



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
FEBRUARY 15, 2016**

Present: Mary Lynn Kinley, Kamau Marcharia, Marion B. Robinson, Dan W. Ruff, Billy Smith, Walter Larry Stewart, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Shryll M. Brown, Clerk to Council; Jack James, County Attorney

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 one hundred fourteen other individuals.

1. CALL TO ORDER

Vice Chairman Marcharia called the meeting to order at 6:01 P.M. He announced that Chairman Robinson would not be present tonight due to a health reason, and asked that everyone pray for her and her family.

2. APPROVAL OF AGENDA

Mr. Pope asked to add under the report of the County Administrator an additional explanation of the recreational and public safety update. *It was moved by Council Member Robinson; seconded by Council Member Smith to amend the agenda to add the recreational and public safety update under the County Administrator's report. **The motion carried unanimously.***

3. INVOCATION

Council Member Smith led in the Invocation.

4. APPROVAL OF MINUTES

*It was moved by Council Member Kinley; seconded by Council Member Robinson to approve the minutes of the Work Session of January 20, 2016 and Regular Meeting of January 25, 2016. **The motion carried unanimously.***

5. PUBLIC PRESENTATIONS

None.

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 Clerk to Council set forth that her understanding was that Council approved an amendment to the agenda, under the County Administrator's Report, of an explanation of the recreation and public safety updates. She inquired if that would now allow Mayor Greg Ginyard, who signed to speak on recreation under Public Comment #2, to speak under Public Comment #1. Council indicated that it would; however, Mayor Ginyard indicated he preferred to speak under Public Comment #2.

- Mr. Jimmy Ray Douglas - Budget
- Ms. Kerry Matthews - Strategic Plan

7. PUBLIC HEARING

None.

8. ORDINANCES, RESOLUTIONS AND ORDERS

A. Second Reading: Ordinance No. 660 - An Ordinance Authorizing The Acceptance Of The Transfer Of Authority For Conducting Municipal Elections In The Town Of Jenkinsville To The Fairfield County Voter Registration And Election Commission; To Define The Powers, Duties, And Responsibilities Assumed By The Fairfield County Voter Registration And Election Commission For The Conduct Of Municipal Elections In The Town Of Jenkinsville; To Provide For Reimbursement Of All Cost And Expenses Incurred By The Fairfield County Voter Registration And Election Commission In The Conduct Of Such Municipal Elections; And To Provide For Other Matters Relating Thereto. *It was moved by Council Member Smith; seconded by Council Member Kinley to approve Second Reading of Ordinance No. 660. **The motion carried unanimously.***

B. First Reading (By Title Only): Ordinance No. 661 - To Establish An Amended Operating And Capital Budget For The Operation Of The County Government Of Fairfield County For The Fiscal Year Commencing July 1, 2015; To Provide For The Levy Of Taxes For Fairfield County For The Fiscal Year Commencing July 1, 2015; To Provide For The Expenditure Of Tax Revenues And Other County Funds; To Provide For Other County Purposes; To Provide For Certain Fiscal And Other Matters Relating To County Government. *It was moved by Council Member Kinley; seconded by Council Member Smith to approve First Ready (By Title Only) of Ordinance No. 661. **The motion carried unanimously.***

C. First Reading (By Title Only): Ordinance No. 662 - Authorizing Fairfield County, South Carolina To Purchase And Develop Approximately 5.04 Acres Of Real Property Located On Camp Welfare and Wateree Roads (Tax Map Parcel Number 042-00-00-044-000) To Be Used For Recreational Purposes. *It was moved by Council Member Robinson; seconded by Council Member Kinley to approve First Reading (By Title Only) of Ordinance No. 662. **The motion carried unanimously.***

9. BOARD AND COMMISSION MINUTES

Provided as information.

10. BOARD AND COMMISSION APPOINTMENTS

A. Behavioral Health Services Board. *It was moved by Council Member Kinley; seconded by Council Member Robinson to approve the Appointment Ratification as presented for the Fairfield County Behavioral Health Services Board. **The motion carried unanimously.*** The Clerk announced the following appointments: Mr. Douglas E. Pauley, Jr. (representing District 3); Ms. Jannita (Ann) Gaston (representing District 7).

11. OLD BUSINESS

A. Animal Control Ordinance Revisions. Mr. Pope reported that this item is a follow up to the work session that Council had on this matter. The ordinance, with the revisions included, was placed in the Council packet. Ordinance No. 535, pg. 8, there were two modifications to that: add language regarding restraint and sheltering.

Page 8, Section 1, the following language was added:

Domestic animals must be kept under restraint, which is defined as the act of keeping an animal, which is under the immediate physical control of a person capable of restraining the animal, by means of a collar and leash, or by passive means of control, such as a fence, kennel, or other confinement device, or tethered, which is defined as a chain, rope, leash, cable, or other device that attaches to a single stationary point.

Page 12, Section 3, the following language was added:

Adequate shelter means shelter that is an enclosed, weatherproof structure that is manufactured or constructed expressly for housing a dog or cat that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather (S.C. Code Section 47-1-10). It must be accessible to an animal and be of sufficient size and nature so as to provide the animal with adequate protection from the sun, heat, cold or rain, and it must be elevated off the ground of sufficient height to keep water, snow or ice from entering and allow the animal to remain comfortable in outside conditions. Examples of unacceptable shelter include, but are not limited to: underneath or inside motor vehicles, garbage cans, cardboard boxes, plastic or metal barrels, animal transport crates or carriers, under houses, structures, decks, outside steps or stoops.

Questions and Comments:

- Concerned about adequate shelter, because there are a lot of people in the county in rural areas that have pets where the dog won't go in the dog house. Concerned about it being elevated off the ground where it reads: "and it must be elevated off the ground of sufficient height to keep water, snow or ice from entering and allow the animal to remain comfortable in outside conditions". Think it said just prior that it had to be protected from water, snow or ice, and do not think this part is necessary.
- Talked about expressly defining it, but also backing it up with what is already in existing State law. Have a complaint-based ordinance, so those items where there is concern would have to be brought to the attention of Animal Control. The shelter has to be provided; it does not say that the animal has to go in it.
- Suggest the part that reads: and it must be elevated off the ground of sufficient height to keep water, snow or ice from entering and allow the animal to remain comfortable in outside conditions" be removed.
- Talked about plastic or metal barrels being acceptable; believe under houses are acceptable also, as long as they are protected from the weather and are dry and safe.
- There was a question about "barrels". What was said under this language, can still use those. As a correction, the "garbage cans" was supposed to stay in the language, but the "plastic or metal barrels" was supposed to be deleted. The other portions was intended to be there for consideration.
- Believe under houses should be taken out also.
- Some houses are open underneath and are not closed in and rain pours in. Feel like this needs to stay in.
- Agree with Council Member Ruff that it would be more sensible to cut it off after "cold or rain". Where it says it must be elevated off the ground would be taken care of at the top of the section where it says "adequate shelter" means shelter that is an enclosed, weatherproof structure that is manufactured or constructed expressly for housing an animal... Believe if it is cut off where Mr. Ruff is suggesting would be fine, as it is a little redundant.
- Put a period after "rain." Where that comma is, put a period. That covers if they are under a house, and if there is water under the house, that covers that.

*It was moved by Council Member Smith; seconded by Council Member Kinley to accept the changes as outlined by the Administrator. **The motion carried unanimously.***

*It was moved by Council Member Ruff; seconded by Council Member Smith to amend the motion to adopt the revisions, with the following change: end the sentence in Section 3 with the word "rain". **The motion carried unanimously.***

B. Noise Ordinance Revisions. Mr. Pope pointed out that based upon the consensus discussion of the Council, there were two items that were impacted in this Ordinance:

Third page, number 8, was suggested to be deleted: Noise associated with or resulting from the normal operations of any animal shelter, animal adoption center, boarding facility, professional kennel, pet shop, dealer or business.

Number 9 (renumbered): Noise associated with the legal operation of any firearm. "while hunting" was deleted.

The two changes above came out of the work session to be considered.

It was moved by Council Member Smith; seconded by Council Member Kinley to table this proposal indefinitely, if he may be allowed to hold the floor after the second, citing the reason he would like for Council to table the proposed Ordinance is he thinks Council has come to a little bit better agreement across the board and with Sheriff as well. He stated that in the beginning, the Sheriff wanted to go ahead with the current Ordinance on the books and put in place a decibel level limit in the Ordinance. He set forth that Council should consider going back to what the Sheriff asked for in the first place; however, there were different thoughts about how things would go. He asked if Council could table this matter tonight and bring it forward at the next meeting what the new proposal is, where Mr. Morris, a citizen with whom he worked with, has sent in to actually put in the decibel level limit into the current Ordinance, and he would not want to vote on it tonight, as some definitions need to be inserted.

Council Member Kinley inquired if the Sheriff could okay this, yes or no, if it suits him and if he and the Magistrate's can enforce this, with adding the decibel system into it.

Mr. Pope pointed out parliamentary procedures would be so that this matter would not have to be taken all the way back, Council may want to consider just deferring the item and bring it back because if it is tabled, it suggests that Council is starting the process over.

Council Member Kinley withdrew the second; Council Member Smith withdrew the motion to table the matter.

*It was moved by Council Member Smith; seconded by Council Member Kinley to defer the proposed Noise Ordinance revisions until the next Council meeting. **The motion carried unanimously.***

12. NEW BUSINESS

None.

13. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE

A. Fairfield Memorial Hospital Funding Request. Communication was sent to Council last this afternoon from Chairman Robinson, suggesting that Council consider hold its questioning at this particular time until the session on Wednesday with the consultants to be able to ask some additional questions; however, under the Administrator's report, desire to make clear what the First Reading on the agenda was for, which was By Title Only, if this Council were to decide to appropriate monies to the Hospital, that would have to be by a budget amendment to begin that process so that Council will have the option of moving forward with that. The Hospital's request is two-fold: Wellness Works Implementation Fee and First Year for \$146,250.00 and CT and MRI Maintenance Agreement and One Year for \$305,523.46. Council has had a number of questions, which have been forwarded to the Hospital. They have responded and that information has been provided back to the Council. If there are further questions, Administration would ask that they be forwarded for the Hospital's response. At the March 14th meeting, hopefully Council can further consider this information as well as completion of the questions that Council has pending.

B. Harvest Hope Food Bank. The St. Luke Baptist Church Food Pantry, in partnership with Harvest Hope Food Bank, have a mobile pantry one-day only event on Friday from 10:00 a.m. to 12:00 noon. Questions may be directed to the Church at 803-635-9966.

C. Element Electronics Lay-Offs Update. Approximately two weeks ago, after the Walmart closing, Element Electronics laid off nearly 85 employees. Over 250 employees are still working there. In looking back at the FILOT incentive agreement that the County entered into, Element is totally in compliance with those criteria. The County also has clawback agreements in the event they falter anytime on any matter. Anticipate they will be picking back up to bring those individuals back on line to continue the assembly of televisions in our community.

D. Walmart Update. Administration sent out information to the community through the Chamber email list and other sources. Had a discussion with corporate officials about our Walmart store closing here. There are no plans that Walmart has to revisit or reopen the facility here. The building itself is now owned by corporate Walmart; but rather owned by a separate LLC. A meeting with the County and family that owns that particular facility. Council has been in discussion about this and has pledged up to \$100,000.00 for the marketing of that building to have it retrofitted if necessary for other retail type establishments. Most of the employees that worked at the facility took packages and some of them have been relocated to the Midlands area or to the Chester store. There are approximately 17 people considered to be dislocated workers. Have worked with them through Workforce Liaison Department and with the WIOA Department to help with resumes and potential job opportunities at other locations.

E. Strategic Plan Update. On the Strategic Planning process, there are two issues going on parallel tracks. The County-wide Strategic Plan's budget was over \$300,000.00. That scope of work entailed the four community meetings all across the County in strategic locations. Council appointed seven Project Advisory Council members who recommended the locations best to have the community meetings. The consultants have gathered a terabyte of information and data about this County. There was some clarifications or corrections made from the meeting at the School auditorium to the next meeting regarding the survey. There were no children that were actually provided survey information. That was clarified at the next meeting. The consultants will come back to this body to give an update on all of those things. Another related portion to that is an update on the Economic Development Plan. Those are two different projects going on parallel

tracks. Both consultants are talking to each other to make sure we don't duplicate efforts on that. The Economic Development piece will be completed prior to the Strategic Planning piece, which won't be completed until after the budget.

F. Local Government Fund. Both members of the Delegation have responded back in writing of their support of fully funding, based upon the formula, of the Local Government Fund. The County has not been fully funded in the Local Government Fund the last twenty years. The County is not asking for more revenue; however, are asking the General Assembly to fund local governments under the Local Government Fund based upon what the State formula is.

G. Ambassadors For Economic Development. Chairman Robinson has had the Clerk send out information to Council to request our nominee. Based on consensus of that, Mr. Sean O'Connor is the 2016 Ambassador for Economic Development. Mr. O'Connor is the President of Breakthru Beverage of S. C., formerly known as Ben Arnold Sunbelt Beverage Company.

H. Budget Calendar. Council has already voted on the budget calendar and have already begun the budgeting process. Had several budget meetings with departments; will be meeting with outside agencies and with everyone who requests money from the County. Will be following through with them with Council's directive that staff received at the retreat. Will be using that to formulate the Administrator's Recommended Budget to Council.

I. Camp Welfare Road Property. Last piece of property that was needed to decide on for a community building and recreational site location. This is in the Mitford area. Will disclose the requested purchase price at the next meeting on Second Reading. This is where one of the two facilities that was agreed upon by Council in the recreation plan. A map will be provided at the March 14, 2016 meeting.

At the Ladd's Road site, there were some permitting issues that County ran into with SCE&G. Have had two locations that were under lease by the SCANA Corporation--one, Monticello or Overlook Drive Park and Ladd's Road. The Ladd's Road location was under lease; however, in order to get a site approval from the federal organization that approves everything in the impact area, that item would have had to go through them as well as through DNR. The County is under a contractual arrangement with the contractor to finish and complete all of the approved projects prior to Christmas of 2016. It has been decided to move forward with that particular location instead of waiting on and creating contractual problems at the Ladd's Road site. The Ladd's Road site will be approved for future recreational activities if and when the Council appropriates additional money or has a Phase II on recreation. Information was disseminated regarding the clearing of trees and the using of fill dirt from that site. SCANA gave the County approval to be able to use fill dirt from the Ladd's Road site on the Monticello site. Have a split EMS and fire station at Monticello.

Will have a map at the March 14, 2016 meeting of the Mitford location.

Ridgeway Fire Station. That building that was there was demolished. The site has been graded and staked off and is underway.

Procurement Department is working on the modular unit that will go at Belton Park.

At the next meeting, will have a visual with the locations of all of the sites with a pictorial of the updates. Cost comparisons of the District 4 site will be available at the March 14 meeting.

14. CLERK TO COUNCIL'S REPORT

Reminded Council of the next Intergovernmental Meeting, hosted by the Town of Ridgeway, Thursday, February 18, 2016, Century House, 6:30 P.M.

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.

- Mrs. Bertha Goins - Words Of Encouragement
- Mr. Gregrey Ginyard - Recreation

16. COUNTY COUNCIL TIME

- Council Member Smith: Strategic Planning meetings
- Council Member Kinley: Strategic Planning meetings; School District Taxes; Information Given To Citizens
- Vice Chairman Marcharia: Strategic Planning meetings

17. EXECUTIVE SESSION

*At 7:12 P.M., it was moved by Council Member Kinley; seconded by Council Member Smith to go in executive session to discuss potential litigation matters regarding solid waste disposal and storm water management; a contractual matter regarding Fairfield Memorial Hospital and personnel matters regarding the Clerk to Council and the County Administrator. **The motion carried unanimously.***

*At 7:54 P.M., it was moved by Council Member Kinley; seconded by Council Member Ruff to come out of executive session and return to open session. **The motion carried unanimously.***

Vice Chairman Marcharia reported Council received information in executive session.

18. ADJOURN

The meeting was adjourned at 7:54 P.M., upon the unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

CAROLYN B. ROBINSON
CHAIRMAN