

**BARNWELL COUNTY COUNCIL
FEBRUARY 1, 2011
MINUTES**

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

Barnwell County Council met on February 1, 2011 in Council Chambers at 6:00 PM. Those in attendance were Chairman Travis Black, Vice Chairman Freddie Houston, Councilman Harold Buckmon, Councilman Lowell Jowers, Councilman David Kenner, Councilman Keith Sloan, Councilman Joe Smith, County Administrator Pickens Williams Jr., County Attorney J.D. Mosteller, and Clerk to Council Kim Futrell.

Public Hearing

A Public Hearing was held to receive comments prior to the third reading of an Ordinance Related to Borrowing for Capital Projects. At Councilman Sloan's request, Administrator Williams explained to those in attendance, the purpose of this Ordinance. Chairman Black asked if there were any questions or comments. There were none.

Call to Order, Invocation, and Quorum

Chairman Black called the meeting to order and Councilman Kenner gave the invocation. A quorum was declared.

Approval of Agenda

A motion was made by Councilman Sloan to amend the agenda to include an Executive Session to discuss a pre-contractual matter. The motion was seconded and it passed.

Approval of Minutes

A motion was made by Councilman Sloan to approve the minutes of the January 4th Council Meeting. The motion was seconded and it passed.

Welcome

Chairman Black welcomed everyone to the meeting.

Public Comment

There were no comments.

Special Presentation

John Henderson, Director of Risk Management Services with the Association of Counties Worker's Compensation Trust, presented an Outstanding Safety Achievement Award to Barnwell County. Mr. Henderson said that the work that was done to ensure safety was outstanding and commended the County for going above and beyond. Some of the work that was done included:

- Extensive electrical upgrades for shop operations
- Flash arrestors were installed on the welder
- Installed iron safety screen of expanded metal to protect Administrator Assistant's desk window from shop floor related impact hazards
- Miscellaneous housekeeping including upgrades, repairs, labeling, placement of placards, emergency response display information as well as other signage for public work operations

Administrator Williams thanked Debbie Fickling, Art Hartzog, Roger Riley, and Timbo Williams for their help with the project and the award application.

EDC

In his update, Marty Martin stated the following:

- Doc Depot, which has been occupying 3,000 square feet in the Denmark Tech Training Center, will be moving to the Dayco Tech Center building in Williston. They will be creating 30 new jobs and will be occupying 6,000 square feet. Don Alexander, President of Anovotek, currently occupies 2,500 square feet in the Denmark Tech Training building but will be moving to the Anodizing building soon. At the completion of these moves, there will be 5,500 square feet available in the Denmark Tech Training Center.
- Mox and Elkay have verbally agreed on a lease rate for Mox to occupy space in the Elkay building. Mox will be initially creating approximately 10 jobs in the building and the number could grow.

Councilman Sloan commended Mr. Martin on the work done with Doc Depot in utilizing the facility in Williston and the new jobs that it will create. Mr. Martin stated that the EDC now has title to the Anodizing building. He stated that the arrangement with Anovotek will be either a purchase or a lease. He added that during the ownership of the previous company, the building had undergone a quarter of a million dollar clean up by the EPA. Councilman Sloan asked if the building was clear and Mr. Martin said that it was.

Council held discussion concerning the request for assistance through Compact Funds. Mr. Martin stated the \$3,464,500 will come from several sources. Councilman Houston asked if the EDC will be fronting the cost for the city. Mr. Martin stated that they will and it will be paid back by the city. Mr. Martin stated that if Council wanted to wait to see if the requested \$164,500 Compact Funds was needed, it would be fine. He just wanted to get the information to Council in advance. Councilman Houston stated he believed it would be best for Council to apply when the amount was known. Discussion was held at the possibility of signing the request if there were a cap in place at \$164,500. This matter was tabled.

HOSPITAL

In her update, Mary Valliant stated the following:

- Financial
 - In 2010 the Hospital's Accounts Payable had been decreased by \$278,206.
 - Over October, November, and December of 2010, the Hospital had cuts from the Rural Health Grant in the amount of \$250,000.
 - The Hospital is losing \$150,000 a month in Medicare payments.
 - The County Contribution had also been decreased by \$300,000.
 - The Hospital plan to pay off the CMS loan which has a 11.475 % interest rate.
- Programs
 - February - Diabetes Management Program- 34 % clinic patients have diabetes and 56 % hospital patients have diabetes.
 - March - Colorectal Cancer Prevention Month. Will be going to hospitals to educate the community on Colorectal Cancer and its prevention.
 - Crash Program-puts Barnwell County Hospital in touch with a MUSC Medical Team 24/7.
- Scores
 - The Joint Commission of Accreditation monitors the care of chest pains, congestive heart failure, and infection. On a scale of 0 to 100, with 0 denoting the best quality care, Barnwell County Hospital received a score of 12. Prior to 2006 the score had been over 100. The average for the Nation is 33. The average for SC is 21. Nationwide, an 8 is considered the top 10 best hospitals.
 - Letter of Accreditation- The Hospital had the least amount of issues in the State.

Clerk of Court

In her update, Rhonda McElveen said that during the past month there were two murder pleas and a three day murder trial which resulted in a conviction for voluntary manslaughter, assault and battery with intent to kill and possession of a weapon during a violent crime. Seventy six warrants were disposed of. During the GS term, there were 25 Barnwell pleas. She said that due to inclement weather, Family Court week had been rescheduled to the week of February 14th. She said that about \$2,000 had been received from the debt set off program.

Sheriff Carroll

In his update, Sheriff Carroll said that there was a recent robbery of copper at a plant in Williston causing an estimated damage of \$200,000. Sheriff Carroll stated that narrow banding will go into effect for the Fire Departments when the 911 Department is moved. He added that at that point, all agencies would need to go to narrow banding. He said the Sheriff's Office will continue to maintain the present system but would need to proceed with narrow banding when the 911 Department is moved to prevent it costing the County an additional \$5,000. He stated the narrow banding would be required as of January 1, 2013.

Administrator

In his update, Administrator Williams said that Brothers Tree Company had trimmed the oak tree in front of the Administration Building. He said that the Business Office was in the final stages of negotiating with the insurance company for the amount the County will receive for the Crawler which had recently caught on fire at the Landfill. He said that the County has made a verbal agreement with Tri-County to purchase their 963 CAT loader. He said the purchase price of this equipment was considerably lower than what it had been originally purchased for and that it would be a good buy for the County. He added that the new equipment was much better suited for the needs of the County Landfill. Councilman Sloan asked what the expected recovery from insurance for the burned crawler would be. Administrator Williams said that the insurance reimbursement would be approximately the payoff amount of \$104,000. He stated the Crawler had cost approximately \$150,000 two to three years ago. Councilman Sloan asked how the County would be financing the \$150,000 for the new piece of equipment. Administrator Williams said the County would take bids from local banks. He stated that the concrete material that had been stock piled at the Landfill has been crushed and the area had been cleaned up. He added that there was also a possibility of getting the e-waste cleaned up by Creative Recycling. He stated that the special elections for Kline and Blackville would both be on the same day of March 15, 2011.

Committee Reports

Councilman Kenner made the following reappointments: Axis 1 seat 11 - Ethel Washington, Generations Unlimited - Gwendolyn Littlejohn, The Zoning Appeals Board - Liana Orr, The Museum Board - David Gunnells. Councilman Houston reappointed Johnny Williams to The Building Code Board of Appeals and reappointed all current District 1 board members whose terms were already expired or would be expiring.

EDC Committee

There was no report.

Finance Committee

Councilman Sloan stated that the Finance Committee had met at 5pm prior to this Council Meeting with Robert Milhous, the outside auditor. He stated there were issues the County needed to look at together with implementation of the new software package. He stated that the Finance Committee had requested that Administrator Williams assemble a team to address the issues and once the team was assembled, the Finance Committee would meet again with Mr. Milhous to request a proposal that would assist the County in an overall strategy of improved controls and system implementation. The matter would then be brought back before Council. Councilman Sloan stated that the Review of the FY'08-'09 Audit had already been accepted for informational purposes and he made a motion for Council to accept the FY'08-'09 Audit. The motion was seconded by Councilman Houston. Request for a roll Call Vote was made.

Chairman Black-Yes
Councilman Buckmon-No
Councilman Houston-Yes
Councilman Jowers-Yes

Councilman Kenner-Yes
Councilman Sloan-Yes
Councilman Smith-Yes

The motion passed.

Review of FY'08-'09 Audit

This Review of the FY'08-'09 Audit was handled during the Finance Committee report. There were no questions for Robert Milhous.

Financial Update

Administrator Williams said that January had been a busy month for the Treasurer's Office with about 10,000 property tax bills having been paid. The DOE payment was received on January 31st. He said this money would be very beneficial to the County's cash flow and to the schools. He stated that the line item showing only 20 percent of the "C" Construction Road Program being spent was misleading because a contractor had waited until the end of the job to submit his bill of over \$300,000. He said that through the end of January \$500,000 had actually been spent. Administrator Williams said that recycling was going well. He said that through December the County had received \$54,000. Councilman Sloan asked how many tons the County recycled that would have gone to Three Rivers. Administrator Williams responded that diverting paper and plastic would be approximately 3 to 4 thousand tons. Councilman Sloan commented that not only was it generating revenue but also saving the County money in tipping fees at Three Rivers. Councilman Buckmon asked if there was a minimum amount of solid waste the County is required to send to Three Rivers. Administrator Williams said that the County is billed 90 % of the previous year's tonnage and that there was an agreement for a minimum to be sent which is relatively low compared to what the County is currently sending them. Councilman Buckmon asked if the minimum could be lowered and Administrator Williams answered that the minimum was tied to the guarantee that the nine Counties have on the bonds. Councilman Sloan added that if the amount of waste sent to Three Rivers is greatly reduced then the amount the County pays per ton would increase.

Government Committee

Chairman Black said that the Personnel Committee will meet on February 18th at 10 am and that a workshop will follow the Personnel Committee Meeting.

Health Care Committee

Councilman Jowers said that the Health Care Committee met with a group from HMP on January 21st before the Hospital Board Meeting. Discussion was held by Council that a revised Letter of Intent needed to be signed. Councilman Jowers made a motion to adopt the revised Letter of Intent. This motion was seconded. A Roll Call vote was requested.

Chairman Black-Yes

Councilman Buckmon-No

Councilman Houston-Yes

Councilman Jowers-Yes

Councilman Kenner-Yes (Change of dates only)

Councilman Sloan-Yes

Councilman Smith-Yes

The motion passed unanimously.

Housing Committee

There was no report.

Judicial Committee

Councilman Kenner said that the Judicial Committee met on January 13, 2011. He expressed appreciation for the Public Defender's Office moving cases quickly and added that a recent ruling by Chief Justice Toal may place an additional burden on the Public Defender's Office. Rhonda McElveen said Chief Justice Toal's ruling would allow all individuals charged with crimes that could incur jail time to be able to apply for Public Defender assistance. This would put an increased work load on the Public Defender's Office and the Clerk of Court's Office. She stated that the Public Defender's Office said that they may bill the Cities for handling any of their cases.

Councilman Kenner said that Jim Stewart reviewed the proposed replacement plans for the jail building. The cost will be projected in the 4.3 million dollar range. Administrator Williams stated that on January 27th he had spoken with John Benfield with the Association of Counties. He said Mr. Benfield had spoken with Ms. Charlton and that he would begin looking at the staffing levels required by the proposed layout. He stated that this would be a major determining factor in whether the building could be done.

Personnel Committee

Councilman Kenner stated that the Personnel Committee met on January 14th concerning revisions in the personnel manual. A Workshop with Council is scheduled for February 18th at 10 am at the EDC. He encouraged anyone that had any input or concerns to attend the meeting. He stated that Attorney Joannie Winters, who is very proficient with human resource concerns, made many of the recommendations.

Safety Committee

There was no report.

Services Committee

Councilman Smith stated that the Airport is being required by DHEC to drill more test wells but that the FAA Aviation Department was covering most of the expense. The landfill concrete is being broken up.

Transportation Committee

Councilman Houston stated that Reverend Neal with Shrub Branch Church had met with the Transportation Committee twice to discuss concerns regarding the condition of Shrub Branch Road. Councilman Houston said he had spoken with County Engineer Art Hartzog about coming up with a plan that could work but it would need to be approved by the Transportation Committee.

Old Business

2nd Reading of an Ordinance Related to a FILT Agreement for Project Tissue

Councilman Smith indicated that Exhibit A, the description of the property, and the agreement are not attached as Project Tissue is waiting on an agreement to be worked out with the Town of Snelling. Motion was made by Councilman Sloan that the 2nd Reading of the Ordinance Related to a FILT Agreement for Project Tissue be tabled until March. The motion was seconded by Councilman Jowers. A roll call vote was requested.

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| Chairman Black-Yes | Councilman Kenner-Yes |
| Councilman Buckmon-No | Councilman Sloan-Yes |
| Councilman Houston-Yes | Councilman Smith-Yes |
| Councilman Jowers-Yes | |

The motion passed.

3rd Reading of an Ordinance Related to Borrowing for Capital Projects

Motion was made by Councilman Sloan to approve the Ordinance Related to Borrowing for Capital Projects. The motion was seconded by Councilman Buckmon. Councilman Sloan requested a roll call vote.

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| Chairman Black-Yes | Councilman Kenner-Yes |
| Councilman Buckmon-Yes | Councilman Sloan-Yes |
| Councilman Houston-Yes | Councilman Smith-Yes |
| Councilman Jowers-Yes | |

The motion passed unanimously.

New Business

Request for Assistance from the Compact Fund

This Request for Assistance from the Compact Fund was discussed during Mr. Martin's update and it was tabled.

1st Reading of an Ordinance Related to Curfew for ABC Licensed Businesses

The first reading of this Ordinance was approved in name only.

Resolution to Amend the Animal Shelter Policies and Procedures

Motion was made by Councilman Jowers to approve the Resolution to Amend the Animal Shelter Policies and Procedures. This motion was seconded by Councilman Sloan. The motion passed.

Use of Contractors Without Workers' Compensation Insurance

Discussion was held by Council concerning the possible liability of allowing independent contractors which are not required by law to have workers compensation insurance doing work for the County. It was further discussed that placing the requirement on these contractors could create a hardship. It was suggested that a waiver of liability be drawn up so that

contractors without workers compensation insurance could sign the waiver and work on County jobs. This matter was tabled until the next Council Meeting on March 1, 2011. Administrator Williams was asked to determine a reasonable average charge to pass on to uninsured contractors.

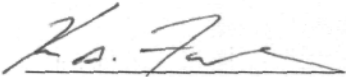
Executive Session

A motion was made by Councilman Sloan to move into Executive Session. The motion was seconded by Councilman Smith. There was no action taken in Executive Session.

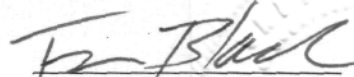
Open Session

At the February 18th Retreat, Council will discuss changing the regular meeting date from the first Tuesday of the month to the second Tuesday.

Respectfully submitted,



Kim A. Futrell
Clerk to Council/Admin. Asst.



Travis Black
Council Chairman

