



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
APRIL 9, 2018**

Present: Billy Smith, Doug Pauley, Neil Robinson, Jimmy Ray Douglas, Dan W. Ruff, Mikel Trapp, Bertha Goins, Council Members; Jason Taylor, County Administrator; Davis Anderson, Deputy County Administrator; Tommy Morgan, County Attorney; Patti L. Davis, Clerk to Council.

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 thirty four other individuals.

1. CALL TO ORDER

Chairman Smith called the Regular Meeting to order at 6:00 p.m.

2. APPROVAL OF AGENDA

It was moved by Council Member Trapp and seconded by Vice Chair Goins to approve the Agenda. ***The motion carried unanimously 7-0.***

3. INVOCATION

Vice Chair Goins led the invocation.

4. APPROVAL OF MINUTES

It was moved by Council Member Trapp and seconded by Council Member Pauley to approve the minutes of the Regular Meeting of March 26, 2018. ***The motion carried unanimously 7-0.***

5. PUBLIC PRESENTATIONS

None.

- 6. 1ST PUBLIC COMMENT (3 MINUTES):** All public comments made during this session must pertain to items on the agenda for which no Public Hearing is scheduled. Each speaker is allocated three (3) minutes for comment. The total time allocated for the public comment portion of the meeting is thirty (30) minutes. Those wishing to make public comment must sign to do so prior to the Council Chair calling the meeting to order. The Clerk to Council will make a public comment sign-up sheet available at least fifteen (15) minutes prior to the scheduled start time of the meeting.

No one signed to speak.

7. PUBLIC HEARINGS

- A.** An Ordinance to Amend that Certain Master Agreement Governing the I-77 Corridor Regional Industrial Park Between Richland County and Fairfield County so as to Enlarge the Park (Colite International Ltd., Formerly Project Lite). Chairman Smith opened the public hearing at 6:02 p.m. No one signed to speak; therefore, by motion of Council Member Ruff and second by Council Member Trapp, Chairman Smith closed the public hearing at 6:02 p.m. ***The motion carried unanimously.***

8. ORDINANCES, RESOLUTIONS AND ORDERS

- A. Second Reading: Ordinance No. 695** – An Ordinance to Amend that Certain Master Agreement Governing the I-77 Corridor Regional Industrial Park Between Richland County and Fairfield County so as to Enlarge the Park (Colite International Ltd., Formerly Project Lite). It was moved by Council Member Trapp and seconded by Vice Chair Goins to approve Second Reading of Ordinance No. 695. Chairman Smith asked Mr. Taylor to give an explanation for the benefit of the public. Mr. Taylor explained that when a business enters into a Multi-County Park Agreement, a vote must take place to allow this. The County has a relationship with Richland County where both entities share in revenues of certain businesses located within the Multi-County Park Agreement. As a result of a business being a part of this agreement, they can then qualify for a fee-in-lieu of arrangement. This is the main tax incentive that counties use to offer industries a discount from 10.5% down to 6 and possibly 4, and this is used by counties to attract industry. In this instance, the agreement is being expanded to allow this company to take advantage of the fee-in-lieu of arrangement. ***The motion carried unanimously 7-0.***
- B. First Reading (By Title Only): Ordinance No. 696** - An Ordinance to Establish Operating and Capital Budgets for the Operation of the County Government of Fairfield County for the Fiscal Year Commencing July 1, 2018; to Provide for the Levy of Taxes for Fairfield County for the Fiscal Year Commencing July 1, 2018; to Provide for the Expenditure of Tax Revenues and other County Funds; to Provide for Other County Purposes; to Provide for Certain Fiscal and Other Matters Relating to County Government; and Other Matters Related Thereto. It was moved by Council Member Trapp and seconded by Vice Chair Goins to approve First Reading (By Title Only) of Ordinance No. 696. ***The motion carried unanimously 7-0.***
- C. First Reading (By Title Only): Ordinance No. 697** - An Ordinance Authorizing the Execution and Delivery of an Amendment to a Fee Agreement Between Fairfield County and Element TV Company, LP; an Amendment to a Special Source Revenue Credit Agreement Between Fairfield County and Element

Real Estate Holdings, LLC; an Amendment to a Lease Agreement Between Fairfield County and Element Real Estate Holdings, LLC; the Execution and Delivery of Such Other Documents as may be Necessary to Effect the Intent of this Ordinance; and Other Matters Related Thereto. It was moved by Council Member Trapp and seconded by Council Member Pauley to approve First Reading (By Title Only) of Ordinance No. 697. ***The motion carried unanimously 7-0.***

D. Resolution No. 2018-02: A Resolution Affirming Fairfield County's Commitment to Fair Housing. It was moved by Council Member Trapp and seconded by Vice Chair Goins to approve Resolution No. 2018-02. ***The motion carried unanimously 7-0.***

9. BOARD AND COMMISSION MINUTES

Disabilities and Special Needs and Hospital Board. It was moved by Council Member Ruff and seconded by Vice Chair Goins to approve the minutes as presented. ***The motion carried unanimously 7-0.***

10. BOARD AND COMMISSION APPOINTMENTS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

A. Request from the Town of Winnsboro for a Collaborative Capital Public Works Project Grant in the Amount of \$90,000.00 for Renovations to the Fortune Springs Park Swimming Pool - Administration and Finance Committee Recommends Approval. Motion made by Council Member Robinson and seconded by Council Member Douglas to approve the request. Council Member Pauley asked Mr. Taylor to explain this request. Per Mr. Taylor, this falls under the new grant program the County adopted wherein assistance is provided to municipalities with grant matches, CDBG or other funds for projects they may not have the funds themselves to complete. The County is trying to assist and prompt the municipalities by providing additional funding. This request is from the Town of Winnsboro to refurbish the pool at Fortune Springs Park. This endeavor was financially difficult for the Town to do on their own, so they are requesting \$90,000 from the County. The total project will cost \$180,000 with the Town and the County both putting \$90,000 toward this goal. The Town will continue to operate the pool for another year. At the end of this year, the County will then be operating the pool under the Recreation Department. Chairman Smith pointed out that this would be a separate agreement at that time. Mr. Taylor stated the pool will come with a warranty and essentially will be a new pool once completed. Council Member Trapp inquired concerning the Town's fund balance and why can they not solely fund this project. Chairman Smith is not aware of the Town's fund balance and cannot answer this question. ***The motion carried 6-1 with Council Member Trapp voting nay.***

- B.** Consideration of Purchasing NOVAtime Time and Attendance Management Software and Implementation Services; 3 Year Contract for a Total of \$101,935 - Administration and Finance Committee Recommends Approval. Motion made by Council Member Robinson and seconded by Council Member Douglas to approve the request as stated. Vice Chair Goins asked Mr. Taylor to explain this request further. Per Mr. Taylor, the County has known for some time that the existing system through Davisco was becoming unreliable, and the company has been unable to service the contract. In knowing this, the County placed in the budget last year \$80,000 for the first year to implement a new time and attendance system. The County put this out for bid, and the staff has ranked the proposals with NOVAtime as being the company that would best meet the needs of the County. They came in at \$101,935 over a three year period. For the first year of implementation, the cost will be \$56,595, which is actually under budget. Chairman Smith also commented that after the third year, the County can then decide if it is pleased with the service and whether to contract for an extension. ***The motion carried unanimously 7-0.***

13. COUNTY ADMINISTRATOR'S REPORT

- A.** Courthouse Data Loss: Mr. Taylor asked Mr. Marvin Allen, IT Director, to address Council on the matter of the server which crashed and lost approximately two months' worth of data in Family Court. This will affect child support payments, and the information will need to be manually re-entered. Mr. Allen began by stating the Family Court staff is in no way responsible for this crash. The blame for this situation lies with several entities including himself. He sincerely apologized to every person affected by this, particularly the citizens that may endure hardship throughout this time. He also apologized to the Family Court staff, the Clerk of Court and any others affected by this crash. He has been with the County for 11 years and has never had something of this magnitude occur. He admits mistakenly trusting miscommunication from the Department of Social Services. The following is a brief synopsis of the events that occurred: QS/1 Governmental Solutions has been the vendor for Family Court for about 25 years. He is unclear as to how they entered into this position; however, apparently they used to be the premier company for this product. There have been very few changes to this software over these 25 years because DSS has strongly suggested that they would be left behind in favor of going with a statewide database program as mandated by the federal government. Over the past 20 years, vendors and software platforms have been changed, but they cannot seem to make a decision as to which way to go. The current platform is a copy from Delaware using Xerox with SQL and .NET code. The entities involved with this crash were Fairfield County Information Technology, QS/1 Governmental Solutions and DSS. This situation is unique in that data is actively migrating to DSS, so there were many hands in the pot. Three years ago, there were issues with this particular server here in the County data center. That server was housed here and would have been very well protected and backed up with the County, but QS/1 had issues with this working. The old server was housed in the County's main data center until 2015. The hardware was failing, and QS/1 ordered new hardware. They were adamant that their server needed to be in a domain to work properly, which Mr. Allen disputes as the one prior was not in a domain and was working properly.

QS/1 was on site at the County's data center for nearly a week and could not get it to work. They claimed the Fairfield County network was the reason the server would not work, having to do with the way the data was passing through the switches. The County suggested the Family Court server be taken as original back to the Family Court environment and create a domain there. QS/1 agreed and also that they should do a backup solution as well. Mr. Allen agreed to this and a representative from QS/1 was to follow up with him. After discussions, he was awaiting a quote, which was never received for the time period of about six months, despite multiple attempts to contact. Manual backup was done throughout this time until DSS placed a backup solution working with QS/1. DSS had the most recent data the night of the crash, but because the QS/1 software is so old and antiquated, it could not be reimported. DSS said they would take care of this since they had the data to backup, but the data could not be reimported. Chairman Smith thanked Mr. Allen for coming in to speak concerning this matter and had a few questions up to this point. How was the data up to January 31 imported into the system and why can't the same thing be done for the data through the night before the crash. According to Mr. Allen, a manual copy of the drive was done on the 31st, which is the day that DSS was to perform their final data pass through, and we wouldn't need to worry about that server any further. As he understood from DSS, our Family Court personnel should be putting data into the DSS new program of which Fairfield County is one of the pilot counties for this new program. It was his understanding that the new data should have been put into the new system using the QS/1 for more historic data. Apparently, this was not the case. A manual copy was made of the C&D drive and given to QS/1 to use for restoration of the hardware, but the data extracts from QS/1 sent to DSS apparently were text files and for some reason could not be reimported to the platform. Chairman Smith asked which data format was used for the data up until January 31. Per Mr. Allen, it was a copy of their file structure that IT employee, Jason Sparks, made as it is in the QS/1 environment. Chairman Smith asked if we were paying QS/1 to do the backups. According to Mr. Allen, we were not paying QS/1 for this as this is part of the ongoing migratory program of moving to the DSS statewide database. Chairman Smith asked if the data that was lost has at least been imported into the new system. Per Mr. Allen, it is in the new system, however, cannot be reimported into the QS/1 system. Chairman Smith then asked if the data is in the new system that Family Court should be using, why then do we have an issue. Mr. Allen does not know the answer to this question. Chairman Smith asked Mr. Taylor to follow up with someone for the answer to this question since we are supposed to be transitioning. Further, Chairman Smith inquired concerning the migration that has been occurring from QS/1 to the new state sponsored system, have we been paying for these migratory services. Per Mr. Allen, he is not aware of the County paying for these services. QS/1 each day has a program running on the server that extracts and moves to the DSS cloud for storage. Mr. Allen further showed slides of the data center where this was originally housed, and if this were in our data center, it would have been protected. The IT Department is small with only three employees, and mistakes can certainly be made. The Department takes care of 35 departments, over 400 computers and works with 28 different vendors. Security and data access are the most important things for the IT Department, and a rollback plan is in place if a problem occurs.

However, a mistake was made in this instance, and Mr. Anderson has made it very clear to him in his reprimand that even though we depend on vendors, he is ultimately responsible for the County data. He takes full responsibility and again apologizes to everyone. Council Member Pauley asked Mr. Allen to explain the procedures in place to make sure it will not happen again. A manual backup is being done daily of the QS/1 server, which is all we can do with this. We have worked with Backup Exec, which is software that should do these types of things, but it won't work on that system because of the way QS/1 configures their domain. So, manual backups are being done daily. The other County systems have very strong algorithms for backups that are multiple times each day depending on what the server is and how crucial the environment. Mr. Morgan interjected that because of his background in the court system, S.C. DSS has long had an antiquated computer system problem and is the only state that is not compliant with the 1997 law. They have been fined over \$155m dollars and continue to be fined approximately \$14m per year because of their system. This is a longstanding problem of S.C. DSS. Fairfield, York and Union are the three pilot counties to get the system operational. Mr. Morgan adds this for informational purposes only. Chairman Smith wants to make sure, as Mr. Allen has said, this is not put on the shoulders of anyone else other than ourselves. We knew we were working with an antiquated system, and it should be getting backed up on a frequent basis. We should be checking to make sure this is occurring. We also should check if we have any outside vendors providing backup that this is compatible with our uses. This responsibility falls to the County, and Chairman Smith appreciates Mr. Allen acknowledging this. Mr. Allen further stated that Jason Sparks, the system administrator, checks the backups each day to make sure they work. He is also testing the backups in a weekly manner. In this particular case, he failed as there were just too many hands involved. Chairman Smith feels this slipped through the cracks because we thought the solution was that we had turned the management of this to someone else. This again is an explanation and not an excuse, and Chairman Smith appreciates Mr. Allen sharing in the burden. Council Member Robinson asked the extent of the data loss and how it has affected Family Court. Per Mr. Allen, it is around two months of data and roughly they can input three days for every one day of work. Mr. Allen has offered to help in any way possible.

- B. Administration Budgetary Process Update:** Per Mr. Taylor, over the last few weeks, Administration and Finance have been meeting with department heads, going through the budget requests and reconciling the requests with the anticipated revenue for the next fiscal year. This process is completed and the Clerk will be getting these budget packets to the Council members following tonight's meeting. The first budget work session will be tomorrow at 6:00 to begin with the entity requests, the outside agencies funded by the County. The following Tuesday we will start on the department requests. Chairman Smith inquired if the packet tonight includes only the entities or the entire budget. Mr. Taylor informed Council the packet tonight includes the whole budget. Chairman Smith invited the audience to be a part of the upcoming budget work sessions.

14. CLERK TO COUNCIL'S REPORT

None.

- 15. 2ND PUBLIC COMMENT (3 MINUTES):** All public comments made during this session must pertain to items not on the agenda or under Council's consideration. Each speaker is allocated three (3) minutes for comment. The total time allocated for the public comment portion of the meeting is thirty (30) minutes. Those wishing to make public comment must sign to do so prior to the Council Chair calling the meeting to order. The Clerk to Council will make a public comment sign-up sheet available at least fifteen (15) minutes prior to the scheduled start time of the meeting.

- Peggy Swearingen - Fire Department
- Carol Turner - EMS

16. COUNTY COUNCIL TIME

Douglas: He recently hired a local real estate commercial agent to find a buyer for a building. Castles Air Conditioning Company was placed in the building. Also, this Saturday Animal Control will have a fundraiser in the parking area near Chamber of Commerce with hot dogs and other items to raise money for surgeries and other necessary things that have to be performed at Animal Control.

- 17. EXECUTIVE SESSION (The following statement is provided in compliance with the South Carolina Freedom of Information Act: Subsequent to Executive Session, Council may take action on matters discussed in Executive Session.)**

At 6:37 p.m., it was moved by Vice Chair Goins and seconded by Council Member Robinson to go into executive session for (a) Legal Matter - Update on Litigation Against SCANA/SCE&G in Reference to the Abandoned V.C. Summer New Nuclear Project, (b) Proposed Contractual Matter - Discussion Regarding the Potential Purchase of Real Property Identified as Fairfield County TMS #126-03-01-001-000 and (c) Proposed Business Location - Discussion Regarding the Proposed Location of a Solar Business in Fairfield County. ***The motion carried unanimously 7-0.***

At 7:42 p.m., it was moved by Council Member Douglas and seconded by Council Member Ruff to come out of executive session and return to open session.

No action was taken in Executive Session.

18. ADJOURN

At 7:43 p.m., it was moved by Council Member Trapp, properly seconded by Council Member Douglas to adjourn. ***The motion carried unanimously 7-0.***

PATTI L. DAVIS
CLERK TO COUNCIL

WILLIAM B. SMITH, JR.
CHAIRMAN