

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Government Complex

1476 J A Cochran Bypass, Chester, SC

May 20th, 2019 Monday at 6:00 PM

Present: Chairman Shane Stuart, Vice Chairman Joe Branham, Councilman Pete Wilson, Councilman Alex Oliphant, Councilwoman Mary Guy, Councilman Brad Jordan, Councilman Mike Vaughn, Clerk to Council Karen Lee and County Attorney Joanie Winters.

1. **Call to Order**-Chairman Stuart called the meeting to order at 6.00 pm. Vice Chairman Branham stated he had asked for the policy personal manual to be added to the agenda but meant the policy and procedures and motioned to amend the agenda, second by Councilman Wilson. Attorney Winters stated this was only changing the verbiage. Vote 6-0 to amend the agenda for item 7.e.
2. **Pledge of Allegiance and Invocation**- Pledge was recited in unison, Chairman Stuart gave the invocation.
3. **Approval of Minutes -May 6th, 2019 Council Minutes**-Councilwoman Guy motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.
4. **Citizen Comments**

Diana Holcomb of 1687 Orrs Station Road, Chester expressed her concerns to Council as to why and how tax dollars have been spent and she expects better.

John Hayes of 5263 George Beard Ave, Great Falls stated he was for the rezoning of Mr. Hicklin Jr's request to have his property rezoned. Mr. Hayes stated he had heard everyone in the community was against Mr. Hicklin's request and wanted to clarify everyone in the community is not against it. After this is over he would hope everyone would go back to be the loving and kind community it once was.

Paul D. Hicklin, Jr of 17042 Loma Vista, California stated at the last meeting things were said he did not agree with and asked Council to base his application on his own merit.

George McElveen of 2229 Bull St, Columbia, SC Attorney was there on behalf of the Hicklin's to give them legal advice. Mr. McElveen stated to his understanding there was blurring at the last meeting between the application and some other property in which he was not present but would like for Council to consider the application of its own merits. There is support of the change in the community, he presented the Clerk to Council a petition with fifty names in favor of the request.

John Massey of 171 East Lacy St, Chester stated in light of recent events public trust in law enforcement is low. The citizens of Chester need to be reassured it want go back to the way it was after the dust settles. Mr. Massey stated Chester needs to have a citizen review board that would cover all jurisdictions.

Gene McClinton of 2637 Georgetown Rd, Great Falls signed up to speak but chose not to.

Jackie Kyles of 2505 Woodberry Lane, Edgemoor stated her passion is animal rescue, she came before Council in November of 2016 asking for a new shelter. She and others are still asking for a new shelter to be built, the new shelter should be able to contain the spread of disease should be a high priority. Mrs. Kyles stated it should also be a safe haven for animals waiting to be adopted instead of a place of pure terror.

Elizabeth Claytor of 119 Pinckney Street, Chester reminded everyone about the i2i yard sale June 7th and June 8th starting in Fort Lawn to Chester and ending on Hwy 72 to Whitmire.

George Wilmore of 2624 Georgetown Road, Great Falls stated he was speaking for himself and some of the residents on Georgetown Road Community. He stated the farm does not fit in the community and request the rezoning be denied.

Octavia Wilmore of 2624 Georgetown Road, Great Falls stated she has nothing personal against the Hicklin's but asked Council to deny the rezoning from RG1 to R2. She stated if the property is rezoned it would be a disservice to the residences.

Mary Beaty of 5214 George Beard Ave, Great Falls stated if the property is rezoned it will be considered farm use and the smell is unbearable.

Sheriff Max Dorsey of 1318 Hall Rd, Chester thanked Council for the support they have pledged to the Chester County Sheriff's Office. Public safety is one of the most core functions of the government, he stated many of the best parts of America's history would not have been possible without good quality Law enforcement officers. The freedoms America enjoys freedom of speech, worship and assembly and the freedom of fear all sits on the foundation of public safety. Sheriff Dorsey stated the men and women of Chester County Sheriff's Office will be committed to do all they can to protect life and property for all people that work live and play in Chester County. His pledge is to maintain an open dialogue and be transparent to everyone in the County, he is committed to do everything in his power to bring the people together and resources to provide excellent public safety in Chester County.

5. Ordinances/Resolutions/Proclamations

a. **2nd Reading of Ordinance 2019-5 To Levy And Impose A One Percent Sales And Use Tax, Subject To A Referendum In Chester County Pursuant To The Capital Project Sales Tax Act, South Carolina Code Annotated Section 4-10-300, Et Seq.; To Define The Specific Purposes And Designate The Projects For Which The Proceeds Of The Tax May Be Used; To Provide The Maximum Time For The Imposition And Collection Of The Tax; To Provide For A County-Wide Referendum And To Prescribe The Contents Of The Ballot Question In The Referendum; To Provide Conditions Precedent To The Imposition Of The Tax And Conditions Or Restrictions On The Use Of The Tax Revenue; To Establish The Priority In Which The Net Proceeds Of The Tax Are To Be Expended For The Purposes And Projects Stated; To Provide For The Conduct Of The Referendum By The Chester County Board Of Voter Registration And Elections; To Provide For The Payment Of The Tax; to Provide For The Issuance Of Bonds, In One Or More Series, Tax-Exempt Or Taxable, In An Amount Not To Exceed The Aggregate Of \$[]; Authorizing The County Supervisor To Prescribe The Form And Details Of The Bonds; Providing For The Payment Of The Bonds And Pledge Of Revenues Related To The Bonds; Providing Otherwise For The Disposition Of The Proceeds Of The Bonds; Providing For Borrowing In Anticipation Of The Issuance Of The Bonds; Providing For The Disposition Of Property Related To The Bonds; And Other Related Matters.** Vice Chairman Branham stated the Council was putting this on the ballot, the citizens decide if they agree to this. Thirty percent or more of taxes are basically paid by outsiders who come through Chester and purchase items. This will help continue to better Chester County. Attorney Winters stated this is an extension of the tax that is already in place and not a new one. Treasurer Tommy Darby stated the one cents sale tax has brought in over 2.7 million dollars annually. Chairman Stuart motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

b. **1st Reading by Title Only Ordinance No. 2019-6 Proposed 2019/2020 Budget with discussion to suspend billing for inmate cost charge.** Councilman Oliphant motioned to approve, second by Councilwoman Guy. Chairman Stuart stated this would suspend the billing for inmate cost charges across the County until cost could be reviewed. Councilman Oliphant stated this time last year Council approved higher fees for municipalities that used the jail. He stated the City of Chester was the only one being billed for this fee, Great Falls and Fort Lawn were not. It would only be fair to suspend the collection until everything is sorted out. Councilwoman Guy stated at the time she questioned the cost but voted for it and stated she felt the same way that it was not thought through. It makes the City of Chester look bad, no one will ask you if you are from the City of Chester or the County, we are all Chester.

Vice Chairman Branham stated he would like to know the actual cost of housing a prisoner and agreed with Councilman Oliphant what Council does for one it must be done for all. Councilman Oliphant requested the number of people who work incarcerated in Great Falls and Fort Lawn. Chairman Stuart stated this is for the first reading in title only for the proposed budget and asked if Councilwoman Guy would withdraw her second and Councilman Oliphant to withdraw his motion and restate to approve the first reading of the budget. Councilman Oliphant withdrew his motion and Councilwoman Guy withdrew her second. Councilman Oliphant motioned to approve the first reading by title only Ordinance No. 2019-6 proposed budget ordinance 2019/2020 with the suspension of the inmate cost, second by Councilwoman Guy. Discussion: Treasurer Tommy Darby stated several budget workshop meetings had taken place with one scheduled for Thursday, the numbers are still in progress of being worked on. Currently it looks like the revenue for the general fund will be up for next year with the bottom line being \$21,360,800.00. It may leave some room on the expenditure side for salary adjustments since Council is trying to adjust the salary scale. Vote 6-0 to approve.

6. Old Business

- a. **2nd Reading CCMA19-07: Paul and Virginia Hicklin request Tax Map # 160-03-04-039-000 located on Georgetown Road, Great Falls, SC be rezoned from (RG-1) Multi-Family to (R2) Rural Two. Planning Commission voted 5-1 to Deny.** It was discussed Mr. Hicklin is grandfathered under the zoning ordinance and can continue to use his property as farm use under the current zoning. Councilman Oliphant motioned to deny, second by Councilman Vaughn. Councilman Jordan denied, Vice Chairman Branham, Councilman Wilson and Councilwoman Guy approved the rezoning request. Vote was 4-3 to approve. Chairman Stuart broke the tie in favor to approve.
- b. **2nd Reading CCMA19-08: Paul and Margaret Hicklin Jr. request Tax Map # 160-03-04-017-000 located on Hoke Drive, off of Georgetown Road, Great Falls, SC be rezoned from (RG-1) Multi-Family to (R2) Rural Two. Planning Commission voted 5-1 to Deny.** Councilman Vaughn motioned to Deny, second by Councilman Jordan. Vote 6-0 to Deny.
- c. **From CCTC-Approval of Bid for Baseball Alley in the amount of \$628,318.60**
Councilwoman Guy motioned to put the bid back out for Baseball Alley, second by Vice Chairman Branham. Vote 6-0 to approve.
- d. **From CCTC-Approval to Reimburse the County Roads Department for Road Maintenance from January 9th, 2019 to April 8th, 2019 in the Amount of \$20,398.06 dollars.**
Councilwoman Guy motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.
- e. **From CCTC-Approval to Reimburse the County Recycling Department for Sign Material from January 2019 to April 2019 in the Amount of \$2859.64 dollars.**
Vice Chairman Branham motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.
- f. **April Litter Pickup Report/Litter Enforcement- Chairman Stuart**
Chairman Stuart stated 490 bags of trash was picked up along with tires and other miscellaneous items throughout the County. Litter Enforcement Officer TJ Melton has written nineteen tickets since January of this year with five charges pending.

7. New Business

- a. **County Delinquent Personal Property Program- Treasurer Tommy Darby/Auditor Donnie Wade**
Treasurer Darby stated he and Auditor Donnie Wade had been looking into a third-party collection agency American Financial Credit Services, Inc that is currently working with twenty-one other counties to handle the County's business personal property delinquent accounts. Currently the County has a program in the Tax Collectors office to collect bad debts which is considered the tax sale. Right now, there's \$4.4 million dollars in unpaid debt on the tax rolls that goes back ten years. The business property side is collecting on furniture, fixtures and equipment which is assessed by the Department of Revenue. Auditor Wade stated in January the laws changed for boats and motors, they will be collected the same way

vehicle taxes are collected now. All of the delinquent taxes on them will need to be cleaned up so moving forward the County will have a clean slate. The company charges 20% which would come from the delinquent tax payer, for instance if \$100 dollars was owed to the County, the company would collect \$120.00, the County gets the \$100 dollars and the company gets \$20.00 If the Auditor and I can get a vote of confidence along with a resolution for the next meeting to proceed with negotiations he would send the documents to County Attorney Winters to have the resolution for the next Council Meeting. Councilman Oliphant motioned to proceed with negotiations with American Financial Credit Services, Inc. second by Councilman Vaughn. Vote 6-0 to approve.

b. Discuss Pay Raises for Sheriff and Staff-Councilman Oliphant

Councilman Oliphant stated he considered Chairman Stuart a friend and wants him to succeed, all of this is being done in love. He stated \$81,000 dollars a year was not anywhere near of what a Sheriff should make considering all he and law enforcement does. In November of 2016 Deputy Sprouse sent a letter requesting a pay raise for Sheriff Underwood, and the Sheriff sent a letter requesting a pay raises for some of his leaders, which was fine since that's the way it should be done. The Supervisor approved the pay raise for the Sheriff without getting approval from Council and was a violation of State Law, he stated the salary of an elected official can only be raised by approval of County Council, he did have the authority to give raises to the other employees.

Councilman Oliphant stated he did not think Chairman Stuart would do anything illegal and hoped it was bad judgement. At one of the 2017 budget meetings it was discussed about the pay raises, he stated Council does not see the individual salaries for each employee, Treasure Darby has notes from the meeting showing where he had asked for further information regarding the pay raises. Knowing it was done improperly he stated a higher authority such as the Ethics Commission needs to be informed. This will benefit the citizens of Chester and Chairman Stuart, transparency is critical. He asked if County Attorney Winters would inquire to the Ethics Commission along with the Attorney Generals office for an opinion.

Councilman Jordan stated Council does not have the authority to reduce the raise during the term of the elected official during their term under state law. Councilman Wilson stated they had five letters to the HR Director instructing the them to give five pay raises and written on the Sheriff's letter head and dated November 10, 2016 which was two days after the 2016 election. He stated all letters were signed by former Chief Deputy Sprouse with the exception of his raise request which was signed former Sheriff Underwood. This changed the budget, and asked Chairman Stuart if he thought he was acting outside of his authority.

Chairman Stuart stated he thought he was acting within his authority, he stated the Sheriff's budget is the Sheriff's budget and can't stand in the way of that. There budget cannot be changed or altered and consulted with the County Attorney concerning this. To him it was no different than the solicitor's office coming through and him approving it with a rubber stamp. When it comes through it is already in place, Councilman Wilson asked County Attorney Winters if there were any gray areas in terms of the Supervisors authority to give raises to elected officials. County Attorney Winters stated she did not think there was and stated Titled 8 states that, while she may have been consulted that did not mean she agreed.

Councilman Wilson asked Chairman Stuart if there had been other employees or elected officials who you have given raises to without Council's approval within this past year. Chairman Stuart stated in the past year no, in 2016 a raise was given to the Auditor, but Council knew about that. Councilman Jordan asked if Chairman Stuart asked for legal advice before he gave the raises and if he reviewed Title 8, Chairman Stuart stated he did. Councilman Jordan stated they need that information, County Attorney Winters stated anytime she has been asked about money for increase whether its for wages to her she considered that an amendment to the budget. Anytime you change the budget that is an amendment that goes before Council.

Councilman Oliphant stated the legality item is the sheriff getting a raise without Council approval, he stated if a Supervisor acts illegally the Supervisor could be held accountable to pay the funds back he was not recommending that but wanted it stated. If Council announces the spending policy, it must be adhered too. If the other raises caused the budget to go over there is a problem. He then motioned to have the County Attorney to reach out to the Ethics Commission along with the Attorney Generals Office for opinions, second by Councilman Wilson with discussion. Councilwoman Guy stated Council respects the Supervisor's authority but does not feel Chairman Stuart respects the Council. Councilman Wilson asked

Councilman Oliphant if he would withdraw his motion, he would withdraw his second and stated he would ask the Vice Chairman to reach out to the Ethics Commission and Attorney Generals office along with filing a formal complaint with the South Carolina Ethics Commission and send a letter to the Attorney General's Office. He felt asking the County Attorney Winters would be a conflict of interest since she works at the pleasure of the County Supervisor. County Attorney Winters agreed. Vice Chairman Branham stated he would reach out to the South Carolina Association of Counties for guidance and would proceed. Councilman Oliphant withdrew his motion, Councilman Wilson withdrew his second. Councilman Wilson motioned to have Vice Chairman Branham with the help of outside legal services or the SCAC if needed file a complaint with the South Carolina's Ethic Commissions and send a letter to the Attorney General Alan Wilson stating the concerns of the handling of pay raises of the Supervisor in November of 2016 for the elected Sheriff and four employees of the Sheriff's office, second by Councilman Oliphant. Vote 6-0 to approve.

c. New Animal Shelter Consideration-Chairman Stuart

Chairman Stuart stated they are trying to get all the information in for the Capital Project Sales tax for planning a new animal shelter. The one thing needed is a soil and water sample test for one of the sites that is being considered. He stated he was asking for Council's approval for Task 3 to have the testing done that amounts to \$2875.00 dollars. Councilman Oliphant motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

d. Animal Shelter Expansion- Chairman Stuart

Chairman Stuart stated this was from the Capital Project Sales Tax Procurement for the Animal Control Office Expansion and what the voters approved in 2014. Director Susan Cok stated only two bids came in and the base bid was \$118,480.70 from RNF Construction, LLC out of York, SC. She stated there was two alternates, the first was to finish the inside of exterior walls with wood studs and drywall at the cost of \$7000 dollars, alternate two, kennel runs, and office walls constructed in CMU masonry costing \$8000 dollars. She stated they could take the base bid and only approve that or add an alternate or add both. Matt Hines with the Dennis Corporation stated the base bid consist of the building, the slab foundation, the utility connections that are already present on site, the office space within the building along with ten fenced kennels and five chambered kennels. The exterior walls would be finished but not the interior walls that was requested by the County. Chairman Stuart motioned to approve the bid of \$118,480.70 along with alternate two in the amount of \$8000.00 bringing the total to \$126,480.70, second by Councilman Wilson. Vote 6-0 to approve.

e. Discuss the County Personnel Policy Manual-Vice Chairman Branham

This verbiage was changed at the beginning of the meeting to read County Policy & Procedure Manual
Vice Chairman Branham stated Council does not cherish bringing this up but concerned citizens had brought the items to him from off the streets and would like answers. He stated as they had already discussed in the meeting concerning the pay raises for the sheriff and his employees as the policy and procedure manual states anything the Supervisor signs off of must come before Council. Used patrol cars instead of new ones were purchased with the rolling stock bond money, the sign off of the credit card expenses that the Sheriff took without getting Councils approval. The annual leave sign off where employees could extend the forty five days. He stated Magistrate Underwood was suspended for a year, he read from a statement "it is ordered to the petition granted and to the respondent (Magistrate Underwood) is placed in interim suspension, Chester County is under no obligation to pay respondent for her salary during the suspension. Vice Chairman Branham stated she was paid \$39,000 dollars in back pay in which the County was not under no obligation to do. If this was brought to Council, we may or may not have paid her if it had been brought to us but was signed off by the Supervisor to approve to pay her.

He stated one that did not go through but was signed to go through was a social media contract invoice to promote Chester County on Facebook and Twitter called Zumogul media for \$2500 a month, this needed a tax form to go through and after a lot of questions the person running this was Jason Ream. The Treasure considered that as a conflict of interest, Vice Chairman Branham stated he thought the Supervisor and Mr. Ream own a house together stating that would be a conflict of interest. His concern

was Council never knew anything about any of this and it needs to be straightened out and sad they are having to do it this way. He stated he was not accusing anyone of wrong doing but agrees someone with a higher authority needs to look at this to give guidance and direction and let them make the decision as to what to do.

Councilman Oliphant stated the body cam was a five-year contract, the Sheriff's department applied for a grant on September 16, 2016, the Supervisor signed off on the contract September 22, 2016, Council did not know about this. The second year the deadline for the grant was not met so it had to come to Council for approval but also had the potential of a \$345, 000-dollar liability. Council had to come up with \$62,000 dollars to make the payment, the grant was applied for the third year and was granted but still has four- and five-year grants to obtain if the deadlines are not missed. He stated a five-year contract that did not go through procurement correctly and signed off incorrectly. Councilman Oliphant stated Officer Sprouse signed off on the contract and at the time it was stated Sprouse could be held accountable, but he stated the Supervisor could be held accountable because he signed off on it. There is a chain of emails documenting all of this, he does not have copies of them but knows they are there. He stated to Chairman Stuart he wants him to succeed and will continue to be his friend and will go with him through this. He went on to say if Chairman Stuart succeeds Chester County will also succeed. Transparency is critical, and it needs to be continued. The hero here is Tommy Darby he is quiet and kind, he doesn't go out to hurt anybody and should not have to address these issues or take things he shouldn't have to, his level of integrity is way up there.

Councilman Jordan stated the body cam was a mandate for the Sheriff's office to obtain. The problem was it did not come before Council on the contract for the five-year procurement. There is a lot of issues with procurement, things that should have come before us that didn't. We as Council needs some type of checks and balances going forward to make sure this does not happen again. Councilman Oliphant stated there is a lot of confident people who works for the County if anyone that works for Chester County or anyone else that sees any red flags please tell somebody.

8. Boards and Commissions

a. Appoint Jennifer Rayburn to the Catawba Regional Workforce Investment Board-County Council

Chairman Stuart motioned to approve, second by Vice Chairman Branham. Vote 6-0 to approve.

b. Reappoint Susan Cruse to the Old English District-Councilman Jordan

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

9. Executive Session-Councilwoman Guy motioned to go to Executive Session, second by Councilman Jordan. Vote was 6-0 to approve.

a. Personnel Issue Concerning an Animal Control Vehicle Wreck on April 29th, 2019.

b. Discuss Economic Development Project 1912.

c. Discuss Economic Development Project 1860.

d. Receive Legal Advice Regarding the Fee Agreement between PPG/NEG

10. Council Actions Following Executive Session- Councilwoman Guy motioned to go to Executive Session, second by Vice Chairman Branham. Vote was 6-0 to approve.

a. Action Taken Concerning Personnel Issue with an Animal Control Vehicle Wreck on April 29th, 2019. Councilman Wilson motioned to continue to gather information in regard to the incident involving an Animal Control vehicle wreck on April 29, 2019 once the information is received a special called meeting will be held, second by Vice Chairman Branham. Councilman Oliphant stated after he read the allegations on Facebook, that's when he decided to add the wreck to the agenda, after further investigation

he learned there was a video for inside the venue before the accident and the accident itself. He stated he had spoken to two people who viewed the video which raised his concerns, he has not seen the video but was informed law enforcement has obtained a copy of the video. He said Council was disappointed they did not have the information they had asked for and had asked County Attorney Winters to FOIA the video. Councilman Jordan stated he also had spoken to someone who was present and had seen the video and has requested a copy. Vice Chairman Branham stated Council cannot act on hearsay they have to see it themselves before any action can be taken. Councilman Wilson stated in the Chester County Government Personal Policy Manual in regard to vehicle accidents #10 states "Immediately following any accident in a County vehicle, a drug and alcohol test will be conducted. Employees must report when instructed. Failure to submit to drug and alcohol testing may result in discipline up to and including termination." Councilman Wilson stated this was not done. Vote 6-0 to approve.

b. Action Taken Regarding Economic Development Project 1912.

Chairman Stuart motioned to allow Chester County Economic Development to negotiate with Project 1912, second by Vice Chairman Branham. Vote was 6-0 to approve.

c. Action Taken Regarding Economic Development Project 1860. Taken as information only.

d. Action Taken Regarding Legal Advice on the Fee Agreement between PPG/NEG.

Councilman Oliphant recused and left the room before discussion took place. Chairman Stuart motioned to approve the settlement agreement, second by Councilman Vaughn. 5-0 approve.

11. Council Comments

Councilwoman Guy stated there is freedom of speech but thinks County employees should be more ethical maybe it's her opinion but thinks they should not put disrespectful things on their Facebook accounts.

Councilman Oliphant stated this had been a tough meeting but there will be more before they get better, he stated he was looking for transparency from everyone.

12. Adjourn-Councilwoman Guy motioned to adjourn, second by Councilman Oliphant. Vote was 6-0 to adjourn. Time was 9:10 pm.

K. Shane Stuart, Chairman & Supervisor

Karen Lee, 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