Culpepper** came before Council to ask to apply for a Law Enforcement  
12 Technology Grant. If awarded, it would be used for a communication tower for fire  
13 emergency and medical services among other uses. **Councilwoman Guy made a**  
14 **Motion to approve the Sheriff's Department application for Law Enforcement**  
15 **Grant, 2<sup>nd</sup> by Councilman Oliphant, Council vote was unanimous.**

## 16 17 **VII. Appointments**

- 18 1. Board of Assessment Appeals

19 **Councilwoman Guy made a Motion to appoint to the Board of Assessment**  
20 **Appeals Mr. Elijah Carter, 2<sup>nd</sup> by Councilman Oliphant, Council vote was unanimous.**

## 21 **VIII. Executive Session**

22 **Chairman Roddey** stated Council needed to meet in Executive Session to discuss  
23 The following:

- 24 1. Contractual Matter: Re: Magistrates Office

25 **Councilwoman Guy made a Motion to go into Executive Session to discuss**  
26 **a Contractual Matter: Re: Magistrates, 2<sup>nd</sup> by Vice Chairman Lucas, Council**  
27 **vote was unanimous.** Time was approximately 7:05pm.

28 Council returned from Executive Session at approximately 7:10pm.

29 **Councilman Martin made a Motion to go back into Regular Session, 2<sup>nd</sup> by**  
30 **Vice Chairman Lucas, Council vote was unanimous.** **Chairman Roddey** stated

31 that Council had met in Executive Session to discuss a Contractual Matter  
32 regarding Magistrates and ask that Council authorize he and the County Attorney  
33 to negotiate a contract with the town of Great Falls regarding a small fee for the  
34 magistrates to come back to the jail when an inmate is released. **Vice Chairman**  
35 **Lucas made a Motion for the County Supervisor and County Attorney to negotiate**  
36 **a contract with the town of Great Falls to pay a small fee, 2<sup>nd</sup> by Councilman**  
37 **Oliphant, Council vote was unanimous.**

## 38 **IX. Council Members Comments**

1           **Chairman Roddey** reminded all members of Council about the dedication of the building  
2           on Sunday, February 24 at 3:00 p.m. and said that **Councilman Branham** would speak  
3           of behalf of Council Members. There would be an article in the News & Reporter about  
4           the open house and he hoped there would be a good attendance.

5           **Councilman Martin** stated that he respected everyone's comments on the two different  
6           Planning decisions that were before Council and his decision was based on jobs and  
7           looking out for the citizens.

8           **Councilwoman Guy** stated that she made her decisions for the betterment of Chester  
9           County.

10          **Vice Chairman Lucas** said that he looked at all the townships and could not deprive  
11          these areas of growth.

12          **Councilman Branham** said everyone at the table had respect for each other and has  
13          heard the public express their gratitude for the harmony of this Council.

14          **X. Adjournment**

15          **Vice Chairman Lucas made a Motion to adjourn, 2<sup>nd</sup> by Councilman Jordan,**

16          **Council vote was unanimous.** Time was approximately 7:20 pm

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20          Pursuant to the Freedom of Information Act, the **Chester News & Reporter,**  
21          **The Herald in Rock Hill, SC, WSOC-TV, Channel 9 Eyewitness News, the Mfg. Housing**  
22          **Institute of SC, WRHI Radio Station, C&N2 News and Capitol Consultants**  
23          **were notified and a notice was posted on the bulletin board at the R. Carlisle Roddey**  
24          **Government Complex 24 hours prior to the meeting**

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32          \_\_\_\_\_  
33          **R. Carlisle Roddey**  
34          **Chester County Supervisor**

32          \_\_\_\_\_  
33          **Carolyn S. Clayton-Snipes, CCC**  
34          **Clerk to Chester County Council**

35

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37

37          Chester County Council Meeting of 2-18-2008

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