



Chester County Council Meeting

R. Carlisle Roddey Government Building
1476 J A Cochran Bypass | Chester, SC 29706
Monday, March 18, 2024 | 6:00 PM

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. APPROVAL OF MINUTES

- a) March 4, 2024 Council Meeting Minutes

4. CITIZEN'S COMMENTS

5. PUBLIC HEARING

- a) 3rd Reading of 2024-6
To amend Chapter 2: Administration, Article II: County Council, Section 2-26 – Clerk, of The Code of Ordinances of The County of Chester, South Carolina
- b) 3rd Reading of 2024-7
Revoking existing employee/personnel handbooks and related employment policies and procedures and their related enabling ordinances and resolutions; adopting an employee/personnel handbook; confirming the County Administrator's authority to set administrative employment policies and procedures; making conforming changes to the County Code of Ordinances; and providing for other related matters.
- c) 3rd Reading of 2024-8
Revoking existing procurement/contracting policies, handbooks, and manuals and related policies and procedures and their related enabling ordinances; adopting a procurement/contracting manual, including the use of purchasing cards; confirming the county administrator's authority to set administrative policies and procedures; making conforming changes to the County Code of Ordinances; and providing for other related matters.

6. ORDINANCES | RESOLUTIONS | PROCLAMATIONS

Consent Agenda

- a) 3rd Reading of 2024-6
To amend Chapter 2: Administration, Article II: County Council, Section 2-26 – Clerk, of The Code of Ordinances of The County of Chester, South Carolina

- b) 3rd Reading of 2024-7
Revoking existing employee/personnel handbooks and related employment policies and procedures and their related enabling ordinances and resolutions; adopting an employee/personnel handbook; confirming the County Administrator’s authority to set administrative employment policies and procedures; making conforming changes to the County Code of Ordinances; and providing for other related matters.

- c) 3rd Reading of 2024-8
Revoking existing procurement/contracting policies, handbooks, and manuals and related policies and procedures and their related enabling ordinances; adopting a procurement/contracting manual, including the use of purchasing cards; confirming the county administrator’s authority to set administrative policies and procedures; making conforming changes to the County Code of Ordinances; and providing for other related matters.

- d) 2nd Reading of 2024-10
To amend Chapter 46 – streets, sidewalks, and other public property, Article IV – Use of public roads, Sections 46-93 of the Code of Ordinances of the County of Chester, South Carolina, to provide for revisions to litter enforcement; and to provide for other related matters.

7. ADMINISTRATOR’S REPORT

8. OLD BUSINESS

- a) Resolution 2024-2 to amend the county’s organizational chart to provide for reorganization of and positions in Animal Control and Emergency Services; and to provide for related matters.

9. NEW BUSINESS

- a) Resolution 2024-3 authorizing the transfer of certain personal property; and providing for other related matters.

- b) Animal Control Department Update
Jessica Ruckart, Animal Control Director

10. BOARDS AND COMMISSIONS

- a) Reappointment for two members of the Radio Users Advisory Committee:
John Faulkner, EMS and Ben Grant, Sheriff’s Office
Term Renewal of March 15, 2024

11. EXECUTIVE SESSION

Legal advice concerning Chester County Wastewater Recovery (CWR)

12. ACTIONS FOLLOWING EXECUTIVE SESSION

Action taken regarding Chester County Wastewater Recovery (CWR)

13. COUNCIL COMMENTS

14. ADJOURN

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 Chester County Government Building 24 hours prior to the meeting.

Guidelines for Addressing Council

Citizens Comments:

Each citizen will be limited to three minutes.

When introduced:

Approach the podium, state your name and address.
Speak loudly and clearly making sure that the microphone is not obstructed.
Do not address the audience – direct all comments to Council.
Do not approach the Council table unless directed.

Public Hearings:

Each speaker will be limited to three minutes.

Anyone addressing Council will be called out of order if you:

Use profanity.
Stray from the subject.
Make comments personally attacking an individual member of Council.



Chester County Council Meeting

R. Carlisle Roddey Government Building
1476 J A Cochran Bypass | Chester, SC 29706
Monday, March 4, 2024 | 6:00 PM

MINUTES

Present: Chairman Joe Branham, Councilman Mike Vaughn, Councilman Corey Guy, Councilwoman Erin Mosley, Councilman John Agee, Councilman William Killian, County Administrator Brian Hester, and Attorney John Marshall Mosser

Absent: Vice Chairman Pete Wilson

1. CALL TO ORDER

Chairman Branham called the meeting to order.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Allegiance was recited and the invocation was given by Councilman Guy.

3. APPROVAL OF MINUTES

a) February 20, 2024 Council Meeting Minutes

Councilwoman Mosley motioned to approve, second by Councilman Guy. Vote 6-0 to approve.

4. CITIZEN'S COMMENTS

John Massey, 171 E. Lacy St., addressed council regarding virtual memorials for fallen heroes.

5. PUBLIC HEARING

a) Needs and Assessment Hearing for Community Development Block Grant
Grazier Rhea, Catawba Regional Council of Governments

*Chairman Branham closed the Public Hearing for Needs Assessment and struck Section F 3rd
Reading of CCMA24-01 from the Public Hearing section of the agenda.*

b) 3rd Reading of 2024-2

Amending Ordinance 2021-8 to adopt to the County's General Fund Balance Policy and provide for other related matters.

c) 3rd Reading of 2024-3

Providing for the allocation of fees received from development agreements, project agreements, and other similar arrangements entered into by the County and one or more developers—and providing for other related matters.

d) 3rd Reading of 2024-4

Amending Chapter 2: Administration, Article IV: Officers and Employees, Division 5 – County Attorney, of the Code of Ordinances of Chester County to provide for the position of County Attorney and other related matters.

e) 3rd Reading of 2024-5

Providing for the allocation of funds held in the County’s Capital Project Fund and providing for other related matters.

f) ~~3rd Reading of CCMA24-01~~

~~Krystal and Mike O’Connor request Tax Map #079-04-02-098-000 located at 641 Lancaster Hwy, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Commercial District (GC). Planning Commission voted 6-0 to approve, contingent the closing on the property must be by April 1st, 2024, if property has not closed by April 1st, 2024 the zoning would revert back to RS1.~~

6. ORDINANCES | RESOLUTIONS | PROCLAMATIONS

a) 2nd Reading of 2024-7

Revoking existing employee/personnel handbooks and related employment policies and procedures and their related enabling ordinances and resolutions; adopting an employee/personnel handbook; confirming the County Administrator’s authority to set administrative employment policies and procedures; making conforming changes to the County Code of Ordinances; and providing for other related matters.

Councilwoman Mosley motioned to approve, second by Councilman Vaughn. Vote was 6-0 to approve.

b) 2nd Reading of 2024-8

Revoking existing procurement/contracting policies, handbooks, and manuals and related policies and procedures and their related enabling ordinances; adopting a procurement/contracting manual, including the use of purchasing cards; confirming the county administrator’s authority to set administrative policies and procedures; making conforming changes to the County Code of Ordinances; and providing for other related matters.

Councilman Guy motioned to approve, second by Councilwoman Mosley. Vote was 6-0 to approve.

c) 1st Reading of 2024-9

To amend the County's organizational chart to provide for reorganization of and positions in Animal Control and County Fire (formerly Rural Fire); and to provide for related matters.

Councilman Agee motioned to approve, second by Councilwoman Mosley. Vote was 6-0 to approve.

d) 1st Reading of 2024-10

To amend Chapter 46 – streets, sidewalks, and other public property, Article IV – Use of public roads, Sections 46-93 of the Code of Ordinances of the County of Chester, South Carolina, to provide for revisions to litter enforcement; and to provide for other related matters.

Councilman Vaughn motioned to approve, second by Councilwoman Mosley. Vote was 6-0 to approve.

e) Resolution (2024-1) to accept the Memorandum of Understanding for Great Falls Fire Department.

Councilman Vaughn motioned to approve, second by Councilwoman Mosley. Vote was 6-0 to approve.

7. CONSENT AGENDA

Councilwoman Mosley motioned to approve, second by Councilman Agee. Vote was 6-0 to approve.

a) 3rd Reading of 2024-2

Amending Ordinance 2021-8 to adopt to the County's General Fund Balance Policy and provide for other related matters.

b) 3rd Reading of 2024-3

Providing for the allocation of fees received from development agreements, project agreements, and other similar arrangements entered into by the County and one or more developers—and providing for other related matters.

c) 3rd Reading of 2024-4

Amending Chapter 2: Administration, Article IV: Officers and Employees, Division 5 – County Attorney, of the Code of Ordinances of Chester County to provide for the position of County Attorney and other related matters.

d) 3rd Reading of 2024-5

Providing for the allocation of funds held in the County's Capital Project Fund and providing for other related matters.

- e) 3rd Reading of CCMA24-01
Krystal and Mike O'Connor request Tax Map #079-04-02-098-000 located at 641 Lancaster Hwy, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Commercial District (GC). Planning Commission voted 6-0 to approve, contingent the closing on the property must be by April 1st, 2024, if property has not closed by April 1st, 2024 the zoning would revert back to RS1.
- f) 2nd Reading of 2024-6
To amend Chapter 2: Administration, Article II: County Council, Section 2-26 – Clerk, of The Code of Ordinances of The County of Chester, South Carolina

8. CONSENT AGENDA

Approval of the Consent Agenda will uphold the Planning Commission's decision to deny the rezoning request.

Councilman Vaughn motioned to approve, second by Councilwoman Mosley. Vote was 6-0 to approve.

- a) 3rd Reading of CCMA24-02
Trent Erving for EP Group LLC request Tax Map #079-04-04-008-000 located at 614 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2). Planning Commission voted 6-0 to deny.
- b) 3rd Reading of CCMA24-03
Trent Erving for EP Group LLC request Tax Map #079-04-04-027-000 located at 620 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2). Planning Commission voted 6-0 to deny.
- c) 3rd Reading of CCMA24-04
Trent Erving for EP Group LLC request Tax Map #079-04-04-028-000 located at 622 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2). Planning Commission voted 6-0 to deny.
- d) 3rd Reading of CCMA24-05
Trent Erving for EP Group LLC request Tax Map #079-04-04-029-000 located at 624 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2). Planning Commission voted 6-0 to deny.

9. ADMINISTRATOR'S REPORT

Administrator Hester gave an update regarding the grant received by Chester County Museum for Ms. Ann Marion's Autograph Collection and solutions taken by employees for lighting project hurdles at the David Minors Park in Great Falls.

10. OLD BUSINESS

11. NEW BUSINESS

- a) Emergency Services Update
Kell Benson, Emergency Services Director

Mr. Benson gave an update regarding capital improvement purchases, an upcoming ambulance being obtained, and West Chester Fire Department 's EMS needs. He also informed Council of the upcoming opening ceremony for North Chester Fire Department on April 6th at 10 AM and that his office is partnered with Red Cross and can provide citizens with new smoke detectors , installation of smoke detectors, and fire safety plans.

Mr. Faulkner, EMS Director, updated council on the changes of services and subscriptions that have been made to save their department money since he was appointed in January.

12. EXECUTIVE SESSION

13. ACTIONS FOLLOWING EXECUTIVE SESSION

14. COUNCIL COMMENTS

15. ADJOURN

Councilwoman Mosley motioned to adjourn, second by Councilman Vaughn. Vote 6-0 to Adjourn.

7:30PM

Kristie Donaldson

Clerk to Council

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 Chester County Government Building 24 hours prior to the meeting.

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Do not approach the Council table unless directed.

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Use profanity.
Stray from the subject.
Make comments personally attacking an individual member of Council.

CHESTER COUNTY, SOUTH CAROLINA

ORDINANCE NO. 2024-6

TO AMEND CHAPTER 2: ADMINISTRATION, ARTICLE II: COUNTY COUNCIL, SECTION 2-26 – CLERK OF THE CODE OF ORDINANCES OF THE COUNTY OF CHESTER, SOUTH CAROLINA, TO PROVIDE FOR THE POSITION OF CLERK TO COUNTY COUNCIL; AND OTHER RELATED MATTERS.

WHEREAS, the County, by and through its County Council, is authorized and empowered to provide for the County’s internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975, including section 4-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended;

WHEREAS, the County previously enacted Chapter 2: Administration, Article II: County Council, Section 2-26. Clerk of the Code of Ordinances of the County of Chester, South Carolina (“County Code”), which provides for the County to have a Clerk to County Council; and

WHEREAS, as a result of a change in the form of the County’s government from Council-Supervisor to Council-Administrator, by this Ordinance, the County Council intends to update Chapter 2, Article II, Section 2-26 of the County Code.

NOW, THEREFORE, the Council ordains that Chapter 2, Article II, Section 2-26 of the County Code be stricken in its entirety and replaced with everything between the “*” below, and the same be enacted and codified in the County Code as provided in this Ordinance and, more generally, as provided in the procedural portions in the County Code:

Sec. 2-26. Clerk.

The council shall appoint a person, not a member of the council to serve as clerk for an indefinite term. The clerk shall be an employee, and serve at the pleasure, of council. The clerk shall record all proceedings of the council and keep a journal of the proceedings which shall be open to public inspection; deliver copies of the minutes of each council meeting to all members of council prior to the next regular meeting; keep a register of all ordinances and resolutions, assigning them a number and arranging them in order of introduction, and shall assist in their indexing and codification; attest the signature of the chair, vice chair or county administrator on official instruments or documents. During the disability or extended absence of the clerk, the council may designate an acting clerk. The clerk shall be subject to the general employment policies, including any handbook or manual applicable to county employees, except insofar as the general employment policies provide the county administrator with the right to suspend or terminate the clerk’s employment. On behalf, and for the benefit, of the council, the county administrator shall provide day-to-day administrative supervision, including providing for additional duties, of the clerk.

Repealer. Each ordinance, resolution, regulation, order, or other directive of the County, and each part of the same, in conflict with this Ordinance, is, to the extent of that conflict, repealed, and replaced by this Ordinance.

Codification. The County shall codify the contents of this Ordinance in Chapter 2, Article II, of the County Code as Section 2-26, or as otherwise appropriately numbered, online as soon as practicable and in print as part of the County’s next, regular, re-codification.

Rights Reserved to County. This Ordinance does not vest any rests in any person or entity, and the

County reserves the right to repeal or amend this Ordinance and other portions of the County Code, at any time, from time to time, as often as the County, in its sole discretion, deems appropriate.

Severability. If any part of this Ordinances is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

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CHESTER COUNTY, SOUTH CAROLINA

By: _____
Joe Branham
Chairman, County Council

[SEAL]

Attest:

Kristie Donaldson
Clerk to County Council

First Reading: February 20, 2024
Second Reading: March 4, 2024
Public Hearing: March 18, 2024
Third Reading: March 18, 2024

CHESTER COUNTY, SOUTH CAROLINA

ORDINANCE NO. 2024-7

REVOKING EXISTING EMPLOYEE/PERSONNEL HANDBOOKS AND RELATED EMPLOYMENT POLICIES AND PROCEDURES AND THEIR RELATED ENABLING ORDINANCES AND RESOLUTIONS; ADOPTING AN EMPLOYEE/PERSONNEL HANDBOOK; CONFIRMING THE COUNTY ADMINISTRATOR'S AUTHORITY TO SET ADMINISTRATIVE EMPLOYMENT POLICIES AND PROCEDURES; MAKING CONFORMING CHANGES TO THE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the County, by and through its County Council, is authorized and empowered to provide for the County's internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975, including section 4-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended;

WHEREAS, the County, by and through its County Council, previously enacted one or more ordinances, with amendments, and one or more resolutions, with amendments, and various employee and/or personnel handbooks, and employment policies, and procedures;

WHEREAS, the County has changed its form of government from Council-Supervisor to Council-Administrator, which resulted in the need to update certain personnel system policies and procedures as contemplated by South Carolina Code Annotated section 4-9-30(7) (collectively, "County Policies");

WHEREAS, the County Council recognizes that the administration, development, and implementation of additional administrative employment policies and procedures of the County, not inconsistent with State law and the County Policies, are and shall be the province of the County Administrator according to South Carolina Code Annotated section 4-9-630 (collectively, "Administrative Policies");

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Recission of Existing Ordinances, Handbooks, Policies, and Procedures. The County rescinds each existing ordinance, employee and/or personnel handbook, employment policy and procedure, and each related item.

Section 2. Employee Handbook. The County hereby adopts an employee and/or a personnel handbook a copy of which is attached to, and incorporated in, this Ordinance by reference as Exhibit A, as the County Council's definitive statement of the County Policies.

Section 3. Confirmation of County Administrator Authority. The County Council confirms the County Administrator's authority to development and implement the Administrative Policies as the County Administrator deems appropriate for the lawful and efficient operation of the County so long as such Administrative Policies are not inconsistent with either State law or the County Policies.

Section 4. Amendment to County Code. Chapter 2, Article VI, Division 1, Sections 2-267 of the Code of Ordinances of the County of Chester, South Carolina ("County Code"), be and is hereby stricken in its entirety and replaced with the following: "Sec. 2-267. – Personnel handbook. Personnel regulations established by the County Council shall be published in a personnel handbook and made available to each employee of the County. The administration, development, and implementation of additional administrative employment policies and procedures of the County, not inconsistent with State law and the County's personnel handbook, are and shall be the province of the County Administrator. Neither the County's personnel handbook nor any administrative policy or procedure shall constitute an employment contract between the County and any County

employee.”

Section 5. Subsequent Changes. Notwithstanding the adoption of the County Policies, including the Personnel Handbook by this Ordinance, the County Council is entitled to amend the County Policies by subsequent resolution.

Section 6. General Repealer. Each ordinance, resolution, order, policy, or similar directive, or any part of the same, in conflict with this Ordinance is, to the extent of that conflict, repealed.

Section 7. Codification. The County shall codify the substantive portion of Section 4 of this Ordinance in Chapter 2, Article VI, Division 1 of the County Code as Section 2-267, or as otherwise appropriately numbered, online as soon as practicable and in print as part of the County’s next, regular, re-codification.

Section 8. Savings Clause. Nothing in this Ordinance abrogates, diminishes, or otherwise alters any matter that arose under Chapter 2, Article VI, Division 1, Sections 2-267 of the County Code and/or the personnel handbook then-existing prior to the enactment of this Ordinance and any matter that so arose shall be administered according to such provisions as they existed prior to the enactment of this Ordinance.

Section 9. Effective Date. This Ordinance is effective immediately on third reading by the County Council.

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CHESTER COUNTY, SOUTH CAROLINA

By: _____
Joe Branham
Chairman, County Council

[SEAL]

Attest:

Kristie Donaldson
Clerk to County Council

First Reading: February 20, 2024
Second Reading: March 4, 2024
Public Hearing: March 18, 2024
Third Reading: March 18, 2024

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EXHIBIT A
EMPLOYEE HANDBOOK

CHESTER COUNTY, SOUTH CAROLINA

ORDINANCE NO. 2024-8

REVOKING EXISTING PROCUREMENT/CONTRACTING POLICIES, HANDBOOKS, AND MANUALS AND RELATED POLICIES AND PROCEDURES AND THEIR RELATED ENABLING ORDINANCES; ADOPTING A PURCHASING/CONTRACTING MANUAL, INCLUDING THE USE OF PURCHASING CARDS; CONFIRMING THE COUNTY ADMINISTRATOR'S AUTHORITY TO SET ADMINISTRATIVE POLICIES AND PROCEDURES; MAKING CONFORMING CHANGES TO THE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the County, by and through its County Council, is authorized and empowered to provide for the County's internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975, including section 4-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended;

WHEREAS, the County previously enacted Chapter 5: Finance and Taxation, Article V: Procurement, Section 26-136, through and including Section 26-142 of the Code of Ordinances of the County of Chester, South Carolina ("County Code"), and one or more procurement and/or contracting ordinances, manuals, handbooks, or other similar policies and procedures, which collectively provide for the County's purchasing and contracting practices;

WHEREAS, the County has changed its form of government from Council-Supervisor to Council-Administrator, which resulted in the need to update certain procurement and contracting practices as contemplated by South Carolina Code Annotated section 4-9-160 (collectively, "County Policies");

WHEREAS, the County Council recognizes that the administration, development, and implementation of additional administrative procurement/contracting policies and procedures of the County, not inconsistent with State law and the County Policies, are and shall be the province of the County Administrator according to South Carolina Code Annotated sections 4-9-620 and 4-9-630(1)-(3) (collectively, "Administrative Policies");

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Recission of Existing Ordinances, Handbooks, Policies, and Procedures. The County rescinds each existing ordinance, procurement/contracting manual and each related item.

Section 2. Procurement Manual. The County hereby adopts a purchasing/contracting manual, a copy of which is attached to, and incorporated in, this Ordinance by reference as Exhibit A, as the County Council's definitive statement of the County's Policies.

Section 3. Confirmation of County Administrator Authority. The County Council confirms the County Administrator's authority to development and implement the Administrative Policies as the County Administrator deems appropriate for the lawful and efficient operation of the County so long as such Administrative Policies are not inconsistent with either State law or the County Policies.

Section 4. Amendment to County Code. Chapter 5: Finance and Taxation, Article V: Procurement, Section 26-136, through and including Section 26-142 of the Code of Ordinances of the County of Chester, South Carolina ("County Code"), be and are hereby stricken in their entirety and replaced with the following:

CHAPTER 5: FINANCE AND TAXATION

ARTICLE V: PURCHASING

Sec. 26-136. Purchasing and Contracting. Purchasing and contracting regulations established by the County Council shall be published in a Purchasing and contracting policy manual and made available, upon request, to each vendor as part of any purchasing/contracting process. As part of the purchasing and contracting process, the County authorizes the use a “purchasing cards.” The administration, development, and implementation of additional administrative purchasing and contracting policies and procedures of the County and the use of “purchasing cards,” not inconsistent with State law and the County’s purchasing and contracting policy manual, are and shall be the province of the County Administrator. Any potential vendor participating in the County’s purchasing/contracting process shall be bound by the County’s processes and procedures, including any dispute resolution provisions.

Section 5. Subsequent Changes. Notwithstanding the adoption of the County Policies, the County Council is entitled to amend the County Policies by subsequent resolution.

Section 6. General Repealer. Each ordinance, resolution, order, policy, or similar directive, or any part of the same, in conflict with this Ordinance is, to the extent of that conflict, repealed.

Section 7. Codification. The County shall codify the substantive portion of Section 4 of this Ordinance in Chapter 5: Finance and Taxation, Article V: Purchasing, Section 26-136, or as otherwise appropriately numbered, online as soon as practicable and in print as part of the County’s next, regular, re-codification.

Section 8. Savings Clause. Nothing in this Ordinance abrogates, diminishes, or otherwise alters any matter that arose under Chapter 5, Article V, Section 26-136 of the County Code and/or the procurement policy manual then-existing prior to the enactment of this Ordinance and any matter that so arose shall be administered according to such provisions as they existed prior to the enactment of this Ordinance.

Section 9. Effective Date. This Ordinance is effective immediately on third reading by the County Council.

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CHESTER COUNTY, SOUTH CAROLINA

By: _____
Joe Branham
Chairman, County Council

[SEAL]

Attest:

Kristie Donaldson
Clerk to County Council

First Reading: February 20, 2024
Second Reading: March 4, 2024
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Third Reading: March 18, 2024

[ONE EXHIBIT FOLLOWS]
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EXHIBIT A
CHESTER COUNTY
PURCHASING AND CONTRACTING
POLICIES AND PROCEDURES MANUAL

CHESTER COUNTY, SOUTH CAROLINA

ORDINANCE NO. 2024-10

TO AMEND CHAPTER 46 – STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY, ARTICLE IV – USE OF PUBLIC ROADS, SECTIONS 46-93 OF THE CODE OF ORDINANCES OF THE COUNTY OF CHESTER, SOUTH CAROLINA, TO PROVIDE FOR REVISIONS TO LITTER ENFORCEMENT; AND TO PROVIDE FOR OTHER RELATED MATTERS.

WHEREAS, the County, by and through its County Council, is authorized and empowered to provide for the County’s internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975, including section 4-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended;

WHEREAS, the County previously enacted Chapter 46, Article IV, Section 46-93 of the Code of Ordinances of the County of Chester, South Carolina (“County Code”), which provides for various matters related to litter enforcement; and

WHEREAS, the County Council desires to provide for revisions to Section 46-93 to clarify certain aspects of litter enforcement.

NOW, THEREFORE, the Council ordains that Chapter 46, Article IV, Section 46-93 of the County Code, be and is hereby amended, as and if amended, as noted between the “*” by removing all those matters showing a strikethrough in the text and adding all those matters showing an underline in the text as follows:

Sec. 46-93. Litter control ordinance.

This article shall be referred to as the Chester County Litter Control Ordinance and is enacted under the home rule authority of the county council to provide remedies and penalties for illegal litter and dumping as defined herein, in the unincorporated areas of the county and to provide authority for the county litter enforcement officer to enforce the provisions of this article.

(1) Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter means all discarded waste materials including, but not limited to, rubbish, garbage, trash, refuse, sand, gravel, yard clippings, limbs, leaves, slag, paper, plastic, rubber, tires, waste building materials at construction sites, bottles, glass, aluminum cans, cigarette butts, cigarette filters, shell-fish, or other discarded materials of every kind and description.

Litter receptacle means those containers adopted by the county.

Person means an individual, partnership, co-partnership, cooperative, firm, company, public or private corporation, political subdivision, agency of the county, trust, estate, joint structure company or any other legal entity or its legal representative, agent or assigns.

Public or private means, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, park, playground, conservation or recreation area, timberlands, forests, buildings, refuge, and residential or farm properties.

Solid waste means all refuse including, but not limited to, bulk, debris, garbage, recyclable materials, rubbish and trash.

Vehicles means every device capable of being moved upon a public highway, body of water, or public property and in, upon, or by which any person's property is or may be transported or drawn upon a public highway, body of water, or public property.

- (2) Litter, loose materials, and solid waste to be covered to prevent escape during transportation, penalties.
 - a. No vehicle which transports litter, loose materials, or solid waste shall be driven or moved on any highway, body of water, or public property unless the litter, loose material, or solid waste is secured by means of a covering which is fastened securely so as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle.
 - b. A person violating the provision of this section is guilty of a misdemeanor and, upon conviction, ~~must~~ shall be fined not less than \$100.00 nor more than \$500.00 or imprisoned for not more than 30 days for each offense, or both. The court may further impose one of the following:
 1. In the sound discretion of the court in which conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter, loose material, or solid waste the person has deposited and any and all litter, loose material, or solid waste deposited thereon by anyone else prior to the date of execution of sentence; or
 2. In the sound discretion of the court in which conviction was obtained, the person may be directed to perform other forms of public service as may be ordered due to physical or other incapacities, ~~which shall be under the supervision of the court.~~
- (3) Prima facie evidence; inferred presumption.
 - a. Whenever litter, loose materials or solid waste are thrown, dropped, deposited, dumped, sifted, leaked, or otherwise escape from any motor vehicle, boat, airplane or other conveyance in violation of this section, it shall be prima facie evidence that the operator of the conveyance has committed a violation of this article.
 - b. Whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any articles, including without limitation, letters, bills, publications or other writings which display the name of a person thereon in such a manner as to indicate such person, it shall be inferred that such person has violated this article.
- (4) Littering on public or private property or waters prohibited; exceptions; responsibility for removal; penalties.
 - a. No person may dump, throw, drop, deposit, discard or otherwise dispose of litter or other solid waste upon any public or private property or waters in the county whether from a vehicle or otherwise, including without limitation, a public highway, public park, campground, forest land, recreational area, road, street or alley except as follows:
 1. When the property is designated by the state or the county or any of its agencies or political subdivisions for the disposal of litter and other solid waste and it is authorized by the proper public authority to use the property for that purpose.
 2. Placed into a litter receptacle or container installed on such property; and is placed in a manner that the litter is prevented from being carried away by the elements upon a part of the private or public property or waters.
 - b. No person or persons may dump, throw, discard, drop, or otherwise dispose or leave any litter or other solid waste other than household garbage or recyclables as specified at county waste and recycling centers, or leave such specified items after the center has closed.
 - c. Responsibility for the removal of litter or other solid waste from public or private property or receptacles is upon the person convicted under this section. However, if there is no conviction, the responsibility is upon the owner of the property or upon the owner of the property where

the receptacle is located. If there is no conviction and, in the discretion of the county ~~supervisor~~ administrator or his designee, an undue hardship is created for the owner of the property, assistance in removing the litter or other solid waste may be provided by the county.

- d. A person who violates the provisions of this section in an amount less than 15 pounds in weight or 27 cubic feet in volume is guilty of a misdemeanor and upon conviction ~~must~~ shall be fined not less than \$100.00 or more than \$200.00; or imprisoned for not more than 30 days for each offense, or both. In addition to a fine and for each offense under the provisions of this section, the court shall also impose a minimum of five hour litter and other solid waste gathering labor or other form of public service as the court may order because of physical or other incapacities, ~~which shall be under the supervision of the court.~~
- e. The fine for deposit of a collection of litter or other solid waste in an area or facility not intended for public deposit of litter or other solid waste is \$200.00. The provisions of this item apply to a deposit of litter or other solid waste in an area or facility not intended for public deposit of litter or other solid waste, but this does not prohibit a private property owner from depositing litter or other solid waste as an enhancement to their property if the depositing does not violate applicable state and local health and safety regulations. In addition to a fine and for each offense under the provisions of this section, the court shall also impose a minimum of five hour litter and other solid waste gathering labor or other form of public service as the court may order because of physical or other incapacities, ~~which shall be under the supervision of the court.~~
- f. The court, in lieu of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter or other solid waste gathering labor, or other form of public service as it shall order due to physical or other incapability's, ~~which labor or public service shall be under the supervision of the court,~~ not to exceed one hour for each \$5.00 of fine imposed.
- g. For the second and subsequent convictions under subsections d. or e. of this section, a minimum of 20 hours of community service shall be imposed in addition to a fine.
- h. In addition to other punishment authorized by the section, in the discretion of the court in which conviction is obtained, the person so convicted may be directed by the court to pick up and remove from any public place or any private property, with permission of the owner upon which it is established by competent evidence that the convicted person has deposited litter or other solid waste, all such litter or other solid waste deposited on the place or property by anyone before the date of execution of sentence.
- i. Magistrates and municipal courts have jurisdiction to try violations of this article and shall order the publication of the names of those persons convicted for violations of this article in a news publication of local circulation.
- j. Any person who violates the provisions of this section in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds or 100 cubic feet, is guilty of a misdemeanor and upon conviction, ~~must~~ shall be fined not less than \$200.00 and no more than \$500.00 or imprisoned for not more than 90 days, or both. In addition, the court shall require the violator to pick up litter or other solid waste or perform other community service commensurate with the offense committed as required by state statute.
- k. Any person who violates the provisions of this section in an amount exceeding 500 pounds in weight or 100 cubic feet in volume is guilty of a misdemeanor and upon conviction, ~~must~~ shall be fined not less than \$500.00 nor more than \$1,000.00, or imprisoned not more than one year, or both. In addition, the court may order the violator to:
 1. Remove or render harmless the litter or other solid waste dumped in violation of this subsection;
 2. Repair or restore property damaged by, or pay the cost of damages arising out of the dumping of litter or other solid waste in violation of this subsection; and/or

3. As required by state statute, perform community public service relating to the removal of litter or solid waste dumped in violation of this sub-section or relating to the restoration of an area polluted by litter or solid waste dumped in violation of this section by the person so convicted or others.
 - l. A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than 500 pounds in weight or more than 100 cubic feet in volume of litter or other solid waste in violation of this section is declared contraband and is subject to seizure and summary forfeiture to the county.
 - m. The Court shall impose at least the minimum fine, or the minimum imprisonment, or both, for a violation of this section. No part of a fine or imprisonment imposed pursuant to this section may be suspended. Offenders who do not appear for court without notification to the court may have their hearing rescheduled at the discretion of the court. Failure to appear a second time without notice will result in the issuance of a bench warrant.
 - n. The court may permit and recognize a roadside bond offered by the litter enforcement officer to the violator. A roadside bond will include a fine and a requirement for community service.
 - o. ~~All~~For community service required by the court, ~~shall be under the supervision of the court and~~ the violator may be required to provide "before and after" photographs to the court as evidence of the performance of the community service.
- (5) Abandoning chemicals or hazardous materials in the county.
 - a. No hazardous or potentially hazardous wastes shall be placed in waste disposal containers or dumped at the county landfill.
 - b. It shall be unlawful for any person to abandon any chemicals or hazardous/potentially hazardous material in Chester County.
 - c. Hazardous/potentially hazardous materials include without limitation:
 1. Any substance designated under the Clean Water Act and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as posing a threat to waterways and the environment when released.
 2. Hazardous materials shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive materials, poisonous gases, and hazardous materials known or suspected of chronic toxicity.
- (6) Nothing in this section shall be construed as granting any cause of action against the State, any political subdivision, or any employee thereof acting in their official capacity to an individual performing community service under this section who is completing litter pickup without direct oversight, including any claim under workers compensation. Routine follow up to ensure completion of litter pickup by any County, municipality, or State employee is not considered oversight.

Repealer. Each ordinance, resolution, regulation, order, or other directive of the County, and each part of the same, in conflict with this Ordinance, is, to the extent of that conflict, repealed, and replaced by this Ordinance.

Codification. The County shall codify the contents of this Ordinance in Chapter 46, Article IV of the County Code as Section 46-93, or as otherwise appropriately numbered, online as soon as practicable and in print as part of the County's next, regular, re-codification.

Rights Reserved to County. This Ordinance does not vest any rests in any person or entity, and the County reserves the right to repeal or amend this Ordinance and other portions of the County Code, at any time, from time to time, as often as the County, in its sole discretion, deems appropriate.

Savings Clause. Nothing in this Ordinance abrogates, diminishes, or otherwise alters any matter that arose under Chapter 46, Article IV, Section 46-93 of the County Code then-existing prior to the enactment of this Ordinance and any matter that so arose shall be administered according to such provisions as they existed prior to the enactment of this Ordinance.

Severability. If any part of this Ordinances is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

[SIGNATURE PAGE FOLLOWS]
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CHESTER COUNTY, SOUTH CAROLINA

By: _____
Joe Branham
Chairman, County Council

[SEAL]

Attest:

Kristie Donaldson
Clerk to County Council

First Reading: March 4, 2024
Second Reading: March 18, 2024
Public Hearing: April 1, 2024
Third Reading: April 1, 2024

SOUTH CAROLINA)
CHESTER COUNTY)

RESOLUTION 2024-2 OF
CHESTER COUNTY, SOUTH CAROLINA

TO AMEND THE COUNTY’S ORGANIZATIONAL CHART TO
PROVIDE FOR REORGANIZATION OF AND POSITIONS IN
ANIMAL CONTROL AND EMERGENCY SERVICES; AND TO
PROVIDE FOR RELATED MATTERS.

WHEREAS, the County, by and through its County Council, is authorized and empowered to provide for the County’s internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975, including section 4-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended;

WHEREAS, the County desires to provide: (a) within the Animal Control Department, for the transition of one shelter coordinator/animal control officer to two, part-time animal care attendants, as more fully depicted on the organizational chart, a copy of which is attached as Exhibit A (“Updated Animal Control Chart”); and (b) within the Emergency Services Department, by (i) providing for separate organizational charts for County Fire and Emergency Medical Services (which is a pictorial, but non-substantive change) and (ii) creating an organizational chart for County Fire, which includes Rural Fire, and provides for the addition of one leadership position and six, full-time firefighter positions as a result of the memorandum of understanding between the County and the Town of Great Falls, as more fully depicted on the three organizational charts, a copy of each of which is attached as composite Exhibit B “Updated Emergency Services Chart”);

WHEREAS, the County does not anticipate the addition of these positions will have an impact on the County’s current fiscal year budget, as enacted (and, as may have been, from time to time, amended);

NOW, THEREFORE, the Council resolves that the County’s (a) Updated Animal Control Chart is adopted as described in the recitals and depicted on Exhibit A and (b) Updated Emergency Services Chart is adopted as described in the recitals and depicted on Exhibit B.

Section 1. Except as amended by this Resolution, County’s organizational chart(s) shall remain unchanged and in full force and effect.

Section 2. The County Administrator is empowered to take whatever further actions and execute whatever documents as may be proper to effect this Resolution’s intent.

Section 3. Each resolution, regulation, order, or other directive of the County, and each part of the same, in conflict with this Resolution, is, to the extent of that conflict, repealed, and replaced by this Resolution.

Section 4. This Resolution does not vest any rights in any person or entity, and the County reserves the right to repeal or amend this Resolution, at any time, from time to time, as often as the County, in its sole discretion, deems appropriate.

Section 5. This Resolution is effective after its adoption by County Council.

RESOLVED: March 18, 2024

CHESTER COUNTY, SOUTH CAROLINA

By: _____

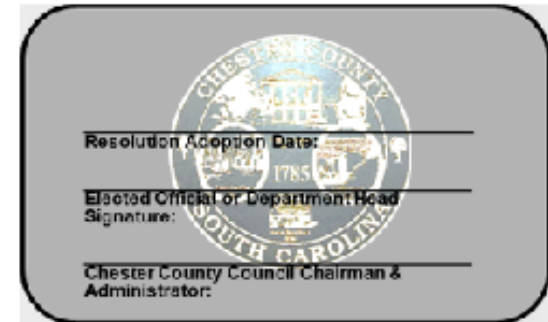
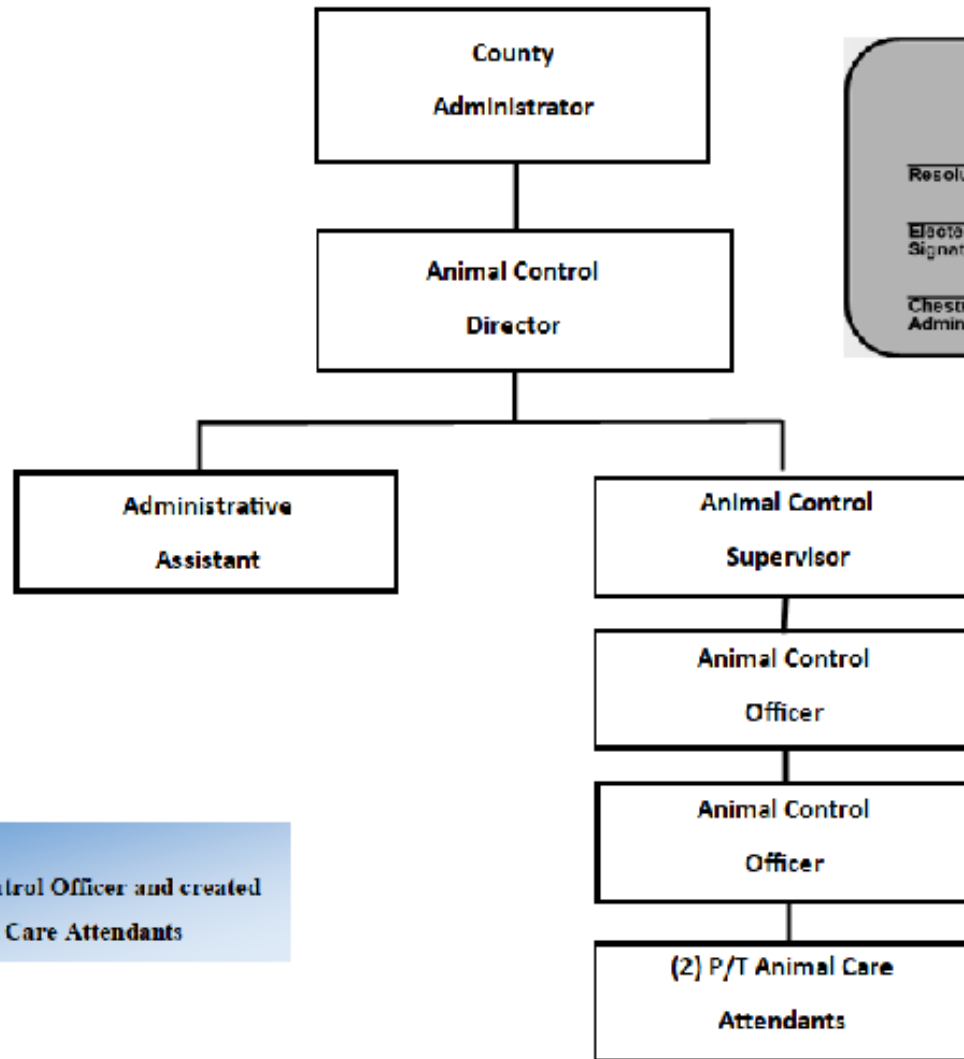
Joe Branham
Chairman, County Council

[SEAL]

Attest:

Kristie Donaldson
Clerk to County Council

Animal Control – Organizational Chart



Fiscal year 2023 2024
Moved one Animal Control Officer and created
Two Part Time Animal Care Attendants

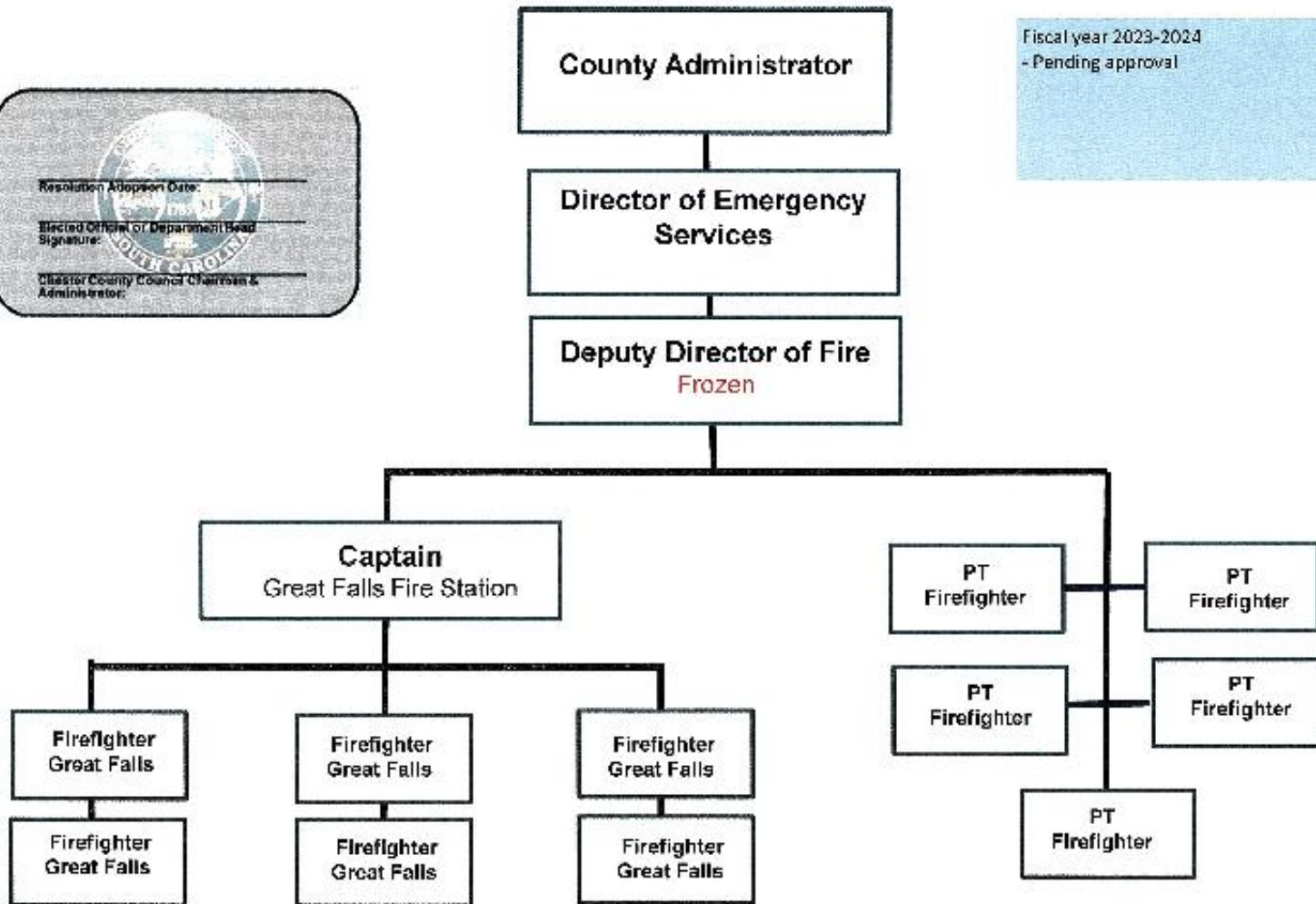
EXHIBIT A
UPDATED ANIMAL CONTROL CHART

COUNTY FIRE – ORGANIZATIONAL CHART

Fiscal year 2023-2024
- Pending approval

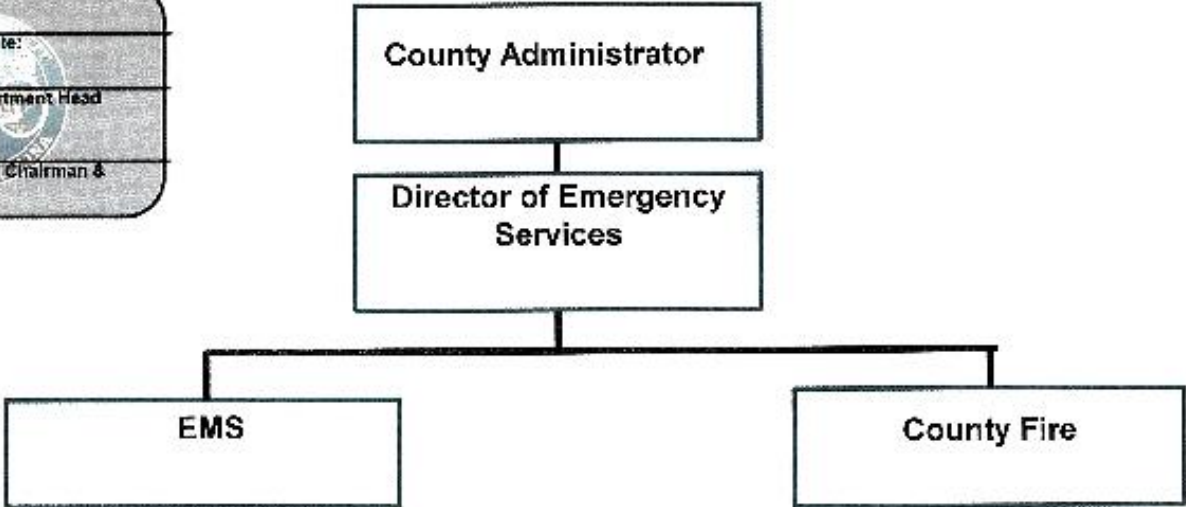


EXHIBIT B
UPDATED EMERGENCY SERVICES CHART



EMERGENCY SERVICES – ORGANIZATIONAL CHART

Resolution Adoption Date:
Elected Official or Department Head Signature:
Chester County Council Chairman & Administrator:

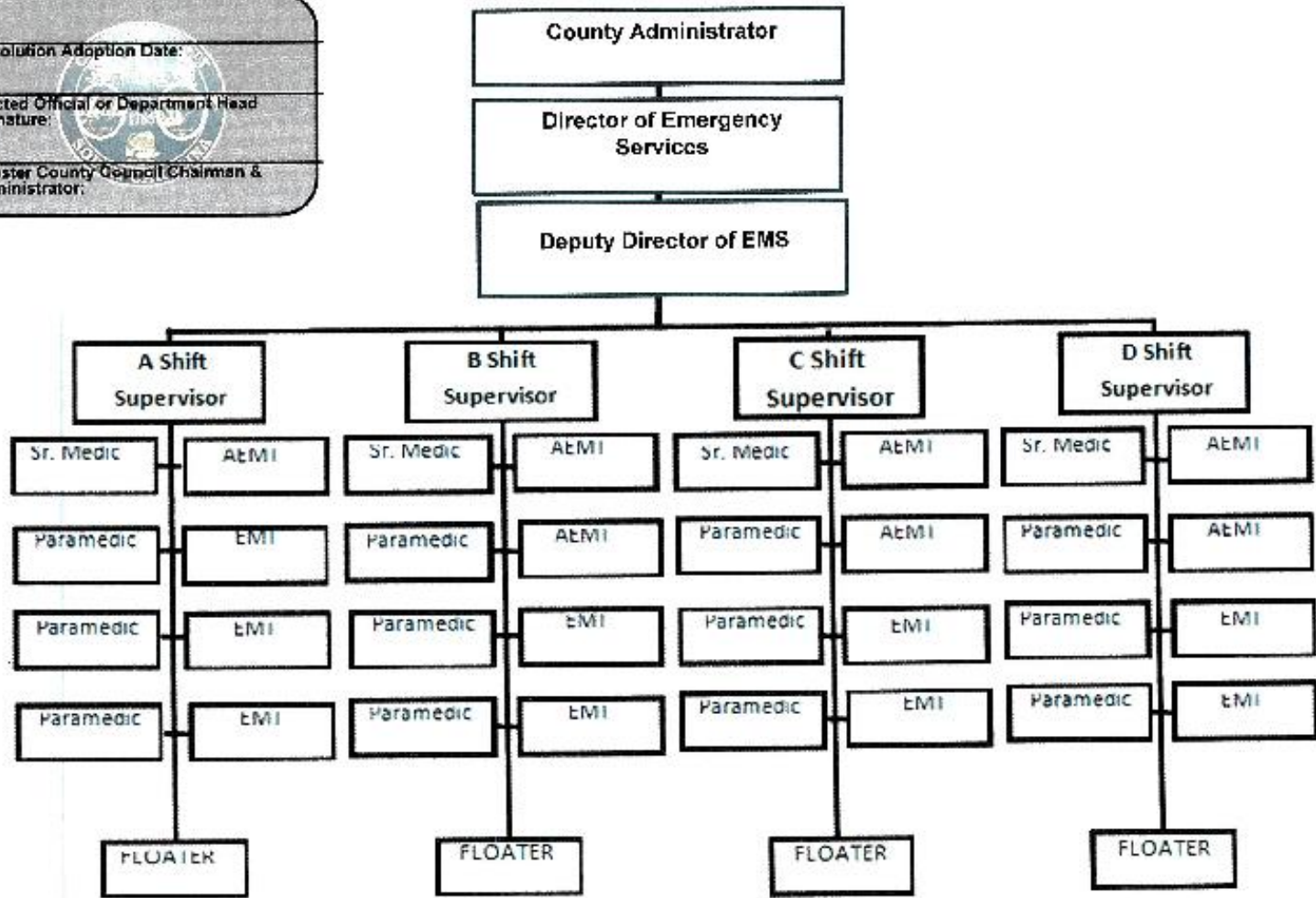


EMERGENCY MEDICAL SERVICES – ORGANIZATIONAL CHART

Resolution Adoption Date:

Elected Official or Department Head Signature:

Chester County Council Chairman & Administrator:



SOUTH CAROLINA)
)
CHESTER COUNTY)

**RESOLUTION 2024-3 OF
CHESTER COUNTY, SOUTH CAROLINA**

**AUTHORIZING THE TRANSFER OF CERTAIN PERSONAL
PROPERTY; AND PROVIDING FOR OTHER RELATED MATTERS.**

WHEREAS, South Carolina Code Annotated section 4-9-30(2) authorizes Chester County (“County”) to sell or otherwise dispose of personal property; and

WHEREAS, the County Council for Chester County, as the County’s governing body has determined that it is in the best interest of the County and its citizens to sell, by auction or other similar method, those items of personal property as are listed on Exhibit A (collectively, “Personal Property”), which is attached to and incorporated in this Resolution by reference;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL THAT THE COUNTY AUTHORIZED
THE SALE, BY AUCTION OF OTHER SIMILAR METHOD, THE PERSONAL PROPERTY.**

And, it is further resolved that the County Administrator, and/or his designee (each, an “Authorized Official”), is authorized (a) to prepare, or have prepared, the form of any reasonably necessary and prudent transfer documents that are customarily used for similar transactions in this State, and (b) to execute, attest, and deliver those documents that may be reasonably necessary and prudent to consummate the Personal Property’s transfer.

RESOLVED: March 18, 2024

CHESTER COUNTY, SOUTH CAROLINA

Chairman
Chester County Council

(SEAL)
ATTEST:

Kristie Donaldson
Clerk to County Council

EXHIBIT A
PROPERTY DESCRIPTION

Department	Vehicle Number	Make/Model	Tag	Vin/Serial Number	Mileage
Facilities Maintenance	553	2005 Chevy 2500 HD	CG69298	1GCHC29U47E111305	192,194
Facilities Maintenance		Hyster H40XM Forklift		Serial #: D177G2554P	N/A
Motor Pool	327	2007 Chevy 4500	CG61894	1GBE4V19X7F421448	321,899
Motor Pool	502	2003 Chevy Trailblazer	CG69756	1GNDS13S632377818	111,279
Motor Pool	519	2006 Chevy Trailblazer	CG69304	1GNDT13S062138525	177,013
Motor Pool	571	2008 Chevy Trailblazer	CG69303	1GNDT13SX82179781	121,803
Motor Pool		7060EX Coats Tire Changer		Serial #: 905106301	N/A
Fire Coordinator	510	2004 Chevy K2500 Pickup	CG70950	1GCHK23UX4F240554	238,128
Fire Coordinator		1995 International E-ONE Fire Truck		1HTSDADR2SH684827	90,808
Sheriff's Office	112	2017 Dodge Durango	MSW625	1C4SDJFT6HC623606	154, 675
Sheriff's Office	145	2011 Chevrolet Tahoe	CG79910	1GNLC2E07BR262354	202, 539
Sheriff's Office	176	2010 Chevrolet Tahoe	CG79906	1GNMCAE03AR260050	126, 229



Household Hazardous Waste Collection & Paper Shredding Day

Saturday April 6, 2024 • 10 a.m. to 2 p.m.

The Government Complex

(in the back parking lot), 1476 J. A. Cochran By-Pass, Chester, SC 29706

ITEMS ACCEPTED

- Paint, polishes and varnishes
- Paint-related materials
- Turpentine
- Aerosol cans
- Adhesives
- Motor oil
- Antifreeze
- Fuel additives
- Old/unwanted medications (pills)
- Gasoline
- Automobile batteries
- Lithium batteries
- Mercury
- Pesticides
- Electronics
- Transmission fluid
- Pool chemicals
- Fluorescent bulbs

ITEMS NOT ACCEPTED

- Commercial/industrial waste
- 55-gallon drums of material
- Tires
- Radioactive material
- Explosives
- Bullets
- Medical waste
- All cylinders

GENERAL INFORMATION

This location is for Chester County residents ONLY. Please seal material in original container if possible. Label unmarked containers if contents are known. For more information, call Molly Knowlton at **(803) 581-4831** or email **mknowlton@chestercountysc.gov**.

MESSAGE PROVIDED IN PART BY

OR-2403 12/23

