

**NEWBERRY COUNTY COUNCIL  
MINUTES  
MARCH 4, 2009**

The Newberry County Council met on Wednesday, March 4, 2009, 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, 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. Kirksey Koon led the invocation followed by the Pledge of Allegiance.

Chairman Livingston recognized Mr. Ed Lominack, former County Administrator, and one of Newberry County's Boy Scout Troops who were in attendance tonight.

**1. Personal Appearances**

- a. Ms. Doris B. Jones, Partnership Specialist with the U.S. Census Bureau – Request for partnership for the 2010 Census.**

Ms. Jones introduced herself and stated that her responsibility as a Partnership Specialist was to help create public awareness of the importance of the U.S. Census in her assigned region which included Newberry County. She shared the importance of counting every person for the 2010 Census and wanted Council to consider taking part a Complete Count Committee that will encourage local citizens to fill out their census and mail them in to insure Newberry County receives their share of federal money. Ms. Jones stated that the census form will be arriving in March of 2010 and the information citizens provide is safe and confidential. The census will be a short form with only 10 questions.

She said she wanted to get the word out on the 1010 pledge. It takes 10 minutes; to complete 10 questions; and tell 10 people. Ms. Jones stated that South Carolina was 49<sup>th</sup> in the nation for mail back response for the 2000 census and through the Complete Count Committee, hopefully citizens will be well informed and mail back response will increase. She stated she was available to help in anyway with this process.

**b. Ms. Cindy Farr, Quality Enhancement Training Coordinator with Newberry County Disabilities and Special Needs – Overview of agency developed by students at Newberry College.**

Ms. Farr introduced herself and recognized Ms. Connie Coleman and Mr. Bill Floyd who were in attendance. She thanked Council for their support of the agency and the services that they provide. She shared a six minute video developed in collaboration with students at Newberry College that is used to help create awareness of the agency and the services that are provided in Newberry. Ms. Farr also wanted Council's consideration for proclaiming March as Disabilities Awareness Month here in Newberry. County

Mr. Adams read the Proclamation declaring March 2009 as Disabilities Awareness Month.

Chairman Livingston asked Ms. Connie Coleman to come forward and accept the Proclamation on behalf of the NCSNB. He thanked Ms. Coleman for a job well done.

**2. Adoption of Consent Agenda**

Mr. Waldrop moved to approve the Consent Agenda; second by Mr. Baker. Vote was unanimous.

**3. Additions, Deletions and Adoption of Agenda.**

Mr. Caldwell requested an Executive Session in reference to a legal matter be added as Agenda item #12.

Chairman Livingston requested the acceptance of bids for the roof replacement and repair to the Piedmont Technical College building be added as Agenda Item #8a.

Mr. Hipp moved to adopt the agenda as amended; second by Mr. Stockman. Vote was unanimous.

**4. 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 stated that this version was unchanged from the first reading version.

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

5. **Ordinance #02-04-09: 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 twenty and thirty-seven hundredths (20.37) acres portion of three real estate parcels totaling twenty-two and nine hundred and twenty-four thousandths acres designated as TMS Parcel Nos. 520-4, 520-25 and 518-4 from Single Family Residential (RS1) to General Commercial (GC).**

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

## 6. **Committee Reports**

No committee Reports

## 7. **Appointments**

Mr. Caldwell nominated Mrs. Meagan Setzler, representing District 7, of 1808 Fair Street, Newberry, SC, to serve an appointment on the Recreation Commission for a term to expire 06/30/2011.

Mr. Waldrop moved to approve the appointment of Mrs. Meagan Setzler to the Recreation Commission; second by Mr. Hipp. Vote was unanimous.

Mr. Waldrop nominated the re-election of Mr. Jessie Baker, representing District 1, to serve an appointment on the Board of Zoning and Appeals. Councilman Baker informed the Chairman that he would have to be excused from voting on this appointment.

Mr. Caldwell moved to approve the appointment of Mr. Jessie Baker to the Board of Zoning and Appeals; second by Mr. Hipp. Vote was unanimous among all, with Mr. Baker abstaining.

Chairman Livingston stated that two people needed to be appointed as alternates to the Employee Grievance Committee. He said Mr. Bob Bead and Mrs. Teresa Ball were selected in accordance with the Newberry County Employee Manual to serve as alternates for a term expiring 6/30/2011.

Mr. Waldrop moved to approve Mr. Bob Bead and Mrs. Teresa Ball's appointment as alternates to the Employee Grievance Committee; second by Mr. Hipp. Vote was unanimous.

**8. Consideration of acceptance of bids to provide repairs and restorative landscaping services for a portion of the Country Club of Newberry County (subsequent to FAA-required tree removal related to the Newberry County Airport) – Kyle Nash, Public Works Director**

<b>Springdale Outdoor Services</b>	<b>\$101,205.91</b>
<b>Southern Vistas</b>	<b>\$104,044.00</b>
<b>Palmetto Grading &amp; Drainage</b>	<b>\$137,180.50</b>
<b>Aspen Corporation</b>	<b>\$159,872.01</b>

Kyle Nash, Public Works Director, informed Council that the tree removal at the Country Club of Newberry to clear the approach path to the Newberry County Airport has been completed. The next phase is to do the restorative landscaping in the areas where the trees were located. Bids were received from four pre-qualified bidders and the low bid was \$101,205.91 from Springdale Outdoor Services. Mr. Nash said the actual cost to the County will be less than this. There are two adjustments to that figure. The first is a deduction of \$25,213.21 for the relocation of a cart path not included in the County's commitment, and an addition of \$5,497.84 for alternate items that are included in the County's scope of responsibility. Allowing for these two adjustments, staff recommends awarding the bid to Springdale Outdoor Services for an amount not to exceed \$81,490.54.

Mr. Hipp asked if any of the funding for that amount would come through the FAA or the SC Aeronautics Division.

Mr. Nash stated that the FAA would be funding \$175,000.00 towards the tree removal cost and for a portion of the landscaping cost.

Mr. Hipp stated that the commitment from the County would be less than the \$81,000.00 figure.

Mr. Nash said that was correct.

Mr. Adams stated that the FAA funding should cover the cost, within a few thousand dollars, for tree removal and landscaping at the golf course.

Mr. Hipp asked if any local landscaping contractors had bid on the project.

Mr. Nash said that the project was advertised locally, the bidders were pre-qualified, and these were the only ones that we received bids from.

Mr. Waldrop asked if there would be any guarantee on the trees that will be planted.

Mr. Nash stated that there is a one year guarantee from the date of acceptance.

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

**8a. Consideration of acceptance of bid number 2008-019 for Piedmont Technical College roof replacement – Crystal Waldrop, Purchasing Director**

<b>Vendor</b>	<b>Amount</b>	<b>Bid Bond</b>	<b>Sq. ft wood/sq. ft. fascia</b>
Barker Metal Structures	\$ 91,980.00	yes	40.00 per sheet/1.05
Cannon Associates	\$ 78,500.00	yes	1.50/2.50
CE Bourne	\$ 88,950.00	yes	2.50/2.75
FBI	\$ 89,480.00	yes	2.00/2.50
I&E Services	\$ 111,500.00	yes	2.15/2.50
Konstruktion Services	\$ 99,467.00	yes	2.35/5.50

Mrs. Waldrop thanked Chairman Livingston and said this project was awarded at the last meeting; however, there was a protest filed concerning the bid process. Specifically, that it was not advertised in the customary way. The protest was upheld and the project was re-bid. The results came back with a savings to the County of \$19,457.00. The low bid came from Cannon and Associates for \$78,500.00.

Mr. Koon moved to approve low bid from Cannon and Associates; second by Mr. Hipp. Vote was unanimous.

**9. Request by Councilmen**

Mr. Waldrop invited everyone to the Helena Community Center Dedication at 3:00 p.m. this Saturday, March 7, 2009.

**10. Public Comments**

No Comment

**11. Vote for Executive Session, When Necessary**

Mr. Caldwell moved to go into Executive Session; second by Mr. Stockman. Vote was unanimous.

Ms. Pitts stated that she objected until further clarification was given on the Executive Session.

Mr. Caldwell stated this was a contractual matter in reference to rental apartments.

**12. Executive Session [7:40 p.m. – 7:55 p.m.]**

Mr. Waldrop moved to return to open session; second by Mr. Hipp. Vote was unanimous.

**13. Necessary Action on Matters Discussed in Executive Session.**

Mr. Tothacer stated that at the request of a Council Member, we went into Executive Session and it was determined part way through the discussion that this was not an appropriate matter for Executive Session. No Action was taken and no further discussion was heard.

**14. Comments from County Administrator**

No Comments

**15. Comments from Council Members**

No Comments

**16. Future Meetings**

- a. March 18, 2009
- b. April 1, 2009

**17. Vote to Adjourn**

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

**18. Adjournment**

Chairman Livingston declared the meeting adjourned at 8:00 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**