



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
SEPTEMBER 9, 2019**

Present: Moses Bell, Jimmy Ray Douglas, Mikel Trapp, Bertha Goins, Doug Pauley, Cornelius Robinson, Clarence Gilbert, Council Members; Jason Taylor, County Administrator; Laura Johnson, Interim Deputy County Administrator; Tommy Morgan, County Attorney; Patti L. Davis, 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 Independent Voice of Blythewood and Fairfield and The Country Chronicle and one hundred thirty two other individuals.

1. CALL TO ORDER

Chairman Robinson called the Regular Meeting to order at 6:00 p.m.

2. APPROVAL OF AGENDA

It was moved by Council Member Pauley and seconded by Council Member Gilbert to approve the agenda. ***The motion carried unanimously 7-0.***

3. INVOCATION

Council Member Gilbert led the invocation.

4. APPROVAL OF MINUTES

It was moved by Vice Chair Goins, seconded by Council Member Gilbert, to approve the Regular Meeting minutes of August 26, 2019. ***The motion carried unanimously 7-0.***

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. THE TOTAL TIME ALLOCATED TO THIS PUBLIC COMMENT SEGMENT IS 30 MINUTES.

- Randy Bright - Millage

7. PUBLIC HEARINGS

- A. Application and Expenditure for the 2019 JAG Grant Funds. At this public hearing, Fairfield County will provide information concerning the proposed use of the funds in an identified program purpose area. Prior to opening the public hearing, Chairman Robinson requested for Sheriff Montgomery to come to the podium to explain what the grant funds will be used for. Per Sheriff Montgomery, the amount of the grant is \$11,663 which will go toward a remote control robot, with a monitor and audio, that can be thrown into a crime scene. The other part of the grant would go toward seven range finders for the investigators to use on crime scenes. Council Member Douglas inquired of the use for the robot. Per Sheriff Montgomery, the officers will be able to throw the robot into a crime scene to see what they are dealing with without having to send a deputy in. Chairman Robinson inquired if this is a grant that is sought every year. Per Sheriff Montgomery, this is correct. Chairman Robinson also inquired how the department is doing with employees after the raise. Per Sheriff Montgomery, the department is doing a lot better. Vice Chair Goins inquired if everyone received the 6% raise. Sheriff Montgomery stated everyone received the 3% cost of living raise and the 3% across the board. Following Sheriff Montgomery's comments, Chairman Robinson opened the public hearing at 6:07 p.m. No one signed to speak; therefore, Chairman Robinson closed the public hearing at 6:08 p.m.

8. ORDINANCES, RESOLUTIONS AND ORDERS

- A. Resolution No. 2019-08** - Resolution Establishing the Millages for Fairfield County for the Fiscal Year 2019-2020. Council Member Douglas asked for Mr. Taylor to further explain. Per Mr. Taylor, the millage is being held at the same rate. The Auditor, Peggy Hensley, has determined that rate will generate enough revenue to cover the budget that the Council previously passed. While the millage rate is not being raised, unfortunately, taxpayers will see a slight increase. This increase is due to the local option sales tax credit factor. This typically reduces the amount of the taxes. However, our credit has gone down because the retail base has eroded. With less retail base, the local option sales tax credit decreases. Therefore, even though the millage is kept at the same rate, the tax bills will be slightly higher this year. Motion made by Council Member Douglas, seconded by Council Member Pauley, to approve the Resolution. ***The motion carried unanimously 7-0.***

9. BOARD AND COMMISSION MINUTES

- A. Fairfield County Disabilities and Special Needs Board - Received as information.

10. BOARD AND COMMISSION APPOINTMENTS

- A. Library Commission - Reappointment of Ms. Polly C. Phillips. Motion made by Council Member Bell, seconded by Vice Chair Goins, to approve the reappointment of Ms. Polly Phillips to the Library Commission representing District 6. ***The motion carried unanimously 7-0.***

11. OLD BUSINESS

None.

12. NEW BUSINESS

- A. Consideration of Approval of Application for 2019 JAG Grant Funds. Motion made by Council Member Bell, seconded by Council Member Douglas and Vice Chair Goins, to approve the Application for 2019 JAG Grant Funds. ***The motion carried unanimously 7-0.***

13. COUNTY ADMINISTRATOR'S REPORT

- A. Jason Pope, Fairfield County Fire Service: Fire Safe South Carolina, a Community Risk Reduction Program. In Mr. Pope's absence, Mr. Taylor introduced the Fairfield County Fire Inspector, Mr. Ray Hoshall. Mr. Hoshall stated the County has an opportunity to participate in a program referred to as Fire Safe South Carolina. This is a program developed in the State Fire Marshall's office and made available to all counties in the state. The objective is to unite the counties for change. The meeting is scheduled for Thursday, September 19, at 7 p.m. at the Midlands Tech Fairfield Campus. The purpose is to collaborate to help make the County a Fire Safe County. There will be an overview of the Fire Safe program, which is a community risk reduction program. Each county has been profiled to reveal their fire problem areas. Some of the current programs will be discussed in order to work toward this reduction. This will allow an opportunity for networking for the local stakeholders, which would include local church leaders, political leaders, administration, civic leaders, business leaders, volunteer organization leaders and involved citizens. Some goals and objectives of this program will be to work toward the

reduction of home fires across the state, to decrease the risks for the residents, to help better protect the firefighters and to provide consistent fire prevention messaging across the state. This message needs to be the same in Fairfield County as it is in other counties because the fires and the risks are the same. This will also help to provide better data driven resources to enhance the programs the state and the County are developing. The last objective would be to improve the data quality. There are flaws in the state-wide data program in the fact that not all fire departments in the state participate in the fire reporting. This is being worked on through the county involvement to ensure everyone is participating. Last year in 2018, there were 97 fire fatalities across the state. This year, so far to date as of August 27, there have been 42 fatalities. The hope is to reduce these numbers as focus is put toward community needs. In 2017, there were a total of 5 fatalities in Fairfield County. Reducing fire ignitions can reduce fire fatalities; therefore, we must look at what is needed to reduce the fire ignitions. The community needs to work together toward the promotion of fire and life safety messaging to get the word out to everybody. Mr. Hoshall further reported that 70% of homes in South Carolina do not have adequate smoke alarm coverage. The recommendation is one alarm in every bedroom, one in every sleeping area and one on every level. Therefore, if there is only one smoke alarm in a house, this would represent inadequate coverage. A majority of the fire fatalities across the nation involve human factors/human involvement. With education, much of this can be prevented. Council Member Bell requested for Mr. Hoshall to explain what the fire service is doing as far as smoke alarms. Per Mr. Hoshall, across the state of South Carolina through the Fire Safe South Carolina program, fire alarms are available, through grants, to the fire departments to be given out at no cost to the citizens. This is part of the risk reduction campaign. Mr. Hoshall invited everyone to the upcoming meeting in order to be an active solution to the problem. Vice Chair Goins inquired concerning the reporting procedure. Per Mr. Hoshall, there is a program called NFIRS (National Fire Information Reporting System), which is a program that goes through a national database and is used to make determinations concerning fire safety in the country. Each fire department has a designated number to report under, and this information is used for many things. Fairfield County is actively reporting and being a part of the solution. Council Member Douglas inquired who can get the smoke alarms. Per Mr. Hoshall, anyone who has a need can get one. Mr. Hoshall thanked Council for their time and the opportunity to share this information.

14. CLERK TO COUNCIL'S REPORT

None.

15. 2ND PUBLIC COMMENT (3 MINUTES): INPUT CAN BE TO INTRODUCE AN ITEM NOT CURRENTLY UNDER COUNCIL'S CONSIDERATION OR BRING A CONCERN TO COUNCIL'S ATTENTION. THE TOTAL TIME ALLOCATED TO THIS PUBLIC COMMENT SEGMENT IS 30 MINUTES.

- Shirley Greene - Teacher Village
- Chanda Jefferson - Teacher Village
- Jeff Morris - Council Authority
- Jackie Workman - Visions
- Thomas Armstrong - Money
- Randy Bright - Time Marches On

16. COUNTY COUNCIL TIME

Robinson: Chairman Robinson stated, concerning Mr. Taylor's vehicle, his parked vehicle was hit and this was then turned over to the insurance company. In addition, he checked into the procurement process with Mr. Taylor, and it is an amount that he can spend on special projects.

Douglas: Council Member Douglas stated a great deal of the money for the Farmers' Market was received through a donation from Wal-Mart. This was given in order to improve downtown Winnsboro, and he believes the Farmers' Market has done this. In addition, grants are being pursued to make it better. Also, the citizens in the County can have their animals spayed or neutered with a fund that the County has. Each family can have one animal spayed or neutered each year at no cost. He urged everyone to take advantage of this project. Further, concerning Mr. Taylor's accident, Council Member Douglas stated that he contacted law enforcement to see the accident report. He was told there was no report on the accident, and they had not done an investigation. He was assured that the person involved would now be arrested. It was not Mr. Taylor's fault he needed another vehicle.

Robinson: Chairman Robinson asked for Mr. Taylor or Mr. Morgan to discuss where we are currently with the teacher village. Per Mr. Taylor, Council has directed him to do everything he could to find a solution for this project to go forward; however, indemnification is the sticking point. All fee-in-lieu of or special source revenue credit agreements that the

County has entered into has included indemnity language, which basically protects the County from being sued. In the event of a suit, the company would have to cover the cost of the County's legal fees. Mr. Morgan agreed, stating legal fees can easily approach six figures, and the taxpayers would be protected with an indemnity clause. Mr. Taylor explained the law was written for recruitment of industrial prospects and not so much for housing. Richland has started this process with student housing, but there is also a suit against them in this matter. To date, the suit has not been settled. In using these tax incentives for residential, it is a bit of a stretch for the law. In the end it may be fine, but right now it is an unsettled issue. Alternatives are being looked into, for instance, the agreed upon arrangement as a result of when the County was in talks with Providence Hospital. The County could not indemnify them; however, an escrow account was placed as an assurance. The same thing was looked into with this venture with Gorelick being asked if they would put an amount into escrow to protect the County if needed, and they would not agree to this. Then the School District and Foundation were contacted, and we were again told this was not agreeable. The County is still looking at possible options. Mr. Morgan further stated the County is doing its best to find a way forward in this project. As Mr. Taylor said, this is a project a little out of the scope of the normal fee-in-lieu tax agreement, hence, the reason why these projects have been challenged. There is a standing 2011 Attorney General's opinion concerning this and current litigation pending before the S.C. Supreme Court. Actually, Fairfield County is named in this suit because it is part of the fee-in-lieu of tax agreement with Richland County. All the County's fees are being covered by the indemnification clause that is in that agreement. This is why we are trying to include it in this particular project.

Pauley: Council Member Pauley wished to discuss the idea that Council is somehow stopping this project from going forward. The County began with talks about this project over a year ago. From day one, on the advice of legal counsel and based on every other contract the County has, the County asked the developer to be willing to indemnify the County in case of any legal claims asserted based on this project. This is something that is routine and standard for all County contracts. Since Council requested the indemnification on day 1, a year ago, the County has spent valuable effort, time and hard resources, around \$10,000, toward making this project work. In hindsight, the pause button should have been hit on the project until we learned whether the developer was willing to indemnify the County. However, in a good faith effort to work together and try to get across the finish line, we proceeded with laying all the

necessary groundwork to make this happen. In the end, after a year of effort, time and money, the other parties involved in this potential project have been unwilling to help the County mitigate and manage its associated risks. Again, this is something the Council requested from day 1 on this project. To the idea that there is no risk, there is an avenue for this to happen without the involvement of the County at all. If others truly believe there is no risk, let them proceed to make the deal happen, and this Council will be a supporting willing partner and participant.

Bell: Council Member Bell believes the Teacher Village is a very innovative idea and has the potential to do a lot for the School District. He has spoken to Mr. Taylor many times concerning this project. He does not believe the effort should be stopped. This is a piece of work that is needed for the County and for the School District. If we are able to get this in place, it would mean a lot to the County, the schools and economic development across the County. He is hoping a solution can be found.

Goins: Vice Chair Goins stated everything has been said on this particular project, and the bottom line is covering the taxpayers. She doesn't see it as just the taxpayers because the School District is a part of Fairfield County. When the project is in place, it will become a part of Fairfield County. With all justification, we are trying to protect everyone involved. Some say low risk, but even that low risk can have a great impact financially that we all would have to bear. We cannot give up on the project and will try in every possible way to make it happen. She believes it will happen, and that we just haven't gotten to that point yet. She thanks everyone for their efforts and hopes to take away any hostility and bring another level of what can we actually do to get this done with everyone putting something in the pot. On the fire safety, she thanked Mr. Hoshall for bringing this program forward and informing Council of the upcoming meeting. When she thinks of fire safety, her first thought is water. We need high water capacity, fire hydrants, etc. You can have all the fire trucks and personnel, but this is to no avail without good water pressure. On the water problem in the western area, this has been an ongoing problem. It's not even a big corporation trying to take over anything, just one county with all the residents trying to do what's best for everyone. Everyone needs to put into this pot to make it happen. When thinking of economic development, we must think of our environment. We want to build homes to bring people into different areas; however, every time a septic tank is put in the ground, there is more open space for contamination to the water we are trying to get out of the earth. The less wells we put in place and instead use one source,

the better quality we will have, the better testing process we can have, better innovative standards and less contamination to the environment. All these things come into play and are all a part of the quality of life.

Gilbert: Council Member Gilbert wished to also speak on the teacher village. He agrees with Mr. Pauley in that the Council is being unfairly accused of not wanting this project to proceed. If you took a poll, the majority of the Council really wants to see this go through. However, this would be akin to a contractor telling him they will build a \$3,000 house. However, the only way the contractor will build the house is if he doesn't take out insurance on the house. It concerns him that the developer doesn't want to work with us. In the nine months he has been on Council, not once have they met with Gorelick Brothers. There are questions and concerns that need to be voiced, but they have refused to talk with us. He wants what is best for the County. He wants the teacher village. Who will be looked at if this goes forward without the indemnity language and the County gets sued. He is still in prayer about his decision when it comes to voting on this. He wants to see it here, but he wants to see Gorelick Brothers work with the County to make this work for both sides.

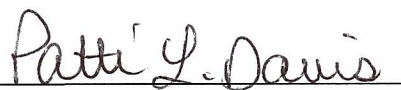
Robinson: Chairman Robinson will also be bringing to Council at the next meeting the consideration of one meeting per month for the months of October, November and December. If there is a needed meeting, a special meeting can be called.

17. EXECUTIVE SESSION (SUBSEQUENT TO EXECUTIVE SESSION, COUNCIL MAY TAKE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION).

No executive session.

18. ADJOURN

At 6:59 p.m., it was moved by Council Member Douglas and seconded by Vice Chair Goins and Council Member Bell to adjourn. ***The motion carried unanimously 7-0.***



PATTI L. DAVIS
CLERK TO COUNCIL



CORNELIUS ROBINSON
CHAIRMAN