

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 18, 2009
7:00 P.M.**

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 S. Stockman, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Laurie N. 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. Les Hipp led the invocation followed by The Pledge of Allegiance.

1. Presentation of Newberry County Service Awards.

Chairman Livingston announced that we have five people to recognize tonight with a combined total of 90 years of service to Newberry County. This is extremely commendable to have such longevity and service to the county. The recipients were: Michael Clanton, Sheriff's Office-5 years of service; Carol Lively, Family Court-15 years of service; Wesley Boland, Sheriff's Office-15 years of service; Lindsey Stribble, Sheriff's Office – 20 years of service; Jimmie Davenport, Assessor's Office-35 years of service.

Chairman Livingston thanked the employees for their service.

2. Personal Appearances

- a. Tony Johnson, Chief of the Chappells Fire and Rescue Department – Request for assistance with addition to Chappells Fire and Rescue Building

Mr. Johnson introduced himself and stated he has been Chief of the Chappells Fire and Rescue for seven years. The rescue squad was started about five years ago and has been a great asset and improvement in the Chappells area. They started the Rescue squad in an

enclosed carport and they are having difficulty with condensation because of the lack of insulation in the carport. They are requesting \$25,000.00 from the County to add an additional bay onto the side of the fire department to accommodate the new ambulance and other equipment.

Mr. Waldrop said he had met the Chief up there one day and it's almost like it's raining in the building. His understanding from the Chief was that they are volunteering to do a lot of the work themselves.

Chief Johnson said all they were asking for was help with the main structure. They will do all of the electrical work and they already have the heating system.

Mr. Waldrop made a motion to grant them \$25,000.00 to improve the fire department; second by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked for a recommendation from the Council Members who are on the Emergency Services Board.

Chairman Livingston felt this kind of equipment needed proper protection. In the past, when we did all the fire and rescue buildings, there was some estimating of the cost and it exceeded that estimate considerably. He inquired about the procedures and if we had received bids on the project.

Mr. Adams said Chief Johnson had spoken with someone that would put up the building, and received a price in the \$25,000.00 range. He believed Chief Johnson had that information with him tonight.

Mr. Johnson said it was the same person that built the rest of the fire department building.

Mr. Hipp asked if this would go through the normal procurement process.

Mr. Adams said that depends on if they want to be involved in building of the addition or just giving an appropriation to the fire department. It can be done based on submitted invoices for the work.

Mr. Waldrop stated that a local contractor built the fire department and the volunteers have worked hard to make improvements to it. A family in the area donated quite a bit of money to help build the fire department. They did not receive any capital sales tax money like the other fire departments.

Chief Johnson said this was only the second time they had requested funds from the County. The first time was for the same amount to put up the original fire department building.

Mr. Baker stated he was the other member on the Emergency Services Board and Chappells had applied for and received a \$125,000.00 grant to purchase a new ambulance, at very little cost to the county. He felt we needed to at least put up \$25,000.00 to house that ambulance.

Chief Johnson said that in the past three years they have received a total of \$500,000.00 in grant money to purchase equipment. He stated they are very well equipped; they just need a place to store this equipment properly.

Mr. Waldrop said they received some money from the sales tax to place fire hydrants on one section of the highway which lowered the ISO rating to help lower fire insurance on people's homes. This needs to be done all over the County.

Chief Johnson stated that was the biggest complaint he had been getting.

Mr. Hipp commented that he did not want to be misunderstood. His question is not regarding the \$25,000.00 to support this building. His question is what if the cost is more than that and what if there are other people within the county who would like the opportunity to bid. Mr. Hipp shared his concern that by giving them money based on a pre-defined singular contract; we are identifying and supporting just one company.

Mr. Adams stated that the procurement ordinance envisions Council can take an active role in purchases of \$25,000.00 or greater. Council may put a condition on the money that the work be competitively bid.

Mr. Baker asked if procurement allows for an amount of \$25,000.00 and under to be single bid.

Mr. Adams stated that the \$25,000.00 threshold is awarded by Council.

Mr. Hipp said the right thing to do, would be to allocate the \$25,000.00 for the building. He said to already have in place one person to do the construction, is not the right thing to do.

Mr. Adams asked Chief Johnson what would be the downside for him to have the work competitively bid.

Chief Johnson said the downside would be waiting for this process to take place.

Mr. Adams stated that several things happen when the county becomes involved in the process. You have issues such as bonds and design, and are more thorough with the overall building issues. His understanding is that these guys will have some sweat equity involved; not just the guy building the addition.

Chief Johnson said the builder will construct the hull and they will complete the rest.

Mr. Adams asked if there was somewhere else the ambulance could be stored while we go through this process.

Chief Johnson said the ambulance was in the fire department now, but the trucks are in there sideways to get everything in.

Mr. Hipp asked if the addition will be an addition to a county building.

Chief Johnson and Mr. Waldrop stated that it was a county building.

Mr. Hipp commented that the fire department was constructed by certain specifications and inquired if we had specs on the addition.

Chief Johnson said that the addition would have the same specs as the fire department itself.

Mr. Adams asked Chief Johnson if he was sure this was a county owned building or did the fire department own it; because they vary.

Chief Johnson said as far as he knew it belonged to the county.

Mr. Waldrop stated the fire department was built on county property, is county owned, and insured by the county. He said this fire department was built by the volunteers and is a little different than the building codes we have today. Back in the 1960's, all fire departments were built that way, the community pitched in and helped build them.

Mr. Hipp said they are doing a great service and offering to do the sweat work to complete the project, but with it being an addition to a county building, we should go out for bids and try to expedite the process if time is an issue.

Mr. Adams stated that if agreeable with Council, the original motion would have to be amended before the vote to say that it will be bid competitively.

Mr. Waldrop said he did not want to amend it.

Mr. Caldwell said we must consider, until it directly affects us, we are not concerned. These gentlemen go out and do a tremendous job. We should provide them with the equipment they need for the salary that they make. They are on call 24/7 and sometimes we get hung up on legalities, and should not delay something that will benefit that section of the county and the rest of the county if they are called.

Chairman Livingston called Mr. Harry Greiser to the podium.

Mr. Greiser stated he resided at Summerset Bay in Chappells. He said the community greatly appreciated the work Chief Johnson and his folks have done for them. They have brought us from one beat up old fire truck to a pretty good set of equipment. He said this

building was put up before the building codes were approved. It is a steel pole building that the community and Council put up for around \$40,000.00. Today they are running around \$350,000.00. He said if we are looking to reach that category, then put it out for bids. He asked Council to consider the addition as a grandfathering in of the basic building. This will benefit our community and the county and save a lot of money.

Chairman Livingston asked Mr. Gordon Johnson to the podium.

Mr. Johnson said he did not feel that two weeks delay would hurt the project to allow time to study it and do it the proper way.

Mr. Adams asked the Chairman if it would be agreeable to Council, to allow the fire department to get competitive quotes on this building themselves. He addressed Judge Johnson and informed him that when the county gets involved, expense gets added. If they get three bids on this and draw up the specs; this will satisfy the competitive requirements of the ordinance.

Mr. Hipp asked Mrs. Waldrop, Purchasing Director, if she would assist Chief Johnson since he is not familiar with the bidding process. Mr. Hipp stated again that he supports this and has no problem with the amount of money; he just thinks we should not preclude other people from the opportunity of bidding.

Mr. Hipp moved to amend the motion to allow Chief Johnson of the Chappells Fire and Rescue to get three competitive bids on the addition to the fire department; second by Mr. Koon. Vote was unanimous.

3. Adoption of Consent Agenda

Mr. Baker moved to adopt consent agenda; second by Mr. Hipp. Vote was unanimous.

4. Additions, Deletions, and Adoption of Agenda

Chairman Livingston asked that Agenda Item #5, Ordinance #09-30-08, be removed from the agenda by request of the landowner.

Mr. Adams suggested that Agenda item #6, Ordinance #01-02-09, be referred to the road committee for further study.

Mr. Baker moved to approve the Agenda as amended; second by Mr. Caldwell. Vote was unanimous

5. Ordinance #09-30-08 – 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 two (2) acres portion of a tract containing a total of 8.34 acres

designated as TMS Parcel No. 335-24, from Limited Commercial (LC) to Light Industrial (LI).

Removed from agenda by request of landowner.

- 6. Ordinance #01-02-09 – An ordinance to transfer to A. Denise O’Shields within the Scurry Island Road expanded right of way that is not utilized by Newberry County.**

Referred to Council Road Committee.

- 7. Ordinance #02-03-09 - An Ordinance amending Ordinance #05-14-08, the Fiscal Year 2008-2009 Budget Ordinance for Newberry County, to revise revenues and appropriations related to operating and capital purposes.**

Mr. Adams asked Council to look at the supporting spreadsheets provided to each of them. The first two parts of Section 1 (A & B) address revenues. In some areas, we look to collect over budgeted amounts totaling \$539,522.00; however, we need to address shortfalls totaling \$1,073,060.00, for a net revenue shortfall of \$533,538.00. He said these numbers are likely to change at second and third reading due to delinquent tax collections and homestead exemptions. This represents a worst case scenario. Section 1C shows expenditures expected to exceed budgeted amounts by \$2,500 or greater for a total of \$129,329.00. The last page represents the cuts made to balance this to zero. The amount of total cuts amount to \$662,867.00. The major items cut were the Sheriff’s Office patrol cars (8 instead of 11), for a total of \$67,500.00; solid waste disposal cost cuts in the amount of \$283,830; and a Public Works personnel vacancy recommended for elimination in the next budget for a total of \$34,627.00. Section 2 addresses Capital budgets with the first being the Pugh Road Bridge Replacement with a savings of \$52,658.00. The Transfer Station floor repair and the removal of Airport Obstructions (trees) are new items to be added to the 08-09 budgets. The Newberry County Library’s updated current year budget has been adjusted for a savings of \$260,355.00 and the Mid-Carolina Commerce Park savings of \$138,747. They have eliminated any county debt on the Industrial Park project. There is still debt on the property but there will be no special source revenue bond associated with putting in the Phase 1 infrastructure. The final item is J.F. Hawkins/Springfield Place where the budget has been adjusted to reflect \$706,136.00 in cuts to address reductions in Medicaid payments and a lower than anticipated Medicare census.

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

8. Committee Reports

Airport Commission: Mr. Baker informed Council that this past week, Newberry County received a letter from W.K. Dickson certifying both ends of the Airport runway.

It is now clear and ready to go. We have 4,000 ft. runway and are waiting for the FAA to come give their blessing.

Mr. Waldrop asked if the runway lights had been installed.

Mr. Adams said the lights may appear to be off but they are keyed by the pilots and activated as they approach the runway.

Mr. Waldrop stated he knew the pilots could key them on, but thought the lights stayed on continuously until 10:00 p.m. or 11:00 p.m.

Mr. Adams said we would check and see if we are compliant with FAA and State Aeronautics' regulations.

Economic Development Committee: Mr. Hipp stated that the Economic Development Committee met last night and those present were Ms. Powers, Mr. Adams, Mr. Stockman, Mr. Livingston, and Mr. Hipp. He felt the initial meeting went well and he will be getting the minutes out as soon as he receives some input from some folks.

Road Committee: Mr. Adams said the Road Committee met this week and discussed clarifying the process by which citizens petition to have county roads paved using C-Funds. An Ordinance to that affect has been drafted and the committee is reviewing that and will meet again on Monday at 3:00 p.m.

Nursing Home Committee: Chairman Livingston stated the Nursing Home Committee met prior to Council's meeting tonight and was updated on the medicare/medicade flow and how it might affect the county and the nursing home.

9. Appointments

Mr. Caldwell recommended that Mr. Ernest Shealy be re-appointed to the Accommodations Tax Committee representing the hospitality industry for a term to expire June 30, 2011.

Mr. Waldrop moved to approve Mr. Shealy's appointment to the Accommodations Tax Committee; second by Mr. Hipp. Vote was unanimous

10. Consideration of acceptance of bid for Phase 1 Infrastructure at the Mid-Carolina Commerce Park – Deepal S. Eliatamby, P.E. and James W. Frost, II, P.E., Alliance Consulting Engineers

Mr. Deepal Eliatamby thanked Council for the opportunity to be here. He said it had been two weeks since they had reported to Council about the project along with Ms. Teresa Powers. He was happy to report they had good news. They had thirty-seven contractors to request plans, a record number for a project of this magnitude in their office. They took bids on Feb. 10th and twenty-three contractors actually bid the project.

Some were local and some were as far away as Hilton Head. They had estimated the project at about 2.5 million dollars. Bids ranged from \$1,773, 789.55 to \$3,079,353.10. Bids number 1, 2, and 3 were very close together. The low bidder was Satterfield Construction Co., Inc (\$1,773,789.55) from Greenwood, SC, a relatively local contractor, and they made a recommendation to Mr. Adams to award the contract to Satterfield Construction. Mr. Eliatamby said he would be happy to answer any questions they might have at this time.

Mr. Waldrop stated that he thought Satterfield Construction was asphalt and road people.

Mr. Eliatamby said that a good portion of the project is the road paving. This project involves three components; the roadway, the water line, and the waste water line. The way the project is bid, and based on the contactors licensing regulations, you can have a water line contractor bid the project and have a sub-contractor do the roadway, or vice versa, or they can do all three components.

Mr. Adams wanted clarification on the sub-surface issues and that we provided the geo-tech reports to the bidders.

Mr. Eliatamby said that was correct.

Mr. Adams wanted to know if the successful bidder knew it was the responsibility of the contractor to remove any material.

Mr. Eliatamby stated they had a conversation with Satterfield on Monday to make sure they were comfortable with the bid and they were available to answer any questions or concerns they might have. One of the deepest areas they will encounter is the actual location of the pump station itself. It will be about 16 ft. deep and the borings encountered some weathered rock at 20 ft.; he felt we should be OK.

Chairman Livingston enquired about the remote chances of a change order on the project.

Mr. Eliatamby said that is what they hoped for and is their intentions. They will be out there overseeing the project to make sure that the contractor's abide by the specifications, doesn't cut any corners, and doesn't change order the county.

Mr. Hipp said that Mr. Eliatamby had mentioned to him a term in the contract called unclassified excavation and that was by definition in the bidding that states that the winning bidder is responsible for the sub-surface and they had the option to do their own survey if they chose not to accept ours.

Mr. Eliatamby said that was correct. The contractor can encounter some bad material and they are responsible for removing it. He said there have been cases where it has gone both ways and they have encountered things that nobody could have anticipated. He said he could not state that there will be no change orders but their intentions are for there not to by any.

Chairman Livingston stated there was not a question about the quality of the low bidder. He just wants to make sure they are good stewards of the taxpayers' dollars and doesn't want to see change orders come in.

Mr. Adams informed Council that Alliance will have a pre-construction conference before the contract is signed and these things will be made clear.

Mr. Jamie Frost with Alliance said the next step, if Council elects to award the project, is they have a checklist of items that will need to be filled out and submitted for the EDA grant. Once approved, they will notify the contractor to get his bonds together. Once the bonds are in place, they will formulate the contracts before the pre-construction meeting, which should be in 2-3 weeks time. Mr. Frost stated they hoped to be breaking ground in mid to late March.

Mr. Adams said that with some of the savings in contingency, they had talked about doing the design for a subsequent phase. He said this might make this project shovel ready for a stimulus project. There is some mystery about the stimulus money and what it can be used for and asked Mr. Eliatamby if he would recommend we do the design for the next phase.

Mr. Eliatamby said they would suggest doing some design and using the unit prices here to work with the contractor to extend the road and water line another 800 feet which would be considered part of Phase 2. He said he is not sure yet how those funds will be coming down the pipeline and when, but certainly you want to be in the position to take advantage of it if they come this way.

Mr. Hipp asked if the bidders were given the opportunity to ask question.

Mr. Eliatamby stated that the expectations are very clear and they did have a question and answer session during the bid period. They sent out an addendum of answers to some questions that they felt needed to be provided and they were mailed to them four days before the bid opening. All 23 bidders were provided with the same information that was presented to Council.

Chairman Livingston asked Judge Gordon Johnson to the podium.

Mr. Johnson said he wanted to congratulate the county on not costing us tax dollars right now, and for saving the \$200,000.00. In the past, projects have went over budget with change orders and these gentlemen say they do not expect any, so let's not have any and have to spend our \$200,000.00. Staff is congratulated on that.

Mr. Hipp moved to approve the low bid; second by Mr. Baker. Vote was unanimous.

11. Request by Councilmen

No request

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

No Comments

13. Vote for Executive Session, When Necessary

No vote for Executive Session

14. Executive Session

No Executive Session

15. Necessary Action on Matters Discussed in Executive Session

No Action

16. Comments from County Administrator

Mr. Adams said you could tell by the reports made on the committee section of the agenda that council is becoming more active in its committee system. He thinks this new Council has resolved itself to be studied thoroughly in all matters and will be utilizing the committee system more than in the past to make sure we make all the necessary provisions and precautions.

17. Comment from Council Members

18. Future Meetings

- a. March 4, 2009
- b. March 18, 2009

19. Vote to Adjourn

Mr. Baker moved to adjourn, second by Mr. Hipp. Vote was unanimous

20. Adjournment

Chairman Livingston declared the meeting adjourned at 8:54 p.m.

NEWBERRY COUNTY COUNCIL

APPROVED:

Henry H. Livingston, III, Chairman

Laurie N. Renwick, Clerk to Council