BARNWELL COUNTY COUNCIL
May 12, 2015
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 May 12, 2015 at 6 pm. Attending were Chairman David Kenner, Vice-Chairman Keith Sloan, Councilman Harold Buckmon, Councilman Jerry Creech, Councilman Freddie Houston Sr., Councilman Lowell Jowers Sr., Councilman Joe Smith, Administrator Pickens Williams Jr., County Attorney JD Mosteller, and Clerk to Council Kim Futrell. Also in attendance were Clerk of Court Rhonda McElveen, SCA Board member Bill Workman, John Young with the Aiken-Barnwell Mental Health Center, and Laura McKenzie with the People Sentinel.

Call to Order, Invocation, Declaration of a Quorum, Approval of Agenda & Minutes, Welcome & Public Comments
The meeting was called to order, the invocation given and a quorum declared. Councilman Creech moved to amend the agenda by having Executive Session item "Pre-contractual Matters Related to the EDC" moved to Open Session under New Business. Councilman Houston seconded the motion and it passed. A motion was made to approve the minutes of the April 14th Council meeting. The motion was seconded and it passed. Chairman Kenner welcomed everyone to the meeting and asked for public comments.

John Young with the Aiken-Barnwell Mental Health Center spoke on the history of the Aiken-Barnwell Mental Health Center / Polly Best Center, the increase of employees and patients, as well as the available treatment programs.

SCA Board member Bill Workman, spoke concerning his experiences on the Board, what he believed helped to promote economic development, and the need for unity.

Updates
Southern Carolina Alliance
Danny Black was unable to attend the meeting. Morgan Reuis distributed the marketing report and invited Council to attend the Annual SCA Regional Celebration on May 15th at 5:30 pm.

Clerk to Council
Rhonda McElveen gave an update on the terms of Court and said the debt set off program had collected $10,000 this FY.

County Administrator
Administrator Williams said bids had been received for construction of the replacement jail building and they would be meeting with a proposed contractor to resolve differences. Emergency Management had participated in a drill at Energy Solutions. On May 15th at 2 pm there would be a pre bid meeting for the Williston Road Project.

Committee Reports
Boards & Commissions
Mason Tobin was re-appointed to Seat 8, District 29 and Ann Pernell was re-appointed to Seat 10, District 19 on the Axis I Board. Councilman Houston re-appointed Diane Sheppard to the Museum Board.

Economic Development
Council requested Administrator Williams contact Orchids to see if it was agreeable for contact information for Orchids or their contractor to be posted on the County's website for local contractors interested in contacting them. Councilman Creech said the fencing installation around the Airport property was nearly half way complete.

County Attorney Mosteller said attorneys for Orchids and the City had contacted him and advised that the EDA would not approve the grant related to water and sewer lines, if condemnation were required should an easement be necessary during Orchid's construction. The preliminary design indicated an easement for a lift station to run water and sewer lines may be necessary but the design would not be completed before the grant's deadline of May 27th. Councilman Creech moved to approve allowing an easement, if necessary, without requiring condemnation. Vice-Chairman Sloan seconded the motion and it passed unanimously. Vice-Chairman Sloan asked that as a matter of courtesy the EDC Board be made aware of Council's vote and that it was necessary to be acted upon quickly due to the grant's deadline.

Councilman Sloan said during the Finance Committee meeting, Administrator Williams requested that PF Beck speak with the Airport Commission regarding the Airport paying back the money the County had up fronted them for Airport salaries and fringe benefit expenses over the past several years. Councilman Sloan said the Airport currently owed the County $101,110 despite the fact that over the last 15 years the County had written off in excess of $1,000,000 the Airport owed to the County, as well as deducting the payments the Airport had made. Councilman Sloan said over the last couple of years the Airport's cash balance had grown by a factor of 3 ¼ , from $77,000 to $226,000 as of March.

Councilman Sloan asked for a consensus of Council insisting that the Airport pay the balance owed to the County or at the very least work out a proposal to pay off the debt and to begin to stay current on future additional debt they incur. He added that the Airport's paying the total amount due would bring the Airport's cash balance down to $125,000, which would still allot them the $77,000 they said they needed for fuel, as well as a balance of funds for operating reserves. Councilman Sloan said that would allow the County flexibility and that if the Airport were to run into financial problems in the future they could be addressed at that time, but that it was not an equitable situation for the Airport to be building cash reserves of $226,000 while owing the County $101,110 and not paying this back as they agreed. Councilman Creech said he would bring it up to the Airport Commission at their next meeting. Councilman Sloan said it needed to be conveyed to the Airport Commission that Council as a whole expected this debt to be paid. Attorney Mosteller said that Council's prior Resolutions and Ordinances conveyed that the County expected to be paid but the history had been that the Airport was not repaying as the Ordinances and Resolutions stipulated. Councilman Sloan moved for a consensus of Council requesting that the debt be paid. Councilman Smith seconded the motion. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-Yes
Councilman Buckmon-No	Councilman Houston-Yes	Councilman Sloan-Yes	

The motion passed.

Financial Update
Administrator Williams reviewed February's financial report.

Finance, Government, Housing, Personnel, Science Tech. & Reg. Matters, Safety, SCRDA and Transportation
There were no reports for the above Committees.

Healthcare
Councilman Jowers said that Southern Palmetto Hospital was spending 2.4 million on modifications to the 2nd floor and painting the outside of the hospital.

Judicial
Councilman Buckmon said a meeting concerning the replacement jail building would be on May 10th at 1 pm.

Services
Councilman Buckmon said Hilda representatives and the Mayor of Kline were supportive of a recycling program but needed recycling containers. Landfill Manager, Billy McAlister would meet with the city and towns to assist them in obtaining grants to purchase recycling containers.

Old Business
2nd Reading of the '15-'16 Budget Ordinance
Administrator Williams said there was an approximate deficit of $299,000 in revenue versus expenses clarifying that expenses were based on departmental requests, not recommendations from the Finance Committee. Councilman Houston moved to approve the 2nd reading of this Ordinance. Vice-Chairman Sloan seconded the motion and it passed.

Resolution Ratifying Appointment to 3 Rivers Solid Waste Authority
Councilman Buckmon moved to approve this Resolution. Councilman Jowers seconded the motion. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-No
Councilman Buckmon-Yes	Councilman Houston-Yes	Councilman Sloan-No	

The motion passed.

New Business
Schedule Date for 3rd Reading of the FY '15-'16 Budget Ordinance
Council scheduled a Council meeting on June 22nd at 6pm to have the 3rd Reading of this Ordinance.

Recommendation Regarding a Request from the Blackville CDC
Coming as a recommendation from the Finance Committee, Councilman Houston moved to approve the Blackville CDC's use of the remaining $5,000 in FY '14-'15 grant match funds. Councilman Smith seconded the motion. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-Yes
Councilman Buckmon-Yes	Councilman Houston-Yes	Councilman Sloan-Yes	

The motion passed.

Resolution Regarding Budgeted Purchase of Dump Truck
Councilman Houston moved to approve this Resolution. Councilman Buckmon seconded the motion and it passed.

Recommendation Regarding Software for the Auditor's Office
Coming as a recommendation from the Finance Committee, Councilman Houston moved to approve the Auditor's Office request to use up to $12,000 from their '14-'15 budget to purchase Homestead and First Time Issue Software. Councilman Smith seconded the motion. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-Yes
Councilman Buckmon-Yes	Councilman Houston-Yes	Councilman Sloan-Yes	

The motion passed.

Recommendation Related to the Boys and Girls Club
Coming as a recommendation from the Finance Committee, Councilman Houston moved for $1,000 to be allotted for the Boys and Girls Club from the FY '15-'16 budget. Chairman Kenner asked for it to be referred back to the Finance Committee to determine if more could be budgeted. Councilman Creech said the Boys and Girls club had received a grant for $4,500,000. Councilman Houston said grants required local funding. Vice-Chairman Sloan said the budget was already in a deficit with expenses exceeding revenues. Chairman Kenner said Allendale County had pledged $15,000 to the Boys and Girls Club over the next two to three years and he felt Barnwell County should match Allendale's pledge. Councilman Buckmon concurred. Councilman Houston said a major portion of the budget went to the Sheriff's Department and Council could choose what they invested in, but needed to decide if they wanted to spend money on the front end by funding programs like the Boys and Girls Club or on the back end, by having to increase funding for the Sheriff's Department. He said the Finance Committee would meet again to determine the amount to be budgeted.

Recommendation From Government Committee Concerning Courthouse Repairs
Coming as a recommendation from the Government Committee, Chairman Kenner requested the RFP process begin and an architect be chosen to evaluate necessary repairs and recommendations for upgrading the interior design. Vice-Chairman Sloan moved that Council authorize Administrator Williams do a RFP soliciting services for evaluation of the Courthouse to determine necessary structural and cosmetic repairs and approximate cost. Councilman Buckmon seconded the motion. Councilman Jowers asked what was going to be done regarding the asbestos in the building. Chairman Kenner said it would be included in the RFP process. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-Yes
Councilman Buckmon-Yes	Councilman Houston-Yes	Councilman Sloan-Yes	

The motion passed.

Compact Funds Request Related to Orchid Paper Products
Administrator Williams said money had already been paid for the sale of the 40 acres of land at the Airport for Project Tissue and put into the Land Sales Account. Project Tissue gave the timber from the 40 acres to the Airport which the Airport then sold and put the proceeds into the Land Sales Account as well. Because the land on the remaining 46 acres which was now being deeded to Project Flower (Orchids), was appraised at $101,200 and the forester said the timber value could be between $60,000 to $65,000, Administrator Williams said the County needed up to $166,200 from the Compact Fund to pay the Airport Land Sales Account. Vice-Chairman Sloan seconded the motion. Clarification was made by Attorney Mosteller that the timber was considered an asset to the land and any money obtained from the sale of the timber was required to be deposited into the Land Sales Account and used for infrastructure. Vice-Chairman Sloan suggested that all legal fees associated with the land sale, such as closing costs, appraisal fees, transfer of deed, etc. be included in the money being withdrawn from the Compact Funds account so that those costs were not transferred to the EDC. Councilman Houston clarified his motion to include all costs associated with the sale of the land. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-Yes
Councilman Buckmon-Yes	Councilman Houston-Yes	Councilman Sloan-Yes	

The motion passed.

Pre-Contractual Matter Related to the EDC
Councilman Creech said he attended the May 11th EDC Board meeting and had told the Board that Council would be considering a SCA service agreement at their May 12th meeting. He said most of the members objected and said they would resign from the Board, but that he felt that adopting the service agreement was in the County's best interest as he felt it would save the County at least $50,000 and because of the time it would take for the Board members to become

familiar with the EDC's operations. He said the Board members were smart, hardworking and cared about the County but did not have the time to sort through all the EDC records as they had full time jobs. He added that he had sent the service agreement to each of the Council members two weeks prior, giving them time to review it. Under the agreement, all of the properties would remain the County's and the funds generated would stay in the EDC's account. Danny Black would begin looking for an EDC Director which would handle all of Barnwell County's business with Danny Black's guidance. In the meantime, a retired professional would come in for two months to get the EDC's records in order.

Councilman Jowers said he also believed Council should adopt the service agreement because in the past 17 months, nothing had been accomplished to bring industry into Barnwell County adding that at the March 24th Council meeting in 2014, Council had unanimously voted in favor of the service agreement. He was opposed to the anticipated need of a $90,000 salary for a new EDC Director and that if the service agreement were approved, Danny Black would hire an EDC Director which would report to County Council and all of the County's assets and properties would remain with Barnwell County.

Councilman Houston said the agreement would have the EDC Director work with the SCA and the EDC Board would be an advisory board. As taking action on properties required three readings of Council, he did not understand why the EDC Board needed to be anything more than an advisory board and hoped the members would stay on the Board.

Chairman Kenner extended his appreciation to Mr. Boyleston and the other Board members for their hard work and understood the issues they had faced with scattered and missing EDC records, as well as trying to find an EDC Director. While he understood both sides of the issue, he felt more consideration needed to be given to the Towns.

Vice-Chairman Sloan said he had just received the service agreement on May 7th as a part of his Council packet and it was the second time he had seen it. The first time was prior to the EDC upheaval. The agreement was presented to Council and it was referred back to the Government Committee to determine what services the County wanted and then to present that proposal to the SCA. He said the agreement currently being considered had not been changed and that it included a $20,000 membership fee and $50,000 for the SCA to recruit and hire an EDC Director who would be employed by and work under the authority of the SCA, not Barnwell County Council or the Economic Development Commission. Vice-Chairman Sloan said County Council was the cause of the bulk of the 17 month hold up and not the newly formed EDC Board who had just been appointed in January. He said Council had given their words to the Towns, had agreed to work together forming a new EDC Board with appointments from both the Towns and County Council. The Towns, in return, had deeded the property back to the County based on that agreement. Vice-Chairman Sloan said County Council would lose all credibility if they were now to renege on that agreement due an unreasonable expectation for the new EDC Board to have the records in order and have hired a new Director in the four months they had been on the Board. He said he believed the SCA was excellent at their job, but felt that Barnwell County needed its own EDC director just as almost all of the other counties in SC had their own EDC director. He asked Council to give the EDC Board a reasonable amount of time to do the jobs they had been appointed to do. Councilman Buckmon said his word meant something and the Board needed time to gain experience. He suggested Council adopt a temporary service agreement to allow the Board to gain experience.

Councilman Smith said he felt that the EDC Board, the SCA and Council needed to move forward working together which is why he had initiated the request for a newly drafted service agreement which included the Towns. He was told that it was not necessary that the Towns be referenced in the agreement. Councilman Smith apologized to the Towns and the EDC Board saying he did not support the present service agreement or the manner in which the proposed agreement was handled, adding that Council and the Towns needed to work together instead of Council trying to force their will. He proposed that the EDC Board contact the SCA and work out their differences, draft a service agreement which was agreeable with the Board and the SCA and bring that service agreement to Council. He said if Council were to act on the service agreement before them, that it be changed to a two year agreement as some of the Council members may not be serving on Council in two years.

County Attorney Mosteller recommended that Council table any vote on executing the proposed service agreement until they could receive legal advice in Executive Session.

Vice-Chairman Sloan moved to table any action on the proposed agreement so as to show support of the EDC Board in allowing them to bring in an interim director until they could have ample time to hire a new EDC Director. The motion died for lack of a second.

Councilman Houston moved to enter into executive session to receive legal advice regarding the service agreement. Councilman Smith seconded the motion and it passed.

Executive Session
No action was taken in Executive Session.

Open Session
Vice-Chairman Sloan moved to adjourn. Councilman Jowers moved to amend Vice-Chairman Sloan's motion and asked that Attorney Mosteller re-write what was discussed in Executive Session to be in compliance with the ordinances. Councilman Jowers amended motion died for a lack of a second. Councilman Creech said he wanted nothing more to do with any of it. Vice-Chairman Sloan re-offered his motion to adjourn and the motion was seconded. Councilman Smith said if Councilman Creech wanted nothing more to do with the EDC Board, he would volunteer to serve as the Chair of the EDC Standing Committee. A motion was made to that effect and was seconded. Vice-Chairman Sloan withdrew his motion to adjourn so action could be taken on the motion regarding Councilman Smith serving as Chair on the EDC Standing Committee. Councilman Creech re-iterated that he did not want to serve on the Committee. Vice-Chairman Sloan moved that Councilman Smith replace Councilman Creech as Chair on the EDC Standing Committee if Councilman Creech no longer wanted to serve. Councilman Houston seconded the motion. A roll call vote was requested.

Chairman Kenner-Yes	Councilman Creech-Yes	Councilman Jowers-Yes	Councilman Smith-Yes
Councilman Buckmon-Yes	Councilman Houston-Yes	Councilman Sloan-Yes	

The motion passed.

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

The meeting adjourned at 9:15 pm.

Respectfully submitted,

Kim Futrell, Clerk of Council

David Kenner, Council Chair

ALFRED C. TATTERSALL
COUNTY CLERK