



CHESTER COUNTY COUNCIL MEETING

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

**March 15, 2010
Monday
6:00 p.m.**

Chairman Roddey– Presiding

Minutes

In Attendance:

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

I. Call to Order

II. Pledge of Allegiance & Invocation

III. Approval of Minutes

1. Chester County Council Meeting Minutes of March 1, 2010

Council Member Branham made a Motion to approve the Chester County Council Meeting Minutes of March 1, 2010, 2nd by Vice Chairman Lucas, Council vote was unanimous.

IV. Citizens Comments

Mrs. Chris Johnson – Richburg had one general question. She asked that someone explain a comment made by Mr. Jim Fuller/Chamber President about Covanta.

Chairman Roddey told Mrs. Johnson he would be happy to explain the comment after the meeting.

V. Ordinances

1. 2nd Reading of An Ordinance to Repeal Chester County Code, Appendix A, Division 2, Section 6-310-323 of Ordinance 1-15-90 Entitled “Solid Waste Management Franchise Procedure,” Deleting the Requirement for a Solid Waste Management Facility to Enter Into a Franchise

Council Member Branham made a Motion to approve 2nd Reading of An Ordinance to Repeal Chester County Code, Appendix A, Division 2, Section 6-310-323 of Ordinance 1-15-90 Entitled “Solid Waste Management Franchise Procedure,” Deleting

the Requirement for a Solid Waste Management Facility to Enter Into a Franchise,

2nd by Council Member Holcombe.

Discussion: A very lengthy discussion between **Council Member Jordan** and **County Attorney Winters** regarding Regulations, Acts, and Ordinances referencing the repeal of Chester County Code, Appendix A, Division 2, Section 6-310-323 of Ordinance 1-15-90 went on for quite some time. Some of the highlights are as follows. **Council Member Jordan** stated that several Ordinances were out of date and in conflict with State Law and asked if our Ordinance could be stricter than State Law. **County Attorney Winters** replied “yes” and that we did have zoning in place and this Ordinance did not repeal every single Ordinance. **Council Member Jordan** then asked if Covanta specifically ask Chester County to repeal this Ordinance and **Chairman Roddey** replied “no they did not”. **Council Member Jordan** then asked if a franchise law was inconsistent with State Law and **County Attorney Winters** replied “no”. **Council Member Jordan** asked if any fees had been discussed and **Chairman Roddey** replied “no”. **County Attorney Winters** then said the repeal of this Ordinance may not even apply to Covanta. **Council Member Jordan** asked with regard to need for a facility, the County has a policy and the State has a policy, which is stricter and **County Attorney Winters** replied the County policy was less strict. **Council Member Oliphant** then said that some citizens were suspicious that this was related to Covanta, and asked where did this originate? **Chairman Roddey** replied from Southeastern Petroleum, they needed a letter of consistency. **Vice Chairman Lucas** asked if there was an agreement with Covanta that they wouldn’t bury their ash and **Chairman Roddey** replied “there is no agreement with Covanta”. **Council Member Guy** asked how did “Vested Rights” come in play and **County Attorney Winters** replied that it protected the County and developer. **Council Member Jordan** then asked if it was site specific for a solid waste facility could we have a more stringent law and **County Attorney Winters** replied “yes”.

Chairman Roddey then called for the question. **Council voted and the vote was 5 to 1 to uphold and approve 2nd reading with Council Member Jordan opposing.**

VI. Old Business

1. Free Day at Landfill

Council Member Jordan said in the past the County has looked at the cost of Free Day and proposed a committee be formed to bring back recommendations on more days open, more attendants, open more hours, etc. **Council Member Guy** proposed some people that work at the sites be on the committee. **Vice Chairman Lucas** also asked that this information come back to Council by the middle of May. **Council Member Jordan then made a Motion that a committee be formed and bring back recommendations to Council, 2nd by Council Member Branham, Council vote was unanimous.**

2. Haz Mat Day

Council Member Jordan proposed that the County have another Haz Mat Day and fund it from the Enterprise Fund and bring back to Council the costs. **Council Member Oliphant** asked if there was a proper way to dispose of prescription drugs during Haz Mat Day. **Ms. Sharon Bickett, Recycling Coordinator** told **Council Member Oliphant** that she knew you could take prescription drugs to the Good Samaritan Clinic. **Council Member Branham** asked if we were cutting down on one Free Day and **Chairman Roddey** replied “yes”. **Council Member Holcombe** then said “are you saying have another Haz Mat day” and **Chairman Roddey** replied “yes” and **Council Member Holcombe** then said I think one is a plenty. **Council Member Jordan then made a Motion to have a second Haz Mat Day and fund it from the Enterprise Fund, 2nd by Council Member Oliphant, Council vote was unanimous.**

VII. New Business

1. Update on windows for Court House

Chairman Roddey told Council Members that the Natural Gas bill in January to heat the Courthouse was \$5,100 and that vinyl windows had been approved by the Historical Society would cost the County less than \$100,000 and wood windows would cost in excess of \$200,000. **Council Member Oliphant** then said he would leave the windows as they were before he would vote on vinyl windows that the vinyl windows would detract from the building and that they should do the right thing and replace with wood. **Council Member Oliphant** also said he knew the Court House would need a roof but the building had too much character to put vinyl windows in. **Chairman Roddey** then said the Grant that we had would end on March 30th and if we didn't get started we would lose it. **Council Member Oliphant** ask why we couldn't put this out for bid, vinyl, wood or composite immediately, get windows as close to what we have now as possible. **Vice Chairman Lucas** then said Council had the same discussion in 2001 and new windows could have been put in for \$87,000 but the Historical Society met and the cost was going to be outrageous on what they suggested. **Vice Chairman**

Lucas said he felt that if vinyl windows were good enough for City Hall they were good enough for the Court House and could not agree with wood windows. **Council Member Branham** asked what was the Historical Society's recommendations and **Chairman Roddey** said they approved the vinyl windows. **Council Member Jordan** asked if there was something else that would keep with what we have maybe get some prices on various types. **Council Member Oliphant** asked where the Grant came from and **Finance Director, Jerry Baker** replied from the Dept. of Energy through the State and **Council Member Oliphant** asked if we could get an extension. Mr. Baker said we didn't get the money until the project was started and we would have to give them a start date and **Council Member Oliphant** asked if he would call to see if we could get an extension, Mr. Baker said he would. **Vice Chairman Lucas** then asked if we could take this as information and have a Special Called Meeting. **Council Member Oliphant then made a Motion to put out bids on vinyl, wood or composite windows immediately, windows as close to what we have as possible with "R" Factor, 2nd by Council Member Guy, Council vote was unanimous.**

VIII. Executive Session

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

1. Economic Development – Re: Projects 0741 and 0919
2. Contractual Matter – Re: Insurance

Vice chairman Lucas made a Motion to go into Executive Session, 2nd by Council Member Guy, Council vote was unanimous. (Time was approximately 7:05pm)

Council returned from Executive Session (Time was approximately 8:25). **Vice Chairman Lucas made a Motion to return to Regular Session, 2nd by Council Member Guy, Council vote was unanimous.**

Chairman Roddey stated an Economic Development Matter regarding Projects 0741 and 0919 was taken as information only.

Chairman Roddey then said the Contractual Matter regarding insurance was also taken as information only.

IX. Council Members Comments

Council Member Branham said this was National Agriculture Week and just wanted thank the farmers in Chester County for all they do.

X. Adjournment

Vice Chairman Lucas made a Motion to adjourn, 2nd by Council Member Holcombe, Council vote was unanimous. (Time was approximately 8:30pm)

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, CN2 News, WCNC News, WBTW News and Capitol Consultants were notified and a notice was posted on the bulletin board at the R. Carlisle Roddey Government Complex 24 hours prior to the meeting.

**R. Carlisle Roddey
Chairman, Chester County Council**

**Carolyn S. Clayton, CCC
Clerk to Chester County Council**

Chester County Council Meeting of March 15, 2010