



**MINUTES
FAIRFIELD COUNTY COUNCIL
SPECIAL MEETING
OCTOBER 6, 2009**

Present: R. David Brown, David L. Ferguson, Sr., Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Council Members; Philip L. Hinely, County Administrator; Shryll M. 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 forty-three other individuals.

1. CALL TO ORDER

The Chairman called the meeting to order at 5:11 P.M.

Chairman Brown asked for a motion to amend the agenda to add Public Comment as Item 2A and an executive session for a legal matter as Item 2B. *So moved by Council Member Ferguson, seconded by Council Member Robinson and unanimously approved by Council.*

2. INVOCATION

Council Member Kinley led in the invocation.

2A. PUBLIC COMMENT

Ms. Marie Milam, Acting Superintendent, addressed Council on the matter pertaining to school millage. The contents of the letter was as follows: "The School District of Fairfield County respectfully request that the County levy the millage at the maximum amount allowable by State statute for the School District. After researching the minutes, no official vote was taken to request additional above the maximum amount. As required, the auditor sets the millage."

2B. EXECUTIVE SESSION

At 5:12 P.M., it was moved by Council Member Ferguson; seconded by Council Member Kinley to go in executive session to receive to receive a legal briefing. The motion carried unanimously.

At 6 :02 P .M., i t w a s m o v e d b y C o u n c i l M e m b e r F e r g u s o n ; s e c o n d e d b y C o u n c i l M e m b e r s M a r c h a r i a a n d P e r r y t o c o m e o u t o f e x e c u t i v e s e s s i o n a n d r e t u r n t o r e g u l a r s e s s i o n . T h e m o t i o n c a r r i e d u n a n i m o u s l y .

Chairman Brown reported that no action was taken in executive session. Chairman Brown called on Attorney Michael Kozlarek to make introductory remarks. Subsequently, It was moved by Council Member Ferguson; seconded by Council Member Kinley that "as a result of the Acting Superintendent's letter of this evening, indicating that the School Board has apparently never voted on this issue, there is at least no record in their minutes of the issue of school funding being voted on for 2009-2010 fiscal year. There was a Resolution that was presented to the School Board by Chairman Brown by letter from this County Council on July 10. That Resolution, obviously, would have been a formal action of the School Board. It is my understanding that that Resolution was never returned and that there was no other official acts from the School Board asking for this funding over and above the three (3) mills that is permitted by local legislation. As a result, the County is going to present that Resolution again to the Acting Superintendent, either this evening or first thing in the morning, as quickly as the County can get it to her, and ask that the School Board take some official action in requesting the funding over and above the three (3) mills, if it is the School Board's intention to actually ask for those funds.

Additionally, the deadline for County Council agenda items, because there is a regularly scheduled Council meeting, would be tomorrow at noon; however, this is such an important matter, if the School Board could have that action taken and the request sent back to the County by Friday at noon, I believe the Clerk would be willing to try to get that on the agenda for Monday night's meeting."

The motion was unanimously approved by Council.

3. DISPOSITION OF DUTCHMAN'S CREEK SURPLUS FIRE TRUCK

Mr. Hinely pointed out that when the County discussed this previously, there seemed to be some confusion about how the truck was acquired and was some discussion that it was acquired by an individual and the request was to give it back to the individual. He stated that he checked with the fire chief and they have no record of that, and in fact, their records indicate that it was purchased by the Dutchman's Creek Fire Department and as such, is property of the County. *He recommended to the Council that this truck be added to the County auction, which will be held in about two weeks, and if anyone wants to have it, they can put in a bid. So moved by Council Member Ferguson; seconded by Council Member Marcharia and unanimously approved by Council.*

4. ADJOURN

The meeting was adjourned at 6:06 P.M., upon the unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

RUSSELL DAVID BROWN
CHAIRMAN