

BARNWELL COUNTY COUNCIL
June 9, 2020
Regular County Council Minutes

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

A Public Hearing for two (2) Ordinances and the Regular Council Meeting were held on June 9, 2020, with the following present: Chairman Ben Kinlaw, Vice-Chairman Harold Buckmon, Councilman Freddie Houston, Councilman David Kenner, Councilman Don Harper, Councilman Daniel Alexander, Councilman Jerry Creech, and Administrator Tim Bennett. County Attorney, J.D. Mosteller, joined the meeting by teleconference.

The following were also in attendance: Barnwell County Business Manager Debra Fickling, Treasurer Sandy Cochran, Phil Clarke with Medshore, and Tommy Boyleston, Executive Director of Barnwell County EDC.

The public hearing was held for Ordinance to Establish Code Enforcement Officers. No comments were made.

The public hearing was held for Ordinance Authorizing the Enforcement of the Building, Energy, Electrical, Plumbing, Mechanical, Gas and Fire Codes, Referred to as Building Codes. No comments were made.

The regular meeting was called to order by Chairman Kinlaw. Councilman Harper gave the invocation and Councilman Kenner led the Pledge of Allegiance. A quorum was declared. Councilman Houston made a motion to approve the agenda with the amendment of adding public comments under Item 11. b. Multipurpose Arena, seconded by Councilman Alexander. Motion carried. Councilman Houston made a motion to approve the minutes for the May 12, 2020, and May 29, 2020, council meetings, seconded by Councilman Alexander. Motion carried. Chairman Kinlaw thanked everyone for coming to the meeting.

PUBLIC COMMENTS

Rodney Croft stated that in 2019, he had made verbal and written complaints to the Administrator and to several council members concerning his allegations that Curtis Hogg, the Barnwell County Public Works Director, while employed with Barnwell County, had applied for \$260,000.00 in building permits. He alleged that Mr. Hogg had used the county truck, county fuel, and county time, and this was not fair to him as a residential home builder or any others that had bid on jobs in Barnwell County. He also said that Curtis Hogg and Timbo Williams had accused him (Rodney Croft) of harassing them, and he requested a statement from both Curtis Hogg and Timbo Williams as to how he had harassed them.

UPDATES

Medshore

Phil Clarke with Medshore reported they had 253 transports in May and their response time increased by 1 minute over their time in April. He stated they continue to work on mutual aid by signing a Mutual Aid Agreement with Bamberg Rescue, and Barnwell responded to 2 mutual aid calls in Bamberg while Bamberg responded to 6 mutual aid calls in Barnwell in May. Mr. Clarke reported that the Hilda site was back manned 24/7 as of June 1, and the Blackville crew had to be temporarily housed in the Blackville Fire Station because of mold. The Town of Blackville has had the problem corrected and Medshore paid half of the cost. He gave the transport location counts for May as well as the helicopter use information. He said the EMT class had started and now had 11 students: 9 from local fire stations and 2 from Aiken. He also reported that Medshore is currently working on getting telehealth ability with MUSC so a physician could see the patient and help the unit determine where to transport.

Councilman Kenner questioned Mr. Clarke about whether Air Med is still offering the membership agreements for family transport. Mr. Clarke said he thought the program had been eliminated. Administrator Bennett said he will get applications and make them available.

Treasurer's Report

Barnwell County Treasurer, Sandy Cochran, reported that Pickens Williams and Wendy Gibson have been working diligently and are at the end stages of January and expect February to run smoother as well as March, April and May, which should require fewer journal entries to go through and try to decipher. She said the schools had received all payments but deposits had not been posted, and a lot of time had been spent posting hand-written checks; however, all checks are written electronically now except refunds. Treasurer Cochran congratulated Wendy and Marybeth Gibson on the birth of their granddaughter and said she was eager for the new fiscal year.

Administrator's Report

Administrator Tim Bennett reported that the transition back to the reopening of the administration building after the COVID-19 closing to the public went smooth.

Finance Report

Administrator Bennett reported that his Finance Report was in the council packets, and that it included the department line item overages and 17 pages of revenue and expense report. He reported that the overall expenditures for 11 months were 88% for 92% of the fiscal year. His report also included the December Grid Sheet from Pickens Williams and Wendy Gibson, and he said that they continue to work with Sandy Cochran to bring the County current.

Councilman Alexander asked the Administrator why the computer services for the Auditor and Treasurer were \$50,000 over budget, and Administrator Bennett said he had printed out the Assessor, Auditor and Treasurer's reports and he is currently checking on this and will report back to council.

COMMITTEE REPORTS

Boards and Commissions

Councilman Houston asked that a letter be sent to Pickens Williams to thank him for his service on the Recreation Committee.

There were no reports from the Government, Science, Technology and Regulatory Matters, Housing, Personnel, Health Care or Services Committees.

Finance

Councilman Houston reported that the Finance Committee had met on June 8 to review the 20-21 budget and there had been some revisions as well as reductions made to some of the department's budgets. He reported there was a Budget Workshop held prior to the council meeting and the committee was prepared to present the 20-21 Fiscal Year Budget of \$16,285,515 for second reading with \$17,000 coming from the Fund Balance and with a 1.8% millage increase.

Transportation

Councilman Creech reported the Public Works Department was still waiting on the power company to move power poles on Sanders and White Oak Lanes; Steele Creek had been put back on the active list; and Rays Crossing and a road in Blackville will be paved as far as funds will allow.

Safety

Councilman Harper reported that the Safety Committee met on May 18 and asked Roger Riley to report on the meeting. Roger Riley, EOC Director, reported that the tornado debris at the airport had been cleared, and introduced Daniel Stallard with Tetra Tech, who gave council reports on the FEMA claims that have been submitted. He said that on the February Storms the claim totaled \$98,293.77 of which the County should receive 75% from FEMA. He stated that the State of South Carolina had paid the other 25% on past claims but this was still to be determined. On COVID-19, the FEMA claim to date is approximately \$29,000 and there will be additional claims submitted. On the tornado claim, the County had costs of approximately \$50,000 and they were still collecting the information which was due to be reported on June 12. He also reported that there had been CARES Act claim for \$9+ million with \$9 million submitted for small business assistance.

Economic Development

Councilman Harper stated that Tommy Boyleston would give a report in executive session.

Judicial

Vice-Chairman Buckmon reported the committee met several weeks ago and there is an ongoing situation with the Animal Shelter Director, Marlena Ray, and the Board as to who is in charge. He reported that he, Councilman Harper, Administrator Bennett and Director Ray were present and that Administrator Bennett is currently working on By-Law changes and changes to the Animal Control Ordinance, which would be presented at the next meeting.

OLD BUSINESS

Third Reading of an Ordinance to Establish Code Enforcement Officers

Administrator Bennett stated that the Public Hearing had been held prior to the council meeting with no public questions or comments. Motion was made by Councilman Houston to approve the ordinance, seconded by Councilman Harper. Motion carried.

Third Reading of an Ordinance Authorizing the Enforcement of the Building, Energy, Electrical, Plumbing, Mechanical, Gas and Fire Codes, Referred to as Building Codes

Administrator Bennett stated that the Public Hearing had been held prior to the Council Meeting with no public questions or comments. He explained that this ordinance would keep the County from having to annually approve the building code changes made by the International and South Carolina boards. County Attorney J.D. Mosteller stated that any International Code changes would be automatically approved. Councilman Alexander made a motion to approve the ordinance, seconded by Councilman Kenner. Under comments, Councilman Houston asked have the Board and the public been notified of changes to the Code, if the Board has a Code Book, and if they have met to review the changes. He stated there needed to be a process in place to notify the Committee who would oversee the enforcement of the changes and how to notify the public.

Administrator Bennett asked if the third reading could be tabled and he would come back with suggestions. County Attorney Mosteller said every licensed contractor is required to know of any changes and to abide by the regulations, and that the goal should be for there to be a hyperlink to the International and South Carolina Codes on the county's website. He stated further that the Building Inspector could still enforce the Code under a Resolution that was passed in January or February of 2020. Chairman Kinlaw asked that this be tabled and for Administrator Bennett to see how other counties handle this. Councilman Alexander made a motion to table the approval of the third reading. This was seconded by Councilman Houston. motion carried. Motion carried.

Purchase of SCA Building

Administrator Bennett reported that prior to COVID-19, council had planned to close out the purchase of the SCA Building in July of 2020, as part of the CPST. Councilman Alexander stated the CPST revenue for the first quarter of 2020 was \$450,000; however, the county did not have the second quarter amount. Administrator Bennett stated that since it is unclear whether the county will receive enough to pay the debt service payments and therefore have enough to pay for the SCA Building, he (Bennett) spoke with Danny Black, with Southern Carolina Alliance, and asked for an extension until late October for the payment. Mr. Black has agreed to this extension, which will give the county time to determine how the sales tax will be affected in the second quarter (April, May, June) and the third quarter (July, August and September) of the calendar year.

Administrator Bennett stated that Councilman Alexander had been tracking the quarterly allocations and the amount previously paid for debt services had been \$300,000 to \$350,000 principal and interest on the bonds, so there had been excess revenue that could have been distributed to the municipalities and the county. The administrator stated this was what the county is putting a pause on until it can be determined what effect COVID-19 will have on the sales tax revenue.

Councilman Creech questioned the status of any federal grants that were received by the state and were to have been disbursed to the counties. Administrator Bennett stated the county is pursuing these funds and had submitted a claim for 9+ million under the CARES Act.

The Second Reading of An Ordinance to Raise Revenue and Adopt a Budget for Operations and Debt Service for the County of Barnwell, South Carolina, for the Fiscal Year July 1, 2020 through June 30, 2021

Councilman Houston presented the balanced budget for the 20-21 year in the amount of \$16,285,150 and made a motion the Council approve this for the Second Reading, seconded by Councilman Kenner. Motion carried.

Under comments, Councilman Creech said he thought the sheriff department's budget should only be cut 3.5% rather than 7%, due to the fact that the sheriff's department had worked hard on the Federal Inmate Program, and he questioned whether it would take the amount they were to receive from this Program to balance their budget to zero after taking the 7% cut. Councilman Alexander stated that from 19-20 to 20-21 budget, the Sheriff's Department will receive a small increase, but they will receive \$250,000 from the Federal Inmate Fund, which is a separate line item that was not in the budget during yesterday's finance meeting but had been added before tonight's workshop. Administrator Bennett stated that he had been unable to cut 7% which would have been \$160,000, and had only cut \$75,000, and again, the Department would receive \$250,000 from the Federal Inmate Fund which would still be an increase of \$150,000.

The roll-call vote on the motion was:

Councilman Houston	Aye
Councilman Kenner	Aye
Councilman Harper	Nay
Councilman Alexander	Aye
Councilman Buckmon	Aye
Councilman Creech	Nay
Councilman Kinlaw	Aye

Motion carried.

Multipurpose Arena

Chairman Kinlaw stated that under the Multipurpose Arena, the agenda had been amended to allow public comments and the group would have 10 minutes. The Recreation Committee was represented by Allison Forehand who stated that the committee had been working since 2018 to get an arena built, had the feasibility study done, and since then the council had voted not to pursue the arena and the committee wanted to know why. She stated that none of the committee members knew that the arena project was ended or that the \$750,000 previously allocated for the arena was now reallocated to another project. Councilman Houston stated that his vote was based on Councilman Creech reporting to council that the committee thought the cost of the second phase was more than they were willing to spend, and the money should be applied to the YMCA for a swimming pool, which he thought was a good idea. He stated that the county should never get a grant from the State and then give it back.

Mrs. Forehand said the committee had no knowledge of the decision to not pursue the arena project, and there seemed to be a huge disconnect between the council and the committee. She stated that the committee wanted to go forward with Phase II and have the drawings done so they could get real numbers for the cost of the arena because the numbers they received from Mr. Feldman were unrealistic.

Councilman Creech stated that he was the one that got this project started and stated that all the committee members were great people and he was responsible for all of them being on the board. He said the Legislative Delegation said the county had to have a feasibility study done, the committee chose the company to do this, and when they got the results in Phase I, it was determined that the arena was not feasible at this time. Councilman Creech said he was not aware that the county already had the \$20,000 to do Phase II so he came back to council with information that the committee did not want to do Phase II, and in order not to lose the \$750,000, he had contacted Senator Hutto who had suggested that the funds be reallocated to the YMCA swimming pool project. Councilman Creech said the YMCA said they could have the pool built for \$725,000 and they would maintain it and accept liability. He said it was his opinion this was a win-win for Barnwell County.

Ms. Forehand said the committee had known all along that the county had no money to use for the arena. She said the committee felt they should have been given the opportunity to stay on track and see if they could raise the money. She said she had been talking to the Department of Agriculture and others and she felt very confident that the committee could get funds through various sources and other very good donors that would have very likely contributed large sums of money. Mr. Weir stated that the committee had never pursued raising money because they never knew if the project was

going to be okayed by county council even though this project had been going on for 2 years and 2 months. Mrs. Forehand said she had spoken to Representative Hosey and to Senator Hutto's office and she did not think the county was in any danger of losing the grant any time soon. Councilman Creech stated that he spoke directly to Senator Brad Hutto and did what Senator Hutto suggested he do.

Mr. Rosier stated that the study was not worth the paper it was written on and Mr. Feldman did not have accurate information in the study. Mr. Feldman did some computer work, and a drive-by with Pickens Williams, Robert Weir and David Rosier, and spent \$30,000 of the county's money. Mr. Weir stated the committee did not have anything to do with Phase II not going through and the committee just thought it was a waste of money.

Chairman Kinlaw stated that Mr. Feldman reported that in Phase II he would look at local contractors and would give a generalized study. He said the information Mr. Feldman depended on came from the county, so if he did not have good information in Phase I, this was on the county. Chairman Kinlaw said that in Phase II, there would have been a cost benefit analysis to determine if the arena was workable or doable and that was why he had recommended Phase II be done.

Councilman Houston stated that he thought the county should not have been involved in the Arena Project from day one because it was not a county council issue. He said the county was not putting any money in it and was just to oversee the funds. He said he had been accused of being against the project; however, he was never against it, and it was his opinion that if you don't have any money in it, you don't have any say-so. He said the committee should have brought its recommendation to council and if the council could help them get the project accomplished then the council would get involved. He said he did not think the county should change up now because the state would not look favorably on this, and he felt that if you appoint a committee to do a job, council should let them do their job.

Councilman Alexander said it appears the committee was not aware council was going to vote to end the Arena Project and he read a portion of his May 18th email to council, in which he questioned why the committee was not included and expressed his disappointment that this took place as it did. In his email, he also had questions concerning the pool project and its liability and accessibility. His other questions were: Who is going to lead the way on the pool project? Should it be the Recreation Committee since it is a recreation project? He recommended the council proceed with caution and use the committee, and he felt council did not handle this as it should have been handled.

Mr. Weir asked if donations had been made, would the donors get reimbursed, to which Councilman Creech said he had already been in touch with about half of the donors and would be in touch with the other half. Out of the one half, about one half of those wanted to be reimbursed. The other half want the funds used for the pool.

Councilman Creech said as to Councilman Houston's comments, if council had not been involved, there would not be a YMCA in Barnwell and the county would not have \$763,500 in an account. He agreed it could have been handled better but it was aggravating when some council members got out and busted their butt and others sit on theirs when he (Councilman Creech) was out trying to better Barnwell County. He said the county may need another recreation man besides him because he does not do things half-ass. He either does it wide open or not at all.

Councilman Houston responded that when he was Council Chairman, he gave \$125,000 from a recreation project in Williston in case Councilman Creech had forgotten. He said while Councilman Creech thinks someone is sitting on their ass and doing nothing, he needs to be mindful that Barnwell County would not have the Y if it wasn't for the \$125,000 and the fact that he made the motion to lease the Y the building for \$1 per year. He further stated that when council does stuff, it is not "I", it is "we". He said he does not care who gets the credit, he just wants to see things done.

Mr. Rosier said that if the committee had the \$750,000, they could purchase the land, get the main structure put up, and then raise money for any additional buildings which would give the county a building for small events like car shows, barbecue cook-offs and other events that would give the county a start.

Chairman Kinlaw stated that the money had been repurposed to the aquatic center to which Mr. Rosier responded that the money would have been better spent if it had been given to the Sheriff's Department or somewhere.

NEW BUSINESS

Barnwell County Business Manager Debbie Fickling presented the four (4) bids for the cemetery groundskeeping. She stated that she and Mark Beasley, director of Buildings and Grounds had reviewed the bids and the bidders and were recommending a local company that came in with the lowest bid and were licensed through Clemson Extension with insurance coverage of \$2,000,000. The difference in the bids were \$1,370 per month as the lowest and \$6,917 per month as the highest. Administrator Bennett asked for Council's approval of V.I.P. Lawn Maintenance/Landscaping on the bid of \$1,370, and stated that the cemetery may not need to be cut during the fall and winter.

Councilman Houston made a motion to accept V.I.P. Lawn Maintenance/Landscaping as the bidder, seconded by Councilman Harper. Motion carried.

Debbie Fickling presented the Resolution Approving Terms for Purchase of Vehicles for the Sheriff's Department and stated that in December of 2019, the Sheriff said he needed 3 new vehicles. The county received bids for the vehicles, and was told by the local dealership that the vehicles would be built; however, COVID-19 hit and the plant shut down. When it was determined that the county would receive the vehicles in June, Ms. Fickling contacted BB&T and asked if the contract could be renegotiated. The old terms were 3 years with an interest rate of 2.89% and the new contract will be 1.84% saving the county \$5,000 per year or a total of \$10,000; however, BB&T is requiring the new resolution because of the change in the interest rate. Councilman Houston made a motion to approve the resolution, seconded by Councilman Alexander. Motion carried.

Councilman Kenner made a motion to go into executive session to discuss matters related to economic development. Councilman Houston seconded the motion and the motion carried.

EXECUTIVE SESSION

No action was taken.

OPEN SESSION

Councilman Alexander made a motion to adjourn, seconded by Councilman Houston. Motion carried.

Meeting adjourned at _____ p.m.



BARNWELL COUNTY COUNCIL


Ben Kinlaw, Chairman

ATTEST:


Elaine S. Ferguson, Clerk to Council

Approved - 7/14/20