

BARNWELL COUNTY COUNCIL
February 20, 2018
Special Called 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 for a Special Called Council meeting on February 20, 2018 at 6:30 pm. Attending were Chairman Lowell Jowers Sr., Vice Chairman Ben Kinlaw, Councilman Harold Buckmon, Councilman Jerry Creech, Councilman Don Harper, Councilman Freddie Houston Sr., Councilman David Kenner, Administrator Pickens Williams Jr., County Attorney Mosteller and Clerk to Council Kim Futrell. Laura McKenzie with the People Sentinel also attended.

The meeting was called to order and a quorum was declared. Councilman Creech moved to approve the Agenda and Councilman Buckmon seconded the motion. Councilman Houston asked why there was an Executive Session to discuss a temporary Administrator position. Chairman Jowers said it could be done in Open Session.

Approval of Resolution Related to the 2017 DOE PILT and Intergovernmental Agreement

Councilman Houston moved to approve. Councilman Creech seconded the motion and it passed.

Discussion Related to a Temporary Administrator

Chairman Jowers said the County needed a temporary Administrator. Councilman Creech moved for Tim Bennett to serve as temporary Administrator. Councilman Harper seconded the motion. Vice Chairman Kinlaw asked if there would be a time limit. Chairman Jowers said it was up to Council. Councilman Houston asked what Council would do if Mr. Bennett declined. Chairman Jowers said Council would find someone else. Councilman Houston asked if Council would look at the previous applicants. Chairman Jowers said he had no problem with it if that was what Council wanted to do. Councilman Houston suggested Mr. Silverman, if Mr. Bennett declined. Councilman Kenner confirmed Mr. Silverman as the 2nd option. Chairman Jowers responded Mr. Bennett would be the 1st and Mr. Silverman the 2nd. Councilman Kenner asked for clarification on the suggested time frame and Chairman Jowers said whatever Council decided temporary would be. Vice Chairman Kinlaw said the length of time and the salary would be part of the negotiations.

Councilman Houston said Council needed to see how the interim performed during the budget and that a candidate would not consider taking the position unless it was 6 months to a year. Councilman Houston asked if Council would be offering to the interim that if they proved themselves within the time frame, they would be considered for the job. Chairman Jowers said they would have to prove themselves. Councilman Houston asked Chairman Jowers if he would be offering the position to the interim so their understanding would be that if they proved themselves they would be considered for the job. Chairman Jowers said they also would come with the understanding that they were in the position at the pleasure of of Council. Councilman Houston said that was always the case in the Council Form of Government. Councilman Kenner asked if the time frame would be through the end of July and Chairman Jowers confirmed.

Chairman Jowers said Administrator Williams was leaving at the end of February and would return as a contract employee. Councilman asked Houston why the County would not keep Administrator Williams on during the budget process as a contract employee since he was familiar with the budget which would allow Council time to look at additional applications for full time. Chairman Jowers said Administrator Williams wanted to leave and Administrator Williams said he would help out in any way he could. Councilman Buckmon said the Administrator worked at the will of Council, so all Administrators were temporary and that he would not say the position was temporary because the person would not come to be fired after 6 months. Councilman Kenner asked Administrator Williams what the separation time was for a contractual employee. Administrator Williams said he could retire one day and come back the next.

Chairman Jowers recused himself and exited the Chambers due to an opinion from SC Ethics Commission. Councilman Creech said there was a qualified internal applicant that would be guiding the new Administrator in the position for which she had been turned down and that Council needed to honor Administrator Williams request to retire. Vice Chairman Kinlaw said, although Mr. Bennett was an external applicant, the County needed someone with budget experience and that he was not sure how much budget experience the internal applicant had, so it might be necessary to bring Administrator Williams back on a contract basis to get through the budget.

Councilman Kenner said there was a motion on the floor that had been seconded for Mr. Bennett being the 1st choice, Mr. Silverman 2nd choice and Administrator Williams assisting in some capacity. Vice Chairman Kinlaw concurred and said Councilman Creech was saying the County should honor Administrator Williams' wish to retire and that there was enough in-house knowledge in the County to complete the budget process. Councilman Creech concurred saying that Mr. Bennett had been an Administrator for a County and a City. Councilman Kenner said there would still be a transitional period and Administrator Williams said he would be help out in anyway needed.

Chairman Jowers re-entered chambers and resumed as Chair. Vice Chairman Kinlaw said the motion was still on the floor and that Administrator Williams had said he would make himself available to assist Mr. Bennett during the transition period and that Councilman Creech felt Council should honor Administrator Williams wish to retire. Councilman Houston said Administrator Williams had made it clear he was willing to assist Mr. Bennett and one of the biggest concerns with the budget was the DOE payment.

Vice Chairman Kinlaw said the salary and relocation expenses would need to be discussed. Councilman Houston said part of that discussion needed to include, should Mr. Bennett decline, whether Council was in agreement that the same offer would be given to Mr. Silverman. Council discussed the size of budget that Mr. Silverman's had experience in. Chairman Jowers said he did not feel Mr. Silverman was qualified due to the lack of tenure in his previous positions. Councilman Houston asked Chairman Jowers what Council's course of action would be if Mr. Bennett declined and Chairman Jowers said Council would look for new applicants because Council did not have anyone else. Councilman Kenner called for the question on the floor. Councilman Houston seconded the motion and called for the question on the floor.

Councilman Creech asked if there was going to be a time limit on the interim Administrator. Chairman Jowers said he would not bring an interim in for less than 90 days and the interim would have to show himself in 90 days. Councilman Creech said no one would leave their job and suggested asking Mr. Bennett to come and who knows what would happen. Councilman Buckmon agreed. Councilman Creech asked Chairman Jowers if he thought Mr. Bennett would move for a 90 day position and Chairman Jowers said he did not know. Councilman Buckmon said offering a temporary position would be putting a person in the position that they would have to refuse. Councilman Kenner said the motion on the floor was for Mr. Bennett with a possibility of Mr. Silverman as number 2, as interim through July to get through the budget process. Councilman Creech said Council could hire or fire as they wanted and asked why a time limit was being put on it. Councilman Buckmon agreed and added that no one would accept a temporary job. Chairman Jowers said in a Council form of government the County did not need an Administrator. Councilman Houston said the motion was called for by Councilman Kenner and he had seconded it. Councilman Harper asked what that motion was. Councilman Houston said Council was voting on the recommendation. Councilman Kenner said Council was still going off that motion. Chairman Jowers called for a vote and the motion passed. Chairman Jowers said he would contact Mr. Bennett. Councilman Buckmon asked Chairman Jowers what he was going to tell Mr. Bennett. Chairman Jowers said he was going to tell Mr. Bennett that Council had voted for him to come as an interim or a temporary administrator. Councilman Buckmon objected saying Chairman Jowers could not dictate what would be said. Chairman Jowers asked what he should tell Mr. Bennett and Councilman Buckmon responded that saying interim was the same as saying do not come. Councilman Buckmon said Council needed to vote on what Chairman Jowers would say. Chairman Jowers said he could do it a different way. Councilman Buckmon said the County either hires Mr. Bennett or they don't and Chairman Jowers said he did not have a problem with that. Chairman Jowers said he would call Mr. Bennett and offer him the job. Councilman Houston said Chairman Jowers would need an amount to offer. Chairman Jowers agreed saying he could not just call and say tell Mr. Bennett he had the job, as Councilman Buckmon had said he could not say interim and now they were hiring him. After discussion regarding salary and moving expenses, Council agreed to offer \$72,000 in salary, \$3,000 in moving expenses, and up to 30 days in a motel.

Vice Chairman Kinlaw said he wanted it known he had supported the internal applicant. Councilman Creech asked that it be on record that he had done his best to promote internally but had lost and added that he did not know what kind of signal it would send to County employees. Councilman Houston said he wanted it on record that Council was supposed to represent the County and had taken an oath to do what was best for the County without allowing personal feelings or favoritism to influence decisions. Councilman Creech said that a qualified internal applicant had applied and there was no reason she should not have been hired. Councilman Houston said Council's vote was taken and did not reflect that.

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

The meeting adjourned at 7:04 pm.



Kim A. Futrell, Clerk to Council



Charles Lowell Jowers Sr., Council Chairman