

EDGEFIELD COUNTY COUNCIL

November 5, 2019

6:00 PM

County Council Chambers

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201900004393 OR 1772 107

The Edgefield County Council held its regular meeting at 6:00 P. M. Tuesday, November 5, 2019 in the County Council Chambers, 225 Jeter Street, Edgefield, SC. Notice of this meeting was provided to The Edgefield Advertiser and others as requested.

Members present

Scott Cooper, Chairman
Albert Talbert, Vice Chairman
Arthur Biggs, Councilman
Dean Campbell, Councilman
Dr. Jacqueline Kennion, Councilwoman

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Others present

Tommy Paradise, County Administrator
Bruce Cooley, Assistant Administrator/Finance Director
Andrew Marine, County Attorney
Jennifer Gilley, Clerk to Council
and others as per list attached

Chairman Cooper called the meeting to order. The invocation was given by Pastor Bruce Cooley. The Pledge of Allegiance to the Flag was then recited.

Approval of Agenda

Motion to approve the November 5, 2019 agenda was made by Councilman Talbert, seconded by Councilwoman Kennion. Motion passed unanimously.

Approval of Minutes

Motion to approve the October 1, 2019 County Council minutes (Regular Meeting of Council) was made by Councilman Campbell, seconded by Councilman Talbert. Motion passed unanimously.

Guest Speakers

None

Comments from the Public

1. Linda Anderson – Mrs. Anderson asked what property is being farmed that the possible Dominion Energy Lease will affect. Mr. Paradise said this refers to the property at the Industrial Park. He also noted that the person that was leasing the property didn't renew his lease so it wouldn't affect any farming.

Reports

There were no questions nor discussion on the reports.

Consent Agenda

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Chairman Cooper asked Council if there were any items that needed to be removed from the Consent Agenda to allow discussion. There were none. Motion to approve the Consent Agenda as presented was made by Councilman Biggs, seconded by Councilman Campbell. Motion passed unanimously.

- 1. Consideration of reappointments to the Public Library Board of Trustees.
 - Lillian Miles.....Reappointment
 - Jean CovarReappointment
 - Deborah HoffmanReappointment

- 2. Consideration of appointment/reappointment to the Board of Assessment Appeals.
 - Charles AtkinsDistrict 2
 - Noah PetersonDistrict 3

Consent Agenda Ends Here

Public Hearing

None

Old Business

- 1. Consideration of Approval of Third Reading of Ordinance Number 19-20-764, "An Ordinance to Amend Chapter 24 of the Edgefield County Land Development Ordinance."

Chairman Cooper asked Mr. Paradise if anything had changed with this ordinance. Mr. Paradise said nothing had changed in this ordinance.

Chairman Cooper asked that Mr. Paradise to review the difference between a standard neighborhood and a planned unit development. Mr. Paradise said that if a standard neighborhood is proposed to the Planning Commission and the project meets the minimum requirements, the Planning Commission has to approve it and it doesn't go before County Council for a vote. If a planned unit development is presented to the Planning Commission, they have the right to request changes/edit to the project and once it is approved by Planning Commission, the project still has to be approved by County Council. He noted that County Council also has the authority to request changes/edits in the project. Mr. Paradise summed the difference up by saying a planned unit development gives the county more control over the project.

Motion to approve third reading of ordinance number 19-20-764 was made by Councilman Talbert, seconded by Councilwoman Kennion. Motion passed unanimously.

New Business

- 1. Consideration of appointment to the Public Library Board of Trustees.
 - Kay CampbellAppointment

*Councilman Campbell noted that he would be recusing himself from this item of business. He explained that Kay Campbell is his wife. Councilman Campbell turned in a recusal statement to Ms. Gilley and stepped out of the room while the remaining Councilmembers voted. The recusal form is on file in Ms. Gilley's office with the minutes of this meeting.

Motion to appoint Kay Campbell to the Public Library Board of Trustees was made by Councilman Biggs, seconded by Councilman Talbert. Motion passed 4-0 with Councilman Campbell recusing.

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2. Consideration of Approval to Renew a Franchise Application for Regional Ambulance Service to Operate a Private Ambulance Service in Edgefield County to provide Convalescent and/or Non-emergency Medical Transportation.

Mr. Paradise told Council the Director of EMS has reviewed the renewal application and references provided by Regional Ambulance Service. He also noted that there have been no complaints regarding this company and the service they have provided for the last 3 years. Mr. Paradise said Regional Ambulance Service would be allowed to continue providing non-emergent transports in Edgefield County with the renewal if it is approved and that this helps to keep the Edgefield County EMS ambulances free for true emergencies. Mr. Paradise said staff is recommending for Council to approve this application.

Motion to approve the renewal application for Regional Ambulance Service to Operate a Private Ambulance Service in Edgefield County to provide Convalescent and/or Non-emergency Medical Transportation was made by Councilman Talbert, seconded by Councilman Campbell. Motion passed unanimously.

3. Consideration of Approval of First Reading of Ordinance Number 19-20-765, "An Ordinance Authorizing the County of Edgefield to enter into a Lease of Real Estate in the Edgefield County Industrial Park."

Mr. Paradise said this is a proposed lease by Dominion Energy South Carolina for approximately 10-acres (of the 25 acres) of land owned by Edgefield County located in the Edgefield County Industrial Park. He said the lease is for a laydown yard for improvements to the electric grid coming for their Steven's Creek station. He went on to explain the storage would be for the steel poles and equipment, no transformers or other environmental hazards would be stored there and the property would be returned as much as possible to its current state. The payment will be \$1,500 per month for 32-months with an option to extend month to month. Mr. Paradise noted the previous lease was for \$625 per year and was not renewed by the party that held the lease.

Councilman Campbell asked if the minimum time frame was 32 months. Mr. Paradise said that is correct with the option to lease for longer. Chairman Campbell asked Mr. Paradise if Dominion Energy would be maintaining the acreage for aesthetics when passing the Industrial Park. Mr. Paradise said they wouldn't be maintaining all 25 acres as they are only leasing 10 acres and that portion is not visible from Highway 25. Chairman Cooper asked Mr. Paradise if staff was doing anything to try and secure a lease for the remaining 15 acres. Mr. Paradise said he was not looking for other lease options but the Road Crew would maintain the remaining 15 acres as they have done in the past. Chairman Cooper asked if someone else could possibly lease the remaining 15 acres to produce hay. Mr. Paradise said possibly but that he does have concerns about having two leases on the property that are different in purpose.

Motion to approve first reading of ordinance number 19-20-765 was made by Councilman Biggs, seconded by Councilman Talbert. This entered Council into discussion.

Councilman Campbell said that he would like to address the money that will be generated by the Industrial Park. He noted that in the past, money that was generated by the Industrial Park has been put into the Industrial Development Fund and has been used to enhance economic development. He went on to make a motion to amend the approval of first reading of ordinance number 19-20-765 to distribute all of the revenues, for the entirety of the lease, from this lease into the Industrial

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Development Fund to be used to enhance economic development. Councilman Campbell also included in his amendment be added to this ordinance and bold paragraph prior to second reading. Motion to approve the amendment was seconded by Councilman Biggs. This motion passed unanimously. Main motion passed unanimously.

Executive Session

Actions may be taken in public session on matters discussed in Executive Session including contractual matters.

1. Attorney's legal advice on status of pending opioid litigation.

Chairman Cooper noted that in previous month's Council has gone into executive session to discuss the details of a GLEAMNS appointment. Chairman Cooper made a motion to include that item of business be added to Executive Session, seconded by Councilman Talbert. Attorney Marine noted there would be no decisions or votes taken, that this would only be a follow up discussion. Motion to amend the Executive Session to include GLEAMNS discussion passed unanimously.

Motion to enter into executive session was made by Councilman Biggs, seconded by Councilwoman Kennion. Motion passed unanimously.

Council returned from Executive Session. Motion to leave executive session and enter into open session was made by Councilman Talbert, seconded by Councilwoman Kennion. Motion passed unanimously.

NEW BUSINESS CONTINUED

1. Consideration of Action regarding South Carolina Opioid Litigation (C/A No.: 2018-CP-23-01294) County of Edgefield v. Rite Aid of South Carolina, Inc. et al., C.A. No. 2019-CP-19-00120. Chairman Cooper stated Council received the legal opinion of the Attorney regarding this item of business in Executive Session.

Motion to take action by opting out of the opioid litigation and present a resolution was made by Councilman Biggs, seconded by Councilman Talbert. Chairman Cooper read the following for clarification:

Resolution Title: A resolution to opt out of the nationwide class certified for negotiation purposes in *IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION*, MDL 2804.

Language from Resolution: Now, therefore, be it resolved by the Edgefield County Council (the Council) that the County will opt out of membership in the Class. Be it further resolved that the Council will sign the appropriate exclusion request form, thereby affirmatively opting out of the Class, and the Council's attorney shall communicate the Council's decision and deliver the exclusion request form to South Carolina Opioid Counsel as soon as is practicable after the adoption of this resolution, and by November 1, 2019 at the latest, to ensure the County's decision to opt out of the Class is effectuated.

This entered Council into discussion. Councilman Campbell asked for the Attorney to clarify these actions for the public and media so they are aware the County Council is not dropping all legal action from the Opioid Litigation.

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Mr. Marine explained this resolution opts Edgefield County out of federal litigation but not out of South Carolina litigation. He went on to say Edgefield County may settle with federal authorities but will no longer be a part of that Class that will automatically be a part of that settlement. He said the county may be part of a settlement in the future but not the national settlement. He went on to say it is the recommendation of the State Attorney and National Attorney representing the County that Edgefield County stay outside of that Class. He said this is why it is his opinion for Edgefield County to opt out of the Class. He went on to say he believes this will give us more options.

Motion passed unanimously.

Comments from the Public

1. Carolyn Piekieniak – Mrs. Piekieniak told Council that she and Mrs. Gloria Bynum have been working with Mr. Paradise to get some shrubbery planted in the half circle of the Kneece Building parking lot. She presented a drawing of what it would look like and wanted approval to spend \$120 to move forward with planting the shrubs. Chairman Cooper asked what line item this would come from if approved. Mr. Paradise said that since this isn't an item listed on the agenda, Council cannot vote on this item but due to the small cost, he can approve the shrubbery out of the Kneece Building Maintenance Line Item in the budget without Council approval. Council agreed with Mr. Paradise moving forward with this project. Mrs. Piekieniak also noted that she is working on a possible project of having some of the art students from Strom Thurmond High School paint the cement wall in the Kneece Building Parking Lot with something regarding pottery on both side. She said she would get a drawing and bring it back at a later date for approval.
2. Linda Anderson – Mrs. Anderson said the City of North Augusta is now buying another piece of property and she wanted to be sure that everyone was aware that property owned by the City of North Augusta would be removed from the tax roles.
3. Ginny Hartwig – Mrs. Hartwig said that she wanted to speak on behalf of her husband since he is unable to come to the podium to address Council. She went on to say that at a previous Council meeting, Chairman Cooper made a motion to amend an ordinance regarding the Comprehensive Plan that went against the majority of the public comments that were received regarding the Comprehensive Plan. She went on to say they (Mr. and Mrs. Hartwig) believe that Chairman Cooper violated the policy Edgefield County Council uses to run meetings that is known as "Robert's Rule of Order." Mrs. Hartwig closed her comment by saying she would like for the County Attorney to look into this matter and to see the 3rd vote reversed and another public hearing held prior to voting on a final draft of the Comprehensive Plan Ordinance.
Chairman Cooper said he would like to see the County Attorney look into this matter as Mrs. Hartwig has requested. He went on to say that he believes property rights and the free market are very important and he wants to see those principles in place in the Comprehensive Plan. He explained he was simply trying to allow the County to attain the infrastructure needed in Edgefield County. He closed by saying that he doesn't believe any procedures were violated but went on to say the County Attorney would look into this further.

County Administrator's Report

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Mr. Paradise started his report by saying Edgefield County received delivery of a new ambulance a few days prior to the meeting.

Next, Mr. Paradise said the consultant and staff have completed the Public Listening Meetings for the Land Management Ordinance with approximately 103 people attending the four meetings. He also said the LMO Steering Committee will start looking at organization of the document.

Mr. Paradise told Council the City of North Augusta has made the land swap of the Northview Park Property for the North Augusta Country Club property. This should enable the Windsor subdivision to move forward.

He then said staff has received the check for the class action lawsuit in the amount of \$314 for Payment in Lieu of Taxes from the Department of Interior.

Then Mr. Paradise said the Edgefield County Emergency Management Service will be partnering with Piedmont Technical College to offer Intermediate EMT certifications. He noted the partnership will allow 7 to 8 of the County's basic EMTs to receive this training through a grant with no cost to the county.

Mr. Paradise then told Council that staff has met with the Edgefield County Hospital administration to find ways to reduce the need for Edgefield County ambulances to provide non-emergent transports.

Mr. Paradise moved on to tell Council that he attended an inspection of the Detention Center by the SCAC and staff is working to try to resolve several issues found. He also said he attended the Institute of Government and County Coalition meetings offered by the SC Association of Counties.

Mr. Paradise moved on to say the County has had their first employee graduate from the Piedmont Technical College CDL driver and training course and has obtained his CDL. He returned back to work on Monday.

Mr. Paradise closed his comments by said the Neighborhood Center has been listed on the GovDeals website with the auction closing on Nov 8, 2019 at 1:00PM.

Councilman Biggs reported that after approximately two years, staff has devised a countywide vehicle tracking system. He noted that Edgefield County has not previously tracked vehicles on a countywide basis and this has caused vehicles that are no longer in use to be insured and sit on county property when they could be sold at auction. He was pleased to say this should save money for the taxpayers as well as make it easier for staff to know what vehicles are in the fleet and what need to be removed and sold at auction.

Comments by County Council Chair

Chairman Cooper thanked the constituents that participated in the LMO meetings and the town halls that were held by Councilmembers. He noted how important the participation is from citizens. He went on to thank Meagen Pearson for live streaming the County Council Meetings and encouraged citizens to follow her on Facebook. He noted the purchase of a new ambulance for EMS. Chairman Cooper said that he and Councilman Talbert have been busy visiting Will Williams, President of the Economic Development Partnership, as well as attending the SCAC meeting at the John de la Howe School.

Chairman Cooper also mentioned the following upcoming meetings:

1. Legislative Delegation Meeting – November 7 at 6PM in the County Council Chambers
2. Called County Council Meeting – November 13 at 4:45PM in the County Council Chambers
3. County Council Retreat – November 13 from 5-9PM in the County Council Chambers
5PM – Finance lead by Chairman Cooper

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6PM – Land Management Ordinance lead by Councilman Biggs

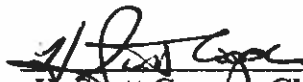
7PM – Recreation lead by Councilwoman Kennion

8PM – Miscellaneous Discussion lead by County Administrator, Tommy Paradise

Adjourn

Councilman Talbert made the motion to adjourn, seconded by Councilman Biggs. Motion passed unanimously.

Edgefield County Council



H. Scott Cooper, Chair

ATTEST



Jennifer L. Gilley, Clerk to Council