



**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
JULY 28, 2014**

**Present:** David L. Ferguson, Sr., R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Mikel R. Trapp, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll Brown, Clerk to Council

**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 ninety-six other individuals.**

**1. CALL TO ORDER**

Chairman Ferguson called the meeting to order at 6:04 P.M.

**2. APPROVAL OF AGENDA**

*It was moved by Council Member Robinson; seconded by Vice Chairman Perry to approve the agenda. **The motion carried unanimously.***

**3. INVOCATION**

Council Member Kinley led in The Invocation.

**4. APPROVAL OF MINUTES**

*It was moved by Council Member Trapp; seconded by Council Member Brown to approve the minutes of the Regular Meeting of July 14, 2014 and minutes of the Work Session of July 14, 2014. **The motion carried unanimously.***

**5. PUBLIC PRESENTATIONS**

Mr. Rudolph Walker, Midlands Fatherhood Coalition, gave an update of the Midlands Fatherhood program.

On behalf of Fairfield County Council, Chairman Ferguson presented a Proclamation to Benedatta Bizzotto from Italy and Sandra Traxinger from Austria, recognizing them as exchange students visiting Mr. and Mrs. William (Bill) Haslett. Mr. Haslett accepted the proclamation on their behalf.

**6. PUBLIC COMMENT (3 MINUTES): INPUT MUST PERTAIN TO ITEMS ON THE AGENDA, FOR WHICH NO PUBLIC HEARING IS REQUIRED OR HAS BEEN SCHEDULED**

The following individuals signed to speak:

- Mr. Randy Bright - Guten Tag and Buona sera
- Mrs. Selwyn Turner - Enhancement Funds

**7. PUBLIC HEARING**

❖ Authorizing Fairfield County, South Carolina To Purchase And Develop Approximately One And Three Hundred Sixty Five Thousandths Of An Acre Of Real Property, To Be Used As A Fire/Emergency Station. *Chairman Ferguson opened public hearing at 6:26 P.M.* {Mr. Pope set forth a correction that was made to this item. The last time, he said, there were actually two lots that this was inclusive of. The County Attorney was asked to

correct this oversight. The contract did not change; however, the nomenclature in the title needed changing to make it consistent with the two lots that are being combined}. Mr. David Brandenburg signed to speak on this public hearing matter. *Hearing no further comments, Chairman Ferguson closed public hearing at 6:30 P.M.*

❖ An Ordinance Authorizing Fairfield County To Purchase Land Known As Rufus Belton Park For Recreational Uses And Location Of Emergency Personnel And Services, Being A Portion Of Fairfield County Tax Map Number 152-00-00-037. *Chairman Ferguson opened public hearing at 6:30 P.M. No one signed to speak. Vice Chairman Perry commented on the history of the park. Chairman Ferguson closed public hearing at 6:32 P.M.*

❖ An Ordinance Authorizing Fairfield County To Sell And Convey County-Owned Property Located Off Of Center Creek Road, Containing Four Hundred And Five Acres, More Or Less, By Private Sale, Being Shown On The Fairfield County Tax Maps As Parcel Number 201-00-01-111. *Chairman Ferguson opened public hearing at 6:32 P.M. No one signed to speak; therefore, Chairman Ferguson closed public hearing at 6:33 P.M.*

## 8. **ORDINANCES, RESOLUTIONS AND ORDERS:**

**A. Inducement Resolution** Providing For A Fee In Lieu Of Tax Agreement Between Fairfield County And Project Leprechaun. Mr. Pope set forth that this matter, still under its code name, is moving through the process. An executive session is needed in order to bring forth some additional information to the Council. *It was moved by Council Member Brown; seconded by Council Member Kinley to approve the Inducement Resolution as referenced above. **The motion carried unanimously.***

**B. Second Reading: Ordinance No. 634** - Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Ad Valorem Taxes And Incentive Agreement To Provide A Fee-In-Lieu Of Ad Valorem Taxes Incentive, Infrastructure Credits And Other Incentives To Project Leprechaun; The Inclusion Of Real Property Located In Fairfield County In The I-77 Corridor Regional Industrial Park; The Execution And Delivery Of Documents Necessary To Effect The Intent Of This Ordinance; And Other Related Matters. *It was moved by Council Member Trapp; seconded by Council Member Kinley to approve Second Reading of Ordinance No. 634. **The motion carried unanimously.***

**C. Third And Final Reading: Ordinance No. 635** - An Ordinance To Amend The Fairfield County Land Management Ordinance, (Ordinance No. 596), To Provide For The Zoning Reclassification From RD-1 (Rural Residential District) To RC (Rural Community District) Of One And One Tenth (1.1) Acre Owned By Carrie Suber-O'Neal, Part Of Tax Map No. 158-00-02-100. Property Is Located At 183 Little River Church Road, Jenkinsville, SC. *It was moved by Council Member Trapp; seconded by Council Member Marcharia to approve Third and Final Reading of Ordinance No. 635. **The motion carried unanimously.***

{Chairman Ferguson stated for the record, that he received two statements of Potential Conflict of Interest from Council Member Brown as it relates to Ordinance No. 636 and Ordinance No. 638}.

**D. Third And Final Reading: Ordinance No. 636** - Authorizing Fairfield County, South Carolina To Purchase And Develop Approximately One And Three Hundred Sixty Five Thousandths Of An Acre Of Real Property, To Be Used As A Fire/Emergency Station.

Mr. Pope gave the following staff update: This is the property at Ridgeway that the County is contractually seeking to purchase this piece of property. Staff has met with and studied very carefully the location of this fire station with the Fire Marshal. This location

of property was very strategic for the County because of the five-mile radius needed in order to have response times to keep ISO ratings at the appropriate levels. The County actually explored using County property that was close by this particular location; by using County property, it would have thrown a number of people out of the five-mile radius; therefore, would have been increasing their ISO insurance rates. The Fire Marshal came up with a map, looking at every house and location along that road, and ensured this was the best available location. The County is not looking to refurbish that building; if the Council moves forward with this, there will be a new facility that will certainly be appropriate for the size of fire trucks that will go on that site and location. This does fit within the long-range plan and actually helps to enhance some of the challenges with the location in Ridgeway. There was a correction on Third Reading in the title. The first two readings only picked up one of the lots. There is actually two lots being purchased for the location. *It was moved by Vice Chairman Perry; seconded by Council Member Trapp to approve Third and Final Reading of Ordinance No. 636. **The motion carried 6-1. {Council Member Brown abstained from voting and so notified the Chairman at the beginning of the meeting by signing a statement of Potential Conflict of Interest form, which is on file in the Clerk to Council's office}.***

**E. Third And Final Reading: Ordinance No. 637** - An Ordinance Authorizing Fairfield County To Purchase Land Known As Rufus Belton Park For Recreational Uses And Location Of Emergency Personnel And Services, Being A Portion Of Fairfield County Tax Map Number 152-00-00-037.

Mr. Pope set forth that, from staff research, this location has been very important to various people in the community around Rufus Belton Park. This location has a fire station, EMS unit on site, recreational facility (baseball/softball diamond); concession stand, meeting room and public restrooms. The park is being heavily used by the community. This site had actually been under a long-term lease agreement with the County, and the County is attempting to transition itself from lease arrangements into County ownership. Looked at the cost benefit analysis of totally replacing this for all of the facilities that we had there, which would have been quite expensive. Wanted to have the public hearing to see if there were any public comments about that. Staff is respectfully asking that the Third Reading be deferred until the next Council meeting of August 25, 2014. Mr. Belton has looked at the agreement, and desired additional time to sign the contract. *It was moved by Council Member Robinson and Council Member Brown; seconded by Council Member Kinley to defer the Third Reading of Ordinance No. 637, until the next regular meeting. **The motion carried unanimously.***

**F. Third And Final Reading: Ordinance No. 638** - An Ordinance Authorizing Fairfield County To Sell And Convey County-Owned Property Located Off Of Center Creek Road, Containing Four Hundred And Five Acres, More Or Less, By Private Sale, Being Shown On The Fairfield County Tax Maps As Parcel Number 201-00-01-111.

Mr. Pope explained that this is a piece of property that this Council undertook several years ago; and when the County originally purchased this property for an investment of around \$638,000.00. The County looked at this piece of property as an investment for economic development opportunities; also, the County entertained commercial opportunities for this being some type of residential or retirement community project. The County has publicly advertised through the broker it has; publicly advertised in this Chamber, giving the Administrator approval to move forward. As far as anyone being disadvantaged by the sale of this property, it is actually a tremendous win-win for the price per acre that the County is being able to receive from the sale of this property. There are no plans from the purchaser to have the property developed. There have been no zoning changes in it, which would have to come through a public process if there were. The County has had a couple of offers for the property; however, this was the one that

the County followed through with, and it met the Council's criteria to be able to sell the property.

*It was moved by Council Member Kinley; seconded by Council Member Trapp to approve the Third Reading of the sale of four hundred five (405) acres of County property, and that the proceeds of the sale be designated in the following two methods: first, up to \$25,000.00 to be set aside for the purchase of property for County recreational activities in the Center Creek area, and the remainder of the proceeds shall be designated for economic development purposes in the County's economic development fund. **The motion carried 6-1. {Council Member Brown abstained from voting and so notified the Chairman at the beginning of the meeting by signing a statement of potential conflict of interest form, which is on file in the Clerk to Council's office}.***

**G. First Reading (By Title Only): Ordinance No. 639** - An Ordinance Authorizing The Addition Of Mekra Tool & Mold, Llc As A Sponsor Affiliate To The Existing Fee In Lieu Of Property Tax Arrangement Between Lang-Mekra North America, Llc ("Company"), As Sponsor, Lang Mekra North America Properties, Llc, As Sponsor Affiliate, And Fairfield County, South Carolina ("County"); Authorizing And Providing The Consent And Approval Of The County To The Transfer Of Economic Development Property From The Company To Mekra Tool & Mold, Llc; And Other Related Matters.

Mr. Pope asked if Council would defer this item until receipt of an executive session briefing, and then vote on it once Council returns from executive session. *It was moved by Council Member Brown; seconded by Council Member Robinson to defer this item until after executive session.* **The motion carried unanimously.**

## 9. **BOARDS AND COMMISSIONS MINUTES**

Provided as information.

## 10. **BOARDS AND COMMISSIONS APPOINTMENTS**

*It was moved by Council Member Brown; seconded by Vice Chairman Perry and Council Member Robinson to approve the Appointment Ratification as presented for the Fairfield Memorial Hospital Board. **The motion carried unanimously.***

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

The Clerk announced the following appointments: Fairfield County Aeronautics Commission: Mr. Ron Gantt (representing District 6); Fairfield Memorial Hospital Board: Mr. Randy Bright (representing District 1);.

## 11. **OLD BUSINESS**

None.

## 12. **NEW BUSINESS**

### **A. Consideration Of Approval Of Application For 2014-2015 JAG Grant Funds**

Mr. Pope set forth that this item was inadvertently pulled off the agenda last time. The public hearing was held, setting forth the federal funds that the County would receive. Asking for the County's approval of the Application for the 2014-2015 JAG Grant funds. *It was moved by Council Member Kinley; seconded by Vice Chairman Perry for approval of the Application for the 2014-2015 JAG Grant Funds. **The motion carried unanimously.***

### **B. Consideration Of Funding Request For World War II Memorial Monument**

*It was moved by Vice Chairman Perry; seconded by Council Member Kinley, that based upon the presentation that Mr. Haslett made at the last meeting, I believe we should fund this project for the World War II memorial for the soldiers of Fairfield County that gave their lives for our freedom, and those men should be recognized in an appropriate manner; therefore, I move that Mr. Haslett's organization should first educate the public about this cause and also document the contributions from the private sector {in the amount of \$10,000.00}, and the County match that contribution in the amount of \$10,000.00 for the World War II Memorial project. During discussion, Council Member Robinson inquired if this would include the Fairfield County residents that will be honored, or is it anyone from World War II that may have lived here at any time. Mr. Haslett was given an opportunity to respond to the inquiry. Subsequently, **the motion carried unanimously.***

### **13. COUNTY ADMINISTRATOR'S REPORT:**

**A. Proposed Dates For Meeting With Delegation Members.** There was conversation had at the end of the last Intergovernmental Meeting that a follow up meeting was needed with the Delegation. The Chairman and Vice Chairman asked staff to get together to propose some potential dates that could be forwarded to members of the Delegation to see if one of the dates would be amenable to them. The dates suggested are: August 18; September 15 and September 29. *It was moved by Council Member Robinson; seconded by Council Member Brown to submit the proposed dates outlined above to the Delegation for them to select one that would amenable to them. **The motion carried unanimously.***

**B. Request Of Action: Detention Center Software Upgrade.** This matter went to committee and received a unanimous recommendation from the committee to forward to full Council. This request was made by the Detention Center regarding technology with software that is needed to be able to communicate with SLED. We have some outdated information that impacts charges and other information that is placed in the system. This is a requirement to be in compliance with SLED as it pertains to communication of information. The cost is \$31,124.20 off of State contract. Staff is respectfully requesting Council's favorable approval. *It was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve the Detention Center Software Upgrade. Council Member Robinson inquired if this were in the budget. Mr. Pope responded this would be taken from existing funds. **The motion carried unanimously.***

**C. Request Of Action: Replacement Of County Maintenance Vehicle.** This was discussed in committee and received unanimous recommendation from committee to forward to full Council. This is to replace an older model service vehicle that is having mechanical difficulty. Model was upgraded to a 4WD for the purpose of Building Maintenance staff's responsibility to ensure all safety-sensitive personnel can get into the building safely in the winter months. This vehicle is needed during inclement weather and to ensure the buildings are clear for Detention Center and EMS vehicles to come in and out. Some things are priced under State contract; however, if a local automobile dealer can come very close to that, the County will go with the local dealer instead. *It was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve the Replacement of the County Maintenance Vehicle. **The motion carried unanimously.***

**D. Request Of Action: Runway Safety Area Improvement.** Through the FAA, for all general aviation airports, the County has a Capital Construction Plan to look at improvements we need to make to our general aviation airport. This grant addresses safety standards for Category B-II aircraft (aircraft with approach speed of less than 120 mph and tail height of less than 30 feet) through design improvements. The County is

receiving up to \$1.2 million dollars. With the funds that are secured through the FAA, the County's match would be approximately \$60,000.00. The State Aeronautics also participates in this. The committee recommended that this be forwarded to full Council. *It was moved by Council Member Kinley; seconded by Vice Chairman Perry to approve the Runway Safety Area Improvement match.* Council Member Robinson inquired if this was in association with the notes she had seen as it relates to the FAA recommendation and mandates. ***The motion carried unanimously.***

**E. Community Enhancement Funds Policy (Discretionary Funds Policy).** Mr. Pope explained that this was an item that Council asked staff to look at to incorporate and recommend new policy after the budget process. While Council did not ask staff to rename the policy, staff believed that it substantively changes the way that this is actually carried out in the County. It is attempted to make the program more definable, more clear, and actually have the accountability to actually document those things that are to be approved. This process requires a vote by the entire Council; not just individually, because all expenditures have to be a collective approval. Staff is recommending that the process be changed how this program is implemented into a community enhancement grant application process.

- There was no application process before in which to collect information that could be documented.
- The community enhancement grants be will be voted on by Council in increments up to \$500.00, for a maximum of \$2,500.00 available per district, which is the budgetary number approved in the budget. {Staff's recommendation was five grants for \$500.00 each; however, the committee recommended the change: up to \$500.00 increments}.
- If an application is approved, a check will be made payable to the organization or individual indicated on the IRS Form W-9, which is an accountability issue to give the County additional information on all the projects.
- The application has to indicate what district the organization is located; which funds applying for; list information about the organization (who is represented); how the organization is classified.
- There will also be an evaluation process; staff will receive all of the information, which will be posted publicly where everyone will have an opportunity to submit applications. That information comes in to the staff, evaluated and passed on as a recommendation to the full Council, as is currently done through the Request of Action process and would be fully vetted by the criteria that is listed in the application; come to staff, and staff would rank or rate the proposals they felt had the greatest impact to the community.
- The final decision is left to the Council to pass, by majority vote.
- The application will be listed publicly in the media outlets in the community, along with the W-9 form.
- Would recommend, prospectively, since this year this is after the budget process, that when the budget process is complete, that this would also be completed within the budget process.
- There are two Council Members who currently use the discretionary funds for street lights, which clearly fits within one of the categories in the criteria.

**Questions and Comments from Council:**

- Have donated personal funds in the past because I did not want any kind of discrepancy or any appearance of wanting or needing to buy someone's vote. Will continue to support the back-to-school project, with or without Council's support.
- There are many young people who are hungry and have health issues. Don't want it implied that I am trying to woo people or trying to buy votes with \$2,500.00 to assist 4,000 people who have major problems in their community. Don't agree that the County should allow the employees to make the decision. It is my opinion that each Council member should select someone from their district to assist in the selection.
- People in my district would call about public safety problems, and street lights have helped to deflect crime in the community.
- Have street lights in a portion of the County that I represent. No one knows where the street lights came from, but it has certainly stopped the Sheriff's Department having to go out and respond to calls because those streets are lighted now.
- This has come under great scrutiny; however, when the Council is helping children go back to school and they don't have, this means something to them. Because the program is starting so late, this is going to have to be expedited so the children don't go without. Staff was asked to ensure that this is implemented as soon as possible after adoption.

*It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve the Community Enhancement Funds Policy. **The motion carried unanimously.***

**F. Legal Advice On Chinook Road.** A legal update was provided to Council at the last meeting, and there is no need to discuss this again at this meeting.

**G. Economic Development Update.** This is an executive session matter to discuss the Lang Mekra Tool and Mold project, and for Council to take action once they come out of executive session.

**H. Administrative Updates**

- 1) Corps of Engineers' Study. Notebooks containing final documents at each desk.
- 2) MuniCode Update. Staff is in process of electronically codifying all code of ordinances. Clerk initiated this project in October, 2013, and are now at the point to submit information to the Municipal Code Corporation. Once this process is successfully completed, one can go on line and download the code where it will be readily available for public use or staff research.
- 3) SCANA leases. Leases that were executed by the Administrator were emailed to the Council today. County has been working with SCANA for several years on this project. The County has final documents that have been reviewed by our County Attorney and by SCANA's legal department.
- 4) Clerk's email. There has been a lot of discussion about some individuals not receiving the Council agenda that the Clerk sent out. Have communicated with several citizens that receive the agenda and have checked with our IP company. There have been no technical glitches on the County side. Received email from IP company confirming that all the accounts such as aol, gmail, etc., that there is no indication of any kind of glitch. The County has the "sent" email validating the information was sent out.
- 5) Lake Wateree Flood Study. Recommendation was brought to partner with Kershaw regarding a flood study. Our staffs have been working together. Have issued an RFQ for companies to do a study that would help us lower the BFE around Lake Wateree, which would have a direct impact on fire insurance premiums. Kershaw staff is seeking approval for the recommended vendor from their Council. Once the negotiation is done with Kershaw, Administration will come back to Council with a cost estimate.
- 6) Drawdy Park Retaining Wall. Since the last meeting, a lot of work and progress has been made. The project continues to be inspected by our third party inspector. All of the block has been replaced. What remains is the coating of the back side of the wall, gravel and fill and further inspections, and close out on the project.
- 7) Tax Rate and Service Analysis Report. Information will be forthcoming at the next meeting of August 25, 2014.
- 8) Bond Refresher Presentation for 2009 and 2013 issue will be conducted in September.
- 9) Have had several FOIAs regarding the County's check register. One of the things that was commented on was the Retirees' Insurance Supplemental payments that are made. Effective July 1, 2010, there were guidelines to determine funding of retirees' insurance premiums. Those retirees whose retirement date is prior to July, 2010 will not lose their employer funding until age 65. Up until June of this year, it was \$100.00; however, it has been amended to \$150.00 for the Retiree Supplemental Insurance. Any employee who is retired from the County who was enrolled in that process, those are the names that people see on the check register for that. That is not special for any one person; that is County policy.
- 10) Recreational Process. There have been several questions asked about the recreational process. Staff and Council have been very busy with this process. Ken Simmons and Associates and David Brandes with Genesis Consulting are doing the

work. The reviews and master list that the Council Members provided publicly and voted on was looked at. Mrs. Brown is now trying to schedule a final meeting with Council--hopefully we can accomplish that this week to review the draft information individually. Anticipate at the next meeting, staff will be able to present that information publicly regarding all districts regarding the Recreational Plan. Everything that staff has recommended and what Council has approved is on schedule for the Council to decide how to move with the Recreational Plan to use or procure up to the \$3.5 million dollars that was set aside in the 2013 Issue for recreational purposes, county-wide in the community.

- 11) Received a request from Fairfield Memorial Hospital for the use of the transit vans. 10-15 citizens of Fairfield County have been invited to participate in a free dental clinic that will be held at the First Baptist Church in Rock Hill, South Carolina. The County pays capital costs for the transportation, and Administration has approved this, unless Council has some concerns.

#### 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 following individuals signed to speak:

- Mrs. Selwyn Turner - Definition Of Family Members
- Mr. Billy Smith - Recreation
- Mr. Randy Bright - Can't Get "No" Accountability

#### 16. COUNTY COUNCIL TIME

Robinson: Gave a recap of the workshops she attended at the NACo Annual Conference. Asked for prayers for the family of the late Mrs. Diana Wood. Also commented on the policy that mandates employees to be out of work due to inclement weather.

Marcharia: Thanked Mr. Ferguson and Mr. Trapp for attending the community meeting last weekend. Also pointed out that when citizens are seeking specific information, they would need to request it through FOIA.

Perry: Commented that it is important to involve communities when any type of plan is rolled out. Inquired when was the anticipation date for receiving the long range study back from the Council of Governments. Stated he would like for Council to think about placing the agenda online for citizens to access.

Brown: Commented that every district in the County does not have the accessibility or need as far as the amount of people in a small area.

Kinley: Commented on health concerns.

Ferguson: Commented on some of the comments that were made at the community meeting and that there was misinformation and inaccurate information that came forth from some of the attendees.

#### 17. EXECUTIVE SESSION

*At 8:02 P.M., it was moved by Council Member Marcharia; seconded by Vice Chairman Perry to go in executive session to receive legal advice and to discuss an economic development matter. **The motion carried unanimously.***



At 8:49 P.M., it was moved by Council Member Robinson and Council Member Brown; seconded by Vice Chairman Perry to come out of executive session and return to open session. **The motion carried unanimously.**

In open session, Chairman Ferguson reported that Council received information in executive session. Also, in open session Mr. Pope stated that Council received the contract from Mr. Clayton Belton regarding the Rufus Belton Park purchase, and if Council were to deem it necessary to favorably approve this item, to pass it on to the County Attorney to review and schedule a time for closing for the purchase of the property.

In was moved by Council Member Brown; seconded by Council Member Kinley to rescind the deferral of Third Reading of Ordinance No. 637, and to place it back on the floor. **The motion carried unanimously.**

It was moved by Council Member Brown; seconded by Council Member Kinley to approve Third and Final Reading of Ordinance No. 637. **The motion carried unanimously.**

It was moved by Council Member Brown; seconded by Council Member Robinson to approve First Reading (By Title Only) of Ordinance No. 639. **The motion carried unanimously.**

**18. ADJOURN**

The meeting was adjourned at 8:50 P.M., upon unanimous approval of Council.

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SHRYLL M. BROWN  
CLERK TO COUNCIL

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DAVID L. FERGUSON, SR.  
CHAIRMAN