

BARNWELL COUNTY COUNCIL

August 21, 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 August 21, 2014 at 6 pm 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., County Attorney J.D. Mosteller, Clerk to Council Kim Futrell, and Will Whaley with the People Sentinel.

Call to Order / Invocation / Declaration of a Quorum / Approval of Agenda / Welcome / Public Comments

The meeting was called to order, the invocation given and a quorum declared. Councilman Sloan moved to approve the agenda. Councilman Jowers said having the 3rd Reading of the Ordinance Related to the EDC was in violation of Roberts Rules of Order as it had been tabled at the August 12th Council meeting pending outcome of the SLED investigation. County Attorney J.D. Mosteller said the Ordinance could be discussed and if a motion was made to approve, could be voted on because it was put on the agenda by one of the five Council members that had voted at the August 12th Council meeting to have it tabled. Councilman Kenner seconded the motion to approve the agenda and the motion passed. Chairman Houston welcomed everyone to the meeting and asked for public comments. Wilma Brady, Patrick Richardson, Elizabeth Ringus, Jerry Bodiford, and Ben Kinlaw spoke on their own behalf in opposition to the Ordinance. Both Rodney Peeples, representing the BBC – Better Barnwell County, and Dale Brady (copy of Mr. Brady's comments attached) representing the Tea Party spoke in opposition to the Ordinance. Chairman Houston said that a Special Called meeting had been scheduled to discuss and possibly approve the Ordinance due to a prospective business being interested in property at the Airport. Because the ownership of the property was in question, a decision was needed regarding the Ordinance, whether to pass or not pass it as written, or to receive suggestions concerning its revision so that the prospective business could be given an answer and so the County could possibly move forward so as not to lose a business opportunity.

Old Business

3rd Reading of an Ordinance Related to the EDC

Councilman Jowers said the Ordinance had been tabled pending outcome of the SLED investigation and could not be voted on. Chairman Houston said the Ordinance was on the agenda to be discussed and to receive feedback for possible revisions from everyone in order to move forward. Councilman Jowers moved that the Ordinance be re-written that the Board be an advisory Board only. Councilman Creech moved to amend the original motion to include that should an EDC director be hired, he or she would be under the supervision of the County Administrator with County Council having full control of County assets and County property. Councilman Buckmon seconded the amended motion.

Council discussed the checks and balances within the Ordinance as written, possible revisions to the Ordinance regarding making the Board advisory only, who should supervise the EDC director, the County or the SCA, the differences in focus that a Barnwell County EDC and the Southern Carolina Alliance have in respect to concentration on bringing industry into Barnwell County versus into the Region, as well as the fact that lawsuits and a SLED investigation were ongoing against former EDC employees and Board members.

Councilman Jowers withdrew his original motion. Councilman Smith moved to amend Councilman Creech's motion in that Council send their suggestions on revising the Ordinance to Administrator Williams, with Attorney Mosteller doing a compilation of those suggestions to revise the existing Ordinance. Once revised, the Government Committee would meet with the Mayors of Barnwell, Blackville, and Williston with the proposed changes, to receive their feedback so as to come to a mutual agreement. Councilman Sloan seconded Councilman Smith's motion. A roll call vote was requested.

Chairman Buckmon – Yes
Councilman Creech - Yes

Chairman Houston - Yes
Councilman Jowers - No

Councilman Kenner – Yes
Councilman Sloan - Yes

Councilman Smith - Yes


The motion passed.

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

The meeting adjourned at 7:42 pm.

Respectfully submitted,


Kim A. Futrell
Clerk to Council


Freddie Houston
Council Chairman

Mr. Chairman, let the record show that I concur with Councilman Jower's interpretation of the rules of order, that this meeting is out of order and therefore illegitimate. To call a special meeting to discuss a question that currently resides on the table constitutes discussion of the question, and is therefore prohibited by the condition of its tabling. I appeal the Chair and call for an immediate vote to adjourn.

Mr. Chairman

Who was Council's representatives on the EDC board during fiscal years 2011/2012?

According to McGregor & Co. - the firm tasked to conduct the EDC's annual audit report - the following significant deficiencies and material weaknesses existed within the EDC at the completion of fiscal year ending June 30th, 2011:

"The Barnwell County Economic Development Corporation did not prepare its own financial statements and note disclosures due to the lack of necessary training and knowledge of generally accepted accounting principles."

Was this Council made aware of this conclusion by its representation on the EDC board?

Did the County's own annual audit report for fiscal year 2011/2012 mention this conclusion of the EDC annual audit?

Did Council's representatives make known to Council-at-large the fact that, "...as of fiscal year 2011, the EDC had not implemented GASB 45 relating to post employment benefits - implementation of which was required by June 30th, 2009?"

Did the County's own annual audit report for fiscal year 2011/2012 mention this conclusion of the EDC annual audit?

Correct me if I'm wrong, but isn't County Council tasked to act in an oversight capacity and supervise the behavior of the EDC - both in its prior incarnation and as it has been proposed by the reformation ordinance?

Mr. Chairman, why are we here?

Mr. Chairman, reading from the approved minutes of March 24, 2014:

"Councilman Jowers moved for the County to contract with Southern Carolina Alliance to market Barnwell County Facilities and have the SCA, along with County Council, find and hire a person with Economic Development skills to represent Barnwell County, reporting to Council through the Administrator. The motion was seconded. A roll call vote was requested....The motion passed."

It not only passed, it passed unanimously.

How go your and the SCA's efforts to find your Economic Development representative? Have you formalized this relationship between yourselves and the SCA that was passed by a unanimous vote? Six months ago?!

Mr. Chairman, reading further down in the minutes of March 24th, 2014 we read:

"Councilman Sloan moved to authorize and instruct the County's attorney to proceed as appropriate, the legal recourse and actions with respect to the recovery of Economic Development assets and all monies as necessary. The motion was seconded. A roll call vote was requested....The motion passed.

Again, it not only passed, it passed unanimously.

Mr. Chairman, how goes that legal recourse and action? Have law suits been filed against all the offending parties, including the cities who accepted stolen property? And then offered to return the stolen property, so long as the county acceded to the conditions of their blackmail?

Surly, the mayor of Barnwell's infamous response of "I'll take it anyway I can get it." demonstrates enough of a larcenous predisposition to be prosecutable? Six months...nothing.

How are we supposed to trust this council's oversight of "the new and improved EDC Board" - an object of rancorous disagreement - when you have utterly failed to demonstrate more vigorous diligence in the prosecution of objectives which you have unanimously agreed on?

And that's before we even get into the structural insufficiencies of the new EDC board:

1. You don't address the corporation's ability to manage and dispose of property - precisely because the organization remains incorporated
2. You set a suicidal precedent of conceding to obviously larcenous municipalities - guaranteeing the future demise of this council
3. You wrap it all up in a toxic soup of never-ending contention between the municipalities which will render any hope for economic progress impossible

And don't even get me started on what happens if SLED comes back with anything less than a "Criminal Conduct" finding - if the former EDC board can convince a jury that they were summarily dismissed by this council without cause, the \$700,000 payout to its executive director and his assistant will be chump change compared to what they will be able to bilk out of the county - those miscreants could end up owning this county!

I return to my original statement - because all of this confusion is the result of a council that is fundamentally "out of order."

Barnwell Economic Development Corporation
History of Earnings
(1991-2012)

177,984	1991
87,550	1992
72,252	1993
99,035	1994
52,907	1995
322,234	1996
283,249	1997
65,025	1998
225,898	1999
82,098	2000
51,708	2001
189,558	2002
18,432	2003
377,153	2004
72,357	2005

570,355

2006

876,571

2007

2,481,435

2008

175,380

2009

633,096

2010

447,354

2011

799,258

2012

281,037