

**CHAPIN TOWN COUNCIL
REGULAR MEETING
August 16, 2022
6:00 p.m.**

AGENDA

1. CALL TO ORDER AND DETERMINE QUORUM
2. STATEMENT OF FREEDOM OF INFORMATION ACT COMPLIANCE
3. INVOCATION AND PLEDGE OF ALLEGIANCE
4. REVIEW AND ACCEPTANCE OF MINUTES
 - a. July 19, 2022 Public Hearings & Regular Minutes
5. EXECUTIVE SESSION: Receipt of legal advice regarding:
 - a. M.B. Kahn Construction Co., Inc. vs. Town of Chapin pursuant to SC Code Section 30-4-70 (a)(2)
 - b. Establishing the position of Town Administrator and related structural changes pursuant to SC Code Section 30-4-70 (a)(2)

Note: Upon returning from executive session, council may take action on matters discussed in executive session

6. PUBLIC COMMENTS RELATED TO AGENDA ITEMS
7. REPORTS
 - a. Communications & Economic Development Report
 - b. Financial Report
 - c. Police Report
 - d. Utility Report
8. NEW BUSINESS
 - a. Resolution: Application to the South Carolina Rural Infrastructure Authority grant program for the East Chapin Force Main project
 - b. Ordinance: Amending Chapter 2 of the Chapin Town Code to establish the position of Town Administrator and related structural changes – 1st reading
9. ADJOURN

CHAPIN TOWN COUNCIL MEETING
PUBLIC COMMENT POLICY
PROCEDURE:

Persons wishing to make public comments concerning any municipal matter, with the exception of personnel and contractual matters, shall first sign in with the Municipal Clerk before the meeting and provide the following information:

1. Name, Address, and Contact Information;
2. Topic of Public Comment; and
3. Indicate whether a Chapin Resident, Chapin Water/Sewer Customer, or Reside in the Chapin Water/Sewer District.

Comments are limited to two minutes per person and no personal or verbal attacks will be entertained. The Council is interested in hearing your concerns, but speakers should not expect action or deliberation on subject matter brought up during any Public Comments on the agenda. Topics requiring further investigation may be referred to Town Staff and may be scheduled for a future agenda.

DEFINITIONS:

Chapin Resident: Reside in Town limits.

Chapin Water/Sewer Customer: Customer of the designated Chapin Water/Sewer District - Including an owner or operator of a local business.

Reside in Chapin Water/Sewer District: Reside in the designated Chapin Water/Sewer District – Area of Lexington County north of Lake Murray.

APPEARANCE OF CITIZENS

Town Code 2.212 – Any citizen of the Town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters. Persons desiring to be placed on the agenda shall notify the Municipal Clerk not less than a week prior to the meeting. The request shall be in writing stating the reason therefor.

**CHAPIN TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING MINUTES**

**Tuesday, July 19, 2022
6:00 p.m.**

Council Chambers

Members Present: Mayor Al Koon, Mayor Pro Tem Mike Clonts, Council Member Gregg White, and Council Member Leland Teal

Staff Present: Finance Director Laura Culler, Utilities Director Karalyn Miskie, Public Affairs Director Nicholle Burroughs, Police Chief Thomas Griffin, Zoning Administrator (ZA) Kevin Singletary, and Town Clerk Shannon Bowers

Guests: Jim Schaefer - American Legion Post 193

Call to Order: Mayor Koon called the meeting to order at 6:01 p.m. Mayor Koon then determined there was a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Invocation and Pledge

Jim Schaefer from American Post 193 led the Pledge of Allegiance and Mayor Pro Tem Clonts offered the invocation.

Public Hearings

Mayor Koon opened the public hearings portion of the meeting at 6:04 p.m.

Presentation: Amending Article 5, sections 518 and 520 and Article 2, section 201 of the zoning ordinances regarding storage building regulations: ZA Singletary explained the changes to the zoning ordinance: defining open storage, storage, and mini warehouses, removes mini warehouses from general commercial, and includes mini warehouses in interstate commercial.

Mayor Koon opened up Public Comments. There were no public comments.
Mayor Koon opened up Comments by Town Council. There were no comments by Council.

Presentation: Amending Articles 2 and 5, sections 201 and 518 of the Zoning Ordinances to include cigar stores as permitted use: ZA Singletary explained that it creates a definition for cigar stores, identifies the use as a special exception in general commercial that must be reviewed by the Board of Zoning appeals, and lists permitted uses for cigar stores.

Mayor Koon opened up Public Comments. There were no public comments.
Mayor Koon opened up Comments by Town Council. There were no comments by Council.

Mayor Koon closed the public hearings at 6:07p.m.

Review and Acceptance of Minutes

Council reviewed the June 21, 2022, public hearing and regular meeting minutes. Council Member White moved to accept the minutes as presented. Council Member Teal seconded the motion. No further discussion. Motion passed unanimously.

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| Mayor Al Koon: | Yes | Council Member Leland Teal: | Yes |
| Mayor Pro Tem Mike Clonts: | Yes | Council Member Gregg White: | Yes |

Presentation:

2021 Audit Report – Grant Davis, Mauldin & Jenkins, LLC: Grant Davis with Mauldin & Jenkins, LLC explained the 2021 Annual Audit. He brought attention to a copy of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association awarded for 2020 included in the annual report.

Mr. Davis reviewed the CAFR document highlighting the Independent Auditor’s Report on page 9. This issued an “Unmodified Opinion” indicating the financial position and results of operations for the year ended December 31, 2021. This is highlighted on page 9 of the report.

He also highlighted management’s discussion and analysis on page 13 of the report. It provides good analysis for the year under audit, which was 2021. Some financial highlights here included: a net position of \$33,282,594 (\$24,275,665 represents investment in capital assets and \$1,232,629 is considered restricted), \$7,774,300 is unrestricted and may be used to meet Town’s ongoing obligations to citizens and creditors, the Town’s total net position increased by \$1,475,256, an ending fund balance of \$876,338 (an increase of \$1,127,955).

Council noted recommendations (referred to as management points) in the Auditor’s Discussion and Analysis document: 1) Segregation of Duties and 2) Accounting and Financial Reporting Software, and asked Mr. Davis to elaborate. Mr. Davis explained the recommendation for the segregation of duties to include cross training of staff or the hiring of new staff in the areas of payroll, human resources, payroll systems management, and employee files. He also explained the recommendation (either a new system or upgrade to QS-1 for accounting) to upgrade the accounting and financial reporting software.

Public Comments Related to Municipal Matters

There were no public comments.

Reports

Communications & Zoning: Director Burroughs provided an update to council on several community items from the written report submitted:

- Next farmer’s market is August 13, with a shred event from 10:00 am to 12 noon. They will be accepting school supplies for We Care.
- Local Media highlighted a community farmer’s market on the first and third Saturdays of the month by local vendors as well.
- SCDOT commissioners and representatives met with staff to discuss the road projects for the Chapin area
- The company with the communications tower is still interested to locate on the Town Hall property, but are still in due diligence period before making a presentation to Council.
- Discussions with a second contractor for the renovation of the old town hall building are underway – the first contractor was not compatible
- The unified development ordinance committee has begun meeting to update the zoning ordinances, meetings are tentatively scheduled for the 3rd Wednesday of the month. More public input will be scheduled in the coming months.
- Several new businesses held ribbon cuttings and several staff members have been attending trainings

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- The preliminary design for the Piney Woods LLC planned development will be up to the developer to move forward for review by the planning commission
 - Architectural review board reviewed and approved plans for a storage facility on Columbia Avenue (she noted this project was submitted before changes to storage regulations were made) and the planning commission continues discussion on the capital investments projects list.

Financial Report: Director Culler reported the general fund revenue YTD as of the end of June 2022 was \$1,477,542 and the expenses YTD as of the end of June 2022 were \$648,559. Revenue exceeded expenses by \$828,983. The revenue from Business Licenses as of the end of June was \$352,251 with an additional \$3,683.00 to date. The Hospitality Tax fund YTD was \$1,400,000 as of the end of June. The ARP fund balance is \$315,000.00 as of the end of June.

Director Culler noted that a majority of the revenue (approximately 95%) has been received from taxes, franchise fees, and business license revenue. The town will continue to receive property vehicle taxes and the business license revenue is approximately \$25,000 from being met. She also noted the Town received a majority of the funds from the insurance tax collection program and the telecommunications tax collection program. She anticipates the budget needs to be met by the end of the year.

The Utility fund Revenue through the end of June was \$2,871,195.00. Expenses YTD \$2,210,614.00 as of the end of June. Revenue exceeded expenses by \$660,581.00.

Police Report: Chief Griffin updated Council on police department activities. There were 43 offenses, 30 tickets, 51 warning citations, 5 arrests, 9 motor vehicle collisions, 125 officer initiated contacts, and 118 calls for service from Lexington County reported.

He stated that Captain Galinski was recognized by the National Alliance on Mental Illness in utilizing his crisis intervention training to assist a member of the community who was suffering from a mental health crisis. He was presented with the Crisis Intervention Team Challenge Coin for his efforts.

Chief Griffin also reported that the Chapin Police Department, along with Lexington County Sheriff's office conducted an active shooter training at Chapin High School. Mayor Koon thanked the Lexington/Richland School District 5 for allowing these departments conduct this training. Chief Griffin concluded by stating the department would be participating in Operation Southern Slow Down to bring awareness to speeding in the area, and the department would be conducting a safety check-point on August 5 in the 600 block of Columbia Avenue from 8:00 p.m. to 11:00 p.m.

Utilities Report: Director Miskie provided council with an update on the written report submitted, which included:

- The utility department will be pursuing an RIA State grant for funding for work on the East Chapin Force Main
- Boykin Hills subdivision has begun construction with 198 lots and is the only subdivision in the Town of Chapin. Other subdivisions under construction are in Lexington County that include: Chapin Place South (176 lots), Night Harbor Phase 5B (25 lots), Palmetto Shores Phases 8-13 (107 lots), and Whitewater Subdivision (125 lots). Recently completed subdivisions include: Cypress Glen Phase 2 (57 lots) and Woodland Crossing Phases 4-6 (92 lots). There are other projects under review (total of 199 lots). Director Miskie reported these numbers to demonstrate to Council the utility growth within the

service area, to properly plan for future expansion to best serve the current and future users of the Town’s wastewater system.

- Meetings continue with SCDOT with the I26 and S48 projects
- The utility department has been conducting hydrant flow tests to obtain the latest flow data and updating the hydrant map, and the annual line flushing will happen in the fall
- Additional tests are scheduled for the lagoon closeout and the department is exploring options for funding through an RIA grant and will treat the sludge as a separate project

Old Business

Zoning Ordinance: Amending Article 5, sections 518 and 520 and Article 2, section 201 of the zoning ordinances regarding storage building regulations – 2nd reading:

Council Member Teal made the motion to approve 2nd reading amending Article 5, sections 518 and 520, and Article 2, section 201 of the zoning ordinances regarding storage building regulations. Council Member White seconded the motion. Motion passed unanimously.

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| Mayor Al Koon: | Yes | Council Member Leland Teal: | Yes |
| Mayor Pro Tem Mike Clonts: | Yes | Council Member Gregg White: | Yes |

Zoning Ordinance: Recommendation from Planning Commission Amending Articles 2 and 5, sections 201 and 518 of the Zoning Ordinances to include cigar stores as a permitted use – 2nd reading:

Mayor Pro Tem Clonts made the motion to approve 2nd reading amending articles 2 and 5, sections 201 and 518 of the Zoning Ordinances to include cigar stores as a permitted use. Council Member Teal seconded the motion. Motion passed three votes to one, as follows:

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| Mayor Al Koon: | Yes | Council Member Leland Teal: | Yes |
| Mayor Pro Tem Mike Clonts: | Yes | Council Member Gregg White: | No |

New Business

Resolution: Amending the Town of Chapin Employee Handbook: Director Culler explained the change to the employee handbook. She stated this change was for employee accrued time off, which currently reads: *Employees must use leave during the year that it is earned.*

Employees are authorized to carry over a maximum of 5 days of unused annual leave per year into the succeeding and subsequent years, not to exceed 45 days. She noted this is difficult to do for utility employees and police officers who can accrue comp. time and overtime work. In an effort to facilitate the best option, Director Culler explained the change to read: *Employees should use leave during the year that it is earned. Employees are authorized to carry over unused annual leave each year into the succeeding and subsequent years, not to exceed 45 days.* She stated this policy is more in line with the State policy.

Mayor Pro Tem Clonts made the motion to approve Resolution # 007-07-2022 amending the Town of Chapin Employee Handbook as presented. Council Member Teal seconded the motion. Motion passed unanimously.

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| Mayor Al Koon: | Yes | Council Member Leland Teal: | Yes |
| Mayor Pro Tem Mike Clonts: | Yes | Council Member Gregg White: | Yes |

Request for Action: Appointment to Planning Commission:

Mayor Pro Tem Clonts made the motion to go into executive session to discussion persons appointed to a public body, pursuant to SC Code 30-4-70 (a)(1). Council Member Teal seconded

the motion. Motion passed unanimously. Council entered into executive session at 7:12 p.m.

Council Member Teal made the motion to return to open session. Council Member White seconded the motion. Motion passed unanimously. Council returned to open session at 7:25 p.m. Mayor Koon acknowledged that information was received during the executive session and no decisions were made.

Mayor Pro Tem Clonts made the motion to remove Yvonne Hudson from the Board of Zoning Appeals and approve appointing Ms. Hudson to the Planning Commission. Council Member White seconded the motion. Motion passed unanimously.

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| Mayor Al Koon: | Yes | Council Member Leland Teal: | Yes |
| Mayor Pro Tem Mike Clonts: | Yes | Council Member Gregg White: | Yes |

Adjournment: Mayor Pro Tem Clonts made a motion to adjourn the meeting. Council Member Teal seconded the motion. Meeting was adjourned at 7:27 p.m.

COUNCIL APPROVED: _____

Albert R. Koon, Jr., Mayor

ATTEST: _____
Shannon Bowers, Town Clerk

DRAFT



RESOLUTION No. 008-08-2022

A RESOLUTION TO AUTHORIZE THE UTILITIES DIRECTOR TO SUBMIT AN APPLICATION TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY SOUTH CAROLINA INFRASTRUCTURE INVESTMENT PROGRAM (SCIIP) FOR A GRANT TO CONSTRUCT A 16-INCH, 12-INCH, AND 6-INCH SEWER FORCE MAIN FROM THE INTERSECTION OF WESSINGER ROAD AND CANNON ROAD TO THE TOWN'S WASTEWATER TREATMENT FACILITY.

WHEREAS, The South Carolina Rural Infrastructure Authority (the "State Authority") provides grant financing for the construction of publicly owned wastewater treatment facilities from the South Carolina Infrastructure Investment Program Water (the "Fund") pursuant to the Federal Clean Water Act and Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, The Town of Chapin, South Carolina (the "Town") is a legally constituted municipality in the State of South Carolina and is authorized to incur revenue debt pursuant to Title 6, Chapter 21, Code of Laws of South Carolina, 1976 as amended (the "Act"); and

WHEREAS, pursuant to a favorable result of an election held in the Town on January 14, 1986, the Town is authorized to construct and operate a sewer system. Pursuant to the favorable result of an election held in the Town on September 21, 1965, the Town is authorized to construct and operate a water system. Pursuant to the Act, the waterworks and sewer system of the Town constitute a single system hereinafter referred to as the "System"; and

WHEREAS, the Town has determined that it is in the best interests of the Town to apply to the State Authority for a grant (the "Grant") from the Fund.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town (the "Council"), in a meeting duly assembled:

1. The Council hereby authorizes the Town's Utilities Director to complete, and the Mayor to execute and submit an application to the State Authority for the Grant from the Fund in the amount of approximately \$8,724,993.00 to finance the construction of approximately 21,200 LF of new 16-inch, 6,600 LF of new 12-inch, and 2,700 LF of new 6-inch force main. The Mayor or his designee is authorized to take such actions as may be necessary or convenient to complete the application process.
2. The Council will grant to the State Authority a pledge of the Town's Utility System Fund balance for payment of the required fifteen percent (15%) local funding contribution match.

3. The final terms and conditions of the Grant and the grant documents shall be subject to the approval of this Council

ADOPTED this 16th day of August, 2022

Albert R. Koon, Mayor
Town of Chapin, South Carolina

ATTEST:

Shannon Bowers, Town Clerk
Town of Chapin, South Carolina

**TOWN OF CHAPIN
SOUTH CAROLINA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 2
OF CHAPIN TOWN CODE TO ESTABLISH THE POSITION OF TOWN
ADMINISTRATOR AND RELATED STRUCTURAL CHANGES**

WHEREAS, pursuant to Town of Chapin Ordinance 2.105, the “Mayor shall serve as the Chief Executive Officer and shall be vested with all authority granted by Section 5-9-30 (not 40) South Carolina Code of Laws, 1976, as amended”; and

WHEREAS, pursuant to Town of Chapin Ordinance 2.401, the “Mayor and Council may create and establish such town offices, department and section as they deem proper for the orderly and efficient government of the town”; and

WHEREAS, pursuant to Town of Chapin Ordinance 2.122, the Mayor and Council “shall execute appropriate authority as provided in Section 5-7-30 et seq. and Section 5-9-40, South Carolina Code of Laws, 1976 as amended,...and (2.) [s]uch authority shall include establishing administrative protocols for all offices, departments, and sections of the Town as established pursuant to section 2.401 including Policy and Public Works and Utility Departments”, and;

WHEREAS, due to growth of the Town of Chapin and an increase in complexity of Town functions, the Council desires to create the position of “Town Administrator” with **a new Article VIX under Chapter 2 of the Town Code**, to be responsible to the Mayor and Council for the proper administration of the policies and affairs of the Town, day-to-day operations and such other duties as may be assigned by Mayor and Council, and;

WHEREAS, the 2022 Town Budget approved by Council does not need to be amended for the implementation of this ordinance with the hiring of a Town Administrator because of available funds within the budget from actual reductions in other personnel budgeted expenses during 2022; and

WHEREAS, **a new Town Ordinance under Article IV Section 2.408, and amendments to Town Ordinances under Article V Sections 2.501 and 2.502, Article VII, Section 2.701, Article VIII, Section 2.801** also need to be added and/or amended as set forth below, for consistency with the Town Administrator position and desired resulting organizational structure of the Town administrative functions.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Chapin, South Carolina, that under **Chapter 2, a new Article VIX**, titled Town Administrator shall be added after Article VIII, with new subsections being numbered Sec 2.901, 2.902 and 2.903. The new article and sections thereunder shall read as follows:

[Under Chapter 2.]

ARTICLE VIX. – TOWN ADMINISTRATOR

Sec. 2-901. CREATION. TOWN ADMINISTRATOR. TERM.

The position of Chapin Town Administrator is hereby created. The Mayor and Council shall appoint a Town Administrator, who shall report to the Mayor and whose term of office shall be at the pleasure of the Mayor and Council. The Town Administrator may be removed from office by a majority vote of Town Council. The compensation of the Town Administrator shall be fixed by the Mayor and Council and incorporated in the annual budget.

Sec. 2-902. QUALIFICATIONS.

The Town Administrator shall possess education, training, and administrative experiences that are commensurate with the industry standards for this position.

Sec. 2-903. RESPONSIBILITIES. POWERS. DUTIES.

The Town Administrator shall work under the supervision of the Mayor, shall be responsible to the Mayor and Council for the proper administration of all policies and ordinances of the Town, for the discharge of all delegated administrative functions including being responsible for day-to-day supervision of town functions with the authority to delegate and supervise all Town employees, acting as the zoning administrator when that position is not filled, and performing such other duties as may be required by the Mayor, Town Council or prescribed by law.

AND

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Chapin, South Carolina, that under **Chapter 2, Article IV**, a new section 2.408 titled Finance Director, shall be added and shall read as follows:

[Under Chapter 2, Article IV. OFFICERS AND DEPARTMENTS.

Sec. 2.408. DIRECTOR OF FINANCE. The Town Director of Finance, whose duties are set forth in Town Ordinance Chapters 5, 7, 8, 9, 10 & 17, shall be appointed by and/or terminated by the Town Administrator with the approval of the Mayor. The Finance Director shall be accountable to the Mayor and Council, but report administratively to the Town Administrator.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Mayor and Council of the Town of Chapin, South Carolina, that under **Town Ordinance Article V, Sections 2.501 and 2.503; and under Article VII, Section 2.701; and under Article VIII, Section 2.801** shall be amended to read as follows:

[Under Chapter 2, Article V – MUNICIPAL CLERK]

Sec. 2.501. APPOINTMENT.

The Mayor and Council shall appoint an officer to be known as the Municipal Clerk who shall hold office at the pleasure of the Mayor and Council. **The Municipal Clerk shall be accountable to the Mayor and Council, but report administratively to the Town Administrator.**

Sec. 2.503. DUTIES.

The Municipal Clerk shall give notice of council meetings to its members and the public, keep the minutes of its proceedings and perform such other duties as are assigned by **the Mayor, Council, and Town Administrator.**

AND

[Under Chapter 2, Article VII – DEPARTMENT OF PLANNING AND ZONING]

Sec. 2.701. CREATION. DIRECTOR.

The Town of Chapin Department of Planning and Zoning is hereby created as well as the position of Director of Planning and Zoning, who shall direct and coordinate the operations and activities of the department. The Director shall report to the **Town Administrator and Mayor**, and shall be appointed by **and/or terminated by the Town Administrator with approval of the Mayor.** ~~and Town Council, and his/her term of office shall be at the pleasure of the Mayor and Town Council.~~

AND

[Under Chapter 2, Article VIII – DEPARTMENT OF PUBLIC WORKS AND UTILITIES]

Sec. 2.801. CREATION. DIRECTOR.

The Town of Chapin Department of Public Works and Utilities is hereby created, as well as, the position of Director of Public Works and Utilities, who shall direct and coordinate the operations and activities of the department. The Director shall report to the **Town Administrator and Mayor** and shall be appointed by **and/or terminated by the Town Administrator with the approval of the Mayor.** ~~and Town Council, and his/her term of office shall be at the pleasure of the Mayor and Town Council~~

FURTHERMORE, BE IT ORDAINED THAT,

I.

This Ordinance shall at all times be available for public viewing in the Town Hall.

II.

All ordinances in conflict with this ordinance are hereby repealed only to the extent of such inconsistency; and

III.

This ordinance shall take effect and be in full force upon adoption at second reading.

PASSED AND APPROVED this the ____ day of _____.

Albert R. Koon, Mayor

ATTEST:

Shannon Bowers, Municipal Clerk

First Reading: August 16, 2022

Second/Final Reading: _____