



**MINUTES
REGULAR MEETING
FAIRFIELD COUNTY COUNCIL
JULY 8, 2013**

Present: David L. Ferguson, R. David Brown (arrived 6:35 p.m.), Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Mikel R. Trapp, Council Members; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Michael Kozlarek, Counsel; Shryll Brown, Clerk to Council

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 sixty other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:03 P.M.

2. APPROVAL OF AGENDA

It was moved by Council Member Trapp; seconded by Vice Chairman Perry to approve the agenda. The motion carried unanimously.

3. INVOCATION

Council Member Kinley led in the invocation.

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 June 24, 2013; Work Session of July 1, 2013 and Special Meeting of July 3, 2013. The motion carried unanimously.

5. PUBLIC COMMENT

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

1. Mrs. Maggie Holmes – Local Option Sales Tax
2. Mr. Jonathan Goode- Signed to speak on the matter of Local Option Sales Tax, but declined to speak when his name was called.
3. Ms. Faye Sandow – County Administrator. "Hello, I'm Faye Sandow. I would like to ask Mrs. Brown to enter my comments into the minutes for tonight's meeting. I've recently read the job description for County Administrator. Article 7, Section 4-9-620, which is the general statement of employment qualifications for a County Administrator, states in part, and I quote: 'The term of employment of the Administrator shall be at the pleasure of the Council, and he shall be entitled to such compensation for his service as the Council may determine.' I would respectfully ask Council two things as you begin your search for our new Administrator: first, please consider qualified residents of Fairfield County for the open position. It is vital that our County Administrator have a vested interest in our County; therefore, should own and reside a permanent residence in Fairfield County, and secondly, consider defining and publishing an appropriate salary range for the County Administrator. There should be a defined entry point, a mid-point and a maximum salary cap, and the salary should be proportionate with the population of Fairfield County, which is approximately 24,000 residents. Thank you."

4. Mr. Mike Ward – Apology
5. Senator Creighton Coleman – Council
6. Mr. Bob Carrison – Council
7. Mrs. Tangee Jacobs – Council
8. Mr. Kevin Thomas – Council
9. Ms. Vanessa Harding – Openness/Transparency
10. Mr. Randy Bright – Openness/Transparency
11. Ms. Darlene Johnson – Recreation
12. Mr. Tom Chase – Budget
13. Mr. Barry Tuttle – Dawkins Center
14. Mr. William Coleman – Council
15. Mr. Bruce Wadsworth – Recreation

6. PUBLIC PRESENTATIONS

None.

7. PUBLIC HEARING

Application And Expenditure For The 2013 JAG (Justice Assistance Grant) Funds. At This Public Hearing, Fairfield County Will Provide Information Concerning The Proposed Use Of The Funds In An Identified Program Purpose Area. *Chairman Ferguson opened public hearing at 6:46 P.M.*

Mr. Davis Anderson, Deputy County Administrator, stated this is a common JAG Grant that is received from the Department of Justice for the Sheriff's Department. He set forth that the Sheriff's Department applied to receive mobile cameras—when they get out of their cars and have to go in people's homes, the cameras will attract the officer to make sure that everything is happening properly and also helps with liability. He stated they are receiving thirteen (13) cameras. The grant will cover over ten thousand dollars, and the County will pay, out of the Sheriff's Department budget, only \$383.00 for them to receive that equipment. He concluded saying almost ninety plus percent is coming from the grant.

No one signed to speak during public hearing; therefore, Chairman Ferguson closed public hearing at 6:50 P.M.

8. ORDINANCES, RESOLUTIONS AND ORDERS:

A. First Reading (By Title Only): Ordinance No. 618 – Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Fairfield County And [Project Palmetto]; The Purchase Of Certain Real Property Located In Fairfield County And The Lease Of That Property To [Project Palmetto]; The Inclusion Of Certain Real Property Located In Fairfield County In The I-77 Corridor Regional Industrial Park; The Formation Of The Fairfield County Business Development Corporation; The Execution And Delivery Of Such Documents As May Be Necessary To Effect The Intent Of This Ordinance; And Other Matters Related Thereto. *It was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve First Reading (By Title Only) of Ordinance No. 618. The motion carried unanimously.*

9. BOARDS AND COMMISSIONS MINUTES

Provided as information.

10. BOARDS AND COMMISSIONS APPOINTMENTS

None.

11. OLD BUSINESS**A. Discussion And Possible Vote Concerning Erecting A Recreation Building In Dawkins Community.**

Chairman Ferguson set forth that Council has before them a cost analysis that was requested.

Council Member Marcharia interjected that this was the first time that he has seen this and inquired if Council was going to discuss this tonight, he would hope it was not a tactic to delay voting on the building.

Chairman Ferguson confirmed that the Council would be voting on this matter, as this is what was asked to be brought forward. Council Member Marcharia challenged that the cost analysis would have been good to be able to read prior to tonight, instead of trying to read it now and think through the technical numbers of the cost analysis. He voiced that the Council should have a day or two to review it.

Mrs. Lori Schaeffer, Recreation Director, was asked to give an overview of the Conceptual Site Plan, Option 1 and Option 2.

After receiving this information, members of Council discussed the recreational issue and gave their view on the subject matter. Subsequently, ***it was moved by Council Member Marcharia; seconded by Council Member Trapp, that Council vote that the building which was approved for western Fairfield be placed on the 8.12 acres of land that SCANA gave some fifteen to twenty years ago.***

Following the motion, members of Council further deliberated the matter, citing review of the latest study, budgetary allocations and budgetary constraints, county-wide rather than district considerations, certain provisions of the lease, alternate recreational resources and recommendation to schedule a special night to discuss this matter.

Subsequent to this continued discussion, ***Vice Chairman called for the question, which was seconded by Council Member Robinson and unanimously approved by Council.***

In favor of the original motion made by Council Member Marcharia: {Marcharia; Trapp}; Opposed to the motion: {Perry, Kinley, Brown, Robinson, Ferguson}.

Council Member Marcharia then moved; seconded by Council Member Trapp, that the \$500,000.00 {that is allocated for recreation for District 4} be appropriated to start construction on the 8.12 acres of land for that particular building, once it is placed on that property. Council deliberated further on this motion, including asking Mr. Kozlarek to expound on the guidelines for the bond issuance as well as uses and definition of recreation. ***In favor of the motion: {Marcharia; Trapp}; Opposed to the motion: {Perry, Kinley, Brown, Robinson, Ferguson}.***

Chairman Ferguson asked Council to consider scheduling a meeting for either Wednesday or Thursday night.

12. NEW BUSINESS

A. Consideration Of Approval Of Application For 2013 JAG Grant Funds

It was moved by Vice Chairman Perry; seconded by Council Member Kinley to approve the Application for 2013 JAG Grant Funds. Council Member Marcharia asked that the JAG Grant be explained again. Deputy Administrator Anderson did so, stating this grant allows the Sheriff's Department apply for money to buy equipment, and in this case, they are going to buy cameras, when they get out of the cars; when they go into people's homes or when they are going to track different things, they can actually record what they are doing for liability sake. He stated the total amount for the cameras is around eleven thousand dollars; the JAG grant will pay about ten thousand, and the County, out of the Sheriff's Department budget, will pay \$383.00. ***The motion carried unanimously.***

13. COUNTY ADMINISTRATOR'S REPORT:

Deputy Administrator Davis Anderson asked if Attorney Jack James could give a report of the status of Chinook Drive, which Mr. James did as follows: In looking into this matter, according to the Ordinance and State statute, the funds that are utilized by the CTC are to be used at the discretion of the CTC. The Council does not appoint the members of the CTC, nor does Council serve as an oversight body for the CTC. If the Council is not an appellate body for the decisions made by the CTC, there is no jurisdiction to override any vote taken by the CTC.

Chairman Ferguson inquired if the road in question, if selected by the CTC, legal for them to prepare and pave that road? Attorney James responded that according to practice, prescriptive easement is how the roads would be paved in the past, and this mechanism has been used for over twenty years.

14. CLERK TO COUNCIL'S REPORT

None.

15. COUNTY COUNCIL TIME

Brown: Have been under the weather for 3 months; glad to be back and glad to see the participation of the public.

Perry: Thanked everyone for coming out; commented that government is different from the private sector side as far as decision making, privacy, etc.

Kinley: Commented that she takes her job seriously; asked the public for its patience; commented on the services rendered by the County; stated that a lot of "jabs" have been made at the Chairman and emphasized that all seven members of Council make the decisions.

Ferguson: Commented that he had asked the legal staff to ensure Council is doing everything properly as it relates to reporting out prior to going into executive sessions. He stated Council would be going by the recommendations of counsel and that Council will be giving all information possible, barring things that cannot be divulged.

Robinson: Welcomed Council Member Brown back and that it is good to have a full Council present. Commented that District 2 has the most organized organization and grateful that this group is asking questions. Asked that the public continue to fire back at Council, and Council will continue to answer questions to the best of their ability.

Marcharia: Commented that he has heard statements about being fair to everyone and having to look out for 24,000 people. Voiced that other Council members have received what they want in other districts.

16. EXECUTIVE SESSION: (A) Contractual Matter Re: Proposed Purchase Of Property; (B) Receive Legal Advice; (C) Economic Development Matter

At 8:12 P.M., it was moved by Council Member Trapp; seconded by Council Member Kinley and Vice Chairman Perry to go in executive session to discuss a contractual matter regarding proposed purchase of property; receive legal advice and for an economic development matter. The motion carried unanimously.

At 9:47 P.M., it was moved by Council Member Robinson; seconded by Vice Chairman Perry to come out of executive session and return to open session. The motion carried unanimously.

In open session, Chairman Ferguson reported that no votes were taken in executive session; that the Council received legal advice from its legal staff and discussed an economic development project.

17. ADJOURN

The meeting was adjourned at 9:48 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN