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## CHESTER COUNTY COUNCIL MEETING

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

January 22, 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 Minutes

a. Meeting of January 7, 2008

**Vice Chairman Lucas made a Motion to approve the minutes of the January 7, 2008 County Council Meeting, 2<sup>nd</sup> by Councilwoman Guy, Council vote was unanimous.**

#### IV. Citizens Comments

**Mr. Tom Kellerhals** had a concern about the Judicial System in Chester County. He stated he was serving his second term on Grand Jury and they are now meeting monthly in place of quarterly and in his opinion, the system does not seem to be working well. He stated that the same people are being asked to serve over and over and the same cases are re-appearing time and again. He said “our system is broken”.

#### V. Ordinances & Resolutions

a. 2<sup>nd</sup> Reading on an Ordinance to Develop a Joint Industrial/Business Park in Conjunction with Lancaster County, Such Industrial/Business Park to be Initially Geographically Located in Lancaster County and Established Pursuant to Sec. 4-1-170

1 of the Code of Laws of South Carolina, 1976 as Amended; to Provide for a Written  
2 Agreement with Lancaster County to Provide for the Expenses of the Park, the  
3 Percentage of Revenue Application, and the Distribution of Fees in Lieu of Ad Valorem  
4 Taxation; and other matters related thereto. (Little Dude Road Properties of ECN  
5 Industries, Inc./Charged Properties LLC and Special Materials Company site in  
6 Lancaster County, and in Chester County the Springland “M” site and the Springland  
7 “P” sites and SC Hwy 9 Industrial Complex – Chester Wood yard Tract).

8 **Vice Chairman Lucas made a Motion to approve 2<sup>nd</sup> Reading of an Ordinance**  
9 **to Develop a Joint Industrial/Business Park in Conjunction with Lancaster**  
10 **County, Such Industrial/Business Park to be Initially Geographically Located in**  
11 **Lancaster County and Established Pursuant to Sec. 4-1-170 of the Code of Laws**  
12 **of South Carolina, 1976 as Amended; to Provide for a Written Agreement with**  
13 **Lancaster County to Provide for the Expenses of the Park, the Percentage of**  
14 **Revenue Application, and the Distribution of Fees in Lieu of Ad Valorem**  
15 **Taxation; and other matters related thereto. (Little Dude Road Properties of ECN**  
16 **Industries, Inc./Charged Properties LLC and Special Materials Company site in**  
17 **Lancaster County, and in Chester County the Springland “M” site and the**  
18 **Springland “P” sites and SC Hwy 9 Industrial Complex – Chester Wood yard**  
19 **Tract), 2<sup>nd</sup> by Councilman Branham.** Discussion: **Councilman Oliphant** stated he  
20 had two customers on some of the property contained in this Agreement and asked  
21 the County Attorney if he should abstain. **County Attorney Winters** replied “no, not  
22 unless you have personal property as outlined in the Agreement”. **Councilman**  
23 **Oliphant** replied he did not. **Council then voted and the vote was unanimous.**

## 24 VI. Old Business

### 25 1. Third Reading: From Meeting of 11-20-07

#### 26 TAX MAP # 125-00-00-046 From R2 to GC

	<u>Commission Vote</u>	<u>Council Vote</u>
28		
29	4-0 to Approve	6-0 to Uphold
30	Name: .....Lehew Enterprises, Inc.	
31	Map Amendment # CCMA07-0025	
32	Tax Map..... 125-00-00-046	
33	Location.....5 acres located east on Lancaster Hwy, Richburg, SC	
34		

35 **Councilwoman Guy made a Motion to Uphold Planning Commission’s vote**  
36 **and 3<sup>rd</sup> Reading on Tax Map 125-00-00-046, 2<sup>nd</sup> by Vice Chairman Lucas, Council**  
37 **vote was unanimous.**

1           **2. Third Reading: From Meeting of 11-20- 07**

2           **TAX MAP # 126-00-00-103      From R2 to R1**

3		<u>Commission Vote</u>	<u>Council Vote</u>
4		4-0 to Approve	6-0 to Uphold

5  
6           Name: .....Jason L. Alt  
7           Map Amendment # CCMA07-0026  
8           Tax Map..... 126-00-00-103  
9           Location.....2.415 acres located at 819 Floppy Dr., Richburg, SC

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11           **Vice Chairman Lucas made a Motion to Uphold Planning Commission’s vote**  
12           **and 3<sup>rd</sup> Reading on Tax Map 125-00-00-103, 2<sup>nd</sup> by Councilwoman Guy, Council**  
13           **vote was unanimous.**

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16           **3. Second Reading: From Meeting of 12-18- 07**

17           **TAX MAP # 125-00-00-002      From R2 to GC**

18		<u>Commission Vote</u>	<u>Council Vote</u>
19		4-0 to Approve	6-0 To Uphold

20           Name: .....John Faust  
21           Map Amendment # CCMA07-0027  
22           Tax Map..... 125-00-00-002  
23           Location..... 6 acres located at 3571 Lancaster Hwy, Richburg, SC

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25           **Councilman Martin made a Motion to Uphold Planning Commission’s vote**  
26           **and 2<sup>nd</sup> Reading on Tax Map 125-00-00-002, 2<sup>nd</sup> by Councilman Branham, Council**  
27           **vote was unanimous.**

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30           **4. Second Reading: From Meeting of 12-18- 07**

31           **TAX MAP # 149-00-00-007      From R2 to GC**

32		<u>Commission Vote</u>	<u>Council Vote</u>
33		4-0 to Approve	6-0 to Uphold

34  
35           Name: .....Reuben Connell  
36           Map Amendment # CCMA07-0028  
37           Tax Map..... 149-00-00-007  
38           Location..... Portion of 42 acres located at 4939 Great Falls, SC 29055

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40           **Vice Chairman Lucas made a Motion to Uphold Planning Commission’s vote**  
41           **and 2<sup>nd</sup> Reading on Tax Map 149-00-00-007, 2<sup>nd</sup> by Councilwoman Guy, Council**  
42           **vote was unanimous**

43  
44           **5. Accept/Reject Bids for demolition of Great Falls water tank**

45           **Mr. L.B. Cannon/Dennis Corporation** stated all of the bids were excessive and  
46           suggested that Council reject all bids and in 30 days the Dennis Corp. re-bid the  
47           project.

48           **Vice Chairman Lucas made a Motion to reject the bids for demolition**  
49           **of the Great Falls water tank and have the Dennis Corp. re-bid the process,**  
50           **in 30 days, 2<sup>nd</sup> by Councilman Oliphant, Council vote was unanimous.**

1           6. Update on Gayle Mill Project

2           **Councilman Martin** asked for an update on the Gayle Mill Project and **Chairman**  
3           **Roddey** stated it was “kind of a mess right now”. There are problems with the sidewalks  
4           and Sherron Marshall with Catawba Regional is also looking into it. Right now no asphalt  
5           can be poured because it’s too cold. **Chairman Roddey** said this should have been  
6           finished in December but it will probably be two more months before completed. **Vice**  
7           **Chairman Lucas** asked if any money had been paid to the contractors and **Chairman**  
8           **Roddey** replied “no”. **Councilman Oliphant** said it will be nice once completed.  
9           **Councilman Martin** thanked **Chairman Roddey** for the update.

10          7. Update on SCDOT “land swap”

11          **County Attorney Winters** stated there was a quick claim deed from SCDOT and  
12          one for the County property. She only needed approval from Council on the  
13          County property to complete the transaction. **Councilman Oliphant made a Motion**  
14          **to approve the quick claim deed, 2<sup>nd</sup> by Vice Chairman Lucas, Council vote was**  
15          **5-0 to approve with Councilman Martin abstaining.**

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18       **VII. New Business**

19       1. EMS Grant in Aid Fund for 2008

20           **Ginny Sloan/E-911/EMS Director** asked Council’s approval for an EMS  
21           Grant in Aid for 2008 with a \$703 match. **Councilman Branham made a Motion**  
22           **to approve acceptance of the DEHEC Grant in Aid, 2<sup>nd</sup> by Councilwoman Guy,**  
23           **Council vote was unanimous.**

24       2. Cardiac Grant Project (no County match)

25           **Ginny Sloan/E-911/EMS Director** asked that she be allowed to apply for 4 grants  
26           for Cardiac equipment with no county match. **Councilwoman Guy made a Motion**  
27           **to allow Ms. Sloan to apply for the Grants, 2<sup>nd</sup> by Councilman Oliphant,**  
28           **Council vote was unanimous.**

29       3.                               **PLANNING COMMISSION RECOMMENDATIONS**  
30   **TO**  
31   **CHESTER COUNTY COUNCIL**

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34       **First Reading: From Meeting of November 20, 2007**

35   **Commission**                       **Council**  
36   **Vote**                                       **Vote**  
37   **4-0 TO APPROVE**           **6-0 to Uphold**

38       **TEXT AMENDMENT # CCTA07-0002**

39       Amending the Chester County Zoning Ordinance by adding to Chapter 5 Section § 5-604.  
40       To include c. Signage for Sexually Oriented Business which shall read:

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42       **Signage**

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

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

- 1. Contain any flashing lights;**
- 2. Exceed 20 square feet in area; or**
- 3. Exceed ten (10) feet in height**

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

- 1. The name of the regulated establishment; and/or**
- 2. One (1) of more of the following phrases:
  - a) Adult Bookstore**
  - b) Adult Movie Theater**
  - c) Adult Cabaret**
  - d) Adult Entertainment**
  - e) Adult Model Studio****

**3. *Primary* signs for adult movie theaters may contain the additional phrase, “Movie Title Posted on Premises.”**

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

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

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

**Councilman Oliphant made a Motion to Uphold Planning Commission’s vote**

1 **and 1<sup>st</sup> Reading on Text Amendment # CCTA07-0002, 2<sup>nd</sup> by Councilwoman Guy.**

2 Discussion: **Councilman Oliphant** stated this will prevent these types of establishments from  
3 having flashing signs with nudity on them. **Councilman Jordan** asked what other counties  
4 were doing and could we place other restrictions on these establishments. **County Attorney**  
5 **Winters** stated this was a pretty standard Text Amendment that most counties followed.

6 **Council then voted and the vote was unanimous.**

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9 **4. First Reading: From Meeting of November 20,**

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

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16 **TEXT AMENDMENT # CCTA07-0002**

17 ADDING TO SECTION Chapter 4.8 GENERAL COMMERCIAL REGULATIONS UNDER  
18 CONDITIONAL USES

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20 **Tattoo Parlors, Body Piercing and Body Branding,**  
21 **providing all following conditions are met:**

- 22
- 23 a. the use shall be located no closer than 500 feet from the following uses;
  - 24 b. adult day care;
  - 25 c. child day care;
  - 26 d. educational institution (public or private)
  - 27 e. religious institution;
  - 28 f. residential zoning district;
  - 29 g. another body piercing establishment, body branding establishment or tattoo
  - 30 parlor.
  - 31 h. any permits required by SCDEC, LLC and any other federal, state or local
  - 32 governmental department or agency which has rules and regulations
  - 33 governing these types of uses.
  - 34
  - 35

36 **Councilman Oliphant made a Motion to Uphold Planning Commission's vote**

37 **and 1<sup>st</sup> Reading on Text Amendment # CCTA07-0002, 2<sup>nd</sup> by Councilman Martin.**

38 Discussion: **Councilman Jordan** asked exactly what did the 500 feet mean and **County**  
39 **Attorney Winters** stated it would be up to this Council change any of the restrictions listed  
40 above. **Council then voted and the vote was unanimous.**

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42 **VIII. Executive Session**

43 **Chairman Roddey** stated Council needed to go into Executive Session to discuss:

- 44 **1. Legal Matter – Re: Magistrates**
- 45 **2. Economic Development Matter – Project: 0758**
- 46 **3. Personnel Matter – Re: Policy**

1           **4. Legal Matter – Re: Property**

2           **5. Legal Matter – Re: EMS**

3           **Councilman Martin made a Motion to go into Executive Session, 2<sup>nd</sup> by Vice Chairman**

4           **Lucas, Council vote was unanimous.** Time was approximately 6:40pm

5           Council returned from Executive Session and **Councilwoman Guy made a Motion to return**  
6           **to Regular Session, 2<sup>nd</sup> by Councilman Martin, Council vote was unanimous.**

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8           **Chairman Roddey** stated in Executive Session a Legal Matter, re: Magistrates had been  
9           discussed and taken as information only. An Economic Development Matter, re: Project  
10          0758 had been discussed and taken as information only. A Personnel Matter, re: Policy  
11          matter regarding administrative personnel had been discussed and taken as information  
12          only. A Legal Matter, re: Property had been discussed and taken as information only and a  
13          Legal Matter, re: EMS had been discussed and **EMS Director, Ginny Sloan** asked that  
14          Chester County enters into a Class Action Suit Against Ford Motor Company. **County**  
15          **Attorney Winters** stated this would not cost the County any money and that the particular  
16          ambulance in question has had considerable “down time”. **Councilman Martin then made**  
17          **a Motion that Chester County enter into the Class Action Law Suit against Ford Motor**  
18          **Company, 2<sup>nd</sup> by Councilman Jordan, Council vote was unanimous.**

19           **IX. Council Members Comments**

20          **Councilman Oliphant** stated that he had been involved with several other people on Monday  
21          cleaning around the Mt. Hebron Cemetery and that the Mayor had outstanding support in this  
22          endeavor. **Councilman Oliphant** also said there would be another day to continue this process  
23          and that if anyone wanted to join they would be most welcome. He thanked **Mayor Foster** for  
24          this good project and for continuing this process.

25          **Councilwoman Guy** thanked everyone that participated in the Martin Luther King parade. She  
26          stated it was successful and entertaining and thanked everyone that helped to make it a success  
27          and Stephen from the N&R for his coverage.

28          **Chairman Roddey** reminded everyone about the Intergovernmental meeting on Monday,  
29          January, 28<sup>th</sup> at the Summit Restaurant at 6:30pm.

30           **X. Adjournment**

31           **Councilwoman Guy made a Motion to adjourn, 2<sup>nd</sup> by Councilman Martin,**

32           **Council vote was unanimous.** Time was approximately 7:40 pm

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1 Pursuant to the Freedom of Information Act, the Chester News & Reporter,  
2 The Herald in Rock Hill, SC, WSOC-TV, Channel 9 Eyewitness News, the Mfg. Housing  
3 Institute of SC, WRHI Radio Station, C&N2 News and Capitol Consultants  
4 were notified and a notice was posted on the bulletin board at the R. Carlisle Roddey  
5 Government Complex 24 hours prior to the meeting  
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10 \_\_\_\_\_  
11 R. Carlisle Roddey  
12 Chester County Supervisor  
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11 Carolyn S. Clayton-Snipes, CCC  
12 Clerk to Chester County Council  
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16 Chester County Council Meeting of 1-22-2008  
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