



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
APRIL 10, 2023**

Present: Shirley Greene, Dan Ruff, Clarence Gilbert, Tim Roseborough, Doug Pauley, Peggy Swearingen, Cornelius Robinson (Council Members); Laura Johnson (Interim County Administrator); Tommy Morgan (County Attorney); Dr. Kimberly Roberts (Clerk to Council)

Absent: Synithia Williams, Deputy County Administrator

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80 (e), as amended, the following persons and/or organizations have been notified of the time, date and location of this meeting: The Independent Voice of Blythewood and Fairfield, The Country Chronicle and one hundred forty two other individuals.

Due to COVID-19 (Coronavirus), the meeting is being live-streamed through the County's YouTube page in order to keep citizens informed.

1. CALL TO ORDER

Chairman Pauley called the Regular Meeting to order at 6:00pm.

2. PLEDGE OF ALLEGIANCE

Chairman Pauley called for the recitation of the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

Motion made by Vice Chair Gilbert, seconded by Councilman Ruff. ***The motion carried 7-0.***

4. INVOCATION

Pastor Rickey Gibson (Brown Chapel Baptist Church) led the invocation.

5. APPROVAL OF MINUTES

Motion made by Councilwoman Greene, seconded by Councilman Ruff to approve the minutes from Regular Meeting March 27, 2023. ***The motion carried 7-0.***

6. PUBLIC PRESENTATIONS

None.

- 7. 1st PUBLIC COMMENT SESSION:** All public comments made during this session must pertain to items on the agenda for which no Public Hearing is scheduled. Each speaker is allocated three (3) minutes for comment. The total time allocated for the public comment portion of the meeting is thirty (30)

minutes. Those wishing to make public comment must sign to do so prior to the Council Chair calling the meeting to order. The Clerk to Council will make a public comment sign-up sheet available at least fifteen (15) minutes prior to the scheduled start time of the meeting.

- Kathy Falk
- Randy Bright

8. PUBLIC HEARINGS

None.

9. ORDINANCES, RESOLUTIONS AND ORDERS

A. First Reading (By Title Only) Ordinance No. 810: An Ordinance to Amend and Restate Ordinance No. 737 to Establish the Rules and Regulations Pertaining to Animal Control in Fairfield County and Revise Chapter 4, Animals, of the Code of Ordinances, Fairfield County South Carolina.

Motion made by Councilman Ruff, seconded by Councilwoman Swearingen. Chairman Pauley asked for the record that Dr. Roberts and the Administrator schedule a meeting with the Public Affairs Committee and include Chris Childers (Lieutenant over training and animal control) from the Sheriff's Office. Mr. Ruff said they were working on scheduling the meeting and hoped to have a date and time by the end of that night's meeting. ***The motion carried 7-0.***

10. BOARD AND COMMISSION MINUTES (For information only)

A. Aeronautics Commission – January 24, 2023 & February 21, 2023

11. BOARD AND COMMISSION APPOINTMENTS

None.

12. OLD BUSINESS

A. Update on Pending Litigation Cases Involving Jenkinsville Water Company.

Mr. Morgan said he wanted to provide updates for the two lawsuits involving the Jenkinsville Water Company and entities with Fairfield County. The first lawsuit was filed by the water company against Ms. Bertha Goins, who was at the time serving as the Vice Chair of Fairfield County Council. The lawsuit stated that some of the comments she made in her position were defamatory. They provided a defense on her behalf and asserted some counter claims against the water company. About two weeks prior, there was a hearing on cross motions for summary judgements. In translation, each side filed a motion and asked the court to decide legal issues saying that the other side's case should be dismissed. There were arguments and

memorandums (about 52 pages) filed – they had approximately 180 pages of exhibits. The court granted their motion for summary judgement and dismissed the water company's case against Ms. Goins. It also dismissed some of the counter claims but left two counter claims by Ms. Goins against the water company open – the abusive process and the tort of outrage. The official order had not come down. They anticipated the judge would sign it later in the week. There was potential for a possible appellate process and review but they felt comfortable that the law was on their side and the judge rendered a proper and correct decision. The second lawsuit filed by the water company was against Fairfield County and Mr. Robinson, who served as the Chair at that time. It was basically the same type of allegations of defamation and a cause of action for civil conspiracy. They filed a motion for summary judgement asking the courts to dismiss those causes of action. The hearing was about two weeks prior and the court agreed and dismissed the causes of action against the County and Mr. Robinson. The formal orders should be submitted shortly and they felt the judge made the right decision.

13. NEW BUSINESS

- A.** Update to Ordinance No. 675 Regarding Roads, Highways, & Bridges and Revision of Chap Update to Ordinance No. 675 Regarding Roads, Highways, & Bridges and Revision of Chapter 30 Regarding Streets, Sidewalks, & Other Public Places.

Mrs. Johnson made the correction and stated it was Ordinance No. 674. She said Administration, the legal team, and the Public Works Department would be updating Ordinance 674 – taking into consideration some common issues from the past and clarifying some existing provisions. It was always a good practice to go back and revisit/update ordinances. They would keep Council informed.

14. COUNTY ADMINISTRATOR'S REPORT

- A. Cooperative Health Presentation** – Mrs. Johnson said the representative was unable to attend the meeting but did attend and present at the April 3rd budget work session. The presentation would have been the same. They wanted it announced that the Blair South Carolina Coalition of Church's annual parade and cookout would be Saturday, April 22, 2023. Cooperative Health would be onsite performing blood pressure and diabetes screenings.
- B. Hospitality & Accommodations Tax Application** – Mrs. Johnson said Administration mentioned at a previous Council meeting creating guidelines for applying for Hospitality & Accommodations Tax funds and what they had before them was a draft of said guidelines. Although Administration would be responsible for reviewing the applications and making recommendations to Council, she still preferred Council's input because they would be

responsible for the approval/denial. She asked that they review and return any recommendations to her within two weeks. She pointed out some specifics within the guidelines. The application program would run from September 1st – October 1st with the decisions being made by December 31st – just suggestions and changes could be made. She said to pay close attention to who would be eligible for the funds. It was for non-profit organizations – not to individuals, fraternal organizations or groups that endorsed or supported political campaigns. Project criteria was very important. The project should attract visitors through advertising, marketing, and promotion. It should generate additional tourism related tax dollars, promote dining, overnight stays all within the County, construct or enhance existing recreation facilities to include amenities and trails, promote and highlight Fairfield County's historic and cultural venues and promote arts and cultural events. Section 3 came straight from the South Carolina Code of Laws Section 6-1-530 and 6-1-730, which listed exactly how the funds were to be used. She said all of the events must occur within Fairfield County unless for advertising and marketing outside of the County to bring tourism into the County. The marketing projects should identify target audiences and geographic locations. Under Section 3-E, it addressed what the grants would not cover and that would depend on the type of event being held. She said the project should be measureable as to how tourism would impact the County and those estimates could be received from other similar tourism events. Measurable could also mean estimated number of meals sold, hotel stays generated, etc. Number 5 addressed cost effectiveness – they would have to turn in a project budget that was viable, realistic and reasonable. If they were receiving funds from other sources, they would have to specifically state what the requested Fairfield County funds would be used for. Number 6 was very specific as to what needed to be included in the application – name of project and their organization, project director, contact information, date/dates of project, location, detailed line item budget, and detailed description of the project including the benefits to Fairfield County related to tourism. Regarding project approval, Administration with staff assistance would review for guideline compliance and make recommendations to Council for final approval/denial. Any incomplete applications would be automatically denied with no follow up contact to get additional information. She asked for their input and said if she did not receive any within the next two weeks, she would consider the draft the final.

Mr. Robinson thanked her for the drafted guidelines. He asked if there were any new financial discoveries. Mrs. Johnson said nothing material. They were still providing additional documents to the auditor and the requests were a lot less.

15. CLERK TO COUNCIL'S REPORT

None.

- 16. 2nd PUBLIC COMMENT SESSION:** All public comments made during this session must pertain to items not on the agenda or under Council's consideration. Each speaker is allocated three (3) minutes for comment. The total time allocated for the public comment portion of the meeting is thirty (30) minutes. Those wishing to make public comment must sign to do so prior to the Council Chair calling the meeting to order. The Clerk to Council will make a public comment sign-up sheet available at least fifteen (15) minutes prior to the scheduled start time of the meeting.

- Jimmy Ray Douglas
- Jeff Schaffer
- Randy Bright

17. COUNTY COUNCIL TIME

Vice Chair Gilbert said in the recent week, they may have heard of changes in leadership at MUSC. The changes were due to needed cost reductions to offset some of the loss they had. To his knowledge, it would not affect their ER facility in Fairfield County. He wanted the public to know that they were working to ensure nothing happened to their ER. He said it was a surprise to the board that some people were let go but they were told it was due to needed financial reductions.

Councilman Ruff said the recycling centers closed on Easter, as they should. When he was on Council before, they opened on Easter and they voted to close it on Easter. They were closed on Good Friday as were the County offices and he asked if that was standard. Mrs. Johnson said yes sir, when the County offices closed, so were the recycling centers. He asked when that changed because they opened on Easter Sunday in the past. Mrs. Johnson said she was not sure when it changed. He said some of the employees that worked there did not know it closed and he knew some of the banks were open. The sign at the centers said they closed on Wednesday's and holidays. He asked if they could get a list of those designated holidays and she said yes. He also said they talked about the acoustics in the auditorium and they definitely needed to address it. It was hard to understand the citizens and it was probably hard for them to understand the Council – something needed to be done about it. He announced that the meeting of the Public Services & Development Committee would be April 19, 2023 at 5:00pm – it was the Wednesday before the next budget meeting, in the auditorium.

Councilwoman Greene thanked the Masonic groups in Mitford – the Pea Ridge area- and the Lake Wateree Presbyterian Church that did the trash pickup last

Saturday. She said last week, she attended a legislative session regarding small business development as it related to Scout. There was a lot of information to share and she hoped that they would be able to host some sessions there so people could get an idea as to how small businesses could benefit from the initial construction contracts. The year 2026 was the opening date for Scout and businesses could learn how to get contracts. Hopefully, they could work with Midlands Tech to look at some business development arenas so their businesses could take advantage of the opportunities.

Councilman Ruff asked if the meeting for the Intergovernmental Relations group was scheduled. Vice Chair Gilbert said it had not been scheduled yet but they would work toward getting it scheduled. Mr. Ruff said he saw bags of trash being picked up along the roadways and he was happy about that.

18. EXECUTIVE SESSION: (The following statement is provided in compliance with the South Carolina Freedom of Information Act: Subsequent to Executive Session, Council may take action on matters discussed in Executive Session.)

None.

19. ADJOURN

At 6:40pm, motion made by Councilman Robinson, seconded by Councilman Roseborough to adjourn. ***The motion carried 7-0.***



KIM W. ROBERTS, Ed. D.
CLERK TO COUNCIL



DOUGLAS PAULEY
CHAIRMAN