



**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
JULY 25, 2011**

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

**Absent:** Mikel R. Trapp

**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-one individuals.**

**1. CALL TO ORDER**

Chairman Ferguson called the meeting to order at 6:05 P.M.

**2. INVOCATION**

Council Member Kinley led in the invocation.

**3. APPROVAL OF MINUTES**

*It was moved by Council Member Brown; seconded by Vice Chairman Perry to approve the minutes of the regular meeting of July 11, 2011. During discussion, Council Member Marcharia noted "on those minutes, I just read them over before I came. I think there have been some mistakes on that last meeting. I think when we started that meeting off, Mrs. Robinson started that meeting off, and I am put under her name and under her words, and I don't see where she even had a conversation in that last meeting. What she said is put under my name--I am pretty sure; so I would ask that whatever I said...I have had two phone calls about this—that whatever I said be verbatim; that I get it from the transcript; and that's... If you have the copies of the minutes—that last paragraph stating that—that was not my language. That was, I think, Mrs. Robinson's language."*

Chairman: "Let's do it like this, Mr. Marcharia. Since there is a question about it, Madame Clerk, what we will do is, I will pull this from the agenda and we will move this to our next regular meeting. We will move on."

Marcharia: "Mr. Chairman, I am not quite finished. I also think, after reading those notes, if I am not mistaken, I thought Mrs. Robinson should recuse herself from the vote. She voted; made the motion; I think voted on the motion for the rezoning for Mr. Creighton and his client, and I think that's a conflict of interest. If you work for the Senator and you come here and vote for him to pass zoning. I think you should recuse yourself. At least that is my layman understanding of it, and I ask that this Council consider that, and whatever steps need to be taken—whether it be Attorney General or something, unless I am mistaken."

Chairman: We have a request from Mr. Trapp (and he is not here tonight), but Mrs. Brown called me earlier and asked me to take that particular rezoning off the books this time. The folks in that area and Mr. Peterson, who is the petitioner, are going to have a meeting before we have our next regular meeting, so that third and final reading will actually come forward at that meeting, instead of this one."

Marcharia: "There's going to be second; if what I just said, that would have to be revoted for a second vote; unless I am legally not right, and then it will proceed."

Ferguson: "Mr. Hinely, will you check on that through the legal means, please, and get back with us. That way, we will know officially what we need to do."

*Chairman Ferguson asked for a motion to amend the agenda to add a contractual matter. So moved by Council Member Kinley; seconded by Council Member Brown, and unanimously approved by Council.*

*Mr. Hinely asked Council to consider moving the order of the presentations to allow the Mr. Jimmy Joyner and the Eagle Scout recognition to be placed ahead of Mr. Barkevich. So moved by Council Member Brown; seconded by Vice Chairman Perry and unanimously approved by Council.*

### **PUBLIC HEARING**

Request For A Family Exemption Under Section 8-8.3 Of The Fairfield County Zoning Ordinance. Property Is 1.12 Acres In Size, Owned By Frankie Jackson. Tax Map No. 080-00-00-063. Property Is Located At 821 99 Road, Blair, South Carolina 29015. *No one from the public signed to speak; however, Chairman Ferguson asked Mr. Hinely if he would allow Mr. Stowers to elaborate on the request, which he did as follows:*

There is a clause in the zoning ordinance that allows a person to come before the Council and request that their property be divided to less than what the minimum lot size for that zoned area, as long as it is to go to a family member. The property is 1.12 acres in size, and to have a second residence on it would require two areas. This case, they basically divided it in half so that they could put a residence on there for a family member.

- Does this meet all land requirements and set-back requirements for septic tank and water?
- Is there public water on that piece of property or well, and DHEC will allow two houses and two septic tanks with one well?
- Are we going to have an easement for that well to be used on both lots?
- When I was reading through this, it had on there what we define as a family member, and I see this is being given to a niece. Under our language, it didn't particularly say that. It said a parent, son, daughter, brother, sister, grandparent or grandchildren. Would this qualify under that verbiage?
- When we do variances like this, it usually has something to do with hardships. I don't think I read that, but they move next to their parents...
- Just to make sure these people don't get caught behind the eight ball, if it is 1.12 acres divided by two, that is .56 hundredths of an acre. I think with a 150-foot setback from a well to a septic tank; three quarters of a acre is the smallest size lot you can put a well and septic tank on; but tell them they need to make sure before they start spending a whole lot of money. I think if it's just doing two septic tanks, it will be fine. I think if they were going to try to do wells; if they have public water, they will be okay. If they are going to try to get two wells on 1.1 acres of land and two septic tanks, I don't see how it's going to work.
- Is it mandatory that they have two wells or they can both...I know things that hadn't been grandfathered...
- It's possible that they wouldn't have to dig a second well, if they decided to do that and DHEC okayed it.

- I want to ask Mr. Stowers one more time to make sure we are not setting a precedent. Just by looking at our own verbiage, the way this document reads, to be make sure we are clearly within the guidelines of using a niece because it clearly states that an immediate family member is defined as a parent, son, daughter, brother, sister, grandparent or grandchildren. If we introduce the niece in and it doesn't say that in the verbiage, is that something that we traditionally have done in the past or are we setting a precedent going forward in the future?
- If we are going to do that, we need to have a meeting. At our next work session, we will try to work that in and get that written into the language so that it is very clear the next time we do it.
- Is DHEC actually the one who is going to decide if they need the second well or not? I don't know if that has ever been a DHEC decision.
- Since this is a family, when you have one well and two lots, then if the person ever does to sell the lot that does not have a well, then you have an encroachment on the other person's property and you can't sell it until you dig a well.
- Is there going to be an easement so they can use it (the heirs and assigns)?
- Since this is the niece, and as long as they don't ever need to separate the two properties and sell one or the other, then I think DHEC would prefer not serving more than one house because you become a water company.

*Hearing no additional comments, the Chairman closed public hearing at 6:22 P.M.*

#### **PRESENTATIONS AND RECOGNITIONS**

- Recognition Of Mr. Roy Hudson
- Recognition: Mr. Jimmy Joyner/Mr. Heath Costenbader/ Eagle Scouts
- Presentation: Mr. Joe Barkevich, W. K. Dickson & Company, Inc.
- Presentation: Fairfield County Fire Marshal
- Presentation: Fairfield County Veterans Affairs

#### **4. PUBLIC COMMENT**

Ms. Deby Stidham informed the Council that the Voter Registration and Elections department is open for business in its new location and thanked Council for the opportunity to occupy the new building.

#### **5. COMMITTEE REPORTS**

None.

#### **6. OLD BUSINESS**

**A. Second Reading: Ordinance No. 590 – Ordinance To Amend The Fairfield County Zoning Ordinance (Ordinance No. 498), To Provide For The Zoning Reclassification From RD (Rural Development District) To I-1 (Industrial District) For Three Parcels: (1) Forty (40.0) Acres Property (TMS No. 184-00-00-060) Zoned RD (Rural Development District) To I-1 (Industrial District); (2) Three (3.0) Acre Property (Portion Of TMS No. 184-00-00-091) Zoned RD (Rural Development District) To I-1 (Industrial District); (3) Six Hundred Forty One And Seventy Three Hundredths (641.73) Acres Property (TMS No. 184-00-00-096) Zoned RD (Rural Development District) To I-1 (Industrial District). Owner Is Fairfield County. Property Is Located Near Intersection Of Cook Rd. And Peach Rd., Ridgeway, SC, 29130. It was moved by Council Member Robinson; seconded by Council Member Marcharia to approve Second Reading of Ordinance No. 590. The motion carried unanimously.**

**7. NEW BUSINESS:**

**A. Request For A Family Exemption Under Section 8-8.3 Of The Fairfield County Zoning Ordinance. Property Is 1.12 Acres In Size, Owned By Frankie Jackson. Tax Map No. 080-00-00-063. Property Is Located At 821 99 Road, Blair, South Carolina 29015.** *It was moved by Council Member Marcharia; seconded by Council Member Kinley to approve the Request for Family Exemption referenced above. The motion carried 5-1. {Council Member Robinson voted nay}.*

**8. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE****a. Deputy County Administrator's Report**

1. Have a working maintenance plan to upgrade county buildings.
  2. Have made improvements to recreation building by adding LED sign.
  3. Old Voter Registration building has numerous deficiencies. Will be looking at options for disposal of building or coming up with an alternate plan for use.
- b. Mr. Dan Vismor presented the proposed changes to the Fairfield County Zoning and Land Development Ordinance.**
- Reformatted and combined Zoning and Land Development Ordinances into single document: Land Management Ordinance.
  - Section 1.1, Establishment of Districts: Added five new Districts:  
R-O, Residential-Office - provides for limited mixed use  
R-C, Rural Community District - provides expanded list of retail and service uses in rural areas rezoned RC, as shown on Comprehensive Plan map.  
RD-1, Rural Residential - A second RD District which does not allow CAFOs, and is intended to promote rural residential development.  
DOD, Design Overlay District - for application along major arteries and entrances into the County.  
NCS, Neighborhood Conservation and Stabilization District -to address property maintenance and upkeep
  - Section 1.2, Purpose of Districts: Amended and edited purpose statements.
  - Section 2.2 , Application of Regulations: Switched from 1987 SIC Code reference to 2002 NAICS reference code.
  - Section 2.3, Table I: Reestablished table using 2002 NAICS Code. Also expanded Table to include four new districts, and amended Table of Uses and Eliminated Special Exceptions.
  - Section 2.4, Table 2 (Dimensional Requirements)
  - Article 3, Conditional Uses
  - Article 4, Appearance and Greening Regulations  
Added two new sections: Buffering, and Significant (30" DBH) tree protection.  
Increased from 15% to 20% the amount of lot area devoted to landscaping for institutional uses.  
Added landscaping requirements for multi-family projects and manufactured home parks.
  - Article 5, Sign Regulations  
Increased sign area in B-2 and I-1 districts from maximum of 300 to 378 sq. ft. This is standard size of small billboard.  
Removed height restriction of 50' from signs located within 300 feet of interstate, and increased from 24' to 36' height of signs in B-2 and I-1 Districts.  
Expanded list of Temporary signs, reformatted into a Table and better detailed regulations governing their use, duration and location.  
Expanded provisions dealing with the removal of signs.
  - Article 6, Supplemental Parking and Loading Regulations. No changes.
  - Article 7, Land Development Regulations  
Complete rewrite and inclusion of regulations in new ordinance. Major changes as follows:  
  
Expanded regulations to specifically address design requirements for: (a) Conventional subdivisions, (b) Conservation subdivisions, and (c) Major land developments.  
Amended construction requirements for new streets to take into consideration soil conditions.  
Specifically addressed the development of flag lots.

Included requirement to tie into public water or sewer system if the proposed subdivision is of a certain size and located within a specified distance to such systems.

- **Article 8, General and Ancillary Regulations**

Included more illustrations and tables to make regulations more user friendly.

Reduced number of permitted single family dwellings on a lot from two to one in the R-1, R-2, B-1 and B-2 Districts. Also reduced the number of single family dwellings from six to two in the RD and RD-1 Districts.

- **Article 9, Establishment, Powers and Duties of Officials, Boards and Commissions Responsible for Administration of Ordinance**

This is a new Article, reestablishing by ordinance, the Planning Commission, ZBA and articulating the duties and responsibilities of both, together with those of the Zoning Administrator.

- **Article 10, Administration, Application and Required Permits**

This article has been substantially altered to include tables and charts to better define the administrative process.

- **Article 11, Definitions**

Amended this article to reflect new terms and words used in the revised Ordinance.

- **Article 12, Legal Status Provisions. No changes.**

Chairman Ferguson pointed out that the Council would need to have a worksession that is not tied to anything else, and concentrating on just the Land Management Ordinance. He also stated the Council would need to set up a date to continue discussing of the Economic Development Strategic Plan.

**c.** Mrs. Tiffany Harrison gave the Council a preview of the video that will be presented for the J. Mitchell Graham competition.

**d.** Addressed the complaint regarding the FEMA notification.

**e.** Invitation to Economic Development conference in Newberry, Wednesday, July 27, 2011.

## **9. CLERK TO COUNCIL'S REPORT**

None

## **10. BOARD AND COMMISSION MINUTES**

Provided as information.

## **11. INFORMATIONAL ITEMS**

Provided as information.

## **12. COUNTY COUNCIL TIME**

**Ferguson:** Asked Council to be cognizant of the various boards and commissions and to make a concerted effort to fill the vacancies.

**Kinley:** Commented that a constituent who works on bicycles and lawnmowers would go to the recycling centers; retrieve junked items; repair them and give them to the needy families at Christmas. The gentleman was informed he could no longer do this. Inquired if the county could place a bin specifically for used bicycles. Thanked the Administrator and Deputy Administrator for the work done on the new buildings.

**Robinson:** Asked about the status of the grinding facility. Inquired if the County has done the application, etc., to receive information necessary to begin redistricting.

**Perry:** Noted the article stating Santee Cooper was selling some of their interest in the reactors in Jenkinsville and inquired if there would be any impact on the County.

**13. EXECUTIVE SESSION: Contractual Matter**

*At 9:17 P.M., it was moved by Council Member Kinley; seconded by Council Member Robinson to go in executive session to discuss a contractual matter. The motion was carried unanimously.*

*At 9:36 P.M., it was moved by Council Member Brown; seconded by Vice Chairman Perry to come out of executive session and return to regular session. The motion carried unanimously.*

*Chairman Ferguson reported that Council received information and nothing to come forward.*

**14. ADJOURN**

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SHRYLL M. BROWN  
CLERK TO COUNCIL

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DAVID L. FERGUSON, SR.  
CHAIRMAN