



MINUTES
SPECIAL MEETING
FAIRFIELD COUNTY COUNCIL
JUNE 7, 2001

Present: David L. Ferguson, Chairman; Robert W. Davis, Vice Chairman; Mary Lynn Kinley, Kamau Marcharia, Carnell Murphy, Council Members; J. Clay Killian, County Administrator, Shryll M. Brown, Clerk to Council.

Absent: Russell David Brown, 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 five other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 9:55 P.M.

2. INVOCATION

Vice Chairman Davis gave the invocation.

3. ITEMS FOR DISCUSSION

A. Economic Development Consideration

Chairman Ferguson introduced a letter addressed to him and the Council regarding a rezoning matter on Syrup Mill Road. He set forth that this is one of the rezones that was discussed the other night of which there was quite some controversy about it. The Chairman stated that back in January, the Council had done a special meeting and took a vote to allow the Administrator get in touch with this party to allow them to go ahead with their project, as it was initiated prior to Council {adopting} zoning. Further, the Chairman pointed out that since then, {and Ms. Perryman stated to him today that was the biggest reason she did this} and until Council suggested it, she did not have any intentions of rezoning; however, when the Council asked her to rezone, she put forth the effort to do so. Chairman Ferguson stated he has been in touch with her on quite a few

occasions attempting to work this out where it would be amenable to the Council and to the people on Syrup Mill Road and in that community. The Chairman indicated that Mrs. Brown (the Clerk) received this today at approximately 3:00 P.M., and Ms. Perryman and her daughter, Ms. Salo, as the property owners, requested that this rezoning application be withdrawn and cease from going forward. Chairman Ferguson expressed that the reason he wanted to have the meeting tonight was to allow Council to take a look at this and make sure everyone knows where they are on it. He added that on tomorrow, he will call all the parties that spoke at meeting other night, who are actual physical neighbors {one, two, and three on one side and one and two on the other side) and let them know that this is what the Council has done {was in a prior meeting}; however had Ms. Perryman wanted to continue with the rezoning, it was kind of a mute issue. The Chairman expressed that in the light of receiving this letter, it is a true factual issue of how she will be able to do her building and proceed with the three steps that she had brought forward in a letter of 1997.

Mr. Killian stated “you asked me to get some legal advice on whether or not we had all the steps in place to actually grandfather her. We ran it by Paul Swearingen just to double check. I was real confident, and Ron Stowers was real confident that we had, in fact, given her the go ahead based on the action Council back in January. The letter we had sent to her and the letter she sent to us that we had in the file; the steps that were taken, based on our letter, she had started incurring expenses with the engineering firm, etc. There are cases out there that say once you give them the go ahead and they start expending money, they probably grandfather themselves. In this case, based on the action that Council took, in her letter, when I read it, it is true that she has grandfather status, and she can do what she had planned in that letter, which is a three-phase building. I think she does have sufficient permission to move forward with her plans.”

The Clerk was asked to recite the motion from the minutes of the January 16, 2001 meeting. The Clerk stated that the motion carried, with four members of Council being present that night. Vice Chairman Davis expressed that he remembers specifically that meeting, and that is why

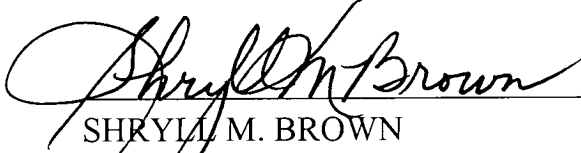
Council is trying to get exactly whether or not the letter that the Chairman sent indicated Council's position on the grandfather. Vice Chairman Davis asked the Clerk to recite the motion. Clerk: "After Council's deliberation on the matter, Vice Chairman Davis made a motion to authorize the Administrator to take the necessary measures to allow this project to proceed. Motion seconded by Council Member Kinley. During discussion, Council Member Robinson opined this needs to be spelled out a little more clearly, so that it will go in those guidelines—perhaps amending the motion a little. She voiced that the motion should reference the letter and point out that she will proceed in the fashion of going through the formal procedures to now have it zoned properly on record. Council Member Robinson amended the motion to state "based upon the letter that we have in our file of June 25, 1997, spelling out the use for the property." The amendment to the motion was seconded by Council Member Kinley and carried. Vote on the main motion was carried."

Vice Chairman Davis pointed out he wanted to bring out the attachment of the 1997 letter, and opined that Ms. Robinson did the right thing in attaching that to the motion.

Mr. Killian stated this clearly showed what Council felt in the grandfather--that she had the ability to build. Chairman Ferguson talked about Richland County's grandfather criteria, and indicated he called Mr. Killian and asked him to do some research and read to him the Ordinance {dealing with existing non-conforming uses}. He stated he in turn, called Ms. Perryman, and had the Clerk fax to Ms. Perryman a copy of the Ordinance so that she could show her attorney. Again, the Chairman stated he will call the people who spoke the other night at the meeting. Council Member Murphy voiced that even though it was done, it is not going to ease the problem down there.

4. ADJOURN

The meeting was adjourned at 10:15 P.M., upon the unanimous approval of Council.


SHRYLL M. BROWN
CLERK OF COUNCIL


DAVID L. FERGUSON
CHAIRMAN