



**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
JULY 27, 2015**

**Present:** Carolyn B. Robinson, 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

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 one other individuals.

**1. CALL TO ORDER**

Chairman Carolyn Robinson called the meeting to order at 6:03 P.M.

**2. APPROVAL OF AGENDA**

Mr. Pope respectfully requested that Council add, as Item {8}B, an Inducement Resolution Identifying A Project And Providing Preliminary Approval For Certain Incentives To Induce Project USA To Establish A Certain Manufacturing Facility Within Fairfield County.

Chairman Robinson asked if that would be considered an explanation also in regard to the Second Reading of the Ordinance. Mr. Pope set forth that this is regarding a present economic development project; specifically, the individuals involved would like Council to consider this, and the agenda can be amended if there is a majority of Council to agree to do so. *It was moved by Vice Chairman Marcharia; seconded by Council Member Kinley to approve the request to add the Resolution to the agenda.* Mr. Smith voiced that in accordance with FOIA, he did not think Council could add anything to the agenda within 24 hours, if it is an action item. ***By show of hands, the motion carried 6-1 (Council Member Smith voted nay).***

*It was moved by Council Member Kinley; seconded by Council Member Robinson to approve the agenda. **The motion carried 6-1. (Council Member Smith voted nay).***

**3. INVOCATION**

Council Member Smith led in the Invocation.

**4. APPROVAL OF MINUTES**

*It was moved by Council Member Smith; seconded by Vice Chairman Marcharia to approve the minutes of the Regular Meeting of July 14, 2015. **The motion carried unanimously.***

**5. PUBLIC PRESENTATIONS**

Mr. Rudolph Walker gave a six month progress report of the Midlands Fatherhood Coalition.

**6. 1<sup>ST</sup> 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 following individual signed to speak:

- Ms. Beth Jenkins - Strategic Plan
- Mr. Randy Bright - Strategic Plan

**7. PUBLIC HEARING**

None.

**8. ORDINANCES, RESOLUTIONS AND ORDERS**

**A. Second Reading: Ordinance No. 651** - Ordinance To Amend The Fairfield County Land Management Ordinance, Ordinance No. 599, To Provide For The Zoning Reclassification From RD-1 (Rural Residential District) To RC (Rural Community District) Of Seventy Five (.75) Hundredth Of An Acre Owned By Leroy E. Cohen Jr., Applicant Is Leroy E. Cohen Jr., Tax Map No. 165-00-02-007-000. Property Is Located At 67 Rocky 1 Road, Winnsboro SC 29180. *It was moved by Vice Chairman Marcharia; seconded by Council Member Kinley to approve Second Reading of Ordinance No. 651.* During discussion, Vice Chairman Marcharia inquired which zoning district allowed hog farms, and asked about the number of entities that can be placed on the property? Council Member Smith inquired about what type things are permissible in the Rural Community District, but not in the RD-1 Districts, and took the opportunity to list a few of them. ***The motion carried unanimously.***

**B. A Resolution Identifying A Project And Providing Preliminary Approval For Certain Incentives To Induce Project USA ("Company") To Establish Certain Manufacturing Facilities Within Fairfield County, South Carolina, Including Certain (1) Negotiated Fee In Lieu Of Ad Valorem Tax Arrangements; (2) Special Source Credits; (3) Multi-County Industrial Or Business Park Arrangements And (4) Other Matters Relating Thereto.** Mr. Pope stated the reason he asked to add this item to the agenda, as it has been an economic development project that the County has been working on for quite some time, and in the process of setting the agenda and working with legal counsel and the potential company, a Second Reading and Public Hearing will be held on August 10, 2015; consequently, this information will already be available and during the public hearing time, citizens will be able to comment. Additionally, Mr. Pope said, this Inducement Resolution gives more detail, and he took the opportunity to give a summary of the Resolution as follows:

Company Commitments: \$125,000,000 aggregate investment; 75 new jobs

Basic FILOT Terms: 6% assessment ratio; lowest allowable millage rate, fixed for the agreement's life; 5-year investment period; 30-year payment period for each annual increment of investment during investment period; real property not subject to reassessment

Credits: 60% special source revenue credit per year for the first ten FILOT payments

Multi-County Park: County will seek to have all property of Company within County designated as part of a multi-county industrial or business park

- Natural Gas Line: County will partner with the Town of Winnsboro to extend a natural gas line to project site at no cost to the Company in an amount not to exceed \$1,200,000, and the County will make reasonable efforts to provide a water line to project site at no cost to the Company
- Zoning: County economic development staff will support Company's seeking the rezoning of a portion of project site (approximately 180 acres) to industrial
- Grants: County will assist with the application and administration of any non-County grant funds, including those for road and rail improvements
- Clawbacks: Appropriate for the gas line expenditures, credits and other assistance offered by the County to the Company

Mr. Pope asked for Council's favorable approval. Mrs. Brown asked if Council is inclined to consider this Resolution, to also include assignment of Resolution No. 2015-07. *It was moved by Council Member Kinley; seconded by Vice Chairman Marcharia to approve the Resolution, with the assignment of No. 2015-07. **The motion carried unanimously.***

**9. BOARD AND COMMISSION MINUTES**

Provided as information.

**10. BOARD AND COMMISSION APPOINTMENTS**

- A. Board of Assessment Appeals
- B. Construction Board of Adjustments
- C. Hospital Board
- D. Library Commission
- E. Planning Commission

*It was moved by Council Member Kinley; seconded by Council Member Robinson to approve the Appointment Ratification as presented for the Board of Assessment Appeals. **The motion carried unanimously.***

*It was moved by Council Member Smith; seconded by Council Member Kinley to approve the Appointment Ratification as presented for the Construction Board of Adjustments. **The motion carried unanimously.***

*It was moved by Council Member Kinley; seconded by Council Member Robinson to approve the Appointment Ratification as presented for the Hospital Board. **The motion carried unanimously.***

*It was moved by Council Member Robinson; seconded by Council Member Ruff to approve the Appointment Ratification and Re-Appointment Ratification as presented for the Library Commission. **The motion carried unanimously.***

*It was moved by Council Member Kinley; seconded by Council Member Robinson to approve the Re-Appointment Ratification as presented for the Planning Commission. **The motion carried unanimously.***

*The Clerk announced the following appointments and re-appointments:*

**Board of Assessment Appeals**

Mr. Gordon Doty (representing District 6)

**Construction Board of Adjustments**

Mr. David E. Brandenburg (representing District 7)

**Hospital Board**

Mr. Clarence Gilbert (representing District 6)

**Library Commission**

Mrs. Jean McCrory (representing District 2)

Mr. H. Paul Dove (representing District 5)

**Planning Commission**

Mr. Tommy Wright (representing District 6)

Vice Chairman Marcharia asked to make an observation that, in the appointment of boards and commissions, he has noticed that in the last year or two, Council may want to be careful when they stack all the boards with just one race where there would be no diversity there.

Council Member Kinley asked Chairman Robinson to give an announcement about the up and coming boards and commissions training session.

Vice Chairman Marcharia, Council Member Robinson and Council Member Ruff all announced they have vacancies on various boards and commissions and solicited service from the citizens to fill these vacancies.

**11. OLD BUSINESS**

None.

**12. NEW BUSINESS**

None.

**13. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE**

**A. Request Of Action: HVAC Replacement Systems For Magistrate And DSS Buildings.** This request is to seek Council's approval to award a bid for HVAC replacements for those buildings to Cudd Heating and Air Conditioning. This matter went to committee, where it was recommended unanimously to move forward to full Council; however, the Administrator is asking for consideration of amending this to include one (1) additional five-ton unit for DSS. Last week, another one of the old units at the DSS building to go out. The amount was \$27,809.00, which was the lowest and responsive bidder. \$75,000.00 was budgeted in the FY 2015-2016 budget for this capital equipment and by adding the \$8,000.00, this request is still under budget. Mr. Pope asked for Council's favorable approval to amend that particular bid to \$35,809.00, instead of \$27,809.00. *It was moved by Council Member Kinley; seconded by Council Member Smith to amend the recommendation. **The motion carried unanimously.***

*It was moved by Council Member Kinley; seconded by Vice Chairman Marcharia to accept the Request of Action.* During discussion, Council Member Smith set forth that, in adding this extra unit for the DSS, even with this bid, the bid will still be under any of the other bids that came in as well, not only by budget. **The motion carried unanimously.**

**B. Request Of Action: 2015 Classification And Compensation Study.** This has been an item that staff has addressed with Council--even at the retreat in February. This is a process by which the County looks at the employees County wide and to check market rate pay to see how the County's wages stack up to other surrounding jurisdictions and will come with recommendations on how to address those things. Received four proposals; staff, through the evaluation process, recommended the Archer Company. That information went to committee and was recommended unanimously. The financial impact of the compensation study is \$24,386.00. \$18,000.00 was budgeted for this. The remainder of the funds will come out of the Human Resources Department operational budget to fund the difference to move the study forward. *It was moved by Council Member Kinley; seconded by Council Member Ruff to approve the Request of Action.* During discussion, Council Member Smith inquired of the portion that will come out of the HR Department's budget, asking what line item under that budget that will come out of. ***The motion carried unanimously.***

**C. Strategic Plan Update.** This is a contractual matter for Executive Session; however, Mr. Pope asked for the opportunity to respond to some of the questions that were posed regarding the Strategic Plan and the Strategic Plan process. Chairman Robinson also added that the Council held a joint work session with the School Board on October 7, 2014 to discuss the Strategic Plan and the future of Fairfield County. Council Member Marcharia asked to make a statement and to ask the attorney a question as it relates to the Strategic Plan, and said according to an email he received, in his opinion, threatening the Administrator. Chairman Robinson asked Vice Chairman Marcharia if he would save his comments until County Council time, to which Vice Chairman Marcharia complied.

**D. Local Government Fund Report.** Fairfield County is projected to receive \$905,078.00 from Local Government Fund monies; however, by statutory formula, Fairfield County is supposed to receive \$1,259,799.00, which actually shorts the County \$352,721.00. The Association of Counties encourages counties to ensure they talk with members of their Delegation to make sure the General Assembly fully funds the Local Government Fund formula. This shortfall builds up to be a problem for local governments. For example, the \$352,000.00 is close to equaling three mils of tax in Fairfield County.

**E. Economic Development Plan Update.** This relates to the Economic Development piece. Each of the counties are piggybacking off of the I-77 Regional Economic Development Regional. Administrator will be issuing the Notice to Proceed to Creative Economic Development Consulting to move forward with Fairfield County's Economic Development piece. This is at a cost of \$22,000.00, which were budgeted in the Economic Development budget for FY 2015-2016. Meetings will be set up with the County's Economic Development Committee, as well as with the County for input sessions for the Economic Development Plan piece and update for the overall Plan.

**F. CTC Solicitation.** The solicitation was rebid. The four pre-qualified vendors were kept, and they did not have to resubmit. Received three additional submissions. Will begin the process of reevaluating and bring a recommendation back to the Administration and Finance Committee.

**G. Quarterly Report Letters.** Per County Council's directive during the budgeting process, letters went out to all outside agencies to provide written quarterly reports to the Council on how the funding they receive from the County is being spent. If there are additional questions, Council can call entities in.

**H. Potential Legal Claim (Tax Assessor's Office).** Executive Session matter.

**I. Road Maintenance Potential Litigation.** Executive Session matter.

**J. Personnel Matters:** (1) Fairfield County Administrator; (2) Economic Development Director. Executive Session matters.

**K. Recreation Procurement Contract.** Receive legal update in Executive Session.

**14. CLERK TO COUNCIL'S REPORT**

None.

**15. 2<sup>ND</sup> 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.**

The following individuals signed to speak:

- Ms. Irene Mattox - Horse
- Ms. Marcia Campbell - MSI Funding
- Ms. Letichia Cunningham - MSI Funding

*{Chairman Robinson asked the audience to not applaud, or the Chambers will be cleared}.*

- Ms. Elizabeth Campbell - MSI Funding

*{For the second time, Chairman Robinson asked the audience to not applaud}.*

- Mr. Dan Campbell - MSI Funding

- Ms. Katie Maldonado - MSI Funding

*{For the third time, Chairman Robinson asked the audience to not applaud, and gave a brief statement of how taxes are collected and that this is a subject that has to be dealt with by the Fairfield County Delegation and School Board. Council Member Smith called for a point of order, asking the Chairman to hold her comments until County Council Time. Chairman Robinson stated she would take personal privilege at this time; stated she appreciated MSI coming tonight, but that Council has zero to do with the funding}.*

- Mr. Warren Varnadore - MSI Funding
- Ms. Marie Milam - MSI Funding
- Mrs. Minge Wiseman - Horse Response Plan
- Mr. Randy Bright - Fifty Million Dollar Man
- Mrs. Brenda Worthington (Declined to Speak)
- Mrs. MaryGail Douglas - Meeting Dates

**16. COUNTY COUNCIL TIME**

Marcharia: Mentioned the "Charleston 9" and the Mother Emanuel A.M.E. Church. Also talked about recent threats and why other Council Members did not find the threat to a public official offensive, and asked the Attorney if the Council can do something about it. Stated he believed the Chairman gave ample warning; that Council has always had rules about applause and that protocol needs to be followed. Stated that citizens in his community have inquired where does the Council's heart sit with bringing down the flag matter and inquired again about the threats.

Smith: Stated he did not recall seeing the email Vice Chairman Marcharia referred to. Also stated he was embarrassed by what happened here tonight and that Council should not conduct themselves that way. Gave his view on clapping, stating he did not see a problem with the applause, if Council is going to allow it at another time.

*{Applause from the audience}.*

*{At this time, Chairman Robinson cleared the Chambers}.*

Smith (continuation): Stated he thinks Council should be fair about things--if Council is going to allow something; allow it; if not, then don't. He opined that Council should set a decision and go from there.

Chairman Robinson: Explained "applause" in the distinction of a public presentation and a three-minute public comment. Stated the proper procedure for the MSI would have been to come before the Presentation Committee to ask for a time to come and make a presentation. Read a letter to the Council about the Lake Wateree Homeowners' Association 27th annual membership gathering.

Ruff: Stated he understood the "applause" rule, but thinks there should be some time to allow some latitude, especially when there are children involved and maybe a little bit more diplomatic way of handling it when they do applaud.

Stewart: Stated there is a different way dealing with children and that he would suggest that the rules could be bent a little bit. Added that the committee will be getting input from the citizens on the Animal Control Ordinance, and that it will serve to supplement and fill in the holes in the State regulations.

Kinley: Stated the committee met and approved the Noise Ordinance to come before Council at the next meeting. Also, the committee has started proceedings with the Animal Control Ordinance, receiving information from York and Richland Counties. Met with the Sheriff and Mr. Brown. Committee will meet again in a couple of weeks. Inquired why did the MSI not come at budget time, which is for those kind of requests.

**17. EXECUTIVE SESSION**

*At 7:45 P.M., it was moved by Council Member Kinley; seconded by Council Member Smith to go in executive session to discuss a potential legal claim with the Tax Assessor; Road Maintenance potential litigation matter; Personnel matters with the Administrator and the Economic Development Director and the Recreation Procurement Contract. **The motion carried unanimously.***

*At 9:03 P.M., it was moved; properly seconded and unanimously approved by Council to come out of executive session and return to open session.*

*Chairman Robinson reported Council received information in executive session and have nothing to report out in regular session.*

**18. ADJOURN**

The meeting was adjourned at 9:03 P.M., upon the unanimous approval of Council.

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SHRYLL M. BROWN  
CLERK TO COUNCIL

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CAROLYN B. ROBINSON  
CHAIRMAN