



CHESTER COUNTY COUNCIL MEETING

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

**November 3, 2008
6:00 p.m.**

Carlisle Roddey, Chairman – Presiding

Minutes

In Attendance:

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

I. Call to Order

II. Pledge of Allegiance & Invocation

III. Approval of Minutes

1. Chester County Council Meeting Minutes of October 20, 2008

Vice Chairman Lucas made a Motion to approve the Chester County Council Meeting Minutes of October 20, 2008, 2nd by Council Member Guy, Council vote was 5-0 to approve with Council Member Martin abstaining.

2. Chester County Council Special Called Meeting of October 27, 2008

Council Member Guy made a Motion to approve the Chester County Council Special Called Meeting Minutes of October 27, 2008, 2nd by Vice Chairman Lucas, Council vote was 5 to 0 to approve with Council Member Martin abstaining.

IV. Citizens Comments

There were no Citizens Comments

V. Public Hearing

Chairman Roddey opened the Public Hearing on:

An Ordinance to Adopt Various International and Standard Codes Relating to Inspection Activities of the County of Chester, South Carolina and Enforcement of building Provisions as Provided in said Codes.

There were no speakers on the above Public Hearing, therefore, **Chairman Roddey** closed the Public Hearing.

VI. Ordinances & Resolutions

1. 2nd Reading of an Ordinance to Adopt Various International and Standard Codes Relating to Inspection Activities of the County of Chester, South Carolina and Enforcement of building Provisions as Provided in said Codes.

Council Member Oliphant made a Motion to approve the 2nd Reading of an Ordinance to Adopt Various International and Standard Codes Relating to Inspection Activities of the County of Chester, South Carolina and Enforcement of building Provisions as Provided in said Codes , 2nd by Council Member Branham, Council vote was unanimous.

Chairman Roddey asked the **Planning and Zoning Director, Mack Paul** to explain the purpose of this Ordinance. Mr. Paul said it simply give his department the authority to permitting and the other day to day operations in his office. Mr. Paul said this strengthens what is already in place and if we did not have this ordinance we wouldn't have any way to enforce the codes. **Vice Chairman Lucas** asked how often did his employees go to seminars and Mr. Paul replied they were required to have 24 hours of orientation every two years and that this Ordinance was adopted by Council every three years.

2. 1st Reading of an Ordinance to Develop a Joint Industrial and Business Park in Conjunction with Lancaster County, such Industrial and Business Park to be Geographically Located in Chester County (Elliott Tract, Frances Tract, and H.W. Close Plant) and Lancaster County (Two Gillette Company (Duracell) Parcels, and (Founders Federal Credit Union Parcel) and established Pursuant to Section 4-1-170 of The Code of Laws of South Carolina 1976, as Amended; to Provide for a Written Agreement with Lancaster County to Provide for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees In Lieu of Ad Valorem Taxation; and Other Matters Related Thereto

Council Member Oliphant made a Motion to approve the 1st Reading of an Ordinance to Develop a Joint Industrial and Business Park in Conjunction with Lancaster County, such Industrial and Business Park to be Geographically Located in Chester County (Elliott Tract, Frances Tract, and H.W. Close Plant) and Lancaster County (Two Gillette Company (Duracell) Parcels, and (Founders Federal Credit Union Parcel) and established Pursuant to Section 4-1-170 of The Code of Laws of South Carolina 1976, as Amended; to Provide for a Written Agreement with Lancaster County to Provide for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees In Lieu of Ad Valorem Taxation; and Other Matters Related Thereto, 2nd by Council Member Jordan, Council vote was unanimous.

Vice Chairman Lucas said he would like to have more information on Ad Valorem Taxation.

Chairman Roddey said Ad Valorem Taxation was property taxes. **Councilman Oliphant** asked if this was just a standard agreement and **Chairman Roddey** replied it was. **Ms. Karlisa Parker**,

Economic Development Director then added that whatever Lancaster negotiates we then negotiate the property in Chester County and it is a park in “paper only”. **Vice Chairman Lucas** then said he didn’t understand Ad Valorem and Ms. Parker replied it was whatever the county negotiated. **Vice Chairman Lucas** then asked would Ad Valorem be 1% and Ms. Parker said whatever they collect we’ll get 1% and vice versa.

3. 2nd Reading of an Ordinance to Authorize the Negotiation and Purchase of Property Located at 214 Main Street, Richburg in the amount of \$179,000

Council Member Guy made a Motion to approve the 2nd Reading of an Ordinance to Authorize the Negotiation and Purchase of Property Located at 214 Main Street, Richburg in the amount of \$179,000, 2nd by Council Member Branham, Council vote was unanimous.

Council Member Oliphant asked if this was giving Richburg Fire District authorization to negotiate and **Chairman Roddey** said this was authorizing them to seek the money.

Councilman Branham then asked if this was contingent on them getting the other piece of property and **Chairman Roddey** replied yes and **Councilman Branham** then said they would be totally responsible and **Chairman Roddey** replied that was correct. **Council Member Jordan** then said that the town of Richburg had zoning requirements and he wasn’t sure if they would have to go before zoning. **Fire Chief John Agee** then said they would need to go 200 feet from the center of Number 9 and they have already cleared this with owners of property there.

4. 2nd Reading of an Ordinance to Authorize the Negotiation of Additional Property Located on North Main Street, Richburg in an Amount to be Approved by Council prior to Purchase.

Council Member Martin made a Motion to approve the 2nd Reading of an Ordinance to Authorize the Negotiation of Additional Property Located on North Main Street, Richburg in an Amount to be Approved by Council prior to Purchase, 2nd by Council Member Jordan, Council vote was unanimous.

Council Member Guy asked if they would have to come back before Council with an amount once it was negotiated and **Chairman Roddey** replied they would.

5. 1st Reading of An Ordinance Authorizing the Execution and Delivery of a Fee Agreement by and between Chester County, South Carolina and PPG Industries, Inc. and Subsidiaries Providing for a Payment of a Fee In Lieu of Taxes; Approving the Reconveyance of Certain Real Property Subject to an Existing Lease Agreement Between Chester County, South Carolina and PPG Industries, Inc.; Approving the Extension of the Existing Lease Agreement; and Other Matters Related Thereto. – (In Title Only)

Chairman Roddey stated that this Agenda item would need to be moved to Executive Session so that Council could obtain some legal advice from the attorneys. **Council Member Martin then made a Motion to move this item to Executive Session, 2nd by Council Member Guy, Council vote was unanimous.**

6. 1st Reading of An Ordinance to Establish an Identity Theft Prevention Program; to Comply with Federal Regulations Relating to Address Discrepancies; to Comply with Federal Regulations Relating to Red Flags and Identity Theft; to Comply with South Carolina Act 190, the Financial Identity Fraud and Identity Theft Protection Act of 2008; to Provide for Codification; to Provide for Severability; to Provide for an Adoption date; to Provide an Effective date; and for other purposes Allowed by Law.

Council Member Guy made a Motion to approve the 1st Reading of An Ordinance to Establish an Identity Theft Prevention Program; to Comply with Federal Regulations Relating to Address Discrepancies; to Comply with Federal Regulations Relating to Red Flags and Identity Theft; to Comply with South Carolina Act 190, the Financial Identity Fraud and Identity Theft Protection Act of 2008; to Provide for Codification; to Provide for Severability; to Provide for an Adoption date; to Provide an Effective date; and for other purposes Allowed by Law, 2nd by Council Member Martin, Council vote was unanimous.

County Attorney Winters then said this Ordinance was to protect consumers from fraud and theft and in order to comply with S.C. Act 190 – how we’re protecting consumer information that comes through the county. **Council Member Guy** asked if this program would require training sessions and **County Attorney Winters** replied yes. **Council Member Branham** then said with identity theft on the rise this is a good Ordinance. **Council Member Jordan** then asked what type of notice would be given and **County Attorney Winters** replied “certified mail, return receipt requested. **Council Member Jordan** then asked when would training begin and **County Attorney Winters** replied after the first of the year.

7. 1st Reading of An Ordinance to Authorize the Sale of a Portion of the Property Known as Tax Map No. 147-00-00-004, Being a Tract or Parcel of Land Located on S.C. Highway 99 in Chester County, South Carolina

Council Member Branham made a Motion to approve the 1st Reading of An Ordinance to Authorize the Sale of a Portion of the Property Known as Tax Map No. 147-00-00-004, Being a Tract or Parcel of Land Located on S.C. Highway 99 in Chester County, South Carolina, 2nd by Vice Chairman Lucas, Council vote was unanimous.

8. A Resolution to Adopt the Economic Development Strategic Plan Target Industry Analysis Market Plan

Council Member Branham made a Motion to approve A Resolution to Adopt the Economic Development Strategic Plan Target Industry Analysis Market Plan, 2nd by Council Member Oliphant, Council vote was unanimous.

Council Member Branham stated that this was a vital element to Economic Development and a road map for the County. **Council Member Jordan** then said that all Council Members had participated in this and that Council needed to act on it. **Council Member Branham** then said it was done with Grant money and that it was a great plan.

9. A Resolution to Continue to Support Meaningful Incentives for Recyclers in

Recognition of the Energy and Environmental Benefits of Recycling to our County, The State and the Nation

Council Member Martin made a Motion to approve A Resolution to Continue to Support Meaningful Incentives for Recyclers in Recognition of the Energy and Environmental Benefits of Recycling to our County, The State and the Nation, 2nd by Council Member Guy, Council vote was unanimous.

10. A Resolution Authorizing a Fee In Lieu of Taxes Agreement Between PPG Industries, Inc. and Chester County, South Carolina

Chairman Roddey said this Resolution was in conjunction with the Ordinance that was moved to Executive Session.

11. A Resolution to Enlarge the Chester Metropolitan District, a Special Purpose District Located within Chester County

Council Member Martin made a Motion to approve A Resolution to Enlarge the Chester Metropolitan District, a Special Purpose District Located within Chester County, 2nd by Vice Chairman Lucas, Council vote was unanimous.

Chairman Roddey stated this would encompass Montrose.

VII. Old Business

1. 3rd Reading From Planning Commission Meeting of 9-16-08

Commission
Vote

5-0 to approve

Council
Vote

6-0 to approve

Tax Map – 160-03-04-020-000

From RG1 (Multi Family) to R2 (Rural Two)

Name:Ivan Butts, Jr.

Map Amendment #..... CCMA08-0011

Location..... 3.58 acres located at 5148 Great Falls Hwy, Great Falls, SC

Vice Chairman Lucas made a motion to approve 3rd and final reading to uphold Planning Commission’s recommendation on Tax Map# 160-03-04-020-000, 2nd by Council Member Guy, Council vote was unanimous.

2. Convenience Site Update

Ms. Sharon Bickett, Recycling and Liter Control Director had given Council several scenarios with dollar amounts per month and year to extend Convenience Site hours. **Council Member Guy** asked about scenario #4 and said it was a good one and that she realized the County wanted to be cost effective but convenient for our citizens as well. **Council Member Jordan** also looked at scenario #4 and **Council Member Martin** said the three sites chosen were good ones for the entire County. **Council Member Jordan** said the figures were more than he expected and Council had just placed a moratorium on over time plus we had a one cent sales tax increase on the ballot,

he thought this should be taken as information at this time. **Chairman Roddey** asked if he would like to put that in the form of a motion and **Council Member Jordan made a Motion to take the information given to Council by Ms. Bickett as information only, 2nd by Council Member Branham, Council vote was unanimous.**

3. From CCTC: Approval of Petition on: Snelgrove Rd, Dawn Rd., Doe Rd, Antler Rd. to take into County Road System)

Council Member Oliphant made a motion to approve taking the following roads into the County System: Snelgrove Rd, Dawn Rd., Doe Rd, and Antler Rd for Maintenance Purposes Only, 2nd by Council Member Branham, Council vote was 5-0 to approve with Council Member Guy abstaining.

VIII. New Business

1. Solid Waste Committee Update

Wendy Bell/Catawba Regional gave Council the Solid Waste Committee recommendations and suggested that Council hold a workshop to go over the proposal. She said that each County was charged with disposing of their own solid waste and Chester County appointed a Committee and this was the Committee's recommendations. **Council Member Branham** asked if there was a certain time this was to be approved and Ms. Bell suggested before the first of the year or shortly there after. **Council Member Jordan** asked if there were educational programs available through the State and Ms. Bell replied that Ms. Bickett did a great job getting information out and to businesses as well and that DHEC would also help if needed. **Council Member Oliphant** thanked Ms. Bell, the Committee and COG for all they did for the County. **Chairman Roddey** proposed the workshop would be before the next County Council Meeting on November 17th and start at 4:30 p.m. **Council Member Guy then made a Motion to accept this Solid Waste Committee Update as information only, 2nd by Council Member Martin, Council vote was unanimous.**

IX. Executive Session

Chairman Roddey stated Council needed to go into Executive Session to Discuss:

1. Personnel Matter – Re: Administrative Dept.
2. A Legal Matter – Re: Fee In Lieu with PPG and a Resolution on a Fee In Lieu with PPG Industries.

Council Member made a Motion to go into Executive Session, 2nd by Vice Chairman Lucas, Council vote was unanimous. Time was approximately 6:45 p.m.

Council returned from Executive Session and Council Member Martin made a Motion to return to Regular Session, 2nd by Vice Chairman Lucas, Council vote was unanimous.

Time was approximately 7:20 p.m

Chairman Roddey said that Council had been given legal advice in Executive Session on an Ordinance and Resolution regarding a Fee In Lieu with PPG Industries.

Council Member Martin made a Motion to approve the 1st Reading of An Ordinance Authorizing the Execution and Delivery of a Fee Agreement by and between Chester County, South Carolina and PPG Industries, Inc. and Subsidiaries Providing for a Payment of a Fee In Lieu of Taxes; Approving the Reconveyance of Certain Real Property Subject to an Existing Lease Agreement Between Chester County, South Carolina and PPG Industries, Inc.; Approving the Extension of the Existing Lease Agreement; and Other Matters Related Thereto. – (In Title Only), 2nd by Council Member Guy, Council vote was 5-0 to approve with Council Member Oliphant abstaining (conflict of interest).

Council Member Martin made a Motion to approve A Resolution Authorizing a Fee In Lieu of Taxes Agreement Between PPG Industries, Inc. and Chester County, South Carolina, 2nd by Council Member Guy, Council vote was 5-0 to approve with Council Member Oliphant abstaining.

Chairman Roddey stated a Personnel Matter regarding the Administrative Department had been discussed in Executive Session and no action was taken.

X. Council Members Comments

Council Member Oliphant congratulated Vice Chairman Lucas and his wife Barbara on 53 years of marriage.

XI. Adjournment

Councilwoman Guy made a Motion to adjourn, 2nd Vice Chairman Lucas, Council vote was unanimous. Time was approximately 7:25 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-Snipes, CCC
Clerk to Chester County Council**

Chester County Council Meeting of 11-3-2008