



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
FEBRUARY 14, 2022**

Present: Moses Bell, Shirley Greene, Cornelius Robinson, Mikel Trapp, Timothy Roseborough, Clarence Gilbert, Doug Pauley (Council Members); Malik Whitaker, County Administrator, Kenneth Davis, County Attorney.

Absent: None

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 Bell called the Regular Meeting to order at 6:00 p.m. He also wished everyone a Happy Valentine's Day.

2. APPROVAL OF AGENDA

Motion made by Councilman Trapp, seconded by Councilman Roseborough, to approve the agenda. Mr. Pauley stated for the record that he thought at every Council meeting he or a citizen requested transparency. After receiving the agenda on Friday, he had several concerns and he sent an email to you (Mr. Bell) and fellow Council members. Looking at the agenda, he noticed several ordinances had no address or tax map number on the agenda. In the public notice in the newspaper, there was no tax map number or address. He wanted to know who was responsible on the agenda team to make sure these agendas were correct. They needed to make sure again that they were providing citizens with all the information necessary. On tonight's agenda, they had a third reading for Ordinance #784. On January 10th of our agenda, they had a first reading by title only. On the 24th, there was no second reading on Ordinance #784 and tonight, on February 14th, they had a third reading on 784 and unless he stood corrected he did not see that a second reading was ever held on Ordinance #784. Mr. Bell thanked Mr. Pauley and said he was absolutely correct. He said they would table Item G until they had a second reading. Mr. Pauley stated (correct him if he was wrong) he thought the requirement was one public notice in the newspaper 15 days out for a public hearing. It looked like they were doing three notices in the newspaper per public hearing, which they were spending a lot of money on each hearing

when it only required one. He thought they needed to look into that as well. Mr. Bell thanked him. ***The motion carried 7-0.***

3. INVOCATION

Vice Chair Greene led the invocation.

4. APPROVAL OF MINUTES

Motion made by Councilwoman Greene, seconded by Councilman Trapp to approve the minutes from the Regular Meeting of January 24, 2022. ***The motion carried 7-0.***

5. PUBLIC PRESENTATIONS

Black History Month Proclamation – Mr. Bell requested the Clerk to read the first, third and final paragraphs. Motion made by Councilman Pauley, seconded by Vice Chair Greene to approve the Black History Month Proclamation. ***The motion carried 7-0.***

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.

- Landrum Johnson – Property Sale
- Randy Bright – Ordinance 789

7. PUBLIC HEARINGS

- A.** An Ordinance to Approve the Sale of Certain Parcels Shown as Parcels 10 & 11 (TM# 184-00-00-196) on the Master Plan for the Fairfield Commerce Center. Chairman Bell opened the public hearing at 6:13pm. The following person signed up to speak: Randy Bright. Chairman Bell closed the public hearing at 6:15pm.
- B.** An Ordinance to Approve the Termination of the Declaration of Covenants, Conditions, and Restrictions for the Fairfield Commerce Center as to Certain Parcels Shown as Parcels 10 & 11 on the Master Development Plan Subject to the Approval of the Other Occupant of Fairfield Commerce Center. Chairman Bell opened the public hearing at 6:16pm. The following person signed up to speak: Randy Bright. Chairman Bell closed the public hearing at 6:18pm.
- C.** An Ordinance to Amend the Appropriation of Funds Received by Fairfield County from the American Rescue Plan to Account for an Excess Appropriation Shown by a Reconciliation Following a Third Reading

Amendment to Ordinance 778. Chairman Bell opened the public hearing at 6:18pm. The following person signed up to speak: Randy Bright. Chairman Bell closed the public hearing at 6:20pm.

- D. An Ordinance to Appropriate \$500,000 to the Economic Development Department to Construct a Speculative Building for Future Economic Development Needs, From the Proceeds Received from the Sale of Fairfield County Property to Oldcastle APG South, Inc. in 2021, which was approved by the Fairfield County Council in Ordinance 754 as Part of the Project Windsor Agreement. Chairman Bell opened the public hearing at 6:21pm. The following person signed up to speak: Randy Bright. Chairman Bell closed the public hearing at 6:22pm.
- E. An Ordinance To Grant a Right of First Refusal on the Sale of a Certain Parcel Shown as Parcel 3 on the Master Development Plan for the Fairfield Commerce Center. Chairman Bell opened the public hearing at 6:23pm. The following person signed up to speak: Randy Bright. Chairman Bell closed the public hearing at 6:24pm.

8. ORDINANCES, RESOLUTIONS AND ORDERS

- A. First Reading (By Title Only) Ordinance No. 789: An Ordinance to Appropriate an Amount Not to Exceed \$1,000,000 from the General Fund, to be used to Pay the Expenses Relating to the Relocation of County Government Offices Into the New County Administration Building and Relating to the Relocation of the Sheriff's Department into the New County Administration Building, to Include Furnishings, Fixtures, Equipment and Moving Costs. Motion made by Councilman Robinson, seconded by Vice Chair Greene. ***The motion carried 5-2 with Councilmen Pauley and Gilbert voting in the negative.***
- B. Third and Final Reading Ordinance No. 782: An Ordinance to Amend the Fairfield County Land Management Ordinance (No. 599) to Provide for the Zoning Reclassification from R-1 Single Family Residential District to RD-1 Rural Residential District. The reclassification would rezone the 5.68 acres of wooded undeveloped property indicated as TM# 119-00-02-021-000 to match the owners adjoining 59.89 of RD-1 (TM# 120-00-01-042-000) and combine the two properties. The property is owned by Christian H. and Amber J. Wallace. Motion made by Councilman Robinson, seconded by Vice Chair Greene. ***The motion carried 7-0.***
- C. Third and Final Reading Ordinance No. 786: An Ordinance to Approve the Sale of Certain Parcels Shown as Parcels 10 & 11 (TM# 184-00-00-196) on the Master Plan for the Fairfield Commerce Center. Mr. Bell asked Council if this item could be discussed in Executive Session prior to voting. Mr.

Pauley asked if Item D could also be held until after Executive Session and Mr. Bell agreed.

- D.** Third and Final Reading Ordinance No. 785: An Ordinance to Approve the Termination of the Declaration of Covenants, Conditions and Restrictions for the Fairfield Commerce Center as to Certain Parcels Shown as Parcels 10 & 11 on the Master Development Plan Subject to the Approval of the Other Occupant of Fairfield Commerce Center. (Held until Executive Session)
- E.** Third and Final Reading No. 787: An Ordinance to Amend the Appropriation of Funds Received by Fairfield County from the American Rescue Plan to Account for an Excess Appropriation Shown by a Reconciliation Following a Third Reading Amendment to Ordinance 778. Motion made by Councilwoman Greene, there was no second. Attorney Davis requested (off mic) that this item be discussed in Executive Session due to the legal ramifications surrounding it. Mr. Bell let everyone know that it would relate to the County and could be misappropriation of funds. Mr. Roseborough asked if the item could be tabled. Mr. Bell asked for a motion to table the item until they came out of Executive Session. Motion made by Mr. Pauley, seconded by Mr. Roseborough. ***The motion carried 7-0.***
- F.** Third and Final Reading No. 788: An Ordinance to Appropriate \$500,000 to the Economic Development Department to Construct a Speculative Building for Future Economic Development Needs from the Proceeds Received from the Sale of Fairfield County Property to Oldcastle APG South, Inc. in 2021, which was Approved by the Fairfield County Council in Ordinance 754 as Part of the Project Windsor Agreement. Motion made by Councilwoman Greene, seconded by Councilman Trapp. ***The motion carried 7-0.***
- G.** Third and Final Reading Ordinance No. 784: An Ordinance to Grant a Right of First Refusal on the Sale of a Certain Parcel Shown as Parcel 3 on the Master Development Plan for the Fairfield Commerce Center. Motion made by Councilman Pauley, seconded by Councilman Roseborough to table this item until the second reading. ***The motion carried 7-0.***
- H.** Resolution No. 2022-01: A Resolution Approving and Authorizing the Execution of the Second Amendment to the Hospital Transformation Agreement, Which is Proposed as a Condition of the Sale of the Former Hospital Property Now Owned by Fairfield County, for the Purpose of Modifying the Property Restrictions Placed on the Use of the Hospital Property as an Exchange for the Location of a Freestanding Emergency Department in Fairfield County Originally by Providence Hospital, LLC,

now Succeeded by the Medical University Hospital Authority. Motion made by Councilman Robinson, seconded by Councilman Roseborough. ***The motion carried 7-0.***

9. BOARD AND COMMISSION MINUTES

Planning Commission 12/16/21

Disabilities & Special Needs 12/17/21

10. BOARD AND COMMISSION APPOINTMENTS

A. Planning Commission - Mr. Bell stated there were two names from District 4. He asked the Clerk how many districts had vacancies. She replied she did not have that information in front of her at present. He said they could vote to appoint one person from District 4 but the Planning Commission had three vacancies and this would only fill two of them. Mrs. Greene stated that she believed for Planning and Zoning each district must have a representative. In order for someone from another district to serve, the district that was missing a representative would have to agree. Mr. Bell agreed and said they could vote on the representative recommended by Mr. Roseborough. Mr. Roseborough recommended Jenifer Barnes, seconded by Mr. Trapp. ***The motion carried 7-0.***

B. Mr. Bell skipped this item due to previous discussion in 10. A.

C. & D. Board of Zoning Appeals - Council agreed to vote on both persons because they were from two different districts - Julie Brendell (District 4) and Mike Watson (District 2). Motion made by Councilwoman Greene, seconded by Councilman Roseborough. ***The motion carried 7-0.***

11. OLD BUSINESS

None.

12. NEW BUSINESS

None.

13. COUNTY ADMINISTRATOR'S REPORT

A. Introduction of Assistant County Administrator – Mr. Whitaker stated Fairfield County community government was pleased to introduce our new Deputy Administrator, Synithia Williams. He asked her to wave her hand and she did so. Mr. Whitaker said Mrs. Williams was a highly trained, seasoned and educated local government professional with 19 years of progressive, local government expertise. He welcomed her to Fairfield County. He stated Mrs. Williams had an initial mandate to work on two big tasks for the County – 1. Developing a unified system for tracking and

managing capital improvement and maintenance projects. Currently, there were various projects happening throughout the County with multiple project managers and funding sources. Mrs. Williams would work on gathering data on all existing capital projects from each department with a project description, engineer and contractor working on the project, the project funding source and the budget. She would also develop a list of future capital needs for the County to ease budgeting and long-range planning. Having this list would not only allow Administration to update Council on what was happening around the County, but the ultimate goal was to establish project priorities that align with County needs and Council goals. Her second big task was to develop a public information policy about County services and accomplishments. There were many great things happening in the County and a public information policy would allow us to share information that was timely, accurate, balanced and consistent. We were responsible for telling our story in a way that builds trust and confidence with citizens, business leaders and stakeholders. He welcomed Mrs. Williams again. Mr. Bell thanked her for making the decision to come to Fairfield County. Mr. Pauley thanked her as well. He said he noticed that Mr. Whitaker announced her as the Deputy Administrator but he believed the job posted as an Assistant Administrator. He asked about the difference. Mr. Whitaker said he posted the job on his first day in his position and recently learned that the Assistant did not have the authority to stand in place of the Administrator. He worked with the HR team and amended the job description to say the Deputy has the right to stand in his absence. Mr. Bell said it was a very good decision.

- B. Comprehensive Plan Update** – Mr. Whitaker said he would read the statement as if he were talking to someone who was new to the comprehensive planning process – as a student who wanted to engage in comprehensive planning. He read: County community governments were for planning the future growth and development of the community. A guidance document that results from a planning process was the comprehensive plan. He displayed from his seat the cover of the Comprehensive Plan, which could be found on the website. He said it was about a 160-page document. He continued to say in Fairfield County the vision for future growth and development was outlined in a Comprehensive Plan. Comprehensive Plans were the backbone of any community planning effort – they outlined challenges facing the community, identified solutions and provided guidance to appointed and elected officials in planning related decisions. Staff was working with the Central Midlands Council of Governments (Greg Sprouse) to update our County's Comprehensive Plan. Our project lead was Daniel Stines, our Community Planner and Interim Community Develop lead. This plan was required under the South Carolina

Local Government Comprehensive Planning Enabling Act of 1994. Pursuant to the Planning Act, the Planning Commission was required to develop the plan and recommend it for adoption by Council. The Planning Commission must recommend it through a resolution and Council must adopt it as an ordinance after a public hearing. The plan must be reviewed every five years and comprehensively updated every 10 years. What they were working on currently was the comprehensive 10-year update. Under the Planning Act, the plan must address 10 required elements or focus areas, which included population (demographic growth and development trends), natural resources, cultural resources, housing, economic development, community facilities (public services, public facilities/utilities), transportation, land use, priority investment and resilience. For each of these elements, the Planning Act requires us to provide an inventory of existing conditions, what the community looks like currently, a statement of needs and goals, a vision statement of where the community wants to go, implementation strategies that identify time frames and responsible entities, what needed to be done to achieve the goal, what was needed to do it and who was the responsible party. Staff and the Central Midlands COG were currently working on an inventory of existing conditions for each element, which includes data collection and analysis, preparing maps and figures, and updating narrative components of the plan. They were soliciting community input through a public survey. He believed the survey went out today. They were well under way with the process and would keep everyone posted. Mr. Bell asked for information regarding giving input. He responded that the surveys were the first step and there would also be community forums. Community input was a big part of the plan as well as finding multiple ways to engage the community around the future of Fairfield County. Mr. Bell asked if it was on the County website. Mr. Whitaker said he thought so. They launched the survey and a part of Deputy Administrator Williams' task was to engage a full execution of the process so they could get it out to as many citizens as possible.

14. CLERK TO COUNCIL'S REPORT

None.

15. COUNTY COUNCIL TIME

Mr. Gilbert stated in the last few months he had several County employees express concerns about things that were going on. It was obvious that our County government was suffering from low employee morale. Our employees and citizens deserved a government that supported a high level of morale for our employees. What would taking steps to remedy these morale issues do for us? First, high employee morale resulted in friendly and overall improved

services and increased teamwork and loyalty. Organizations with high-level employee morale resulted in better retention. Good or bad morale was contagious. The higher the morale, the more productive the team was. He would like for them to consider an outside survey group to initiate an anonymous survey with our employees to allow them to express how they feel. They knew that if the soldiers were not happy, the generals would fall on their faces. He thought they should do something to find out how to increase employee morale.

Mr. Pauley referred to the statements he made earlier regarding the lack of information on the agenda. He stated Mr. Bell responded to his email and called him Friday evening at 8:30pm and assured him going forward that we would try our best to make sure the agenda and the public notices had enough information and he appreciated that. He also said he researched the boundaries in his district (since re-districting) and he had no clue what was lost or gained. He said then and would say now, that was unacceptable. He contacted Voter's Registration on three different occasions and they too could not give him, with any certainty, what was lost or gained. They should have been involved in the process but they were not. He asked Mr. Whitaker and Mr. Bell to please work with Voter's Registration to get this accomplished as soon as possible.

Mr. Whitaker stated he spoke to Ms. Stidham and they were working to get the GIS mapping technology, which had recently been purchased, that would allow her to do that. Mr. Bell said when the approval was done for the redistricting, a lot of work behind the scenes had to be done afterwards. He believed the work would be completed by the end of February. Mr. Whitaker agreed. Mr. Bell said that always happened after redistricting – the work had to be finished. Due to the amount of work of the State Fiscal Affairs Office, she (Ms. Stidham) had to buy new software and Newberry County was assisting her. He had received calls because people wanted to know where the lines were and these things would happen with any redistricting.

16. 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.)

At 6:50 p.m., motion made by Councilman Trapp, seconded by Councilwoman Greene, to go into executive session concerning the below listed items. In addition, Item 8E - Third and Final Reading No. 787 so the attorney could explain to them the ramifications if they did not pass this ordinance. ***The motion carried unanimously 7-0.***

- A. Receipt of Legal Advice – Regarding Utility Payment Issue Pursuant to S.C. Code Ann. §30-4-70(a)(2).
- B. Receipt of Legal Advice – Discussion of Proposed Contract Negotiations Pursuant to S.C. Code Ann. §30-4-70(a)(2).
- C. Receipt of Legal Advice – Discussion of Proposed Contract Negotiations Pursuant to S.C. Code Ann. §30-4-70(a)(2).


At 7:39 p.m., motion made by Councilman Trapp, seconded by Councilman Roseborough, to come out of executive session and return to regular session. Mr. Bell stated no action was taken in Executive Session. ***The motion carried 7-0.***

Mr. Pauley made a motion for the third and final reading for the ordinance to amend the funds received by Fairfield County from the American Rescue Plan to account for an excess appropriation shown by a reconciliation following a third reading amendment to Ordinance 778, seconded by Councilman Gilbert. ***The motion carried 5-2 with a show of hands by Councilmen Robinson and Trapp voting in the negative.***

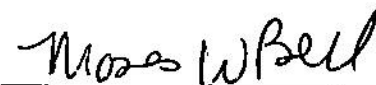
Mr. Bell stated the ordinances (#785 and #786) for third and final reading that did not come before Council because we did not have a motion to adopt - let the record show that it failed for lack of a motion.

ADJOURN

At 7:41 p.m., motion made by Councilman Trapp, seconded by Councilman Roseborough, to adjourn. ***The motion carried 7-0.***



DR. KIM W. ROBERTS
CLERK TO COUNCIL



MOSES BELL
CHAIRMAN