



MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
SEPTEMBER 24, 2001

Present: David L. Ferguson, Chairman; Robert W. Davis, Vice-Chairman; R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Carnell Murphy, Carolyn B. Robinson, Council Members; J. Clay Killian, County Administrator; Shryll M. 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 twenty-two other individuals.

1. CALL TO ORDER

The Chairman called the meeting to order at 6:01 P.M.

2. After which Vice Chairman Davis gave the invocation.

3. APPROVAL OF MINUTES

It was moved by Mrs. Kinley; seconded by Mr. Davis, to approve the minutes of the regular meeting of August 27, 2001. The motion carried. It was moved by Mrs. Kinley; seconded by Mr. Davis and Mrs. Robinson to postpone the approval of the minutes of the regular meeting of September 10, 2001. The motion carried.

Public Hearing

The Chairman officially opened public hearing at 6:07 P.M.

Albritton: "I would like to know what we are going to do other than just rezone from RD to Single Family Residential. I am a property owner right across the road. We have a good investment out there. We moved to the country to be in the country. I read in the newspaper we have a mobile home park. I am not necessarily opposed to mobile homes, per se. When you see a mobile home park,

it scares you. I moved to the country to be in the country. My main focus at this point is to find out...it says we want to rezone three acres into three lots. How? What are we going to do; what are we going to put there? That is my question. I don't know who I should direct it to. I just want to know what we are going to do—other than just rezone it. Have they been surveyed; where are the lots; what is going to be put there? Just need to know.”

Johnson: “Just to answer your question...a correction was done from that article on September 6. If you need me to read it, I will read it. If not, basically, it was a correction saying that it was a misunderstanding about the manufactured home park. These are going to be actual homes built from the ground up. Yes, I have had my property surveyed. Anything else you need to know?”

Man questioning Ms. Johnson: “You plan to build three houses?”

Johnson: “Exactly...for the disabled and special needs.”

Man: “What size?”

Johnson: “Three to four bedrooms.”

Man: “How big are they. You talking 1000 square feet; 1500 square feet?”

Johnson: “I have not determined that yet; but it will be 3-4 bedrooms.”

Powell: “I would like to echo his comments as well – is that it has been in the country for years. Our land has been in our family for years. We are concerned about losing the country-community atmosphere that we have. It's a close neighbor group. Obviously, we know that the special needs people will come in. We are just not sure what that means—what that entails. The scope of the work as listed state commercial venture. (Unintelligible)...actually homes per family. We have a lot of questions.”

Johnson: “First, I would like to say that on the Able side – that has been in our family since 1901. I understand and I appreciate the fact that Blythewood is for residential or something to that effect. I don't plan to come in to destroy any of that. I love South Carolina. I love Blythewood. I was born in that house. I come back and forth from Washington, D. C. I am looking to be an asset there. I have a strong need to help people and I don't want to see that neighborhood destroyed either. I was born in that house.”

Man: “Do you live in Fairfield County?”

Johnson: “I go back and forth. I come back in forth.”

Man: “You do not live in Fairfield County?”

- Johnson: "It depends on how you look at it."
- Man: "Do you vote in Fairfield County?"
- Johnson: "No, I am not a registered voter?"
- Ferguson: "Let me have your attention just minute. The way this is going to operate is that this young lady is going to make a statement. Anybody that wants to make a statement can. We are not going to have questions and answers from the audience to anybody at the podium. From henceforth, anyone that would like to address this can come to the podium at anytime they would like, but I am going to request that it stays to one person speaking."
- Johnson: "Shall I have a seat?"
- Ferguson: "If you would like; but you have the microphone right now."
- Johnson: "Does anyone have anything else they want to say to me?"
- Johnson: "I am going to sit down."
- Ferguson: "The reason for this is that this can get a little out of hand. Like this, we can keep some kind of rhyme or reason to it."
- Mowen: "I just want to ask...this division of three acres divided into one acre. Will there be a minimum amount of the cost of the trailer being put in there?"
- Johnson: "These are not trailers."
- Mowen: "I am sorry. I misunderstood. These are going to be buildings that are going to be built?"
- Johnson: "Exactly. These are going to be built from the ground up."
- Mowen: "I drop the question. I wasn't paying attention."
- Ferguson: "Some of these questions, at the end, we are going to ask our zoning administrator to come up. Mr. Stowers, if you will just keep a note of what is being asked. Most of this has to be furnished to the Planning and Zoning Department, so most of these things Mr. Stowers can address. I would like for you to address your concerns—not anybody in the audience."
- Albritton: "Will a decision be made tonight?"
- Ferguson: "No sir. The way this happens is there is public hearing. We will also have the first reading. At some place in the near future, we will have a second reading, and a subsequent third reading. It has to go through a three-reading process in order to be finalized."
- Albritton: "And a reading is much as it is tonight?"

Ferguson: “There isn’t a public hearing at each one. This will be the only public hearing addressed from the audience on this matter.”

Albritton: “So we have no other opportunity for input?”

Ferguson: “Not from the floor. The law requires that we do this in this in this manner. That is how we have to do all rezonings. That is why this one will not be any different from any others.”

Albritton: “As I said initially, we just want to know. I have so many concerns. That was the reason for the questioning back in forth. Is this a commercial venture? If it is, what is the residential zoning for. We are going to build houses. What are they going to look like. We all have nice homes out that way; we want to keep it that way. There are some other nice homes right next door. We just want to know. We are very concerned. There are several of us here tonight.”

Belcher: “I have some property along Candlewood Road and some other property in Fairfield County nearby. I apologize for not knowing exactly what the ordinance says, but when I got a letter a month or so ago from Mr. Stowers saying there would be this meeting tonight, I guess I could have called him last week to find out what was going on. I will say that Mr. Stowers, whom I wouldn’t recognize, was very nice to me on the phone, was very helpful. I asked him what this was about. I don’t have anything in writing from him except the letter. I saw the news article saying there might be a mobile home park. Maybe that has been corrected. That was the subject of concern, because it does not seem to me, as a property owner there, the appropriate place for a mobile home park. That’s when I called Mr. Stowers. Mr. Stowers said to me the plan had gone through a couple of stages. At first, there was some sort of a plan to have a unit...or developments could have seven units per acre. That would not work because of various requirements for septic tanks and things like that. That plan was changed, and then it moved to something else—which I guess is this change for rezoning to R1. This would be different from RD in one primary way. The RD rules would require lots to be one acre minimum. R1 would allow lots to be just 15,000 square (roughly three per acre). I guess all of us could read the rules and know them, but I didn’t find out except I talked to Mr. Stowers, who was so helpful. That math for three acres would be nine units. If we talk about the fact we still need to get septic tank permits to do anything. You also said the county Health Department had not yet decided what to do, but there was an application for three

permits on file (I do not know that). The question I have now is if RD allows one house per lot, and we have three lots which would be one acre apiece, it seems like you don't need to rezone from RD to R1, because if you are just looking for three houses, you already have what you need and you would not have any concern that Mr. Albritton has, as many others here, as to how you could have too much density. This is a beautiful part of the County, as so much of the County is so pretty, but one of the attractions of it is that it is not over populated. There are lots – not that one acre is a huge piece, but it is a certain quality of life that you have. I don't see the need to rezone this from RD, where you could have one acre per house (we are RD now; we could have one acre per lot). We don't need to go to R1 where you could have three. The lady who wants to do this would be able to get what she wants to be done without impairing the other fine aspects of that part of the County. That would be my question. Mr. Albritton has a very nice house right there. He has a great concern for that, which I know is sincerely legitimate. There is no need to do what is being requested to accomplish what is being requested. I only point that out because the statement of what is being requested has been disturbing, because it was first, according to the paper, to be a mobile home park, and then seven per acre; and then two per acre; and now it is totally revised to one per acre. If she just wants one house per acre, you've got that with RD. So, we ask you to leave it like it is.”

Murphy: “That was my comment. If I am reading this right, that under the request that I am reading here and what I heard, there are three houses you are looking to put on the lots. You would still be able to do that under the same classification that you have now.”

Man: “If the land is zoned currently D1, can you still have a commercial business in that?”

Ferguson: “Not without rezoning.”

Man: “Would the reason to rezone to R1 would be to get a commercial business license?”

Ferguson: “No.”

Man: “Is this property rental property or will it be owned by homeowners in the area?”

Stowers: “There is a R1 and RD. Both are for residential development. The main difference is in your density. RD also allows for single wide manufactured homes where you require at least a minimum of a double wide in R1. In terms of

special needs units or adult congregate living facility units, by state law, if they are less than six occupants, there are considered a single-family unit. A special needs unit can go in both RD and R1. The question that comes up on this rezoning is that by going to R1, you can have up to approximately three units per acre. Because there is no sewer line out there, any unit that goes out there will have to go through DHEC for septic tank permit and it is possible that he could come back and say because of the way it perks, only one septic tank per acre can go out there, or he can come back and say it could be up to three. That would be up to DHEC to make a determination. As far as zoning is concerned, the main criteria or the difference is the density between RD and R1."

Man: "So you can have six residences per building?"

Stowers: "Yes. That would still be considered a single family unit."

Murphy: "Ms. Johnson, is it one house per acre?"

Johnson: "I would like for it to be three houses per acre."

Ferguson: "If it is rezoned, that is what would be permitted?"

Stowers: "Permitted by zoning. It would also have to get approval from the Health Department."

Man: "This plat does not show three houses per one acre."

Stowers: "That plat just shows three lots. You can have up to three residences on a lot if you have sufficient area."

Man: "So, we are talking theoretically to be nine buildings in that three lot span on the road, which is quite a bit difference than three."

Robinson: "In looking at the survey, a portion of this property which would be Tract C1 does not fit into property that you presently owned. Has the family who owns the remaining portion of that parcel applied also for rezoning? And the other question that I have is apparently this is not all of the property she owns in this particular parcel."

Stowers: "The first question is that she has come in and applied for those three parcels and she has ownership of those three. The second thing is that the request is only for these three lots. She has other property there, but that other property is not included in this."

Robinson: "Parcel C2 of Tract C1 is not her ownership."

Johnson: "Right there, that is heir property. It is my mother and my great uncle and the heirs. It's been in the family since 1901. I wasn't aware that I had to get rezoned for that small little section as well. I can do that as well. That's

been in my family since 1901.”

Robinson: “Based on that, you are one of how many that would be considered an heir. You many have a very minute percentage of ownership of C2. The way I am reading the proposal, that C2 is also part of the third lot you are requesting rezoning for one acre. The way I saw it, all of those heirs would also have to be a party to the request to have that portion rezoned of the Able Estate.”

Stowers: “Either that or the person that has power of attorney.”

Man: “I think your answer to your question is there is probably in the neighborhood of thirteen people that could claim ownership to portions, based on their families, from generations from when it was originally handed down to the sons and their children, and their children’s children.”

Johnson: “It’s not that many heirs. It’s probably one son has left from the Ables.”

Man: “But his brothers had family...”

Ferguson: “Let me stop this right here. We have gotten into an open discussion, and this is something we don’t need to get into”.

Brown: “Looking at the application, the application request, as it is written, says the applicant wants to locate manufactured home park on the property. I am hearing that has changed. Once we approve the zoning from RD to R1, it is nothing in our stipulation saying it cannot be a mobile home or stick-built house. Is that true?”

Stowers: “That is correct. Once you rezone, you are rezoning to the maximum allowed for that. R1 zoning will allow for a manufactured home, as long as it is a double wide or larger or for a single family residence—either one—to allow for density of 15,000 square feet.”

Man: “Potentially, nine mobile homes could be on those three parcels.”

Stowers: “It could be a manufactured home. Zoning will allow that.”

Murphy: “It can’t be nine single wides.”

Stowers: “Double wides.”

Ferguson: “What Mr. Stowers is alluding to is once we rezone a piece of property, we no longer have the right to say what goes on that piece of property. It can be the minimum or maximum that piece of can sustain under that particular ruling. That is what this is about. It’s not that this young lady has three proposals right now; it’s that she would be allowed to have nine double wide or nine buildings of some kind in the future on those three acres. That is what we would

be doing. We cannot address the issue of what goes on that property once it is rezoned.”

Stowers: “As long as it meets the requirements of the zoning ordinance.”

Murphy: “What are we having public hearing on? I am reading something here that I am not hearing.”

Stowers: “What the rezone is – is to go from RD to R1. The applicant may have specific intentions of how she wants to develop that property under R1 zoning.”

Murphy: “I first heard, and as I read, it seems as though one acre each, for a total of three acres. It appeared to me from what I am reading is three houses. Whether it is stick built or...I heard something about DHEC, but that is not within our purview. The question is whether or not we are going from RD to R1. R1 will allow nine homes. RD will allow one house per acre.”

Davis: “That’s pretty much it in a nutshell. As far future considerations as to what, if it is rezoned one can be on an entire three parcels, or up to nine can be on the entire three parcels. What we are discussing here are basically what we have at hand. That’s the only thing we can deal with—whether it is going to be as is or move to the possibility of three to the possibility of nine.”

Brown: “Why are the subdivisions of the three lots into one. Is that a commercial endeavor. Is that what you are saying – if you do it on two different lots it would create a residential single family situation, essentially up to six people per unit. If we did it as three acres and made it a commercial residential care facility, then it will come in here being zoned as commercial.”

Murphy: “We can’t deal with that. We have to deal with what is before us.”

Hunt: “I have developed some property adjacent to this. I am between a rock and a hard place, because I served on the Planning Commission up here, and I believe in individual’s rights. When this was first discussed, it was through deep restrictions that you cannot have less than three and one half acres in any one lot. That’s my cup of tea. The Ables/Englishes are wonderful neighbors, and I would like to have them as well. I don’t have to make the decision. You are the ones to have to do that. I would hate to see anything more than one per acre. I don’t see the reason for having it if we can get one house per acre. I don’t see the sense in increasing it when you can get three houses per acre, so I would be against that. I hate to be against it, but I am.”

Davis: “We appreciate those who have spoken in relation to this project.

This is a democratic process, and what Council saw fit to do several years ago, and it took up quite some time to work through this to establish some type of zoning whereby to protect the surroundings of Fairfield County just for such occasions. Oftentimes, we may or may not see the necessity of zoning, but when you have growth in a county or an area, the Council saw fit to establish some type laws to try to guard against or make Fairfield County a beautiful County, whereby any and everything couldn't go up such as junkyards. To simplify what we are talking about, if I am correct, the item is whether or not it remains as three residential homes (or three buildings) or up to nine buildings." *Hearing no further comments, the Chairman closed public hearing at 6:40 P.M.*

Presentations And Recognitions

Council recognized Ms. Dianne Williams and Ms. Tracey Gantt of the Fairfield County American Red Cross. These two ladies introduced the young people who are part of the Fairfield County American Red Cross Youth Chapter.

4. COMMITTEE REPORTS

A. Welfare and Community Relations Committee

(1). Veterans' Day. November 9, 2001, 11:00 A.M. In process of finalizing grand marshal as well as the speaker and other events.

(2). Employee Appreciation. Recommendation from the committee, and *so moved by Mrs. Robinson; seconded by Mr. Davis and Mr. Marcharia that the Council do the same thing in December for employee appreciation that was done last year. The motion carried.*

(3). Service Pins. *The committee recommended January 28, 2002 as the date to honor all the employees who will receive their annual service pins. So moved by Mrs. Robinson; seconded by Mr. Brown. The motion carried.*

(4). Historical Commission Vacancy. *Unanimous consent from the committee was to report and recommend **Applicant F** to fill the term vacated. So moved by Council Member Robinson; seconded by Council Member Brown. The motion carried.*

B. Economic Development and Land Planning Committee

(1). Phase XII and Phase XXIII – Regional Industrial Park Agreements. *These two phases translate to Second Reading of Ordinance No. 422 and*

423, respectively. The committee submitted a positive recommendation to the Council, of which Council unanimously approved.

C. Finance and Administration Committee

(1). Propose and idea for the Welfare and Community Relations Committee that the Council organize a program such as a "Fairfield County CARES". Asked Mrs. Robinson to get with Mrs. Brown to advise of the basic ideas that were discussed in the Administration Committee.

(2). Mr. Davis added that while there is no recommendation from the committee to full Council, the committee will, at some point, recommend some type of consideration to that request from the Feasterville Volunteer Fire Department. He voiced that the request would be to receive something official from the Fire Board via the Fire Department.

(3). Mrs. Robinson pointed out that, in regard to the Chairman's recommendation, the committee has discussed a big Veterans' Day parade and have more involved than in the past.

5. OLD BUSINESS

A. Third And Final Reading: Ordinance No. 419 - An Ordinance To Amend The Fairfield County Zoning Ordinance, Ordinance No. 335, To Provide For The Zoning Reclassification From B2 (General Business District) To RD (Rural Resource District) Of A Parcel Of Land Owned By Shirley Squirewell, Containing Approximately 1.0 Acre, 220-00-00-040, Located At 767 Van Exem Road, Ridgeway, South Carolina, 29130. *It was moved by Mr. Murphy; seconded by Mrs. Robinson, to approve Third and Final Reading of Ordinance No. 419. The motion carried.*

6. NEW BUSINESS

A. Resolution: Condemning The Actions Of Terrorists. *So posted by the Clerk. It was moved by Mr. Murphy; seconded by Mrs. Robinson and Ms. Kinley to adopt the Resolution as posted. The motion carried.*

It was moved by Mr. Murphy; seconded by Ms. Kinley to add an executive session to the agenda as Item 12B to discuss a contractual, personnel, and economic development matter. The motion carried.

B. First Reading (By Title Only): Ordinance No. 421 – An Ordinance To Amend The Fairfield County Zoning Ordinance, Ordinance No. 335, To Provide For The Zoning Reclassification From RD (Rural Resource District) To R1 (Single Family Residential District) Of A Parcel Of Land Totaling Three (3) Lots, Owned By Carmen Johnson, Containing 1.0 Acre Each (For A Total Of 3.0 Acres), Tax Map No. 240-00-00-037, Located At 376 Candlewood Circle, Blythewood, South Carolina, 29016. *It was moved by Mr. Murphy; seconded by Mr. Davis to accept First Reading (By Title Only) of Ordinance No. 421. The motion carried.*

C. First Reading (By Title Only): Ordinance No. 422 – An Ordinance Authorizing An Agreement For Designation Of Phase XXII (Verizon Wireless) Of The I-77 Corridor Regional Industrial Park By And Between Fairfield County, South Carolina and Richland County, South Carolina, So As To Include Property In The Joint County Industrial Park Geographically Located In Richland County, South Carolina, And Other Matters Related Thereto

D. First Reading (By Title Only): Ordinance No. 423 – An Ordinance Authorizing An Agreement For Designation Of Phase XXIII (SYSCO Food Services Of Columbia, LLC) Of The I-77 Corridor Regional Industrial Park By And Between Fairfield County, South Carolina and Richland County, South Carolina, So As To Include Property In The Joint County Industrial Park Geographically Located In Richland County, South Carolina, And Other Matters Related Thereto

New Business Items C & D above approved during Committee Report.

7. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE

The County Administrator reported on the following items:

- a. Departmental Reports.
- b. Status of Disabilities and Special Needs Dissolution. Several actions that Fairfield needs to take. In process of obtaining that information. Fred Owens working with members of staff to help Fairfield get set up. Target date of November 30 established. Working towards that date, as long as

the two Councils are heading in that direction. Mr. Ferguson asked if it would be more advisable for December 30. Mr. Killian expressed that the general feeling is that the quicker the dissolution can be accomplished, the better it will be for the organization, but not at the expense of having everything in place to operate. Desire to avoid a customer service problem at all cost. November 30 does not pose any particular headaches at this point.

c. Letter of Consistency. Received request for the construction of C&D landfill off Boney Road. Mr. Oliver D. Hylton is making the request, and sent it to DHEC for review. He is seeking a letter of consistency from the County (to determine if his plan is consistent with the County's Solid Waste Management Plan). *The Chairman placed this matter in the Environment and Public Safety Committee.*

d. Software Upgrade for Treasurer's Office. Quote for \$4,800 upgrade. Recommend Council approve upgrade, as it will allow the County to electronically communicate with the Department of Revenue in accordance with the new law that was passed for drivers' license suspension and collection of back taxes. *It was moved by Mrs. Robinson; seconded by Ms. Kinley and Mr. Davis to approve the upgrade (through the contingency fund). The motion carried.*

e. Did not receive SRO Grant.

8. CLERK TO COUNCIL'S REPORT AND CORRESPONDENCE:

The Clerk to Council reported on the following items:

- a. Passing of Gunther Lang.
- b. Business After Hours – Substance Abuse Commission.
- c. Fairfield County Council received award from American Red Cross in recognition of its humanitarian work.

9. BOARD AND COMMISSION MINUTES

Provided as information.

10. INFORMATIONAL ITEMS

Provided as information.

11. PUBLIC COMMENT

1. Mr. William Stevenson spoke to Council on the subject of EMS.
2. Mr. Charles Mowen signed to speak; however, he left a copy of the Incident Report with the Clerk regarding an occurrence in the South Winnsboro area.

12. COUNTY COUNCIL TIME

Murphy – “Terror does not have a nationality”. Pray for a resolve to this issue (the illusive type war we are in). Be sure we are part of the solution—not part of the problem.

Davis - Draft was one of the better experiences of his lifetime. Dealing with a different situation now. Everything is unity now – as never before heard in this nation. There have been several domestic situations whereby this same type unity has been, could have been, should have been shown by the people of America. Take each issue; if it is wrong, condemn it. Fight for what is right. America should rebuild its cities, but “we” also, must slowly and methodically begin to march around Jericho.

Kinley – Very rewarding to see unity in the homes and churches. Expressed thanks to all the veterans in the audience.

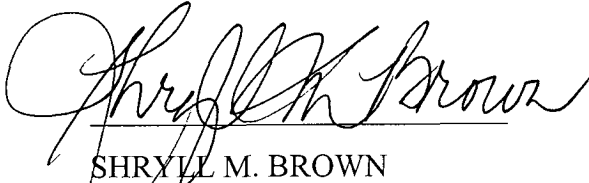
It was moved by Mr. Brown; seconded by Ms. Kinley to go into executive session at 7:20 P.M. to discuss a personnel, economic development, and contractual matter. The motion carried.

Council came out of executive session and returned to regular session at 8:50 P.M. {For the record, Mr. Murphy nor Mr. Davis were present when Council returned to regular session}.

It was moved by Mrs. Robinson; seconded by Ms. Kinley to direct the Administrator to go forward with negotiations with the proposed economic development matter. The motion carried.

13. ADJOURN

The meeting was adjourned at 8:51 P.M., upon the unanimous approval of Council.



SHRYLL M. BROWN
CLERK TO COUNCIL



DAVID L. FERGUSON
CHAIRMAN