



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
OCTOBER 14, 2013**

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll Brown, Clerk to Council

Absent: Mikel R. Trapp

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 Herald-Independent, The State, and Winnsboro Cablevision, and ninety-four other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:05 P.M.

2. APPROVAL OF AGENDA

Mr. Pope pointed out that he would like Council's consideration to add: under County Administrator's Report, an economic development update which is for information only and no action is required. *It was moved by Council Member Robinson; seconded by Vice Chairman Perry to approve the agenda, with the addition of an economic development update under the County Administrator's Report. **The motion carried unanimously.***

3. INVOCATION

Council Member Kinley led in the invocation.

4. APPROVAL OF MINUTES

*It was moved by Council Member Robinson; seconded by Vice Chairman Perry to approve the minutes of the Work Session of September 18, 2013; Regular Meeting of September 23, 2013 and Special Meeting of September 30, 2013. **The motion carried unanimously.***

5. PUBLIC COMMENT

The following individuals signed to speak to Council during public comment:

Mr. Randy Bright - Neiman Marcus

Ms. Beth Jenkins - FOIA Results; L.O.S.T. Findings

Mr. Jeff Schaffer - Variety Of Issues/Several Subjects

Mr. Charles Stogner - Millage Increase

Mr. Vernon Pylant - Taxes

Mr. Moses Bell - Fire Department

Mr. Dwayne Bell - Fire Service

Mr. Bruce Wadsworth - Recreation

Mr. Mike Ward - Audit

Representative MaryGail Douglas - Repayment Of Insurance And Tuition

6. PUBLIC PRESENTATIONS

None.

7. PUBLIC HEARING

None.

8. ORDINANCES, RESOLUTIONS AND ORDERS:

A. First Reading (By Title Only): Ordinance No. 622 - Authorizing An Amendment To The Fee Agreement By And Among Fairfield County, South Carolina, Lang Mekra North America, Llc, And Lang Mekra North America Properties, Llc To Provide For An Infrastructure Credit; And Other Related Matters. *It was moved by Council Member Brown; seconded by Council Member Robinson to approve First Reading (By Title Only) of Ordinance No. 622. The motion carried unanimously.*

B. First Reading (By Title Only): Ordinance No. 623 - Authorizing An Amendment To The Master Agreement Governing The I-77 Corridor Regional Industrial Park By And Between Richland County, South Carolina, And Fairfield County, South Carolina, To Expand The Boundaries Of The Park To Include Certain Real Property Located In Richland County; And Other Related Matters. *It was moved by Council Member Brown; seconded by Vice Chairman Perry to approve First Reading (By Title Only) of Ordinance No. 623. The motion carried unanimously.*

C. Amendment To Resolution Establishing The Millages For Fairfield County For The Fiscal Year 2013-2014, Adopted May 13, 2013. Mr. Pope set forth that at the Local Option Sales Tax session, there were observations and recommendations made. Further, he reported that a citizen asked what was the Council going to do with the recommendations that were being provided. The response at that time was that it would come back to the County Council for a vote. Mr. Pope reported that it was determined that how the Council goes about the calculation needed to be changed, and one was that the reduction of the millage needed to be stopped. The action of this Resolution follows through with the recommendation to do the calculation where it is corrected. *It was moved by Council Member Robinson; seconded by Vice Chairman Perry to approve the Amendment to Resolution Establishing The Millages For Fairfield County For The Fiscal Year 2013-2014, Adopted May 13, 2013. The motion carried unanimously.*

9. BOARDS AND COMMISSIONS MINUTES

Provided as information.

10. BOARDS AND COMMISSIONS APPOINTMENTS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS**A. Adoption Of Fairfield County Council Expense Reimbursement Policy**

Mr. Pope set forth that this is a policy that staff has been working on, and respectfully asked for a deferment on this item until the next Council meeting; however, he wanted the citizens to know that, based on the recommendations that have been made to Council previously, and one that Council adopted unanimously, the old process of expense allocations have ceased and Council is moving toward an actual, traditional based

reimbursement based upon expenses, where a mileage log and receipts will have to be provided in order to receive reimbursement.

Mr. Pope took the opportunity to mention that the County has now placed its check registry online for citizens to view, as well as the information from the Local Option Sales Tax session has also been placed online. *It was moved by Council Member Brown; seconded by Council Member Kinley and Council Member Robinson to accept the Administrator's request to defer this item until the next Council meeting. **The motion carried unanimously.***

B. Adoption Of Local Option Sales Tax Recommendations As Proposed By Consultants And Independent Auditing Firm

Mr. Pope read the following Local Option Sales Tax Recommendations into the record, and indicated he would ask that the Council adopt them as recommended to ensure staff has appropriate guidelines on how to move forward:

1. At Budget Stage, Continue Refinement of Estimation of LOST Revenues
2. Continue to Ensure Excess LOST Collections Are Provided as Credits in the Following Year
3. Show Excess LOST Collections from the Prior Year as a Committed Fund Balance in the Current Year
4. Grant Sales Tax Credit Only at the Tax Bill Stage
5. Amend Millage Resolution to Reflect Elimination of LOST Property Tax Relief at the Budget Stage

*It was moved by Council Member Robinson; seconded by Vice Chairman Perry to adopt the Local Option Sales Tax Recommendations as referenced above, which will establish the County's standard operating procedures for the staff henceforth regarding Local Option Sales Tax credits. **The motion carried unanimously.***

13. COUNTY ADMINISTRATOR'S REPORT:

A. Economic Development Update – Mrs. Tiffany Harrison gave the following update:

1. Pleased to inform everyone that the closing took place on the former Perry Ellis building late Friday afternoon. They will start the upfits and Element Electronics will begin to moving into the facility. Element is in the process of bringing on a Human Resource Director so that they can start the process of getting the information out about the jobs that will be available and when they will start hiring.
2. Fairfield County partnered with Chester County and with York County to form the I-77 Corridor Alliance. That entity was formally created on October 3rd, with its first board meeting. Chairman Ferguson, Council Member Brown, Mr. Pope and Mrs. Harrison are board members on that Alliance.
3. County is partnering with Lang Mekra with the opportunity to locate an international company in the Walter Brown Industrial Park. The company will invest \$1.5 million dollars and create 25 jobs over the next five years.

B. Request Of Action – Fairfield County Detention Center Boiler Replacement

Mr. Anderson explained that the current system is approximately 15 years old and the interior lining has completely eroded and leaking and affecting the hot water in the Detention Center. He added that this item has been properly bid through Procurement, and would like to submit to Council a proposal to replace that system of \$21,929.00 for the Detention Center for the hot water. *It was moved by Council Member Robinson; seconded by Council Member Brown and Vice Chairman Perry to approve the*

*bid for the replacement of the boiler system at the Detention Center. **The motion carried unanimously.***

C. Request Of Action – Fairfield County Museum Doors

Mr. Anderson set forth that there are large wooden doors at the Museum. Need to go out for professional restoration of the doors. Requesting that Council allow staff to go out for bid to ascertain the cost of up fitting the doors. *It was moved by Council Member Brown; seconded by Council Member Robinson to approve the request to bid the restoration of the Museum doors. **The motion carried unanimously.***

D. Request Of Action – Fencing For Drawdy Park Football Field

Mr. Anderson reported that the sod has been placed on the field; the sprinkler system is working. Received a quote of \$38,275. He reported that SCAC Risk Managers came to review the field and it was recommended by them that the fencing be placed so there is no liability of playing off the wall, etc. Requesting Council to approve the installation of the fencing for the Drawdy Park Football field.

Questions:

- ◆ What fund will Council use, if approved, to pay the bill?
- ◆ It appears that project was approved for \$228,725.00, and the balance is \$51,275.00. Between the \$228,725.00; adding the \$51,275.00 on that, you have \$280,000.00, and the project now is another \$39,000.00 in addition to the prior money. You said that came out of the bond money. My understanding was, before the Council voted (and I guess Mr. Trapp's also came out of the bond money for the land)? I thought before that happened all seven of us were going to come together to look at the projects before us and vote them up or vote them down. What we are doing, we are singling this out--one person at a time; two weeks later; a month later; come and do another one. I asked for the criteria of how we would go into voting for each district.

At this point, Mr. Pope clarified the two different accounts--bond and capital.

- ◆ So, that is going into our budget and pulling that money out? Is there something else we need to do to correct this, or move forward because it looks like it has already been voted on. Can you show me exactly that we actually said that money was going for Drawdy Park?

It was moved by Council Member Brown; seconded by Council Member Kinley to approve the recommendation to install the fencing for the Drawdy Park football field.

- ◆ I understand you are recommending this \$38,000.00 come out of bond money? I understand we need the fence for safety, etc.; however, because it is going to come out of capital improvements, this is another example of what Council has had to live with all these years, wherein the former Administrator was supposedly given adfinitum to do whatever he chose to do.

Mr. Pope asked, at this point, if he could be totally, explicitly clear, saying the \$15,000.00 approved by Council comes out of the bond. These funds, he said, is his recommendation to come out of capital, because of what Council said regarding the recreation. This item, he said, would come out of existing dollars, and the only expenditures reduced or deducted from the bond was the \$15,000.00 for the mini park.

- ◆ That's why a few of us were saying that anything that comes before Council needs to be voted on by the entire Council. I still believe that, going forward, in any district. I would like for the Administrator to see if there is any way this can be taken from the bond.

◆ Several weeks ago, Council was asked to set a date on how to vote on how the projects were to be brought forward. Received some feedback that some wanted to wait and discuss it further. Before bond money is to be spent, Council is supposed to have a policy on how they are going to vote to spend that money. Council is going to have to decide how to bring these forward and how to vote on them—one of two ways; either Council Member will say what goes in his district, or all seven will say will go in each district. Would like to bring this matter forward to fund this from the existing capital budget and replacing the amount of money back from the bond money.

Mr. Pope set forth that this matter should be kept as consistent as possible, until it is fully vet. At this point, cost estimates have to be secured on the master list on all of the projects that have been mentioned to date.

◆ Nowhere in the code does it say that one Council Member has the right to vote on how to spend money. It takes the majority of Council. The decision is the law says at least four people have to decide how any money is going to be spent in this County.

◆ The meeting needs to be back on the agenda for Council to vote and move forward.

◆ Thought we voted that all seven people would vote. I kept asking for a criteria of how to do that.

◆ I brought it to the floor, and didn't get it passed that night. I said we were going to have to do that to make a formal motion to vote on it. If no objections, we can bring it as new business on the very next agenda.

The motion carried 5-1. {Council Member Marcharia voted nay}. Mr. Pope inquired, as clarification, that this expenditure would be from the existing capital account.

E. Request Of Action – Patching Machine

Mr. Pope set forth that the purpose of this request would be to provide maintenance and longevity to County-paved roads by using this machine to fill potholes, etc. He further indicated that the CTC has recommended purchase of the machine, to be used in Public Works for maintenance of the road system, partnering with the County for \$25,000.00, and the CTC will match the \$25,000.00. *It was moved by Council Member Robinson; seconded by Council Member Brown to approve the \$25,000.00 for purchase of the patching machine.*

Questions:

◆ Is this a new machine?

◆ Is this a new machine in terms of *new*, or never been worked before? Do we have a track record? What counties have we checked with to say this is an excellent machine?

Mr. Jack Gaston reported that the machines are much like a demo; been used three or four months, but completely refurbished.

◆ What kind of costs do we have now with contracting the road work out? ***The motion carried unanimously.***

F. Mr. Pope responded to the information and document that was brought forward by the gentleman who commented on where Fairfield County was in ranking with various matters throughout the State. He mentioned the S. C. Association of Counties website, under County Profiles, where one can click on information about every county in the State, and added that when one is comparing counties, it is important to compare 'apples to apples' information, ensuring for example, that assessed value is similar. He also addressed the comment made about salaries, saying it is imperative that one compares 'apples to apples' and to know where your recruitment area is and where you are pulling employees from. He noted that, as required under FOIA, all employees who make over \$50,000, the title and name should be released. To that end, the County has placed its salary information on the County website.

G. Mr. Pope announced that the County will hold a special meeting at the FCHS Auditorium, Wednesday, October 16, 2013, 7:00 P.M., regarding flow control. He reported that members of the Delegation and the Association of Counties have been invited, and that this will be an interactive forum where they will present information and the citizens can also pose questions.

14. CLERK TO COUNCIL'S REPORT

None.

15. COUNTY COUNCIL TIME

Perry: Responded to the comments made about the Southeastern Volunteer Fire Department. Stated he hoped Council would continue to have that EMS station and fire station down in the southeastern part of the County. Talked about the meetings in the community.

Kinley: Stated that the Ethics Commission is reviewing the insurance issue, and as soon as they finish their investigation, she was going to make her decision. She also stated there was a response sent to Senator Coleman about this. Inquired if Council would plan a work session to answer citizens' questions. Asked that Mr. Ferguson or Mr. Pope work out a format for the questions to be asked. Stated she received a brochure that the Saving Fairfield group was distributing, and pointed out that it listed that they would do what they do with respect. She asked that everyone be respectful of each other and have good communication, and opined that the group would not appreciate the sneering, laughing and clapping if it were done to them.

Ferguson: Stated that the citizens have a district representative, and if the citizens have questions and want an answer, to call their district representative.

Robinson: Responded to the comments made about the rumor of moving the Southeastern Fire Department, citing she represents where the fire department is. She set forth how the rumor started, and stated the services currently provided by the fire department is very much appreciated. Commented that she was sorry the gentleman did not call her, as she could have set their minds at ease. Also brought forward the information about FEMA's decision to stop subsidizing flood insurance.


16. EXECUTIVE SESSION

None.

17. ADJOURN

The meeting was adjourned at 7:45 P.M., upon unanimous approval of Council.


SHRYLL M. BROWN
CLERK TO COUNCIL


DAVID L. FERGUSON, SR.
CHAIRMAN

ADDENDUM TO FAIRFIELD COUNTY COUNCIL
MINUTES OF OCTOBER 14, 2013

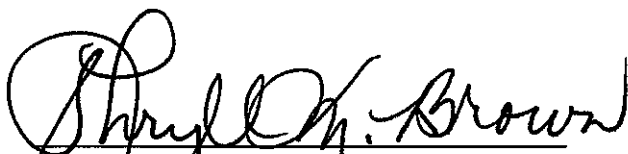
{This Addendum To Be Attached To The Minutes Of The Regular Meeting Of October 14, 2013 And
Regular Meeting Of October 28, 2013}


Excerpt From Fairfield County Council
Minutes Of October 28, 2013

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll Brown, Clerk to Council

Absent: Mikel R. Trapp

1. After the **Call to Order**, Chairman Ferguson recognized Mr. Pope who set forth the following information:
 2. **Approval of Agenda:** "Before the approval of the minutes, I would request that Council reconsider one item that was placed on the desks. Ms. Peggy Hensley came by my office this afternoon, and on the Millage Resolution that we had adopted—under the Fire Board Capital, that amount needs to be amended to 2.0. That reduces the overall of the total millage down from 191.7 to 191.4. She came by today and said that was a typo on the sheet, and we need to correct that before we actually approve the minutes. If we could, and if it is appropriate, if we could just reorder the agenda and just add that as 7B on the millage, but that just reapproves what we had done with the Millage Resolution, with that correction." *So moved by Council Member Robinson; seconded by Council Member Kinley, and unanimously approved by Council.*
 3. The **Invocation** was given by Council Member Kinley.
 4. **Approval of Minutes**, with the stipulation of the change that will come under 7B, for Regular Meeting of October 14, 2013. *So moved by Council Member Brown; seconded by Council Member Robinson and Vice Chairman Perry. The motion carried 5-1. {Council Member Marcharia voted nay}.*
- 7B. **Correction To 2013-2014 Millage Resolution:** Mr. Pope was asked to restate the millage change that he brought forward previously, which he did as follows: "The Auditor brought this information over today. The millage that we had previously adopted, the total mills were 191.7. Actually, under the Fire Board Capital, it should be 2.0 instead of 2.3, so that number is 191.4, based upon the information from the Auditor. The other thing that is associated with that is the information that we received during the public comment period regarding the millage, I will make sure that the Auditor gets that information regarding the calculation, because what we do is actually--we get the calculation from the Auditor to marry that up with the budget dollars, so we will forward that to her as information, and let her dispose of that matter." *So moved by Council Member Brown; seconded by Vice Chairman Perry to approve the correction to the 2013-2014 Millage Resolution as stated above. The motion carried 5-1. {Council Member Marcharia voted nay}.*


SHRYLL M. BROWN
CLERK TO COUNCIL


DAVID L. FERGUSON, SR.
CHAIRMAN