



**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
NOVEMBER 28, 2011**

**Present:** David L. Ferguson, Dwayne Perry, Mary Lynn Kinley, Kamau Marcharia, Carolyn B. Robinson, Council Members; Philip L. Hinely, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll M. Brown, Clerk to Council

**Absent:** R. David Brown, Mikel Trapp

**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 fifty-five individuals.**

**1. CALL TO ORDER**

Chairman Ferguson called the meeting to order at 6:05 P.M.

**2. INVOCATION**

Council Member Kinley led in the invocation.

**3. APPROVAL OF MINUTES**

*It was moved by Council Member Marcharia; seconded by Council Member Kinley to approve the minutes of the regular meeting of November 24, 2011. The motion carried unanimously.*

**PUBLIC HEARING**

Prohibiting The Advertising, Producing, Possessing, Purchasing, Selling, Or Using Of Bath Salts, Bath Salts-Like Substances And Synthetic Marijuana In The Unincorporated Areas Of Fairfield County; And Other Related Matters. *Chairman Ferguson opened public hearing at 6:08 P.M. No one signed to speak. The Chairman closed public hearing at 6:09 P.M.*

An Ordinance To Amend, Update And Revise The Fairfield County Zoning Ordinance And Land Management Regulations, To Provide For The Promotion Of The Common Good For The Citizens Of Fairfield County As It Relates To Aspects Of Regulating, Maintaining And Protecting The Proper Usage And Development Of Land And Similar Issues In Fairfield County, And Other Related Matters. *Chairman Ferguson opened public hearing at 6:10 P.M. The following individuals spoke during public hearing: Jerry Nealy, Rhett Bost, Robert Hartman, Wayne Steele, Robert Miller, Madelyn Butts, H. Rion Alvey, Brenda Worthington, Jim Buckner and Michael Locklear.*

*After the last speaker, Chairman Ferguson closed public hearing at 6:33 P.M.*

**PRESENTATION**

Catawba Regional Local Food Coalition – Ms. Gloria Kellerhals  
*The Clerk of Council received an email from Ms. Kellerhals' assistant at 9:05 a.m. indicating there was illness in Ms. Kellerhals family and Ms. Kellerhals would be unable to make her presentation tonight.*

**4. PUBLIC COMMENT**

Mr. Jeremy Catoe spoke to Council on the Guardian Fiberglass plant closing.

**5. COMMITTEE REPORTS**

Welfare and Community Relations Committee Chairman Robinson reported the committee met to debrief the 2011 Veterans Day program and to put suggestions in place for next year.

**6. OLD BUSINESS**

**A. Second Reading: Ordinance No. 597** - Authorizing An Amendment To The Master Agreement Governing The I-77 Corridor Regional Industrial Park By And Between Richland County, South Carolina, And Fairfield County, South Carolina, To Expand The Boundaries Of The Park To Include Certain Real Property Located In Richland County And Related To Project Cyrus; And Other Related Matters. *It was moved by Council Member Robinson; seconded by Council Member Kinley to approve Second Reading of Ordinance No. 597. The motion carried unanimously.*

**B. Second Reading: Ordinance No. 596** - An Ordinance To Amend, Update And Revise The Fairfield County Zoning Ordinance And Land Management Regulations, To Provide For The Promotion Of The Common Good For The Citizens Of Fairfield County As It Relates To Aspects Of Regulating, Maintaining And Protecting The Proper Usage And Development Of Land And Similar Issues In Fairfield County, And Other Related Matters. *It was moved by Vice Chairman Perry; seconded by Council Member Marcharia to approve Second Reading of Ordinance No. 596. Chairman Ferguson pointed out that, prior to Third Reading, he would like for Council to consider an extended work session for one day next week (possibly Monday night) to discuss some of the areas of concern. The motion carried unanimously.*

**C. Third And Final Reading: Ordinance No. 595** - Prohibiting The Advertising, Producing, Possessing, Purchasing, Selling, Or Using Of Bath Salts, Bath Salts-Like Substances And Synthetic Marijuana In The Unincorporated Areas Of Fairfield County; And Other Related Matters. *It was moved by Council Member Robinson; seconded by Council Member Kinley to approve Third and Final Reading of Ordinance No. 595. The motion carried unanimously.*

**7. NEW BUSINESS:**

**A. Resolution:** To Encourage The Support Of Organic Farming And Sustainable Agriculture And Other Small Business Pursuits; And Other Matters Related Thereto. *Chairman Ferguson asked that the Resolution be postponed until Ms. Kellerhals has had an opportunity to reschedule her presentation.*

**8. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE**

**a.** Commented on the second reading/public hearing process.

**9. CLERK TO COUNCIL'S REPORT**

None

**10. BOARD AND COMMISSION MINUTES**

Provided as information.

**11. INFORMATIONAL ITEMS**

Provided as information.

**12. COUNTY COUNCIL TIME**

Robinson: Inquired when will Mr. Vismor, Mr. Irby and Mr. Stowers be addressing the issues that have surfaced.

Marcharia: Commented that there have been concerns around Lake Monticello.

Kinley: Commented that, at one of the Council meetings, she did reference the consideration of notifying people that zoning was taking place and opined she was interested in hearing why the Council went from RD to R1 on some property.

**DISSERTATION BY MR. VISMOR:**

- Review of the history of the zoning maps would be in order. Had the fortune of working with the county ten to eleven years ago when zoning was introduced. Did not have the luxury of digital mapping. Transferred from the old set of maps the zoning that was put in place ten years ago. Subsequent to that zoning being enacted ten years ago, some 42 zoning changes occurred. Those changes were never recorded on this map and through the assistance of Mr. Stowers' office, he was able to identify those properties and since have transferred that zoning onto the map you currently have. Also during the development of the comprehensive plan, identified the need for several new zoning districts and did develop and include in the new ordinance five new zoning districts. Two of those zoning districts are displayed on these maps. As a result of those new zoning districts, introduced zoning for those properties that were, in all likelihood, previously zoned RD. The new zoning classification is a rural community zone. Tried to designate throughout the county established rural communities and apply this zoning to those rural communities. This zoning gives those people in those areas much more flexibility in the use of their property to include commercial, and in some instances, light industrial zoning. The Commission was very interested in expanding economic development opportunities and designated a number of potential properties for industrial development, which also were recommended to be rezoned. This package was finally put together and brought before the Council. Two or three serious, long work sessions have been held on these maps. Council was particularly concerned that properties that were commercial in use were classified under the old zoning in the RD district. They wanted to rectify that and reclassify those properties that were, in fact, in commercial use with a commercial classification. Council had privilege to information that the Planning Commission did not, where they expanded the number of industrial sites to be rezoned through this process.
- With regard to residential properties, did not take it upon myself to transfer any RD properties into an R1 classification. Suspect that part of the problem (there could have been mistakes in the transfer) was that most do not know how their property is zoned. At no time, was it taken upon the consultant to transfer out of the RD zoned properties and include them in the R1 zoning classification.
- The purpose of this meeting is for the citizens to help identify any mistakes that might be in the maps. If something is identified that was missed or misclassified, the Council wants to know about it. Council will be holding another session next week, and that information will be brought to them. They will correct whatever inaccuracies are shown on these maps.
- At this point, Mr. Vismor addressed the questions that were raised via email with regard to the work that was done to date.

**Questions:**

- ❖ Define RD and R1. Am looking at three pages where zoning was proposed to change from Rd to R1, and hearing some people say they cannot hunt and farm in R1.
- ❖ Have received a tax map number listing from an individual that lists 8 properties that went to the Zoning Appeals Board and are now classified as B-2. These properties were R1 and need to be reclassified as B2. Small tracts need to be identified and request to be left in RD.
- ❖ What would be the most appropriate way to identify property lines that are being discussed?
- ❖ Best way to get questions answered about specific properties: email, in person and phone Mr. Wendell Irby.
- ❖ Who prepared the list of the proposed changes? Need to identify the tax map numbers.
- ❖ Would everyone on the list be notified?
- ❖ Suggest putting the list on the website.

- ❖ Recommend the Council stay consistent and get clarification on the existing classification and the proposed classification to ensure it was not arbitrarily changed.
- ❖ Would like to get clarification (verified list) on what properties have been changed.
- ❖ How did the changes occur on the list?
- ❖ When Lake Monticello was changed to R1, was there a disadvantage, economically, in terms of value and money?
- ❖ Council will go into executive session now and will continue the discussion of zoning issues when back in regular session.

**13. EXECUTIVE SESSION: CONTRACTUAL MATTER**

*At 7:30 P.M., it was moved by Council Member Kinley; seconded by Council Member Marcharia to go in executive session to discuss a contractual matter. The motion carried unanimously.*

*It was moved by Council Member Marcharia; seconded by Vice Chairman Perry to come out of executive session and return to regular session. The motion carried unanimously.*

*Chairman Ferguson stated that Mr. Hinely has been instructed to carry out negotiations on a contract relevant to County Council.*

*{At this point, Council moved from the dais to the floor to view and discuss the zoning maps that were posted at each table, by district, and on the walls of the Council Chambers}.*

- ❖ Work session scheduled for December 5, 2011 at 6:00 P.M.
- ❖ Chairman Ferguson set forth that Mr. Vismor had a good idea of how some things could be modified and can take care of most of it.
- ❖ First meeting in December, plan to finalize the Land Management Ordinance.
- ❖ First meeting in January, 2012, will begin work on the riparian buffer.

**14. ADJOURN**

The meeting was adjourned at 8:45 P.M., upon unanimous approval of Council.

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SHRYLL M. BROWN  
CLERK TO COUNCIL

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DAVID L. FERGUSON, SR.  
CHAIRMAN