



**MINUTES  
REGULAR MEETING  
FAIRFIELD COUNTY COUNCIL  
SEPTEMBER 26, 2011**

**Present:** David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Mikel R. Trapp, Council Members; Phillip L. Hinely, County Administrator; Davis Anderson, Deputy County Administrator; Jack James, County Attorney; Shryll M. 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 fifty-five individuals.**

**1. CALL TO ORDER**

Chairman Ferguson called the meeting to order at 6:10 P.M.

**2. INVOCATION**

Council Member Kinley led in the invocation.

**3. APPROVAL OF MINUTES**

*It was moved by Council Member Trapp; seconded by Council Member Robinson to approve the minutes of the worksession of September 6, 2011 and worksession of September 7, 2011. The motion carried unanimously.*

Prior to public hearing, Mr. Wayne Gilbert, Office of Research and Statistics, gave an overview of the redistricting process:

- The map (on the easel) on the back wall shows the proposed Plan (Plan 2).
- Have to follow the census geography and well as the census data. After the decennial census every ten years, it is mandatory that Council look at redistricting and be under a 10% variation.
- Have to follow census features and data, taking the current County Council lines; put them in the database. It will show which districts are low in population; which districts are needing population. This has different racial features, such as overall Black percent and overall voting age. Have to look at meeting this guideline and numbers to avoid what is called retrogression.
- Reviewed Benchmark Plan (current County Council lines) overlaid in the database and benchmark statistics (by category).
- District 1 had too many persons; Districts 6, 7 and 3 were low in population.
- Criteria for Developing Plans:
  - Adhere to the court ordered constitutional requirement of one person, one vote
  - County Councils must adhere to a state law of population variance under 10%
  - Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions
  - Ensure that parts of the districts are contiguous
  - Respect Communities of Interest
  - Attempt to maintain constituent consistency
  - Avoid splitting voting precincts
  - Solicit public input
- Council separated the incumbents for the County Council members as well as School Board members were included in the process.

- Had earlier worksessions—looking at various blocks; moving them in out of various districts to come up with a plan that Council could be satisfied with.
- Plan 2. Black lines are current districts/boundaries. Color coded areas are proposed districts.
- There is a under 10% overall deviation.
- Minority districts were kept above the benchmark.
- October 31, 2011 – Redistricting plans should have been given final approval and have been submitted to the USDOJ for Section 5 preclearance.

A citizen commented about the rationale for taking a section out of District 5 and moving it to District 3.

- In order to maintain compliance with the Voting Rights Act, District 3 needed to gain minority population in order to be above the benchmark.
- Mr. Gilbert used the software to put on the census blocks (the top number representing the total number and the bottom number representing the number of African Americans) and explained the process of still having a variance; the impact of isolating a district and not wanting to change it and the procedure of not causing a district to be out of deviation.
- Plan 1 was considered the first cut. District 4 did not want any change. District 3 Council Member requested he take in Jackson Creek Road, since he currently has one half of it. District 4 did not want to give up any people. Requested other half of Jackson Creek Road from District 5 and requested part of 200 from District 2.
- Mr. Gilbert explained the process for redistricting: County Council sends a letter, in writing, requesting Office of Research and Statistics work with the Council; ORS requests names and addresses of Council members in order to geocode and separate the incumbents; oftentimes, Council gives guidelines or gives ORS an opportunity for first cut. Plan 1 was derived at this point.
- Attorney John Moylan addressed, for the public, who has the authority for drawing district lines for Fairfield County, citing Section 4-9-90 of the South Carolina Code of Laws and adding that Fairfield County has met all the guidelines: 1. one person/one vote--every district must be as close in population to the other districts as possible; 2. there can be no retrogression—minority members have to have at least the same electoral ability that they had in the benchmark plan; 3. each district has to be contiguous. Fairfield County has chosen to meet these guidelines: 1. not to pit incumbents against each other—whether they be County Council or School Board members; 2. keep the center of the districts as contiguous as possible to what they were previously.
- All County Council meetings pertaining to redistricting were opened up for audience participation.
- A School Board Member inquired where in the law does it state that the School Board had to follow County Council lines. Attorney Moylan cited the Act that required such.

## **PUBLIC HEARING**

**2011 Community Needs Assessment.** *At 6:38 P.M., Chairman Ferguson opened the public hearing for discussion of the 2011 Community Needs Assessment. Mr. Steve Gaither gave an overview of the requirements of the 2011 Community Needs Assessment. Hearing no further comments, Chairman Ferguson closed public hearing at 6:42 P.M.*

**An Ordinance Adopting A Redistricting Plan For Fairfield County, South Carolina Utilizing The 2010 U.S. Census Results.** *At 6:43 P.M., Chairman Ferguson opened public hearing. No one signed to speak; therefore, Chairman Ferguson closed public hearing at 6:44 P.M.*

## **4. PUBLIC COMMENT**

Mr. Jeremy Catoe spoke on the success of the job fair.

## **5. COMMITTEE REPORTS**

### **A. Welfare and Community Relations Committee**

Committee Chairman Robinson reported the committee met to continue finalizing the plans for the Veterans' Day event, which will be held at the Recreation Center on 11/11/11 at 11.

**6. OLD BUSINESS**

**A. Third And Final Reading: Ordinance No. 591 - An Ordinance Adopting A Redistricting Plan For Fairfield County, South Carolina Utilizing The 2010 U.S. Census Results.** *It was moved by Council Member Brown; seconded by Council Member Trapp to approve Third and Final Reading of Ordinance No. 591. The motion carried unanimously.*

**B. Second Reading: Ordinance No. 592 - 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 Related Matters.** *It was moved by Council Member Brown; seconded by Council Member Trapp to approve Second Reading of Ordinance No. 592. The motion carried unanimously.*

**C. Second Reading: Ordinance No. 593 - An Ordinance Granting The Fairfield County Administrator To Refund Overpaid Ad Valorem County Taxes For A Period Of Up To Five Years.** *It was moved by Council Member Brown; seconded by Vice Chairman Perry to approve Second Reading of Ordinance No. 593. The motion carried unanimously.*

**7. NEW BUSINESS****A. Appointments/Reappointments To Fairfield County Boards And Commissions**

*Council Member Kinley set forth that at the last meeting, she voted on the entire listing of Appointments and Reappointments, and later realized there was an appointment for the Hospital Board. She asked that this matter be presented to Council again, so that she will have the opportunity to abstain from voting on the Hospital Board appointment.*

*It was moved by Council Member Brown; seconded by Council Member Robinson to ratify the names presented under Boards A and B of the Appointment/Reappointment Listing of September 26, 2011. The motion carried unanimously. It was moved by Council Member Brown; seconded by Vice Chairman Perry to approve the name presented under Board C of the Appointment/Reappointment Listing of September 26, 2011. The motion carried 6-1. {Council Member Kinley abstained from voting}.*

**B. Approval Of Revised Citizen Participation Plan.** *It was moved by Council Member Trapp; seconded by Council Member Brown to approve the Revised Citizen Participation Plan. During discussion, Council Member Marcharia inquired what was being revised. Mr. Steven Gaither set forth the inclusions or revisions were as follows: Home Investment Partnership, Emergency Shelter Grant and Housing Opportunities for People with Aids. Also included opportunities to work with people with disabilities. The motion carried unanimously.*

**8. COUNTY ADMINISTRATOR'S REPORT AND CORRESPONDENCE**

**a.** Packet containing information relative to the conditional study of the Old Voter Registration building, along with a letter from Ron Stowers with a recommendation of that building.

**b.** Presented plaque from Fairfield County School District, recognizing Fairfield County Adoption Center for working with special needs students.

**c.** Reported Disabilities and Special Needs Board has been researching enlarging their space and have been actively involved in several successful fundraising opportunities. Construction price is approximately \$1.8 million dollars. DSNB has raised \$1.2 million and need to take out a loan for the additional \$600,000. The State has promised \$750,000 toward this building; however, it will come in three annual payments of \$250,000 per year. They have received the first payment, but they are in need of another \$500,000. DSNB is requesting that the County advance them the \$500,000, and as soon as they receive the funds from the State (which will be about July), they will pay the quarter million dollars; the next year, pay the other quarter million. *It was moved by Council Member Brown; seconded by Council Member Kinley to authorize the County Administrator to advance the loan. Each member of Council gave their viewpoint on this matter. Subsequently, the motion carried 5-2. {Vice Chairman Perry and Council Member Marcharia voted nay}.*

d. Had listed contractual matter as the executive session matter; but intended for it to be listed to get advice on a legal matter.

**9. CLERK TO COUNCIL'S REPORT**

None

**10. BOARD AND COMMISSION MINUTES**

Provided as information.

**11. INFORMATIONAL ITEMS**

Provided as information.

**12. COUNTY COUNCIL TIME**

None.

**13. EXECUTIVE SESSION: CONTRACTUAL MATTER**

*At 7:10 P.M., it was moved by Council Member Brown; seconded by Council Member Robinson to go in executive session to discuss a legal matter. The motion carried unanimously.*

*At 8:16 P.M., it was moved by Council Member Robinson; seconded by Council Member Trapp to come out of executive session and return to regular session. The motion carried unanimously.*

*Chairman Ferguson reported the Council received information from the attorneys.*

**14. ADJOURN**

The meeting was adjourned at 8:10 P.M., upon unanimous approval of Council.

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SHRYLL M. BROWN  
CLERK TO COUNCIL

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DAVID L. FERGUSON, SR.  
CHAIRMAN