

# CHESTER COUNTY COUNCIL MEETING MINUTES

## R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Tuesday, July 5<sup>th</sup>, 2022 at 6:00 PM

**Present:** Interim Chairman Dr. Frederick, Vice Chairman Branham, Councilman Jordan, Councilwoman Guy, Councilman Vaughn, Councilman Wilson, Councilman Killian and County Attorney Winters.

**Absent:** Clerk to Council Lee

1. **Call to Order-** Interim Chairman Dr. Frederick 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. **June 27<sup>th</sup>, 2022 Special Called Council Minutes.**

Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 5-0 to approve. Councilman Killian was not present for 6-27-22 meeting and did not vote.

#### b. **June 20<sup>th</sup>, 2022 Council Minutes.**

Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve. Councilman Killian was not present for 6-20-22 meeting and did not vote.

### 4. **Citizen Comments**

Brooks Camp, 1125 E. Morehead St, Charlotte, NC stated he was the lead developer for Rutabaga Holding Solar Project. They had given Council additional information showing amendments made to the site plan from feedback from the community. After hearing concerns regarding the impact of construction on local roads they did reach out to SCDOT and did confirm that all access roads to their project were maintained by DOT. He stated DOT did not express any concerns over their ability to manage repairs over the course of normal maintenance. He said they would be asking for a partial tax abatement, a fee in lieu of taxes were a common practice for solar farm development. Solar farms did not require any county services or infrastructure to be extended to them.

Emily Brown, 1125 E. Morehead St, Charlotte, NC stated she was a colleague of Mr. Camps at Birdseye Renewable Energy. One of the core values at Birdseyes was being a good neighbor, they had reached out to the community and the planning department. They had sent out 100 invitations to surrounding landowners to attend a community meeting that was held at the Fort Lawn Community Center on June 2<sup>nd</sup>, 2022. They had around 18 to 20 people come and give their feedback. She stated using that feedback they made some additional changes to their original site plan; they added more setbacks from all residential housing and widen the wildlife corridor throughout the project. Their driveways to the solar farms were changed to be further away from residential parcels. The plans were still in process but will have those to Council before the next meeting.

Roxann James, 3007 Steele Village Road, Rock Hill, SC stated she and Councilman Jordan had discussed adding fire substations to Lewis and Lowry's district to help bring insurance payments down for people who live in those communities. She asked how Council could have second reading on an ordinance they

did not have under 5.a., 2022-11 she stated it was not on the website and staff did not have it. She would like to see the ordinance when it was available.

## 5. Ordinances/Resolutions/Proclamations

a. **2<sup>nd</sup> Reading Ordinance 2022-11 An Ordinance for Fee schedules for development agreement fees and impact fees.** Councilman Vaughn motioned to approve, second by Councilman Jordan. Attorney Winters stated Council voted in 2021 to provide a development agreement for residential housing developments. Council was concerned as to how the money would be distributed, she stated this was not impact fees and not governed by statute the way impact fees were. They could only be spent for certain things, developed agreement fees were different. It was the wish of Council for the money to be spent within the district where the development would be located. The ordinance provides a fee schedule for those development agreement fees go to a certain area or project. She stated there was exhibit "A" attached to the ordinance, there were no dollar figures or percentage that was up to Council. This would be reviewed yearly at budget time.

Councilman Jordan stated he had had an ordinance in title only for allocation for a percentage for fire, this ordinance would address this but also other entities where the funds would be allocated.

Attorney Winters stated in number two a minimum of X percent would be escrowed for use by the fire district in which the development was located. The next ordinance would revise the master fee schedule.

Councilman Vaughn stated under exhibit A it included not only the fire district but included the landfill, EMS use, Sheriff's Office, maintenance, parks recreation facilities in that district where the development would be located. It wasn't in stone and the amounts had not been decided.

Councilman Jordan suggested having a workshop to determine allocation of the fees. Councilman Jordan withdrew his second, Councilman Vaughn withdrew his motion.

Councilman Wilson stated as a point of discussion, as the percentages get filled in it didn't include the impacts to the building zoning department or to the assessor's office there's a lot of other pieces of the puzzle that will get touched by this development. He thought it made a lot of sense to dedicate especially the ones that are for the district, such as fire or EMS or sheriff's office. Maintenance of parks and recreational facilities that are in the district where the development is located. His opinion would be that Council leave just a bit of room for the county operations as well.

Interim Chairman Dr. Frederick stated it was agreed to table and have the second reading the day of the workshop.

b. **2<sup>nd</sup> Reading of Ordinance 2022-13- An Ordinance to amend the master ordinance for fee allocation.**

Councilman Jordan motioned to approve, second by Councilman Vaughn. Attorney Winters stated Vice Chairman Branham, brought up a good point on page two section five where it says the council authorizes the county supervisor and Mr. Branham suggested that that verbiage include and or the County Administrator since this document will transcend that change.

Councilman Jordan stated this was the second reading of the ordinance that would reallocate a percentage of the fee in lieu to 5% for the fire district that the industry is located in.

Attorney Winters stated the county has a master ordinance; this would amend the master. Vote 6-0 to approve.

c. **Resolution 2022-8 A Resolution To Support Amendment To Catawba Regional Council Of Governments Operating Agreement.** Vice Chairman Branham motioned to approve, second by Councilman Wilson.

Vice Chairman Branham recommended having someone to come from Catawba Regional to come and explain in detail the full overview of what they're considering. He stated there was a lot of things that would come in to play

regarding the number of people and constituents and nomination of people on the board and not exceed a certain amount of people on the board.

Interim Chairman Dr. Frederick stated the deadline for each county council was September 7.

Attorney Winters stated this was triggered by the census.

After discussion Council decided to table until they hear from a representative from the COG. Councilman Wilson withdrew his second, Vice Chairman Branham withdrew his motion. Tabled.

## 6. New Business

**a. Council to approve accepting state funding for an additional SRO at Chester Park Complex. Captain David Peeples.** Vice Chairman Branham motioned to approve the reward given for an extra SRO at Chester Park School, second by Councilwoman Guy. Vote 6-0 to approve.

**b. Council to authorize EMA to accept a grant for \$45,000 dollars from FEMA to install an emergency generator at the Fort Lawn Fire Station with a grant match of \$ \$11,500 dollars. EMA Director Ed Darby.** Councilwoman Guy motioned to authorize EMA to accept the grant for \$45,000 from FEMA to install an emergency generator at the Fort Lawn Fire Station with a grant match of \$11,500, second by Councilman Jordan. Vote 6-0 to approve.

**c. Council to authorize EMA to accept a grant for \$70,000 dollars from FEMA to install an emergency generator at the Chester Catawba Regional Airport with a grant match of \$ 17,500 dollars. EMA Director Ed Darby.** Councilwoman Guy motioned to authorize EMA to accept the grant for \$70,000 from FEMA to install an emergency generator at the Chester Catawba Regional Airport with a grant match of \$17,500, second by Vice Chairman Branham. Vote 6-0 to approve.

**d. 1<sup>st</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 Vaughn motioned to approve, second by Councilman Killian. Councilman Jordan stated the Planning Commission added the reverter clause for five years to complete and another two years to connect, he asked County Attorney Winters if for whatever reason it ceased to operate as a solar farm could a reverter clause be added it would revert back to R3 zoning.

Attorney Winters stated yes, but they would need a sunset.

Councilman Jordan stated he would vote for the first reading but would ask that they consider adding a different reverter. Vote 6-0 to approve.

**e. 1<sup>st</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 Wilson motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

**f. 1<sup>st</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. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.*

**g. 1<sup>st</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 Vaughn motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.*

**h. 1<sup>st</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. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.*

**i. 1<sup>st</sup> Reading of CMA22-10: 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 Wilson motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.*

## **7. Executive Session**

Councilman Jordan motioned to go to executive session, second by Vice Chairman Branham. Vote 6-0 to approve.

a. To receive legal advice regarding Richburg Millage. Councilman Jordan.

b. To receive legal advice regarding the sewer referendum. Councilman Jordan.

## **8. Council Actions Following Executive Session**

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

a. Action taken regarding Richburg Millage. Taken as information only.

### **b. Action taken regarding the sewer referendum.**

Councilman Jordan motioned in title only an ordinance to authorize a referendum to permit Chester County to partner on sewer and treatment services in unserved areas of the County, second by Councilman Killian. Vote 6-0 to approve.

**9. Council Comments**

Councilman Vaughn thanked Planning Director Mike Levister for stepping in while Clerk to Council Karen Lee was out.

**10. Adjourn-Councilwoman Guy motioned to adjourn, second by Vice Chairman Branham. 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.