



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
OCTOBER 24, 2022**

Present: Shirley Greene, Tim Roseborough, Clarence Gilbert, Doug Pauley (Council Members); Malik Whitaker (County Administrator), Charles Boykin (County Attorney); Dr. Kimberly Roberts (Clerk to Council)

Absent: Cornelius Robinson, Moses Bell

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

Vice Chair Greene (in the absence of the Chairman Bell) called the Regular Meeting to order at 6:00pm.

2. APPROVAL OF THE AGENDA

Motion made by Councilman Trapp, seconded by Councilman Roseborough. Councilman Roseborough made a motion to amend the agenda to add an item to executive session to include a legal update on Alliance Engineering and other litigation, seconded by Councilman Trapp. ***The motion carried 5-0. The motion carried as amended 5-0.***

3. INVOCATION

Councilman Gilbert led the invocation.

4. APPROVAL OF MINUTES

Motion made by Councilman Trapp, seconded by Councilman Roseborough to approve the minutes from the Administration & Finance August 22, 2022 and the Regular Meeting October 10, 2022. ***The motion carried 5-0.***

5. PUBLIC PRESENTATIONS

None

6. 1ST PUBLIC COMMENT (3 MINUTES): INPUT MUST PERTAIN TO ITEMS ON THE AGENDA, FOR WHICH NO PUBLIC HEARING IS REQUIRED OR HAS BEEN SCHEDULED. EACH SPEAKER IS ALLOTTED (3) MINUTES FOR COMMENTS. THE TOTAL TIME ALLOCATED TO THIS PUBLIC

COMMENT SEGMENT IS 30 MINUTES. THOSE WISHING TO MAKE PUBLIC COMMENTS 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 (15) FIFTEEN MINUTES PRIOR TO THE SCHEDULED START TIME OF THE MEETING.

- John Jones – Ordinances
- Jennifer Brecneisen – Ordinance 799 & 800
- Randy Bright – Audit
- Jeff Schaffer – You Tube

7. PUBLIC HEARINGS

- A.** An Ordinance to Appropriate General Fund Revenues in the Amount of \$180,425 for the Creation of Three New Officers Positions for the Fairfield County Detention Center and to Increase the Bonus for Newly Certified Detention Center Officers from One Thousand Dollars (\$1,000) to One Thousand Five Hundred Dollars (\$1,500). *The title of the ordinance printed on the agenda for the October 10th meeting mistakenly referenced the Sheriff's Department, which was not and is not included in the text of the ordinance. Vice Chair Greene opened the public hearing at 6:15pm. Randy Bright signed up to speak. Vice Chair Greene closed the public hearing at 6:17pm.
- B.** An Ordinance to Appropriate General Fund Revenues in the Amount of \$486,535.79 to Provide Cost of Living Increases of Two Percent (2%), Three Percent (3%) and Four Percent (4%), as Applicable, to the Base Salaries For All County Employees; \$100,000 to Increase the Operating Budget of the Sheriff's Department for the Purpose of Additional Salary Adjustments Within the Department; and \$20,000 to Provide Incentive Bonuses to Volunteer Firefighters Who Meet the Requirements of the Volunteer Incentive Program Administered by the Office of State Fire Marshal. Vice Chair Greene opened the public hearing at 6:18pm. Jeff Schaffer and Randy Bright signed up to speak. Vice Chair Greene closed the public hearing at 6:23pm.
- C.** An Ordinance to Prohibit, With Support of the State Traffic Engineer, Large Trucks From Traveling on Patrick Road (S-20-44), From US 321 to SC 200. Vice Chair Greene opened the public hearing at 6:23pm. Randy Bright and Jeff Schaffer signed up to speak. Vice Chair Greene closed the public hearing at 6:27pm.
- D.** An Ordinance to Appropriate General Fund Revenues in the Amount of \$363,000 to Provide Supplemental Funding for the River Road Fire Station Project. Vice Chair Greene opened the public hearing at

6:27pm. Randy Bright signed up to speak. Vice Chair Greene closed the public hearing at 6:31 pm.

8. ORDINANCES, RESOLUTIONS AND ORDERS

- A. First Reading (By Title Only) Ordinance No. 803: An Ordinance to Consider the Request to Amend the Fairfield County Land Management Ordinance No. 599 and the Related Zoning Map, to Provide for the Zoning Reclassification from RC (Rural Community District) to B2 (General Business District) for 4.44 Acre Parcel Described as TMS#: 077-00-00-023-000, Owned by Buckeye LLC. Vice Chair Greene said the reason both readings were on the same agenda was due to it being deferred from the first to the second reading at the last meeting. Motion made by Councilman Trapp, seconded by Councilman Roseborough. ***The motion carried 5-0.***
- B. Second Reading Ordinance No. 803: An Ordinance to Consider the Request to Amend the Fairfield County Land Management Ordinance No. 599 and the Related Zoning Map, to Provide for the Zoning Reclassification from RC (Rural Community District) to B2 (General Business District) for 4.44 Acre Parcel Described as TMS#: 077-00-00-023-000, Owned by Buckeye LLC. Motion made by Councilman Trapp, seconded by Councilman Roseborough. Mr. Gilbert said having a first and second reading was highly unusual and something that had never been done. He asked Mr. Whitaker to explain why it was on the same agenda and a little bit about the request. Mr. Whitaker responded to the request but his microphone was not working. Daniel Stines, Planning Director, was invited to give more details regarding the request. Mr. Stines said generally and always the hearings for rezoning's, variances, special exceptions and so forth would be at the Planning Commission level or the Board of Zoning Appeals. The matter for Buckeye LLC was heard twice in public hearings - in May and September. The applicant submitted a rezoning request from RC to B2 based more on a density issue rather than a zoning issue. It was an existing mini- storage unit facility requesting expansion. It was in the lake district area for many years and they wanted to expand the business. In order to do so, it was better to rezone to B2 to give them more density. They were constrained with their current RC zoning. They had 4.44 acres but they had only been allowed to use 25% of the property versus going to a B2 they could use 60%. The Planning Commission approved it last month 6-0 unanimously. Mr. Pauley asked if the necessary notifications were sent out to the

surrounding residents pertaining to the public hearings and the rezoning of the property. Mr. Stines said yes sir – it actually had double notices because notices were sent out in May. The standard advertising requirement was for notices to be put in a generally circulated newspaper and it was advertised in The Voice and The Chronicle. It was also posted at the property as well as letters and they re-advertised in September for the hearing in last month's Planning Commission meeting. Mr. Pauley said in the paper they received it stated the Planning Commission unanimously approved the request at a 6-0 vote. He asked if that was correct. Mr. Stines said yes and Mr. Pauley said ok. ***The motion carried 5-0.***

- C. Third & Final Reading Ordinance No. 799: An Ordinance to Appropriate General Fund Revenues in the Amount of \$180,425 for the Creation of Three New Officers Positions for the Fairfield County Detention Center and to Increase the Bonus for Newly Certified Detention Center Officers from One Thousand Dollars (\$1,000) to One Thousand Five Hundred Dollars (\$1,500). * The title of the ordinance printed on the agenda for the October 10th meeting mistakenly referenced the Sheriff's Department, which was not and is not included in the text of the ordinance. Motion made by Councilman Trapp, seconded by Councilman Roseborough. ***The motion carried 5-0.***
- D. Third & Final Reading Ordinance No. 800: An Ordinance to Appropriate General Fund Revenues in the Amount of \$486,535.79 to Provide Cost of Living Increases to Two Percent (2%), Three Percent (3%), and Four Percent (4%), as Applicable, to the Base Salaries For All County Employees; \$100,000 to Increase the Operating Budget of the Sheriff's Department for the Purpose of Additional Salary Adjustments Within the Department; and \$20,000 to Provide Incentive Bonuses to Volunteer Firefighters Who Meet the Requirements of the Volunteer Incentive Program Administered by the Office of State Fire Marshal. Motion made by Councilman Trapp, seconded by Councilman Roseborough. Mr. Pauley asked Mr. Whitaker to explain how the percentages (2, 3, & 4) were determined. Mr. Whitaker gave an explanation but due to issues with his microphone, it was not recorded. However, the explanation he gave was satisfactory to Mr. Pauley. ***The motion carried 5-0.***
- E. Third & Final Reading Ordinance No. 801: An Ordinance to Prohibit, With Support of the State Traffic Engineer, Large Trucks From Traveling on Patrick Road (S-20-44), From US 321 to SC 200. Motion made by Councilman Roseborough, seconded by

Councilman Gilbert. Mr. Pauley asked for an explanation as to why the ordinance was on the agenda. Mr. Gilbert said he received calls from citizens in that area that said they tried to contact Mr. Trapp but was unsuccessful. They wanted the ordinance due to large trucks traveling on that narrow road – it was dangerous and they were speeding. They asked that Council consider forbidding heavy trucks from using the road as a short cut and have SCDOT place a sign saying “no thru trucks”. Mr. Trapp said he thought it was discriminatory to truck drivers if they wanted to take a short cut to get home. He said he drove the road a week before and there were big logging trucks traveling on the road. He could not understand why other truck drivers would not be able to use the road too for a shorter distance to their homes and to save on gas. He said no one tried to contact him (for public record). If they contacted Mr. Gilbert then perhaps they were friends of his – either way, he opposed it and thought it was discriminatory to truck drivers. Mr. Gilbert said they were not any of his friends - just constituents of Mr. Trapp (it was what they told him) that said they could not get in touch with him. He could not dispute that. Mr. Trapp said either way, he still opposed it and thought it was discriminatory against truck drivers. They were currently logging the roads and he did not see a difference. Mr. Whitaker gave further information regarding the purpose of the ordinance and its origination but was still experiencing difficulties with his microphone and therefore, his comments were not recorded. ***The motion carried 4-1.***

- F.** Third & Final Reading Ordinance No. 802: An Ordinance to Appropriate General Fund Revenues in the Amount of \$363,000 to Provide Supplemental Funding for the River Road Fire Station Project. Motion made by Councilman Trapp, seconded by Councilman Roseborough. Mrs. Williams said the bids for the fire station closed on September 1, 2022. The County received two bids – Hillman Design Build LLC was the lowest responsive bidder at \$697,354. There was \$275,000 remaining in the project budget. Staff would work with the project engineer and contractor on additional ways to reduce project costs. They looked at some redesigns for the building and they reduced it by one of the bays and they were looking at other ways to get closer within the budget. The County anticipated a donation, which they would hear about later in the meeting, from Duke Energy towards the cost of the fire station. They were asking Council to consider the transfer of \$363,000 from fund balance towards the additional cost of the fire station. Mrs. Greene noted that \$340,000 was approved earlier

for a fire tanker. Mrs. Williams said that was correct – it was through ARPA funds that the Council approved previously and that tanker would be placed at that fire station. ***The motion carried 5-0.***

9. BOARD AND COMMISSION MINUTES (For information only)

Disabilities & Special Needs – August 19, 2022

10. BOARD AND COMMISSION APPOINTMENTS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

None.

13. COUNTY ADMINISTRATOR'S REPORT

- A.** Luck Mine Presentation – Mr. Whitaker said there was a representative from Luck Stone to make a presentation in support of the Ridgeway Recreation Center. The representative said they were honored to present \$30,000 to Fairfield County to help support a place where folks around the community could learn, grow and play together. The check was presented and photos were taken.
- B.** Duke Energy Presentation – Mr. Whitaker said there was a representative from Duke Energy to make a presentation in support of the River Road Fire Station. Tyson Blanton, Duke Energy Government Community Relations, said she had a \$20,000 check from Duke Energy – a donation in support of the River Road Fire Station, which was located near Molly Creek and Colonel's Creek access areas. They were very proud to support the lake community in Fairfield County. She thanked Mrs. Greene for initiating the donation process. Photos were taken - Mrs. Greene thanked Luck Stone and Duke Energy for their donations.
- C.** Data Collection (Next Steps) – Mr. Whitaker acknowledged that there was interest in the results of the employee survey requested by Councilman Gilbert. While Mr. Gilbert indicated that a survey of County employees should be conducted, he did not provide a clear purpose of the survey. Nonetheless, the human resource department prepared and distributed an employee survey. As the Administrator, he did not involve himself in the development of or in the circulating of the survey. However, upon receipt of the feedback gathered during the survey and controversy surrounding certain personnel actions, he wanted to have the matter

reviewed by legal counsel to ensure the survey could not be used against the County as part of any personnel litigation. Also, they were already in the process of having an outside consultant conduct an employment audit of the Human Resources offices' compliance when dealing with personnel matters within the last several years. As a result, they wanted to determine whether the survey raised concerns about the processes and procedures related to Human Resources within the last few years. Specifically, he was concerned about potential claims against the County that could be raised coming from certain adversarial personnel actions. Upon review by legal counsel, it was determined that the survey within the context of certain pending, threatened or potential claims warranted legal advice regarding the handling of the survey. The survey would be released in the near future as part of specific policy and procedure recommendations identified within the HR audit. At that time, it would be inappropriate to release the survey publicly without addressing the items identified in the HR audit.

Mr. Trapp asked for an update on the walking trail at the Willie Robinson Park and the community park in Blackstock. Mrs. Williams said the work on the walking trail was basically completed. They were waiting to get the site stabilized. Last week, everything was completed with that exception. She agreed to get an update. She visited Blackstock the previous Friday and they started surveying but had not started clearing yet. She agreed to get an update regarding the clearing. Mr. Trapp said thank you.

14. COUNTY COUNCIL TIME

Mr. Gilbert said on Friday, October 14th, his mom had an emergency medical situation. They called EMS to come to her home for medical attention. Fortunately, the response time was within 15 minutes. He acknowledged paramedics Marie and Hannah for their extreme professionalism, caring and their willingness to tell them exactly what was going on with their mom. He wanted the public to know how important these people and their services were. When a loved one was in an emergency situation, they responded with the desire to do whatever it took to ensure the patient received the best care. It was important that they, as Council members, made sure that they had the money needed for personnel, tools and equipment to respond when they were called. His family was fortunate that they were close. They could have been in another part of the County and there was no telling what could have transpired with his mom's situation. They were doing the best they could with what they had. They must give EMS, fire department and the Sheriff's department the equipment needed to perform their jobs. Again, he thanked Marie and Hannah for an awesome job

15.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.)

At 6:57pm, motion made by Councilman Trapp, seconded by Councilman Roseborough, to go into executive session concerning the below listed items. ***The motion carried unanimously 5-0.***

- A.** Personnel Matter – Discussion of Possible Discipline or Demotion of One or More Employees as a Result of a Personnel Audit to the County Pursuant to S.C. Code Ann. §30-4-70(a)(1).
- B.** Legal Advice – Discussion of Negotiations for a Proposed or Existing Contract Regarding the Development of Recommendations for Remedial Actions Based Upon the Results of a Personnel Audit and Survey Received by the County Pursuant to S.C. Code Ann. §30-4-70(a)(1).
- C.** Legal Update – Regarding Alliance Engineering and Other Litigation Pursuant to S.C. Code Ann. §30-4-70(a)(2).

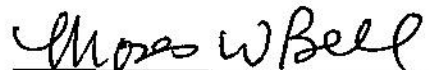
At 8:05pm, motion made by Councilman Trapp, seconded by Councilman Roseborough to come out of executive session and return to regular session. Vice Chair Greene said there was no action taken in executive session. ***The motion carried unanimously 5-0.***

ADJOURN

At 8:05pm, motion made by Councilman Trapp, seconded by Councilman Roseborough, to adjourn. ***The motion carried 5-0.***



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



MOSES BELL
CHAIRMAN