

**CITY OF BARNWELL, SOUTH CAROLINA**

**MINUTES of the MEETING of BARNWELL CITY COUNCIL  
February 7, 2022 – 5:30PM**

**MEETING LOCATION:  
130 Main Street, Barnwell, SC 29812**

Barnwell City Council met in Regular Session with Mayor Rivera presiding.

**Councilmembers Present:** Mayor Marcus Rivera, Mayor Pro Tem Kinlaw, and Councilmembers Brad All, Ryan Bragg, Alicia Davis, James Moody and Ron Still

**Councilmembers Absent:** None

**Others Present:** City Administrator Lynn McEwen, City Clerk & Treasurer Kim Vargo, Police Chief Lamaz Robinson, Public Works Director Philip Stanley, and Fire Chief Tony Dicks

Mr. Jonathan Vickery of the People Sentinel was also present.

**CALL TO ORDER AND INVOCATION**

Mayor Rivera called the meeting to order, and Councilmember Brad All led in prayer.

**APPROVAL OF THE AGENDA**

Councilmember Ron Still made a motion to approve the agenda. The motion was seconded by Councilmember Alicia Davis. Mayor Rivera stated that he did not approve item 11. The motion passed 6 to 1 with Mayor Rivera opposed.

**APPROVAL OF RESOLUTION 2022-1 IN MEMORY OF JOE GAINES SR.**

Mayor Rivera read the resolution. Councilmember Ron Still made a motion to accept Resolution 2022-1 In Memory of Joseph Gaines Sr. The motion was seconded by Councilmember Kinlaw and unanimously approved. A signed copy of the resolution will be given to the family.

Barnwell City Council Meeting Minutes  
February 7, 2022

**BARNWELL POLICE OFFICERS OATH OF OFFICE; ANGEL MIRANDA, DAVID GREENE, NAJAJUAN STEWART, BERTRAND T. BROWN-TIMMONS**

City Attorney Thomas Boulware administered the oath to the new police officers.

**STUDENT RECOGNITION**

None

**BUSINESS/ORGANIZATION RECOGNITION**

BSD 45 Transportation Department was recognized for the Month of February.

**PUBLIC COMMENTS**

Mr. Bobby Smith stated that he was speaking on behalf of his mother who lives on Main Street. She has been having some problems with her yard debris not being picked up. It has not been picked up in five weeks. It was finally picked up after Administrator McEwen called the sanitation company. He would like for the City to be a little more lenient with the senior citizens.

**EXECUTIVE SESSION: LEGAL MATTERS (1) LEGAL ADVICE ON APPEAL OF THE BZA DECISION (2) LEGAL ADVICE ON THE STEVENSON VS. CITY OF BARNWELL CASE**

Mayor Rivera said he would recuse himself from the discussion of legal advice on appeal of the BZA decision. Councilmember Moody made a motion to go into executive session. The motion was seconded by Councilmember All and unanimously approved.

Council returned to regular session. Councilmember Still made a motion to accept the City Attorney's recommendation to settle litigation. The motion was seconded by Mayor Pro Tem Kinlaw and unanimously approved.

**APPROVAL OF THE MINUTES OF THE JANUARY 6, 2022, SPECIAL CALLED CITY COUNCIL MEETING**

Councilmember Davis made a motion to approve the minutes of the January 6, 2022, special called City Council meeting. The motion was seconded by Mayor Pro Tem Kinlaw and unanimously approved.

**APPROVAL OF MINUTES OF JANUARY 10, 2022, REGULAR SCHEDULED CITY COUNCIL MEETING**

Mayor Pro Tem Kinlaw made a motion to approve the minutes of the January 10, 2022, regular scheduled City Council meeting. The motion was seconded by Councilmember Davis and unanimously approved.

**DISCUSSION AND RECONSIDERATION OF THE ADVISORY COMMITTEE AND APPOINTMENTS**

Mayor Rivera stated that on February 3 he received an email with the agenda and specifically asked that this agenda item be removed but that he would be open to general conversation pertaining to the matter. Administrator McEwen kept the item on the agenda because five councilmembers excluding Councilmember Davis wanted it to remain on the agenda. Mayor Rivera read Barnwell City Code Section 2-5, Oath of Office. He stated that as the Mayor for the City of Barnwell he has always operated fairly and without merit. He has been empowered in his role as Mayor to appoint individuals as needed and as he sees fit. He has appointed councilmembers to County committees and other committees. These appointments did not have to be councilmembers. They could have been citizens from the community. Nowhere in the ordinances does it state that an individual must reside or live in the City of Barnwell. However, he carefully took that into consideration and strategically gathered what he felt was the best group of professionals to help with this initiative. Barnwell City Code Section 2.55 Council Committees states that the Mayor is further authorized to appoint special committees to be made up of persons within or without the city government as in his judgement may be needed. If you look at the agenda, it is important for each of you to understand what is legal for your roles on Council and to know your ordinances. The agenda clearly states discussion and reconsideration of advisory committee appointments. The Mayor read Section 2-60 Motion to Reconsider. The Mayor stated that unless one of you feel you are above and beyond the law, or for some biased or implicit biased reason feel the Mayor is inferior and should have to answer to you regardless of the powers that have been invested in me, please speak now but only if the above mentioned applies to you. Councilmember Still said he was going to comment but not because he felt he was above or beneath the Mayor. He stated that at the January meeting a citizens advisory committee was formed by the Mayor. He is not against such a committee, but he does not feel that the committee was formed with careful consideration of how the Council, or the citizens of Barnwell would feel about this committee, or any committee being created the way this

Barnwell City Council Meeting Minutes  
February 7, 2022

committee was formed. He feels that the committee was not formed with the best interests of the citizens of Barnwell in mind. Councilmember Still made a motion that Council reconsider the Mayor's Advisory Committee and that the Mayor's Advisory Committee and appointments be repealed until such time a committee, if needed, can be created with the input from the Council elected by the citizens of Barnwell. Councilmember Still said he feels that the appointment of this committee was beyond the scope of Barnwell City Code Sec 2-55(d). The committee formation was not on the agenda for the January meeting. When the Mayor made his committee, Council was not briefed on appointments or roles of the committee or reasons for the committee except to advise on projects. Council now learns that the committee is in the name of the City Council with no approval by City Council. The proposed committee has been granted authority not approved by Council by an advisory committee not approved by this Council. Many committee members are not residents of the City or own businesses within the City. He feels that without Council's approval any committee appointment by the Mayor must be solely in the name of the Mayor and not in the name of the City. The City has a council form of government, and nothing can be done in the name of the City without a vote by Council. There are community concerns, and this Council should be the conduit to the people that elected them. The motion was seconded by Councilmember Bragg. During discussion Mayor Rivera stated that Barnwell City Code Section 2-60 Motion to Reconsider does not apply because no vote was taken at the January meeting. Councilmember Bragg stated that his concern was that public comment is only for citizens or business owners but some of the members of the committee are neither. Councilman Still stated that Mayor Rivera sent out an email to Council that addressed the committee's roles and expectations. The word citizens is referred to several times while several members placed on the committee are not citizens of Barnwell. The document also refers to the Mayor and Council numerous times, which directly ties Council to the advisory committee not just the Mayor but no one on this Council had anything to do with organizing, choosing members, or any other input into forming this committee. More discussion followed with Council members voicing their concerns and the Mayor addressing the concerns. Councilmember Still asked to vote on the motion. Mayor Rivera said he did not think there was anything to vote on. Mayor Rivera asked City Attorney Boulware to verify that the motion made to reconsider is parliamentary and a good motion. Attorney Boulware stated that there hasn't been a vote taken that could be reconsidered and therefore, Roberts Rules of Order requiring a motion to reconsider would be improper. He stated that there was a motion and a second on the floor and a vote needed to be taken. Mayor Rivera asked Attorney Boulware if he was saying that it was a good motion to make without modifying the ordinance that was currently in place. Attorney Boulware stated he was. The motion passed 5 to 2, with Mayor Rivera and Councilmember Davis voting against the motion.

### **COMMITTEE REPORTS**

Water and Sewer (Councilmember All) – Councilman All stated that people have a problem, they can call City Hall at 803-259-3266 during business hours and after business hours they can call dispatch at 803-541-1080.

Barnwell City Council Meeting Minutes  
February 7, 2022

Sanitation and Streets (Mayor Pro Tem Kinlaw) – No Report

Parks, Recreation and Tourism (Councilmember Davis) – Basketball games started last weekend with approximately 100 players and 15 cheerleaders. Two interviews for the Director position are scheduled for this week. Once those are complete, we will let Council know when and if we need to schedule a full council interview.

Police (Councilmember Moody) – Police Chief Robinson updated Council on activity for January.

Fire (Councilmember Bragg) – Fire Chief Tony Dicks provided Council with a written report for activity for January.

Finance and Salary (Councilmembers Bragg and Davis) – No Report

Building and Planning (Councilmember Still) – No Report

#### **ADMINISTRATOR'S UPDATE**

- We had a conversation with S&S Disposal last week concerning trash pick-up and yard debris pick up. Yard debris has been a major issue, especially since we have had some severe storms. They have been trying to get caught up on this. Citizens need to understand that only normal yard debris is picked up – trees are not part of normal yard debris. These should be hauled away by the homeowner. Trash disposal is by the cart. If trash from the household will not fit into the cart, then it should be held until the following week. If this is a consistency with a household, then the customer should add another cart at an additional fee per month. Do not place extra trash on top of or beside a cart. If a cart is overflowing, it may not get dumped at all. Carts must be placed out by the road the night before the pick- up day. There is no set pick up time for any day of trash or yard debris pick up. Routes are driven in specific sequences by the drivers. A tracker is used to see where and when the drivers were. If you have any issues, you need to call City Hall.
- The City of Barnwell has received two grants from Palmetto Pride this year. We will use the Palmetto Pride Prevention Grant to place ads in the paper and on the radio for education and awareness about litter. We have received \$21,100 for the Palmetto Pride Litter Crew Grant to assist us in continuing our efforts to clean up Barnwell. We have already removed over 6 tons of materials from area dumpsite and cleaned up Clinton Street and filled over 40 bags of trash.

Barnwell City Council Meeting Minutes  
February 7, 2022

- Make a Difference Day will continue beginning in March with special days chosen each month for volunteer clean ups.
- There was a preconstruction meeting last week with AECOM and Harper Construction for the new well project. Construction will begin March 1<sup>st</sup> with completion in May 2023.
- ARPA funds – The Treasury’s Final Rule for these funds has been established and published. I am working on a priority list of needs and the costs of those for funding. I will be going over these priorities with the Department Heads and send out the list to the Council and ARPA committee to get their thoughts before a set meeting.

**ADJOURN**

There was no further business, and the meeting was adjourned.

Submitted by:

  
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Kim Marie Vargo, Clerk & Treasurer

Barnwell City Council Meeting Minutes  
February 7, 2022