



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
JULY 14, 2014**

Present: David L. Ferguson, Sr., R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, 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: Carolyn B. Robinson

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

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

2. APPROVAL OF AGENDA

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

3. INVOCATION

Council Member Kinley led in The Invocation.

4. APPROVAL OF MINUTES

*It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve the minutes of the Regular Meeting of June 23, 2014. **The motion carried unanimously.***

5. PUBLIC PRESENTATIONS

None.

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:

- Ms. Beth Jenkins - Detention/Inmate
- Mr. Randy Bright - Economic Development
- Mr. Billy Smith - Procurement Policy

7. PUBLIC HEARING

Edward Byrne Memorial 2014-2015 JAG (Justice Assistance Grant) Funds. The Application Is Requesting Funds From The United States Department of Justice (DOJ), Office Of Justice Programs (OJP) And Bureau Of Justice (BOJ). The Funds Will Be Used To Assist In Paying For Capital Purchases, Administrative And Operational Charges Of The Fairfield County Sheriff's Office During Fiscal Year Beginning October 1, 2014 And Ending September 30, 2015. *Chairman Ferguson opened public hearing at 6:14 P.M.* Mr. Steve Gaither was asked to come forward to address the question coming from Council as it related to whether there was a particular item the Sheriff's Office is going to use the funds for this year. Mr. Gaither set forth that the funds will be used to purchase eight

(8) Dell computers which will be mounted in the vehicles. Council also inquired if these computers would be replacing the old ones? *Hearing no further comments, Chairman Ferguson closed public hearing at 6:16 P.M.*

8. ORDINANCES, RESOLUTIONS AND ORDERS:

A. Second Reading: Ordinance No. 635 - An Ordinance To Amend The Fairfield County Land Management Ordinance, (Ordinance No. 596), To Provide For The Zoning Reclassification From RD-1 (Rural Residential District) To RC (Rural Community District) Of One And One Tenth (1.1) Acre Owned By Carrie Suber-O'Neal, Part Of Tax Map No. 158-00-02-100. Property Is Located At 183 Little River Church Road, Jenkinsville, SC. *It was moved by Council Member Marcharia; seconded by Vice Chairman Perry to approve Second Reading of Ordinance No. 635. **The motion carried unanimously.***

{Prior to taking the vote on Items B, C and D, Mr. Pope was asked to address the specifics of those Items as it related to Ordinance Numbers 636, 637 and 638, respectively}. He set forth that Ordinance No. 636 addresses a replacement station in Ridgeway. The County is buying property from Ms. Judy Davis and are working with Brown and Company Real Estate {not Council Member Brown} to develop that land. The purchase price that has been negotiated is \$65,000.00 for that area. The County has worked with its Fire Marshal to make sure that the citizens' ISO rating is not negatively impacted, but will actually gain some response time.

Item C relates to an Ordinance authorizing the County to purchase land known as Rufus Belton Park. This is an existing lease agreement that the County has had for a number of years, where an operational fire station is located on it; an EMS Station is also located on that property, as well as a softball/baseball facility and concession stand. Some months ago with the pending expiration of that item, the County was looking at not acquiring any additional costs to build a new fire station. Subsequently, the County entered into negotiation to purchase approximately six acres of property in the amount of \$150,000.00, which includes the fire station, EMS and the recreational amenities that are on that property.

Item D relates to an Ordinance authorizing Fairfield County to sell and convey County-owned property off Center Creek Road containing 405 acres, more or less, by private sell. This information was mentioned publicly for people to be able to make options on the property. Ms. Beverly Frost has been the County's agent on the property. A signed agreement is available where that property is going to be purchased, allowing the County to obtain \$3,000.00 an acre for that property. The County is moving forward with that sell, and anticipating Third Reading and Public Hearing at the next meeting. Staff's recommendation for Council for those particular funds is to reinvest those funds in future economic development opportunities for the County. All of this information will be made public and is contained within the contracts that have been entered into. The County Attorney has reviewed all of the information that was brought forward.

{Chairman Ferguson set forth that he received two statements of Potential Conflict of Interest from Council Member Brown as it relates to Ordinance No. 636 and Ordinance No. 638}.

B. Second Reading: Ordinance No. 636 - Authorizing Fairfield County South Carolina To Purchase And Develop Approximately One And Twelve Hundredths Of An Acre Of Real Property, To Be Used As A Fire/Emergency Station. *It was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve Second Reading of Ordinance No. 636. The motion carried 5-1. {Council Member Brown abstained from voting and so notified the Chairman at the beginning of the meeting by signing a statement of Potential Conflict of Interest form, which is on file in the Clerk to Council's office}.*

C. Second Reading: Ordinance No. 637 - An Ordinance Authorizing Fairfield County To Purchase Land Known As Rufus Belton Park For Recreational Uses And Location Of Emergency Personnel And Services, Being A Portion Of Fairfield County Tax Map Number 152-00-00-037. *It was moved by Vice Chairman Perry; seconded by Council Member Brown to approve Second Reading of Ordinance No. 637. The motion carried unanimously.*

D. Second Reading: Ordinance No. 638 - An Ordinance Authorizing Fairfield County To Sell And Convey County-Owned Property Located Off Of Center Creek Road, Containing Four Hundred And Five Acres, More Or Less, By Private Sale, Being Shown On The Fairfield County Tax Maps As Parcel Number 201-00-01-111. *It was moved by Vice Chairman Perry; seconded by Council Member Trapp and Council Member Kinley to approve Second Reading of Ordinance No. 638. The motion carried 5-1. {Council Member Brown abstained from voting and so notified the Chairman at the beginning of the meeting by signing a statement of potential conflict of interest form, which is on file in the Clerk to Council's office}.*

9. BOARDS AND COMMISSIONS MINUTES

Provided as information.

10. BOARDS AND COMMISSIONS APPOINTMENTS

It was moved by Council Member Marcharia; seconded by Council Member Trapp to approve the Appointment Ratification as presented for the Fairfield County Construction Board of Adjustments. The motion carried unanimously.

It was moved by Council Member Marcharia; seconded by Vice Chairman Perry to approve the Appointment Ratification as presented for the Fairfield County Library Commission. The motion carried unanimously.

The Clerk announced the following appointments: Fairfield County Construction Board of Adjustments: Mr. John Cammon (representing District 4); Fairfield County Library Commission: Ms. Zakiya Ginyard (representing District 4).

11. OLD BUSINESS

A. Procurement Policy Approval - Committee Recommendation

Mr. Pope prefaced the discussing saying at the last meeting, there was a motion made by Council Member Robinson to defer this item until she could meet with staff. Mrs. Robinson did meet with Mrs. Pickett and went through the questions that she had. From the draft that was brought forward from the committee to the full Council, there were not any changes of substance; approximately 90% of the things that Mrs. Robinson went over with Mrs. Pickett were grammatical changes. Council Member Robinson did mention two substantive things and staff thought needed to be addressed by the Council: (1) Under Procurement Review Panel. The Procurement Review Panel that is appointed to look at procurement challenges that come about, i.e., if a vendor who submits a bid has a

question about that or want to protest that, that panel is the one that reviews that information. Under that language, the way it reads is: the panel shall consist of five (5) members appointed by the Fairfield County Council. When looking at the form of government, it is recommended it be changed to read as follows: the panel shall consist of five (5) members, recommended by the Administrator, and approved by Fairfield County Council; (2) Under Contracts Amounts, the last sentence of letter E, Multi-Term Contracts. The language reads: total contract years shall not exceed five (5) contract years. Council Member Robinson recommended that language should be amended to be: five (5) consecutive contract years. From a staff perspective, it is recommended that the language stay as it is stated in the document that the Council has: that the total contract years should not exceed five (5) contract years.

Council Member Marcharia voiced that he had raised a concern during the committee meeting regarding grants for minorities. Further, he stated his question at that particular time was why the language of White women could not be used instead of Other, and why would two Ethnic groups be singled out and imply what the Other groups would be.

Mr. Pope cited the amended language that was suggested by the committee, which reads from the Procurement Manual as follows: Minority And Disadvantaged Business is a small business which is owned or controlled by a majority of person, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages and/or is owned and operated by a person considered to fall within the category of a minority group. Such groups include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, and Women of all ethnic groups.

*It was moved by Council Member Kinley, seconded by Vice Chairman Perry to approve the Procurement Manual, with the recommendation of the two issues coming from Administration. **The motion carried unanimously.*** Mr. Pope stated the amended Procurement Manual would be posted online after the minutes have been approved.

12. NEW BUSINESS

A. Consideration Of Approval Of Application For 2014-2015 JAG Grant Funds

Mr. Pope set forth that this item would need to be deleted and not require any action, as it was moved to the committee. This matter will be forthcoming at the next regular meeting.

B. Pending Procurement Requests For Proposals (RFP's)

1. Pest Control Services
2. Inmate Health Care Services

Mr. Pope was asked to elaborate on these matters. There are two (2) services: pest control and inmate health care services that staff desires to bid out. Have received information under these two services. Have spoken to Council Members, individually, about these two services. We presently have local vendors that provide services in both of these areas. One of the things staff has been trying to do is to try to maximize use of local vendors, if there is an ability to do that. Based upon that, there was a concern that we make sure we give our local vendors the benefit of the doubt before awarding these two areas of service to potential outside vendors. Council Members have desired for staff to research additional information. Staff wants to be explicitly clear, in regard to inmate health care services, for a small detention center like ours, the level of services that we have been receiving is on par with what is required by state jail minimum standards. We would be looking into this to possibly include those services, but do not want anyone to think we are not providing adequate services at the Fairfield County Detention Center.

Pest Control: From my understanding what Council would like for us to do is do some additional research and bring this back. If that is what you prefer, is to vote and direct the Administrator to bring back that information (keeping in mind that the cost of what we are paying for these services right now will remain flat and will not increase until staff comes back until the next budget year). ***So moved by Council Member Brown, seconded by Council Member Kinley and unanimously approved by Council.***

Chairman Ferguson asked Mr. Pope and Mr. Anderson to make sure there is nothing outstanding at the Detention Center as far as health care.

13. COUNTY ADMINISTRATOR'S REPORT:

A. County Spotlight. Fairfield County Procurement Department - Mrs. Shelia Pickett

B. Drawdy Park Update. Vendor has actually been on site; there has been a pouring of concrete for the footer. Waiting for the requisite inspection information. There was a question about the PSI level of the concrete. That should be satisfied by the 17th, where work will proceed.

C. Fairfield County Alert Site Update. This is a project that the EOC Department has been working on to be able to assist with getting information to and help with the efficiency of emergency services department.

D. Courthouse Architectural Design (Mead & Hunt)

Based upon the actual number who bid on this work, staff recommended to the committee and the committee approved Mead & Hunt as the company to negotiate with for the upfitting of the HON Building for the Courthouse relocation. Staff is requesting a favorable vote on the committee's recommendation to full Council to proceed with Mead & Hunt and allow staff to negotiate with them to bring back negotiated price. *It was moved by Vice Chairman Perry; seconded by Council Member Marcharia to approve Mead & Hunt as the company to negotiate with for the upfitting of the HON Building for the Courthouse relocation. **The motion carried unanimously.***

E. Courthouse Renovation Project Administration (Davis & Floyd)

When the committee addressed this matter, Davis and Floyd and the County had already paid for the information that led to the assessment of the Courthouse building and all the things that needed to be replaced or repaired, which was approximately \$104,000.00. This would come out of the bond and would allow the County to lock in the price when Mead & Hunt actually begins the other work on a parallel track. Davis & Floyd would be the Project Managers for the actual work at the existing Courthouse. *It was moved by Council Member Marcharia; seconded by Council Member Trapp for the County to move forward with Davis & Floyd as the Project Managers for the renovation at the existing Courthouse. **The motion carried unanimously.***

F. Economic Development Update. Executive Session matter.

G. Legal Advice On Industrial Park Easement. Executive Session matter.

H. Legal Advice On Airport Property Litigation. Executive Session matter.

I. Legal Advice On Chinook Road. Executive Session

J. Contractual Proposal For Council Consideration - Requested By Eau Claire Cooperative Health Centers, Inc. Executive Session.

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:

- Ms. Dorothy Brandenburg - Quarry Update
- Ms. Beth Jenkins - S²
- Mr. Randy Bright - What? Why?

16. COUNTY COUNCIL TIME

Brown: Inquired when the next joint meeting will be scheduled.

Marcharia: Inquired what will happen if there is a cost over-run with the Courthouse project.

17. EXECUTIVE SESSION

*At 7:18 P.M., it was moved by Council Member Marcharia; seconded by Council Member Kinley to go in executive session to receive legal advice; discuss an economic development matter and a contractual matter. **The motion carried unanimously.***

*At 7:58 P.M., it was moved by Council Member Marcharia; seconded by Vice Chairman Perry to come out of executive session and return to open session. **The motion carried unanimously.***

In open session, Chairman Ferguson reported that Council received legal advice from legal counsel. {Council Member Kinley was not present when Council returned to open session}.

18. ADJOURN

The meeting was adjourned at 7:59 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN