



**FAIRFIELD COUNTY COUNCIL  
MINUTES  
SPECIAL MEETING  
JULY 20, 2009**

**Present:** Russell David Brown, Mikel R. Trapp, David L. Ferguson, Sr., Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Council Members; Philip L. Hinely, County Administrator; Shryll M. Brown, Clerk to Council

**Absent:** Carolyn B. Robinson, Council Member

**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 forty-three other individuals.**

**1. CALL TO ORDER**

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

**2. ITEMS FOR DISCUSSION**

**A. Midlands Technical College Summer Classes In Fairfield County Update**

Mr. Vann Gunter gave the following update:

- Offered 15 classes.
- 123 students attended.
- The courses that did cancel are a concern. Were working with the One Stop and they wanted us to offer some classes in welding and carpentry.
- Were at the end of the year for the school system and were trying to do it but didn't get enough lead time to make it happen.
- Trying to work around school schedules. Looking forward to having our own location so we can schedule things in advance. Have a number of classes coming up and in looking at the building, want some facility for doing health training because it has been a strong area of need that was indicated by the enrollment.

Questions:

- Can you go over that program that you all are starting to offer as far as nuclear tech?
- Is this just about the same program that they have been offering at Salkehatchie or whatever where they are supplying the nuclear plant?
- Tell me the pre-requisite for this course. What do you have to have before you can get into that course?
- You already have three from Fairfield?
- You were talking about the welding program and I was a little bit involved with that. I found out that we had canceled it. He had about 12 to 15 guys that were certified and weren't doing anything.

**B. Report From Mr. Kyle Michel Re: Stimulus Funding**

- When KMLF was retained, began work immediately--not only on the stimulus bill but on FY 2010 appropriations request and we quickly assembled four of them and took them to Washington, D.C. on time.

- I have provided this memo to let you know where we are on that and plenty of other things but I think the most obvious thing is we need to face the reality that the earmarks for 2010 have been, as of the end of last week, published and the two bills that we are

concerned with in the senate have been published as well. The projects that we have submitted were not funded. I have a list of all of the projects that Congressman Spratt had funded and all of the bills that we requested earmarks in as well as a few others

- What I am looking forward to doing is not only working with Council on taking a little bit more time to find requests that are important to the county that are in sync with where the Congressman is receiving funding but also having some time to discuss with him and his staff those projects so that he is more personally invested in them. We didn't have a chance to have that before I got started on this last year because of the time frame. The last thing that I would say on this subject, and I am happy to answer any questions is that my work does extend through the next submission process so as a consequence of the time that I was hired we will have another round of submissions one way or the other under what I am doing for the county on earmark requests.

- I will go on to the next subject which is the Transportation Reauthorization Bill. We have done everything we need to do on the house side of that bill. The administration has asked to extend that for 18 months and the senate is in favor of that while the house is not in favor of that. But I don't think the house is going to be able to win the day. The committee has already passed out of committee an 18 month extension of the transportation reauthorization bill. What this means is that this is a 5 year highway bill and local projects are included in that bill and they are going to push out the time that any local projects are going to be authorized by the federal government. I talked to senator Graham's office last week asking them once again if it was time to submit projects and they said that because the senate is doing a simple extension the minority, the republicans, and the majority as well are not going to attempt to put projects into an extension which I think is going to carry the day. However, I would note that the majority of the democratic offices have been asked to submit projects just in case. We don't have a democratic senator so we don't have any projects to go to Senator DeMint. Senator DeMint is not going to request any local projects one way or the other in a highway bill. I also had a conversation with Dan Dennis sort of off line conversation to look at additional places where there could be opportunities for road projects on federal aid eligible roads in the county so that we can have those worked up for whenever there is an opportunity to submit those projects.

- The Broad River Water Line. I have met with three different offices in Washington, D.C. The latest was Congressman Clyburn's office last week which asked me to use their name in putting together a meeting in Charleston with the deputy director of the core who is in charge of overseeing the projects like the one that we would have with the waterline. His name is Bill Stein and I am pledged to try to set that meeting up to discuss approval of the broad river water line project as a core project so that we would then be eligible for funding. I discussed the funding with Clyburn's office and there was every expectation that if they are sufficient congressional support that the funding would be there for a project at that level. There may be some matching funds but then there may not be and what I was told is if the project falls within the core guidelines, and it should, and it has congressional support then it could be funded out of Washington.

- On stimulus projects, I have read thoroughly the recently released broadband program and I think that is something that we need to consider putting in an application for. I know that there has been a lot of discussion of what that program could bring and let me break it down for you in three simple areas. It is a 7.2 billion dollar program and there is going to be 3 application periods. The first one ends in the middle of August. The second one is in December and the third one will be sometime in the spring of 2010. There is

funding for broadband infrastructure in underserved and unserved rural areas at USDA. It is a loan and grant program and it is available to private sector partners as well as public sector entities. That program pretty much envisions partnering with someone like TruVista or some of the other private sector people that we have had discussions with to provide an increased broadband access to rural areas. There is over 2 billion dollars currently available for that. In a separate pot of money, 50 million dollars with the possibility of going higher is a community computer center or public computer center program which would support more equipment for our library or any other place that wanted to establish a publicly available computer center. So, it doesn't have to be an already established computer center. That is something that we also should take a strong look at. I don't know if the library already is or not. The third pot of money is called the sustainable broadband adoption program which is a 150 million dollar program plus reserves because each of these programs have some reserves that they can take extra money out of to fund more projects of they wanted to and that is really any project that would be increasing demand for broadband or would be making innovative uses of broadband. I was in a meeting a few weeks ago and I was asked what is broadband? Broadband is basically high speed internet. So, high speed internet public computing centers and high speed internet innovative programs are what are available today to apply for. I have also talked to Norman Whitaker at the COG about this program. The COG is offering assistance with counties like Fairfield to help them get their state energy grants to help them get their state energy grants all the way up through filling out the application for them if they needed to. The COG is not filling out applications for broadband but as they say they are willing to help in anyway that they can.

- The last thing, and the last sort of extra issue is that I did have a meeting 2 or 3 weeks ago with Tiffany Harrison and the Ruff and Tuff executive team to try to find different ways that there would be any kind of federal funding or state funding to help them bring jobs back to Fairfield County by increasing the sales or funding for anything that they might do that could be available in stimulus funds and state funds otherwise and that is sort of an ongoing conversation.
- One other thing. The county did receive one earmark in the transportation HUD bill which is indicative of the difference in this year and other years and in this bill Spratt usually has 5 earmarks this year and he had 2. There was \$175 thousand for Fairfield county airport runway and taxiway rehabilitation. None of these are a done deal until they are passed through the house of the senate and signed by the president but that is of all of Spratt's earmarks that I looked at and I looked at all of the non-defense earmarks although I have to admit that I realize that there was one FEMA account that I didn't check before I got here and that is the only Fairfield County mark that was in his marks this year.

Questions:

- Let's go back to the Ruff and Tuff. I know one time they had a product that they were producing that there was a possibly that we were going to try to secure funding for. Wasn't there a process that we were going to try to get this approved?
- We talked one time about a group in Columbia doing a lot of work on batteries. I know Ed Parler said something to me about that. It probably needs to be connected with Ruff and Tuff.
- There is a place in Columbia that is doing battery research right now I believe.
- Midland Tech and the University have got a research program that is doing research on batteries.
- Michel: What would be helpful for me is to make some decisions or at least get with Mr. Gaither and to talk about this broadband program. I have in-depth knowledge of it because I have been working with a couple of other people on it and I want to try to do what ever I can to help get something going on that. The last ones of these were completed on Friday. I am going to complete a memo that shows what was funded on the house and the senate side and that will drive a lot of our thoughts for this coming round. For example, these are all of the Spratt earmarks and

the commerce state justice bill. Most of them were for police equipment and programs. I think one of those is not police so I think there are seven of them. We requested money for Peach Road in ~~financial services and general government bill. These are all of the earmarks that Spratt got in that~~ bill. We have got to factor that in and my discussions with that staff and say that we want to do things that are beneficial to the county but we also want to square them up with things because we don't want end up like this again next year. That is a process that I am willing to lead.

I understand the two that Congressman Spratt put in we will not know about until October when the budget is set?

- Hinely: Before we move from this subject what I would like to do is have Mr. Anderson and the Congressman to give a small two minute presentation because they have been working on the broadband and the energy and I think they should kind of give an update to everybody.

- Anderson: Mr. Gaither and TruVista are compiling the information for the packet. They will be trying to get the items in place so that we can be qualified for that. Trying to have that finished by August 1<sup>st</sup> as the target date. I think Mr. Hinely's office is writing a letter of support for TruVista to go along with that packet and that will be placed in that also.

- Anderson: On the energy audit, we are working on four buildings: the detention center, courthouse, administration building and the judicial center. We are about 90% complete on all of that information and we are getting some very enlightening information on the cost that it takes to operate these buildings. Obviously this is our worst building. We will have some information on that and it will be sent off for that stimulus money and we will have some very useful information so we can start moving toward a more green environment and making sure our buildings are energy efficient.

#### Questions:

Square footage comparison. Is this building harder to maintain than the courthouse per square foot?

### **C. Report From Public Facilities And Transportation Committee**

**1. Water Line Expansion Project.** Three requests were made: one of from Mitford Water and Sewer District, Mid County and the Town of Jenkinsville. The Council agreed that once a year they would provide assistance to these water purveyors and help them extend their water lines to provide some safety to the community in terms of fire hydrants. *I would like to make a motion for the extension of the water lines. The motion that I would like to make is that Mr. Hinely proceed with getting back with these water companies and correct any numbers that were discussed and to get the final information back to the Council. The motion was seconded by Chairman Brown and unanimously approved by Council.*

**2. Proposed Closure Of Road.** The second request was from two gentlemen who live off of Highway 34, who made a request to close Lost Acre Road, which connects to the Hopewell Church off of Highway 34. The recommendation for that was to ask Mr. Hinely converse with the church members as well as the two people who made the request to ensure that all lines and access to the roads is accomplished. No action taken on that; just to allow Mr. Hinely to follow up on this matter.

### **D. Composting Facility Update**

Mr. Anderson gave the following report:

- Initially, the description was a composting; however, due to lack of knowledge of the correct terminology, we will call it a mulching facility. At a composting facility you have a lot of leaves and trees that have decayed but in a mulching facility which we would like to operate, it would be more of a grinding of fine wood products.

- This is a timeline for our mulching facility. Estimated completion date for this facility would be about July of 2010. We have a local provider of this service, who is Mr. Kaiser of Kaiser Enterprises. Until we can get up and rolling and working with him, we are going to start taking some of our limbs and brush that we get from the Winnsboro and Ridgeway

site to him and we are going to negotiate a fee where he can charge the county at a reduced rate to keep this out of the landfill. By October of 2009, all of our contractors will be diverted to Kaiser and we will not have this going into the landfill from that point. By November we would like for the town of Winnsboro to follow suit and start taking their trees, stumps and greenery to this location so that it would not be a part of our transfer station filling up the landfill. Mr. Hinely sent you an email about over the past 20 years green products are really not allowed in a municipal waste landfill and for several years waste management has been pushing us to start a green transfer station beside the current one so this will help in that affect.

- We have started our future mulching site on Airport Road. We are working that site now so that process is ongoing. What I am showing you here in working with Kaiser and working with attendants through our public works department, we will have to take these bins down to him. In this bin, there is a lot of leaves and brush but it is not packed so it would be a lot of air space. What we are going to have to do is make sure that we have no bags. We have to be very clean. From the Winnsboro and Ridgeway site we are going to have some training with our attendants. When a person comes up, they have to see the attendance first and everything must be clean meaning no bags, no brush, no bottles, no contaminants because he cannot accept that on his site. On the other end you see that we have buckets and other types of debris. Mr. Gatson and his staff will be doing some training. We can start diverting that clean green product down to Cook Road.
- Other Problems. Mr. Kaiser doesn't take this type of material. When we have our mulching site in place, this heavy weight material can be diverted to our site and be grinded up. This could save us tremendous dollars in our bill every year with people throwing boards, old porches, and old houses away. We can take any type of wood product at our site, mulch it up and sell it back as mulch. This would be a big cost savings to the county.
- Other site conditions. We only have two sites that are below grade. At most of our other sites, people come in and throw the brush on the ground. It goes through a chipper and it chips it up and it isn't something you want to use for mulch because Mr. Brown told me that it has too many sticks in it. We will try to change that if we are able to get a grappler truck and pack all of the things on the truck and when we take it down to Kaiser we will have a full, packed load of green products to take to him. If we just take him the bins we will have to unpacked loads and that isn't worth the time going up and down the road. Also, when our mulching site is up and running, this valuable piece of equipment would be used daily in that operation. That way we can pick everything up, clean it, pack it down and carry a load of stuff to Kaiser enterprises and use it in our future site.

Questions:

- I don't have a question. I just have a comment. Mr. Kaiser first brought that idea up and I discussed it and I talked to Mr. Hinely about it and it is a good score for the county. Mr. Kaiser is in a bad downturn now because construction debris is what he does and there aren't any anymore so this will keep one of our county businesses in business and it is a lot more economical for us to do it like this than it is to put it in that waste stream and pay high bucks to send it down to Columbia. I appreciate Mr. Hinely and Mr. Anderson getting involved with it and I think this is going to be a win-win situation for the businesses of the county and also for county to get it out of the stream of the cost that we are paying now. I like the statement that Mr. Anderson came up with saying that he was going to have the town of Winnsboro to take their material down there because that is a big savings to us. They put more limbs, trash, and green material in the system than all of our citizens do so them hauling their debris down to Cook Road it will be amazing at the savings with the town paying their way instead of the county paying the way for them.
- Have we told them what we are going to do?

**E. Design Discussion Of The Fairfield County Quick Jobs Center**

Ms. Heather Mitchell, President, Boudreaux Group, made the following presentation:

- We are thrilled and honored to be a part of this project. We know it has a tremendous opportunity for Fairfield County and Midlands Tech and it has been a pleasure and a joy to work with Tiffany.

- We are here tonight to listen to you before we put pen to paper; before we start to design anything the most important thing we can do is listen to all of you. I am interested in hearing your vision for what the building should look like, how it should function and any character or any other buildings in town or in that county that would have any similar characteristics anything that you have seen elsewhere that you want us to take a look at. Those are the types of things that we would like to hear from you tonight as far as the inside, the outside, the site or anything that you think is important that we should take into consideration as we start the design process and we will certainly be back early in the process to show you some of our preliminary ideas to make sure you are excited and pleased with how the design is progressing before we move into more detailed construction documents.

#### **Questions And Comments About The Building From Council:**

- Kinley: I am just going to say right off of the bat. Please make it very 'go green' or whatever you can. Did I hear Mr. Gunter say that we wanted some health care classrooms in there? I know when we first started talking about this that was not something that we wanted in there but I think that is very important and I think you can see by the jobs that a lot of them are going to health care because that is the kind of job security. I think we do need some health care classrooms.

- Ferguson: I have given a lot of thought to this as you might have figured. We talked about, in the onset of this thing, before we got the last grant on this thing we were talking about two classrooms and two portable shop areas. I think that is undershooting for what is expected for Midlands Tech and from the county. I would like to see a minimum of at least four class areas with adjacent offices for those class areas for the teachers and an administration area. One of those classrooms could be a permanent computer lab with about 30 to 40 seats and put in a permanent welding shop with the other shop demodified so that we can bring things in and out of it as we need to do that with overhead doors. Set up a minimum of 20-25 welding stations in the room that we are going to designate as a welding area. In administration, the area in the front that could tie in to offices and things of that nature and to be mindful of when you are building shop areas is the closeness of the proximity to these other classrooms. That is something that is going to have to be well thought out. That is my ideas on it and I have had plenty of years in that kind of work.

- Perry: I think Mr. Gunter just mentioned it back there, but flexibility. Right now we are talking about welding with VC Summer and I am sure Midlands Tech has done studies to see what the future looks like beyond VC Summer. What is next? Is it health care which I think we are living longer but what the future holds so these classes could be more flexible as we move forward in the next 15 or 20 years.

- Ferguson: One other thing that I would like to see is the classroom setup. You guys saw it when we went down there on that Saturday morning and had our strategic planning meeting we were in one of those classrooms and that is basically the way that I would like to see those classrooms to be set up in that thing. PowerPoint being totally accessible meaning the teacher can come in, set a classroom up, and go to teaching without hunting stuff from other rooms and that kind of stuff. So, when we set it up, we need to have it set up for teaching. The diversity would be and we are planning on both on-site teaching and off-site teaching so that would have to be incorporated in.

- Marcharia: I kind of like to question about the flexibility of building it. I don't know what the square footage is going to be, the capacity of how many people can be trained there. We were talking about on a daily basis several hundred of people or 30 or 40 people at a time. I am not sure what type of training outside of welding is available. Is it going to be electrical training, carpentry, brick masonry? Has anyone said what kind of vocational training there might be offered. In terms of it being flexible I think you go back 25 to 30 years in Fairfield County and you look at the population there was 25,000 people 20 years ago and there is still 25,000 people. Whether we are going to grow as a nuclear power plant more people come here and it takes almost a decade to build those so in terms of flexibility, what are the prognostications of other companies coming to Fairfield County or the surrounding areas that this building can probably address if it flexible?

- Trapp: I think everything has been covered. The main thing is say is the flexibility also. My main concern is that I think we have a difficult site as far as the surroundings.
- Brown: I think the building needs to stand out so that when you are going up 321 your eyes will definitely catch it and draw your attention to it and I think we have enough history in the Fairfield County between Robert Mills, the courthouse, and everything else with columns and everything. Our judicial center that used to be an old colonial-looking A&P. I am saying it needs to have some height to it and it's not going to be two stories so it definitely needs to have some height and something that would draw attention to the people going up the main street. I don't think it needs to be real contemporary.
- I agree with Mr. Brown. Keep the character southern town and not modern or anything. If it is possible not to hide the animal shelter. If it is some way you can do it and not put it right slap in front of the animal shelter.
- Have we decided on the location on that property? I know we have property on both sides of the gravel road going in. Have we decided on which side we were going to put this on?
- How far is it back from 321?
- Hinely: I want to mention this to you. There is never enough community gathering space in a community, and like Mr. Ferguson said we went down to the college and one of the things that I would envision is that this would be used by the community but if we can have some of these rooms so that you can go into one room on a Saturday morning and not have to cool and heat the whole building. The other thing that the Council probably needs to talk with the college more so than this young lady is really what the expectations are. Do we start at 7 in the morning and leave at 11 o'clock at night because college doesn't pay for that, we do. I don't have the money for that. I envision that we start off with a night school and I may be totally off base but we need to decide that early on because that is going to be a big expense and operation and we have a tax count. I would think small community meetings. Hopefully it would be classes and people won't just show up. But in any community, you never have enough meeting space for the public. Let's say the Council wanted to just have a hearing on something and rather than heating this big monstrous building you could do that or whatever. Future home makers of America. We have job fairs all of the time since we are trying to do more and more of those and create jobs for people. Anything that would let people get things out of it. It needs to be flexible with moveable walls and things. I know that it is more up front but this is really needed.
- Ferguson: One of the things, Mr. Hinely, which we talked about, was when you get your employees together and have training, Van won't have that building filling up during the daylight hours. That opens up a training facility for EMS, EMT's, and for all of your employees when Davis wants to do a safety seminar for all of the employees in the county that gives us a place to do it without having to go out and arrange for somebody else. It will be a building that we physically own so I envision it being used a lot for great expectations for the county.
- Brown: Mrs. Brown wants to make sure that it would be conducive to serving refreshments. A small kitchen in these things would be really nice.

**F. Resolution: Consenting To The Lessor's Agreement As Part Of Certain Loan Transactions Involving The FILOT Arrangement By And Between Fairfield County, South Carolina, And Lang-Mekra North America, LLC, And Other Matters Thereto Related**

Mr. Michael Kozlarek made the following presentation:

- Lang Mekra came here in April asking the Council to approve a refinance of some of their existing loans. This is them again with the same deal as last time and nothing changes. I would be glad to answer any questions. As you know they do this between every six months and every year and it has been a little bit less than six months but they are refinancing again so apparently somebody's interest rates were better than mine.

Questions:

- What is the drop-dead date on all of this? I know it started a long time ago.

Kozlarek: I believe the original fee agreement was executed in '96. Typically those agreements are 20 years which means that the last investment period would 25 years from 1996 or 2021. I anticipate that we will see them every six months to a year for the

next 12 years. We are not changing the terms of the fee agreement. All that this is doing is approving the finances. To the extent that there is any change it is simply improving the new financing. Again, the only reason that the county is even involved in this is because this is one of the old types of tax arrangements where the county holds titles to the property and is releasing it back to the company. But for that they would not have to come and ask the county every time they wanted to do this.

*It was moved by Council Member Ferguson; seconded by Vice Chairman Trapp to approve the Resolution as presented. The motion carried unanimously.*

**G. Executive Session: Property Matter And Legal Matter**

*At 7:16 P.M., it was moved by Council Member Ferguson; seconded by Council Member Kinley to go in executive session to discuss a property matter and a legal matter. The motion carried unanimously.*

*At 8:20 P.M., it was moved by Council Member Ferguson; seconded by Council Member Kinley to come out of executive session and return to regular session. The motion carried unanimously.*

*Chairman Brown reported that no action was taken in executive session and there is nothing to report out in regular session.*

**3. ADJOURN**

The meeting was adjourned at 8:20 P.M., upon the unanimous approval of Council.

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SHRYLL M. BROWN  
CLERK TO COUNCIL

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RUSSELL DAVID BROWN  
CHAIRMAN