



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
OCTOBER 13, 2014**

Present: David L. Ferguson, Sr., R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Mikel R. Trapp, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll Brown, Clerk to Council

Absent: Carolyn B. Robinson

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 Herald-Independent, The State, and Winnsboro Cablevision, and ninety-six other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:08 P.M.

2. APPROVAL OF AGENDA

*It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve the agenda. **The motion carried unanimously.***

3. INVOCATION

Council Member Kinley led in The Invocation.

4. APPROVAL OF MINUTES

*It was moved by Council Member Trapp; seconded by Council Member Brown to approve the minutes of the Work Session of September 16, 2014 and Regular Meeting of September 22, 2014. **The motion carried unanimously.***

5. PUBLIC PRESENTATIONS

None.

6. PUBLIC COMMENT (3 MINUTES): INPUT MUST PERTAIN TO ITEMS ON THE AGENDA, FOR WHICH NO PUBLIC HEARING IS REQUIRED OR HAS BEEN SCHEDULED

The following individuals signed to speak:

- Mr. Randy Bright - Local Government Fund Resolution

7. PUBLIC HEARING

❖ An Ordinance To Convey By Quitclaim Deed The Abandoned County Road Known As Road 129, Which Encircles Through Property Formerly Known As The Sewing Room, And Formerly Owned By Fairfield Manufacturing Company And Subsequently Others, To The Current Owner, Blackwelder Heating & Air, Inc.

*It was moved by Council Member Kinley; seconded by Vice Chairman Perry to defer this Public Hearing until a later date. Mr. Pope pointed out that the County is in negotiation with adjacent property owners. Part of it is County property; also there is property owned by Mr. Blackwelder. Until those discussions have been completed, staff is recommending the Public Hearing be deferred until a conclusions is brought regarding those discussions. **The motion carried unanimously.***

❖ An Ordinance To Convey By Quitclaim Deed Property Owned By Fairfield County Located At 205 Means Street In Ridgeway To The Town Of Ridgeway For Its Use And Needs.

Chairman Ferguson opened public hearing at 6:14 P.M. Mr. Pope set forth this matter was an item that originally came from the Mayor of Ridgeway, requesting County Council consider allowing the garden club use of this property. This matter was referred to committee, and was decided that since the County did not have any further use for the property, that it be conveyed to the Town of Ridgeway for its prospective use. No one signed to speak; therefore, the Chairman closed the Public Hearing at 6:16 P.M.

Ordinance To Amend The Fairfield County Land Management Ordinance, Ordinance No. 599, To Provide For The Zoning Reclassification From B-2 (General Business District) To RD-1 (Rural Residential District) Of Forty-Six Hundredths (0.46) Acre Owned By Kameia Cole, Part Of Tax Map No. 136-00-00-009-000, Property Is Located At, 2183 Dave Cole Road, Blair, SC.

Chairman Ferguson opened Public Hearing at 6:16 P.M. No one signed to speak; therefore, the Chairman closed Public Hearing at 6:18 P.M.

8. ORDINANCES, RESOLUTIONS AND ORDERS:

A. Third And Final Reading: Ordinance No. 641 - An Ordinance To Convey By Quitclaim Deed Property Owned By Fairfield County Located At 205 Means Street In Ridgeway To The Town Of Ridgeway For Its Use And Needs. *It was moved by Vice Chairman Perry; seconded by Council Member Marcharia to approve Third and Final Reading of Ordinance No. 641. The motion carried unanimously.*

B. First Reading (By Title Only): Ordinance No. 643 - Ordinance To Amend The Fairfield County Land Management Ordinance, Ordinance No. 599, To Provide For The Zoning Reclassification From B-2 (General Business District) To Rd-1 (Rural Residential District) Of Forty-Six Hundredths (0.46) Acre Owned By Kameia Cole, Part Of Tax Map No. 136-00-00-009-000, Property Is Located At, 2183 Dave Cole Road, Blair, SC. *It was moved by Council Member Trapp; seconded by Vice Chairman Perry and Council Member Brown to approve First Reading (By Title Only) of Ordinance No. 643. The motion carried unanimously.*

C. Resolution No. 2014-06: A Budget Resolution to Increase the Local Option Sales Tax Estimate.

Mr. Pope set forth that during the budget process, the County has to list what the Local Option Sales Tax Credit is going to be in order to decide what the property tax relief to the citizens will be before the property tax bills go out. Further, he said this Resolution allows the Administrator to increase our estimate by \$315,861.00, which equates to more property tax credit reductions for Fairfield County residents. Mr. Pope pointed out that this does not change our budget in any way, nor does it impact our millage; however, based upon the no-tax-increase budget adopted, and in his discussions with the Auditor, when the property tax bills do go out, the millage will be going down for the County operating by 2.5 mills. *It was moved by Council Member Brown; seconded by Vice Chairman Perry and Council Member Kinley to approve Resolution No. 2014-06, A Budget Resolution to Increase the Local Option Sales Tax Estimate. The motion carried unanimously.*

D. Resolution No. 2014-07: A Resolution To Express Fairfield County's Request That The South Carolina General Assembly Increase The Allocation To The Local Government Fund To Both Provide Property Taxpayers With The Relief They Have Been Promised And Allow County Government The Ability To Provide The State And Local Government Services Required Under State Law.

Mr. Pope gave the following explanation of the Resolution above: This Resolution was forwarded to the County by the organization that all 46 counties in the State are a member of, which is the Association of Counties. Specifically, Fairfield County, by passage of this Resolution, is not asking for more money from the State; but, with the other counties, are asking for collectively, is for the State to fulfill its statutory requirement to provide, by formula, local government funds, to our County. Before the Local Government Fiscal Authority Act, the local government fund formula has not been funded totally by the State for a number of years. This year, the State has surplus dollars, in which our organization attempted to make sure the State fully funded the local government fund. The Association of Counties has asked each of the 46 counties to pass a Resolution, which will be used to talk to our Delegation and Delegations across the State to make sure the local government fund is fully funded. *It was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve Resolution No. 2014-07, A Resolution To Express Fairfield County's Request That The South Carolina General Assembly Increase The Allocation To The Local Government Fund To Both Provide Property Taxpayers With The Relief They Have Been Promised And Allow County Government The Ability To Provide The State And Local Government Services Required Under State Law. **The motion carried unanimously.***

9. **BOARDS AND COMMISSIONS MINUTES**

Provided as information.

10. **BOARDS AND COMMISSIONS APPOINTMENTS**

*It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve the Re-Appointment Ratification as presented for the Central Midlands Development Corporation. **The motion carried unanimously.***

The Clerk announced the following re-appointment to the Central Midlands Development Corporation: Mr. Robert W. Davis.

11. **OLD BUSINESS**

A. Central Midlands Council of Governments MOU

Mr. Pope set forth that Council has already approved a MOU with the Central Midlands Council of Governments regarding the County's Strategic Plan. The Council has had two Intergovernmental meetings since adoption of the MOU--one with the Delegation and one with the School Board. The final draft was received late Friday afternoon. An electronic version was supplied to the Council. This is the structure that has been negotiated for the structure of the Strategic Plan. Those issues such as timeline, structure, inclusiveness of entities in the process has been mentioned, and as such, am asking the Council to adopt this at the next meeting. This gives the Council an excellent roadmap to move forward with the Council of Governments, as this document will be the guideline for securing and procuring the consultants to work with the County regarding the long-term Strategic Plan. This will be an addendum to the original MOU that was adopted.

Chairman Ferguson asked Council to study the document and give him a suggestion by the end of the week whether a work session is necessary, or if questions can be addressed by Mr. Pope.

12. NEW BUSINESS

A. Purchase Sale Agreement For Clarke/Fairfield

Mr. Pope cited that during the public approval of the County Recreation Plan, part of the plan was that the County was still negotiating different areas of the County as far as some of the approved mini parks. Some of the mini parks were approved in concept, but there was not a physical location of the property. A few more have to be brought back to the Council for approval. This particular piece of property is actually located in District 5, which is to be a proposed area for a mini park that would contain passive recreation (walking trail, picnic shelter, etc.). This property is owned by Ms. Edith Clarke; it went to committee. It is a little under four acres of property for \$25,000.00. This property is listed by a real estate company and the contract was signed to be brought back to the committee for Council's consideration. The committee gave unanimous approval to forward this recommendation to full Council. When the Council actually sold the 405 acres of property that it held for a number of years, part of the motion for the sale of that property was for up to \$25,000.00 of that property could be used for recreational purposes in that area. If full Council agrees with the recommendation of the committee, the property would be paid for after the legal due diligence of the property has been performed. *It was moved by Vice Chairman Perry; seconded by Council Member Brown to approve the Purchase Sale Agreement for the purchase of the property.* Mr. Pope added that the parent parcel had several deed restrictions on it, and it was asked that the County make sure everything was adhered to for these particular purposes. Mr. James has checked this information out to make sure the recreational uses would not be prohibitive based upon the covenant agreements. ***The motion carried unanimously.***

B. Lease With SC Emergency Management Division For HON Building

Mr. Pope stated the Council has established a Courthouse subcommittee that performed a lot of work in looking over the cost estimate information associated with capital and construction issues at the existing Courthouse. The committee made recommendations to the full Council, based upon staff recommendations. In order to conduct the renovations and upgrade at the Courthouse, the staff would need to be moved out of the existing Courthouse into a different facility. The HON Building, where the County already has County facilities, and the State Emergency Management has space as well. The County began to have discussions with the State Emergency Management about the use of those facilities for the relocation while renovations were occurring at the Courthouse. There was an existing 20-year lease on the State Emergency Management portion of that property. The County negotiated with the State Emergency Management to have them approve the use of the space, and Emergency Management has submitted a recommendation to approve the facility. They have agreed to renew, in five year increments, after the County has secured a Certificate of Occupancy to enter the space after it is renovated, and they are making it consistent with the existing lease. *It was moved by Vice Chairman Perry; seconded by Council Member Trapp to approve the lease with the S. C. Emergency Management Division for the HON Building.* ***The motion carried unanimously.***

13. COUNTY ADMINISTRATOR'S REPORT:

A. EPA Clean Power Plan For South Carolina

Mr. Mark Quinn, Director of Public and Member Relations for the Electric Cooperatives of South Carolina, presented a PowerPoint presentation of the EPA Clean Power Plan for South Carolina, covering such topics as:

- **A RULE TOO FAR?** What's wrong with the EPA's proposed regulations for South Carolina?
- **WHAT IS EPA RULE 111(D)?**
 - Named the Clean Power Plan by the EPA
 - Announced June 2, 2014, through a Presidential Memorandum
 - Regulates carbon dioxide emissions from *existing* power plants. This is the most complex rule the EPA has ever proposed.... more than 2,000 pages long.
 - EPA is accepting public comment on the rule until December 1, 2014
- **INSIDE THE EPA'S CLEAN POWER PLAN**
 - South Carolina must make the largest carbon dioxide intensity reduction in the nation—51% by 2030
 - EPA's reduction goal for South Carolina:
 1. Unfairly penalizes our state for making proactive investments in carbon free nuclear generation.
 2. Incorrectly assumes natural gas is a viable option for electricity generation in our state.
 3. Did not undertake a specific analysis of South Carolina's resources and constraints.
- **EPA'S "BUILDING BLOCKS" FOR THE CLEAN POWER PLAN**
 - Makes assumptions about states' abilities to use more:
 1. Nuclear power
 2. Natural gas
 3. Renewable resources
 4. Energy efficiency
- **NUCLEAR POWER**
 - EPA Rule 111 (d)
South Carolina has two nuclear generating units currently under construction.
 - A project that began 10 years ago with a specific goal of reducing the state's carbon footprint.
- **NATURAL GAS**
 - EPA's Clean Power Plan: assumes states will replace coal-fired plants with natural gas generation—plants that emit half the amount of carbon dioxide as coal-fired plants.
 - Power providers and their consumers have already invested billions of dollars in this non-emitting energy resource
 - Incorrect assumptions about South Carolina
 1. South Carolina has only ONE interstate pipeline that crosses the state
 2. South Carolina lacks pipeline infrastructure to support construction of new gas powered plants... and the pipelines that do exist are already fully subscribed.
- **RENEWABLE RESOURCES**
 - The EPA rule encourages states to further invest in and develop renewable energy sources.
 1. Wind and solar
 2. SC's electric co-ops pioneered renewable energy in this state.
 3. Helped start SC's largest solar project—The Colleton Solar Farm
 - Limited options for South Carolina
 1. When drafting the rule, the EPA used North Carolina energy data to create renewable targets for South Carolina
 2. There was NO separate analysis of our state's resources or constraints.
And because renewables are an intermittent resource, they would have to be backed up by gas plants—not a practical option for South Carolina
- **ENERGY EFFICIENCY**
 - The EPA calls energy efficiency the most cost-effective way to reduce carbon emissions.
 - Energy efficiency programs provide both economic and energy benefits.
 - SC's electric co-ops have been national leaders on demand-side management and whole-house efficiency studies and programs.
- **THE DEFICIENCY OF THE CLEAN POWER PLAN**
 - The agency suggests SC can achieve a 10% carbon intensity reduction through energy efficiency measures.
 - If SC's co-ops adopted the most aggressive efficiency program in the country, it would achieve only half of what the EPA demands.
- **COMMUNICATING OUR CONCERNS**
Sc.Tellepa.Com

B. Request Of Action: Fire Service Tires

This matter was discussed in committee and approved unanimously to forward to full Council. The request is to replace tires from 2007. Some of them have been replaced; this is the second half dealing with making sure the County is being consistent with NFPA standards, and from a risk management side, to ensure that the heavy equipment on the fire trucks are being operated in a safe manner. The cost, which is included in the budget proposal, is \$37,753.49. *It was moved by Vice Chairman Perry; seconded by Council Member Trapp to approve the Request of Action for fire service tires. **The motion carried unanimously.***

C. Administrative Updates

1. Council had previously approved the action of the purchase of Belton Park; however, there was a delayed closing on the property. The County did finally close, and it is now owned by Fairfield County. Two remaining items agreed upon in that process was to remove and/or destroy a old manufactured home that is on that property, and the County would have a memorial plaque at the Park as a tribute to Mr. Belton and his family.

2. Fairfield County has an Emergency Alert Program, which enables the County to provide the citizens with critical information quickly in an emergency situation of buildings or neighborhoods, advisories to stay inside or other pertinent instructions in case of an emergency. Citizens are urged to go to the County's website to register their information by email or otherwise.

3. The Town of Jenkinsville has had issues or concerns with their water in the community. This is from the Clowney Road well and radium removal. The Town of Jenkinsville has been working with DHEC about this issue, and has requested a grant through the S. C. Rural Infrastructure Authority, in the amount of \$240,000.00. The engineering costs are approximately \$19,000.00, which the Town is responsible for. There is no fiscal impact for the County, other than some of the paperwork that the County will receive that will have to be submitted to the COG. Provided the sign-off to the Mayor today. The deadline for requesting the funds is tomorrow, and the Town is requesting these funds under an emergency situation. *It was moved by Council Member Marcharia; seconded by Council Member Trapp to support the Town of Jenkinsville's request for a grant through the S. C. Rural Infrastructure Authority. **The motion carried unanimously.***

4. Staff was giving special attention or refocusing on the code enforcements. The Department Director provided to Administration a detailed listing of all properties that are on the list of concerned properties; the status of those, with black and white photos. Have worked out some logistical concerns that were had internally.

5. Sent DHEC an email, asking for the status of the Intent to Mine Permit. Had not heard anything in a number of weeks. Based upon the inquiry, they have requested another hearing on the Intent Mine on November 20, 2014 at 4:30 P.M., at Fairfield Central High School auditorium. Staff is working with the School District on securing the facility.

14. CLERK TO COUNCIL'S REPORT

None.

15. 2ND PUBLIC COMMENT (3 MINUTES): INPUT CAN BE TO INTRODUCE AN ITEM NOT CURRENTLY UNDER COUNCIL'S CONSIDERATION OR BRING A CONCERN TO COUNCIL'S ATTENTION

The following individuals signed to speak:

- Mr. Randy Bright - I Will Get Back To You
- Mr. DeQuan Weldon - Accomplishments

16. COUNTY COUNCIL TIME

Brown: Met with Ridgeway Town Council to share with them what the Rural Transportation Committee had recommended about the money in Ridgeway being moved from the Intersection of Highway 21 and the By-Pass out to 321 and Peach Road.

17. EXECUTIVE SESSION

*At 7:14 P.M., it was moved by Council Member Brown; seconded by Council Member Marcharia to go in executive session to discuss an economic development matter and a contractual matter. **The motion carried unanimously.***

{The Clerk was excused from executive session.}

{Deputy Administrator Anderson was asked to run the recorder once Council returned from executive session}.

*It was moved by Council Member Kinley; seconded by Council Member Marcharia to come out of executive session and return to open session. **The motion carried unanimously.***

*In open session, it was moved by Vice Chairman Perry; seconded by Council Member Kinley that the Council instruct the County Administrator to work with the County Attorney as it relates to the appeal of the pending litigation. **The motion carried unanimously.***

18. ADJOURN

The meeting was adjourned upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN