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CHESTER COUNTY COUNCIL MEETING

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

September 8, 2009

Tuesday

6:00 p.m.

Carlisle Roddey, Chairman – Presiding

Minutes

In Attendance:

Chairman Roddey
Vice Chairman Lucas
Council Member Oliphant
Council Member Guy
Council Member Jordan
Council Member Branham
Council Member Holcombe
County Attorney Winters

I. Call to Order

II. Pledge of Allegiance & Invocation

III. Approval of Minutes

1. Chester County Council Meeting Minutes of August 17, 2009

Vice Chairman Lucas made a Motion to approve the Chester County Council Meeting Minutes of August 17, 2009, 2nd by Council Member Guy, Council vote was unanimous.

2. Chester County Council Special Meeting Minutes of August 25, 2009

Council Member Holcombe a Motion to approve the Chester County Council Special Meeting Minutes of August 25, 2009, 2nd by Council Member Branham, Council vote was unanimous.

IV. Citizens Comments

There were no Citizens Comments

V. Public Hearing

To consider a motion and vote by the Chester County Council for the purpose of considering a motion and vote by the Chester County Council to set the millage rate for Fiscal Year 2009-2010.

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Chairman Roddey opened the Public Hearing on a motion and vote by the Chester County Council for the purpose of considering a motion and vote by the Chester County Council to set the millage rate for Fiscal Year 2009-2010. There were no speakers, therefore, **Chairman Roddey** closed the Public Hearing.

VI. Setting of Millage Rates for FY 2009-2010

Mr. Jerry Baker, Finance Director, stated that the County side of the Millage was 1.1 mills but overall the Millage would be 1.8. **Council Member Branham** asked what was this in dollars and cents and Mr. Baker replied \$2.30 increase on a \$50,000 home. **Council Member Oliphant** said the number was a little misleading because of the Richburg and Lando fire districts that did not affect him. **Council Member Oliphant** also asked what was the collection rate this year and **Mr. Donnie Wade, Auditor** said he thought about 92%. At this time, **Council Member Branham made a Motion to accept the recommendations to set the millage at a total of 201.7 mills, 2nd by Council Member Holcombe, Council vote was unanimous.**

VII. Ordinances

- 1. 2nd Reading of an Ordinance to Update Chester County Code Chapter 34, Floods, to Comply with the South Carolina Department of Natural Resources Flood Mitigation Program Review

Council Member Oliphant made a Motion to approve 2nd Reading of an Ordinance to Update Chester County Code Chapter 34, Floods, to Comply with the South Carolina Department of Natural Resources Flood Mitigation Program Review, 2nd by Council Member Guy, Council vote was unanimous.

- 2. 2nd Reading of an Ordinance to Regulate and Administer Excavation and Construction on County Roads and Property by Private Owners, Utilities, Contractors, and other Entities; to Require a Permit; and to Impose a Permit Fee

Council Member Oliphant made a Motion to table 2nd Reading of an Ordinance to Regulate and Administer Excavation and Construction on County Roads and Property by Private Owners, Utilities, Contractors, and other Entities; to Require a Permit; and to Impose a Permit Fee until Council has the revisions requested from 1st Reading, 2nd by Council Member Jordan.

Council Member Jordan asked if the road is not repaired correctly how would that be handled and **County Attorney Winters** said Mr. Cannon would be involved in the process and be kept in the loop. **Council Member Guy** then asked how would a fee be determined and **County Attorney Winters** replied that Mr. Cannon would tell us the cost to make repairs. **Council then voted and the vote was unanimous.**

- 3. 1st Reading of an Ordinance Authorizing the Execution and Delivery of a Fee In Lieu of Tax Agreement Between Chester County, South Carolina, and Poly Eastern, Inc; and Other Matters Relating Thereto Including, Without Limitation, Payment of a Fee In Lieu of Taxes and Granting Certain Infrastructure Credits to Poly Eastern, Inc.

1 Vice Chairman Lucas and Council Member Jordan pointed out a few typo's in
2 the Ordinance and Council Member Branham made a Motion to approve 1st Reading
3 of an Ordinance Authorizing the Execution and Delivery of a Fee In Lieu of Tax Agreement
4 Between Chester County, South Carolina, and Poly Eastern, Inc; and Other Matters
5 Relating Thereto Including, Without Limitation, Payment of a Fee In Lieu of Taxes and
6 Granting Certain Infrastructure Credits to Poly Eastern, Inc . with corrections, 2nd by Vice
7 Chairman Lucas, Council vote was unanimous.

8 4. A Resolution Authorizing the Execution and Delivery of an Inducement Agreement by
9 and Between Chester County, South Carolina and Poly Eastern, Inc., Whereby, Under
10 Certain Conditions, Chester County will Execute a Fee In Lieu of Tax Agreement for a
11 Project Involving not less than Fifty Six Million Dollars (\$56,000,000) in the Project by
12 December 31 of the Fifth Succeeding Year after the Year of the Execution of the Fee
13 Agreement and not less than Seventy Five Million Dollars (\$75,000,000) in the Project
14 by December 31 of the Seventh Succeeding Year After the Year of the Execution of the
15 Fee Agreement

16 Council Member Branham made a Motion to A Resolution Authorizing the Execution and
17 Delivery of an Inducement Agreement by and Between Chester County, South Carolina and
18 Poly Eastern, Inc., Whereby, Under Certain Conditions, Chester County will Execute a Fee
19 In Lieu of Tax Agreement for a Project Involving not less than Fifty Six Million Dollars
20 (\$56,000,000) in the Project by December 31 of the Fifth Succeeding Year after the Year of
21 the Execution of the Fee Agreement and not less than Seventy Five Million Dollars
22 (\$75,000,000) in the Project by December 31 of the Seventh Succeeding Year After the Year
23 of the Execution of the Fee Agreement , 2nd by Vice Chairman Lucas, Council vote
24 was unanimous.

25 5. Fee Agreement between Chester County, South Carolina and Poly Eastern, Inc.,
26 a South Carolina Corporation

27 Vice Chairman Lucas made a Motion to approve a Fee Agreement between
28 Chester County, South Carolina and Poly Eastern, Inc., a South Carolina Corporation,
29 2nd by Council Member Holcombe, Council vote was unanimous.

30 6. Inducement Agreement and Millage Rate Agreement

31 Council Member Oliphant made a Motion to approve the Inducement Agreement
32 and Millage Rate Agreement between Chester County, South Carolina and Poly Eastern,
33 Inc., a South Carolina Corporation, 2nd by Council Member Branham, Council vote was
34 unanimous.

35 7. To Amend the Boundaries of the Chester Fire District, to Exclude from said Fire District
36 Certain Economic Development Property Owned by Mars Partners LTD, and Other Matters
37 Relating Thereto

38 Council Member Oliphant made a Motion to approve an Ordinance to Amend the

1 **the Boundaries of the Chester Fire District, to Exclude from said Fire District Certain**
2 **Economic Development Property Owned by Mars Partners LTD, and Other Matters**
3 **Relating Thereto Inc., 2nd by Council Member Guy, Council vote was unanimous.**

4 8. 1st Reading of an Ordinance to Amend Chester County Code Chapter 34, Floods, to Comply
5 with the South Carolina Department of Natural Resources Flood Mitigation Program Review
6 and FEMA Requirements (2nd Part)

7 **Council Member Oliphant made a Motion to approve 1st Reading of an Ordinance to Amend**
8 **Chester County Code Chapter 34, Floods, to Comply with the South Carolina Department**
9 **of Natural Resources Flood Mitigation Program Review and FEMA Requirements (2nd Part) ,**
10 **2nd by Council Member Holcombe, Council vote was unanimous**

11 **Council Member Guy** asked why this was in two parts and **County Attorney Winters** replied
12 because it was so much and that she split the FEMA from the definitions.

13 9. 1st Reading of an Ordinance Authorizing the Execution and Delivery of a Fee Agreement
14 Dated as of October 5, 2009 by and Between Chester County, South Carolina and
15 Southeastern Petroleum LLC, Providing for a Payment of a Fee in Lieu of Taxes and an
16 Infrastructure Credit

17 **Vice Chairman Lucas made a Motion to approve 1st Reading of an Ordinance**
18 **Authorizing the Execution and Delivery of a Fee Agreement Dated as of October 5, 2009**
19 **by and Between Chester County, South Carolina and Southeastern Petroleum LLC,**
20 **Providing for a Payment of a Fee in Lieu of Taxes and an Infrastructure Credit**
21 **2nd by Council Member Branham, Council vote was unanimous**

22 10. Fee Agreement between Chester County, South Carolina and Southeastern Petroleum
23 LLC

24 **Vice Chairman Lucas made a Motion to approve a Fee Agreement between Chester**
25 **County, South Carolina and Southeastern Petroleum LLC, 2nd by Council Member Guy,**
26 **Council vote was unanimous.**

27 11. A Resolution of the Chester County Council, the Governing Body of Chester County,
28 South Carolina to Authorize a Lease-Purchase Transaction for the Benefit of the Richburg
29 Fire District Between Chester County and First Citizens Bank and Trust Company, Inc. and
30 Other Matters Relating Thereto

31 **Council Member Jordan made a Motion to approve A Resolution of the Chester County**
32 **Council, the Governing Body of Chester County, South Carolina to Authorize a Lease-**
33 **Purchase Transaction for the Benefit of the Richburg Fire District Between Chester County**
34 **and First Citizens Bank and Trust Company, Inc. and Other Matters Relating Thereto ,2nd by**
35 **Council Member Guy.**

36 Discussion: **Vice Chairman Lucas** said he would like to have a copy of how much each fire
37 department gets and how much they spend. **Vice Chairman Lucas** said something needed to be

1 done for other fire department and he could not support this Resolution. **Council Member**
2 **Oliphant** asked if Council could get rural fire to give a breakdown of each fire department and
3 **Chairman Roddey** replied he would get that for them. **Chief John Agee** said that the truck would
4 be titled in the name of Chester County and **Vice Chairman Lucas** asked were the other trucks
5 also titled to the County and **Chief Agee** replied they had to be. **Council Member Branham** then
6 stated they had the same discussion when the Richburg Special Purpose District was established
7 and that this is transparent, because they always came before Council. **Council Member Oliphant**
8 then said this is what is so good about a special purpose district they actually save you money.
9 **Chairman Roddey** then called for the question and **Council vote was 4 to 2 to approve with**
10 **Vice Chairman Lucas and Council Member Holcombe opposing.**

11 **VIII. Old Business**

12 1. From CCTC: 2009-2010 25% State Funding for: First St., Underwood, Blaney,
13 and Peden Oaks
14 **Council Member Branham made a Motion to approve First Street, Underwood, Blaney and**
15 **Peden Oaks for paving and to borrow the 25% from 2010-2011 for funding, 2nd by Vice**
16 **Chairman Lucas, Council vote was unanimous.**

17 **IX. New Business**

18 1. Job Description/Title Change
19 **Judy McWaters/Veterans Affairs** came before Council to ask that the Administrative
20 Assistant position is changed to Deputy Director. **Ms. McWaters** said Mr. Hall had assumed a
21 great deal of responsibilities and has acquired two accreditations and they both are taking
22 continuous training. **Council Member Guy** asked if she was asking for another person. **Ms.**
23 **McWaters** said she had been asking for 5 years and at some point hopes to have someone else.
24 **Council Member Holcombe made a Motion to change the title in Veterans Affairs office**
25 **from Administrative Assistant to Deputy Director, 2nd by Council Member Branham,**
26 **Council vote was unanimous.**

27 **X. Boards & Commissions Appointment**

28 1. Hazel Pittman Board
29 **Vice Chairman Lucas made a Motion to nominate Marvin Keith Black to the Hazel**
30 **Pittman Board, 2nd by Council Member Oliphant, Council vote was unanimous.**

31 **XI. Council Members Comments**

32 There were no Council Member Comments

33 **XII. Adjournment**

34 **Vice Chairman Lucas made a Motion to adjourn, 2nd Council Member Guy**
35 **vote was unanimous.** Time was approximately 7:00 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, WCNC 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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12 _____
13 R. Carlisle Roddey
14 Chairman, Chester
15 County Council
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Carolyn S. Clayton-Snipes, CCC
Clerk to Chester County Council

17 Chester County Council Meeting of September 8, 2009