



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
FEBRUARY 13, 2012**

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

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-eight individuals.

1. CALL TO ORDER

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

2. INVOCATION

Council Member Kinley led in the invocation.

3. APPROVAL OF MINUTES

It was moved by Council Member Trapp; seconded by Council Member Robinson and Vice Chairman Perry to approve the minutes of the regular meeting of January 9, 2012; regular meeting of January 23, 2012 and worksession of January 24, 2012. The motion carried unanimously.

PUBLIC HEARING

• An Ordinance (No. 599), Amending Ordinance No. 596, The Fairfield County Land Management Ordinance, To Include Riparian Buffer And Providing For The Proper Administration, Supervision, Setting And Usage, As The Case May Be, Of Riparian Rights Of The Bodies Of Public Waters Located Within The Confines Of Fairfield County, And Other Related Matters. *Chairman Ferguson opened public hearing at 6:08 P.M. The following persons spoke during public hearing: Ms. Becky McSwain, Mr. Milt Marley, Mr. Richard Foote, Mr. Gordon Thursvold, Mr. George Jeandheur, Ms. Pearl Foote, Mr. Jerry Nealy, Ms. Sarah Williams, Mr. David Merryman. After hearing comments from County Council, Chairman Ferguson closed public hearing at 6:26 P.M.*

• An Ordinance Of Fairfield County, South Carolina Adopting The 2009 Edition Of The International Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures; By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use; And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use, And The Demolition Of Such Existing Structures In The Unincorporated Area Of Fairfield County; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith.

Chairman Ferguson opened public hearing at 6:28 P.M. After hearing comments from County Council, Chairman Ferguson closed public hearing at 6:39 P.M.

- An Ordinance Of Fairfield County, South Carolina Adopting The 2009 Edition Of The International Existing Building Code, Regulating And Governing The Repair, Alteration, Change Of Occupancy, Addition And Relocation Of Existing Buildings, Including Historic Buildings, In The Unincorporated Area Of Fairfield County; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith. *Chairman Ferguson opened public hearing at 6:41 P.M. After hearing comments from County Council, Chairman Ferguson closed public hearing at 6:44 P.M.*

- An Ordinance Authorizing A New Simplified Fee In-Lieu Of Property Tax Arrangement Pursuant To A Fee Agreement Between Lang-Mekra North America, Llc ("Company") And Fairfield County, South Carolina ("County"); The Transfer Of Property Subject To An Existing Sale-Leaseback Fee-In-Lieu Of Property Tax Arrangement Between The Company And The County To The New Simplified Fee-In-Lieu Of Property Tax Arrangement Between The Company And The County; The Cancellation Of The Lease Agreement, Memorandum Of Lease Agreement, And Inducement Agreement, As Amended, For The Existing Sale-Leaseback Fee-In-Lieu Of Property Tax Arrangement; The Addition Of Lang-Mekra North America Properties, Llc As A Sponsor Affiliate To The New Simplified Fee In Lieu Of Property Tax Arrangement; Authorizing And Providing The Prior Consent And Approval Of The County To The Transfer Of Economic Development Property From The Company To Lang-Mekra North America Properties, Llc; And Other Related Matters. *Chairman Ferguson opened public hearing at 6:45 P.M. After hearing comments from County Council, Chairman Ferguson closed public hearing at 6:50 P.M.*

- An Ordinance Authorizing The Addition Of Lang-Mekra North America Properties, Llc As A Sponsor Affiliate To The Existing Fee In Lieu Of Property Tax Arrangement Between Lang-Mekra North America, Llc ("Company") And Fairfield County, South Carolina ("County"); Authorizing And Providing The Prior Consent And Approval Of The County To The Transfer Of Economic Development Property From The Company To Lang-Mekra North America Properties, Llc; And Other Related Matters. *Chairman Ferguson opened public hearing at 6:51 P.M. After hearing comments from County Council, Chairman Ferguson closed public hearing at 6:53 P.M.*

PRESENTATION

Ms. Gloria Kellerhals gave a presentation on the Catawba Regional Local Food Coalition.

4. PUBLIC COMMENT

Mr. Nelson Lacy, Mr. John Peoples and Mr. Tommy Wright all spoke on the matter of the hospital.

5. COMMITTEE REPORTS

None.

6. OLD BUSINESS

A. Second Reading: Ordinance No. 599 - Amending Ordinance No. 596, The Fairfield County Land Management Ordinance, To Include Riparian Buffer And Providing For The Proper Administration, Supervision, Setting And Usage, As The Case May Be, Of Riparian Rights Of The Bodies Of Public Waters Located Within The Confines Of Fairfield County, And Other Related Matters. *It was moved by Council Member Robinson; seconded by Council Members Trapp and Brown to approve Second Reading of Ordinance No. 599. The motion carried unanimously.*

B. Second Reading: Ordinance No. 600 - An Ordinance Of Fairfield County, South Carolina Adopting The 2009 Edition Of The International Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures; By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use; And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use, And The Demolition Of Such Existing Structures In The Unincorporated Area Of Fairfield County; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith. *It was moved by Council Member Trapp; seconded by Council Member Robinson to approve Second Reading of Ordinance No. 600. The motion carried unanimously.*

C. Second Reading: Ordinance No. 601 - An Ordinance Of Fairfield County, South Carolina Adopting The 2009 Edition Of The International Existing Building Code, Regulating And Governing The Repair, Alteration, Change Of Occupancy, Addition And Relocation Of Existing Buildings, Including Historic Buildings, In The Unincorporated Area Of Fairfield County; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith. *It was moved by Council Members Trapp and Perry; seconded by Council Members Robinson and Kinley to approve Second Reading of Ordinance No. 601. The motion carried unanimously.*

D. Second Reading: Ordinance No. 602 - An Ordinance Authorizing A New Simplified Fee In-Lieu Of Property Tax Arrangement Pursuant To A Fee Agreement Between Lang-Mekra North America, Llc ("Company") And Fairfield County, South Carolina ("County"); The Transfer Of Property Subject To An Existing Sale-Leaseback Fee-In-Lieu Of Property Tax Arrangement Between The Company And The County To The New Simplified Fee-In-Lieu Of Property Tax Arrangement Between The Company And The County; The Cancellation Of The Lease Agreement, Memorandum Of Lease Agreement, And Inducement Agreement, As Amended, For The Existing Sale-Leaseback Fee-In-Lieu Of Property Tax Arrangement; The Addition Of Lang-Mekra North America Properties, Llc As A Sponsor Affiliate To The New Simplified Fee In Lieu Of Property Tax Arrangement; Authorizing And Providing The Prior Consent And Approval Of The County To The Transfer Of Economic Development Property From The Company To Lang-Mekra North America Properties, Llc; And Other Related Matters. *It was moved by Council Member Trapp; seconded by Council Members Robinson and Kinley to approve Second Reading of Ordinance No. 602. The motion carried unanimously.*

E. Second Reading: Ordinance No. 603 - An Ordinance Authorizing The Addition Of Lang-Mekra North America Properties, Llc As A Sponsor Affiliate To The Existing Fee In Lieu Of Property Tax Arrangement Between Lang-Mekra North America, Llc ("Company") And Fairfield County, South Carolina ("County"); Authorizing And Providing The Prior Consent And Approval Of The County To The Transfer Of Economic Development Property From The Company To Lang-Mekra North America Properties, Llc; And Other Related Matters. *It was moved by Council Member Trapp; seconded by Council Members Perry and Robinson to approve Second Reading of Ordinance No. 603. The motion carried unanimously.*

F. Agenda Items For March 7, 2012 Capitol Hill Visit. The Clerk to Council recapped the previous discussions of Council pertaining to proposed projects for discussion with the Congressional Delegation, along with new correspondence that has surfaced from the SCEMD pertaining to the serious water situation in Fairfield County. Chairman Ferguson pointed out that the County is in the process of setting up a joint meeting with the Town of Winnsboro.

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. *It was moved by Council Member Robinson; seconded by Council Members Brown and Kinley to approve the Resolution as referenced above. The motion carried unanimously.*

B. Capital Sales Tax. *No motion or recommendation came forth from the Council; therefore, the Chairman rendered the issued to be no longer valid or relevant.*

C. Fairfield Memorial Hospital Finances. Mr. Hinely asked Mr. Mike Tanner to give a presentation on: if there were not a hospital in Fairfield County, how would that affect the ambulance service?

It was moved by Council Member Robinson "that we fund the hospital for their requested monies; but, tied to that is to give us a detailed, quarterly report that shows actually what is still owed--the type request that we made for the meeting this past week (not just a trial balance; not just a balance sheet--detailed of what is owed, to whom, and what monies are coming in)".

Chairman Ferguson asked Mr. Hinely to work with Mr. Williams to detail a sheet that would bring in that information. He then inquired of Council Member Robinson if she were making the motion (pointing to the figure on the handout). She responded it was a fraction more than they asked initially, but it was fine.

Council Member Brown seconded the motion, requesting to "add to it the fact that, in the future, I don't want to see these same top two items on the list again, because when you are dealing with other people's money—I don't know where you are going to cut, but from now on, don't use this money."

Chairman Ferguson asked Council Member Robinson if she would amend her motion to specify the three (3) things (State Retirement, State Health Plan and Town of Winnsboro) that this amount of money (\$1,202,741) is going to pay for, and asked that Council Member Brown second it. The amendment was so moved by Council Member Robinson and seconded by Council Member Brown. Council Member Brown asked that it be known that this is not new money and not new tax; but is fund balance money that the County happens to still have in its coffers. The amendment to the motion and main motion carried 6-1. {Council Member Kinley abstained from voting}.

8. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE

a. Mr. Steven Gaither was asked to give an update of the Peach Road Interchange, Shoulder Widening Project. It is estimated that the shoulder widening project would cost approximately \$1,080,000.00. A letter of commitment would be required from the County, (20% match = \$216,000.00) to complete the project. A letter must be drafted to Congressman Mulvaney requesting his support and approval of this project. The 2.45 miles was established as part of the original request from Fairfield County to add shoulders to the corridor from the Town of Ridgeway to the interchange. That will show a direct connection to the interchange which is the original intent of the earmark. Chairman Ferguson set forth that Council may want to take this request to Congressman Mulvaney, as well as petition the SCDOT for a 15% match.

9. CLERK TO COUNCIL'S REPORT

- a. End of March, 2012: Terry Vickers' Retirement.
- b. Saturday, March 3, 2012: Laughlin McDonald Celebration, 3 – 5 PM, Nazarene Church.
- c. Thursday, February 16, 2012: CTC Meeting, 5:15 P.M., Public Works Department.
- d. Monday, March 19, 2012: Intergovernmental Council Meeting, 6:30 P.M., Midlands Tech, QJC.

10. BOARD AND COMMISSION MINUTES

Provided as information.

11. INFORMATIONAL ITEMS

Provided as information.

12. COUNTY COUNCIL TIME

Robinson: *Commented on the discussion with the hospital board the other night as it pertains to other means of attaching money, i.e., tax refunds in order to pay bills, send bills to probate court when one dies in order to collect past due bills, and attaching liens to real estate, and was told that had been a Council decision, and so moved; with a second from Vice Chairman Perry, that the hospital start filing claims against landowners and property owners in the County as a way of obtaining additional income.* During discussion, members of Council asked specific questions concerning this matter and received responses from Attorney James as appropriate. Subsequently, by show of hands, the vote was 3 in favor (Perry, Brown, Robinson); 3 against (Marcharia, Trapp, Ferguson); 1 abstention (Kinley).

Upon consultation with Attorney Jack James pertaining to the 3-3 tie, Mr. James set forth that the vote is not carried.

Robinson: Commented on the new district map and had a question about particular lines; citing a straight line that exists between districts 2 and 3. Also cited a situation between districts 1 and 2 off Longtown Road, and requested that the Council request the Statistical Department to write property line descriptions.

Perry: Commented that district 1 no longer has a park and asked if the Administrator would inquire about a particular piece of property that exists in Ridgeway to ascertain if it may be feasible for a library/community park in the Ridgeway area.

Brown: Commented that the Budget and Control Board or the Ways and Means Committee now has a new formula for Aid to Subdivisions and opined that phone calls need to be made concerning this.

Kinley: Commented that she has received several calls about furniture or appliances being dumped across the street from them and opined that the litter control program needs to be implemented.

13. EXECUTIVE SESSION: Receive Legal Advice; Economic Development Matter

At 8:19 P.M., it was moved by Council Member Brown; seconded by Council Member Kinley to go in executive session to receive legal advice and discuss an economic development matter. The motion carried unanimously.

At 9:20 P.M., it was moved by Council Member Robinson; seconded by Council Member Kinley to come out of executive session and return to regular session. The motion carried unanimously.

Chairman Ferguson stated that no official action was taken in executive session. Mr. Hinely was instructed to go forth and look into a prospective project and report that back at the appropriate time.

14. ADJOURN

The meeting was adjourned at 9:20 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN