

**NEWBERRY COUNTY COUNCIL
SWEARING IN CEREMONY
JANUARY 7, 2009
6:30 P.M.**

Mr. Waldrop called the meeting to order and turned it over to The Honorable Judge John Rucker to swear in the newly elected and re-elected members of County Council.

Mr. Leslie Hipp, Mr. Kirksey Koon, Mr. Steve Stockman and Mr. Edgar Baker were sworn into office by Judge Rucker.

Newly elected and re-elected members were congratulated by Judge Rucker and those in attendance at the ceremony

**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 7, 2009
7:00 P.M.**

PRESENT: William B. Waldrop, Vice Chairman
Edgar Baker, Councilman
John E. Caldwell Councilman
Leslie Hipp, Councilman
Kirksey Koon, Councilman
Henry H. Livingston, III, Councilman
Steven Stockman, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Laurie N. Renwick, Clerk to Council

PRESS: Heather Hawkins, WKDK
Cindy Pitts, Newberry Observer
Donna Bumgarner, The Whitmire News

The meeting was duly advertised as required by law.

Mr. Waldrop called the meeting to order and welcomed everyone to the first County Council meeting of the year.

Mr. Adams led the invocation followed by the Pledge of Allegiance.

Mr. Waldrop turned the meeting over to Mr. Tothacer, County Attorney, for the election of Chairman and Vice Chairman for 2009.

1. Election of Chairman for 2009

Mr. Tothacer stated he would open the floor for nominations for Chairman and Vice Chairman. He said nominations do not require a second and under Council rules, a simple majority of the whole is required to win the election.

Mr. Tothacer opened the floor for nominations for Chairman.

Mr. Waldrop nominated Henry (Buddy) Livingston for Chairman.

Mr. Tothacer asked if there were any additional nominations for Chairman.

Mr. Caldwell moved that the nominations come to a close.

Mr. Tothacer stated the nominations have been closed. There being no opposition, it is the option of Council to accept by acclamation or by vote.

Mr. Waldrop moved that Council accept by acclamation.

2. Election of Vice Chairman for 2009

Mr. Tothacer opened the floor for nominations for Vice Chairman.

Mr. Koon nominated Mr. Waldrop for Vice Chairman.

Mr. Tothacer asked if there were any additional nominations for Vice Chairman.

Mr. Baker moved that the nominations come to a close.

Mr. Tothacer stated the nominations have been closed. There being no opposition, again you may accept by acclamation or by vote.

Mr. Caldwell moved that Council accept by acclamation.

Mr. Tothacer congratulated Mr. Livingston and Mr. Waldrop and turned the meeting over to the newly elected Chairman, Mr. Livingston.

Mr. Livingston thanked fellow Council members for allowing him the opportunity to serve as Chairman. He said he looks forward to working with each member and hopes that Council will work together through the difficult times we face in 2009. Chairman Livingston stated he wanted Council to work to make government transparent so that people will trust and respect what we do.

Mr. Livingston stated that part of the responsibility of Chairman is the appointment of Council members to various committees. He asked Mr. Adams to forward all Council members a list of committees that Council are representative of and serve on. He asked

that each Council member rank which committee they would like to serve on so he can make appointments that will benefit the county and fit your bill of expertise.

Mr. Waldrop thanked Council for allowing him to serve another year as Vice Chairman and looks forward to working with each of you.

3. Personal Appearances:

**a. Newberry County Department of Disabilities and Special Needs –
Mr. Fred Owens, Executive Director - Resolution #09-01**

Mr. Owens said he was joined tonight by Mr. Leon Gallman. He stated he was looking only for Council's support and recognition. Their agency was applying for a grant from the Section 5310 of the Department of Transportation Division of Mass Transit. For the past ten years, Council has signed a resolution as part of the application recognizing their agency as an entity that transports people with disabilities and special needs in Newberry County. The grants are 80/20 percent matches. Normally the agency puts up \$12,000.00 for a \$60,000.00 vehicle. These vehicles have to be ADA equipped. The agency currently has 42 vehicles that are used everyday to transport people to and from their homes, to workshops, jobs, medical appointments and community activities. Mr. Owens said it will be very important for them to use their money wisely with all the cuts to the SC Department of Disabilities and Special Needs who have passed them on to them. As of today, they have had to lay off 4 staff but fortunately they have not had to eliminate any services in their workshops and residential programs. The Board of Directors that Council has appointed is scrutinizing the finances very closely so that they make the best use of the dollars used to provide needed service to the people they support each day. Mr. Owens offered to answer any question from Council.

Chairman Livingston read Resolution #09-01.

Mr. Baker moved to adopt Resolution; second by Mr. Waldrop. Vote was unanimous

4. Adoption of Consent Agenda

Mr. Waldrop moved to approve consent agenda; second by Mr. Koon. Vote was unanimous.

5. Additions, Deletions and Adoption of Agenda.

Mr. Adams requested Agenda Item #15b be added to the executive session concerning a contractual matter pertaining to the Newberry County Airport.

Mr. Baker moved to approve agenda as amended; second by Mr. Stockman. Vote was unanimous.

6. Ordinance #12-36-08: An Ordinance for the purpose of leasing County property for a Skeet Range.

Mr. Hipp excused himself from voting because of his membership with the Triangle Gun Club.

Mr. Livingston asked if there were any questions or comments.

Mr. Baker inquired about the status of the test wells on the property.

Mr. Adams stated he would check on that and asked if this was in reference to the monitoring of the methane.

Mr. Baker said he thought sometime last year we were going to have to put in more test wells.

Mr. Adams stated that was correct and it had been funded in the budget.

Mr. Waldrop said SCE&G had looked at the property for possibly using it as a methane operation for generating power.

Mr. Adams said it had been discussed but there were concerns as to there being sufficient enough volume to justify the infrastructure. They do not know the answers to that yet.

Mr. Adams stated the lease has a 6 months notice provision where the County can terminate the lease on 6 months notice with no penalty.

Mr. Waldrop moved to approve first reading; second by Mr. Stockman. Vote was unanimous with Mr. Hipp abstaining.

7. Ordinance #12-37-08: Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, Codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a one and sixty-two hundredths (1.62) acre tract designated as TMS Parcel No. 741-60, from Single Family Residential (RS1) to General Commercial (GC).

Mr. Livingston asked Mrs. Peters to the podium.

Mrs. Peters said the planning commission had approved this rezoning. She said the property has general commercial next door and adjacent to it; the whole area is gradually becoming commercial.

Mr. Baker moved to approve first reading; second by Mr. Waldrop. Vote was unanimous.

8. Committee Reports

No reports

9. Appointments

No appointments

10. Consideration of acceptance of 2009 County Council Meeting Schedule

Mr. Waldrop moved to approve schedule; seconded by Mr. Baker. Vote was unanimous.

11. Consideration of acceptance of bid for (4) new Ambulances for Newberry County EMS – Crystal Waldrop, Purchasing Director

**2009 Ambulance Bids
Newberry County EMS**

Peach State Ambulance		Southeastern Specialty Vehicles	
Base Price	\$113,995	Base Price	\$111,879
Oxygen Lift	\$2,153	Oxygen Lift	\$2,416
VHF Radio	\$2,546	VHF Radio	\$2,450
800 MHz Radio	\$4,950	800 MHz Radio	\$5,678
Kenwood WT	\$804	Kenwood WT	\$845
Locking System	\$1,510	Locking System	\$982
Heat / Cold Compartments	\$2,800	Heat / Cold Compartments	\$2,000
Total with all options	\$128,758	Total with all options	\$126,250
Less 1% Discount	\$1,287.58	x 4 Units	\$505,000.00
Cost per unit	\$127,470.42		
x 4 Units	\$509,881.68	Deduct 2 Stretchers	\$18,712
Deduct 2 Stretchers	\$21,464	Deduct 800 MHz radio	\$22,712
Deduct 800 MHz radio	\$19,800	Deduct locking systems	\$3,928
Deduct locking systems	\$6,040	Total Deductions	\$45,352
Total Deductions	\$47,304	Total Bid Price	\$459,648.00
Total Bid Price	\$462,577.68		

Mrs. Waldrop stated they had accepted bids and adjusted the specifications to bring it in under budget. The two responsive bidders are listed in your agenda with Southeastern Specialty Vehicle being the lowest bidder at \$459, 648.00, funded on a lease purchase.

Mr. Hipp wanted clarification that these were in the current 08-09 budget.

Mrs. Waldrop stated the four ambulances were budgeted.

Mr. Hipp said that given the current economic situation, was it possible to purchase two of these vehicles this year and two next year. He was looking for some more information for Council.

Mr. Adams said Bill Grisby was in attendance and might be able to answer Mr. Hipp's questions about the need for the ambulances.

Mr. Livingston asked Mr. Gordon Johnson who had signed up to speak to the podium.

Mr. Johnson said these items were put in last year's budget prior to June of 08 when things were not like they are today economically. With the current economic situation, maybe it should be restudied. He questioned buying all four ambulances at one time rather than starting a rotational process of new vehicles. Mr. Johnson stated that through his experience, the most expensive way to buy anything is lease purchase. He stated he did not understand why we would fund through lease purchase and not just pay for it. He asked, since this was first reading, that Council revisits this issue.

Mr. Baker clarified this was not first reading; a vote tonight would purchase them.

Mr. Johnson asked Council to table this for further review.

Mrs. Waldrop stated the purchase price for two will probably not be the same as if we purchase four at one time. It would probably have to be re-bid.

Mr. Baker said several items were reduced to bring them within budget and asked where the funding will come from for these items.

Mrs. Waldrop stated the items reduced were add-on items, so Mr. Grisby took these items off to bring them in under budget.

Mr. Baker agreed but said this would have to be brought from somewhere.

Mr. Grisby stated the items they were taking off (800 MHz radios and stretchers) were in the initial RFP but the Rescue Squads have since purchased stretchers. The radios are in their current trucks and will be pulled out for EMS 911 services.

Mr. Livingston asked Mr. Grisby to address the need for the four ambulances.

Mr. Grisby stated they currently have 6 ambulances through EMS and 8 with the Rescue Squads. With buying four, they will be able to rotate two of the newer ambulances (with approximately 45,000 miles) to the Rescue Squads. The older models would then be retired.

Mr. Hipp asked if they had a salvage return value calculated for the models they plan to retire.

Mr. Grisby stated they do not, and because of the recent accident with one ambulance, they will only have one model that will go to surplus. He stated it was a 1992 model with 270,000 miles.

Mr. Hipp said that was what he was asking. If we are buying four, are we retiring four or are we retiring two.

Mr. Grisby said the Rescue Squads are retiring two. He stated one of those they may bring up to use as a transport vehicle.

Mr. Hipp asked about the impact of purchasing two now and delaying the purchase of two later in the year, provided we contact the suppliers and they say there is no appreciable difference in the quote based on the purchase of two or four. He asked Mr. Grisby to address the impact on his organization if we bought two now, and delayed the purchase of the other two later.

Mr. Grisby said, to his organization, it would replace the one that was lost in the vehicle accident and replace the older 1992 model with 280,000 miles. Purchasing just two now would not allow for the rotation of two to the Rescue Squads.

Mr. Waldrop said Chappells just received a grant from Homeland Security for the purchase of a brand new ambulance. He asked if they had already earmarked them to go to a certain Rescue Squad.

Mr. Grisby said the first two will be going to Station 13 and Station 18 which are Pomaria and Little Mountain.

Mr. Hipp stated he recognizes that he is new on Council and was not involved in the preliminary discussions when this was budgeted; however, at this point it seems there are still a few unanswered questions such as the salvage value for retired units and if there would be a cost impact by purchasing two now and two later. County funds have been cut by the state and will be cut some more, and feels this should be deferred to the next meeting until we get some answers.

Mr. Johnson asked if they took the radios out of the older trucks to put in the new ones, would the older trucks have to have radios or are we robbing Peter to pay Paul. He also reiterated if the money was budgeted and in the bank account, why buy lease purchase.

Mr. Adams stated the cost of lease purchase for County purposes is low not high as Mr. Johnson suggested earlier. Lease purchase is a borrowing of the County that is a construction to avoid applying the application to the County's debt limit. He did not want to quote the rate but imagined it was under 4%.

Mr. Johnson said you are still paying interest that we don't need to pay.

Mr. Adams said as far as the rotation, they were planning on rotating four out per year.

Mr. Grisby stated the life of an ambulance is about six years and if they can start this rotation with purchasing four, they will be able to replace a new truck every six years. As we get through this rotation, we will be able to purchase one truck per year and rotate it through the system.

Mr. Hipp moved to defer this until the next meeting to get a couple of questions answered; second by Mr. Koon.

Mr. Livingston asked if there was any more discussion.

Mr. Grisby stated there have been three to four occurrences where ambulances have broken down on the highways with patients in the back and asked that Council please consider as rapidly as possible.

Mr. Waldrop asked Mrs. Waldrop how long the bids were good for.

Mrs. Waldrop stated the bids are good for either 60 or 90 days.

Mr. Baker stated he felt we did not need to rush into this. Things have changed since the budget last year. He said we are only talking two weeks.

Mrs. Waldrop stated the County uses GovDeals online for surplus equipment and have no way of knowing the exact salvage value.

Mr. Baker asked about the status of the wrecked ambulance and if it was totaled.

Mr. Grisby said in his opinion it was, but they had not heard from the adjuster yet.

Mr. Hipp stated that he assumed we had insurance and would be getting the claim filed.

Having received no further discussions, Vote was unanimous to defer until the next meeting.

12. Request by Councilman

No request

13 Public Comments (by those who signed up at the meeting)

Mr. Livingston asked Mr. Lynn Beasley who had signed up to the podium to speak.

Mr. Beasley, NCMH Administrator, said he had some very good news. He congratulated Mr. Livingston and Mr. Waldrop on their elections tonight and Mr. Koon, Mr. Hipp and Mr. Stockman on their recent election to County Council. Mr. Beasley said County Council had gone on record for two years in support of the hospital's efforts to oppose the construction of a new hospital in the Harbison area. Mr. Beasley read a statement to Council. (See Attached). Mr. Beasley said he applauded Judge Kitrell's ruling in this matter and it is certainly in the best interest of the citizens of Newberry County. On behalf of the Board of Trustee of NCMH, he thanked County Council, the hospital staff, the medical staff, and the many community members who came forward in support of the hospital's position of opposition. It made a big difference in the final decision. Mr. Beasley stated Palmetto Parkridge has various due process rights under the certificate of need law and at this time we cannot predict their follow-up actions. However, for now, we are enjoying this powerful validation of the Administrative Law Court and celebrating what this means to our community. He thanked Council for their support.

14. Vote for Executive Session

Mr. Waldrop moved to go into Executive Session; second by Mr. Baker. Vote was unanimous.

Mr. Livingston said Agenda Item 15a under Executive Session could be deleted from the agenda.

Mr. Adams stated Executive Session Agenda Item 15b was concerning a contractual matter on the Newberry County Airport.

15. EXECUTIVE SESSION [7:39 p.m. – 8:40 p.m.]

Mr. Waldrop moved to return to Open Session; second by Mr. Baker. Vote was unanimous

16. Necessary Action on Matters Discussed in Executive Session

Mr. Tothacer stated Newberry County Council went into Executive Session to receive information about negotiations incident to a proposed contractual arrangement concerning the Newberry County Airport and no action was taken in that session.

Mr. Livingston asked if there was a motion from the Executive Session.

Mr. Baker moved that Council approve a change order to the tree clearing contractor to complete the project on the outside of the Country Club; second by Mr. Waldrop. Vote was unanimous

17. Comments from County Administrator

Mr. Adams welcomed the new members of Council and looks forward to working with you and having a good 2009.

18. Comments from Council Members

Mr. Stockman stated he was looking forward to working with all Councilmen. We have a lot of work ahead of us in accomplishing a lot for the taxpayers of Newberry County. He appreciates the opportunity to be here.

Mr. Hipp echoed Mr. Stockman. He stated Newberry is a wonderful place to live but can be better. The South Carolina Association of Counties has a lot of information about how Newberry is performing. How we perform relative to income, industrial growth, residential growth, poverty levels, and of course our level of taxation. The information is available to Council and he feels we should make good use of it. He asked Council to consider having a work session in the first quarter of this year. During that session, look at some of the most critical areas that we can focus and identify performance measures so that at the end of 2009, we can grade our performance based on our success. Effort is a good thing but taxpayers want results. We cut put together a report card. He said he knew we could not eat the elephant all at once but we might be able to start nibbling on one of the legs to make things a little better.

Mr. Baker stated he was glad Mr. Hipp was beside him to keep him straight. He said that one way we could help Newberry County out would be to move Broad River. Mr. Koon thanked Council for the smooth transition and hopes that it continues. He told the citizens he believes they can all work together for the betterment of Newberry.

Mr. Waldrop said he felt we would have a good year. Council should look forward to working for the people and being accountable. He thanked Council for allowing him to serve again as Vice-Chairman.

Mr. Livingston thanked Council for the opportunity. He said you are only as strong as your weakest link, and there are a lot of strong links up here and feels good about 2009. We will work together for the betterment of Newberry County which is what we are elected to do.

Mr. Livingston introduced Mr. Kyle Nash, newly hired Public Works Director. He thanked him for serving and stated we are glad to have you in Newberry County.

Mr. Livingston asked Council if they were OK with Mr. Hipp's recommendation to have a work retreat.

Mr. Baker said the retreat needed to be set before the budget gets geared up.

Mr. Waldrop asked about the planning book for the County and thought it needed to be revised every 10 years.

Mr. Adams said staff is in the mist of updating the comprehensive plan document that covers nine areas that are required by state law. He said Teresa Powers was heading up this project and he would get back with them on an update.

19. Future Meetings

- a. January 21, 2009
- b. February 4, 2009

20. Vote to Adjourn

Mr. Waldrop moved to adjourn; second by Mr. Baker

21. Adjournment

Mr. Livingston declared the meeting adjourned at 8:35 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council