



CHESTER COUNTY COUNCIL MEETING

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

**March 7, 2011
6:00 p.m.**

Minutes

In Attendance: Vice Chairman Lucas
Council Member Oliphant
Council Member Guy
Council Member Jordan
Council Member Branham
Council Member Holcombe
County Attorney Winters

Absent: Chairman Roddey (SCAC Conf. in Washington, DC)

I. Call to Order

II. Pledge of Allegiance & Invocation

III. Approval of Minutes

1. Chester County Council Meeting Minutes of February 21, 2011

Council Member Holcombe made a Motion to approve the Chester County Council Meeting Minutes of February 21, 2011, 2nd by Council Member Jordan, Council vote was unanimous.

Vice Chairman Lucas stated an item (just obtained from Attorney from Lancaster County) needed to be added to the agenda as item 6 under Ordinances and Resolutions. An Ordinance to Authorize and Approve an Agreement for the Development of a Joint Industrial and Business Park by and between Lancaster County and Chester County with property located in Chester County (Guardian Industries); to require the Payment of a Fee In Lieu of Ad Valorem Taxes by Businesses and Industries Located in the Park; to Apply Zoning and other Laws in the Park; to Provide for Law Enforcement Jurisdiction in the Park; and to Provide for the Distribution of Park Revenues within the County

Council Member Branham made the Motion to add to the agenda the above Ordinance, 2nd by Council Member Jordan, Council vote was unanimous.

IV. Citizens Comments

There were no Citizens Comments.

V. Public Hearing

Vice Chairman Lucas opened up the Public Hearing on:

1. 3rd Reading of an Ordinance Authorizing: (1) The Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement Between Chester County, South Carolina (“Chester County”) and Guardian Industries Corp. a corporation organized and existing under the State of Delaware , acting on behalf of itself or any affiliate or other project sponsor (The “Company”), pursuant to which Chester County shall Covenant to accept certain negotiated Fees in Lieu of *Ad Valorem* Taxes with respect to the expansion of certain manufacturing facilities in the County (The “Expansion Project”); (2) Certain Special Source Credits against the Fee In Lieu of *Ad Valorem* Tax Payments with respect to the Expansion Project; (3) The Benefits of a Multi-County Park to be made available to the Company; and (4) Other Matters Relating Thereto

There were no speakers, therefore, **Vice Chairman Lucas** closed this portion of the Public Hearing.

Vice Chairman Lucas opened the Public Hearing on:

2. 3rd Reading of an Ordinance to Authorize and Approve an Agreement for the Development of a Joint Industrial and Business Park by and between Lancaster County and Chester County with property located in Chester County (Guardian Industries); to require the Payment of a Fee In Lieu of Ad Valorem Taxes by Businesses and Industries Located in the Park; to Apply Zoning and other Laws in the Park; to Provide for Law Enforcement Jurisdiction in the Park; and to Provide for the Distribution of Park Revenues within the County

There were no speakers on this portion of the Public Hearing, therefore, **Vice Chairman Lucas** closed this Public Hearing.

Vice Chairman Lucas opened the Public Hearing on:

3. 3rd Reading of an Ordinance to Amend the Solid Waste Ordinance number 1-20-09
- There were no speakers, therefore, **Vice Chairman Lucas** closed this portion of the Public Hearing.

Vice Chairman Lucas opened the Public Hearing on:

4. 3rd Reading of an Ordinance to Adopt The Solid Waste Advisory Committee By-Laws
- There were no speakers, therefore, **Vice Chairman Lucas** closed the Public Hearing.

VI. Ordinances & Resolutions

1. 3rd Reading of an Ordinance Authorizing: (1) The Execution and Delivery of a Fee In Lieu

of Tax and Incentive Agreement Between Chester County, South Carolina (“Chester County”) and Guardian Industries Corp. a corporation organized and existing under the State of Delaware , acting on behalf of itself or any affiliate or other project sponsor (The “Company”), pursuant to which Chester County shall Covenant to accept certain negotiated Fees in Lieu of *Ad Valorem* Taxes with respect to the expansion of certain manufacturing facilities in the County (The “Expansion Project”); (2) Certain Special Source Credits against the Fee In Lieu of *Ad Valorem* Tax Payments with respect to the Expansion Project; (3) The Benefits of a Multi-County Park to be made available to the Company; and (4) Other Matters Relating Thereto

Council Member Oliphant made a Motion to approve 3rd and final Reading of an Ordinance Authorizing: (1) The Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement Between Chester County, South Carolina (“Chester County”) and Guardian Industries Corp. a corporation organized and existing under the State of Delaware , acting on behalf of itself or any affiliate or other project sponsor (The “Company”), pursuant to which Chester County shall Covenant to accept certain negotiated Fees in Lieu of *Ad Valorem* Taxes with respect to the expansion of certain manufacturing facilities in the County (The “Expansion Project”); (2) Certain Special Source Credits against the Fee In Lieu of *Ad Valorem* Tax Payments with respect to the Expansion Project; (3) The Benefits of a Multi-County Park to be made available to the Company; and (4) Other Matters Relating Thereto, 2nd by Council Member Branham, Council vote was unanimous.

2. 3rd Reading of an Ordinance to Amend the Solid Waste Ordinance number 1-20-09
Council Member Branham made a Motion to approve 3rd and final Reading of an Ordinance to Amend the Solid Waste Ordinance number 1-20-09, 2nd by Council Member Holcombe, Council vote was unanimous.
3. 3rd Reading of an Ordinance to Adopt The Solid Waste Advisory Committee By-Laws
Council Member Guy made a Motion to approve 3rd and final Reading of an Ordinance to Adopt the Solid Waste Advisory Committee By-Laws, 2nd by Council Member Holcombe, Council vote was unanimous.
4. 2nd Reading of an Ordinance to transfer real property to the York Technical College in exchange for the transfer of comparable real property to Chester County
Council Member Branham made a Motion to approve 2nd Reading of an Ordinance To transfer real property to the York Technical College in exchange for the transfer Of comparable real property to Chester County, 2nd by Council Member Guy, Council vote was unanimous.
5. A Resolution to Amend the Employee Handbook
County Attorney Winters stated there were some conflicting statements in the Workers Compensation section of the Handbook and this would eliminate any confusion.

Council Member Jordan made a Motion to approve the Resolution to Amend the Employee Handbook, 2nd by Council Member Branham, Council vote was unanimous.

Added to Agenda:

6. An Ordinance to Authorize and Approve an Agreement for the Development of a Joint Industrial and Business Park by and between Lancaster County and Chester County with property located in Chester County (Guardian Industries); to require the Payment of a Fee In Lieu of Ad Valorem Taxes by Businesses and Industries Located in the Park; to Apply Zoning and other Laws in the Park; to Provide for Law Enforcement Jurisdiction in the Park; and to Provide for the Distribution of Park Revenues within the County

Council Member Branham made the Motion to approve 3rd and Final Reading on An Ordinance to Authorize and Approve an Agreement for the Development of a Joint Industrial and Business Park by and between Lancaster County and Chester County with property located in Chester County (Guardian Industries); to require the Payment of a Fee In Lieu of Ad Valorem Taxes by Businesses and Industries Located in the Park; to Apply Zoning and other Laws in the Park; to Provide for Law Enforcement Jurisdiction in the Park; and to Provide for the Distribution of Park Revenues within the County, 2nd by Council Member Oliphant, Council vote was Unanimous.

VI. Old Business

1. Eureka Mill

Vice Chairman Lucas stated this also would be discussed in Executive Session and asked for a Motion to move this item to Executive Session. **Council Member Branham made the Motion to move this to Executive Session, 2nd by Council Member Oliphant, Council vote was unanimous.**

VII. New Business

1. Request for Matching Grant Funding

Wayne Goodyear/Airport Chairman came before Council to ask for matching grant funding in the amount of \$13,346.40 for runway repairs over a drainage structure on Runway 5/23. **Council Member Branham made the Motion to approve matching grant funding in the amount of \$13,346.40, 2nd by Council Member Jordan.**

Discussion: **Mr. Goodyear** then stated he was also hoping to get a match for approximately \$2,500 for extra paving near the beginning of the runway, a cost of approximately \$16,000. At this time, **County Attorney Winters** suggested the original motion be withdrawn to include the additional grant monies if Council so desired to allow the extra paving. **Council Member Jordan withdrew his second and Council Member Branham, his original motion.**

Council Member Branham then made a Motion to approve matching grant funding in the amount of \$13,346.40 and not to exceed \$2,500 in extra grant matching monies, 2nd by Council Member Oliphant, Council vote was unanimous.

VIII. Boards & Commissions

1. Reappointments – **Council Member Jordan**
Richburg Fire Protection Dist. Commission

Council Member Jordan made a Motion to re-appoint William Gladden, III to the Richburg Fire Protection District Commission, 2nd by Council Member Guy, Council vote was unanimous.

2. Appointment – Solid Waste Advisory Board – **Council Member Oliphant**
Senior Services

Council Member Oliphant made a Motion to appoint Mr. Jim Wilson to the Solid Waste Advisory Board, 2nd by Council Member Holcombe, Council vote was unanimous.

Council Member Oliphant made a Motion to re-appoint Alice Walker to the Senior Services Board, 2nd by Council Member Guy, Council vote was unanimous.

IX. Executive Session

Vice Chairman Lucas stated Council need to go into Executive Session to discuss:

1. Legal Matter: Re: Eureka Mill

Council Member Holcombe made the Motion to go into Executive Session, 2nd by Council Member Oliphant, Council vote was unanimous. (Time was approximately

6:40pm)

Council returned from Executive Session and Council Member Branham made a Motion to return to Regular Session, 2nd by Council Member Guy, Council vote was 5-0 with Council Member Holcombe abstaining because he did not attend Executive Session.

Vice Chairman Lucas stated that a legal matter regarding the Eureka Mill had been discussed in Executive Session and was taken as information only.

X. Council Members Comments

Vice Chairman Lucas said he had attended a meeting last week for **Council Member Jordan** regarding closing the Lando Post Office and he felt that since the Post Office had been in operation since the 1800's if their zip code was taken away it was like taking their identity. He also announced that the Great Falls Red Devils were State Basketball in their Division Champions and was very proud of them.

Council Member Jordan thanked **Vice Chairman Lucas** for attending the meeting since

he had a prior commitment and felt that it was a way for the US Postal Service to save money in our State even though he did not agree and asked that it be put on the agenda for the next Council meeting. He also said based on the information he received that a decision would be made in the next couple of weeks on the Post Office.

XI. Adjournment

Council Member Branham made a Motion to adjourn, 2nd by Council Member Jordan
Council vote was unanimous. Time was approximately 7:30 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 R. Carlisle Roddey Government Complex 24 hours prior to the meeting

R. Carlisle Roddey
Chairman, Chester
County Council

Carolyn S. Clayton CCC
Clerk to Chester County Council

Chester County Council Meeting of March 7, 2011