



**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
MARCH 28, 2022**

**Present:** Moses Bell, Shirley Greene, Cornelius Robinson, Mikel Trapp, Timothy Roseborough, Clarence Gilbert, Doug Pauley (Council Members); Malik Whitaker, County Administrator, Kenneth Davis, County Attorney.

**Absent:** None

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 Councilman Trapp, seconded by Councilwoman Greene, to approve the agenda. ***The motion carried 7-0.***

**3. INVOCATION**

Councilman Pauley led the invocation.

**4. APPROVAL OF MINUTES**

Motion made by Councilman Trapp, seconded by Councilman Roseborough to approve the minutes from the Regular Meeting of March 14, 2022. ***The motion carried 7-0.***

**5. PUBLIC PRESENTATIONS**

None.

**6. 1<sup>ST</sup> 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.**

- Jeff Schaffer

**7. PUBLIC HEARINGS**

An Ordinance to Approve a Lease of Real Property Located in the North Monticello and Ladd Road Area, an 8.12 Acre Tract that is a Portion of Tax Map Number 138-01-00-003-000, by the County from Dominion Energy, Inc., for the Purposes of Establishing a Public Recreation Area. Chairman Bell opened the public hearing at 6:05pm. The following person signed up to speak: Jeff Schaffer. Chairman Bell closed the public hearing at 6:05pm.

**8. ORDINANCES, RESOLUTIONS AND ORDERS**

- A.** First Reading (By Title Only) Ordinance No. 792: An Ordinance to Approve the Sale of a Certain Parcel of Land Owned by Fairfield County, which is Approximately 1.0 Acres, Located at 408 Hudson Street (TMS: 126-02-04-016-000), and which Includes an Uninhabitable Structure, To a Private Citizen. ***The motion failed due to a lack of motion.***
- B.** Second Reading Ordinance No. 790: An Ordinance to Name the Fairfield County Detention Center after Deceased Former Sheriff Herman Young, who Served Fairfield County as Sheriff for Twenty-Two (22) Years; was Named Sheriff of the Year in 1996; Served as the President of the Sheriff's Association from 2011-2012; and in 2015 was Awarded the S.C. Order of the Palmetto, the State's Highest Award for His Fifty-Two (52) Years of Service in Law Enforcement. Motion made by Councilman Trapp, seconded by Councilwoman Greene. ***The motion carried 7-0.***
- C.** Second Reading Ordinance No. 791: An Ordinance to Approve the Sale of a Certain Parcel of Land Owned by Fairfield County which is a Vacant Lot that is Approximately .19 Acres, Located at 128 Sixth Street in the Mills District of Winnsboro (TMS: 145-02-02-012-000) to a Private Citizen whose Property is Contiguous with the Offeror's Property. Motion made by Councilman Pauley, seconded by Councilman Gilbert. Mr. Pauley said he thought Item A & C were things that were going to be looked into to see what the Council could and could not do with these pieces of property. Mr. Whitaker said they were going to discuss research on the policy about land sells to the County as a part of the County Administrator's report. Mr. Bell said they talked about this subject and they could be done legally if they were done through an ordinance. There was no County policy for doing this so Mr. Whitaker was going to speak to how to develop a policy (during his report) so they would not be shooting in the dark. Since these properties came to the County and asked if they could be purchased they agreed to proceed but it was up to Council as to whether they wanted to do that or not. ***The motion failed 2-4 and the Chairman abstained.***
- D.** Third and Final Reading Ordinance No. 783: An Ordinance to Approve a Lease of Real Property Located in the North Monticello and Ladd Road Area, an 8.12 Acre Tract that is a Portion of Tax Map Number 138-01-00-003-000,

by the County from Dominion Energy, Inc., for the Purposes of Establishing a Public Recreation Area. Motion made by Councilman Roseborough, seconded by Councilman Trapp. Mr. Pauley addressed Mr. Bell and members of Council. He said here they were again not listening to employees and the tax paying citizens of Fairfield County on what was important in Fairfield County. They were voting on a third reading of a lease agreement for another piece of property to be used as a recreation area. The property did not belong to them but they would use taxpayer money to build something on it. He asked if there had been a cost analysis done on the amount of money it would cost them to purchase insurance policies for this property, which was required by SCANA. He asked if there had been a cost analysis done for what would go on the property and what the property be used for in recreation. He had not received any of that information in order to cast a vote. A document he received last week stated – they spend \$97,000/year just in utilities for recreation places in Fairfield County, not including staff, maintenance, and other things. On Friday, an email was sent out asking departments to reconsider their budgets because they were \$10 million over. They were in the middle of doing their budgets and they were asking these departments to make cuts that they really needed to run their departments and provide quality services to the taxpayers. They were also asking the life-saving departments to cut their budgets from needing officers, paramedics, fire fighters, ambulances, patrol cars and fire trucks. He asked if they were aware that EMS sub stations had been shut down across the County at times because they did not have enough staff to operate them. So Council members, when you make this vote tonight, please hold your hand high and let the taxpayers know what you consider important to them and their tax dollars. Mr. Bell said Mr. Pauley mentioned the email to the County department heads around the budgeting process. It happened in every budgeting process. They had a workshop to make sure everyone understood that the revenues coming into the County was about \$33 million. The fund balance was depleted for all deliberate purposes. With that, people could say what they wanted but they sat there and spent the money. He said you cannot spend any more money than you have. They had \$33 million in revenue and the budget would need to be somewhere in that category. Those were the facts. People could say stuff, make up stuff, create stuff but those were the facts. Mr. Pauley asked Mr. Bell how much the insurance policies were going to cost them. Mr. Bell asked if he had not already stated the cost. Mr. Pauley said no one asked him how much it would cost. He asked if they had done a study as to what it would cost. It seemed like the first thing they would do before they leased the property. Mr. Bell asked if there was any other discussion. **The motion carried 5-2.** Mr. Pauley asked for a hand count but the request was denied by Mr. Bell.

**9. BOARD AND COMMISSION MINUTES**

Aeronautics Commission 12/21/21 for information.

Chamber of Commerce 2/15/22 for information.

Planning Commission 2/24/22 for information.

**10. BOARD AND COMMISSION APPOINTMENTS**

**A.** Aeronautics Commission – Motion made by Councilman Trapp, seconded by Councilwoman Greene to appoint Dwayne Bell (District 1). Mr. Pauley asked if this was a reappointment. Mr. Bell said yes. ***The motion carried 7-0.***

**B.** Planning Commission – Motion made by Councilman Gilbert, seconded by Councilman Robinson to appoint Donna Miller (District 7). ***The motion carried 7-0.***

**11. OLD BUSINESS**

None.

**12. NEW BUSINESS**

None.

**13. COUNTY ADMINISTRATOR'S REPORT**

**A.** Policy to Dispose Fairfield County Property – Mr. Whitaker said the first two items would be addressed by Mrs. Williams. Mrs. Williams said regarding the properties coming before Council for sale, they were aware that there were multiple properties that the County owned that came to them from the Forfeited Land Commission. After research, those properties were recommended by the previous Administrator in February 2020 for the County to get those from the Forfeited Land Commission. When she spoke to Mr. Thompson from the Forfeited Land Commission, they do not automatically turn those properties over to the County. They try to keep them and try to get rid of those properties. Unless the County requests those properties specifically, they would not automatically be turned over to them. For the ones they currently have they would not bring to Council any further requests for purchase. They would create a policy, which was discussed previously, to find the best option to handle those properties turned over to the County whether it be through sale or some other way. They were currently researching that and would bring it back to Council. Mr. Bell thanked them for the work.

- B.** IGA (Intergovernmental Agreement) with the Town of Winnsboro Joint CDBG (Community Development Block Grant) Application – Mrs. Williams said they had a request to enter into an intergovernmental agreement with the Town of Winnsboro for a joint Community Development Block Grant application. On March 9<sup>th</sup>, they received an Administration request from the Town of Winnsboro for the County to be a co-applicant on their Community Development Block Grant application to install a backup generator at the Town's wastewater treatment plant. The Town originally planned to apply for the grant themselves but the Department of Commerce, who puts out the funding for the State, recommended that the County serve as a joint applicant due to the fact that the Town's wastewater plant served citizens outside of their town's limits. Being a joint applicant would not hinder the County for applying for their own Community Block Grants in the future and there was also no monetary requirement from the County for this grant and that was spelled out in the intergovernmental agreement. Due to the benefit to County residents, they recommended cooperating with the Town of Winnsboro on this joint application. They serve the County and if they lost power and did not have a backup generator, it would affect the town and county residents. There was no monetary requirements – it would just be them putting their name on the application. Mr. Bell made a point to say that they were cooperating with the Town of Winnsboro to bring the grant forward because they needed to be a co-applicant for this process. Mrs. Williams said that was correct. They (the Town of Winnsboro) received the request from the Commerce and asked them (Fairfield County) and after looking at the benefits, going through the grant application and the IGA, which was drafted by Commerce, they made a couple of recommendations to make it clear that they would not put any money into it. If there were any requests later, they would come back to the County specifically with those requests. Based on the agreement to make those changes to the IGA, they recommended moving forward with the grant in cooperation with the Town.
- C.** The Town of Winnsboro Meeting Request Update – Mr. Whitaker said he was addressing this matter in his capacity as a policy advisor to the Council for information and consideration. On March 16<sup>th</sup>, the Town Clerk for Winnsboro sent a formal email and letter to our Clerk formally requesting a joint meeting of the Fairfield County Council and the Winnsboro Town Council. According to the letter, the meeting was requested by the Town to discuss the matter of the solid waste fees and the impact the fees would have on the citizens of the Town and the County. This meeting request was made after the Town of Winnsboro passed a formal resolution stating that the Town would not pay the solid waste fees because, according to the Town, the fees violated State law. Please note that the Town of Winnsboro



could have chosen to pay the fees and seek a remedy as to the legality of the fees, but instead chose to refuse to pay the fees owed with the threat of legal action. Fairfield County's policy was addressed in March in a letter to the Town stating that all who utilized the County's commercial solid waste service, including private companies and public agencies, were required to pay the service fees. The County assessed a uniform service charge of \$63 per ton of solid waste deposited at the County transfer station. The fees were service fees with the amounts owed based on the amount of services provided – they were not a tax. The Fairfield County transfer station was located just south of the intersection of US Highway 321 Bypass North and US Highway 321 Business, south of the city of Winnsboro. Waste was collected at the Fairfield County transfer station and transported from the transfer station, via tractor trailers, to the landfill. The solid waste fees were set in the annual budget for the County in the 2001-2002 fiscal year budget. The Town of Winnsboro and the Fairfield County School District were excluded from the payment of the fees pursuant to an undocumented arrangement. In the 2021-2022 budget, Ordinance 767, the County included language in the budget expressly requiring the Town of Winnsboro and the Fairfield County School District to pay the fees. He read Section 11 of the budget ordinance: Fairfield County shall charge the commercial solid waste fee to the schools in Fairfield County and the Town of Winnsboro, beginning July 1, 2021. It should be noted that former County Administrator Taylor suggested, supported and approved this uniform user fee during his tenure as Fairfield County Administrator. It should be noted that that in my conversations with him, in his public pronouncements to media outlets, he had not told him (Whitaker) why this uniform user fee was appropriate in the 2021-2022 Fairfield County budget ordinance when he was Administrator for Fairfield County but now as the Town Manager for Winnsboro, it was now inappropriate. He thought it was important for Mr. Taylor to clarify his change in position. There were currently 47 commercial customers paying the fee. The Town of Winnsboro was the only commercial or organizational user not paying. It was their understanding that the Town of Winnsboro charges residents a fee for solid waste collection and then transports the waste to the Fairfield County transfer station. From July 1, 2021 through January 31, 2022, the Town of Winnsboro utilized the County's solid waste services and accrued \$61,881.75 in fees. The Town of Winnsboro has requested a meeting with the County Council to discuss this issue. This request raised the following questions: Which body would hold the meeting? Who would preside? What would be the agenda for the meeting? Other points for Council to consider: Intergovernmental relationships were important and the County had several opportunities to work with the Town of Winnsboro on infrastructure

projects that were important to the County and the Town. However, the Council was not presented with an agenda for the meeting and therefore, County Council members could walk into a joint public meeting that had legal implications without any information or research as to what the Town was looking to accomplish, the basis for a joint meeting or any request that might result from a joint meeting. It was also worth noting that in Section 11 of the budget ordinance, the charge of the commercial solid waste fee was not only to the Town of Winnsboro but also the schools of Fairfield County, who have paid the fee since July 1, 2021 and have not signed a resolution or refused to pay. We need to ask what makes schools and other commercial users different and what prevents the schools from following the Town's lead in how they respond to the County's user fee. Mr. Whitaker said the information was for Council's consideration. Mr. Bell thanked him.

- D. Audit Update** – Mr. Whitaker said the work to create Fairfield County's report on financial statement or annual audit was a staff responsibility. He referred to last year's audit report on the County's website. In the second paragraph of the 2020 report it said that management was responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this included the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that were free from material misstatement, whether due to fraud or error. The work to create Fairfield County's report on financial statements or annual audit was also the work of their hired independent auditor, Elliot Davis. They have worked very closely with staff from Elliot Davis to complete staff tasks associated with the finalization of the audit. Regarding updates, on their last call with the audit team they learned that Elliot Davis was completing their review of the library and had requested a copy of the library's legal letter, which basically was a letter from their attorney confirming there were no pending litigation at the library that could potentially create a large payout. Elliot Davis also requested items from the airport related to their FAA grant such as certifying payroll compliance and executed contracts. Their latest communications with Elliot Davis' Senior Manager, Ryan Miller, who was the project manager for Fairfield County's audit – barring any unanticipated audit issues related to requested documentation, audit adjustments and/or audit findings, they expected to finalize the audit engagement and financial statements by no later than March 31, 2022. As for presenting the results of the audit to the County Council, they would need to present it virtually due a family situation if they were to present at the April 11, 2022 meeting. However, if a special called meeting was held on April 4, 2022, he would try to accommodate. According to Mr. Miller's statement, they were looking

at March 31, 2022 as the estimate to the completion, publishing, and submitting the County's financial statement to the Comptroller General and freeing up any funds being withheld from the County by the State. They were looking forward to present to Council on April 4<sup>th</sup> if there were a special called meeting or April 11<sup>th</sup> at the regularly scheduled meeting. Mr. Bell said they would schedule a special called meeting on April 4<sup>th</sup> at 6:00pm and hoped that everyone could attend. Mr. Whitaker also shared with Council his plan to ensure audit delay would not occur next year. He said his leadership style was both disciplined and strategic operational and he would continue that and to focus on long range planning and preparation for annual activities. The financial audit was due every year – this was not a surprise. He believed his job was to strengthen the long-term organizational health of Fairfield County Government. He would continue to make decisions that took a long view of what was in the County's best interest. He was also assessing the program management skills, the task organizing skills and the time management skills of the current team to understand what was currently missing. The process and accountability solution for a timely annual financial audit was simple – the finance team, like other County teams with big projects (and it was something he would initiate into the County), would develop and submit a project charter and project plan by January 31<sup>st</sup> of every calendar year. They knew the audit process started in April but they would have a plan and a charter executed by the end of January. He continued to explain the differences in the two. He said a project charter was a high-level initiation document that consisted of only a few pages. It listed the project objectives, scope, vision, team and their responsibilities and stakeholders. A project plan was a detailed document that described how to accomplish the project objectives. It explained the project deliverables, action plan, the required resources and milestones. Both of these documents, when formally executed, would be shared with Council. They would have charters for these big projects to know who was accountable for doing what, when and how it would look – hopefully by January 31<sup>st</sup> of each calendar year. They wanted to begin the year knowing what the goals were and what they were supposed to accomplish using charters. He believed that a disciplined, strategic approach to accomplishing annual tasks was the best way to move forward so everyone would know what was supposed to happen, when they were supposed to do the work and who would be held accountable for it. Mr. Bell thanked him for the detailed work.

- E. Projects Update – Mr. Whitaker said they had finalized the redistricting process. The redistricting process was complete and the new district lines were available on the County's website. He gave directions as to how a citizen would be able to access this information. He said once on the



County's website, one should look for the department header and search for the Assessor. Under the helpful link on the Assessor's page, click "search records". The search could be completed by owner name, location address, parcel number or account number. What would appear was a map and at the bottom of that map was the district number. He repeated the instructions and encouraged the citizens to visit the website. He thanked Debby Stidham, Fairfield County's Director of Voter Registration & Elections for her help in this process. Both the old lines, listed as 2010 Council districts, and the new lines, listed as 2020 Council districts, were available. He thought it was important that everyone knew the facts about the current lines. These facts could be used to address public comments and concerns about individual citizens being intentionally moved into different districts. He asked that the website be visited to confirm facts about any district changes that were a result of this redistricting process. Anyone interested could identify if their council district changed by looking up their property on the County's website or by calling the Voter's Registration office.

Mr. Whitaker then gave an update regarding the move to the new Fairfield County Government Complex. He said they planned to move 30 employees from County Administration, HR, Finance, and Procurement into the new government complex on April 14, 2022. The move would involve packing final items on Thursday, April 14<sup>th</sup>. Contracted movers would take the items from the current building to the new complex on Friday, April 15<sup>th</sup>, which was a County holiday. Employees would then report for duty at the new location on Monday, April 18<sup>th</sup>. He warned that there might be a delay in responding to phone calls and some services during this process. They were also anticipating the delay of some items, such as final signage and furniture due to the inability to order until the third and final reading of the budget allocation. They would be meeting with department leaders the upcoming Thursday to provide updates on the move along with other updates.

Mr. Whitaker said his final update regarded the budget process. He said they were fully engaged in the annual County budget preparation season. They were asking the community for prayers and support as they engage in very difficult and challenging conversations about budget decisions. They communicated to departments and agencies that were in their budget that the County has about \$33 million in anticipated revenues upon which to create a budget for the upcoming year. The letter sent to staff (that was mentioned earlier) was based on the submittals – not to say they were over budget. Budgets were submitted in three areas: operational, personnel and capital. Currently, they were about \$10 million over, based on those requests. They had to figure out a way to whittle down those requests to meet the goal of \$33 million. They asked all department heads to revisit

their budget submittals (their requests) and look at opportunities for savings for the County. One of the things they would do in their analysis and discussions with the County involved looking at how much service was provided in the previous years, the expected level of service, who was doing what, when and how. They would have a pretty good data driven process for this budget season. They also asked the department heads to compare themselves to other counties with similar staff and population. At the last census, Fairfield County was around 20,948 people. They looked at the census and counties like Barnwell, Abbeville, Edgefield, Union and Saluda to see how they operate and what their budgets look like. There was a lot of rich opportunity to do some critical analysis about what Fairfield County's budget reality was and how they could meet their goal of \$33 million. They asked that everyone realize that it was a very difficult process and they would be spending a lot of time engaging this and having difficult conversations but they would be prepared to present a sustainable budget to the County in due time.

Mr. Bell thanked him for a very detailed report.

**14. CLERK TO COUNCIL'S REPORT**

None.

**15. COUNTY COUNCIL TIME**

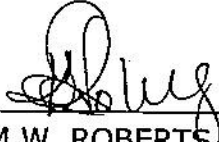
Mr. Gilbert said at the last meeting, one of the Councilmembers asked if an individual Councilmember could make a request for a survey. He wanted to go on record that the reason he asked Administration to conduct an employee survey with an outside agency was because around February 25, 2022, he received a letter in the mail at his home address from someone who identified themselves as a concerned and tired employee. In this letter, they stated that in the past few months, it had been nothing short of demoralizing, extremely stressful and at times just hopeless. The employee stated that they were constantly being beat down, profanity was being used and nothing they did was good enough. The employee stated that good employees were being targeted and that they loved working for Fairfield County and wanted to continue to do so but how could they do it in the current situation. They stated they knew they could not go to Chairman Bell about this because he did not support employees and was known to throw employees under the bus to justify his decisions and the decisions of the County. The employee stated they were asking for his help, not only for themselves but for all of the employees of Fairfield County. This was the reason he asked for the survey and believed it needed to be done. He also stated that he had given Chairman Bell a copy of the letter.

- 16. 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.)

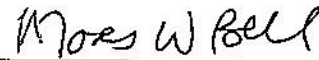
None.

**ADJOURN**

At 6:39 p.m., motion made by Councilman Trapp, seconded by Councilman Roseborough, to adjourn. ***The motion carried 7-0.***



KIM W. ROBERTS, Ed. D.  
CLERK TO COUNCIL



MOSES BELL  
CHAIRMAN