

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 2, 20110
7:00 p.m.**

Newberry County Council met on Wednesday, February 2, 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
Kirksey Koon, Vice Chairman
William D. Waldrop, 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

PRESS: Heather Hawkins, WKDK
Cindy Pitts, Newberry Observer

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

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

1. Adoption of Consent Agenda

Mr. Hipp motioned to adopt the consent agenda; seconded by Mr. Baker. The vote was unanimous.

2. Additions, Deletions, and Adoption of Agenda

Mr. Hipp motioned to adopt the agenda as presented; seconded by Mr. Caldwell. The vote was unanimous.

3. Personal Appearance

a. Mr. Bobby Bowers – General discussion and oversight on redistricting

Mr. Bowers commented that he would like to brag on his home county. In 2000, South Carolina had the second worse response rate to the federal census in the nation. With all

of us working together, Newberry County's response rate went from 67% to 74%. He said because of this high response number, our state is going to get a seventh congressional seat in addition to receiving between 2-3 billion dollars in federal money back during this decade. He said they do not have the actual population numbers for the cities and counties but they do have a number for the state. The state grew by 15.29% which puts us in the top 10 states in the nation for population growth. The population projection for Newberry County will be around 38,400 plus or minus. This will mean that each district in the county will need to have around 5,158 people. Guidelines from the courts now are that district lines will need to be drawn within 1-2% accuracy per district. This translates that Newberry County grew by 6.32%, so any district that did not grow by this amount will have to have people added to it. If a district grew more than this then they will have to give up some people. Mr. Bowers briefed Council on a list of criteria for redistricting and recommended that they formally adopt it. He said he should have the firm numbers by the first several weeks in March. He looked at the voter registration statistics by Council districts as of October and reported that District 2 had a high voter registration with 4,100 people and District 3 is high with 3,101 people so when the numbers come in those districts will probably be overpopulated. District 4 is pretty even and District 1 is low with 2,665 registered votes. District 6 and 7 are both low in registered voters with District 6 having 2,583 people and District 7 having 2,275 people.

Mr. Hipp asked Mr. Bowers if he had the numbers for District 5.

Mr. Bowers stated that District 5 was right on target with 2,915 people.

Mr. Bowers concluded his presentation by saying that by adopting the criteria for redistricting would be a good starting point with the Justice Department submission.

4. **Ordinance #01-01-11:** An Ordinance supplementing an Ordinance to provide for the issuance and sale of a not exceeding one million nine hundred thousand dollar (\$1,900,000) General Obligation Bond Anticipation Note of Newberry County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, to provide for the issuance and sale of not exceeding fifteen million six hundred twenty five thousand dollar (\$15,625,000) General Obligation Bonds of Newberry County, South Carolina, and other matters relating thereto.

Mr. Caldwell motioned to approve second reading of Ordinance #01-10-11; seconded by Mr. Baker. The vote was unanimous.

5. **Ordinance #01-02-11:** 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, adopted by the County of Newberry, so as to rezone a two (2.00) acres real estate parcel designated as TMS no. 590-21, from Rural (R2) to General Commercial (GC).

Mr. Adams reported that this property is located at 550 Holland's Landing and would like to be rezoned to General Commercial (GC). His understanding is that the surrounding properties are larger tracts of residential property.

Mrs. Peters added that originally there were two mobile homes on this property and one has been removed and a building has been placed there. The initial building permit was issued for storage then the owner moved his business into the building. The Zoning Department received a complaint about noise and they found out that he was manufacturing cabinets in the building. Some of his employees live in the mobile home located on the property.

Chairman Livingston reported that the Joint Planning Commission recommended the approval of this rezoning.

Mr. Stockman said there was a complaint about noise and asked Mrs. Peters what the normal hours of operation were.

Mrs. Peters shared that she thought the hours were from 7:00 a.m. to 3:00 p.m. The complaint was that he was running a vacuum that is required by OSHA for the sawdust at 6:00 a.m. in the morning.

Mr. Koon asked who owned the property.

Mrs. Peters stated that the property owner is Ladain Owens.

Mr. Hipp asked how close the nearest residence was to this cabinet shop.

Mrs. Peters located the closest residences on a map for members of Council.

Mr. Stockman asked if this was located near the old Rescue Squad building to which Mrs. Peters confirmed that it was.

Mr. Stockman asked how far the building was off the road and Mrs. Peters responded that it was probably 100 feet off the road and built on the back of the property.

Mr. Stockman motioned to approve first reading of Ordinance #01-02-11; seconded by Mr. Baker. The vote was unanimous.

6. Ordinance #01-03-11: An Ordinance for the purpose of leasing the old Wal-Mart property to Piedmont Technical College

Mr. Waldrop motioned to approve first reading of Ordinance #01-03-11; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Hipp said that he totally supported Piedmont Tech's expansion as a result of the Capital Project Sales Tax but back when Vice-President Klauber came before Council in February of last year, he challenged the fact that Piedmont Tech would take ownership of the building. He said he would be happy to provide the facility with an extended lease but did not think that we should gift the building to Piedmont Tech Area Commission as identified in this lease.

Mr. Adams reported that he attended the Joint Bond Review Committee this morning concerning the Piedmont Tech project in Columbia and one of Senator McConnell's concerns was that Piedmont Tech has a long term interest. He said they did not specify ownership but it might be that the lease needs to be for more than one year at a time.

Mr. Hipp stated that he would be happy to give them a twenty-five year lease but not turn ownership over.

Mr. Hipp asked if he could make an amendment to this ordinance that revises Section 2.3 to eliminate the gifting of the premises and the extension of the lease to twenty-five years.

Chairman Livingston asked if we could go with first reading and give the County Administrator the directive to work that part out before second reading.

Mr. Hipp said his only reluctance is that first reading is usually when we hammer out the details and second and third reading sometimes are kind of greased right through the process. He said he would leave it to the County Administration to determine the length of lease but he would like to see us remove the verbiage saying that we gift the building to Piedmont Tech.

Mr. Adams suggested that since this is an issue of the moment and the Budget and Control Board will be taking this up next Tuesday, he thinks we should make sure there is a long-term interest. He said he did not see a problem right now with taking out Section 2.3 and then changing the terms of the lease to 25 years. He said he would not want to go into next week's meeting with questions about the long-term interest.

Mr. Hipp said he would not want to go into that meeting with words saying we are going to give it to them and then try to resend it on second and third reading.

Mr. Hipp said he was good with eliminating Section 2.3 and letting Administration negotiate what is a reasonable long term lease.

Mr. Adams asked if we could lay down 25 years as a marker for the long-term lease.

Chairman Livingston asked Mr. Waldrop if he would mind amending his motion to include the elimination of Section 2.3 and adding a 25 year extended lease. Mr. Waldrop was in agreement to amend his motion; second by Mr. Stockman. The vote was unanimous.

7. Ordinance #01-04-11: An Ordinance to limit truck traffic on Dillinger Road

Mr. Nash reported that Dillinger Road was recently widened and paved this past fall. This is a two (2) mile long road that runs between US 176 and Griffin Road. The ordinance before you would prohibit through trucks in the interest of preserving the condition of this newly paved road.

Mr. Waldrop motioned to approve first reading of Ordinance #01-04-11; second by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked if there were any logging businesses or homes along this road that owned 18-wheel trucks.

Mr. Nash commented that he was not aware of any logging businesses; however, there is some logging activity on the road which will be excluded from this ordinance and would not be considered through traffic. This was written to prevent logging trucks on other roads from using Dillinger Road as a cut through road to Hwy. 176.

Chairman Livingston stated that there is no logging business or any industrial truck traffic that should be on that particular road. He said he has noticed several spots already in the road and it can be used as a cut through over to the rock quarry.

Mr. Caldwell asked what kind of trucks would be prohibited and would that be included on the signage.

Mr. Nash said that this would just specify NO THRU TRUCKS which generally refers to larger type commercial trucks. SCDOT has recommended that there not be a lot of different signage and just make it generic. The intent here is to prevent logging trucks and those types of truck. Any type of large delivery truck would be excluded by this ordinance.

Mr. Caldwell stated that the ordinance does not really say that.

Mr. Nash stated that all the ordinance states is that any or all through-traffic trucks shall be prohibited from using Dillinger Road.

Having received no further discussion, the motion to approve first reading of Ordinance #01-03-11 passed 6-1; with Mr. Caldwell opposed.

Mr. Caldwell stated that he is opposed because there are all types and sizes of trucks and he felt there should be some limitation and classification noted.

- 8. Ordinance #01-05-11:** An Ordinance suspending the application of the Sunday prohibitions contained in Title 53 Chapter 1 of the Code of Laws of South Carolina (commonly known as the “Blue Laws”)

Chairman Livingston stated that this ordinance would indefinitely suspend the Blue Laws and that anything that can currently be sold after 1:30 p.m. on Sunday can be sold before 1:30 p.m. This ordinance will not include alcohol sales which fall under a different set of rules and regulations.

Mr. Baker motioned to approve first reading of Ordinance #01-05-11; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Koon said that he contacted Sheriff Foster, Chief Shealy, and officials from Whitmire and Prosperity because this would affect what is taking place in those communities and they stated they were in favor of this ordinance as long as alcohol was not involved.

Having received no further discussion, first reading of Ordinance #01-05-11 was unanimously approved.

- 9. Consideration of acceptance of low bid for two (2) Type 1 Ambulances from Custom Works in the amount of \$116,074.00 (Option B); Bid Number 12010-16 – Crystal Waldrop, Purchasing Director and Tommy Long, Emergency Services Coordinator**

Mrs. Waldrop reported that there was a correction and they would like for Council to consider Option A in the amount of \$116,834.00 instead of Option B at \$116,074.00. The difference in the two options is the number of LED lights on the vehicle. In addition to Option A from Custom Works, they would like for you to consider the add-on for the Knox MedVault for \$1,200.00 bringing the total to \$118,034.00.

Chairman Livingston asked if there were any questions.

Mr. Hipp asked what a Knox MedVault was.

Mr. Long stated that the medvault is a locked box where the drugs are stored on the vehicle.

Mr. Koon asked who would be using these ambulances.

Mrs. Waldrop stated that both of these vehicles are being purchased by grants and are for the Whitmire and Pomaria Rescue Squads. Mr. Long received approval sometime last year for the county match for Pomaria’s ambulance in the amount of \$6,500.00. The

match in the amount of \$6,625.00 for Whitmire's ambulance will be taken out of the Rescue Squad's budget.

Mr. Hipp wanted to clarify that the total county commitment on both of these ambulances will be \$12,825.00.

Chairman Livingston reported that these were 5% matches and he wanted to commend all of those involved in the grant writing process. There is a lot of work and exploration that goes into finding these grants and they save the County taxpayers a lot of money.

Having received no further discussion, the motion to accept the low bid recommended by Mrs. Waldrop was approved unanimously.

10. Consideration of acceptance of RFQ from Chao & Associates for new Public Works building – Crystal Waldrop, Purchasing Director.

Mrs. Waldrop reported that the recommendation of the evaluation committee is to accept the RFQ of Chao & Associates from among the top two ranked firms presented tonight.

Mr. Caldwell motioned to approve Chao & Associate's RFQ for the new Public Works building; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Baker asked if Mrs. Waldrop could tell Council something about this company.

Mrs. Waldrop stated that the firm is out of Columbia. She said she does not have any personal experience with them but Mr. Ervin West had some experience with the folks there. Chao is also doing the topographic survey right now at the proposed Public Works Complex. They have done numerous similar projects with the Department of Transportation and the committee felt like they were the most qualified for this project.

Mr. Hipp asked if Mrs. Waldrop could remind him of the actual responsibilities of the firm on this project.

Mrs. Waldrop stated that they would be responsible for the site planning and layout design development and construction documentation and permitting.

Mr. Baker asked if this included the building itself to which Mrs. Waldrop responded that it did not. She said it is her understanding that Carter Goble Lee and Kyle Nash will be developing the plan for the building.

Mr. Caldwell commented that since Mrs. Waldrop said she doesn't know a whole lot about Chao then he would like to withdraw his motion.

Mrs. Waldrop reported that Chao submitted a qualification statement and that is all of the information she had and based on the fact that they have done similar projects in the past we felt they were qualified to do the project.

Mr. Caldwell stated that since Mrs. Waldrop's statement he would like for his motion to stay as is.

Having received no further discussion, the motion to approve the RFQ from Chao & Associates for the new Public Works Complex was unanimous.

11. Committee Reports

a. Public Works and Planning Committee – 1/24/11

Mr. Nash reported that the Public Works and Planning Committee met on January 24, 2011 and other than the items that Council has taken up tonight several other items were discussed:

- Consideration to accept into the county road system a portion of a road in the Waters Edge subdivision that will be brought before the next Council meeting
- Update on the status of the Market Place Business Park
- Issues regarding the acceptance of glass at recycling centers
- Update on the airport fencing project that will be funded through the FAA
- The State Aeronautic Division's project to rejuvenate the taxiway ramp at the airport

Mr. Adams reported that on the Planning and Zoning side, the committee recommended that Council conduct a work session to review the existing Zoning Ordinance which has now been in place for more than a decade. The committee felt that it would be appropriate to look at the Zoning Ordinance now in the context of current development activity. Mrs. Renwick will be contacting Council about scheduling a date for that work session.

12. Appointments

No appointments

13. Public Comments

No comments

14. Vote for Executive Session, When Necessary

No vote for Executive Session

15. Executive Session

No Executive Session

16. Necessary Action on Matters Discussed in Executive Session

No action taken

17. Comments from County Administrator

Mrs. Adams stated that Kyle Nash, the County's Public Works Director, is leaving to take a more promising opportunity. He has done a heck of a job during his 2 years with the County and the department is better off for his having been here.

18. Comments from Council Members

Mr. Hipp commented that Kyle has done a great job and he has mixed emotions about this because he is becoming a SCANA employee. Newberry is losing a good employee and we are gaining a good employee. He thanked Kyle for the wonderful job he has done and stated he looks forward to having him as a SCANA employee.

Mr. Baker stated that he hated to see Kyle leave but understood his position and wanted to wish him well.

Mr. Koon told Kyle that if there was anything he needed to let him know. He said Kyle has been a good employee and he appreciates all he has done.

Chairman Livingston said Council wishes Kyle the best and they understand the opportunities are much better there.

19. Future Meetings

- a. Personnel and Intergovernmental Relations Committee-2/7/11 @ 6:00 p.m.
- b. County Council - 2/16/11 @ 7:00 p.m.
- c. Economic Development Committee-2/28/11 @ 6:00 p.m.
- d. County Council - 3/2/11 @ 7:00 p.m.

20. Vote to Adjourn

Mr. Waldrop motioned to adjourn; seconded by Mr. Stockman.

21. Adjournment

Chairman Livingston declared the meeting adjourned at 9:15 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council