



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
OCTOBER 28, 2013**

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll Brown, Clerk to Council

Absent: Mikel R. Trapp

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 ninety-four other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:04 P.M. After the Call to Order, Chairman Ferguson recognized Mr. Pope who set forth the following information:

2. APPROVAL OF AGENDA

"Before the approval of the minutes, I would request that Council reconsider one item that was placed on the desks. Ms. Peggy Hensley came by my office this afternoon, and on the Millage Resolution that we had adopted—under the Fire Board Capital, that amount needs to be amended to 2.0. That reduces the overall of the total millage down from 191.7 to 191.4. She came by today and said that was a typo on the sheet, and we need to correct that before we actually approve the minutes. If we could, and if it is appropriate, if we could just reorder the agenda and just add that as 7B on the millage, but that just reapproves what we had done with the Millage Resolution, with that correction." ***So moved by Council Member Robinson; seconded by Council Member Kinley, and unanimously approved by Council.***

3. The **INVOCATION** was given by Council Member Kinley.

4. APPROVAL OF MINUTES, with the stipulation of the change that will come under 7B, for Regular Meeting of October 14, 2013. ***So moved by Council Member Brown; seconded by Council Member Robinson and Vice Chairman Perry. The motion carried 5-1. {Council Member Marcharia voted nay}.***

5. PUBLIC COMMENT

The following individuals signed to speak to Council during public comment:

Mr. Henry Dixon – Public Interest

Mr. Jimmy Ray Douglas – Millage

Mr. Randy Bright – Visor To The Ground

Ms. Darlene Johnson – Public Interest

Mr. Tim Schroll – Whistle Blower Protection

Mr. William Coleman – Flow Control

Mrs. Kerry Matthews – Attendance Requirement

Mr. Mike Ward (Waived His Time To Speak)

Mrs. Betty Scott Frazier – Thank You; Spending Transparency

6. PUBLIC PRESENTATIONS

None.

7. PUBLIC HEARING

Authorizing Fairfield County, South Carolina To Enter Into An Agreement To Transact, Convey Or Sell County Owned Property Located At 117 East Washington Street, Winnsboro, South Carolina (Tax Map Number 126-01-43-004-000) For A Nominal Price To Fairfield Community Development Corporation, Inc., A 501-C-3 Entity As Designated By The Internal Revenue Service, For The Purpose Of Using The Facility Located On The Property For Community Uses And Activities, Subject To The Terms And Conditions To Be Agreed Upon Between The Parties, And Other Related Matters. *Chairman Ferguson opened public hearing at 6:27 P.M. {No one from the public signed to speak}. Mr. Pope was asked to expound on the public hearing matter. Subsequently, Chairman Ferguson closed public hearing at 6:33 P.M.*

Authorizing An Amendment To The Fee Agreement By And Among Fairfield County, South Carolina, Lang Mekra North America, Llc, And Lang Mekra North America Properties, Llc To Provide For An Infrastructure Credit; And Other Related Matters. *Chairman Ferguson opened public hearing at 6:33 P.M. {No one from the public signed to speak}. Mrs. Tiffany Harrison was asked to give an update of this particular project. Subsequently, Chairman Ferguson closed public hearing at 6:35 P.M.*

- 7B. CORRECTION TO 2013-2014 MILLAGE RESOLUTION:** Mr. Pope was asked to restate the millage change that he brought forward previously, which he did as follows: "The Auditor brought this information over today. The millage that we had previously adopted, the total mills were 191.7. Actually, under the Fire Board Capital, it should be 2.0 instead of 2.3, so that number is 191.4, based upon the information from the Auditor. The other thing that is associated with that is the information that we received during the public comment period regarding the millage, I will make sure that the Auditor gets that information regarding the calculation, because what we do is actually--we get the calculation from the Auditor to marry that up with the budget dollars, so we will forward that to her as information, and let her dispose of that matter." ***So moved by Council Member Brown; seconded by Vice Chairman Perry to approve the correction to the 2013-2014 Millage Resolution as stated above. The motion carried 5-1. {Council Member Marcharia voted nay}.***

8. ORDINANCES, RESOLUTIONS AND ORDERS:

A. Resolution: In Opposition To House Bill 3290 And Senate Bill 203 Currently Pending Before The South Carolina General Assembly. After each member of Council gave their viewpoint of the Bill, ***it was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve the Resolution, as stated above. The motion carried 5-1. {Council Member Robinson voted nay}.***

B. Second Reading: Ordinance No. 620 - Authorizing Fairfield County, South Carolina To Enter Into An Agreement To Transact, Convey Or Sell County Owned Property Located At 117 East Washington Street, Winnsboro, South Carolina (Tax Map Number 126-01-43-004-000) For A Nominal Price To Fairfield Community Development Corporation, Inc., A 501-C-3 Entity As Designated By The Internal Revenue Service, For The Purpose Of Using The Facility Located On The Property For Community Uses And Activities, Subject To The Terms And Conditions To Be Agreed Upon Between The Parties, And Other Related

Matters. ***It was moved by Council Member Brown; seconded by Council Member Robinson to approve Second Reading of Ordinance No. 620. The motion carried 5-1. {Council Member Marcharia voted nay}.***

C. Second Reading: Ordinance No. 622 - Authorizing An Amendment To The Fee Agreement By And Among Fairfield County, South Carolina, Lang Mekra North America, Llc, And Lang Mekra North America Properties, Llc To Provide For An Infrastructure Credit; And Other Related Matters. ***It was moved by Council Member Brown; seconded by Council Member Robinson to approve Second Reading of Ordinance No. 622. The motion carried unanimously.***

D. Second Reading : Ordinance No. 623 - Authorizing An Amendment To The Master Agreement Governing The I-77 Corridor Regional Industrial Park By And Between Richland County, South Carolina, And Fairfield County, South Carolina, To Expand The Boundaries Of The Park To Include Certain Real Property Located In Richland County; And Other Related Matters. ***It was moved by Council Member Robinson; seconded by Vice Chairman Perry to approve Second Reading of Ordinance No. 623. The motion carried unanimously.***

9. BOARDS AND COMMISSIONS MINUTES

Provided as information.

10. BOARDS AND COMMISSIONS APPOINTMENTS

A. Midlands Workforce Development Board

It was moved by Council Member Robinson; seconded by Council Member Brown to approve the Appointment Ratification to the Midlands Workforce Development Board. The motion carried unanimously.

B. Central Midlands Development Corporation

It was moved by Council Member Brown; seconded by Council Member Robinson to approve the Re-Appointment Ratification to the Central Midlands Development Corporation. The motion carried unanimously.

The Clerk announced the following appointment and re-appointment: Mr. Ritchie Monteith (Midlands Workforce Development Board); Chairman David L. Ferguson, Sr. (Central Midlands Development Corporation).

11. OLD BUSINESS

A. Correction Of Scrivener's Errors In Ordinance No. 617 (An Ordinance To Amend Ordinance No. 541, Ordinance To Regulate Abandoned Buildings, Mobile Homes And Manufactured Homes, Regulate Public Nuisances, and Regulate Abandoned, Dismantled, Junked, Wrecked Or Inoperative Vehicles In The Unincorporated Areas Of Fairfield County; To Provide For Definitions; And To Provide For Enforcement And Penalties As Follows: Remove Article II (Abandoned/Dangerous Building) In Its Entirety; Amend Article III (Manufactured /Mobile Homes), Section 4.A(6) And Section 4.B(1).

Mr. Pope set forth that this is a matter that the Council has previously voted on; however, the Clerk to Council found several scrivener's errors and spelling corrections that needed to be made regarding the Ordinance that has been adopted. ***It was moved by Council Member Robinson; seconded by Council Member Kinley and Vice Chairman Perry to approve the Correction of Scrivener's Errors in Ordinance No. 617. The motion carried unanimously.***

12. NEW BUSINESS

A. Recreational Vote By County Council

Marcharia: I need some structure if we are going to vote on this. I am not clear how, structurally, what that means? Does that mean if 6 Council Members do not approve of my project and everybody vote against it; or do I submit a proposal and you look at it; and if you don't like it, you reject it? What is the structure? It appears this Council has given the Administrator the authority to spend hundreds and hundreds of thousand dollars on recreation without County Council voting; and trusts the Administrator to handle that kind of money. We have already voted on it; we have \$500,000. I know what my project is. Here's half of it here; we submit it to the Administrator; he looks at it and he knows if it is within budget or whether or not he can put it up to take a bid or something of that nature. If we are going to vote on this, what role does the Administrator have, because the Administrator has already spent hundreds and hundreds of thousands of dollars without us interfering with recreation, but now we are going to have Council vote on recreation, when the Administrator had most of those decisions (previously).

Ferguson: Everything that has been done as far as recreation is concerned has come through the budget process. I brought this up about six weeks ago. It's not a real complicated issue. The bond company says we have to come to an agreement on how we agree that the bond money is to be spent. I asked everyone to make your minds up when we wanted to bring this back to the floor. It's very simple. If we can have a motion that the person in that district bring the proposals forward, and once they have numbers put to them, and that person agrees with Mr. Pope and his staff that that's what basically you would like to see in your district, then it comes to a vote of Council; and the vote of Council is all seven members; and that is all seven districts doing it the exact same way, so all seven of us have the same rights to vote on these and scrutinize them for each of the districts. That is what I would like to receive a motion for.

Perry: ***I will make that motion, Mr. Chairman. My motion would be: as these projects for all seven districts have come back from the recreation department to the County Administrator, and then forwarded back to County Council, that the entire Council has to vote for all seven districts.***

Kinley: ***I second.***

Robinson: District 2 does not have a plan, and probably won't have a plan for a while because we have been too busy to actually get out and work the district. We have three years to spend this money, and I guess we are half a year into it; so we have two and one half years left. District 2 does not have any plan nor plans to have a plan in the next few months. My question is, if we vote (and I know all seven of us have to vote—you have to have a majority to spend money in this County. Are we literally, from the plans that were submitted from the six districts, going to have a dollar value beside each plan before it is put in front of us to spend it, so that we can stay within the guidelines?

Perry: May I address that, Mr. Chairman. I would absolutely think so, Mrs. Robinson, because we know what the allowance is and we have already given the information, with the exception of you—which I understand. I think the night we talked about it, when we gave that information to Mrs. Schaeffer, the sole purpose of that was to put a dollar figure on it so we would know what we were working with, so it could then come back to Council before we voted on it to make sure we were in compliance.

Robinson: I just wanted that to be part, and including and an understanding before we literally sit here and vote tonight, because there are so many things that have come down with an agreement that was given while I was off Council to the previous Administrator, who had the right to go out and had adfinitum just to do anything in regard to spending those kinds of funds. As the Chair says, it may be in the budget, but whenever you get two pages and that's your budget, how do you truly know that that's written in that budget, because we never truly—even this past year, went through item by item and discussed those budgets as to what was included. I think recreation had a \$700,000 budget, plus this year. I don't think that included some of those improvements that are going on. If it does and what's being spent right now on the field, I don't think she is going to run her budget, so I guess those were included in capital improvements. I don't know. We just need to get a handle on spending and literally spell it out so everybody can understand how that money is going.

Perry: I don't mean to put our Interim Administrator on the spot, but one of the things he brought up was that as he was looking at the County in going forward, any major purchase for putting a dollar amount—his idea of looking at things like that was actually having it come through the department; come back through the Administrator, and then brought to the full Council to discuss before we made any decisions. Was that my understanding? I think that is how it should be done, and I think going forward, when the money is being spent, it should come from the department and they should be able to look at it; due their due diligence, their

homework; then have the Administrator present it back to Council; and then we have an opportunity to look at it and vote on it.

Robinson: And that is the proper way to handle it. It has not been done that way in the past and that is what I am saying. Let's spell it out and follow the guidelines that have been presented to us for spending these funds, and any funds that come down that are over a certain amount.

Brown: I am from old school. A few years back, anytime we were going to put something new in, we had committees; i.e., if a recreational item came up, the recreation committee would look at it. If it were personnel you were going to have to hire, then the personnel committee would look at it and put a dollar value on each person who is going to operating this operation, and then the finance committee would look at it and put the numbers together or to compile everything. We don't have committees anymore, and that is asking a lot of Mrs. Schaeffer and the Administrator and his staff. I think that is what we are going to have to end up doing. I know we said we did this at budget time, but I always had a problem with mid-year appropriations, and we are going to put personnel, say at Mr. Marcharia's operation, and say personnel at something that might be in my district or in the Vice Chairman's district, then we have to come up with a job description of what these people might be doing. Is that going to be up Mrs. Schaeffer? Is that going to be up to the Administrator? Is that going to be up to Mr. Anderson? In our present budget, are there places and positions in the budget that we can fulfill with these people, or is this going to throw our budget that we presently have into a negative, because we are going to be hiring these people before the end of the year to run some of these operations with no personnel slot for these people to get paid out of. All of sudden, personnel are going to be paid out of the bond, and I don't think that is where we are supposed to be spending money from. Everybody says we are having too many work sessions, whatever. I am just saying if you look at this thing the way we should look at it and you have to determine how many new personnel we are going to hire, because I know Mr. Marcharia's operation can't work without new personnel, I don't believe. Nobody knows how much the light bill is going to be. It's asking a lot of staff and asking a lot of everybody, and especially for a mid-year appropriation when we don't have any money other than the bond money. I don't know what the stipulations are in the bond—if we can use that to pay personnel. It's still a lot of questions that I have not figured out in my mind. I had one thing in my proposal, and that is the multi-county baseball field because that is part of the recommendation coming from the recreational study—a centralized baseball field to take the pressure off Drawdy Park. I wish I had a defined description of how we are going to do this.

Pope: I hope I can add some value to your conversation. From a staff perspective, based upon the work sessions that we have on this solely from a staff position, what we had intended to do was we actually took down and documented all of the items that you, as Council members in your district, had brought forth. We called that document the master listing of recreational projects. What we had an expectation of—I think we have sent that out, but we probably need to send it out again—is to have the Council to actually adopt, in concept, the master list of projects; then direct staff for us to actually do the due diligence on obtaining the cost estimates on the projects that were provided to us. That is the only way we know how to get cost estimates on various things. Associated with that is we would have to find out if he also takes human capital to be able to facilitate that project. That would be a cost estimate as well. What we had planned to do was—once you directed us to do that, we would compile that information and then bring that information back to you. The only finite thing we have at this point is a dollar amount. We know what dollar amount we cannot exceed; however, we need to make sure that there aren't other ancillary costs that are going to drive up budgets and other things like that, Mr. Brown, because you are exactly right, you cannot bring on personnel under the bond. You can only use capital dollars for the actual physical construction of buildings or buying land or things like that. That would be our trigger to activate the staff to get you the numbers to come back where you could make decisions and whether you had to cull out various projects; switch then around. That could also possibly give Mrs. Robinson additional time to do what she is working with her district, if that is the desire of Council. But, in order to activate the staff, that is what we need. We need actually you to okay the list, and then we can get the cost estimates on those things because some of them we know what the idea and the concept is, but we don't know what that is going to actually cost. We had planned on bringing that information back to you. Solely from a staff perspective, that is what we had decided to do to help the Council to facilitate the process. We do have that list. I know we have talked to several of you; we have amended that—I know, just like with Council Member Marcharia, we just had a one bulleted line, but we went back, and if you recall Councilman Marcharia, when you came to the office last week, we incorporated the additional verbiage in your item similar to some of the other ones we had on there that listed more specificity regarding your desire for your particular area. That is what we need in order to basically activate us to get you those cost estimates; otherwise, I don't know how we would get you the cost estimates in order so that you could actually policy decisions and recommendations on the amount of money that we have.

Brown: So, what you are asking for tonight, in this motion is to give you the go-ahead to start working and bringing back some real numbers that we could have actually something to look at?

Pope: Yes sir, and what we are saying is – that is in concept; that doesn't mean anything is in stone because from the cost estimates and other things, it could come back—it could be less than the amount of money that we know that we have or it could be more, but we would need to know that information and I certainly would recommend that to you before you move forward. Otherwise, we don't know what the total cost is.

Marcharia: I see this again as a stalling tactic—a lot of numbers bobbing and weaving around the question. You bring up this stuff of staff. If you started this year and into next year just clearing ground, it's going to take eighteen months—probably into the year 2014 or 2015. Where does staff come in? We have ample time to talk about staff. We have not even cleared off the ground. I have \$500,000.00. I have a plan. Take my plan and tell me where the \$500,000.00 cuts off and start working. That's would I would like. I can't have that done?

Ferguson: Let me clarify something that Mr. Brown brought forward. He brought up the idea of what this vote is about. This vote isn't about what we are talking about. This vote is about how the process is going to work and who is going to be voting on what. That is the only thing on the floor at this present time. I don't want you to get anything misconstrued about that. That's what this vote is about. Is that not right, Mr. Vice Chair? Is that what your vote was?

Perry: That is correct, Mr. Chairman. The motion was: that any funds that will be spent out of the bonds for recreation will be brought back to the full Council to vote on.

Ferguson: I thing that I will suggest, and I agree with Mr. Marcharia on, that if each district has x amount of money, that we are not going to sit and wait until we can get all seven districts in agreement and then go forth and do all seven, because with the staff that the County has, we can't do seven projects at one time—or seven district projects. In my districts, it's small mini parks, so the same people would be doing the same thing repetitively, so they would have to be working on those things while somebody else was waiting to get theirs approved. I don't see us backing up and say, we are going to do all of these at one time, or all of us are going to have to come back at one time. That is impossible. Mr. Marcharia is right. We would be 2020 getting some of these done, and that is not going to be feasible. What we are going to have to do is, once each district member decides what they want, and Mr. Pope's staff puts numbers to it and brings it back and say you are within budget, or you are not within budget, then we can go from there for that one particular district. We don't have to wait for two districts, or five districts, or seven districts because that really does not make sense. So that we don't muddy the water any further, let's take the vote now that Mr. Perry has said exactly what the motion is.

Marcharia: Let me just bring this up because I find this to be so grossly unfair. We have the bond issue; we have the recreation issue, and Mrs. Kinley, I talked to you the other day and asked you about my plan, and you said you wouldn't vote because you want me to be under budget before you vote. Is that correct? I am looking at the figures here from your district. How can one person get hundreds and thousands of dollars. You said it was in the budget. I have asked this Council to show me in writing where we actually, literally... Here's money that we have already delegated and still, you have to bring it back; do this and that. I am asking Council, Mr. Pope, if the Council agrees, to take my \$500,000.00 and show me exactly (with my request) what can be done with that and let's start moving. Can you do that in a reasonable time (less than two years)?

Pope: If the Council directs me to do that.

Marcharia: Is that a reasonable request? Can I ask him to do that for my district? You can speak for your own district.

Ferguson: Mr. Marcharia, the vote has got to come on how this money is to be spent. We can sit here all night and argue about which way it is supposed to go. Until we vote on a common way to spend this bond money, this bond money is not going to be spent. For the simple reason, we have to give the bonding agent the way this money is going to be spent out, and so far, we cannot agree on how we are going to spend it or we are actually talking around how we are going to spend it. We are talking about other things, but that is not in the motion. The motion is: that each Council Member will bring a project back; at that point in time, once the numbers are put to it, all seven Council Members would vote on everybody's projects that they will have in their district. That is the only thing that is for vote right now.

Marcharia: I brought my project. It's up to \$500,000.00. I have the plans and everything. If you look at it and say you can only have half a bathroom or some porta-bathrooms rather than real ones; you can't have a

picnic; however you break it down in terms of idiosyncrasies of it, I would think that the Administrator may say well, you want a few things here; you are \$100,000.00 over, and this is what you need to cut back to come in compliance with what we are talking about. You are telling me you are not going to give him the authority to do that? You have to wait until he comes back. How are you going to figure out the figures if you don't sit down with me and go over my plan (you and the Recreation Director) and come up with...You are saying come up with some numbers? What is the hold up?

Perry: I am with you, Councilman Marcharia, on that. I am ready to move forward as well. But, we can't move forward until we get this vote out of the way to say how we are going to vote. Once we vote on how we are going to vote, then they can start researching and getting us the price back on the project so we can move forward. I am ready to move forward. I am ready that information back; take it down to the folks in District 1 to let them know how much it is going to cost and what we can do, but before we can do that, we have to vote on the process, which is the motion was that: it will come back before full Council. Once we vote tonight, the staff would know how to start moving forward so they can get those cost estimates back to you. We have to vote.

Marcharia: We are voting on all seven Council Members have to vote on all seven Council Members' districts or whatever they have, but it has to come from the Administrator. He has to get the numbers, bring it back to us, and then we vote on it. Is that what I am hearing?

Perry: I would think that would get started as soon as we vote.

Marcharia: I don't think that is anything different than what I said.

Perry: That's what I just told you. I agree.

Robinson: Because we are dealing with this bonding attorney; because everything has to be in legal verbiage, why didn't we have a written-out presentation as to how we say it so it will pass and be able to be put into the bond exactly right tonight? That's why I asked earlier, instead of just saying all seven have to vote, it needs to be a little more detailed than that, and I think we are working in getting there, but you need a little more legal verbiage than what we are saying to accomplish this tonight.

Ferguson: Mr. James. Question of expertise, here. Do we need this thing more in depth than saying that all Council Members will make the decision on how this bond money is spent, or do we have to go deeper in depth than that?

James: Mr. Chairman, you could get more in depth, but it is a question of how you want to vote on it. I am not the bonding attorney, so I don't have any handy verbiage to give to you. It sounds to me that it's a question on how you want to vote on it; how to expend the money.

Pope: I think Mrs. Robinson is due additional response, and I agree with what Mr. James said; however, I have read the bond document. I am not an attorney. I think the issue that the Council has been wrestling with is by everyone voting is consistent with State law. I would ask Jack on that is...the bottom line is, I think it was Mrs. Robinson who may have even said that at the last Council meeting, in my professional opinion, you are exactly correct, only the Council, by majority vote, can vote to appropriate funds and dollars. Therefore, this exercise that you have gone through and the point that you are now is consistent with the law. I don't think that we need any additional verbiage to say that, but it is consistent. Had we moved forward where we were appropriating dollars in some different type way that is not a majority vote of Council, that would have been problematic for the bond itself.

Robinson: You don't think that we need to go in any say it's going to be approved and put in front of all seven for a vote based on each project; based on the cost?

Pope: No maam. I think it is understood, once you vote, we can't exceed the amount because that is capped. What we are doing now is trying to figure out the possibility of some of these ancillary costs what may be associated with that to make sure that we stay within that. From your vote, at least what's been discussed here is you will actually address that issue because it is to come back, and basically everyone is going to have their role in saying yes or no before we actually move forward with the project. I think this one vote will begin the process, as some of you have mentioned, in order to keep us consistent with the potential expending of those funds.

Robinson: As long as everyone understands that's the extenuating circumstances that go with this vote.

Marcharia: What I need to understand is if all Council Members are going to vote—that we have the right to vote on the money. You already voted for the \$500,000.00 for recreational purposes. Is that how we got the bond or we didn't vote; we just got it? So, we were voting for that specific purpose, now we are talking about how we are going to distribute and how we are going to handle that money. What I am asking of this Council, and we all vote on it, that when we vote on it, that we give you the instructions or whatever Council Members have already had their projects prepared to present to you, that you take that project and work that project and say up to \$500,000.00, this is what we can do, Mr. Marcharia, in your community. Is that not feasible to work on, or am I hearing you say bringing up all the things in staff. What can you do with the \$500,000.00 to show me with the plan that I have?

Pope: Councilman Marcharia, from my standpoint, I don't think there is anything inconsistent with that, but we need this in order to enable us to move forward to be able to get those things. ***The motion carried unanimously.***

13. COUNTY ADMINISTRATOR'S REPORT:

A. Stated there was a comment made during the public input session regarding work that was provided (it was stated publicly it was with Parker Poe); however, it's actually with Parker Poe Consulting. This was legislation that we were paying Parker Poe \$1500.00 per month for tracking legislation that basically had gone defunct. Want to clarify what that legislation was and the accurateness of that. The bill that was referred to was H.307. One thing that must be realized that, in the General Assembly, there is a two year session. Legislation can be introduced or prefiled; it can go one half a year with no activity, and then it lays dormant until the last half of the session right before sine die. With this legislation, the County initially engaged with Parker Poe Consulting in January, 2011, which was a previous General Assembly session; not the current session that we are in. That legislation dealt with "interests" that are interested in reducing the amount of taxes that would be received by Fairfield County with the reactors that are coming on line in 2016, 2017, 2018. Before the legislation was drafted, was summoned to a meeting and even asked to participate in that where there would be cost distributions of monies that was supposed to come to this county, but there would be some cost sharing with other communities across the State. When the session ended in 2011, that bill got picked up in the new session as H.3111. When the citizen looked at this particular piece of legislation and pulled it up, it looked like another piece of legislation, but it is only because it was in a previous session and they start over renumbering bills with every session. That bill is dormant and is being monitored; however, it could have a significant impact on Fairfield County if it were successful. It was wise of Fairfield County to address this. The amount of money that was reported was accurate; however, the update on the legislation was inaccurate because that particular bill ended in the previous session.

B. Chairman Ferguson set forth that one of the things that was said was that Council did not answer any questions. He stated he has asked Mr. Pope and Mrs. Brown to write down questions as they are brought forward from the microphone, and try to bring them forward at a subsequent meeting for Council to answer all that they can answer. He added that this will not be a mechanism to answer all, because some of the matters coming from the podium are not questions. Mr. Pope set forth that the County does have an anti-discriminatory policy as it relates to how employees report information to administration.

C. Mr. Hyatte Kelsey gave a presentation regarding the Affordable Health Care Act.

D. Mr. Pope reported that there was an inspection by DHEC at Drawdy Park this past week, where a concern was evidently given to DHEC of improper stormwater permitting of the field, etc. Mr. Pope then reported the findings from DHEC which was as follows: The site is in good shape. There is no evidence of off-site sedimentation from the site. A rough calculation of the disturbed area shows it to be less than one acre, which does not

require an NPD as construction general permit to be issued. This report was provided to the media on Friday.

14. CLERK TO COUNCIL'S REPORT

None.

15. COUNTY COUNCIL TIME

Marcharia: Gave his opinion of the comments in terms of the behavior of the group. He cited that it says in the Council's rules that if the public has any material to disseminate that it must be given to the Clerk and follow that protocol. The reason why he is raising the issue, he said, is because some years ago a person disagreed with something that was said and approached him at the Council dais. He indicated that was the purpose of making sure that materials should be handed to the Clerk instead of approaching Council.

Ferguson: Announced a work session for October 30, 2013, 6:00 p.m., for the purpose of addressing an error that exists in the County Council bylaws, along with other matters such as protocol, etc. One other thing he stated that he has been wrestling with for quite a while and "have tried to stay in the middle of the road with some of the conversations that have come from some folks in this audience. I has come to my attention about six weeks ago that a person filled an FOIA request out for Fairfield Memorial Hospital for my son, who had had acute kidney stones since he was eleven years old. For some reason, they took it that it was important to know what kind of bill my child had at Fairfield Memorial Hospital. That person is a prominent member of your group. If that were your child--he's forty-two years old and he has had hundreds of kidney stones--been in the Hospital on some occasions, three times a month. That's a little low. My son didn't run for Council; his dad did. I will deal with you. I will discuss anything you want to discuss, but I think it is kind of low when folks stoop to that kind of tactic of dealing with people's children and people's families. If you want to deal with me, that's fine, but leave my children and my wife alone. That's not fine".

16. EXECUTIVE SESSION: CONTRACTUAL MATTER

*At 8:03 P.M., it was moved by Council Member Brown; seconded by Council Member Kinley to go into executive session to discuss a contractual matter. **The motion carried unanimously.***

*At 8:26 P.M., it was moved by Council Member Robinson; seconded by Council Member Marcharia to come out of executive session and return to open session. **The motion carried unanimously.***

In open session, Chairman Ferguson reported the Council received information in executive session, and nothing to bring forward.

17. ADJOURN

The meeting was adjourned at 8:27 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN