

*The Honorable John M. Rucker  
Administered the Oath of Office  
To*

*Mr. John E. Caldwell, Council Member, District 7  
Mr. Henry H. Livingston, III, Council Member, District 3  
Mr. William D. Waldrop, Council Member, District 6*

*At 6:45 p.m. on January 5, 2011*

*In Council Chambers prior to the start of the Council Meeting*

**NEWBERRY COUNTY COUNCIL  
MINUTES  
JANUARY 5, 2011  
7:00 p.m.**

Newberry County Council met on Wednesday, January 5, 2011, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

**PRESENT:** Henry H. Livingston, III, Chairman  
William D. Waldrop, Vice Chairman  
Kirksey Koon, Councilman  
John E. Caldwell, Councilman  
Edgar Baker, Councilman  
Leslie (Les) Hipp, Councilman  
Steven C. Stockman, Councilman  
Wayne Adams, County Administrator  
A.J. Tothacer, County Attorney  
Laurie Renwick, Clerk to Council  
Debbie Cromer, Finance Director

**PRESS:** Heather Hawkins, WKDK  
Cindy Pitts, Newberry Observer

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order and determined a quorum present

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

**[Meeting turned over to A.J. Tothacer, Jr., County Attorney,  
for election of officers]**

**1. Election of Chairman for 2011**

Mr. Tothacer began the process with opening the floor for nominations for Chairman and said we would then nominate for Vice Chairman. The nominations do not require a second but they do require a simple majority vote. He asked if there were any nominations for Chairman.

Mr. Koon nominated the current Chairman, the Honorable Buddy Livingston for Chairman for 2011; seconded by Mr. Waldrop.

Mr. Tothacer asked if there were any other nominations.

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

Mr. Tothacer stated since there is only one nominee, Council can move to accept the nominee by acclamation or you can vote on it.

Mr. Caldwell moved to accept by acclamation the nomination of Buddy Livingston as Chairman of Newberry County Council for 2011.

**2. Election of Vice Chairman for 2011**

Mr. Tothacer said we now will hear nominations for Vice Chairman.

Mr. Waldrop stated that he no longer wished to serve as Vice Chairman at this time and would like to nominate Kirksey Koon as Vice Chairman.

Mr. Tothacer asked if there were any other nominations.

Chairman Livingston moved that the nominations come to a close.

Mr. Tothacer said since there is only one nominee for Vice Chairman, it can be made by acclamation too if that is the choice of Council.

Mr. Baker moved to accept by acclamation the nomination of Kirksey Koon as Vice Chairman of Newberry County Council for 2011.

Mr. Tothacer presented the Chairman and Vice Chairman for the current year.

Chairman Livingston said he would like to thank fellow Council Members for re-electing him to the Chairman's role. He shared that he is working with a good group and expressed his appreciation for all of their input and help which makes his job easier.

Mr. Koon also thanked everyone for allowing him to serve as Vice Chairman and expressed his appreciation for their vote of confidence.

### **3. Adoption of Consent Agenda**

Mr. Baker motioned to approve the consent agenda; seconded by Mr. Stockman. The vote was unanimous.

### **4. Additions, Deletions, and Adoption of Agenda**

Chairman Livingston added Mr. Frank Monroe with the Moose Lodge as agenda item #4a. He also added members of the Alpha Kappa Alpha Sorority as agenda item #4b.

Mr. Waldrop motioned to adopt the agenda as amended; seconded by Mr. Baker. The vote was unanimous.

#### **4a. Frank Monroe**

Mr. Monroe introduced himself as Chairman of the Newberry Moose Lodge. He stated that the Supreme Governor of the entire Moose Lodge Association will be in Newberry on Tuesday, January 11<sup>th</sup> for the first time since the lodge was adopted in 1969. He extended to Council Members and their immediate families an invitation to join them on Tuesday at 6:00 p.m. for heavy horsd'oeuvres and to meet their Supreme Governor.

#### **4b. Alpha Kappa Alpha Sorority Members**

Chairman Livingston asked members of the Alpha Kappa Alpha Sorority to please stand. He said Council honored this group by way of Proclamation in November and wanted to applaud them for the number of service projects they are involved in which include: college scholarships, recognition of outstanding young writers, books for underprivileged children, toys for tots, donation of winter coats to the needy, distribution of disaster preparedness kits for the elderly, presentation of health forums and other needed services.

Chairman Livingston expressed his appreciation for all they do to help and support the County of Newberry and its citizens.

Mrs. Leila Caldwell, President and speaker on behalf of the members of the Pi Beta Omega chapter of Alpha Kappa Alpha, thanked Council for the Proclamation given to them as they celebrated their 25<sup>th</sup> Anniversary. She said they will honor it with great pride and will always provide services to all mankind.

### **5. Ordinance #11-29-10: An 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 three and twelve hundredths (3.12) acres real estate parcel, designated as TMS No. 578-1 from Basic Industrial (BI) to Rural (R2)**

Chairman Livingston declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

Mr. Koon motioned to approve third reading of Ordinance #11-29-10; seconded by Mr. Baker. The vote was unanimous.

**6. Ordinance #12-30-10: An Ordinance repealing Ordinance No. 01-04-03, relating to the establishment of County Council Committees.**

Mr. Waldrop motioned to approve second reading of Ordinance #12-30-10; seconded by Mr. Koon. The vote was unanimous.

**7. Consideration of acceptance of bid for Community Hall renovations from pre qualified bidders – Crystal Waldrop, Purchasing Director and Ervin West, Carter Goble Lee**

Mrs. Waldrop stated that Council should have the bid tabulation from the bids received. Three bids came back from the eight pre qualified bidders and the low bid came in from Cannon Associates in the amount \$91,149.00. She asked that Council consider accepting the low bid.

Mr. Baker motioned to accept the low bid from Cannon Associates in the amount of \$91,149.00; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp said there was a wide range in prices submitted for this work and asked if there was an explanation for this.

Mrs. Waldrop stated that they thought the same things but Cannon Associates made several visits to the Community Hall and was fully aware of the scope and specifications that were laid out.

Mr. West said that this is a very detailed job but the square footage is small. He informed Council that this was a local contractor who will have the advantage of using some local support that the other two bidders will not have.

Mr. Hipp commented that it was good to see that a local contractor came in at low bid.

Having received no further discussion, the vote to accept the low bid from Cannon Associates in the amount of \$91,149.00 was unanimously approved.

**8. Consideration of acceptance of low bid from Custom Works in the amount of \$57,970.00 for one (1) EMS Transport Vehicle – Crystal Waldrop, Purchasing Director**

Mrs. Waldrop said they took bids and received three responses with Custom Works coming in with the low bid and meeting all the specifications in the solicitation. She asked that Council consider approving the low bid from Custom Works in the amount of \$57,970.00.

Mr. Caldwell motioned to approve the low bid from Custom Works in the amount of \$57,970.00; seconded by Mr. Baker. The vote was unanimous.

**9. Consideration of expanding scope of Silverstreet EMS Station renovation to include a kitchenette and ADA restroom – Ervin West, Carter Goble Lee**

Mr. West reported that this proposal is to add an ADA bathroom to the Silverstreet building and to incorporate a kitchenette for EMS personnel. In doing the initial project, they actually took away one of the smaller bathrooms from the community hall to put in the shower for EMS. This addition will give them back an ADA approved bathroom. In a meeting with the town this week, they expressed some concerns that we had taken away not only a bathroom but also some storage space. We came up with a compromise to move the kitchenette from the radio room into the day room area of the EMS portion of the building and use the radio room for the storage lost with the ADA bathroom. We are asking for Council's consideration to approve this additional scope which should cost around \$20,000.00.

Mr. Koon stated that the Public Safety and Courts Committee met yesterday morning in Silverstreet on this matter and agreed to bring this before full Council with their approval.

Chairman Livingston said it was his understanding that the original scope of this project was budgeted at \$141,125.00 and we have only expended about \$60,000.00. This addition will still keep it well under budget; we are not expending additional monies.

Mr. Waldrop motioned to approve the additional scope of the Silverstreet EMS project in the amount of \$20,000.00; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked if there was a fire station nearby and how close it was to this building.

Mr. West stated that fire station is a separate building located about 10-50 feet away.

Mr. Hipp inquired if the fire station had a kitchenette and rest room facility.

Mr. West said that it had a bathroom but did not have a kitchenette.

Mr. Hipp asked if there was a reason why the EMS folks could not use the restroom at the fire station.

Mr. West said that the fire station is a different set up all together and he really did not have an answer to the question.

Mr. Hipp asked Mr. Tommy Long if he could answer some of these questions.

Mr. Long said by sharing the restroom facilities would mean giving the entrance code out to employees of a different organization and that would be his only concern.

Mr. Hipp commented that we entrust our citizens lives and our emergency vehicles to their care and thought we should at least have the same level of confidence in EMS as we do in our firemen.

Mr. Long stated that if this was something that Council would like to proceed with they would be willing to work something out.

Mr. West reminded Council that the ADA bathroom is actually to replace the one we took to convert to an EMS shower. This addition will allow the community using the assembly hall area to have two bathrooms.

Mr. Hipp stated that this is not an addition to support the EMS station but to put an ADA bathroom in the community center in Silverstreet.

Mr. West agreed and again stated it was because we took one of their bathrooms to do the EMS shower.

Mr. Caldwell asked how long ago the bathroom was taken away.

Mr. West said 1-1 ½ months ago.

Mr. Koon explained one reason for having a separate bathroom facility with a shower for EMS is that some of the calls will require that they bath and change clothes and it is a health issue.

Having received no further discussion, the motion to approve the additional scope in the amount of \$20,000.00 was passed 6-1, with Mr. Hipp abstaining.

Mr. Hipp commented that he was not opposed to providing the facility for the EMS folks but felt we just seem to continue to spend some money that he was not sure was necessary considering some of the other cost cutting measures we have taken lately.

**10. Consideration of acceptance of Board of Rescue capital requests – Tommy Long, Emergency Services Director**

Mr. Long stated that the Board of Rescue adheres to a proviso before they can purchase their equipment each year. They are budgeted \$75,000.00 to make these purchases and each Council member should have a list of the items presented for purchase. We are asking for Council's permission to move forward with these purchases.

Mr. Koon reported that this item was also discussed yesterday morning at the Public Safety meeting and the committee recommended that it come before full Council. He said he met again this morning with Mr. Long and Mr. Adams and they went over each and every line item. The justifications should explain the needs and what they are.

Mr. Waldrop said that this is not new money but money that was budgeted for the year for this purpose.

Mr. Hipp motioned to approve the Board of Rescue capital requests in the amount of \$75,000.00; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Baker asked Tommy Long to explain the new DHEC requirement on run reports.

Mr. Long said that all run reports must be done by computer; hand written ones will no longer be accepted.

Mr. Baker asked why one station was picking up two computers and there were four stations with none listed.

Mr. Long said that a fair amount of the computers were purchased in last year's budget and stated he is pretty sure that this should complete everybody. There will be one computer placed in each rescue and ambulance vehicle to enable them to do the reports.

Having received not further discussion, the motion to approve the Board of Rescue capital requests in the amount of \$75,000.00 was unanimous.

**11. Consideration of acceptance of 2011 County Council meeting schedule**

Chairman Livingston stated that the Freedom of Information Act requires that public bodies establish their regular meeting schedule at the beginning of each year.

Mr. Hipp motioned to approve the meeting schedule; seconded by Mr. Baker. The vote was unanimous.

## **12. Appointments**

Mr. Caldwell nominated Mr. Curtis Wicker for an appointment to the Board of Rural Fire Control and Mr. Chris Johnson for an appointment to the Board of Rescue Squads.

Mr. Hipp motioned to approve Mr. Wicker's appointment to the Board of Rural Fire Control; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Koon motioned to approve Mr. Johnson's appointment to the Board of Rescue Squads; seconded by Mr. Baker. The vote was unanimous.

Mr. Hipp nominated Mr. Victor Terrana for an appointment to the Joint Planning Commission.

Mr. Waldrop motioned to approve Mr. Terrana's appointment to the Joint Planning Commission; seconded by Mr. Baker. The vote was unanimous.

Mr. Hipp nominated Mr. Curtis Haltiwanger for an appointment to the Westview Behavioral Health Board.

Mr. Koon motioned to approve Mr. Haltiwanger's appointment to the Westview Behavioral Health Board; seconded by Mr. Waldrop. The vote was unanimous.

## **13. Public Comments**

No comments

## **14. Vote for Executive Session**

No vote for Executive Session

## **15. Executive Session**

No Executive Session

## **16. Necessary Action on Matters Discussed in Executive Session**

No Action

## **17. Comments from County Administrator**

Mr. Adams commented that he looks forward to working with each Council member in the coming year and serving their constituents as well. He wished them all a Happy New Year.

**18. Comments from Council Members**

Mr. Waldrop thanked the people of District 6 for supporting him and voting for him to serve another term. He said he is proud to be their voice on County Council

Chairman Livingston thanked Mr. Waldrop for his service as Vice Chairman on County Council during the past several years. He welcomed Mr. Koon on board as the new Vice Chairman and said he appreciates all he knows he will do.

**19. Future Meetings**

- a. County Council – January 19, 2011 @ 7:00 p.m.
- b. County Council – February 2, 2011 @ 7:00 p.m.

**20. Vote to Adjourn**

Mr. Baker motioned to adjourn; seconded by Mr. Stockman. The vote was unanimous.

**21. Adjournment**

Chairman Livingston declared the meeting adjourned at 7:29 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

**APPROVED:**

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**Laurie N. Renwick, Clerk to Council**