

**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
AUGUST 14, 2023**

**Present:** Clarence Gilbert, Cornelius Robinson, Dan Ruff, Shirley Greene, Tim Roseborough, Doug Pauley, Peggy Swearingen, (Council Members); Laura Johnson (Interim County Administrator); Synithia Williams (Deputy County Administrator); Tommy Morgan (County Attorney); Dr. Kimberly Roberts (Clerk to Council)

**Absent:** None.

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 Independent Voice of Blythewood and Fairfield, The Country Chronicle and one hundred forty two other individuals.

Due to COVID-19 (Coronavirus), the meeting is being live-streamed through the County's YouTube page in order to keep citizens informed.

**1. CALL TO ORDER**

Chairman Pauley called the Regular Meeting to order at 6:06pm.

**2. PLEDGE OF ALLEGIANCE**

Chairman Pauley called for the recitation of the Pledge of Allegiance.

**3. APPROVAL OF THE AGENDA**

Motion made by Councilman Gilbert, seconded by Councilman Robinson to move Items 9A, 9B, 9C and 14D until after executive session. ***The motion carried 7-0.*** Motion made by Councilwoman Greene, seconded by Councilman Gilbert to add Item 8D – a public hearing on the application and expenditure for the 2023 Justice Assistance Grant. The motion was made pursuant to SC Code of Law Section 30-4-80A. Mr. Pauley asked for an explanation from the attorney. Mr. Morgan said the purpose of the motion was to add an item (public hearing) to the agenda that had already been published/posted. In 2015, Governor Haley signed Senate Act 11 that said an agenda could be amended after being published and posted but only in limited circumstances. This item would require a vote from Council. There were two requirements - the motion to amend had to be approved by 2/3's of Council and there had to be a finding of emergency. The item was brought to their attention about 15 minutes prior to the meeting and a vote was needed from Council to approve the Sheriff's Office to apply for the grant. A public hearing was required and was posted but due to the time the information was received, it did not appear on that night's agenda. He believed if it did not go forward that night, there would not be enough time to schedule another public hearing due to the deadline for the grant application. It would be at the discretion of the Chair to decide if it was an emergency. Mr. Pauley thanked Mr. Morgan and said in accordance with the SC

Code of Laws Section 30-4-88, the Fairfield County found an emergency or exigent circumstance did or would exist if the public hearing on the JAG Grant was not added to the current meeting agenda for Council's consideration and vote before the conclusion of that meeting. ***The motion carried 7-0.*** Motion made by Councilman Gilbert, seconded by Councilman Ruff to approve the agenda as amended. ***The motion carried 7-0.*** Mr. Pauley noted for the record that Items 9A, 9B, 9C and 14D would be conducted after Item 18 (Executive Session) and there would be a public hearing added – Item 8D.

**4. INVOCATION**

Rev. Jim Blackwell (Sion Presbyterian Church) led the invocation. He also noted the correct spelling/pronunciation of his name – Blackwelder.

**5. APPROVAL OF MINUTES**

Motion made by Councilwoman Greene, seconded by Councilman Roseborough to approve the minutes from Budget Work Session III May 10, 2023 & Regular Meeting July 24, 2023. ***The motion carried 7-0.***

**6. PUBLIC PRESENTATIONS**

None.

- 7. 1<sup>st</sup> PUBLIC COMMENT SESSION:** All public comments made during this session must pertain to items on the agenda for which no Public Hearing is scheduled. Each speaker is allocated three (3) minutes for comment. The total time allocated for the public comment portion of the meeting is thirty (30) minutes. Those wishing to make public comment must sign to do so prior to the Council Chair calling the meeting to order. The Clerk to Council will make a public comment sign-up sheet available at least fifteen (15) minutes prior to the scheduled start time of the meeting.

- Joe Wilkes

**8. PUBLIC HEARINGS**

**A.** An Ordinance by Fairfield County Council Authorizing the Execution of an Intergovernmental Sewer Infrastructure Agreement Between Fairfield County, the Town of Winnsboro, and the Fairfield Joint Water and Sewer System; and Other Matters Related Thereto. Mr. Pauley opened the public hearing at 6:17pm. Annette Hornsby Bruorton and Jeff Schaffer signed up to speak. Mr. Schaffer signed up on the wrong sign-in sheet and was confused as to why he could not speak at that time on the matter of his concern (Ordinance 821 – millage). Mr. Morgan explained to Mr. Schaffer's satisfaction. Mr. Pauley closed the public hearing at 6:25pm.

**B.** An Ordinance by Fairfield County Council Authorizing the Execution of a Second Supplement to Agreement to Share Costs Between Fairfield County, the

Town of Winnsboro, and the Fairfield Joint Water and Sewer System; and Other Matters Related Thereto. Mr. Pauley opened the public hearing at 6:26pm. No one signed up to speak and Mr. Pauley closed the public hearing at 6:26pm.

**C.** An Ordinance by Fairfield County Council Authorizing the Execution of a Grant and Project Administration Agreement Between Fairfield County and the Fairfield Joint Water and Sewer System; and Other Matters Related Thereto. Mr. Pauley opened the public hearing at 6:26pm. No one signed up to speak and Mr. Pauley closed the public hearing at 6:26pm.

**D.** A Public Hearing on the Application and Expenditure for the 2023 JAG Grant Funds. Mr. Pauley opened the public hearing at 6:28pm. No one signed up to speak and Mr. Pauley closed the public hearing at 6:28pm.

## **9. ORDINANCES, RESOLUTIONS AND ORDERS**

**A. Third & Final Reading Ordinance No. 817:** An Ordinance by Fairfield County Council Authorizing the Execution of an Intergovernmental Sewer Infrastructure Agreement Between Fairfield County, the Town of Winnsboro, and the Fairfield Joint Water and Sewer System; and Other Matters Related Thereto. **PLEASE SEE BELOW – AFTER EXECUTIVE SESSION**

**B. Third & Final Reading Ordinance No. 818:** An Ordinance by Fairfield County Council Authorizing the Execution of a Second Supplement to Agreement to Share Costs Between Fairfield County, the Town of Winnsboro, and the Fairfield Joint Water and Sewer System; and Other Matters Related Thereto. **PLEASE SEE BELOW – AFTER EXECUTIVE SESSION**

**C. Third & Final Reading Ordinance No. 819:** An Ordinance by Fairfield County Council Authorizing the Execution of a Grant and Project Administration Agreement Between Fairfield County and the Fairfield Joint Water and Sewer System and Other Matters Related Thereto. **PLEASE SEE BELOW – AFTER EXECUTIVE SESSION**

**D. Second Reading Ordinance No. 820:** An Ordinance by Fairfield County Council to Amend and Restate Ordinance No. 674 Roads, Highways, and Bridges; and Other Matters Related Thereto. Motion made by Councilman Gilbert, seconded by Councilwoman Greene. Mr. Ruff asked for clarification regarding roads that had been maintained for 20+ years - would they continue to be maintained. Mr. Morgan said both the prior version and the current version had no edits that affected the unpaved roads that were currently in the Fairfield County roads system. There was no change to that. If it was a public road, dirt road (paved or unpaved) those roads would continue to be maintained under the terms of the ordinance. Mr. Pauley said he thought there was some confusion in the community about what defined a common drive. He said a common drive was private property. It was not a county, public, dirt or gravel road. They maintained approximately 90 common drives and spent between \$6,000-\$8,000 per month doing so. A

common driveway was a section of roadway utilized by two or more occupied residences for providing access to a county road, highway or street. Maintenance of a common drive included the section of roadway that the two or more occupied residences actually utilized from the county road, highway or street. Any roadway past that area was not the responsibility of the county. They heard from the County Attorney, who was specifically involved in a case about county maintenance of private driveways such as common drives. The County could not use public funds for private purposes and a common drive was private. County Council could not ignore information once it was provided to them. He directed Administration to work on an application process whereby citizens could request the County to take possession of their common drives and turn them into County maintained roads. The application would list specific requirements that must be met regarding the condition of the road before Council would consider the application. Mr. Ruff asked if that meant that the citizens whose common drives had been maintained by the County for the last 50-100 years would have to submit an application and have it approved by the County to continue the maintenance. Mr. Pauley said correct – County dirt roads would still be maintained but common drives would not. Mrs. Swearingen asked the attorney to explain Section 1-5. Mr. Morgan read the “Maintenance of Unpaved Roads” section – the Department of Public Works shall maintain all unpaved roads of the County, which have been dedicated for public use regardless of whether or not the dedication was by law or by usage. Those roads determined to have been dedicated shall be considered to be a part of the County road maintenance system for purposes of ascertaining dedication by usage or by maintenance by the County. All unpaved roads, which have been used by the public and/or are maintained by the County for a period of 20 years or more shall be deemed dedicated and shall be maintained by the Department of Public Works”. He said there was nothing that prohibited the County from maintaining the dirt roads in the maintenance system, whether it had been scraped for 10, 20, 50 or 100 years. The differentiation was due to the common drive being a private driveway – then the law had to determine whether or not there were a series of legal requirements before a County could claim it by prescriptive easement. Common drives were private property and therefore taken out of the revised ordinance because the state law clearly stated that public funds could not be spent on private property. Mrs. Swearingen asked how many of the 46 counties were adhering to that law. Mr. Morgan referenced the case he was involved in in the Pee Dee. They tried to do the same thing and the judge had the entire Council come before him and explain why they should not have been held in contempt for expending public funds on private property. The ordinance before them was a template from Richland County, which originally included a section that would allow a one-time maintenance service but they

removed it. He was not aware of a County that agreed to take public funds to use on private property. He agreed to find out if all 46 counties were adhering to the law. Mr. Ruff said the roads that had been maintained for so many years were already used by the public for the public (firetrucks, ambulances, etc.). He was concerned about being sued if those roads were no longer maintained and emergency vehicles were unable to access those living on those roads. Mr. Morgan referenced the SC Torte Claims Act provided for exemptions and one of the specified exemptions was providing for emergency services to residents of a county. It specifically prohibited those types of lawsuits. If a county somehow converted a private driveway into a public road, there were several legal doctrines regarding adverse possession and what had to take place (continuous, hostile, open, adverse, notorious, etc.). The prior versions of the ordinance specifically stated that these were private properties. Therefore, by its own admission, it was not making a claim sufficient to establish adverse possession of those roads. Mrs. Swearingen asked if a school bus used the road to pick up children, would it not be considered a public road. Mr. Morgan said he could not speak to what the school district did. She asked about the process to allow the County to tend to the roads. Mr. Morgan said there would be an application process to dedicate their property to the public and then Administration would look into the necessary requirements to approve the application. Mrs. Williams said she passed out a presentation that could also be found on the Public Works website that defined a common drive. She said it was not all dirt roads in the County – they were private driveways. They had instances of someone having a long driveway and would add a mobile home behind their house and call Public Works to take over their driveway because it met the definition of a common drive. She explained the pictures before them. They also had instances where because it was private property, gates were installed and when Public Works was called, they had to get permission to go past the gate. Again, they were not talking about dirt roads already in the public system but private driveways that had more than one household using the driveway. If they wanted to convert it for public use, they had to give the County and the public permission to use the driveway as a public road. It was challenging and complicated, especially for Public Works. Mr. Ruff asked about the possibility of tabling the matter to give them more time. Mrs. Johnson said she knew it was difficult but when they had been informed that something they were doing for any amount of years was illegal, she personally did not think it should take much more time to make a decision. They received many calls from citizens to save money and find cuts and sometimes those cuts came from places they were not happy about but were necessary. This was a legality issue. ***The motion carried 6-1.***

**E. First Reading (By Title Only) Ordinance No. 821:** An Ordinance Establishing the Millage Rate for Fairfield County for the Fiscal Year Beginning July 1, 2023. Motion made by Councilman Gilbert, seconded by Councilman Ruff. ***The motion carried 7-0.***

**10. BOARD AND COMMISSION MINUTES (For information only)**

**A.** Disabilities & Special Needs Board – April 21, 2023 & May 19, 2023

**11. BOARD AND COMMISSION APPOINTMENTS**

None.

**12. OLD BUSINESS**

None.

**13. NEW BUSINESS**

None.

**14. COUNTY ADMINISTRATOR'S REPORT**

**A.** SC Uplift Community Outreach – Mrs. Johnson said SC Uplift was a non-profit organization that provided housing stabilization fund programs to low-income homeowners. In 2021, they received a \$1 million grant to perform low cost modifications to older citizens in Fairfield, Chester, and Union Counties. She introduced CEO, Kevin Wimberly, and Angela Douglas, Principal Strategist with Douglas Strategy Group, who were there to give an update on the funds used in Fairfield County and to talk about an upcoming partnership with their fire service. Mr. Wimberly said the maximum amount that could be spent per home for the Older Adult Home Modifications Program (OAHMP) was \$5,000 and they would finish the program in 2024. He said they had 45 applications submitted from Fairfield County of which 41 were approved and 19 completed thus far. The average cost for repairs was \$4,412.60. Four projects were “lost to project” due to the cost exceeding \$5,000 and they were looking for additional funding for those projects. The waiting list for OAHMP closed; there were 24 on the waiting list for Duke Weatherization (i58) and six on the waiting list for SC Housing Trust Fund (SC Uplift). The CED (Community Economic Development) grant (via SC Uplift) approved nine projects for home improvements (roofing, HVAC). Ms. Douglas said she met with Administrator Johnson and Fire Chief Webb to discuss a partnership (MOU) that included a list of at-risk homeowners that needed fire protection items. Once those items were installed, they would enjoin Fairfield County into their reports as a partner to the grant. Being a partner on a grant helped with additional grant opportunities. According to Chief Webb, they placed 294 smoke alarms

across the County. The difference with this grant was that it included an Occupational Therapist that would assess the living conditions and give recommendations. They were working with attorneys to complete the MOU. There was no cost involved to Fairfield County for the grant or MOU. Mrs. Greene thanked them for being in Fairfield County and helping the citizens.

- B. Sheriff's Office Update** – Mrs. Williams introduced Chief Deputy Douglas who had an update on the Sheriff's Office's Citizens Academy, the 1033 Federal Surplus Program and the recent Sheriff's recent EMS commendation. Chief Douglas said around July 4<sup>th</sup>, a critical incident occurred and some EMS staff went above and beyond their duties. The incident involved an unfortunate murder. He referenced a picture on display of Sheriff Montgomery and those being recognized from the EMS department. He said they could have waited by policy but instead provided much needed medical assistance. He said Sheriff Montgomery decided they would have another Citizen's Academy in the fall at no charge. It was a great way to get to know the Sheriff's Office. They would include an overview of how tax dollars were spent and show narcotics trends and gang related issues as they related to Fairfield County. They were looking forward to hosting the academy and hoping for great attendance. The classes would be every Tuesday for six weeks from 6:30p-8:30p beginning on September 19, 2023 and ending on October 24, 2023 at their training center on Old Airport Road. Those interested could call the Fairfield County Sheriff's Office at 803-635-4141. They required an application so they could ensure a headcount. The last one they had in the spring was canceled because they did not have enough participants but people contacted them right before the start date and said they were coming. The application was to ensure they had enough participants to move forward with the program. Mrs. Swearingen asked about the Ride Along program. Chief Douglas said they had a waiver and any adult in the public could contact their office – the Sheriff would be responsible for approval.

Regarding the 1033 Federal Surplus Program, they obtained over \$1.2 million worth of equipment through the program. Some of the items included a \$600,000 armored vehicle, about \$35,000 worth of patrol rifles and a training center that had about \$20,000 worth of fitness equipment, lots of first aid equipment (latex gloves, tourniquets, bandages) – their staff were sometimes on the scene before EMS and have had to use some of these items to begin first aid treatment – all at no additional cost to the taxpayers.

- C. JAG Grant Approval (**ACTION ITEM**)** – Mrs. Williams said the Sheriff's Office wanted to apply for the Edward Byrne Memorial Justice Assistance JAG grant. It required prior approval from Council in order to apply. Fairfield was eligible to receive \$11,219 of federal funds and wanted to use it for body

cameras. A local match was not required. Motion made by Councilman Robinson, seconded by Councilman Roseborough. ***The motion carried 7-0.***

**D. Rental Fee for Non-Profit Organizations (ACTION ITEM) – Taken after Executive Session – please see below**

**E.** July 2023 Finance Report – Mrs. Johnson reminded Council that they had a copy of the July 2023 finance report. She said if they had any questions or comments to give her a call. There was not a lot of activity because it was the first month of the fiscal year. She said there still seemed to be some misunderstandings regarding their legal services. In the fiscal year 2022 audit report, legal services were well over \$700,000. That account was used to pay six attorneys including the joint water system legal services. She said none of the expenses in fiscal year 2022 were related to the Smith Robinson Law Firm of which Mr. Morgan was a partner.

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

**A.** Economic Development Strategic Planning Meeting – Dr. Roberts reminded Council that the Economic Development Strategic Plan meeting would be Thursday, August 17, 2023 from 9a-1p at Midlands Technical College – Winnsboro campus.

**16. 2<sup>nd</sup> PUBLIC COMMENT SESSION:** All public comments made during this session must pertain to items not on the agenda or under Council's consideration. Each speaker is allocated three (3) minutes for comment. The total time allocated for the public comment portion of the meeting is thirty (30) minutes. Those wishing to make public comment must sign to do so prior to the Council Chair calling the meeting to order. The Clerk to Council will make a public comment sign-up sheet available at least fifteen (15) minutes prior to the scheduled start time of the meeting.

- Jim Rex
- John Steigerwald
- Don Goldbach
- John Jones
- Jeff Schaffer

**17. COUNTY COUNCIL TIME**

Councilwoman Greene thanked the citizens of Wateree Keys and Woodside Harbor for attending the meeting and sharing their concerns. It was wonderful to have people willing to work with the County to settle an issue. It would be good to look at some of the statewide ordinances to see how they might be used in Fairfield to benefit the citizens.

Mrs. Swearingen said they were asked to give a report on the SCAC conference they recently attended. The Institute of Government was for all County officials



– not just Council. She talked with a Deed Recorder, consultants, probate judge, administrator, assistant administrator and a lot of Council members. It was good networking. She took Strategic Planning (Level 1) and it was good in preparation for their upcoming strategic planning meeting. She also took Ethical Leadership, Public Service and Legal Issues in County Government, which included the Code of Laws, the Home Rule Act and some information about the legal liability for the torts. She said not all decisions made by Council were popular and it was hard to come up with solutions that made everybody happy. She arrived at 8pm on Sunday and left at 6am on Thursday to get back to work at 9a. It was a very good informative conference.

Mr. Ruff asked for any updates on the acoustics. Mrs. Johnson said they were getting another quote because they did not like the numbers of the first one. They should get it that week.

Mr. Pauley said he received several phone calls, as well as Mrs. Greene, from the Lake Wateree residents about the short-term rentals. They reached out to Administration and the County Attorney to see what policies/ordinances could be implemented to help the citizens in Lake Wateree.

**18. EXECUTIVE SESSION: (The following statement is provided in compliance with the South Carolina Freedom of Information Act: Subsequent to Executive Session, Council may take action on matters discussed in Executive Session.)**

**A. Receipt of Legal Advice and Discussion of Negotiations Incident to Proposed Contractual Arrangements with the Fairfield Joint Water and Sewer System Pursuant to S.C. Code Ann. § 30-4-70(a)(2).**

Mr. Pauley also reminded and included Ordinance 817, Ordinance 818, Ordinance 819 and the Rental Fee for Non-Profit Organization for Executive session.

At 7:26pm, Motion made by Councilman Ruff, seconded by Councilman Robinson to go into executive session. ***The motion carried 7-0.***

At 8:00pm, motion made by Councilwoman Gilbert, seconded by Councilman Greene to come out of executive session. ***The motion carried 7-0.*** Mr. Pauley said no action was taken during executive session.

Mr. Morgan reminded the Chair that Items 9A, 9B, 9C and 14D would need a vote after discussion should there be any.

Mrs. Greene made a motion to amend Ordinance No. 817 by substituting as Exhibit A, in its entirety, the document included in the agenda packet titled,

"Third Reading Version – Intergovernmental Sewer Infrastructure Agreement – Winnsboro Connection Project" for the document included in the agenda packet titled "Second Reading Version – Intergovernmental Sewer Infrastructure Agreement – Winnsboro Connection Project" that was read on second reading July 24, 2023, seconded by Councilman Roseborough. Mr. Pauley asked Mr. Morgan for explanation of the intent of the motion. Mr. Morgan said there were edits made since the second reading in the underlying agreement, which was Exhibit A. Instead of going line by line, the intent was to turn around and allow for the full wholesale substitution to help expedite the process. Both versions were made available as part of the agenda packet so the information was made properly noticed to the public. **The motion carried 7-0.** Motion made by Councilman Gilbert, seconded by Councilman Ruff to approve the ordinance as amended. **The motion carried 7-0.**

Mr. Robinson made a motion to amend Ordinance No. 818 by substituting as Exhibit A, in its entirety, the document included in the agenda packet titled, "Third Reading Version – Second Supplement to Cost Sharing Agreement" for the document included in the agenda packet titled "Second Reading Version – Second Supplement to Cost Sharing Agreement" that was read on second reading July 24, 2023, seconded by Councilman Roseborough. Motion made by Councilman Robinson, seconded by Councilman Ruff to approve the ordinance as amended. **The motion carried 7-0.**

Mr. Ruff made a motion to amend Ordinance No. 819 by substituting as Exhibit B, in its entirety, the document included in the agenda packet titled, "Third Reading Version – Grant Administration Agreement" for the document included in the agenda packet titled "Second Reading Version – Grant Administration Agreement" that was read on second reading July 24, 2023, seconded by Councilman Gilbert. **The motion carried 7-0.** Motion made by Councilman Ruff, seconded by Councilwoman Greene to approve the ordinance as amended. **The motion carried 7-0.**

Councilman Gilbert made a motion to charge non-profit organizations a \$25/hour rental fee, seconded by Councilman Roseborough. Mr. Ruff said he felt they needed more support for the Farmer's Market. He suggested decelerating the rate – if the hours increased, the cost would decrease. He felt there needed to be more support for the Farmer's Market. It was a tourism draw and was good for the County. Mr. Pauley said the fee was geared towards all non-profit organizations but he understood his concerns. **The motion carried 7-0.**

## 19. ADJOURN

At 8:08pm, motion made by Councilman Robinson, seconded by Councilman Ruff to adjourn. **The motion carried 7-0.**

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KIM W. ROBERTS, Ed. D.  
CLERK TO COUNCIL

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DOUGLAS PAULEY  
CHAIRMAN