

BARNWELL COUNTY COUNCIL

July 24, 2014

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 on July 24, 2014 for a Special Called Council Meeting. In attendance were Councilman Harold Buckmon, Councilman Jerry Creech, Chairman Freddie Houston, Councilman Lowell Jowers, Vice-Chairman David Kenner, Councilman Keith Sloan, Councilman Joe Smith, Administrator Pickens Williams Jr., and Will Whaley with the People Sentinel.

Call to Order / Invocation / Declaration of a Quorum / Approval of Agenda

The meeting was called to order, the invocation given and a quorum declared. A motion was made to approve the agenda. The motion was seconded and it passed.

Welcome / Public Comments

Louis Claytor spoke on behalf of a group regarding concerns over the Ordinance to reorganize the EDC. Dale Brady also addressed Council with concerns regarding this Ordinance. Copies of their comments are attached to these minutes.

Updates

Clerk of Court

Clerk of Court Rhonda McElveen distributed a report and gave an update on upcoming Court sessions.

Sheriff's Office

Sheriff Carroll distributed a report and said the Department had received a \$34,434 grant for a new live scan machine and if cost effective, would put the older live scan machine at the Detention Center.

County Administrator

Administrator Williams said the PAX workers were recognized on July 3rd at 6 pm at the Airport. In Emergency Management, Roger and he continued to work with FEMA for ice storm expense reimbursements. Under Fire Coordinator, the Hwy 300 substation was complete and the Patterson Mill Road substation was nearing completion. Council discussed other areas needing a substation. Under Solid Waste, the budget included money to dispose of e-waste.

New Business

Approval of Grant for Spec Building

Councilman Smith moved to approve this grant. Councilman Sloan seconded the motion. A roll call vote was requested.

Chairman Houston-Yes
Councilman Buckmon-Yes
Councilman Creech-Yes

Councilman Jowers-Yes
Councilman Kenner-Yes
Councilman Sloan-Yes

Councilman Smith-Yes

The motion passed.

Resolution Regarding Project Tissue

Councilman Sloan moved to approve this Resolution. Councilman Smith seconded the motion. A roll call vote was requested.

Chairman Houston-Yes
Councilman Buckmon-Yes
Councilman Creech-Yes

Councilman Jowers-Yes
Councilman Kenner-Yes
Councilman Sloan-Yes

Councilman Smith-Yes

The motion passed.

Request from the Solicitor's Office

Councilman Buckmon said the Solicitor's Office had requested removal of a wall in their office to allow for more space. He recommended tabling the request until a cost estimate could be received and it was determined if the wall was load bearing. Councilman Sloan moved to delay action until a cost estimate was received, the engineer that did a previous study on the Courthouse renovation could review the proposed change, the Finance Committee could determine if funding was available and the Clerk of Court could review the changes. The motion was seconded and it passed.

Recommendation from the Personnel Committee

Coming as recommendations from the Personnel Committee; Councilman Kenner moved that the Personnel Manual be revised to be in compliance with the new healthcare laws. Councilman Smith seconded the motion and it passed. Councilman Kenner moved that all employees receive a 2 percent cost of living increase with the exception of County Council, Board members and the employees who had exceeded their maximum salary range. Councilman Creech seconded the motion. Councilman Sloan said the reason some employees salaries exceeded their maximum range was due to various Department Heads and Elected officials, without Council's permission and in violation of County policy, increasing some of their employees' salaries during the 5 to 6 years when all other employees had received no increase. Council discussed the need for review of job descriptions, pay grades and rankings. Councilman Kenner moved that Department Heads and Elected Officials be sent a letter requesting their review of job descriptions, pay grades and rankings of their employees. That they submit their reviews to the Administrator by November 15th so it would be available for planning the next budget and that the policy manual be updated reflecting those changes. Councilman Sloan seconded the motion. A roll call vote was requested.

Chairman Houston-Yes
Councilman Buckmon-Yes
Councilman Creech-Yes

Councilman Jowers-Yes
Councilman Kenner-Yes
Councilman Sloan-Yes

Councilman Smith-Yes

The motion passed.

Councilman Sloan moved that the Personnel Committee do a study on how cost of living increases over the last 7 to 10 years had impacted salary grades through the CDI and compare those grade levels to the existing County grade levels. Councilman Kenner said the Personnel Committee would need the Department Heads and Elected Officials reviews before the study could be completed. Councilman Smith seconded the motion and it passed.

Old Business3rd Reading of an Ordinance to Reorganize the EDC

Councilman Sloan moved to approve the 3rd Reading of this Ordinance. Councilman Smith seconded the motion. Councilman Jowers amended the motion to table the 3rd Reading of this Ordinance until after the investigation was complete. Councilman Creech seconded the amended motion. A roll call vote was requested on the amended motion.

Chairman Houston-Yes
Councilman Buckmon-Yes
Councilman Creech-Yes

Councilman Jowers-Yes
Councilman Kenner-Yes
Councilman Sloan-No

Councilman Smith-No

The amended motion passed

2nd Reading of an Ordinance to Sell a Lot on Calhoun Street

Councilman Smith moved to approve the 2nd Reading of this Ordinance. Councilman Sloan seconded the motion and it passed. Councilman Buckmon abstained.

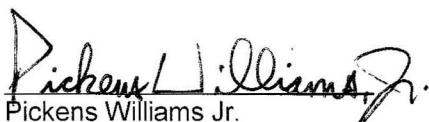
Reynolds Road Waterline Improvements Project


Council discussed the need to add another project to the Capital Project Sales Tax list, as the Reynolds Road Waterline Improvements Project would need approval from all the municipalities involved in it for the project to be viable. Council discussed the possibilities of running a waterline and/or sewage line through Snelling to the SCAT Park, purchasing property adjacent to the Administration Building, expanding onto the Richardson building for more office space. Councilman Smith moved for the projects for the Capital Project Sales Tax to be in the following order. 1) Courthouse and Courthouse Annex renovation, 2) Landfill/Scale House construction, 3) Agricultural Building renovation, 4) Richardson Building renovation, 5) Sewage line from the City of Barnwell to SCAT Park, 6) Reynolds Road water line improvement (Hwy 78 tie in). Councilman Jowers seconded the motion and it passed.

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

The meeting adjourned at 7:10 pm.

Respectfully submitted,


Pickens Williams Jr.
Barnwell County Administrator


Freddie Houston
Council Chairman

Dale Brady

The ordinance before council seems intentionally crafted to repudiate the efforts made by certain council members in the recent past to consolidate the economic developmental services of the EDC and SCA, by codifying and formalizing the needless separation of these duplicate agencies.

Additionally, there is a "chilling effect" in the language of the ordinance that intentionally discourages future board members from disclosing any improprieties that they might become aware of as a result of their board membership, thus stopping the effectiveness of any "whistle-blowers".

Furthermore, the absence of any language preventing such an eventuality seems to exonerate those very members responsible for perpetrating the recent fraud against the county and acts as an inducement on them to occupy municipal - or even county - seats on the new board.

Which, finally, brings us to the most toxic component of this ordinance - namely, the composition of the board itself. It seems to delight in adding to the general bureaucratic dysfunction of the previous board the new ingredient of inter-municipal contention. I can think of no surer way to discourage economic development than to impose on this county the paradigm this ordinance sets forth.

It maligns the well-intentioned efforts of those elected officials who pursue thrift and fiscal conservancy; it rewards the malicious actions of law-breakers; it muzzles the virtuous impulses of future board members; and it sows the seeds of constant rancor and discord between the municipalities of this county. This ordinance appears to have originated out of a most cynical corner of human imagination, if not out of hell itself.

If council is unable or unwilling to resist the darker angels of their nature, then it falls to the people to remonstrate with their elected officials until they be properly motivated to follow the course of justice and virtue. Act as you will - either now or in November - this council will bend to the will of the people.

Those who support this ordinance to reform the EDC are fond of claiming that these amendments will prevent from happening in the future what happened last December.

But what really *did* happen last December?

If you walked into a room full of people and asked that question, you would receive as many opinions as there were people in the room. As valuable as those opinions may be to those who hold them, they can hardly be said to be of value in crafting the policies that govern our community - I don't care if they're my opinion or the opinion of the entire Barnwell County Council. (And considering that I have not been found guilty of violating any state laws during the last 12 months, my opinion is probably of more value than that of council, anyway.)

The only opinion that *does* matter, is the one opinion that we have not heard and a majority of council are now moving to ensure that we do not hear that opinion. That is the opinion of the state judiciary in the form of a verdict regarding the question, "Did the Barnwell Economic Development Corporation violate the county statutes that formed and governed its powers of operation when it disposed of property and assets without first obtaining permission (in writing) from a majority of the county council?" Until the county holds that opinion (in writing) from the courts, any action on this issue on the part of county council is precipitous and ill-advised.

Without engaging in further rancor, accusation or speculation from any quarter - private, public, corporate, or government - no further action should be taken until such action rests on the sure foundation of the law. Then, and only then, will it be productive to debate the merits of the current ordinance before council.

However, if you just absolutely have to act - to do something, even though it be wrong - may I advise the following:

- 1). Let the municipalities retain ownership of the properties and assets deeded to them by the former EDC Board. This provides them with a stake in the economic development of their portion of the county and removes approximately \$10 Million in capital liability off of the county's books.
- 2). When contracting to hire an Executive Economic Director to interface between County Council and the SCA, be sure to include a fee structure - payable to the county - for any marketing, management or developmental assistance that said director provides to the municipalities on behalf of their properties. This provides the county with a new revenue stream for their accounts receivable, while minimizing the bureaucratic footprint through the elimination of duplicate services that the EDC represents.

Such a win/win solution has the added benefit of assisting business - by simplifying the process whereby they move to our county - and thus increasing the likelihood of employment for the county's citizens. It is precisely this kind of "out-of-the-box" thinking that will ensure the survival of our towns, our cities, our county and - yes, even our country - in the years to come. But only if we have the courage to imagine it, first.

Louis Clayton

First, I must ask why this special session of county council? Has some dire emergency arisen that demands council's urgent attention? At the last meeting it was stated there was no pressing business and there would be no need to meet in July as it was not necessary, yet here we are in a special session to give the third reading to a very controversial ordinance. It certainly gives the appearance of railroading through a shady agenda without giving the public a proper chance to object or comment. This smacks of backdoor political maneuvering for some hidden agenda that would outrage and greatly disappoint the people of the county if done in the regular open manner. I hope I am wrong in this supposition.

Second, what is the rush to reenact an ordinance that has already so spectacularly failed? The last EDC ended in an embarrassing debacle that could and very probably should involve prosecutions and lawsuits galore. And, as stated in the last meeting as a justification for this questionable ordinance, that we, Barnwell County, must have an EDC commission and director because the Southern Carolina Alliance does not and will not offer or show sites in Barnwell is on face value an untruth.

Who in this meeting really believes the Barnwell county EDC won the majority of the new businesses in the county without SCA help. It did however; win a considerable string of losers and frauds that cost us money we could not afford to waste. In fact, the record shows the EDC has only cost Barnwell money and has wasted a great deal of the funds entrusted to it. The high water mark of this incompetence seems to be the recent Tissue plant fiasco. Our EDC was warned by the SCA against soliciting this con man because he had been guilty of the same con in GA and several upstate counties. We proceeded anyway!

Barnwell County is in limbo concerning its very survival and economic future and now council is proposing to once again give the fox the keys to the economic development hen house. This is a foolishness Barnwell County cannot afford. We must conserve our scant resources and put them to better use than an unneeded and duplicate function.

Another question must be asked concerning the actual legality of council to even attempt to reconstitute an E D Council or committee, the proper title is open to some interpretation. It, as previously stated looks like some hidden agenda is in play here. Possibly the remaining millions in the Chem-Nuclear fund.

A full disclosure of this recent debacle, that provided morally wrong and illegal personnel golden parachutes to government employees and land disbursements from the county, must be made public and the wrongdoers brought to justice, not reappointed to the new

E D C. Until this is done the shadow of impropriety will continue to hang over the council and any actions it may take.

This ordinance if passed certainly adds no gold stars to the council's record for reasoned and deliberate legislation with the best interest of the county in mind.

The proposed ordinance deserves a resounding no from the public and should be shelved or better yet removed from the docket and discarded for the bad idea that it represents. To repeat the same actions and expect different results is the height of folly or the definition of insanity, I will let the public make that decision. However, I will have to admit this new ordinance is different in one huge way from the previous ordinance. It forbids the new EDC from using or coordinating with the SCA. This and other possibly hidden agendas make me feel that Barnwell is about to experience a Nancy Pelosi moment where we must pass it quickly so we can find out what is in it and the real effect it will have on the county. I assure you the people will be just as thrilled with this new ordinance and council as they are with the congress and our new health care law. This is a situation we can well do without.

Thirdly, Barnwell, like it or not needs the SCA. The SCA currently markets Barnwell on the world stage much more effectively than we can ever accomplish alone. We already pay a fee for this service why must we reinvent the wheel with a new EDC and a director that will cost at least \$88k?

In the preceding monthly meeting council approved a budget item of \$88k for the EDC. It was also stated that the new director would not make nearly what the previous failed director made. I believe the people of the county spent around a million for his services. This doesn't include the almost \$500k settlement payment. At least 1.5 million for what? Empty buildings and increased liabilities.

If I understand the economics of employment correctly for every dollar in pay there is a dollar in other costs and benefits. So, where are we going to get a full time director to market and develop the counties employment and property resources for \$44k per year? Or is this director to be part time? And, what is the director to travel and market us with? Something does not add up.

Fourthly, we need to cover some facts concerning this new EDC ordinance.

This ordinance will isolate Barnwell from the SCA and the rest of the counties in our area. This will force a chilling effect in the search for employers. Without a larger and well-funded marketing entity we are doomed to failure in our recruitment efforts.

The economics of this ordinance just don't add up. Barnwell can't afford the cost of a large scale effort for employer recruitment. The last EDC produced scant results for the millions of dollars expended and years of failed effort. And a new solo EDC would need to spend even more.

This ordinance will disenfranchise half of the county by not giving anyone in an unincorporated part of the county a say in the way the EDC is run.

It gives the 7 municipalities' dual representation on the EDC and tempts them to agree with the council in the hopes of an economic windfall. Until the recently the cities and towns in the county didn't give a hoot about the EDC. They do now only because of the hollow promise of increased money. It divides and conquers the county for no real benefit.

This ordinance appears to be actually intended to get the county access to the funds in the Chem-Nuclear trust, incidentally these funds would get the county out of projected budget shortfalls resulting from our lack of fiscal discipline.

In closing, this ordinance should be assigned to the ash heap of history, but the council appears to be on a course that will pass it regardless of the reasoned and well stated objections of the public. To pass this ordinance at this time will once again make Barnwell look foolish all over the state. It will result in the notification of all the constitutional officers in the state and all the news outlets available to us on the state and national level. And regrettably we will be forced to seek repeal of this ordinance using SC code of Laws, Title 4 – Counties:

ARTICLE 13.

INITIATIVE AND REFERENDUM

SECTION 4-9-1210. Electors may propose and adopt or reject certain ordinances; submission by petition to council.

The qualified electors of any county may propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and adopt or reject such ordinance at the polls. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the county equal in number to at least fifteen percent of the qualified electors of the county.

HISTORY: 1962 Code Section 14-3790; 1975 (59) 692; 1977 Act No. 33 Section 1.

SECTION 4-9-1220. Electors may petition for repeal of certain ordinances.

Within sixty days after the enactment by the council of any ordinance authorizing the issuance of bonds, notes or other evidence of debt the repayment of which requires a pledge of the full faith and credit of the county, or requires the approval of the issuance of bonds by a public service district within the county a petition signed by qualified electors of the county equal in number to at least fifteen percent of the qualified electors of the county, or if such ordinance relates to a bond issue for a public service district, fifteen percent of the qualified electors of the district may be filed with the clerk of the county council requesting that any such ordinance be repealed; provided, however, that this section shall not apply to bond issues approved by referendum or to notes issued in anticipation of taxes.

HISTORY: 1962 Code Section 14-3791; 1975 (59) 692; 1977 Act No. 33 Section 1.

SECTION 4-9-1230. Election shall be held where council fails to adopt or repeal ordinance.

If the council shall fail to pass an ordinance proposed by initiative petition or shall pass it in a form substantially different from that set forth in the petition therefor or if the council shall fail to repeal an ordinance for which a petition for repeal has been presented, the adoption or repeal of the ordinance concerned shall be submitted to the electors not less than thirty days nor more than one year from the date the council takes its final vote thereon. The council may, in its discretion, and if no regular election is to be held within such period, provide for a special election. All county councils shall be bound by the results of any such referendum.

HISTORY: 1962 Code Section 14-3792; 1975 (59) 692; 1977 Act No. 33 Section 1.