



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
MARCH 22, 2021**

Present: Moses Bell, Shirley Greene, Mikel Trapp, Timothy Roseborough, Doug Pauley, Cornelius Robinson, Clarence Gilbert, Council Members; Jason Taylor, County Administrator; Laura Johnson, Assistant County Administrator; Charles Boykin, 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 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 Trapp, seconded by Vice Chair Greene, to approve the agenda. ***The motion carried unanimously 7-0.***

3. INVOCATION

Vice Chair Greene led the invocation.

4. APPROVAL OF MINUTES

It was moved by Council Member Trapp, seconded by Council Member Roseborough, to approve the minutes from the Regular Meeting of March 8, 2021. ***The motion carried unanimously 7-0.***

5. PUBLIC PRESENTATIONS

None.

6. PUBLIC HEARINGS

None.

7. ORDINANCES, RESOLUTIONS AND ORDERS

- A.** Third and Final Reading Ordinance No. 765: Authorizing the First Amendment to the Master Agreement Governing the Forest Acres Business Park Between Fairfield County and Richland County, and Other Related

Matters. Motion made by Council Member Trapp, seconded by Vice Chair Greene, to approve Second Reading of Ordinance No. 765. Chairman Bell asked for Mr. Taylor to comment on this item. Per Mr. Taylor, this is an agreement setting out a relationship the County has with Richland County. In order for a county to offer industry or some investor an incentive, such as a fee in lieu of agreement, there must be a multi-county park agreement. Richland County wishes to expand the territory available to accommodate a potential investment in Richland County, and they must notify Fairfield County that they are expanding the territory. Fairfield County then approves this, and once the fee is done, Richland will keep 99% of the fee stream with Fairfield County getting 1%. ***The motion carried unanimously 7-0.***

- B.** First Reading (By Title Only) Ordinance No. 767: To Establish Operating and Capital Budgets for the Operation of the County Government of Fairfield County for the Fiscal Year Commencing July 1, 2021, to Provide for the Levy of Taxes for Fairfield County for the Fiscal Year Commencing July 1, 2021; 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. Motion made by Council Member Trapp, seconded by Council Member Roseborough, to approve First Reading (By Title Only) of Ordinance No. 767. ***The motion carried unanimously 7-0.***
- C.** Emergency Ordinance No. 768: An Emergency Ordinance to Declare a Local State of Emergency in Fairfield County and Providing for Conducting Electronic Meetings for Fairfield County Council and All Fairfield County Boards and Commissions. Motion made by Council Member Trapp, seconded by Vice Chair Greene, to approve Emergency Ordinance No. 766. Chairman Bell requested for Mr. Taylor to elaborate on what he has had to do since the failure of the ordinance to protect the County employees and certain agencies. Mr. Taylor stated presently the County must attempt to keep people safe, and anyone who has tested positive for COVID must then take leave as opposed to it being funded. Council Member Robinson inquired how the leave was funded in the past. Per Mrs. Johnson, the County received a Cares Act Grant and received reimbursement for County employees affected by COVID. Council Member Robinson inquired of the present status of the Cares Act. Per Mrs. Johnson, at the present time, there is no Cares Act Grant. Council Member Trapp inquired if employees who do not have vacation or personal time would have to take time off without pay. Mrs. Johnson stated this is correct. Council Member Robinson inquired if the Emergency Ordinance covered this in the past. Per Mr.

Taylor, the Cares Act covered this. Chairman Bell inquired if Mr. Taylor had any special privileges with the Emergency Ordinance. Mr. Taylor stated it did give special privileges. Chairman Bell stated he believes this is the best thing to do for the County, but it is up to Council to decide how to move forward with this item requiring a 2/3 vote. ***The motion failed 3-4 with Council Members Pauley, Robinson and Gilbert voting nay.***

8. BOARD AND COMMISSION MINUTES - Received as Information

A. Disabilities and Special Needs Board

9. BOARD AND COMMISSION APPOINTMENTS

A. Central Midlands COG – Dwayne Perry – District 1. Motion made by Council Member Trapp, seconded by Council Member Roseborough, to approve the appointment of Mr. Dwayne Perry to the Central Midlands COG. ***Motion carried unanimously 7-0.***

10. OLD BUSINESS

A. Fairfield County Promise Program Amendment to Memorandum of Understanding Among Fairfield County and Midlands Technical College. Requested change to Section 6.6 (Student Eligibility). Motion made by Council Member Trapp, seconded by Vice Chair Greene, to approve the Amendment to Memorandum of Understanding. Per Mr. Taylor, this amendment is being requested to move Section 6.6 from 12 months to 36 months. This request is being made simply because currently there are not enough people taking advantage of the Promise Program. Over the last two years, only around \$60,000 out of \$150,000 was used. We want people to be able to take advantage of this program and get an education. Hopefully, this will open the program up to more people so they can take advantage of it. Council Member Robinson stated his daughter graduated a year and a half ago, and she is in the Promise Program. She is seeing from her other peers, who had moved away, that they then realized they could not afford it. They are now returning home, and he feels extending this is a good thing. ***Motion carried unanimously 7-0.***

11. NEW BUSINESS

None.

12. COUNTY ADMINISTRATOR'S REPORT

None.

13. CLERK TO COUNCIL'S REPORT

A. Budget Work Sessions Update – The Clerk stated Council should have received their budget binders and also provided Council with the meeting dates with budget work sessions highlighted. Council was advised that the first Budget Work Session is scheduled for tomorrow, Tuesday, at 6:00 p.m. This work session will cover revenue and general fund departments. The upcoming Budget Work Sessions are:

- Tuesday, March 30, at 6:00 p.m. and will cover any remaining departments and special revenue agencies.
- Tuesday, April 13, at 6:00 p.m. and will cover any follow up items.
- Thursday, April 15, at 6:00, if needed.

14. COUNTY COUNCIL TIME

Robinson: Council Member Robinson inquired of staff how much was spent on the Ad Hoc Committee meeting. Per Mr. Taylor, this would be mainly the legal fees associated with the attorneys who were present. Council Member Pauley stated it was around \$1200 to \$1300.

Pauley: Council Member Pauley stated as everyone is aware, Fairfield County has used the Voice Newspaper for some time for publications of legal notices and other advertisements. Recently, Mr. Bell informed Mr. Taylor that the majority of Council, which is four Council Members, wanted to use the Country Chronicle instead of The Voice for no apparent reason. Assistant Administrator Laura Johnson asked for documents from The Voice and the Country Chronicle to see which newspaper would be best for Fairfield County. The following information was requested for review: Printer affidavits for six months, number of subscriptions, number of newspaper stands, web page or Facebook and number of views for the last three months. There are several Attorney General opinions regarding summons and public notices which state the newspaper should be one of general circulation. Therefore, the newspaper with the highest number of printed distributions in the County should be chosen. Also, information requested was Facebook and website presence to gain insight into the number of people reading the paper's social media sites. In reviewing the affidavits submitted by the Country Chronicle and The Voice Newspaper, the Country Chronicle had a monthly average of 4,689 for six months. The Voice had 17,130 for six months. Council Member Pauley stated his recommendation is to continue to use The Voice Newspaper for County business. In Mrs. Johnson's response to Mr. Taylor, she states "I am aware that Chairman Bell has instructed you to use the Country Chronicle rather than

The Voice. My review does not support his directive. This decision is a part of the day to day operation of the County and, therefore, is within your purview as the County Administrator." On March 12, Mr. Bell refused to meet with Mrs. Johnson or Mr. Taylor to discuss the review of the issues concerning the newspaper and said "he simply wants to switch from The Voice to the Chronicle". Council Member Pauley opined that the reason Mr. Bell is not interested in meeting to discuss a review of the items submitted is because Mr. Bell does not like hearing the truth, and he has found out that he cannot bend The Voice to his will and make them write what he wants. So, he would rather shut them down. Council Member Pauley further states this is an abuse of power plain and simple. Mr. Bell would probably tell you he made this demand because the other paper is cheaper, but that is not true. The point of advertising is to get your word out to as many people as possible. The County was paying The Voice a lot less per reader than any other paper can offer, and this is a fact. Chairman Bell stated the Country Chronicle sent in a bid and that bid was awarded by the former Procurement Director and the former Deputy Director; however, there was no action taken. Council Member Pauley inquired of Mrs. Johnson if newspapers go by the Procurement Policy. Per Mrs. Johnson, there is a provision in the Procurement Manual that states it does not have to be bid out. There are some things that do not have to be bid out, such as newspapers, attorneys, etc. This is listed on page 22. Chairman Bell inquired if the Procurement Director and the Deputy County Administrator awarded the bid. Per Mrs. Johnson, the Chronicle submitted this information, and she was not involved in any kind of bid. She, therefore, cannot answer this. Chairman Bell further inquired if the former attorney stated there was a sole source provision for The Voice and quoted we could use The Voice based on an amended Procurement Manual and there, in fact, was no amendment. Per Mrs. Johnson, Mr. Morgan quoted that date in his analysis of the newspaper. He actually used an August 2019 date, which was in error, but once this was looked into, the provision on page 22 had not been changed. Council Member Pauley also stated it should be noted that The Voice has a physical presence in the County with having an office here, and the Department of Revenue has approved The Voice for the purposes of publishing public notices for individuals and entities seeking an alcoholic beverage license or permit in Fairfield County. As of the date of this letter, which was March 12, the Chronicle had not been approved. Council Member Trapp stated he believes the Chronicle is doing an excellent job. Chairman Bell stated again there was a bid, and the Chronicle was awarded the bid based on the previous Procurement Director and the Deputy County Administrator.

Chairman Bell stated as we come to the budget, the revenue side is only about 90% of the expenses. What makes this budget very alarming is the fact we

are taking about \$3.5M from fund balance again. In 2016, \$4,060 was used from fund balance; in 2017, \$2.5M was used from fund balance; in 2018, \$2.9M was used from fund balance; in 2019, \$4.2M from fund balance; in 2020, \$5.2M from fund balance. Chairman Bell stated we have had an increase in the budget of about 8% per year. The millage increase is normally 3%, so the budget would have increased over 5% if the millage increase had been done. However, this was not done. Today, the revenues are only \$32M while the expenses are \$35.5M. This is dangerous because we do not have Sheriff's Department cars, ambulances or fire trucks proposed. Now, we are looking at not replacing a roof that has been postponed for two years. Again, this budget represents an irresponsibility of managing County funds. Last year in November, Chairman Bell inquired concerning the \$4.2M in the general fund balance. Again, if we take \$3.5M from fund balance, what will this leave? In speaking to another council chair, as you look at the budget proposal and what has been taken out of fund balance, you will see an expense level that cannot be sustained as we go forward. Some tough decisions will have to be made. Chairman Bell requested for everyone to look at the revenue side versus the expense side and see where we are. Mrs. Bass will be making some proposals, but we will not be able to solve this problem this year because it took the County at least four years to get into this trouble. Again, in 2016 \$4,000 came from fund balance; however, in 2020, \$5.2M came from fund balance. Council Member Trapp wished to go on record that he did not vote on any one of these budgets.

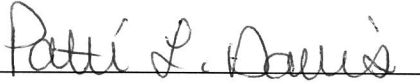
15. EXECUTIVE SESSION (SUBSEQUENT TO EXECUTIVE SESSION, COUNCIL MAY TAKE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION).

Chairman Bell stated there were two additional items to be discussed in executive session (1) Receive legal advice on a real estate issue and (2) Receive legal advice concerning the transition of attorneys, in addition to the Contractual Matter listed below. At 6:25 p.m., it was moved by Council Member Trapp, seconded by Vice Chair Greene, to enter into executive session for (a) Contractual Matter – Receipt of Legal Advice Regarding Lease Agreement Providing for a New County Administration Building to Better Serve the Citizens of Fairfield County, (b) Receipt of Legal Advice Regarding a Real Estate Matter and (c) Receipt of Legal Advice Concerning the Transition of Attorneys. ***The motion carried unanimously 7-0.*** At 7:43 p.m., it was moved by Council Member Trapp, seconded by Vice Chair Greene, to return to open session. ***The motion carried unanimously 7-0.***

No action was taken in executive session.

16. ADJOURN

At 7:44 p.m., it was moved by Council Member Trapp, seconded by Council Member Roseborough, to adjourn. ***The motion carried unanimously 7-0.***



PATTI L. DAVIS
CLERK TO COUNCIL



MOSES BELL
CHAIRMAN