

# CHESTER COUNTY COUNCIL MEETING MINUTES

## R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, July 18<sup>th</sup>, 2022 at 6:00 PM

**Present:** Vice Chairman Branham, Councilman Jordan, Councilman Vaughn, Councilman Wilson, Councilman Killian and County Attorney Winters. Councilwoman Guy came into the meeting at 6:04 pm. **Absent:** Interim Chairman Dr. Frederick, and Clerk to Council Lee.

1. **Call to Order**-Vice Chairman Branham called the meeting to order.
2. **Pledge of Allegiance and Invocation**- Pledge was recited in unison: Vice Chairman Branham gave the invocation.
3. **Approval of Minutes**
  - a. **July 5<sup>th</sup>, 2022 Council Minutes.**  
Councilman Wilson motioned to approve, second by Councilman Killian. Vote 5-0 to approve.

#### 4. **Citizen Comments**

Raymond Carter of 881 Yarbrough Road stated his topic was justice reform of people resigning from positions in the county from the bad things they've done.

Jamie Walton, 2470 Fishing Creek Church Road stated two years ago a fire station was approved to be built in the Lewis Fire District and nothing has happened. If this is built, he said this would be a tremendous amount of insurance savings for homeowners and first responders for emergencies and fire. He had a petition signed by 51 people with two thirds of them that lived in the Lewis Fire District.

5. **Public Hearing** – Vice Chairman Branham opened the public hearing.

a. **3<sup>rd</sup> Reading of Ordinance 2022-13- Clarifying Ordinance No. 2018-11, Which Provides For the Allocation of Fee In Lieu Of Tax Revenues For Some Property Located In The County; And Providing For Other Related Matters.** No one signed up to speak. Vice Chairman Branham closed the public hearing.

#### 6. **Ordinances/Resolutions/Proclamations**

a. **3<sup>rd</sup> Reading of Ordinance 2022-13- Clarifying Ordinance No. 2018-11, Which Provides For the Allocation of Fee In Lieu Of Tax Revenues For Some Property Located In The County; And Providing For Other Related Matters.** Bond Attorney Michael Kozlarek stated this ordinance would clarify and amend the 2018 ordinance that provided for the distribution of fee in lieu of tax revenues. Two items were raised after the adoption of that ordinance, the first he stated was what would happen with any pre-existing fee in lieu of tax projects that were expanded or the fee benefit was extended. The intent as he understood it from Council in 2018 was that any project that was in place prior to the enactment of that ordinance would be covered including any

expansion or extension. That was if a project was subjected to a fee agreement in 2017. He said for an example that fee agreement was extended by Council the intent was that the extension would also be prior to the 2018 ordinance and would not be subject to a new distribution which was clarified in this new ordinance. The additional item was 5% rather than the 4% of the fee in lieu of tax revenue going to the fire district in which the project would be located and has been updated in this ordinance. He stated there were no other changes that he was aware of with the respect of the 2018 ordinance. Councilman Vaughn motioned to approve, second by Councilman Jordan. Councilman Vaughn stated the public should know the reason why this was being done was the situation of the fire services in the county where the 5% percent would help fire departments hire paid employees. Vote 6-0 to approve.

**b. 2<sup>nd</sup> Reading of Ordinance 2022-14- An Ordinance to authorize a referendum to permit Chester County to partner on Sewer and Treatment Services in unserved areas of the County.** Councilman Jordan motioned to approve, second by Councilman Vaughn. Attorney Winters stated this ordinance request a referendum to be put on the ballot in November to permit Chester County to partner on sewer and treatment services in unserved areas of the County. The County would partner with whether it would be a special purpose district or someone who has the authority to form these kinds of systems. This would give the County the authority to do this since the County is not in the sewer business.

Councilman Wilson asked if Attorney Winters would read the ballot question that is on the ordinance.

Attorney Winters stated as she had told Council before this has to be approved by the State, so the language may change between this reading and the next reading. She had submitted it to the State for review and currently it read: Should Chester County be authorized to form a joint sewer system with another authority to plan finance, develop, construct, improve, enlarge, sell, lease, maintain and operate a system to service the needs of areas not currently served. She stated the referendum would then ask the question yes or no and that would be how the voter would respond.

Councilman Wilson stated currently as it now stands Chester County cannot engage in any matters related to sewer, the County could potentially fund sewer projects through grants which have been done in the past but there was no ability to own any part of a sewer service. This referendum would open the door to allow Chester County to have additional options in hopes of benefiting and expanding sewer services in the County. He said to be accurate, by law Chester County would not be able to encroach on any service areas such as CWR (Chester Wastewater Recovery).

Attorney Winters stated that was correct and it was not unusual for a County to partner with another entity to create a joint authority and this was for areas that are not currently served. Vote 6-0 to approve.

**c. Resolution 2022-8 A Resolution to Support Amendment to Catawba Regional Council Of Governments Operating Agreement.** Attorney Winters stated Council had concerns about this resolution at the last meeting. The concerns were addressed in the eight-page memorandum from the COG. The COG had discussed changing their governing documents and bylaws along with their operating agreement. The COG represents Lancaster, Chester, York and Union Counties and have asked all four counties to approve the changes to their bylaws and operating agreement. She stated the operating agreement did not affect Chester County, it did affect York County because of the unprecedented growth York County has had where Chester County has experienced growth but not the way York County had. Because of the way York County had changed in population the operating agreement and bylaws allowed for York County to have a seat on the executive committee table. But they lost five seats at the general board table. She stated the dues went up but that happens. The operating agreement did carve out a seat at the table for a city representative and would affect the city but didn't affect the County. Councilman Vaughn motioned to approve, second by Councilwoman Guy. Vote 6-0 to approve.

d. **1<sup>st</sup> Reading in Title only An Ordinance to create a deadline for the registration of bidders for individuals wanting to bid at the Chester County Delinquent Tax Sale.** Attorney Winters stated last year at the tax sale there was some confusion, some folks who came to the tax sale did not realize they had to pre-register and at the time there was nothing in writing as far as an ordinance. They were some attorney general opinions that the County has to make sure the County is not precluding the public, but the County was permitted to have rules and regulations for tax sales. On the day of tax sale, it can be chaotic for staff, they try to make sure everyone is registered. She had spoken to Susie Elms, Delinquent Tax Sales Director who asked if there could be some structure to the registration, this is where the ordinance comes in.

Treasurer Tommy Darby stated the County needs to formalize the procedure; the summary Attorney Winters gave was accurate. It would be impossible to register a bidder on the day of the tax sale. This ordinance would formalize the procedure to put a date of what the deadline date would be.

Vice Chairman Branham asked if the tax sale was advertised, and what was the deadline date for this year.

Attorney Winters stated yes, it was advertised when the date of the sale was advertised.

Treasurer Darby stated the deadline for this year was December 2<sup>nd</sup>, the Friday before the tax sale and the deadline to pay before the tax sale. The tax sale would take place on December 5<sup>th</sup> of this year. The properties are advertised three weeks prior to the sale, that information was put in the advertisement and was also posted on the county website. They haven't had many problems in the past they just want to clean up the procedure to eliminate those that walk in during the sale. Councilman Wilson motioned to approve, second by Councilman Jordan. Vote 6-0 to approve.

## 7. Old Business

a. **2<sup>nd</sup> Reading of CCMA22-05: Birdseye Renewable Energy request Tax Map # 144-00-00-022-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.** Councilman Jordan motioned to approve with an additional reverter clause once Birdseye was up and running if for any reason, they cease operation as a solar farm it would revert back to R3, second by Councilwoman Guy. Vote 6- 0 to approve.

b. **2<sup>nd</sup> Reading of CCMA22-06: Birdseye Renewable Energy request Tax Map # 155-00-00-025-000 on George Argus Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.** Councilman Jordan motioned to approve with an additional reverter clause once Birdseye was up and running if for any reason, they cease operation as a solar farm it would revert back to R3, second by Councilman Wilson. Vote 6-0 to approve.

c. **2<sup>nd</sup> Reading of CCMA22-07: Birdseye Renewable Energy request Tax Map # 144-00-00-021-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.** Councilman Jordan motioned to approve with an additional reverter clause once

Birdseye was up and running if for any reason, they cease operation as a solar farm it would revert back to R3, second by Councilman Vaughn. Vote 6-0 to approve.

**d. 2<sup>nd</sup> Reading of CCMA22-08: Birdseye Renewable Energy request Tax Map # 155-00-00-039-000 on Thraikill Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Jordan motioned to approve with an additional reverter clause once Birdseye was up and running if for any reason, they cease operation as a solar farm it would revert back to R3, second by Councilman Killian. Vote 6-0 to approve.**

**e. 2<sup>nd</sup> Reading of CCMA22-09: Birdseye Renewable Energy request Tax Map # 144-00-00-019-000 on Thraikill Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Jordan motioned to approve with an additional reverter clause once Birdseye was up and running if for any reason, they cease operation as a solar farm it would revert back to R3, second by Councilwoman Guy. Vote 6- 0 to approve.**

**f. 2<sup>nd</sup> Reading of CCMA22-10: Birdseye Renewable Energy request Tax Map # 144-00-00-018-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Jordan motioned to approve with an additional reverter clause once Birdseye was up and running if for any reason, they cease operation as a solar farm it would revert back to R3, second by Councilman Vaughn. Vote 6-0 to approve.**

**8. Executive Session**-Councilwoman Guy motioned to go to executive session, second by Councilman Killian. Vote 6-0 to approve.

- a. To receive legal advice regarding Project Paper. Attorney Winters.
- b. To receive legal advice regarding Project 2242. Attorney Winters.
- c. To receive legal advice regarding Project 2187. Attorney Winters.
- d. To receive legal advice regarding the use of County property. Interim Chairman Dr. Frederick.
- e. To receive legal advice regarding the Sheriff's Office. Attorney Winters.

**9. Council Actions Following Executive Session**

Councilwoman Guy motioned to go back to regular session, second by Councilman Jordan. Vote 6-0 to approve.

- a. **Action taken regarding Project Paper.** Councilman Vaughn motioned to approve first reading in title only for an ordinance authorizing the execution and delivery of infrastructure created agreement between Chester County and Project Paper to provide for the provision of SSRC and other related matters, second by Councilman Killian. Vote 6-0 to approve.
- b. **Action taken regarding Project 2242.** Taken as information.
- c. **Action taken regarding Project 2187.** Taken as information.
- d. **Action taken regarding the use of County property.** Taken as information.
- e. **Action taken regarding the Sheriff's Office.** Taken as information.

**10. Council Comments**

Councilman Wilson stated his condolences went out to the family of Jilson Sorrell who passed away last Friday. Jilson was an appointee to the Accommodations Tax Advisory Board and served on the North Chester Fire District Board. He was a big part of Lowrys community and watched all the Council meetings.

Councilwoman Guy stated her prayers went out to his family and she had worked with him at the hospital and knew him well.

Vice Chairman Branham also stated his prayers went out to his family and knew him also.

- 11. Adjourn-** Councilman Vaughn motioned to adjourn, second by Councilwoman Guy. Vote 6-0 to 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.