

MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
OCTOBER 11, 2004

Present: Carnell Murphy, R. David Brown, David L. Ferguson, Mary Lynn Kinley, Kamau Marcharia, Mikel R. Trapp, Council Members; Philip L. Hinely, County Administrator; Shryll M. Brown, Clerk to Council

Absent: Carolyn B. Robinson

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 Herald-Independent, The State, and Winnsboro Cablevision, and thirty-eight other individuals.

1. CALL TO ORDER

The Chairman called the meeting to order at 6:00 P.M.

2. After which Council Member Kinley gave the invocation.

Marcharia: “Before we proceed any further, I would like to call an objection to this meeting, and my objection to this meeting is the meeting was called arbitrarily and capriciously and the meeting appears to be in direct violation of the Council’s own rules. If I am not correct, then I need to stand to be corrected. It says the meeting of the Council (Section A – Meeting), the Council shall convene its regular meetings for the transaction of official business on the second and fourth Monday of each month at 6:00 P.M. in the Fairfield County Administration Complex Conference Room unless otherwise specified by Council—not Chairman, not an individual, not me; but by Council. I was just notified of this. I didn’t even know the nature of the meeting. I move that this is an illegal meeting, and I protest it on those grounds that we are violating our own rules.”

Murphy: “Thank you, Mr. Marcharia. I notified the Clerk (how long ago, Madame Clerk)? As a matter of fact, I think it went out in the e-mail this weekend that Mr. Hinely sent out about the meeting being here. Went out when, Mr. Hinely?”

Hinely: "I sent out (I think, today), about the ruling from the attorney."

Murphy: "Let's call the meeting to order by approval of the minutes, then I will respond to that."

3. APPROVAL OF MINUTES

It was moved by Mr. Ferguson; seconded by Mr. Trapp to approve the minutes of the special meeting of September 21, 2004 and special meeting of September 29, 2004. The motion carried 5-1. {Mr. Marcharia voted nay}.

Continuation of comments to Mr. Marcharia's statement about the meeting:

Murphy: "Let me try to clear something up, Mr. Marcharia. If it is an illegal meeting, you don't plan to participate?"

Marcharia: "I am participating."

Murphy: "In order to try to get the meetings out to people, I also plan to call a meeting up in the Blair area, too. We just left one out at Lake Wateree—to move it around so the citizens can be first-hand here to do that. All of these meetings have to go through the procedure that is necessary to do it. This meeting was scheduled here before the accident that was at Salem Crossroads. The meeting at Blair was scheduled before then. It gives an opportunity for the people to have direct input and some may get home late; some may not. Anytime you conduct business in front of people, and you have announced those things and there is no clear delineation. We seem to have to go through this a lot of times with a lot of things on what the letter of the law says. Every time, we come back with the same opinion. I don't really understand all of those things. We are here. You are here. We are going to conduct business in the front of you. Issues – issues in front of you. Issues here, so it won't be inconvenient for you to get there if you are in this area. Those are the reasons why we moved the meetings around the county. Are there any amendments to the agenda?"

Marcharia: "Can I comment on that, Mr. Murphy? Can I rebut? The only question that I raised here—in our own language; our own rules that the Council made – regardless of what information that was sent to us – the language here says ...that unless otherwise specified by Council. I did specify...we talked about meeting in the various areas. The Council, as a whole, has never voted to do it. I don't know who called four individuals and they agreed to do it, but protocol here appears to be, that the Council, the body as a Council, has to agree to taking the

meetings around the various places, which I agree, but I think we are in violation of our own rules. That is all I want to say about that, Mr. Chairman.”

Murphy: “I just want to add to that a little bit. I apologize to you all. We sent this out and I have not received one call from anyone before now (that we could have worked this out, or whatever it is). This is nothing that you need to be listening to as far as I am concerned. You want to know about the business of the county and what this County Council is going to do.”

It was moved by Mr. Brown; seconded by Mr. Trapp to amend the agenda to include a presentation pertaining to a group of citizens who gathered a list of names on a petition about stop signs at Highway 215 and Highway 34. The motion carried unanimously.

PRESENTATION

Ms. Janice Emerson presented Council with a plaque thanking Council, with special recognition to Davis Anderson for support and help with animals in the county.

Mr. Clifton Hendrix made a presentation to Council, on behalf of the citizens regarding a petition to install a four-way stop and blinking light at the intersection of Highway 215 and Highway 34, and the McCrorey-Liston School needs school zone signs and speed zone lowered.

It was moved by Mr. Trapp; seconded by Mr. Brown to pass a Resolution to send to DOT, requesting that the S. C. Department of Transportation make improvements to the intersection of Highway 34 and Highway 215 (known as Salem Crossroads), and those improvements would be of a duplication of those done at the intersection of Highway 34 and 176 in Newberry County (known as Kitt Crossroads).

Mr. Murphy offered an amendment to the motion; seconded by Mr. Trapp that the School Board and County Council pass a joint Resolution (one coming from each body) dealing with this situation; also studying other situations and try to be proactive on those other stops.

Mr. Ferguson offered an amendment to that motion that the two recommendations that Mr. Hendrix brought forth be forwarded to the

Department of Transportation simultaneously. {Mr. Murphy set forth that this is what is trying to be accomplished as a joint Resolution between the School Board and the County}. The amendment to the motion carried unanimously. The main motion, with the amendment, carried unanimously.

Mr. Hendrix further commented that he spoke with Sheriff Young and asked if Sheriff's Deputies could be posted at this intersection during morning and afternoon hours. He said Sheriff Young's response to him was to request that this be worked through the State Highway Patrol. Mr. Hendrix asked Council to coordinate this. Mr. Murphy pointed out that requests for expediency be included somewhere in the resolution.

Council asked the Clerk to work out necessary details in which to recognize heroes of this tragedy by the first meeting in November.

Chairman Murphy deviated from the agenda at this point and allowed any ministers in the audience to speak. Rev. Leroy Cannon, Pastor of Whitehall A.M.E. Church spoke in regard to this tragedy.

4. COMMITTEE REPORTS

None

5. OLD BUSINESS

None

6. NEW BUSINESS

A. FIRST READING (BY TITLE ONLY): ORDINANCE NO. 490 - AN ORDINANCE AUTHORIZING PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN FAIRFIELD COUNTY, SOUTH CAROLINA AND INVISTA S.à.r.l., AND MATTERS RELATING THERETO. *It was moved by Mr. Ferguson; seconded by Ms. Kinley and Mr. Trapp to approve First Reading (By Title Only) of Ordinance No. 490. The motion carried unanimously.*

7. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE

The County Administrator reported on the following items:

- a. Reported that Mrs. Robinson was absent due to back surgery.

8. CLERK TO COUNCIL'S REPORT AND CORRESPONDENCE:

The Clerk to Council reported on the following items:

- a. County Council Coalition – October 22, 2004. At this conference, Mrs. Robinson will be installed as President of the County Council Coalition.

Ms. Kinley inquired about hosting the Intergovernmental Council Meeting. The Clerk was asked to coordinate this.

9. BOARD AND COMMISSION MINUTES

Provided as information.

11. INFORMATIONAL ITEMS

None

12. PUBLIC COMMENT

- a. Mr. Hendrix signed to speak; however, he acknowledged that he spoke during the presentation segment.
- b. Mrs. Sharon Wadlington spoke to Council on the school bus accident.
- c. Mr. Richard Gantt spoke to Council on the matters of a fire department lawsuit and a rezoning issue.
- d. Mr. Bill Hubert thanked Council for their attendance at the WHOA picnic.

13. COUNTY COUNCIL TIME

Brown: Commented on the Lang Mekra Anniversary. Think it is a good idea to take the Council meetings out to the voters.

Ferguson: Good to see citizens from community get involved.

Trapp: Supporter of the meetings going from district to district.

Marcharia: "Once again I want to reiterate for those who were not here at the time that the Council started. I object to this meeting and I called it an illegal meeting and it is arbitrary and capricious. It was set up by the Chairman

individually, and that is in violation, at least my understanding, of our own rules. I think this is an illegal meeting. Having said that, let me welcome all the Council Members to the fourth district. Thank you for coming. To all the folks that are here tonight, it is certainly a pleasure to see that you are out and that you are concerned about what is happening. What I would like to do, if the Administrator or Chairman would give me the legal definition or show me in writing where I might have misconstrued what I am reading, I will be satisfied. I am certainly in favor of Council going around to other districts. In fact, the last time I think they had a meeting here was in '88/'87, if I can remember correctly (in the 80's). When Bubba I. Leroy Montgomery was the Sheriff was the last time I remember having a meeting here. I am not opposed to it. What I am opposed to – people making decisions and ramming things down your throat and do not give you an opportunity to even participate in terms of protocol. Let me read what our own rules say: 'It says meeting of the Council—Section A. Meetings. The Council shall convene its regular meeting for the transaction of official business on the second and fourth Monday of each month at 6:00 P.M. in the Fairfield County Administration Complex Conference Room, unless otherwise specified by Council. Unless otherwise specified by Council. Not me; not an individual; not even the Chairman. This language says specified by Council. It does not give one person the authority to move around. In fact, it was not even announced in the local paper that I understand. Didn't get an opportunity. There was nothing posted out here other than I have asked people to get the word out to the various churches—to get word out that we were, in fact, going to have a meeting in Jenkinsville. That is inappropriate behavior when you do not notify the public in a timely fashion that we are, in fact, going to have a public meeting, and when you move a public meeting, there are probably people at the County place waiting for a meeting now that don't know that we are here. I am just asking that protocol we followed according to what we have in writing. I am not asking for anything different. If this language is not correct, we need to change it and take it out. I would like to know what really gives the Chairman the authority, as an individual, to obviate this rule that the Council has voted for. I am certainly in favor of us going around. I am not certainly in favor of breaking rules and breaking laws, or just because I have the power to do something to folks. Again, thank you for coming. I appreciate it.”

Minutes 10/11/2004 RM

Murphy: “Right before I close, Mr. Hinely faxed me an opinion on a question that was presented by Council Member Marcharia. The lawyer sent the opinion back and said the meeting was legal.”

Kinley: “Thank you to the people who came out tonight.”

Marcharia: “I asked a question. I did not get an answer. I asked the Administrator or the Chairman—not to tell me they received a letter from the lawyer. I received a letter from lawyers telling me stuff. What I asked for – show me in writing where it is legal to violate our own rules. If you show me that, I am for this.”

Murphy: “Mr. Marcharia, I tried to move back from this and let it go. We have said previously that we were going to move the meetings around in the county—maybe not a vote, but we said we want to try to get it out to the people. You have this notice. You have not called me one time to see why I did it. We sent it to the lawyer for an opinion. We have the opinion back. The opinion said we could have the meeting tonight. I don’t know why this is a big issue and all of this. If we got a rule need to be refined and done, fine. But, let’s do that in a constructive matter. Are we trying to split something? The people out here are not here for people to argue and fight. The people are here for service. The people are here to be served; not for us up here to disagree and all of those things. I tried to stay away from it. I don’t want to get into arguments with anyone out here because if the lawyer said it was. We pay him; we have him on retainer. I have been questioned over and over and I heard what you said – in the conference room. Well, every meeting we have is illegal because we meet in Council chamber and the conference room is down the hall. So, if you want to talk about the law specifically, and I don’t think we need to do that because that does not matter. Meeting in the public; they did know; the newspaper got an agenda saying where the meeting was going to be. As a matter of fact, if you look at the top of the agenda it says PLEASE NOTE MEETING LOCATION.”

Marcharia: “Would you answer my question?”

14. ADJOURN

The meeting was adjourned at 7:00 P.M., upon the unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

CARNELL MURPHY
CHAIRMAN