



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
JANUARY 27, 2014**

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

Absent: David L. Ferguson, Sr.

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-six other individuals.

1. CALL TO ORDER

Vice Chairman Perry called the meeting to order at 6:00 P.M.

2. APPROVAL OF AGENDA

*It was moved by Council Member Kinley; seconded by Council Member Marcharia to approve the agenda. **The motion carried unanimously.***

3. INVOCATION

Prior to leading in the Invocation, Council Member Kinley asked for prayers for the Ferguson family—for David, Jr.'s health issues and for travel mercies for David, Sr., while he is on his mission trip.

4. APPROVAL OF MINUTES

*It was moved by Council Member Trapp; seconded by Council Member Marcharia to approve the minutes of the Regular Meeting of January 13, 2014 December 23, 2013. **The motion carried unanimously.***

5. PUBLIC PRESENTATIONS

I. Midlands Fatherhood Coalition/Fairfield – Mr. Rudolph Walker

II. Fairfield County 4-H/Youth Development – Ms. Angela Jones

III. Midlands S.T.E.M. – Dr. Marie Milam indicated Mr. Kevin Thomas would not be present tonight, as his daughter was involved in an accident, and that she and Mr. John Peoples would present in his stead.

6. PUBLIC COMMENT (3 MINUTES): INPUT MUST PERTAIN TO ITEMS ON THE AGENDA, FOR WHICH NO PUBLIC HEARING IS REQUIRED OR HAS BEEN SCHEDULED

The following individuals signed to speak:

- Mr. William Coleman – Land Sale
- Mr. Jeff Schaffer – Drawdy Park
- Mr. Randy Bright – Drawdy Park

7. PUBLIC HEARING

None.

8. ORDINANCES, RESOLUTIONS AND ORDERS:

None.

9. BOARDS AND COMMISSIONS MINUTES

Provided as information.

10. BOARDS AND COMMISSIONS APPOINTMENTS

None.

11. OLD BUSINESS**A. Recommendation Of Economic Development Committee Regarding The Sale Of 405 Acres Of Real Property Owned By Fairfield County.**

Mr. Pope set forth that the Economic Development Committee met January 6, 2014. The property that is being referenced tonight was purchased in 2002. He pointed out that the discussions with members of the committee, there are no plans for the County to transform into a retirement community. At the time when the property was purchased, the County had plans or some discussions about the property being some type of retirement village at that particular time. There are no plans that are underway that references anything about this property becoming a retirement village. Further, Mr. Pope pointed out that there was a local realtor that brought a proposal to the County that initiated a discussion regarding this piece of property, which prompted the meeting of the Economic Development Committee. That information was brought to the committee; however, no agreement was ever entered into or ever signed with the party that actually brought the proposal to the County. Mr. Pope continued to say the committee met and discussed the matter, there were several concessions made to property owners that had property adjacent or close to this particular property. The Council, at that time, took these matters under consideration. At one time, Mr. Pope reported, there were some efforts to possibly rezone the property; however, there were citizens opposed to the rezoning request. The motion that came forward from the Economic Development Committee was as follows: it was moved by Council Member Robinson; seconded by Vice Chairman Perry to offer for public sale 402 acres of land to remain zoned RD, consistent with the terms as drafted by the County Attorney. In reference to the question that was asked why were there 402 acres rather than 405 acres, Mr. Pope indicated there was also a discussion at the committee meeting regarding the possibility of three (3) acres being possibly considered for some type of mini park, if that could go into the proposal. Based upon that background, the item before the County Council is to consider whether or not the Council wants to offer for public sale the 405 acres of property to the public. If, in fact, the Council desires to go along with the recommendation for the public sale, the County was have to go through its due diligence with acquiring appraisals on the property, etc. The matter before the Council is the committee's recommendation to decide whether or not that the County still wants to offer the 405 acres of property for public sale. *It was moved by Council Member Robinson; seconded by Council Member Kinley that the 405 acres be offered for public sale. **The motion carried 5 in favor; 1 abstention {Council Member Brown abstained from voting and explained his reason for the abstention}.***

12. NEW BUSINESS

A. Extension Of Deadline For Applying For Agricultural Land Use Property For 2013 Tax Year. Must Apply On Or Before February 17, 2014.

*It was moved by Council Member Brown; seconded by Council Member Marcharia and Council Member Robinson to approve an extension of the deadline for applying for agricultural land use property for 2013 tax year. **The motion carried unanimously.***

13. COUNTY ADMINISTRATOR'S REPORT:**a. FY 2012-2013 Audit – Mr. Tom McNeish, Elliott Davis, LLC**

Prior to Mr. McNeish coming forward, Mr. Pope recognized Mrs. Laura Johnson and Mrs. Anne Bass for the tremendous job that they do for the County. He commented he was proud to have them on his staff.

- Issuing three reports: (1) Opinion on the financial statements (numbers notes, as to whether they are properly stated in accordance with GAAP; (2) Compliance with federal grant requirements; (3) Internal Control of financial reporting and processes and procedures and compliance with basic matters
- Issued an unmodified opinion (formerly called unqualified opinion). Says based on the testing that was performed for the numbers, the numbers are fairly stated in terms of the balance sheet, income statement and footnotes that are in the financial statement.
- FY 2013, County expended little over \$900,000.00 in federal grants. Those granting agencies are going to expect that for major programs.
- Look at the grant document; look at federal requirements and compare with the purpose and method in which funds were spent to determine if there were any major non-compliance issues with those expenditures.
- Did not find any major issues in terms of those funds being spent in accordance with the policy of the granting agencies.
- If the firm detected instances that would be considered significant deficiencies or material weaknesses in the process of performing audit procedures, the firm is required to report those to the County.
- Types of findings fall in three (3) categories: (1) Compliance with County's policy or statutes that the County is required to follow; (2) Proper segregation of duties over any given transaction or function in the County; (3) Is there good reconciliation practice in place.
- Have two (2) repeat findings from fiscal year 2012, which are particular concerns that the firm would like to see remedied upon return in 2014:
 - Procurement – Contract Bidding. Want to see documentation (requisitions, purchase orders, minutes approved by Council, as the governing body).
 - Local Option Sales Tax. Millage reduction should not be employed to effect the tax relief; a consistent reasonable and applicable format is used to estimate the amounts to be received from the State in the form of sales tax.
- Proper Segregation of Duties.
 - Want to see proper approval for any given transaction or journal entry that is initiated. In the Treasurer's Office, for both journal entries and cash disbursements, like to see a more consistent application of segregation of duties.
 - Assessor's Office. If appraised values are changed in the system due to an appeal, needs to be something where one person inputs it after someone else has approved it.

- Reconciliations. Want to see detail and specific transactions that make that up. Totals have to be reconciled to what is in the general ledger.
 - Planning and Zoning. Cash Receipts Journal needs to be reconciled every month or on a regular basis to the general ledger control account.
 - Delinquent Tax Collector's Office. Unclaimed funds or tax sales funds in excess of tax amount owed need to be reconciled so the Tax Collector would know who those amounts are owed to. There is a \$22,000.00 difference between what was in the subsidiary ledger and what was in the general ledger.

Mr. Pope pointed out that some of the items that Mr. McNeish mentioned, because they were in the last fiscal year, have already been addressed and put in place to resolve the deficiency that was there, i.e., Local Option Sales Tax, Treasurer's Office is working with Finance Department and controls are under way, Assessor's Office controls are also underway, Planning and Zoning has new software system that is already in place. Mr. Pope addressed that fact that there were deficiencies that need immediate attention, primarily focusing around procurement. Staff will be bringing in the next couple of months recommendations to the Council regarding additional changes to the procurement policy.

- Response from the County. Gives a commitment from the County, not only that changes are going to occur, but specifies what they are going to be. This gives the auditors the ability to refer back to that.

Mr. Pope asked Council for consideration to schedule at some future date an hour long session to go through the audit in detail, and indicated that the document will also be posted on the County's website.

b. Approval Of Contractor to Install Wastewater Infrastructure

Mrs. Harrison was asked to bring this item forward. She stated that at the Council meeting of August 26, 2013, a Request of Action was received with the design and installation of Wastewater Infrastructure to serve Fairfield Commerce Center, as well as the Speculative Building at the Walter Brown Industrial Park. Using a PowerPoint presentation, Mrs. Harrison showed where the wastewater lines are being installed. Alliance Consulting Engineers have reviewed all the bid packages and have made the recommendation that the County proceed with selecting and awarding the contract to Upstate Grading Engineering, in the amount of \$768,340.75. Mrs. Harrison pointed out that in 2009, funds were allocated to be able to put wastewater infrastructure in the Commerce Center, and when those bonds were issued, money was allocated to do this project. She also mentioned that the County has received a grant award from the Rural Infrastructure Authority in the amount of \$350,000.00. Mr. Pope added that the County could not have moved to this point without the cooperation of the Town of Winnsboro. *It was moved by Council Member Brown; seconded by Council Member Marcharia to approve the contractor to install wastewater infrastructure to serve Fairfield Commerce Center, as well as the speculative building at the Walter Brown Industrial Park. **The motion carried unanimously.***

c. Drawdy Park Update

Mr. Pope set forth that his office has sent legal documentation to S² Engineering requesting various pieces of information and documentation. He said the County also is in the process of securing its own structural engineering firm; however, based upon some of the questions that S² Engineering have been asked, the County needs to make sure that has been vetted properly. Mr. Pope opined that, in his professional opinion, the County should have had some additional controls in place to prevent some of the things that occurred with the park. He asked that no confusion be about the project itself, which was a determination made to initiate the project. Mr. Pope emphasized that when a Notice to Proceed is issued for a vendor to do work for the County, that the

County does get the work based upon the stipulations of the agreement, and set forth that staff will manage situations as effectively as possible to make sure the County is protected as much as possible in seeking an appropriate remedy for the current situation.

Council Member Brown opined, that taking that into consideration and since independent engineers are being sought, it would be good for Fairfield County to have a construction manager to come in and inspect other projects that have been done to make sure that they are safe and are in code, *and so moved; with a second by Council Member Robinson, that the County hire a construction manager (or let the engineer do it, as they probably have in-house construction managers) to come in and inspect the remainder of the buildings that have been established over the past few years by this firm, and if we find other firms that have done something wrong, to do the same thing.* During discussion, Council Member Marcharia inquired if it is determined that it was not done properly, can they be sued or are they accountable to what is wrong; also inquired which particular projects do you have in mind. Council Member Robinson inquired if this will be addressed as changes to the procurement code are considered. ***The motion carried unanimously.***

d. Fairfield Memorial Hospital Update

Mr. Pope commented on the meeting that Council had with the hospital on January 21, 2014 to discuss some of the financial challenges they are facing. He added that the hospital provided a great deal of information to the Council regarding their status and the things they are working on. Mr. Pope set forth that the outcome is that the hospital board and the Council agreed to establish subcommittees to work together to garner more information and detail to bring back recommendations that can help facilitate a sustainable, positive position for the hospital.

e. Committee Process Update

Mr. Pope gave an update of the committee process, citing the first committee meeting was held of the Administration and Finance committee was held this afternoon. The committee received information from staff regarding requests dealing with the County fire service. Mr. Pope reported that those items will be forwarded to Council at the next full Council meeting for a vote, based upon those recommendations.

f. Weather Update

Mr. Pope reported that staff have been receiving information from the National Weather Service and have communicated with surrounding counties. He added that the Schools have announced its closing tomorrow; the County will be open tomorrow, with the likelihood of an early closing.

14. CLERK TO COUNCIL'S REPORT

None.

15. 2ND PUBLIC COMMENT (3 MINUTES): INPUT CAN BE TO INTRODUCE AN ITEM NOT CURRENTLY UNDER COUNCIL'S CONSIDERATION OR BRING A CONCERN TO COUNCIL'S ATTENTION

The following individuals signed to speak:

- Mr. Bob Carrison – Whistleblower
- Mr. Bruce Wadsworth was not present when his name was called.
- Mr. Jeff Schaffer – Responsibility
- Ms. Beth Jenkins – HH & WIA Clean-up
- Mr. Randy Bright – My Apologies

16. COUNTY COUNCIL TIME

Trapp:

Commented that the gentleman who made comments about the school district—that the Superintendent as well as a Board Member was in the back of the room, and that the gentleman may want to discuss the grade of the School District with them.

17. EXECUTIVE SESSION

None.

18. ADJOURN

The meeting was adjourned at 8:20 P.M., upon unanimous approval of Council.

DAVID L. FERGUSON, SR.
CHAIRMAN

DWAYNE PERRY
VICE-CHAIRMAN

SHRYLL M. BROWN
CLERK TO COUNCIL