



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
JULY 27, 2020**

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

By Phone: Mikel Trapp, Bertha Goins

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.

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 Robinson called the Regular Meeting to order at 6:00 p.m. Vice Chair Goins, Council Member Trapp and C.D. Rhodes joined by phone via WebEx meeting.

2. APPROVAL OF AGENDA

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

3. INVOCATION

Council Member Douglas led the invocation.

4. APPROVAL OF MINUTES

It was moved by Council Member Bell, seconded by Council Member Pauley and Vice Chair Goins, to approve the minutes from the Regular Meeting of July 13, 2020. ***The motion carried unanimously 7-0.***

5. PUBLIC PRESENTATION

None.

6. PUBLIC HEARINGS

- A.** 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 Six (6) Acres Owned by Healthcare US Co. Ltd. Portion of Tax Map No. 164-00-00-002-000. Property is Located at State Highway 269, Winnsboro, SC 29180. Chairman Robinson opened the public hearing at 6:05 p.m. No one signed to speak; therefore, Chairman Robinson closed the public hearing at 6:05 p.m.

7. ORDINANCES, RESOLUTIONS AND ORDERS

- A.** Third and Final Reading Ordinance No. 750: An Ordinance Enacted Pursuant to the Capital Project Sales Tax Act, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as Amended, Providing for the Imposition of a One Percent Sales and Use Tax and the Authorization of General Obligation Bonds Upon Referendum Approval, the Form of the Ballot to be Used in Connection Therewith, and Other Matters Relating Thereto. Motion made by Council Member Douglas, seconded by Council Member Gilbert, to approve Third and Final Reading of Ordinance No. 750. Council Member Bell stated he has been mostly quiet on this ordinance. He has attended meetings with administration and spoken to his constituents. He has researched the issues and presently cannot support it for the following reasons. Council Member Bell sees two major flaws with the bond itself. The bond states in the event such sales and use tax is inadequate, such bonds should be payable from a sufficient voter tax imposed on all taxable property in the County. Second, if the project is declared impossible for a myriad of reasons or the County does not need the money for the project, the County Council will decide on how it will be spent. It could be spent as the other \$24M bond by not spending as was designated, such as recreation facilities throughout the County. Council Member Bell also stated he was reminded by his constituents, why should he support this ordinance when this Council had an opportunity to support District 1. They chose to vote against the library after spending \$70,000 to include the work for the renovation and only one year of actual service to the community. Again, the last bond of \$24M was designated to spend at least \$500,000 for recreation in each district, but District 1 did not get its recreation share of the money. Council Member Bell feels the committee itself was not representative of the County at large. It truly represents taxation without representation. He further feels it shows a disdain for the County's population, which in itself is a travesty. The discouraging part is the budget of 2017 to the budget of 2021. The County accumulated an additional \$38.1M knowing

that a wastewater treatment plant is needed, so where was the thinking or the preparation. During training in the Economic Institute, it was stated that one thing that prevents a municipality or a County from going forward is the lack of shared resources in segments of the community. This is what is being witnessed today. It is absolutely wrong to deny District 1 a community recreation center when the County has the resources to do so. The constituents of District 1 request that Council Member Bell vote no because it is not fair to spend County resources within certain communities and then come to the other communities for support when they are deprived of the same spending for their community. To understand the comments, one need look no further than the closing of the library and denial of their share of the recreation allocation from the \$24M bond. Council Member Douglas stated speakers should stick to what the ordinance is about when speaking. Council Member Bell states he can speak on what he wants to speak on. Vice Chair Goins stated for clarity, the 1% sales tax will be something that will be used County-wide, and it is beneficial. Water and sewer is a need County-wide. It is necessary for the future of Fairfield County and is not limited to a certain district. She supports it 100% because she understands the vision and the direction the County is attempting to move toward together. Mr. Rhodes then stated Council Member Bell is correct in that the bonds are general obligation bonds, but the reason they are general obligation bonds is because there is no bonding authorization under our constitution or our statutes to secure bonds of a county solely with tax revenues. At such time as the bonds are issued, they will be sized very carefully to make sure the sales tax revenues coming in will be sufficient to pay annual debt service. Mr. Rhodes would never recommend that anyone go forward with a bond that will ultimately be paid from the sales tax revenues until they have at least a year of collections to make sure the projections provided by the State are accurate. They are technically general obligation bonds; however, they are sized so it will not be necessary to levy taxes to repay. Some of the information related to the use of the funds in the event a project becomes impossible is cited in the ballot. It is important to put voters on notice exactly what could happen and what eventualities may occur, and these are ultimately statutory provisions. We are carrying forward the ways the statute instructs us to deal with problems that may arise. It is possible that Council may have to decide in the future what happens with excess revenues or funds that are not used for these projects because, for instance, the projects have been funded from another source. However, it would be many, many years into the future before Council would have that capability. If Council were to want to use the funds in the short

term, it would have to have another referendum, and the voters would get to select new projects for the County. To answer the question of the composition of the commission and whether it was representative, the Commission was formed in accordance with the statute. The statute requires three members appointed by County Council and apportions the other three members among the municipalities in the County based upon their relative population to the entire population of the municipalities within the County or the aggregate. Winnsboro appointed two members, and then those two members selected another member from within another municipality in the County, with a member from Ridgeway being selected. All this was done in compliance with the requirements of the statute. Chairman Robinson stated he keeps hearing the previous bonds in comparison to the possible bond for the wastewater treatment facility and questioned if they are compatible or are they different. Per Mr. Rhodes, they have some similarities. They are both back stopped by the taxing authority of the County. The major difference is that if passed, these are revenues that will be collected. We should be cautious moving forward about issuing general obligation bonds, but we can move forward, and when the point comes to actually issue bonds, we will have the information to be sure we are issuing bonds that are sized and structured so the County will not have to use its taxing authority. The big difference is these will be issued with a lot more information and a lot greater assurance that the funds being collected will be sufficient to pay debt service. Council Member Pauley stated he will vote in favor of the referendum because he thinks it is good to put forth a decision of this magnitude to the voters. He will say, however, that he will not be able to support a bond issuance for any projects tied to the additional penny, if approved by the voters, for at least two years. Given the current times, we need to be very careful about issuing bonds. Council Member Bell inquired if we wait two years before issuing the bond, what happens to the increase in sales and use tax. Per Mr. Rhodes, once the tax goes into effect on May 1, 2021, the money starts to come in and is handed over to the County on a quarterly basis. The money has to be spent on the projects approved at the referendum. As the monies come in, the County will have in its pocket \$2M plus that it can spend on those projects, and this can be used to offset the size of the bonds that will ultimately be issued. Less bonds needed and less interest would be a direct result. It is within Council's control as to when any bonds are issued. Council Member Douglas inquired if the preliminary money could be used on water lines. Per Mr. Rhodes, it can be used for any project costs, although the projects are prioritized. The treatment plant is first and then any related infrastructure and sewer lines. This was done intentionally

because the sewer lines are dependent on the sewer plant being built. The cash that accumulates would first be spent on the wastewater treatment plant and other related infrastructure and then on sewer lines. When we get to the point to spend money, it will be because we are ready to build the plant. At that point in time, provisions can be made for the use of the funds. Council Member Bell inquired if the project is declared impossible, can the County spend the money with a majority vote of Council. Per Mr. Rhodes, there are two ways the money can be spent on projects other than the listed projects. If, after three years into the tax being collected, the State tells us they will pay for the entirety of the wastewater treatment plant, at that point in time, it would be impossible to use the funds for that purpose. If the County wanted to spend the money within the next twelve months, the County would have to have a second referendum to put it back to the voters to approve new projects that would be funded through the accumulated money and the reauthorized tax for another eight years. If the tax is not reimposed for an additional period after expiration, at that point in time, Council will make the decision as to how it wants to spend the money. It can be spent on any project that is authorized under the act. However, we will not know with certainty that the tax will not be reimposed until we get to a point seven years from now when essentially we would run out of time to put it on the ballot for the general election in that year. Only then will we know with certainty that it will not be reimposed, and only at that point in time does the provision in the statute that deals with the tax not being reimposed, comes into effect. So, seven years down the road, if nothing has happened and the projects are declared impossible, Council can then decide to spend the money on other projects that would be authorized under the act. Vice Chair Goins thanked Mr. Rhodes for his explanation. She feels this is ensuring that the process of the 1% sales tax is being protected, and it shows the citizens there is a plan behind it and will always be accounted for. The wastewater treatment plant is the main focus. Council Member Gilbert feels the County reacts too much instead of being proactive. Without this wastewater treatment plant, the County will not go anywhere, and the district complaining about this will benefit the most. It is something the County really needs, because we are behind in every aspect of growth, and this will help us to grow. He does not want to be a part of keeping Fairfield County in the dark ages and feels we must move forward. Council Member Bell inquired concerning the last statement; and Council Member Gilbert will not repeat as his statements will be in the minutes. Chairman Robinson also agreed that District 1 will benefit tremendously due to the Mega Site as well as

with the wastewater treatment facility. ***The motion carried 5-2 with Council Members Bell and Trapp voting nay.***

- B.** Second Reading Ordinance No. 751: An Ordinance Approving the Agreement to Share Costs and a First Supplement Thereto by and Between Fairfield County, The Fairfield Joint Water and Sewer System and the Town of Winnsboro, and other Matters Related Thereto. Motion made by Council Member Douglas, seconded by Council Member Gilbert and Vice Chair Goins, to approve Second Reading of Ordinance No. 751. Council Member Bell inquired what percent cost is being paid by the County and what percent cost is being paid by the Town. Chairman Robinson suggested having Mr. Rhodes give an overview and then have questions. Per Mr. Rhodes, Council has before it an agreement and a supplement to the agreement, to share the administrative costs of the Fairfield Joint Water and Sewer System. Currently, the costs to date have effectively just been Mr. Rhodes' fees. When the system was formed, the agreement entered into between the County and the Town was that the County would pay 75% of the costs and the Town would pay 25%. This is carried through in the agreement itself. Over the last three months or so, there has been a lot going on in the Joint System, and it has been necessary to bring in other professionals to give advice on regulatory matters and to advise on some very specific and technical engineering issues. It is now getting beyond just Mr. Rhodes' fees. There are other funds that have been made available to the County to cover some of these costs. So, outside of the bounds of the normal administrative costs covered by the agreement, the County has been paying 100% of some very specific costs, and this is where the supplement comes in. The agreement expressly says it can be supplemented as to specific types of fees so that one member pays a greater percentage or the full amount of that particular kind of fee. Council Member Bell inquired once the water and sewer is obtained, how much money would the County get in return for customers with the plant. Per Mr. Rhodes, these agreements are very simple because right now it is a very simple organization. There will come a time when it will become more complicated, which would require a much more robust agreement, including operating expenses of the plant. The County will be using some of the capacity, the Town may be using some of the capacity, Ridgeway may use some of the capacity in the future, etc. At that point, the basic operating and maintenance costs will need to be refigured. These types of agreements will be very complex, but they will make sure the costs are borne in relation to the benefit that each member receives. At this point, the way to divide costs is unknown, and will require an intensely negotiated agreement. Council

Member Bell then asked if the County is paying 75% of the costs, should it get 75% of the return on the investment. Mr. Rhodes stated that looking at return on investment probably does not necessarily square with how the finances are going to work on the front end. The revenues of the system, in all likelihood, will be used to sustain the system and then to expand the system to improve and grow its financial condition. If there are revenues left over, at that point in time, it would be up to the Joint System Commission to decide how those revenues are distributed. Mr. Rhodes has worked with a number of joint systems, and generally it takes everything the system can do to generate revenues to sustain. It would be many years, possibly up to two decades, to have this discussion. It would be helpful to keep in mind the scale we are working with. Once the system is sustaining itself and producing revenue, the County can ask for distribution to recoup some of its costs. However, this is a long time into the future before we get to this point. Chairman Robinson requested Mr. Taylor to elaborate on the County putting 75% into this agreement and what doors it will open. Per Mr. Taylor, this will open up development, including economic development, commercial development and residential development. That is really what the County's ultimate pay-off will be. Mr. Taylor views the money we are putting forth now as seed money/startup money. Hopefully, the revenues generated will make the System self-sufficient. The County is not looking to a return from ratepayers of the sewer plant, but instead, the return of being able to continue to create jobs, recruit commercial industrial development and make it possible to have subdivisions. These would be our real returns. Council Member Bell inquired if the sewage plant itself may not make money, and Mr. Taylor agreed. If you are trying to build a sewer plant strictly off of rate payers' fees, this is a losing proposition. The County is trying to create a situation with it putting some revenue in with hopefully a lot of State revenue. We are trying to cobble together enough funding sources so it is not only self-sufficient, but we have a rate that is low enough that it will be an economic development incentive itself. ***The motion carried 5-2 with Council Member Trapp and Council Member Bell voting nay.***

- C. Second Reading Ordinance No. 752: 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 Six (6) Acres Owned by Healthcare US Co. Ltd, Portion of Tax Map No. 164-00-00002-000. Property is Located at State Highway 269, Winnsboro, SC 29180. Motion made by Council Member Douglas, seconded by Council Member Gilbert, to approve Second Reading of

Ordinance No. 752. Chairman Robinson inquired what will be placed on the land. Per Mr. Clauson, this is a rezone being brought by Healthcare United, which is also known as MLily. They are looking at bringing two modulars on the site because they require some of their employees coming in from China to have residence close to the facility. Council Member Douglas inquired if these will be true modulars or will they have wheels. Per Mr. Clauson, they have to be true modulars for the B-2 classification. The request has gone through the Planning Commission and has been approved. Vice Chair Goins stated this also shows the need for residential housing in Fairfield County. Not having this available for someone doing business with us is not a good thing. This just puts us back to the need for sewer and water. Council Member Bell stated this is done at their other plant sites. Mr. Davenport agreed that this is not uncommon. A big driver for this is to have these folks coming in and they could not drive. ***The motion carried unanimously 7-0.***

- D.** Emergency Ordinance No. 753: An Emergency Ordinance to Declare a Local State of Emergency in Fairfield County and Providing for Conducting Electronic Meetings for Fairfield County Council and All Fairfield County Boards and Commissions. Motion made by Council Member Douglas and Vice Chair Goins, seconded by Council Member Pauley, to approve Emergency Ordinance No. 753. Mr. Morgan stated this is a continuation due to the fact that all emergency ordinances expire in 61 days. This continues the same provisions the Council has previously passed twice as to the emergency meetings, the conducting of the meetings electronically and continuing the state of emergency in the County. ***The motion carried unanimously 7-0.***

8. BOARD AND COMMISSION MINUTES - Received as Information

- A.** Hospital Board
- B.** Library Commission

Council Member Douglas inquired how long the hospital can continue to collect money from people who owe the hospital. Per Mr. Morgan, there is no statute of limitations based on the debt set-off collections. Chairman Robinson and Mr. Taylor have had meetings with the hospital concerning this matter, and this will be revisited. Council Member Gilbert also stated the Prisma acquisition is going extremely slow at the moment.

9. BOARD AND COMMISSION APPOINTMENTS

None.

10. OLD BUSINESS

None.

11. NEW BUSINESS

None.

12. COUNTY ADMINISTRATOR'S REPORT

A. Maria Calloway, RN, MVA, DNP, NE-BC, Market Chief Nursing Officer, Providence Health. Ms. Calloway was not able to attend the meeting tonight and hopefully will be able to attend the next meeting. Mr. Taylor stated the County has a total of 486 cases and masks and other precautions are still being implemented. Council Member Bell inquired concerning emails with reports of deaths. Per Mr. Taylor, he believes he may have missed one that was sent late one night, but the County has not had a lot of deaths.

B. Food Distribution Update – Per Mrs. Johnson, the sixth food distribution is planned for August 13 and five distribution sites are being proposed. Some boxes will also be routed to the Council on Aging for them to give out to their clients that are unable to make it to the sites. One or two transit buses will assist with this. Mrs. Johnson requested for Council members to let her know if they can assist. Vice Chair Goins thanked Mrs. Johnson for an excellent job along with all who have helped. She has heard great feedback from the citizens, and they appreciate it so much. Mrs. Johnson stated she usually has more volunteers than she needs, and she thanked all the volunteers.

13. CLERK TO COUNCIL'S REPORT

None.

14. COUNTY COUNCIL TIME

Robinson: Chairman Robinson wanted to publicly thank the Coroner, Mr. Chris Hill. There was a recent tragic loss in the law enforcement community. Mr. Hill was very professional during this time. It takes a certain person to carry a death weight on your shoulders, and the professional way this was handled was very heartwarming. Also, Ms. Nocola Hemphill is trying to put together a different test for COVID consisting of a CT. Mr. Taylor has been working with her on this project,

and there have been some issues. Council Member Bell also thanked Ms. Hemphill for her work. Council Member Robinson inquired if the old bond was on a referendum. Per Mrs. Johnson, this was not on a referendum, so the money could have been spent in any way Council deemed necessary. There were recommended projects, and when the estimated cost of each of the projects is added in the bond documents, it does not even add back up to the amount of the bond. This was prior to April 2013, and no bids were submitted or advertised to determine how much each of the projects were going to cost. Council did have discussions and changes were made with Council approval. Chairman Robinson sympathizes with District 1 for not receiving the gym, but they did receive a fire department and other things. He was not on Council at that time, and the current Council cannot be blamed. The Council member at the time saw the need for the fire department and the walking trail. He also feels Council Member Bell will have to pick a side because the budget is either going to be too high or not.

Goins: Vice Chair Goins recognizes the importance of the 1% sales tax going forward for the quality of life for all citizens of the County. We can no longer think as districts, we must think as a whole County. Everyone is part of the County and everybody deserves to have the best. Water and sewer is especially important now in the pandemic, because we are using more. The County must be prepared. We have young people and older people who need good quality housing, and it is necessary. If she says she will not support something because something did not happen, then she is not considering the care of the quality of life of the people of Fairfield County. Western Fairfield will probably be the latter end of the success of this endeavor. She may not even be here, but as long as it benefits and makes peoples' lives better, she will support it.

Bell: Council Member Bell thanked Council for supporting the community center in Ridgeway since the Council is supporting any project that is good for the County. Council Member Bell also inquired if this is the last time we will discuss this particular matter at Council, and Mr. Taylor agreed.

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

At 7:05 p.m., it was moved by Council Member Bell, seconded by Council Member Gilbert, to go into executive session to receive legal advice

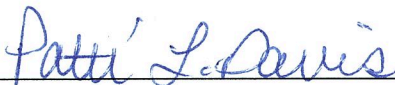
pertaining to a discussion of a proposed Contractual Agreement Regarding an Economic Development Project Concerning a Solar Farm Pursuant to S.C. Code Ann. Section 30-4-70(a)(2) and (a)(5). **Motion carried unanimously 6-0.** Council Member Trapp left the meeting at 7:02 p.m.

At 7:33 p.m., it was moved by Council Member Gilbert, seconded by Vice Chair Goins, to come out of executive session and return to regular session. **The motion carried unanimously 7-0.**

No action was taken in executive session.

16. ADJOURN

At 7:34 p.m., it was moved by Council Member Bell, seconded by Vice Chair Goins, to adjourn. **The motion carried unanimously 6-0.**



PATTI L. DAVIS
CLERK TO COUNCIL



CORNELIUS ROBINSON
CHAIRMAN