

**CHESTERFIELD COUNTY COUNCIL  
REGULAR MEETING  
COUNCIL CHAMBERS**

**May 4, 2016 .....9:00 A.M.**

**PRESENT:** Chairman Al Johnson, Vice-Chair Lenora V. Powe, Council Members: J. Matthew Rivers, Mary Anderson, Bruce E. Rivers, Gerald L. Miller, Douglas Curtis, Robert G. Cole and G. Franklin Plyler.

**OTHERS PRESENT:** Denise R. Douglass – Administrator; Tim Eubanks – Assistant Administrator/Public Works Director; Betty M. Boswell – Clerk to Council; Michelle Stanley – Finance Director; Lisa Gainey – Human Resource Director; Kim Burch – Chesterfield County Economic Development Director; Mike Orr – Codes Enforcement; Kevin Thurman – Voter Registration and Elections Director; C. Heath Ruffner – County Attorney; Robert Monnie – The Link; Mark Ingram, Rhett Butler, Stephanie Cockrell, John Jefferson and Bahaadur Al Bey. There were others attending the meeting who did not sign the sign-in-sheet.

**CALL TO ORDER AND PRAYER**

Chairman Johnson welcomed everyone and Council Member Bruce E. Rivers opened the meeting with prayer.

**ADOPTION OF AGENDA**

Chairman Johnson advised he had a request from Council Member Matt Rivers, Chairman of the Finance Committee, to move Agenda Item 9b from Standing Committee Reports to Ordinances Readings and Resolutions to permit Mr. Rivers to give both of his reports at the same time. Chairman Johnson advised that he would like to make that change and the Attorney would like to speak on a request from CHESCO Services, Inc.

**Heath Ruffner, Attorney:** Advised late Monday afternoon staff received a request from CHESCO for a letter of support regarding their certification as a provider for the South Carolina Housing Trust Fund. It affects their eligibility for some grants from that trust fund, and the certification is due back to the South Carolina Housing Trust by May 20, 2016, prior to the next scheduled Council meeting. Mr. Ruffner further advised that in order to add this item to the agenda, Council has to vote to do so by a two-thirds vote of the members present and also has to find that an exigent circumstance exists necessitating the addition of the item to the agenda.

Council Member Matt Rivers made a motion to adopt the agenda as presented with the proposed amendments: (1) to move Item 9b from Standing Committee Reports to Ordinance Readings and Resolutions; and (2) to add as Item 13b under New Business the request by CHESCO for a letter of support and find that the addition of this item and final action upon the same is necessitate by sufficient exigent circumstances, that being the impending deadline for CHESCO's submission to the South Carolina Housing Trust is prior to the next scheduled Council meeting, and failure to timely submit the application could adversely impact CHESCO's ability to fulfill a vital part of its mission to the community. Council Member Curtis seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

## **APPROVAL OF MINUTES**

### **a. April 6, 2016 – Regular Meeting**

Council Member Matt Rivers made a motion to approve the April 6, 2016 Regular Meeting Minutes. Council Member Anderson seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

## **SIGNING OF BONDS, PAYROLL, AND AUTHORIZATIONS**

None

## **APPOINTMENTS**

None

## **PUBLIC COMMENTS**

None

## **PUBLIC HEARINGS**

### **a. Walmart FILOT/MCIP Ordinance Amendment**

Council Member Bruce E. Rivers made a motion to open public hearing. Council Member Matt Rivers seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

There were no oral comments from the public made nor were any written comments received.

Vice-Chair Powe made a motion to close public hearing. Council Member Cole seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

## **ORDINANCE READINGS AND RESOLUTION**

### **a. Walmart FILOT/MCIP Ordinance Amendment – 3<sup>rd</sup> Reading**

Vice-Chair Powe made a motion to pass 3<sup>rd</sup> Reading. Council Member Cole seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

### **b. 2016-2017 Alligator RFD Budget – 2<sup>nd</sup> Reading**

Council Member Plyler made a motion to pass 2<sup>nd</sup> Reading. Council Member Cole seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

### **c. 2016-2017 Cash RFD Budget – 2<sup>nd</sup> Reading**

Vice-Chair Powe made a motion to pass 2<sup>nd</sup> Reading. Council Member Plyler seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

### **d. 2016-2017 Harris Creek RFD Budget – 2<sup>nd</sup> Reading**

Council Member Plyler made a motion to pass 2<sup>nd</sup> Reading. Vice-Chair Powe seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

e. **2016-2017 General Fund Budget – 2<sup>nd</sup> Reading**

**Chairman Johnson:** At this time, I will turn it over to the Chairman of the Finance Committee, Matt Rivers.

**Matt Rivers, Finance Committee Chairman:** Thank you Mr. Chairman. We met Monday of this week, all three members were present, as was Council Member Curtis, to review the same with staff. It appears, and you have the documents before you, I believe everybody has the large quarter inch packet. To make a long story short, we are at second reading, of course we need three readings, we are, and I'm sure that Denise can correct me but it appears, I wanted to say 1.6, is it the \$1,539,579, which is just over 1.5 million dollars in the hole, so to speak, which is one of the larger deficits I can recall in sixteen years. Since we had the materials just Monday for a second reading, we did take a vote to appropriate that as follows and to cover that deficit as follows: We proposed a 10 Mill increase at that time and with the balance of the remainder to be taken from our Reserve Fund that we have built up to cover that, however, I did talk to the finance members this morning, as there are some issues, there is some outstanding information we feel we will have prior to July 1 of the new fiscal year for this State and political subdivisions. Namely, we do not have all of the financial information Mr. Chairman and Council as to some of the Fee-in-lieu matters we have in the County. These should prove beneficial and would lower that deficit obviously. Also, the Senate version of the budget for this State as opposed to the House, does include some more monies for our counties, monies by the way that are due anyway that's not extra money. In fact, it is still less than what we are due by a Statute that was suspended but those monies could prove very advantageous to us too and lower that number. With that, I did speak to the members of the Finance Committee this morning to propose at this time as to this budget, that we hold the vote that we made Monday in abeyance to bring that back to Council possibly on the third reading and in lieu of that, that we go forward with a motion on the second reading of the budget for 16/17 to be a General Fund transfer for that amount. We have enough to cover the 1.5 million dollars and that would give us time enough to look at any cuts or increases in revenue.

We think that time would only help us with that number, it certainly won't hurt us and to be the most smart fiscally for the taxpayers we think that's a good thing to do, so with that Mr. Chairman, I make a motion to declare second reading on this budget and to balance same with a General Fund transfer in the amount of \$1,539,579 million dollars to cover same. Council Member Bruce E. Rivers second the motion. Voting in favor of the motion were Council Members Matt Rivers, Bruce E. Rivers, Miller, Cole, Plyler, Anderson and Vice-Chair Powe. Voting in opposition of the motion was Council Member Curtis. Motion passed.

**AGENDA ITEM 9b:**

**Installment Purchase Revenue Bond (Courthouse Renovation Project) – Finance Committee Chair Matt Rivers**

Council Member Matt Rivers reported that at its meeting on May 2, 2016, the Finance Committee discussed the 2016 Series Installment Purchase Revenue Bond, including the

possibility of issuing less than all of the remaining \$4,000,000, and making provision for an option to pre-pay a portion of the proceeds in the event the entirety of the funds were not needed to complete the subject projects. Based on the plan to use in-house personnel to perform some of the renovation work and revision of some of the original plans, it is recommended that the issue amount be set at \$3,800,000 with a provision for an extraordinary construction fund excess pre-payment. Council Member Rivers further explained that although there is a penalty for pre-payment, it is deminimis, and would be offset by the interest savings.

Council Member Matt Rivers made a motion to go forward with the Installment Purchase Revenue Bond (2016 Series) in the amount of \$3,800,000 including provision for an extraordinary construction fund excess pre-payment. Council Member Bruce E. Rivers seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

**f. Lease-Purchase Ordinance – 2<sup>nd</sup> Reading**

Vice-Chair Powe made a motion to pass 2<sup>nd</sup> Reading. Council Member Cole seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

**g. Intergovernmental Agreement Resolution (Regional Planning Grants – Pee Dee COG) - Resolution**

Council Member Miller made a motion to pass the Resolution. Vice-Chair Powe seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

**h. Peace Officer's Memorial Day - Proclamation**

Council Member Cole made a motion to declare May 15, 2016 as Peace Officers' Memorial Day. Council Member Curtis seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

**STANDING COMMITTEE REPORTS**

- a. **Subdivision Road Standards – Road Committee Chair Powe**  
- **Submission of Proposed Amendment to Land Development Ordinance to Planning Commission**

**Chairman Johnson:** I think Ms. Powe has something to report on the Road Committee.

**Vice-Chair Powe:** Yes, sir. Thank you Mr. Chairman. On April 19 the Road Committee met along with Sammie Copeland and we also had Mr. Mike Orr with us to discuss this and one of the problems that he brought to our attention is we need to look at this Land Development Ordinance. We've been having some problems with people trying to build houses, and so what we decided, we are going to change this, instead of having the roads paved, we are going to put crush and run on them and so this is like the first reading. I would like for us to go ahead and pass first reading and we can work on the other parts of it a little later on before we have third reading.

**Chairman Johnson:** I assume that's a motion?

**Vice-Chair Powe:** Yes, sir.

**Chairman Johnson:** We have a motion, do we have a second?

**Council Member Miller:** Second.

**Chairman Johnson:** Any discussion?

There was further discussion regarding this matter.

**Chairman Johnson:** Any more discussion? Before we vote, Heath if you will just explain, is your motion to do this now, but Heath says it's got to be sent to the Planning Commission, is that correct?

**Heath Ruffner, Attorney:** Right, there are actually two ordinances involved, one is the Road Department Policy which sets forth the standards for paving and the establishment of roads. The other ordinance is the Land Development Ordinance. That's the ordinance that actually requires subdivisions to be paved. The Land Development Ordinance, before it can be amended, that proposed amendment has to be sent to the Planning Commission just like the Zoning Ordinance, they have 60 days to review that but Council can't take any action until after that 60 days has passed and they have gotten a recommendation from the Planning Commission.

**Chairman Johnson:** Okay, so Ms. Powe, I think you told me that the Committee needs to go back and fine tune this thing, right?

**Vice-Chair Powe:** Yes.

**Chairman Johnson:** And I certainly agree that needs to be done before it goes to the Planning Commission. Okay, so I am just going to suggest, would you just like to withdraw that motion and y'all work on it again and we'll put it on next month's and let everybody see exactly what you are doing about gravel, right-of-ways and whatever?

**Vice-Chair Powe:** Yes, sir, I'll do that.

**Chairman Johnson:** Who seconded the motion?

**Council Member Miller:** I seconded the motion.

**Chairman Johnson:** Is that okay with you?

**Council Member Miller:** That's fine.

**Chairman Johnson:** For y'all just to work on it some more and bring it back to us, is that okay Heath, to do that and put it on next month's agenda?

**Heath Ruffner, Attorney:** Yes, sir.

There was additional discussion regarding this matter, but no motions were made.

**ITEMS SUBMITTED BY COUNCIL**

None

**ITEMS SUBMITTED BY STAFF**

**a. Surplus Property Declaration – Douglass**

Advised that the Road Department has recently inventoried their equipment and is requesting that Council declare the attached list of property as surplus so that they can be taken off of inventory and sold.

Council Member Plyler made a motion to declare the attached list of property as surplus. Council Member Cole seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

**b. Animal Services Perimeter Fence – Award of Bid – Douglass**

Advised that Staff issued an Invitation for Bids for a perimeter fence for Animal Services and three bids were received. The three bids received were as follows: A1 Fence Company in the amount of \$23,706.97; Henley Construction in the amount of \$18,536.72 and South East Mowing in the amount of \$31,081.36. It is the recommendation of staff that the bid be awarded to Henley Construction in the amount of \$18,536.72.

Council Member Cole made a motion to award the bid to Henley Construction in the amount of \$18,536.72. Council Member Curtis seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

**c. Request for Temporary Employee – Thurman**

Voter Registration and Elections Director Kevin Thurman appeared before Council to request a temporary employee for his office during the election period. Mr. Thurman advised he would need the employee for about 35 days during the election process.

**Chairman Johnson:** Mr. Thurman, is this just during the primary or is this the general election too?

**Kevin Thurman:** Primary and General.

**Chairman Johnson:** Mr. Thurman, didn't you tell me you had the money to do this?

**Kevin Thurman:** The State will reimburse \$900.00, it would be \$1800.00.

**Council Member Anderson:** So, what's the number for us?

**Denise Douglass, Administrator:** It will cost us, fringe and all, you will have to double it. I just did it for one, \$2,544.00 and the \$900.00 reimbursement would be \$1,644.00.

There was additional discussion regarding the temporary employee.

Vice-Chair Powe made a motion to authorize the hiring of a temporary employee during the primary and general election period. Council Member Bruce E. Rivers seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **a. Pee Dee Workforce Reappointment – Douglass**

Chesterfield County received a letter from Joette R. Dukes, Workforce Development Director requesting that Council reappoint Ms. Mel West to the Pee Dee Workforce Investment Board for an additional three year term.

Council Member Anderson made a motion to reappoint Ms. Mel West to the Pee Dee Workforce Investment Board. Council Member Miller seconded the motion. Voting in favor of the motion was unanimous. Motion passed.

#### **b. CHESCO Services Letter of Support – Heath Ruffner, Attorney**

Advised that staff received a request from CHESCO Services for a letter in support to CHESCO Services' recertification with the South Carolina Housing Trust Fund. This certification permits CHESCO Services to remain on the list of qualified nonprofits for purposes of seeking Housing Trust Fund grants. The County has provided a similar letter of support in the past, most recently on August 13, 2014.

Chairman Johnson and Council Member Curtis noted that CHESCO does an outstanding job in this county and others in providing services to its consumers.

Council Member Curtis made a motion to approve a letter of support for CHESCO Services. Council Member Bruce E. Rivers seconded the motion. Voting in favor of the motion was unanimous.

### **ADMINISTRATOR'S REPORT**

Administrator Douglass reported that Animal Services will have a community services litter pick up on Saturday, May 14<sup>th</sup>.

### **COUNCIL MEMBERS' COMMENTS:**

**Council Member Anderson:** I think it should be noted that when we were talking budget earlier, with our LGF, that shortfall from 2008-2009 through 2016-2017 is over 4 million dollars, which is 4 mills, so I think it is important for our constituents to understand that we are

not just raising millage every year because we have projects and things that we you know, a lot of the reason why we are in the situation we are this year is because of that LGF and because we don't have all that excess equipment to sell like we did last year so that's not to say that last year couldn't have been the same if we hadn't of had that equipment and then the only other thing I want to say on a good note, I hope I can speak on behalf of Mr. Curtis but we certainly enjoyed the Animal Shelter's fun run that Michelle and Jim put together, it was really a great morning, so many folks came out and it was perfect weather and just a good time.

**Council Member Bruce E. Rivers:** Mr. Chairman, just to echo what our distinguished Council Member just pointed out, the reason we're having problems with our budget is because of our distinguished legislators in Columbia. Senator Hugh Leatherman has offered to throw us a little crumb this year in the amount of twenty eight million dollars, which that calculates back to Chesterfield approximately \$230,000 and we appreciate his gesture to send us some money back but wouldn't it be nice if we had what we should have already received back, which is four million three hundred and sixty thousand dollars. Folks, we would have a pretty nice surplus but we are working with our legislators to try to impress upon them about these unfunded mandates and we were just notified of one Monday that our distinguished legislators now decide we need to fund a fire marshal's position in Chesterfield County, if we don't fund it, then they will divvy us for \$69,000 more dollars which we don't need that, we got fire marshals in Chesterfield County. Every fire department that qualifies for one percent money has a certified fire marshal on staff, these departments that don't have one need to step up and get them qualified so they can qualify for these State monies that come in to be distributed among those qualified. We can't spend \$69,000 to satisfy the State again. That's just another unfunded mandate that we are up against. It's a never ending battle but we are working on it. Thanks, Mr. Chairman.

**Chairman Johnson:** Thank you Mr. Rivers and all I'm going to say to that is amen. If they would send us what they supposed to send us ----

**Council Member Curtis:** I know I've had more than my time ---

**Chairman Johnson:** I know it Mr. Curtis, you getting over run here now, one more time.

**Council Member Curtis:** I want to echo their sentiment and what, I want the media to get out there to the public, is the legislature is actually forcing you to pay twice. You send this money to Columbia the first time and by law they are supposed to and I hope I'm not speaking out of school but 4% of the budget, last year's budget is supposed to be returned to the County. Now, when they don't return it, we in turn either have to raise taxes or cut services, so what we are having to do and done in the past is raise taxes so the public is paying twice in my opinion and it's not right and I would encourage everybody to contact their legislature. It's in the Senate's hands now, call your senators and ask that they fully fund the LGF, fully fund it. Like Ms. Anderson said, since '08 this County has been short changed four and a half million plus and it's not right. Thank you, sir.

## **EXECUTIVE SESSION**

Council did not enter Executive Session.

**ADJOURN**

Council Member Cole made a motion to adjourn. Vice-Chair Powe seconded the motion. Voting in favor of the motion was unanimous. Motion passed.


**APPROVED:**



Al Johnson, Chairman

Date: June 1, 2016

**ATTEST:**



Betty M. Boswell, Clerk to Council