



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
AUGUST 9, 2021**

Present: Moses Bell, Shirley Greene, Mikel Trapp, Timothy Roseborough, Cornelius Robinson, Clarence Gilbert, Douglas Pauley, Council Members; Brad Caulder, Interim County Administrator; Charles Boykin, County Attorney.

Absent: N/A

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 forty two other individuals.

Due to COVID-19 (Coronavirus), the meeting is being live-streamed through the County's YouTube page in order to keep citizens informed.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Motion made by Council Member Roseborough, seconded by Council Member Trapp, to approve the agenda. ***The motion carried 7-0.***

3. INVOCATION

Council Member Trapp led the invocation.

4. APPROVAL OF MINUTES

None.

5. PUBLIC PRESENTATIONS

None.

6. 1ST PUBLIC COMMENT (3 MINUTES): INPUT MUST PERTAIN TO ITEMS ON THE AGENDA, FOR WHICH NO PUBLIC HEARING IS REQUIRED OR HAS BEEN SCHEDULED. THE TOTAL TIME ALLOCATED TO THIS PUBLIC COMMENT SEGMENT IS 30 MINUTES.

- Cal Harrison – Luck Mine Permit

Mr. Bell reminded Mr. Harrison that the comment section on the agenda pertains to items on the agenda. He stated the Luck Mine permit was not on the agenda but he did not want to interrupt him while he was speaking,

thanked him for his comments and stated Council normally does not comment during this section. Mr. Harrison stated he thought it would be under the Ordinances, Resolutions and Orders section of the agenda. Mr. Bell thanked him again.

Mr. Caulder stated there were 2 other persons signed up to speak on the same matter, which is not on the agenda, and left it to the Chair's discretion. Mr. Bell stated in order to speak, the subject would have to be on the agenda. Mr. Caulder stated there were 2 people who signed up to speak on matters that were on the agenda.

- Jeff Schaffer – Ordinance 773
- Randy Bright – Ordinance 773 and 774

Mr. Bell stated that he wanted Mr. Harrison to know that he was heard.

7. PUBLIC HEARINGS

None.

8. ORDINANCES, RESOLUTIONS AND ORDERS

- A.** Second Reading Ordinance No. 773: To make \$1,050,000 in Supplemental Appropriations for the 2021-2022 Fiscal Year for Capital Projects, to Include Community Mini-Park on Overlook Road in Blackstock, Upgrades to Willie Lee Robinson Park, and Roof Repairs to the DHHS Building. Motion made by Councilman Trapp, seconded by Vice Chair Greene, to approve Second Reading Ordinance No. 773. Mr. Gilbert expressed confusion regarding the ordinance. He stated he knew a roof was needed for the DHHS building and that there were monies allotted for the mini-park and another park and at the last meeting a gentleman came to speak in reference to the Courthouse. He recalled Mr. Bell's statement requesting the budget be cut on the Courthouse. Mr. Gilbert stated we needed to do as much as possible for the Courthouse because eventually some of us will need the Courthouse. Mr. Pauley stated for the record that \$350,000 is going toward the mini-park, \$150,000 (he thought) is going to Willie Robinson Park and the rest of the money is going toward the roof on the DHHS building. He asked if we were going to do a supplemental for employees as well. He stated you are going to create more recreation places which will require people to staff it, more grass needs to be cut, and buildings need to be maintained. With that million dollars, Sheriff Montgomery could put another Deputy on patrol for 17 years (with a million dollars). He stated he thought

we had a park on Overlook at one time. Mr. Caulder stated he thought we did. Mr. Pauley asked the reason it is not there now. Mr. Caulder answered he did not know. Mr. Trapp stated the park was not on Overlook Drive – it was on a dirt road but this one in is on Overlook Drive, the paved road.

The motion carried 4-3.

- B.** Second Reading Ordinance No. 774: To make a Supplemental Appropriation of \$75,000 for the 2021-2022 Fiscal Year, So as to Authorize Funding for the Position of Project Manager within the Economic Development Department. Motion made by Council Member Trapp, seconded by Vice Chair Greene, to approve First Reading (By Title Only) Ordinance No. 774.

The motion carried 6-1.

9. BOARD AND COMMISSION MINUTES

None.

10. BOARD AND COMMISSION APPOINTMENTS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

None.

13. COUNTY ADMINISTRATOR'S REPORT

- A.** Sheriff Montgomery – Mt. Zion Considerations. Sheriff Montgomery asked if everyone received the letter sent and said he would not read it verbatim. He stated he had some concerns about their office space in Mt. Zion. The main issue is safety. He stated the windows are on the ground level and the offices of investigation, his office, and the legal assistant's office are all on the ground level so anytime there is someone in those offices, anyone could come by and see people talking to us and do some type of harm to them. He stated another issue was the fact that we have over 75 sex offenders that have to register once a month at the office. The Rec building will be right next door to our building and lot of them walk to come to our office so they will be walking around our campus and we do not know how that is going to be worked out. He stated the concern was not just about sex offenders but that there were all kinds of people that come in and out of their offices on a daily basis. Another issue was space – he stated they had a lot of training equipment, equipment issued to Deputies that we have to have a place to put and that was not added to our office space. There

was no room for growth at all and we will have less office space than we have now so if we plan to grow the Sheriff's office like we plan to grow the County that will not happen – we will have to build another building. Mr. Bell asked if these concerns were brought forward with Mr. Taylor and others around the safety issues, space issues and other issues. Sheriff Montgomery stated these concerns were brought up on day one at the start of the project. Mr. Pauley asked Sheriff Montgomery his idea going forward, regarding staying at the present location. Sheriff Montgomery stated he would leave that decision up to Council but they were comfortable where they were – they needed a little more office space but they were comfortable where they were, if that's possible. Mr. Bell asked Mr. Caulder his and Mr. Driggers' thoughts on the subject. Mr. Caulder asked Mr. Driggers to speak. He stated all employees fall under our scope so safety and liability are our top priority. He said Mr. Driggers has done a great job of digging into the construction piece and the contractual obligations of the project. Mr. Driggers stated he had 31 years in local government service in South Carolina and in his last 20 years as the City Administrator in Greer, they completed a number of construction projects that he lead from "cradle to grave" – from idea and conception to final construction. Those projects were done under schedule and under budget. He was asked by Mr. Caulder to evaluate the Mt. Zion Institute project. One of the first things he looked at were the risks (the financial risks in particular). Sheriff Montgomery verbalized other risks and those are community concerns, which the Sheriff and the Council are responsible for addressing. Mr. Driggers stated he was charged to look at things from an economic perspective. Would it cost more for the Sheriff's office to stay in his current space or would it cost more to relocate him. There are a number of community concerns and there is history to address but his goal is to address the risks involved with either receding or proceeding. He stated his greatest concerns are the unknowns. The documentation provided says the Sheriff's Department was originally told they would occupy more space, therefore they would have more of their personnel that would be able to occupy the space. At some point, the plan shifted and less space is now available. He stated one of the most economically beneficial things that could be done would be to centralize operations – whether it's for the Sheriff and his department or for the County Administrative offices, the Courthouse – or anywhere you can maximize efficiency in providing centralized services - this will eliminate certain duplications that would take place otherwise. He stated it is inevitable that that is going to happen. The first risk was construction costs – what changes that may or may not need to be made. From a safety perspective, for officers and the public, if the Sheriff relocates to this facility, there will need to be changes to the physical structure of that

building. The greatest risk in doing that are the agreements with a developer that you would construct that building in a way that allows him to utilize tax credits –primarily historic tax credits. Historic tax credits require certain types of windows and visibility for the building. Those requirements may not always be in concert with the public safety needs. However, you have made an obligation to the developer to use those tax credits and he has issued those tax credits and if anything occurs to reverse that, if he lost any portion of or all of them, there could be liability to the County. You are in a conundrum – do you spend money to go forward or do you spend money to do something from a different perspective. He stated he thought the project was on an extremely tight budget and there would be cost overruns – most of which have already been approved (when the 911 Center costs were approved). The decisions were made and you have moved forward but they will have implications, particularly financially, as you move forward. Those changes require the general contractor on site, entitlement (under their contract) to general conditions to include the expectation of being on a job site for a certain amount of time. They have certain risks as well – if they do certain things to cause them to get behind. But if the owner (the developer) or the user (the County) cause changes to the developer that extends the construction time then they have the right to request compensation, which is what we are facing now. Right now we are trying to look at all the schedules, expediting all that we can from the construction perspective, we are on site watching that construction regularly so that we are protecting the interest of the County. It is a very unique and imaginative project and it is not unusual to see public-private that will happen but specific to what you are facing now and in talking with Mr. Caulder as well, Mr. Driggers stated he believed the most cost beneficial path forward for the County would be to allow the Sheriff to stay in his existing facility and allow resources to be used for the building we are in now for up fit. We have some engineering studies that have given us some costs on that and despite the age we can determine the time value of money would do for us on a project like this because to go into that facility, leave other operations decentralized, as well, in his opinion you would spend more money relocating the Sheriff than to allow him to remain in his current location and it would address the concerns he has about public safety. Mr. Driggers restated that he was only looking from a cost perspective and you (Council) and he (Sheriff) are looking at it from multiple community perspectives. Mr. Bell stated he has shared with Mr. Driggers, the Sheriff, and Mr. Caulder that what frustrates him is that we are at the 11th hour and we have a concern with not having enough parking. We are right at \$10,000,000 and the way it's heated it has a lot of open glass windows and you will have heat and air blowing out of the windows.

He stated he could not understand why a Sheriff, who is elected County-wide, would not have his voice listened to by the decision-makers. It is beyond him to understand that. He stated we are at a crossroad and he has tried to voice these concerns and this is a bad situation. He said he does not know who won – if you look at the Sheriff's Department, they lost. If you look at the black community, they lost. If you look at the community down there, they lost, so he doesn't know who won. Even you were there when the developers told us it's going to be break even or they would lose money. So who won? A few people who wanted to fix up Mt. Zion? Are they the only ones that won? This has gone beyond where we ought to be. He stated he pulled up some minutes to see where he stood when we did this thing. One of the things he said was Council Member Bell stated about adding the Teacherage and what it would cost. Mr. Taylor showed him how the current building is leaking, has mold and has a real need that we get together for another building, however, he feels we made a grave mistake because there are other developers who build new buildings with the same type financing. He feels by the time we get this building, in 3-5 years, the building will already be outdated and he feels like it will be a bad mistake. People talk about my decisions – that was one. We have to come up with how we solve this problem. That is why he wanted the Sheriff to come, I voiced my concerns. This is not like people say a "majority four", this is a decision by Council and he could not understand why we would do something of this magnitude with everybody losing. Everybody lost, except a few people who wanted to do Mt. Zion. Mr. Pauley asked Mr. Bell if he remembered that he was about to spend about \$3.5 million on recreation that could be used for a new Sheriff's building. Mr. Bell stated Mr. Pauley I have not directed any questions to you and you will not direct any questions to me. Thank you, bye, and it's not \$3.5 it's \$2.5. Get your facts straight. Mr. Pauley stated what about the mini-park, that's a million dollars, ain't it? Vice Chair Greene stated one of the concerns/goals expressed early on by the community pertained to the ability to consolidate services in the County. We are now back to talking to the community now. The Sheriff has made his wishes and concerns known and it is very important that we take a look at safety for our children, the Sheriff, his officers and everyone else coming and going from the new Administration building. What we have to do is take this information and the information given by Mr. Driggers into consideration and do more fact-finding. It's not just talking about what the figures look like because that's what we talked about when we were told it would be \$8.5 million dollars, not a penny more that would be spent on Mt. Zion. As has been stated right now, we are near \$10 million dollars of the tax payer's money. Essentially, we need to solve the issue. It is very important and making sure that the money being spent or monies being

considered is tax payer's money. We have gone around and around about Mt. Zion – the benefits and the risks and Mr. Smith we have had these conversations many times and essentially those were things we talked about in terms of risks and other kinds of things. We were told this was a great deal and everything would be in one place and the citizens would be happy. Right now, the Sheriff's not happy, we are not being safe with County people, children and his staff and we are still looking at more money so I guess the unintelligent ones caused this. Thank you so much. Mr. Bell asked Mr. Montgomery if he was sure he shared all of these concerns as the building was being built. Mr. Montgomery stated absolutely with the exception of the windows because we did not know that the windows would be open to the office space but everything was out in the open from the beginning. Mr. Pauley asked if this something that needed a motion. Mr. Bell stated no it was just for information but at some point we will have to decide because the new Administration building will supposedly be complete in October. It is designed for the Sheriff's Department to relocate there along with everything else. If you all remember, we spent almost \$1 million dollars but because of the work that Mr. Driggers has done it may have been reduced, but about \$1 million dollars for the 911 Center. That has already been done so you can't not take them there because \$1 million dollars has been spent but if we knew this situation was coming up, we could have left them in place and had more room and brought everyone else over. We find ourselves in a very difficult situation. Yes, we will have to make a decision but it won't be tonight. Mr. Bell extended an apology to Mr. Driggers and asked if there was any additional information he needed to share. Mr. Driggers stated he was available for any questions Council may have. Mr. Bell asked Sheriff Montgomery if there was anything else he needed to tell us because he thought there were other things on his list. Sheriff Montgomery stated the list was long but if they needed him to call him with any questions. Mr. Bell stated the list was pretty long and you didn't mention a lot that was on the list. Sheriff Montgomery stated he didn't want to go through the whole thing. He knew they had a copy of the list but if they had any questions for him, he was available to answer them. Thank y'all.

- B.** Mr. Caulder – Fireflies Employee Family Night (August 14, 2021). Mr. Caulder announced the event and thanked Mr. Gilbert for bringing it to his attention as an idea. He stated Ron Smith was also instrumental in making this happen. On August 14th the Fireflies will have a fireworks show after the game and employees will be available to purchase reduced cost admission and food tickets. This is a great way to show appreciation for our employees. We are very proud to be able to do this and thanks for the help

which made it so much easier. Mr. Pauley asked if #4 (the approval of the minutes) did we have any minutes to approve. Mr. Caulder stated no sir. Mr. Pauley asked where the money was coming from regarding the Second Reading of the \$1,050,000. Mr. Caulder stated it was his understanding it would come from the General Fund right now. There are potentially other funding sources and asked Ann Bass for clarification. Ms. Bass stated she believed the roof would be covered with the Recovery Act money. Mr. Pauley asked how much Recovery Act money we would get. Ms. Bass stated the grand total is about \$4.4 million, which we would get in 2 installments and she was fairly certain the roof will be covered by that – the parks may be. There are different provisions for tourist's type, outdoor space things. She was not as certain – they have not been as clear about that as they are about buildings, healthcare facilities, or public buildings. Mr. Pauley asked if we had received it already. Ms. Bass stated we have not received it all yet – we will get it in 2 installments. Our first installment is slightly over \$2 million dollars and we can draw that down and as we use it we will start filing the interim reports. Mr. Pauley asked what other things the recovery money could be used for. Ms. Bass stated it was a lot of things. She did not have her list with her but some of the things that were "spot on" for the County was the roof and tourist's spaces. She stated she believed things like the Alston Trail Head are things that are going to bring people into the community to spend money. It's designed to get people to spend money and get the economy flowing. Mr. Pauley asked if the Farmer's Market would be one. Ms. Bass stated she thought it could fall under some of that. Mr. Pauley asked if anything was geared towards employees. Ms. Bass stated premium pay was something we could use it for. We can't just give everybody a bonus. It would have to be a certain dollar amount added to each hour worked during COVID shutdown. Mr. Pauley stated that's where he was going. He asked if employees that worked during COVID could be given money. Ms. Bass stated we could for the employees that were not sent home – if interacting with the public. It even listed opening the mail that has been handled by outside people and things like that. She stated she believed anyone who was not sent home probably could get premium pay for the hours they worked. There are some caps on that, like the average South Carolina salary – if you fall underneath that amount 1 ½ times that, you can get it. Everybody can still get it – it would just have to be explained differently in the reporting. Mr. Pauley asked if Ms. Bass would send them a list of everything it could be used for. Ms. Bass stated she could. Mr. Pauley thanked her. Mr. Trapp asked Ms. Bass if we received or applied for any other rescue money from last year. Ms. Bass stated we received money from the CARES Act. Mr. Trapp asked if any of that money could be used for salaries. Ms. Bass explained that

was a little bit different as it was reimbursement based. We had to request CARES Act money based on actual dollars spent. We were reimbursed with regards to salary with the CARES Act for the actual time people worked or some of the disaster pay, such as we had to send certain people home who were at high risk or shut down departments. That was geared more towards keeping the County employee's safe and keeping them paid. For example, if we were going to give everyone \$2 extra for the hours they worked during the shutdown - that's where it's a little bit different. The CARES Act also reimburses for supplies or if we had to do structural changes to re-route traffic thru buildings or for the shields we had to purchase, PPE and all that kind of stuff. The CARES Act was more reimbursement, this is more economic recovery. Mr. Trapp stated that he was told some of the municipalities throughout the State, some of the employees received bonuses around November of last year and they said it came from the CARES Act and asked if that was the case. Ms. Bass stated she did not know what other municipalities did or how they justified it. Mr. Trapp asked about the City of Winnsboro. Ms. Bass stated she did not know what they did. Mr. Bell stated we did not want this information to get to the public because we did not know exactly what we were going to do. He has asked Ms. Bass to look at it, we did that some months ago, to see if we could provide some money to our employees. Again, we don't want to have information to take to the public and then it does not happen. Mr. Bell stated that Ms. Bass has been looking at it and we have been trying to work through it to make sure we have the information and we can do what we think we can do. Mr. Bell stated the question was asked about the roof at the Association of Counties meeting and what he was told (Ms. Bass), and we need to do further work on this, that may be the one thing we might not be able to do but they thought the Courthouse and the parks would be but a lot of the decisions are the final interim decisions and they still need to do some work on it. We got a lot of that information from the Association of Counties.

14. CLERK TO COUNCIL'S REPORT

None.

15. COUNTY COUNCIL TIME

Greene: Vice Chair Greene stated to the Fairfield County residents, tax payers and all, thank you for giving me the opportunity to attend the most recent South Carolina Association of Counties meeting. It was very instructive and informational and she really appreciated the opportunity to learn and to network with others. It really was a good opportunity to not only discuss ethical leadership and public service as well as strategic planning and understanding

and seeking differences. She stated she certainly appreciated all of the support and would be happy to share with anyone any of the information that she learned. Ms. Greene stated she thought it was wonderful to hear that the young lady recognized at the conference was a Fairfield Central graduate. She was the Clerk to Council for Calhoun County. Mr. Bell corrected with Orangeburg County. Ms. Greene restated Orangeburg County with apologies. Mr. Bell stated her name was Connie Portee. Ms. Greene stated it was wonderful to see Ms. Portee recognized and to hear that she was a graduate of Fairfield Central High School – thank you so much.

Robinson: Mr. Robinson stated that we see the COVID numbers rising, he wanted to know if Mr. Caulder was looking at other agencies to see what their plans were. He asked if we wanted to have a plan B in place in case we went back to a shutdown. He stated as a Council we should probably prepare ourselves to ask some hard questions: A. Has everyone been vaccinated? Are we incentivizing for vaccinations? There a lot of questions out there and these are just some off of the top of his head. Mr. Robinson stated he thought we may need to look at it just in case.

Bell: Mr. Bell stated he believed this was one of the better Association of Counties conferences. One of the things we have done, as well as others, is ask questions about rural communities and one of the things they did this year is look at rural communities and see how the Association of Counties can help them. A lot of the workshops were geared towards that. Mr. Bells stated that in about 2 ½ years he has completed the Economic Institute, Level One County Council, Level Two County Council, and he is also a graduate of the Master NACo Leadership Academy. He was told it was led by Colin Powell and he was probably the only one in the County that is a graduate of the program. He stated one of the things we talked about while there was broadband and we talked to people about grants and other funding available. We met a lot of people that can probably help us as we look at it going forward. Thank you.

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 6:55 p.m., motion made by Council Member Trapp, seconded by Council Member Roseborough, to go into executive session concerning the below listed items. ***The motion carried unanimously 7-0.***

- A.** Receipt of Legal Advice – Discussion Concerning Possible Sale of Former Hospital Property and Existing Leases Pursuant to S.C. Code Ann. §30-4-70(a)(2).
- B.** Personnel Matter – Discussion Regarding the County Administrator Vacancy Pursuant to S.C. Code Ann. §30-4-70(1).

At 7:14 p.m., motion made by Council Member Trapp, seconded by Vice Chair Greene, to come out of executive session and return to regular session. Mr. Bell stated no action was taken in Executive Session. ***The motion carried 7-0.***

Council Member Trapp made a motion to sell the former property of the hospital and the existing leases, seconded by Vice Chair Greene. Chairman Bell restated the motion to sell the former property of the hospital and the existing leases. Mr. Pauley asked for the motion to be repeated. Mr. Bell stated the sell of the former hospital property and the existing leases. Mr. Pauley asked if we were going to put on the record the amount of the sell. Ms. Greene stated \$1.3 million. Mr. Bell stated he was going to ask Mr. Boykin if that was ok to do – \$1.3 million dollars. ***The motion carried 7-0.***

16. ADJOURN

At 7:16 p.m., it was moved by Council Member Trapp, seconded by Council Member Roseborough, to adjourn. ***The motion carried 7-0.***



MOSES BELL
CHAIRMAN