



**MINUTES
SPECIAL MEETING
FAIRFIELD COUNTY COUNCIL
OCTOBER 26, 2020**

Present: Moses Bell, Jimmy Ray Douglas, Bertha Goins, Cornelius Robinson, Clarence Gilbert, Council Members; Jason Taylor, County Administrator; Laura Johnson, Assistant County Administrator; Patti L. Davis, Clerk to Council.

By Phone: Mikel Trapp

Absent: Doug Pauley

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 one other individuals.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Motion made by Vice Chair Goins and Council Member Douglas, seconded by Council Member Bell, to approve the Agenda. ***The motion carried 5-0.***

Council Member Trapp joined the meeting at 6:08 p.m.

3. ORDINANCES, RESOLUTIONS AND ORDERS

- A.** Second Reading Ordinance No. 758: An Ordinance to Amend the Fairfield County Land Management Ordinance (No. 599) to Provide for the Zoning Reclassification from I-1 (Industrial District) to B-2 (General Business District) of 8.38 Acres Owned by Edgardo and Wanda Huertas (Applicants). This is Tax Map No. 184-00-00-111-000. Property is Located at 3103 East Peach Road, Ridgeway, SC 29130. Motion made by Council Member Bell, seconded by Council Member Douglas and Vice Chair Goins, to approve second reading of Ordinance No. 758. Per Mr. Clauson, the rezoning request involves a property that was zoned during the massive zoning which occurred in 2012. Since then, this property has been zoned industrial. The applicant bought the property in 2019 thinking that residential purposes would be allowed. When the permit was requested, they were made aware of the facts. This rezoning is being brought from I-1 to B-2, which is how the Land Management Ordinance

is set up. This is an approved alternate zoning district for the area. This matter went before the Planning Commission and was approved 6-0 with one member not present. Based on this rezoning, Council Member Bell inquired if residential property will be allowed in this location. Per Mr. Clauson, residential use would be allowed for B-2. Vice Chair Goins stated she has noticed a lot of rezoning being done since the massive rezoning. She opined a lot more will be needed, especially for residential. Per Mr. Clauson, it has now been eight years, so there will still be some to occur. The County will be going through the process of amending the Comprehensive Plan in the near future, and this could possibly involve another massive rezoning process. A lot of the issues that have come up are with mobile homes not being allowed on R-1 property. This would probably be advised along the lake because of the insurance benefits, but for some reason, there are other spots that seem impractical to not allow a mobile home. Some of this will be cleaned up, and in this case, this was a large area that was made industrial. Council Member Douglas stated this is not an isolated incident. He questioned if citizens attempt to sell houses in this area, would their zoning need to be changed to B-2. Per Mr. Clauson, this would be a grandfathered use, so this would be allowed. Mr. Taylor inquired if the properties that are zoned industrial but are currently residential and have been grandfathered in, could they be hindered when attempting to get a loan from the bank to improve the house. Per Mr. Clauson, this could be on the lending company. Mr. Morgan stated he can look into this and report back to Council. Vice Chair Goins stated in the future this would be something the County needs to work on. Mr. Taylor stated a zoning document is a living document, and when blanket zonings are performed, sometimes things like this happen. During blanket zoning, property is looked at as a whole instead of individual pieces. This piece of property is close to the Commerce Center, but it is cut off by two creeks. It would be cost prohibitive for the County to try to do something with a piece of property such as this. Council Member Bell inquired that since the property is being zoned general business district allowing for residential property, why would it not be zoned residential instead. Per Mr. Clauson, the future land use map is the document contained within the Comprehensive Plan. This took the entire County and carved out areas for certain uses. From that, the zoning map was created. Then, it was said there is only one industrial district which is I-1. For business, there are two business districts. For residential, there are three or four. This matrix was created so the area that was deemed to be industrial would have approved zoning districts in that area. Residential or R-1 or R-2 is not included in the area. If this were proposed, this would not be in keeping with the long term plan, but

a B-2 is allowed and would also allow residential use. There are two documents, which include the Comprehensive Plan, which must be complied with, and the zoning ordinance which feeds into the Comprehensive Plan. **Motion carried 6-0.**

- B.** Second Reading Ordinance No. 759: An Ordinance Setting the Millage Rate for Fairfield County for the Fiscal Year Beginning July 1, 2020. Motion made by Vice Chair Goins and Council Member Douglas, seconded by Council Member Gilbert, to approve Second Reading of Ordinance No. 759. Chairman Robinson inquired if, in the future, the Millage Ordinance could be done along with the budget. Mr. Taylor stated this would be his preference. He has been accustomed to passing the millage along with the budget so it would be known how much money would be coming in before determining how much to spend. From his understanding, the County has never done it this way. He believes it makes sense to know how much money will be coming in before developing the budget. He will, however, work to see if that is possible. Currently, Administration is working with the County Auditor, Mrs. Peggy Hensley. In her calculations, she feels that 181.8 mils, which is the current mil, will generate the \$26,239,922 needed to meet what the County Council has budgeted with the last budget. Council Member Bell inquired if we can assume the value of the mil would be the same as last year. Per Mr. Taylor, the value of a mil can fluctuate, but it is roughly \$144,000. Per Mrs. Bass, every time an assessment is changed, this can affect the mil. Mr. Taylor stated the hope is that the new companies coming to the County will help to raise the mil value. However, some was lost with the nuclear plant. Council Member Bell inquired if the value of the mil is determined by the assessed value of the property. Mrs. Bass stated this is correct. The millage requires the assessment to generate taxes. So, as assessments change, it will generate more or less tax revenue, which will make the value more or less. Council Member Bell stated it appears over the last four years, the value of the mil has gone up about 22% to 24%. Per Mr. Taylor, we would need to have the Auditor present to discuss this. The County does, however, strive to have the value of a mil increase, which is a sign of a healthy local economy. Per Council Member Bell, then the County would end up getting more money, and the property taxes would somewhat increase. **Motion carried 4-2 with Council Member Bell and Council Member Trapp voting nay.**


Council Member Trapp left the meeting at 6:16 p.m.

Prior to adjourning, Chairman Robinson reiterated to Council Members not to discuss possible litigation or current litigation. The County currently has several cases in litigation or potential litigation, and it would behoove us not to discuss this publically as it may have a negative effect. Chairman Robinson asked for Mr. Morgan to elaborate. Per Mr. Morgan, there are multiple ongoing litigation cases. These cases range between road closures to incidents involving law enforcement/detention center and other contractual disputes. Some specific facts have been discussed with Council, and if that information were to get out, it could impact the County for a number of reasons. These reasons could include creating a perception that the County is not in good faith going forward with the litigation, possible impact on potential settlements, impact on venues with attempts for the venue to be changed, etc. If anyone questions a Council Member concerning an ongoing matter, Council should state they cannot talk about this as it is pending litigation. Mr. Morgan will be happy to try to answer any specific questions without divulging the attorney/client privilege. Council Member Bell inquired if this means that members of Council will get the information so they then cannot discuss it. He feels there is some information that has not been officially given to Council in executive session, and if the information is not received from an official source, how is it that they cannot discuss it. Mr. Morgan is unaware of what unofficial sources Council Member Bell is referring to. However, regardless of the source, whether it is official or unofficial, if there is any information that comes to Council that could potentially have an impact on the case if it were divulged, then his opinion is that it is the Council Member's duty to keep that information and withhold spreading this out because of the potential impact. It may not have that effect, but the whole reason to have confidentiality is the process that is involved in the litigation. Council Member Bell understands this, but the question he has is that in the past a settlement was discussed, and he then went to administration inquiring if this information was true. His question then is how can Council be held liable for information. His suggestion is as litigation comes forward, all members of Council should be told so they will then all have the same information, and then they all will practice the same confidentiality. He feels it will be a good thing for all Council Members to have all information concerning all litigation. Vice Chair Goins stated giving everyone information only puts it more at risk. When in executive session, we are under confidentiality. Even when we are not, we should know certain things are not to be divulged until certain times. It is not necessary for the Council Members to be getting all the information, and sometimes it would be best that they do not have it. We have been told this over and over again, and in business, we know this is how it works. The more information given out, the higher the risk for it to get out. Council Member Douglas stated cases have been discussed in executive session many times when something was important or there was a change. There is nothing being held

back, and Council Members need to listen to what is discussed in executive session.

4. ADJOURN

At 6:23 p.m., it was moved by Council Member Douglas and Vice Chair Goins, seconded by Council Member Gilbert, to adjourn. ***The motion carried 5-0.***



PATTI L. DAVIS
CLERK TO COUNCIL



CORNELIUS ROBINSON
CHAIRMAN