



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
DECEMBER 8, 2014**

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Council Members; J. Milton Pope, County Administrator; Shryll M. Brown, Clerk to Council; Jack James, County Attorney

Absent: Mikel R. 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 ninety-five other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:00 P.M.

2. APPROVAL OF AGENDA

*It was moved by Council Member Brown; seconded by Council Member Kinley 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 Brown; seconded by Vice Chairman Perry to approve the minutes of the Regular Meeting of November 24, 2014. **The motion carried unanimously.***

5. PUBLIC PRESENTATIONS

Mr. Terry Killian, Fairfield County Recreation Department, recognized the 12 And Under Football Central District Runner Ups and the Coaches and presented each one of them with a trophy.

6. 1ST PUBLIC COMMENT (3 MINUTES): INPUT MUST PERTAIN TO ITEMS ON THE AGENDA, FOR WHICH NO PUBLIC HEARING IS REQUIRED OR HAS BEEN SCHEDULED. THE TOTAL TIME ALLOCATED TO THIS PUBLIC COMMENT SEGMENT IS 30 MINUTES.

The following individuals signed to speak:

- Ms. Dorothy Brandenburg - Quarry
- Mr. Randy Bright - Passenger Rail

7. PUBLIC HEARING

Ordinance Authorizing The Execution And Delivery Of An Amended And Restated Fee In Lieu Of Ad Valorem Taxes And Incentive Agreement To Provide A Fee-In-Lieu Of Ad Valorem Taxes Incentive, Infrastructure Credits And Other Incentives To Enor Corporation And Enor Corporation SC, Llc; The Execution And Delivery Of Documents Necessary To Effect The Intent Of This Ordinance; And Other Related Matters. *Chairman Ferguson opened public hearing at 6:19 P.M. No one signed to speak and there were no comments from Council; therefore, the Chairman closed public hearing at 6:21 P.M.*

Authorizing Fairfield County, South Carolina To Purchase And Develop Approximately 2.3 Acres Of Real Property Located On Overlook Road In Blackstock (Tax Map Parcel Number 019-00-00-002-000), To Be Used As A Recreational Mini-Park; And Other Related Matters. *Chairman Ferguson opened public hearing at 6:21 P.M. No one signed to speak and there were no comments from Council; therefore, the Chairman closed public hearing at 6:22 P.M.*

8. ORDINANCES, RESOLUTIONS AND ORDERS

A. Third And Final Reading: Ordinance No. 646 – Ordinance Authorizing The Execution And Delivery Of An Amended And Restated Fee In Lieu Of Ad Valorem Taxes And Incentive Agreement To Provide A Fee-In-Lieu Of Ad Valorem Taxes Incentive, Infrastructure Credits And Other Incentives To Enor Corporation And Enor Corporation SC, Llc; The Execution And Delivery Of Documents Necessary To Effect The Intent Of This Ordinance; And Other Related Matters. *It was moved by Council Member Robinson; seconded by Vice Chairman Perry to approve Third and Final Reading of Ordinance No. 646. The motion carried unanimously.*

B. Third And Final Reading: Ordinance No. 645 – Authorizing Fairfield County, South Carolina To Purchase And Develop Approximately 2.3 Acres Of Real Property Located On Overlook Road In Blackstock (Tax Map Parcel Number 019-00-00-002-000), To Be Used As A Recreational Mini-Park; And Other Related Matters. *It was moved by Council Member Marcharia; seconded by Council Member Brown to approve Third and Final Reading of Ordinance No. 645. The motion carried unanimously.*

C. Third And Final Reading: Ordinance No. 642 – 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 Other Related Matters. *It was moved by Council Member Robinson; seconded by Council Member Brown and Vice Chairman Perry to approve Third and Final Reading of Ordinance No. 642. The motion carried unanimously.*

D. Resolution No. 2014-12: Provisions Of The U.S. Department Of Transportation (FTA) And The Federal Aviation Administration (FAA) Program Along With The National Defense Authorization Act Of 2013 Support Which Seeks To Limit Human Trafficking Associated With Government Contractors. Mr. Pope set forth this Resolution came about because of the recent FAA grant that was approved regarding safety improvements at our general aviation airport, and any time a grant over \$500,000.00 is awarded, this is one of the Resolutions required to have as a policy document for the County. *It was moved by Council Member Robinson; seconded by Council Member Kinley to approve the Resolution as referenced above. The motion carried unanimously.*

E. Resolution No. 2014-13: To Explore The Feasibility Of Passenger Rail And The Establishment Of Priorities For Investment In High-Capacity Transit Along The 1-77 Corridor. Mr. Pope set forth this Resolution came out of discussions in a meeting held several weeks ago that was sponsored by the I-77 Alliance. The meeting was with all communities along the I-77 corridor. The Resolution speaks to passenger rail; not high-speed rail to use existing rail traffic. It does not bind the County to anything, but it sets the wheels in motion for the County to be a participant in this. It is on the agenda for information; however, if the Council desires to pass the Resolution, it does not bind the County in any financial commitment. *It was moved by Council Member Kinley; seconded by Council Member Brown and Vice Chairman Perry to approve the Resolution as referenced above. **The motion carried unanimously.***

9. BOARD AND COMMISSION MINUTES

Provided as information.

10. BOARD AND COMMISSION APPOINTMENTS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

A. Holiday Meeting Schedule. Chairman Ferguson proposed to the Council a meeting on next Monday night, in lieu of the meeting on December 22nd. At the meeting, the independent auditors will present the audit to the Council. *It was moved by Council Member Kinley; seconded by Council Member Marcharia to cancel the Regular Meeting of December 22, 2014 and to replace it with a Special Meeting on December 15, 2014. **The motion carried unanimously.***

13. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE

A. Administrative Updates

1. Recreation Update. Had a series of meetings this past week with the Recreation Consultants. They have come back with a preliminary timeline for us to move forward. We have given them authority to move forward with the architectural designs and to bring that information back to be bid out. Based upon the approved plans of the Council, construction anticipated to be substantially completed by January 15, 2016.

2. Annual Audit. The Auditors will have the preceding year's audit that will be presented to Council next week.

3. Blackwelder Heating And Air, Inc. Update. Executive Session item that will be reported back out after the Council receives information.

4. Legal Update (Intent To Mine Application). Legal representation information.

5. Legal Update (Potential Litigation, Procurement Protest). Executive Session item dealing with pending software and hardware for security at the Detention Center.

6. Personnel Update (Administration). Regarding hiring of senior-level employee that will be reported out publicly after Executive Session.

7. Lake Wateree Flood Study With Kershaw County. Successful partnership between Kershaw County and Fairfield County. County Council gave Administrator authority to work with Kershaw County for Phase I of the project. After bidding process, consultants were brought on and able to successfully complete Phase I and are now ready to move forward with Phase II, which will be an item that will be brought back next week in some of the clean-up matters for the last meeting of the

year. Kershaw is asking to split the cost 50/50 regarding the flood insurance areas around Lake Wateree.

8. Request For Approval - Infrastructure Request For Fairfield Commerce Center Industrial Park. The County has covenant agreements at the Industrial Park. The anchor tenant is well underway and on schedule under our agreement with them. Part of that work is that the utilities have to be buried. This is an on-going project, which did not need to go before committee. The funding of \$38,745.00 is available for this; however, the amount is above the Administrator's authority to approve. Requesting Council's approval to move forward with the contractors to complete the work. *It was moved by Council Member Robinson; seconded by Council Member Kinley to approve the Infrastructure Request for Fairfield Commerce Center Industrial Park. The motion carried unanimously.*

9. Met with Judge Givens, the Clerk of Court and Staff and with Mead and Hunt regarding the Courthouse. The Circuit Court Judge gave his blessings to the plans today. That information will be shared with him today electronically, so that he can submit it to Chief Justice Toal for approval. The Clerk of Court is fine with all the design; the Judge was impressed with the design and security features, etc.

14. CLERK TO COUNCIL'S REPORT

Because of the action to suspend the last meeting in December and reschedule it for a Special Meeting on December 15, 2014, customarily the last meeting of year there are closing documents that may be necessary to execute; therefore, staff is respectfully asking that if there are any documents that need to be brought to your attention as clean-up matters, that Council consider addressing those at the December 15th meeting.

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 TOTAL TIME ALLOCATED TO THIS PUBLIC COMMENT SEGMENT IS 30 MINUTES.

The following individuals signed to speak:

- Mr. Dan Ruff - Thank You
- Mrs. Lisa Brandenburg - Land Ordinance
- Mr. Randy Bright - Responsive Government
- Mr. David Brandenburg - Transparency

Mr. Pope asked for a point of personal privilege to address the comments made by Mr. Brandenburg about his (Pope's) alleged relationship with any mining activity, company or any industry of the sort.

16. COUNTY COUNCIL TIME

Brown: Reported on his attendance at the S. C. Association of Counties board meeting. Announced that Council Member Carolyn Robinson was elected to serve on the SCAC Board of Directors.

Marcharia: Reported on his out of the Country trip, and thanked everyone for their prayers during his absence.

Ferguson: Addressed comments made about correspondence that allegedly came from SCDOT.

17. EXECUTIVE SESSION

*At 7:11 P.M., it was moved by Council Member Brown; seconded by Council Member Kinley to go in executive session to receive legal updates, to discuss economic development matters and a contractual matter. **The motion carried unanimously.***

*It was moved by Council Member Robinson; seconded by Vice Chairman Robinson to come out of executive session and return to regular session. **The motion carried unanimously.** {Council Member Marcharia had to leave during executive session, and, therefore, was not present when Council returned to regular session}.*

*In regular session, it was moved by Council Member Kinley; seconded by Council Member Robinson that Council proceed with the Administrator's suggestion direction as it relates to the Blackwelder Heating and Air matter. **The motion carried unanimously.***

Mr. Pope was asked to give a short background of the discussion that occurred in executive session regarding the Intent to Mine Application, which he did saying Council had directed the Administrator to retain legal counsel to seek and to represent the interest of Fairfield County. The Counsel's name is Mullen Taylor, an individual practitioner who is representing the County's interest. Based upon information that occurred at the last public hearing with DHEC, Council also thought it was important for certain things to be entered into public record based upon concerns or lack of information that this Council believed it was important to state. This information had to be in the official record by December 4, 2014. Would like to read into the official record the letter, with my signature on behalf of the things I understood either from participating in the meeting and/or with Council direction. (A copy of the entire letter is hereby attached to these minutes and entered into the official record of the minutes as Exhibit A.) These were for the public record that entered into prior to the deadline. We tried to capsule what the County Council concerns were, as well as, generically, a lot of the concerns that were raised by the citizens of Fairfield County at that public hearing.

18. ADJOURN

The meeting was adjourned, upon the unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN