

SPECIAL MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

July 21, 2014

A special meeting of the County Council of Darlington County was held July 21, 2014, at 6 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda, giving the date, time, and place of the meeting was mailed in advance to the local newspapers, persons requesting notification, and posted on the bulletin board at the entrance to the County Administrator's Office and the Darlington County Courthouse Annex/EMS Building.

COUNCIL MEMBERS PRESENT

Chairman Wesley Blackwell, Vice Chairwoman Ms. Mozella "Pennie" Nicholson, Chaplain Dannie Douglas, Jr., Mr. Robbin Brock, Mr. Marvin Le Flowers, Mr. Bobby Hudson, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

County Administrator Dale Surrett, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Finance Director Perry Strickland, Human Resource Director Ginger Winburn, Emergency Services Director Charles Stewart, Sheriff Wayne Byrd, Elections/Voter Registration Director Hoyt Campbell, Corrections Director Mitch Stanley, Economic Development Director Frank Willis, Planning Director Doug Reimold, Mr. Ben Williamson, and others.

REPORTERS PRESENT

Mr. Jim Faile of the Messenger and Ms. Samantha Lyles of the News and Press.

Call To Order / Invocation / Pledge Of Allegiance

Chairman Blackwell called the meeting to order at 6 p.m. Mr. Douglas presented the invocation and Ms. Nicholson led the Pledge of Allegiance.

Citizens' Comments

Mr. Ben Williamson, a citizen, stated that he had two serious complaints with the actions taken at Council's last meeting. As best he could tell, Council fired the County Administrator without notice and for no expressed reason. Mr. Williamson said he did not understand this action, even after talking with three Council members who voted to do this. He stated that he could not understand why Council members would not tell the citizens of Darlington County what their reasons were or why any good potential administrator would come to a county where Council members ignore the Golden Rule and forsake basic fairness. Secondly, Mr. Williamson said that, as best he could tell, Council changed the

agenda for the last meeting, without notice, in order to discuss the firing of the County Administrator in secrecy. He believes the citizens have an important right to know ahead of time what will be discussed and voted on and when. Therefore, he had two requests. For those who voted in the majority to terminate the County Administrator's contact, he asked them to please vote tonight to reconsider as Robert's Rule of Order would allow, and then work on clarifying their grievances with the County Administrator. He also asked Council to adopt a policy or ordinance that requires an agenda to be set and published before the meeting and the agenda not be changed, except by unanimous vote.

ORDINANCE

Ordinance No. 14-12, An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Three Million Five Hundred Seventy-Five Thousand Dollar (\$3,575,000) General Obligation Bond Of Darlington County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto - Second Reading

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve second reading of Ordinance No. 14-12.

Those voting in favor of the motion were Mr. Brock, Ms. Nicholson, Ms. Johnson, Mr. Kilgo, and Mr. Blackwell. Opposing were Mr. Hudson, Mr. Douglas, and Mr. Flower.

The motion carried.

Vote For Executive Session - Discussion of Negotiations Incident to Proposed Contractual Arrangements / Personnel Matters Regarding The County Administrator

MOTION was made by Mr. Kilgo and seconded by Mr. Hudson to vote for executive session for the discussion of negotiations incident to proposed contractual arrangements/personnel matters regarding the County Administrator.

The motion carried unanimously.

Executive Session - Discussion of Negotiations Incident to Proposed Contractual Arrangements / Personnel Matters Regarding The County Administrator

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson for Council and the County Attorney to go into executive session for the discussion of negotiations incident to proposed contractual arrangements/personnel matters regarding the County Administrator.

The motion carried unanimously.

Executive Session

Council and the County Attorney went into executive session at 6:11 p.m. and reconvened at 6:35 p.m.

County Administrator's Employment Contract

Upon reconvening, a **MOTION** was made by Mr. Kilgo and seconded by Mr. Brock to terminate the contract between Darlington County and Dale K. Surrett (the extension was dated August 15, 2011) as of tonight.

Ms. Nicholson stated that it was important for the public to know that the County Administrator had a valid contract, which may be generic in terms. She also stated that Council's last vote on whether to renew his (Mr. Surrett's) contract, Council missed the date, which was Council's fault. When Council voted not to renew the County Administrator's contract, the deadline for that vote had passed. Ms. Nicholson did not believe that the County Administrator would take any action regarding breach of contract. However, she was concerned about what it would cost the taxpayers of Darlington County to buy out Mr. Surrett's contract. She mentioned that the county would have to pay Mr. Surrett for 18 months and benefits under the contract. Ms. Nicholson asked Council to be prepared to discuss the cost and balance it with Council's action tonight. She talked about the county being sued and the amount the county has spent on lawsuits that were settled.

Mrs. Johnson said Council was supposed to do a six-month evaluation, but did nothing. She said Mr. Surrett could not read Council's mind and what Council was doing was not fair because Council had no reason. Mrs. Johnson pointed out that she had completed an evaluation and would give it to Mr. Surrett to take home. She talked about Council not wanting to put this in writing or say anything. She said what was going on in Darlington County tonight was a shame. Mrs. Johnson questioned whether another Administrator would gamble and come to Darlington County for Council do the same thing to him within the next year. She said Mr. Surrett tried to read Council's mind and did what he thought was right. If something was done to a Council member and it was not brought to Council, it was off the record.

Ms. Nicholson stated that South Carolina was an "at will" employment state. The law was refined and the only exceptions are that the employee has a contract or there is a violation of public policy.

Chairman Blackwell called for the vote. Before Mr. Flowers voted, he asked whether Council fully intend to meet the financial obligations of the contract.

Mr. Kilgo replied, "yes, I do."

Those voting in favor of the motion were Mr. Brock, Mr. Hudson, Mr. Douglas, Mr. Flowers, and Mr. Kilgo, Those opposing were Ms. Nicholson, Mr. Blackwell, and Mrs. Johnson. The motion carried.

Executive Session

MOTION was made by Mr. Kilgo for Council to return to executive session.

Chairman Blackwell stated that Council had recessed from executive session and was going back into executive session.

Council and the County Attorney returned to executive session at 6:45 p.m. Mr. Willis was called into executive session at 6:54 p.m. and Council reconvened at 6:56 p.m.

Upon reconvening, a **MOTION** was made by Mr. Kilgo and seconded by Ms. Nicholson that Mr. Frank Willis be appointed as County Administrator until such time that an interim is found. Mr. Kilgo stated that this would be a temporary position and Mr. Willis would be a point person.

The motion carried unanimously.

Adjournment

MOTION was made by Mr. Kilgo to adjourn the meeting. There being no further business, the meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Mrs. J. JaNet Bishop
Clerk to Council

Mr. Wesley Blackwell, Chairman
Darlington County Council

Approved at meeting of August 18, 2014.