



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
JUNE 10, 2013**

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

Absent: R. David Brown

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 fifty-nine other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:05 P.M.

2. APPROVAL OF AGENDA

*It was moved by Council Member Robinson; seconded by Council Member Trapp to approve the agenda. **The motion carried unanimously.***

3. INVOCATION

Prior to leading in the invocation, Council Member Kinley offered congratulations to Chairman Ferguson on becoming a great-grandfather.

4. APPROVAL OF MINUTES

*It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve the minutes of the Regular Meeting of May 13, 2013 and Special Meeting of June 5, 2013. **The motion carried unanimously.***

5. PUBLIC COMMENT

The following individuals signed to speak to Council during public comment (on the matter of Mr. Hinely): Ms. Christina Fair, Mr. Bob Carrison, Mr. Wanda Bright, Mr. William Coleman. The following individuals signed to speak to Council on the matter of recreation/Dawkins building: Rev. Vandell Davis, Ms. Petrina Williams, Mr. Darius Williams, Mr. Bruce Wadsworth, Mr. Malik Pete. Mrs. Brenda Miller addressed Council on the matter of the state of the County. Ms. Betty Scott Frazier Bell spoke to Council on the matter of the response to County Council Time at the May 13, 2013 meeting.

6. PUBLIC PRESENTATIONS

Representative MaryGail Douglas presented a Resolution to the family of the late Carnell Murphy, Sr.

Members of County Council presented a Proclamation to the family of the late Carnell Murphy, Sr., recognizing his service to Fairfield County as a former member Of Fairfield County Council.

7. PUBLIC HEARING

An Ordinance To Amend Ordinance No. 583, Roads, Highways And Bridges, As Follows: Revise Section 1-20, Road Paving Program.

Chairman Ferguson opened public hearing at 6:47 P.M. Mr. Robert Shull and Mr. Val Green spoke during public hearing. Hearing no comments from Council, Chairman Ferguson closed public hearing at 6:55 P.M.

8. ORDINANCES, RESOLUTIONS AND ORDERS:

A. First Reading (By Title Only): 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). *It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve First Reading (By Title Only) of Ordinance No. 617.*

During discussion, Council Member Robinson voiced that she had asked the question originally about the mobile home title, i.e., when mobile homes are abandoned or demolished, what would be the disposition of the title. Additionally, she pointed out that Mr. James was researching that information and inquired what were his findings. Mr. James' findings were as follows: According to Mr. Stowers, when the landowner owns the mobile home, the mobile home can be demolished and moved. If the landowner does not own the mobile home, the title or letter of authorization must be provided to demolish the mobile home; once it is demolished, there is no necessity to have the title to move it down the road, as it will be in pieces and not moved as it normally would on wheels, etc.

Council Member Robinson re-emphasized that the discussion was also about demolishing property and taking roll offs out there to put the damaged material in it. She pointed out, that under the SCDMV, would the DMV remove the abandoned mobile home from property? She opined the answer would be no. What happens to the title of a mobile home that has been demolished? She indicated that once the DMV has received notification from the County Auditor or the demolisher that the mobile home has been destroyed, the Department will mark the vehicle as junked and no future titles can be issued for the mobile home. So, in other words, Council Member Robinson opined there is necessary work that has to be done on any of these mobile homes so that regardless of what the office says, to take care of that so it all cleaned up in the Department of Motor Vehicles. Further, she said, there is an actual form that has to be completed in the event some of them has to go before the Magistrates' Office. Council Member Robinson opined that some of the matters that are to be dealt with will be going to the Magistrates' Office because they are the ones who have to deal with the title. Mr. Hinely and Mr. Anderson were asked to research this matter to ensure the County is complying with State and County laws. ***The motion carried unanimously.***

B. Second Reading: Ordinance No. 616 - An Ordinance To Amend Ordinance No. 583, Roads, Highways And Bridges, As Follows: Revise Section 1-20, Road Paving Program. *It was moved by Vice Chairman Perry; seconded by Council Member Robinson to approve Second Reading of Ordinance No. 616.*

During discussion, Council Member Marcharia had questions about the following: talked about that off a major highway that, in order to pave a road, that it would extend 1,000 feet. There are some dirt roads that would need to be paved that might be a mile long or over 5,000 feet and there might be 12-14 homes, but in reading the ordinance, it appears it does not matter how many homes, only 1,000 feet would be paved. Is that still part of the ordinance?

Vice Chairman Perry offered that the Council investigate and address Chinook Drive which was discussed earlier, from a legality standpoint to ascertain if it is or is not a County road on the books to be paved. Attorney James gave definition of a descriptive easement and pointed out that that Chinook Drive is considered to be a County road because it has been maintained or used for a period of at least twenty years. Vice Chairman Perry expressed that he would like to have more clarification before the third and final vote. Mr. Hinely was asked to ensure that the County has the legal right to pave the road that the CTC has seen fit to pave and to make sure the County is following the legal precedence to actually physically pave the road.

Council Member Marcharia inquired about the naming of "lane", where it has five to seven homes and less than one-tenth of a mile. He voiced that he did not see anything in the ordinance that addresses lanes and asked if that would be eligible for paving? Further, he voiced that he would like to explore this with Mr. Anderson and Mr. Lucas. ***The motion carried unanimously.***

9. BOARDS AND COMMISSIONS MINUTES

Provided as information.

10. BOARDS AND COMMISSIONS APPOINTMENTS

*It was moved by Council Member Kinley; seconded by Council Member Trapp to approve the Appointment as listed under Section A. **The motion carried unanimously.*** The Clerk announced the following appointment: Ms. Sonya Kennedy (Hospital Board).

11. OLD BUSINESS

A. Request From Mr. Bill Haslett To Display Dioramas

Mr. Anderson addressed the insurability of the County lending a County asset out to a private business owner of the liability insurance. He indicated the County was able to place a \$50,000.00 coverage on the dioramas in the event something happened. *It was moved by Council Member Kinley; seconded by Vice Chairman Perry to loan the dioramas to Mr. Haslett for display.*

During discussion, Council Member Marcharia voiced that some of his constituents were not aware that this item existed, and in discussing this matter some years ago, some of the sites were laid out; however, he expressed that he found some things about it to be offensive as it relates to the African American community, and felt the depiction of African Americans was reprehensible. ***The motion carried 5-1. {Council Member Marcharia voted nay}.***

12. NEW BUSINESS

None.

13. COUNTY ADMINISTRATOR'S REPORT:

A. Mr. Dan Vismor gave Council a Code Enforcement report of litter cases and violations corrected from January, 2013 through April, 2013.

14. CLERK TO COUNCIL'S REPORT

A. The Clerk reported that at the beginning of the year, Council cancelled the May 27, 2013 meeting, as it falls on a County holiday.

15. COUNTY COUNCIL TIME

Kinley: Commented on students who graduated from Midlands Middle College and shared pictures and the note of thanks. Also responded to the comments that were made during Public Comment time.

Marcharia: Thanked everyone who came from the Dawkins area to speak about recreation. *Requested, that at the next Council meeting, the recreation building be placed on the agenda for a vote.* Also commented on the article in the paper regarding the meeting in the Greenbrier community.

Robinson: Noted that a presentation on life jackets will be given tomorrow morning, 11:00, at Taylor Creek Landing. Stated her heart has been very heavy for two families in this County at the loss of two people in Monticello.

Perry: Thanked everyone who came out to the Council meeting. Commented on the personnel matter and how the legitimacy of emails are verified.

Ferguson: Commented on the recreation buildings coming from the bond issue. Asked the public to keep their comments on an honest basis.

16. EXECUTIVE SESSION: Receive Legal Advice

There was no need for an executive session.

17. ADJOURN

The meeting was adjourned at 7:38 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN