

## EDGEFIELD COUNTY COUNCIL MEETING

County Council Chambers

August 4, 2021

6:00 PM

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The Edgefield County Council held a Regular Council Meeting at 6:00 PM on Wednesday, August 4, 2021. Notice of this meeting was provided to The Edgefield Advertiser and others as requested.

### **Members present**

Scott Cooper, Chairman

Albert Talbert, Vice-Chairman

Dean Campbell, Councilman

Dr. Jacqueline Kennion, Councilwoman

Tiffani Ireland, Councilwoman

### **Others present**

Roger LeDuc, Interim County Administrator

Andrew Marine, County Attorney

Taz Potts, Council Clerk and others as per list attached

### **CALL TO ORDER**

Chairman Cooper called the meeting to order. The invocation was given by Taz M. Potts, Clerk to Council.

Pledge of Allegiance was then recited.

### **APPROVAL OF AGENDA**

Motion was made by Chairman Cooper to move our guest speaker Mr. George Thornton to our September meeting being that he was unable to attend tonight, and move the public hearing which is item number eight to our September meeting due to incorrect advertisement date.

Seconded by Vice Chairman Talbert. Motion passes unanimously.

### **APPROVAL OF THE MINUTES**

1. June 1, 2021 - Regular minutes of Council- Motioned by Councilman Campbell, seconded by Councilwoman Kennion. Motion passes unanimously.
2. June 15, 2021 – Special Call Meeting-Motioned by Councilwoman Kennion, seconded by Vice-Chairman Talbert. Motion passes unanimously.
3. June 29, 2021- Special Call Meeting-Motioned by Councilwoman Ireland, seconded by Councilman Campbell. Motion passes unanimously.

### **GUEST SPEAKERS**

Will be at the September meeting.

### **COMMENTS FROM THE PUBLIC**

#### **Agenda Items other than Public Hearing Matters**

Edgefield County Code of Ordinances, Chapter 2, Section 2-52. Rule 23 governs public comments. Any citizens may sign up to speak at any regular meeting of the county council on matters pertaining to county services and operations, but not on personnel matters. Interested citizens may sign an agenda list maintained by the clerk to council prior to each regular meeting. Each citizen shall be eligible to speak for a maximum of 5 minutes. Additionally, the period for citizen comments shall be limited to a total of 30 minutes. All citizens participating in the citizen comment period shall be subject to recognition by the presiding officer and shall address the presiding officer directly. The comment period should not be a debate period between council members and members of the public. Written comments may be submitted to the clerk to council at any time.

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**PUBLIC HEARING**

**1. Consideration of Approval of Public Hearing of Ordinance Number 20-21-792  
“An Ordinance to Amend Chapter 24-32 of the Edgefield County Land Ordinance”.**

The current minimum lot size for RR and RD zones is 12,000 square feet. We believe the minimum size lot in these zones should be larger than 12,000 S.F. We recommend increasing the size to ½ acre or 21,780 S.F. If council approves this ordinance on first reading it will be sent to the Planning Commission for their consideration and advise at the July meeting.

Item will be discussed at the September meeting.

**IX. OLD BUSINESS**

**1. Consideration of Approval of Third Reading of Ordinance Number 20-21-791,  
“An Ordinance to Rezone Certain Previously Zoned General-Agricultural Development  
District (GD) and Unzoned Property Located at 293 Murrah Road to Planned Development  
(PD) and to include said Parcel into the existing Windsor Planned Development” (Windsor  
Place) On Murrah Road, west of Five Notch Road is an abandoned trailer on a lot zoned GD.**

The developers of Windsor Place would like to incorporate this property into their development as PD. The Planning Commission unanimously voted to approve this zoning change. The driveway for this lot would be off an interior road within the development.

Motion made by Councilwoman Ireland. Seconded by Councilwoman Kennion. Motion passed unanimously.

**2. Consideration of Approval of Second Reading of Ordinance Number 20-21-792, “An  
Ordinance to Amend Chapter 24-32 of the Edgefield County Land Ordinance”.**

The current minimum lot size for RR and RD zones is 12,000 square feet. We believe the minimum size lot in these zones should be larger than 12,000 S.F. We recommend increasing the size to ½ acre or 21,780 S.F. If council approves this ordinance on first reading it will be sent to the Planning Commission for their consideration and advise at the July meeting.

Interim Administrator stated that the planning commission did ratify the increasing lot size for the RR and RD zones.

Motioned by Councilman Campbell. Seconded by Vice-Chairman Talbert. Motion passed unanimously.

**X. NEW BUSINESS**

**1. Consideration of Approval of First Reading of an Ordinance Number 21-22-793  
“AN ORDINANCE TO AMEND CHAPTER 24-29 (a) (1), CHAPTER 24-29(c) and 24-  
29(d) (3) OF THE EDGEFIELD COUNTY LAND ORDINANCE”**

The Planned Development (PD) regulations don’t require a minimum amount of land for open or a maximum amount of impervious development within a subdivision. We are recommending these changes to all future PD’s along with a condition that they follow the comprehensive plan, an increase minimum parcel size to 15acres. The Planning Commission will review these changes and we will present any recommended changes to council prior to third reading.

Administrator LeDuc stated that with all the small group meetings, constituents thought the developments were too dense, there needed to be more conservation easements. There will be corrections made to the zoning ordinances, which would come to council in October. Some of the changes that are being made that involve the PD would be instead of 5acres, it will be

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15 acres, minimum lot sizes for detached housing is currently 2500 square feet to 6500 square feet. Open space presently has no requirements, but now the planning commission would like it to be a minimum of open space to 30% in perpetuity not being built upon. LeDuc stated in reference to conservation easements, there are several steps involved before considering. LeDuc stated that it would be a good idea for the Council to do a master plan for the county and to see what would be the best properties for a conservation easement or to get the rights in some way to protect it along with other rights in other areas. A study would be a great idea for such a strategic plan for long term plans.

**Council Campbell asked about the open space wording, should be worded different such as residential structures to be more specific. Motioned by Chairman Cooper, seconded by Vice Chairman Talbert. Motion passes unanimously.**

**Motioned by Chairman Cooper to amend Chapter 24-29(d)(3)(2) from 2500 square feet to 6500 square feet which would be 16 units per acre and amend Chapter 24-29(d)(4) changing the open space from a maximum of 30% of open space with no residential be built. Seconded by Councilwoman Ireland. Motion passes unanimously.**

**2. Acceptance of roads and infrastructure within the Sweetwater Landing Subdivision.**

The develop of Sweetwater Landing has petitioned Edgefield County to accept Sweetwater Landing Road, Wood Fall Court and all storm water facilities and easements in to the County system. We have inspected the streets and facilities and found them in good condition. Additionally they have provided us with the necessary bond and the subdivision is over 60% occupied. We recommend acceptance of the roads and storm water infrastructure **Motioned by Vice Chairman Talbert. Seconded by Councilman Campbell. Motion passes unanimously.**

**3. Approval of Architectural contract with Moseley to design our Law Enforcement Center (LEC).**

The LEC subcommittee choose Moseley Architects to design the future Law Enforcement. We have reviewed the standard AIA agreement with some defined items and recommend its approval. There fees are lump sum for the design, bidding and inspection for the LEC and therefore there are no hidden fees for the project. Council Campbell mentioned about the price of LEC, at a previous meeting it was stated to be 25-28 million dollar project, the 18.9 million is for the building of the jail and the additional expenses such as the land, fixtures, furniture, and equipment, etc. LeDuc stated all that was included in the price with the exception of the land acquisition. Campbell asked was there anything removed, due to price difference. Campbell asked for this project is 126 beds enough once this project is approved. Sheriff Rowland stated due to current population that the 126 beds would be enough. Motioned made by Councilwoman Ireland, seconded by Councilwoman Kennion, Motion passes unanimously.

**4. Discussion concerning Supreme Court ruling concerning County user fees.**

The SC Supreme Court ruled that the Greenville County two user fees were invalid. The court held that the two county ordinances in this case did not appear to provide the payers of the fee any particular benefit that was greater than the general public. The road maintenance fee was paid by all vehicle owners in the county. However, the court held that any person using the county's roads benefited from the road improvements whether they were fee payers or not. The court held that that alone was not enough to satisfy the requirements of Section 6-1-300(6). We reviewed Edgefield County's user fees for solid waste and road fees. We feel the road maintenance fees are similar to those in Greenville and we may to substitute these funds

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by increasing our millage rate. However the solid waste fees fit the definition that they serve all those that pay for this service. Those that don't pay the fee should not be able to use the convenience centers. In June we installed signs at all the centers notifying the public that the Centers are for Edgefield County residents only. The code enforcement officer is spot checking to ascertain that the center is being used by Edgefield County residents only. The only other possible step the county could take is to reissue stickers to all county resident. This would show that the service is for resident of Edgefield County only.

Chairman Cooper stated that this is for information only. Vice-Chairman Talbert thanked Mr. LeDuc for the updates.

**COMMENTS FROM PUBLIC****All additional comments**

Edgefield County Code of Ordinances, Chapter 2, Section 2-52, Rule 23 governs public comments. Any citizens may sign up to speak at any regular meeting of the county council on matters pertaining to county services and operations, but not on personnel matters. Interested citizens may sign an agenda list maintained by the clerk to council prior to each regular meeting. Each citizen shall be eligible to speak for a maximum of 5 minutes. Additionally, the period for citizen comments shall be limited to a total of 30 minutes. All citizens participating in the citizen comment period shall be subject to recognition by the presiding officer and shall address the presiding officer directly. The comment period should not be a debate period between council members and members of the public. Written comments may be submitted to the clerk to council at any time.

**Don York- Land Management Regulation (Formerly Land Management Ordinance [LMO])****The Constitution of the State of South Carolina Article I, Section 1**

All political power is vested in and derived from the people only...

The principles of ownership are as old as humans upon this earth, established precedents and protections have been addressed through religious script and codified within law throughout the ages.

As I profess faith in the Son of the Living God, I shall begin here. In Genesis, We see that God has granted us possession of the earth, one must have the authority of ownership to "give" procession to another.

Twice within the Ten Commandments we find this religious tenant being codified into the law established by God for His people.

"You shall not steal." (Exodus 20:15 ESV)

This presumes a known standard... Possession. One cannot steal property if it is not owned and/or possessed by another first. Then soon after, God doubles down on this standard by checking the heart of the matter. Thou shall not covet your neighbor's house; you shall not covet your neighbor's wife, or his male servant, or his female servant, or his ox, or his donkey, or anything that is your neighbor's." (Exodus 20:17 ESV) Ownership Property Rights of the individual.

Most assuredly, God knows and understands this ownership and possession!

As the nature of property is well established, and intrinsically know to us, likewise the imperative to not steal it. Repeatedly, we, within civil governed societies, seem to forget the state is just as capable of theft as the individual.

1 Kings 21:1-29 ESV - Naboth's vineyard, Ahab's jealousy and Jezebel's treachery

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The State is absolutely capable of theft and bring us to an even more nefarious method of theft. One shrouded in deception.

"You shall not steal; you shall not deal falsely; you shall not lie to one another." (Leviticus 19:11 ESV)

This brings us to the crux of the matter...

LMO FAQ Question: **Will zoning increase my property taxes?**

**A:** Zoning is not related to property taxes, and will not change a property owner's taxes.

Many think that what a property is zoned determines what taxes a property owner pays, and confuse tax property class for zoning. If a property is currently taxed Agricultural-Farm, Owneroccupied, or Commercial, zoning will not change that.

True, yet exceptionally deceitful. Let us visit what the South Carolina Constitution says about the laying of taxes on personal property.

Article III, Section 29: Determining personal and real property taxes.

Taxes on personal property must be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax. Taxes on real property must be ascertained by the methods provided by the General Assembly by general law as prescribed in Article X of this Constitution. (2007 Act No. 12.)

This, along with other, exercises in deceit exhibit a willful desire on the part of the County Planning Board and this Council to usurp the will of the people.

To demonstrate this usurpation, I have reviewed the responses to the LMO as listed on the Edgefield County website and found 99.4% of all respondents said NO to LMO. And yet, you continue to engage in this oligarchic push for control of the people you purport to represent.

And I say oligarchic push, I am referring to a form of government whereby the ruling class creates laws based upon the desires of the ruling class and not the people. When the Oligarchy trenches itself in the government, the people lose their representation and the republic dies.

This principle is further exemplified in Section 10 of the LMO/LMR. The enforcement mechanisms established would make an offense a misdemeanor charge with an accompanying fine of \$2000 per day the offense is not corrected. How long before the individual is taxed, fined or incarcerated off their land

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Additionally, the county grants itself the authority, through the use of a "Building Official" or other bureaucratically appointed individual, to enter the property of said offense and cause such structure to be repaired, altered or improved or removed or demolished by the County.

Again, let us return to the South Carolina Constitution

Article I, Section 3: Privileges and immunities; due process; equal protection of laws. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970) (56) 2684; 1971 (57) 315.)

Article I, Section 10: Searches and seizures; invasions of privacy.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained. (1970 (56) 2684; 1971 (57) 315.)

But beside all these legal hurdles you seem to be so willing to jump through and skirt around, we come to the stated purpose of the LMO (Land Management Regulation) To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes

And again stated in the LMO FAQ

"Those who develop land in Edgefield County will notice the greatest Impact..."

However, you have another problem, The South Carolina Constitution.

Article I, Section 13: Taking private property; economic development; remedy of blight.

Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation

being first made for the property. Private property must not be condemned by eminent domain for any purpose or benefit including .., but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use.

For the limited purpose of the remedy of blight, the General Assembly may provide law that private property constituting a danger to the safety and health of the community by reason of lack of ventilation, light, and sanitary facilities, dilapidation, deleterious land use, or any combination of these factors may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property. (1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

Additionally, walking this line bring the appointed public official dangerously close to a violation, if not a direct violation, of **SC Code Ann. § 8-13-705 of the South Carolina Code of Ethics.**

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To close, as the list of usurpations is long and I could continue for quite some time, I will directed your attention to the previously stated 99.4% disapproval, the in-adherence to those you pretend to represent and the deceitfulness engaged to mislead the same, as well as your apparent disregard for the rule of established law (as you create your own), I return to the SouthCarolina Constitution.

Article I, Section 1: Political power in people. All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government. (1970 (56) 2684; 1971 (57) 315.)

I pray, ladies and gentlemen, you listen to us and do not force us to exercise our Legal, Moral and Ethical obligations as the people and citizens of this good county, by returning the governing body of this county to a representative republican form of government.

**Brandon Andrews-** Came to discuss two topics that threaten the survival of the people of this county which are the Water shortage and Food Shortage. Currently there is a chlorine shortage as it relates to the supply. When you hear the word chlorine, people currently think about pools, but chlorine is the most predominant chemical that is required as it relates to water treatment. According to the World Health Organization and many of the sources chlorine, and chlorine dioxide and ozone are the most predominant and efficient and cost effective ways to clean and disinfect drinking water. I learned on yesterday that the county water and sewage is a privately owned company. If that is accurate, there are no different than a McDonald's, KJ's or anybody. If you wanted to order fries from MacDonalnd and they did not have potatoes, and the same thing would be applicable for the service that the water company provides. They can't get the chlorine to treat the water, then they can't provide this county with clean, potable drinking water. What can we do as a county as a people to mitigate this risk. Can a community well be installed, some form of rainwater collection system, because we can't go three days without water, because your body starts to react and shut down. How do we ensure the survival of our people? It would be food. There is a high probability of a food shortage across America. There has been reports of farmers dating back 6 months to a year, to where they are being paid to grow cover crops and destroy produce. There is a water shortage out west, where the Hoover Dam is operating on 35% capacity, so you couple that with the droughts that are going on, and California is one the predominantly ag states in America, and if they can't produce and they are cutting their supply and the demand is still there, then it doesn't balance out. There is a lot of food that is imported, I see firsthand the global supply chain as it relates to ozone transit, domestic trucking, and the stores at this point are unable to keep up with the demand of restock as we want them to. What can we do, there is too much farmland in the county for people to go hungry, my opinion, we can have some of farming or a farmers market, and the county can own 2 or 3 grocery stores, so I am deeply concerned with the survival of the nation and the people of this County. In these unprecedented times, I think that we need to think outside the box and understand and think through how we can get through these trying times that are ahead of us.

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**EXECUTIVE SESSION**

Two Legal Briefings from the County Attorney and Personnel matter by the Administrator

Motioned by Councilman Campbell to go into Executive Session. Seconded by Vice-Chairman Talbert. Motion passes unanimously. Motioned by Councilwoman Ireland to return from Executive Session. Seconded by Vice Chairman Talbert. Motion passes unanimously.

**ADDITIONAL ITEMS TO REPORT BY THE COUNTY ADMINISTRATOR**

Administrator LeDuc discussed redistricting. It is relied on the state to provide how much population we have, how many persons are White, African American, Hispanic and they form the districts so that we can have a super majority in a couple of districts that we support so that there is equal representation throughout the county. LeDuc stated that there will be sending a representative here to talk to Council about any issues that you see coming up with redistricting. Once they hear the issues and look at the issues, they will get Census data on approximately September 30<sup>th</sup>. They will take the data and your information and start developing maps that they will bring back saying that population has increased or decreased within certain areas of the districts.

Key issue that needs to be discussed and decided upon: Would you like to have a Chairman at Large and still have 5 Districts, if so, the people would vote for the chairman not the Council Members. Councilman Campbell asked about the Chairman at Large, felt that it needed by public comment before any decisions are made. LeDuc stated he will talk to the advertiser concerning getting the Redistricting information in our local paper and social media. Councilman Campbell stated that if there were a Councilman at Large along with (5) Council that nothing would change, it would be redistricted and the people would have to vote for the Chairman at large, it would only change if it was an overwhelming response that we would not like an even number of council, we would like an odd number, which would be (6) councilmembers and a Chairman at large for a total of (7). Campbell stated that there are bodies that have even numbers. Councilwoman Kennion stated that even numbers will make your voting offset and difficult.

LeDuc stated that questions would be do you want Chairman at Large and do you want to stay with (5) districts or (6) districts. LeDuc stated that the Census information will be available in September, and the reason we are mentioning this is there is an election in 2022, and the maps and decisions will need to be approved by Council by March 15, 2022.

LeDuc stated that at the Planning Commission meeting in July, he asked everyone to consider coming to Tuesday night's meetings, to talk about the current ordinances.

The current ordinance Chapter 8-Building and Building Regulations, will have (1) modification, Chapter 24-(174-180 pages) Pages 1-53 was the use table are the main portion that we are beginning to make modifications, the LMO is gone. The major roadways Hwy. 23 and Hwy. 25 are currently zoned General Development (GD) but the zoning is being split into General Residential (GR) and General Commercial (GC). There



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are some unzoned areas that are being considered as Rural Residential (RR). LeDuc stated that there will be 4,577 letters/postcards mailed to the property owners concerning those changes. LeDuc stated that the goal is to vote for this at the Planning Commission September meeting which will include a public hearing. LeDuc also stated that by abandoning the LMO, the County went from 100% zoning to 30% zoning, in regarding the use table want to get it right.

LeDuc stated at the next Planning Commission meeting conditional uses and home occupancy will be discussed.

LeDuc discussed Solar Farms, and mentioned that a local citizen that he had worked with helped to revise our current Solar Farm ordinance and he was very helpful.

LeDuc stated that the incentive zones project has begun, and a firm has been hired recruit businesses and developments.

LeDuc mentioned that in October there will be an event Bicycles across South Carolina in in which he will be applying for a grant.

**COMMENTS BY THE COUNTY COUNCIL CHAIR**


Chairman Cooper stated that he along with Vice-Chairman attended the Association of Counties Conference this past week, they were very informative. Vice Chairman Talbert graduated from his classes this weekend. We have attended several meetings but one of the issues that constantly comes up is the difference between urban counties and rural counties, and that rural counties struggle with funding. We now have a rural county caucus and we are working together on these issues. We have followed Act 388 and how that has impacted rural counties, and we are working together more than ever before. together. Mr. Sam Crouch and I attended a meeting with the sub-committee to discuss the possible widening of Bettis Academy Road. This began in 2018-2019 and to receive funding to do a study, we had to meet with several committees which took over a year, and the funding was received 18 months ago. Now a company has been selected. The point that is being made is the pace of government. It can be frustrating, it can be discouraging, especially when you have a big project that is going to help Edgefield County. The reality of that project, once we know the cost, everything for major roads is already planned for the next 5-6 years. So the earliest it can put on the radar is 2027-2028. Chairman Cooper stated that we are transparent 100% through and through.

1. **ADJOURN**

Motioned by Vice-Chairman Talbert, seconded by Councilwoman Ireland to adjourn.

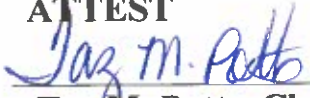
Meeting adjourned at 8:38pm.

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H. Scott Cooper, Chair

ATTEST



Taz M. Potts, Clerk to  
Council