

**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 20, 2010**

Newberry County Council met on Wednesday, January 20, 2010, 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.

Councilman Stockman led the invocation followed by the Pledge of Allegiance

1. Presentation of Newberry County Service Awards

Chairman Livingston stated it gave him great pleasure to present the following service awards on behalf of County Council: Edgar Baker, Councilman, - 5 years; Bridgett Fain, Zoning and Planning – 5 years; John Frampton, Sheriff’s Office – 5 years; Nora Sanders, Auditor’s Office – 5 years.

Chairman Livingston said he appreciated the service each had provided to the citizens of Newberry County.

2. Adoption of Consent Agenda

Mr. Baker motioned to adopt the Consent Agenda; seconded by Mr. Stockman. The vote was unanimous.

3. Additions, Deletions and Adoption of Agenda

Mr. Caldwell asked to make a revision to Agenda Item 5 under Committee Reports. He reported that he is on two different committees and would like to suggest that Mr. Stockman replace him as Chairman on the Personnel and Intergovernmental Relations Committee and he could replace Mr. Stockman's position on the Public Works and Planning Committee.

Chairman Livingston asked Mr. Stockman if he was OK with Mr. Caldwell's recommendation.

Mr. Stockman commented that he did not mind serving as Chairman of the Personnel and Intergovernmental Relations Committee; however, he would like to continue serving on the Public Works and Planning Committee if that was not a problem.

Chairman Livingston stated that Council would accept the recommendation and he thanked Mr. Caldwell and Mr. Stockman.

Mr. Hipp reported that Council had received their mid-year accounting information and there were a couple of items that he wanted some clarification on. He asked if Council would add a line item to the Agenda for some discussion on the financial report.

Chairman Livingston recommended that discussion on the financial report be added as Agenda Item 5c.

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

4. Ordinance #12-25-09: An Ordinance to amend the Budget Ordinance for the 2009-2010 fiscal year, Ordinance Number 04-08-09, to provide for revised revenues and appropriations related to the operations of the County and to approve the administrative transfer of certain funds

Mr. Adams reported that this Ordinance re-appropriates \$88,000.00 in the budget of which \$23,000.00 is for the move of the Clemson Extension Office and \$65,000.00 for services relating to the development of the Capital Project Sales Tax Proposals.

Mr. Koon motioned to approve third reading of Ordinance #12-25-09; seconded by Mr. Baker. The vote was unanimous.

5. Committee Reports

a. Chairman Livingston reappointed the County Council Committees for 2010 as follows:

Public Works and Planning Committee:

Meeting Dates: 1/11/10 – 4/12/10

7/12/10 – 10/11/10

Bill Waldrop

Edgar Baker

Steve Stockman

Economic Development Committee:

Meeting Dates: 2/1/10 – 5/10/10
8/9/10 – 11/8/10

Les Hipp
Buddy Livingston
Steve Stockman

Personnel and Intergovernmental

Relations Committee:

Meeting Dates: 3/8/10 – 6/7/10
9/20/10 – 12/6/10

John Caldwell
Edgar Baker
Kirksey Koon

Public Safety and Courts Committee:

Meeting Dates: 2/8/10 – 5/24/10
8/23/10 – 11/22/10

Kirksey Koon
John Caldwell
Bill Waldrop

Finance Committee:

Meeting Date: 1/25/10 – 4/26/10
7/26/10 – 10/25/10

Buddy Livingston
Les Hipp
Bill Waldrop

Chairman Livingston stated that the committee structure and members will be the same as last year for the exception of the amendment made tonight. The only change is the meetings have been scheduled on a quarterly basis instead of every other month, which should cut down some on the number of meetings. He reminded Council that it may be necessary to have a called meeting for any of the committees should something come up along the way and need to be worked in.

b. Public Works and Planning Committee – January 11, 2010 – Kyle Nash, Public Works Director.

Mr. Nash reported that the Public Works and Planning Committee met on January 11, 2010 and the following items were discussed.

- The committee recommended a new airport consulting firm for the County. That recommendation is on your agenda tonight for consideration.
- The committee approved a tentative list of approximately 10 miles of roads for patch and overlay during this coming spring and summer. This list will be brought before the County Transportation Committee for funding.
- The Committee reviewed a request from the Town of Pomaria to consider replacing Berley Road Bridge because of concerns that Emergency Service vehicles could not cross the bridge. The County has hired an engineering firm to evaluate the bridges on Old Jollystreet Road and we are going to ask them if they can look at the Berley Road Bridge and give us some idea of what the cost might be.
- The Committee was updated on the Animal Shelter winterization.
- The Committee was updated on the process to start receiving timber estimates for the County owned tract of land on Highway 34.
- The Committee heard some concerns from the Chappell's Fire Department Chief about water quality in the area and some water testing will be done out there and will be reported back to the committee.

5c. Financial Report Update

Mr. Hipp asked Council members to turn to page 21 of their financial report if they had them available. He said as he was going through the report, he had no questions about those areas that were right at 50% of their budgeted amount for the year; however, there seemed to be a number of departments who have almost expended their entire budget for the year. Those departments Mr. Hipp wanted clarification on were the Board of Rescue Squads, the Board of Rural Fire Control and Hazmat who have already expended more than half of their budgets. He asked Mr. Adams if these folks had been asked about this issue.

Mr. Adams and Mrs. Cromer reported that this was due to capital expenditures. These departments do not involve salaries for the most part so expenditures are not distributed evenly across the year. They may end up buying a lot of equipment up front and expending nothing on the end or they may end up expending their budgets towards the end of the year for things such as physicals.

Mr. Hipp stated it looked like we have expended all the capital outlay so that may be just a cash flow issue. He wanted clarification that none of the items he had identified, where we had less than 50% of budgets remaining for the year, we were in trouble for.

Chairman Livingston stated that in most of these cases the departments already have bids received for budget planning purposes so when the money is appropriate they go ahead an spend it; it is spent early on.

Mr. Adams stated that the only thing they have seen so far that is ahead of pace would be the transferring of some funds from another line item to cover diesel fuel.

Mr. Adams stated that the updated figure from the Treasurer on the bank balance as of December 31, 2009 was 8.4 million dollars and compares favorable to December 31st of the prior year.

6. Appointments

No Appointments

7. Consideration of declaring the items listed below as surplus property and authorizing their sale on GovDeals.com – Crystal Waldrop, Purchasing Director

<u>Description</u>	<u>Mileage</u>	<u>VIN Number</u>
1997 Ford F-350 XLT Ambulance	194,643	1FDKF37F3VFB30377
1997 Ford F-350 XLT Ambulance	171,131	1FDKF37F3VEC20385
1994 Ford F-350 XLT Ambulance	99,614	1FDKF37MDRNB68248
1994 Ford F-250	200,796	1FTHF25K5RNB50435
1995 Mazda B3000	137,696	4F4CR16U2TTM11624

Mrs. Waldrop stated that the ambulances have been removed from the EMS fleet for some time. Both Tommy Long and Bill Grigsby have said these ambulances were not suitable for their needs due to age and that they have been used to supply spare parts for their other ambulances. The Mazda is from Animal Control and has not been operational in their fleet for quite some time.

Mr. Baker motioned to declare these vehicles as surplus and put them on GovDeals.com; seconded by Mr. Hipp. The vote was unanimous.

- 8. Consideration of a Contract Award Pursuant to RFG 2009-18, A Request for Qualifications concerning Airport Consulting Services – Crystal Waldrop, Purchasing Director**
- **Talbert & Bright**
 - **The LPA Group (Alternate)**

Mrs. Waldrop stated that they received four responses to this solicitation and interviewed all four of the firms. The evaluation committee was composed of the Public Works Director, Finance Director, Purchasing Director and Ervin West with Cater Goble Lee. All members of the evaluation committee evaluated the responses and scored them individually. Talbert & Bright collectively scored the highest by the committee.

Mr. Hipp asked the amount of the contract.

Mrs. Waldrop stated that this was a request for qualifications and in this case we did not ask for a cost. We will negotiate a contract with them once Council makes their decision.

Mr. Baker said the Public Work and Planning Committee made the recommendation to bring this before Council and he motioned to approve Talbert & Bright as the Airport Consultants; seconded by Waldrop. The vote was unanimous.

- 9. Consideration of approving Carolina Wrecking and Construction as low bidder at \$246,000.00 for the Agricultural Building Renovations – Bid #2009-25 – Crystal Waldrop, Purchasing Director**

Mrs. Waldrop said Council members were provided the bid responses in their agenda packets. There were eight (8) contractors who submitted bids and Carolina Wrecking and Construction was the low bid in the amount of \$246,000.00. They have done some background checking on their licensing and everything appears to be in order. The amount of their bid was substantially less than what we had budgeted for the project.

Chairman Livingston said that was great news and asked Mr. Ervin West if he had any comments to make regarding the bid.

Mr. West said they had an overall budget for the project which including a lot of different things. What this scope represents is the interior work which includes wall demolition,

bathroom and air conditioning renovations, windows, doors and installing the elevator making it ADA accessible to the people. With this first scope, the building is functional; you can move in, start working, and the public can use it. There are still other things to be done that are not included in this scope that pertain to exterior work that has to be approved by the Newberry Architectural Review Board. The building will also have to be adapted to meet the current fire codes and there will need to be fuel storage tank abatement which will be an additional expense.

Mr. Waldrop asked Mr. West if the old fuel tank was on top of the ground.

Mr. West stated that it was underground, right behind the building and feeds the old furnace.

Mr. Waldrop asked if he had some idea of the cost associated with its removal.

Mr. West said somewhere between 10-20 thousand dollars. We do not know what we will encounter at this point. It will have to be pumped out, dug out, taken out of the ground and then a soil sampling will need to be taken.

Mr. Waldrop asked if we would have to put a monitoring well in.

Mr. West said a monitoring well is not required for the removal of a fuel oil tank. We will just have to dig until we get good clean samples.

Mr. Koon asked if the interior work included the flooring.

Mr. West said it does not include total carpet replacement. It does; however, include putting the tile down in the bathrooms and flooring in the elevator machine room.

Mr. Baker asked that besides the carpeting and smoke detectors was there anything else that was not included on the interior scope.

Mrs. Waldrop said some of the internal doors will need to be replaced. We are trying to salvage as many as we can but some will need to be replaced.

Mr. Hipp asked if Carolina Wrecking and Construction had done any work for the County before and asked where they were located.

Mr. West said they had not performed any work for the County before and they were located in Columbia. He said they were licensed across the board which has its advantages. They not only have a general contractor's license but a mechanical, plumbing, and electrical license as well.

Mr. Waldrop asked Mr. West if he would recommend them for the work.

Mr. West said yes he would recommend them for the work. They have been in business for a long, long time and their specialty is in demolition and renovations.

Mr. Hipp asked if we will have to do any asbestos abatement.

Mr. West said they are going to complete the survey and there is a small amount of asbestos in the basement. As long as it is not disturbed, we do not have to do any abatement.

Mr. Baker motioned to approve Carolina Wrecking for the Agricultural Building Renovations; second by Mr. Koon. The vote was unanimous.

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

Ms. Heather Hawkins stated she was putting on her Newberry Community Players hat for tonight. On Thursday of next week, the Community Players will be hosting a meeting and she extended an invitation to Council to attend at 6:30 p.m. at the Ritz. Their organization purchased the Ritz Theatre in the 70's and since then full renovation has not been able to take place. They will be discussing the future of the building

11. Vote for Executive Session

Mr. Waldrop motioned to go into Executive Session; seconded by Mr. Koon. The vote was unanimous.

12. Executive Session [7:40 p.m. – 8:03 p.m.]

a. Discussion of employment, appointment, compensation, Promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing. This executive session pertains to the County Administrator's annual evaluation.

Mr. Waldrop motioned to return to Open Session; seconded by Mr. Baker. The vote was unanimous.

13. Necessary Action on Matters Discussed in Executive Session

Chairman Livingston reported that Council had completed the County Administrator's annual evaluation. Each Council member was given an evaluation form and they were tabulated and combined. On a 5.0 scale, Mr. Adams scored a 4.07 which is exceptional. With that said, Chairman Livingston said it was time to consider updating and extending his contract for a term through 2012, which will be a 2 year addition to his current contract.

Mr. Hipp motioned to approve the contract extension; seconded by Mr. Stockman. The vote was unanimous.

14. Comments from County Administrator

Mr. Adams thanked Council and stated he enjoyed working for Newberry County and that he was blessed to be working with this Council and staff. This is a very productive group and is the best group he has worked with overall in his 15 years as a County Administrator. Both he and his wife Meg love living here and appreciate the extension. He thanked Council for their support.

15. Comments from Council Members

Mr. Stockman said he appreciated the job that Mr. Adams does and we certainly could not do it without him.

Mr. Hipp agreed with Mr. Stockman on the great job that Mr. Adams was doing. He also said Mr. Renwick, our other direct report to Council, does a wonderful job and Council had some discussion over that as well. He thanked both of them for their excellent work.

Mr. Baker concurred with all that was just said.

Mr. Caldwell said he never had a doubt in his mind that Mr. Adams would be good for Newberry County. He said Mr. Adams hasn't proven him wrong thus far.

Mr. Koon thanked Mr. Adams for the job he has done for Newberry County. God Bless you and all the staff that work for you.

Mr. Waldrop thanked Mr. Adams and staff for the excellent job they do for Newberry County.

Chairman Livingston said that during these difficult economic times, Mr. Adams and staff are attributed to where we are. A lot of people are making sacrifices and working long hours to keep us where we are.

16. Future Meetings

- a. County Council – February, 3, 2010 @ 7:00 p.m.
- b. Public Works and Planning Committee – January 11, 2010 @ 6:00 p.m.
- c. Finance Committee – January 25, 2010 @ 6:00 p.m.
- d. Council CPST Work Session – January 26, 2009 @ 6:00 p.m.

17. Vote to Adjourn

Mr. Waldrop motioned to adjourn the meeting; seconded by Mr. Koon. The vote was unanimous.

18. Adjournment

Chairman Livingston declared the meeting adjourned at 8:10 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council