

**BARNWELL COUNTY COUNCIL**  
**July 10, 2018**  
**Council Meeting Minutes**

Pursuant to the Freedom of Information Act, the news media was notified & notice was posted 24 hours prior to the meeting.

Barnwell County Council met for their regularly scheduled Council Meeting on July 10, 2018 at 6 pm. Attending were Chairman Lowell Jowers Sr., Vice Chairman Ben Kinlaw, Councilman Harold Buckmon, Councilman Jerry Creech, Councilman Don Harper, Councilman Freddie Houston Sr., Councilman David Kenner, Administrator Tim Bennett, County Attorney JD Mosteller, and Clerk to Council Kim Futrell. Danny Black, Debbie Fickling, Curtis Hogg, Joe Lott, and Laura McKenzie with the People Sentinel were also in attendance.

The meeting was called to order, the invocation and the pledge of allegiance were given and a quorum was declared. Councilman Houston moved to approve the agenda. Councilman Buckmon seconded the motion and it passed. Councilman Houston moved to approve the minutes for the June 19<sup>th</sup>, 5 pm and 6 pm meetings and the June 28<sup>th</sup>, 4:30 pm and 6 pm meetings. Councilman Buckmon seconded the motion and it passed. Chairman Jowers welcomed everyone to the meeting and asked for public comments. There were none.

**Administrators Update**

Administrator Bennett said he would be focusing in FY 18-19 on identifying revenue streams, CPST projects, potential grants, care/maintenance of vehicles/equipment, economic development, news releases on county initiatives, and public outreach to cultivate relationships with Council, the needs of the citizens in their districts, as well as relationships with the municipalities, and SRS. Regarding news releases, Councilman Houston said the County needed to encourage citizens to use the new free standing ER once it opened.

**Financial Update**

Administrator Bennett said the County was 11 months into the year with 78% revenues and 90% expenditures.

**Committee Reports**

**Boards and Commissions** - There were no appointments.

**Government, Safety, Finance, Housing, Judicial, and Health Care.** – There were no reports.

**Science/Tech. & Regulatory Matters**

Vice Chairman Kinlaw said "Disposal of Waste" would be discussed at the "Up and Atom" breakfast on July 20<sup>th</sup>.

**Transportation**

Vice Chairman Kinlaw said Mayor Moore of Snelling attended the Transportation Committee meeting and requested that the County repair Wild Goose Chase Road. SCDOT Director Joey King also attended and reviewed a list of roads he would be looking at to determine paving needs. The LSCOG Long Term Planning Committee was working with two firms to develop a long term road plan.

**Services**

Coming as a recommendation from the Services Committee, Councilman Buckmon moved that Administrator Bennett determine the cost of surveying the cemetery so that plots could be more clearly marked and to draft an amendment to the cemetery ordinance to address issues with funeral homes and the condition in which some of them were leaving the cemetery after burials. The motion was not seconded. Councilman Buckmon said the Services Committee also discussed expanding 2 convenience sites, landfill hours of operation, issues with debris from the landfill blowing onto private property, and the lease or purchase of a backhoe. Business Manager Debbie Fickling said the purchase price of the backhoe would be \$97,328 and included a 5 year warranty. Ms. Fickling said that over a 5 year period the cost of leasing the backhoe would be \$114,000 and that depending on the interest rate and length of the loan, the County may pay less if they financed the backhoe instead of leasing it. Councilman Buckmon moved that Ms. Fickling, dependant on the best deal, proceed with the purchase or lease of the backhoe. Councilman Creech seconded the motion and it passed.

**Economic Development Commission**

Councilman Creech said he was in receipt of a letter from the Mayor and Council for the City of Barnwell saying that he had made false statements at the June 19<sup>th</sup> Council meeting and requesting that he correct his statements at the next Council meeting. Councilman Creech said the three documents which the City had presented was an opinion, not a ruling and had no bearing on his previous statements. To substantiate, Councilman Creech read aloud from the June 19<sup>th</sup> recorded minutes, the portion of the statements he had made during the EDC Update at the June 19<sup>th</sup> meeting. Councilman Creech reiterated his previous comment that "Bamberg County Public Works" was listed on the water tower at the SCAT Park and he said he felt it was a disgrace another County had to run water/sewer lines to one of Barnwell County's most valuable assets.

Councilman Creech said he had asked SCA President Danny Black to attend the Council meeting to give a history of the difficulties the County had in previous years regarding the SCAT Park and the water/sewer lines. Mr. Black discussed the history of the SCAT Park since its origination in 2001 and reoccurring issues existing between the County and the City. Mr. Black said it was likely that Councilman Creech had been told that the City would not connect to the future water/sewer lines, that would be a result of the County's 3<sup>rd</sup> CPST project, because they had already refused twice to connect to water/sewer lines in previous years. Mr. Black also reviewed the origination of the EDC, its subsequent projects, and expressed his disdain over the recent Circuit Court's ruling in favor of the City and Towns in their suit against the County.

### **Personnel**

Coming as a recommendation from the Personnel Committee, Councilman Creech moved to dissolve the Grievance Committee and to amend the grievance procedure. Councilman Harper seconded the motion. Councilman Buckmon said he would like for Council to be provided with a written copy of the proposed changes before they voted on it. Councilman Creech said he would present the proposed revision at the next Council meeting and amended his motion to include only the dissolving of the Grievance Committee. Councilman Buckmon seconded the amended motion. Attorney Mosteller suggested that the motion also include the provision that any employee grievances filed before the new grievance process was in effect, would be reviewed and decided upon by County Council. Councilman Creech withdrew his motion and moved to dissolve the Grievance Committee and for employee grievances to be decided upon by Council until the new grievance policy was in effect. Councilman Buckmon seconded the motion. Councilman Kenner asked if the revisions had been reviewed by Attorney Mosteller, Attorney Winters or the SCAC. Attorney Mosteller said State law only required that if a County had a grievance process, that it be similar to the State mandate which the County was currently unable to do and that there would be no legal issues in dissolving the Grievance Committee. Councilman Houston asked that the Administrator notify all Departments of the interim grievance procedure. The motion passed. Councilman Creech said the Personnel Committee was recommending several revised job descriptions and a grade increase for one position. Council concurred that job descriptions and salary increases were at the discretion of County Administrator. Councilman Houston confirmed with Administrator Bennett that funds for the salary increase had been included in the FY 18-19 budget.

### **Old Business**

**3<sup>rd</sup> Reading of an Ordinance related to the Jasper Ocean Terminal Multi-County Industrial/Business Park**  
Councilman Creech moved to approve the 3<sup>rd</sup> reading of this Ordinance. Councilman Houston seconded the motion and it passed.

### **New Business**

#### **Agreement for Repayment of Loan – Heritage Healthcare**

Councilman Creech moved to approve having Administrator Bennett send an amended promissory note and guarantor agreement to Roger Phillips with Heritage Healthcare. Councilman Buckmon seconded the motion. Councilman Houston said Mr. Phillips had already signed an agreement, which he had defaulted on and asked why an amended agreement had been drafted. Administrator Bennett said the original agreement did not list Mr. Phillips as a personal guarantor and he had Attorney Mosteller draft an amended agreement listing him as such, in the hopes that Mr. Phillips would sign it and begin making payments. Council discussed the unlikelihood of Mr. Phillips making any payments under either agreement and concurred that the County needed to pursue payment under the original agreement, as time was of the essence. Councilman Houston amended the motion to direct Attorney Mosteller to contact Mr. Phillips regarding payment of the loan under the original agreement and to pursue a civil suit if payment was not made.

#### **Yearly Renewal of Air Methods Contract – Approval for Administrator to Sign**

Councilman Creech moved to approve the renewal of the Air Methods annual contract. Councilman Houston seconded the motion and it passed. Administrator Bennett said Air Methods had reduced the FY 18-19 contract amount from \$61,000 to \$53,000.

#### **1<sup>st</sup> Reading of an Ordinance Amending Ordinance 2016-6-329-A-O Providing for Financing of the Barnwell County Economic Development Commission:**

This Ordinance was read in name only.

#### **Copying Hospital Records**

Councilman Creech said the existence of some of the hospital records which had been stored in a hazmat container were not known about and had not been included in the original contract with Starpoint. He moved that Starpoint digitize the additional hospital records at a cost not to exceed \$4,692.50. Councilman Houston seconded the motion and it passed.

**Solar Farm Project in Blackville**

Councilman Creech moved that Administrator Bennett have the authority to do whatever necessary to facilitate the Solar Farm Project locating in Blackville. Councilman Buckmon seconded the motion. Councilman Houston asked which price Council was authorizing. Administrator Bennett said the price continued to change and that after consulting with others in similar situations and verifying the County's compliance with the International Building Code, he would continue negotiating the price. Councilman Houston said the permit fees and the County's compliance with the International Building Code were two separate issues and asked why they would be contingent upon each other. Administrator Bennett said the County had a legal issue which needed to be resolved. Councilman Creech amended his motion and moved that Administrator Bennett be authorized to do what was financially and legally best for the County. Councilman Buckmon seconded the motion and it passed.

**Animal Shelter New Hours**

Councilman Buckmon moved to have the Animal Shelter hours be revised to:  
Monday, Tuesday, Wednesday, Friday 11 am – 5 pm. Saturday, 9 am - noon (open to the public). Thursday and Sunday, closed. Councilman Creech seconded the motion and it passed.

**Courtesy Repair of Private Road Due to Safety Concerns**

Council discussed having Public Works do a courtesy repair on Wild Goose Chase Road. Councilman Buckmon said that a road off of Black River Road also needed repair. Councilman Creech said several residents had approached him regarding repairing a road off of Hwy 300, but he had told them that the County could not repair private roads. He said if the County was going to begin repairing private roads, the road off of Hwy 300 needed to be added to the list and he cautioned Council that if the County began repairing private roads, there would be increased repair requests from citizens. Council discussed allowing the repair of private roads where safety concerns existed and roads that were used by EMS, mail carriers and school buses. Attorney Mosteller said there were significant legal issues in expending tax payer money to repair privately owned roads and if private property were damaged by County road equipment, the County would be liable. Council recommended that Attorney Mosteller draft a liability waiver that could be signed by property owners prior to the County repairing private roads and that Vice Chairman Kinlaw meet with the Transportation Committee to establish criteria and to create a proposal on how to handle requests to repair privately owned roads.

**Legislative Policy Development / SCAC**

Chairman Jowers recommended that Vice Chairman Kinlaw attend the next meeting as he would be Chairman in January of 2019. Vice Chairman Kinlaw said the SCAC had sent a letter requesting the County's input on Legislative Policy Development.

A motion was made and seconded to enter into Executive Session. The motion passed.

**Executive Session**

**Contractual Matter Related to Legal Representation**  
**Discussion of Issues Prior to Purchase of Southern Carolina Alliance Building**  
**Quarterly Evaluation of County Administrator**

No action was taken in Executive Session.

**Open Session**

Councilman Houston moved that the Parker Poe Law Firm continue to represent the County in its legal matters. Councilman Buckmon seconded the motion and it passed.

A motion was made to adjourn. The motion was seconded and it passed.

The meeting adjourned at 8:49 pm.



Kim Futrell, Clerk of Council

  
Charles Lowell Jowers Sr., Council Chairman