

**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 18, 2009**

The Newberry County Council met on Wednesday, March 18, 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.

Chairman Livingston led the invocation followed by the Pledge of Allegiance.

1. Presentation of Newberry County Service Awards

Chairman Livingston presented the following service awards to the following employees: Tony Moore, Sheriff's Office – 5 years of service; Georgia Attaway, Assessor's Office – 10 years of service; Daniel Floyd, Sheriff's Office – 10 years of service; Johnny Myers, Public Works – 25 years of service. Absent were: Trena Crisp, Magistrate's Office – 5 years of service; Ashley Ponder, Sheriff's Office – 10 years of service; Melony Fellers, Assessor's Office – 10 years of service.

On behalf of County Council, Chairman Livingston commended these employees on their years of service, and their dedication and commitment to making Newberry County a better place.

2. **Personal Appearances**
a. **Aimee Talbot, Business Consultant with Newberry Small Business Development Center**

Mrs. Talbot thanked County Council for supporting the Small Business Development Center that is now established. This is the 16th SBDC office in the State of South Carolina. They are backed by the federal and state Small Business Administration, and now locally through your support. The office will be known as the Small Business Development Center at Newberry College and is available at the Dufford House on the Newberry College Campus. It will be staffed 18 hours per week on Mondays and Thursdays. The office will provide free and confidential counseling to those thinking of starting a new business and for existing businesses here in Newberry County. Mrs. Talbot stated that she will be the business consultant that will be operating the office. She owns EuroLux Antiques, a business on Main Street, and hopes to bring her experience and education to play here in the community. She stated the center is now open for service to the community.

3. **Adoption of Consent Agenda**

Mr. Caldwell moved to adopt Consent Agenda; second by Mr. Baker. Vote was unanimous.

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

Mr. Hipp moved to adopt the agenda as presented; second by Mr. Baker. Vote was unanimous.

5. **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 is unchanged from first and second reading.

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

6. **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).**

Mrs. Peters stated that these properties were located on Highway 76 near Candy Kitchen Road outside of the Town of Prosperity.

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

- 7. 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.**

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

- 8. Ordinance #03-05-09: An Ordinance amending Chapter 91 of the Newberry County Code of Ordinances so as to include provisions relating to the procedures for residents to petition to have existing county-maintained roads paved, and other related matters.**

Mr. Waldrop moved to approve first reading; second by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop asked Mr. Adams to bring Council up to date on this first reading.

Mr. Adams said the purpose of the ordinance was to set criteria for having county roads paved using C-Fund dollars. One of the problems the C-Fund Committee has is receiving requests to pave roads that do not have sufficient right of way. This ordinance will require the property owners to circulate a petition to eventually sign over easement to the County giving the necessary width. A 50 ft. of right of way is needed for a through road, and 40 ft. of right of way is needed for a cul-de-sac. The petitioners will see a marked off approximate right of way so they will have some information before they sign the petition. All property owners of adjoining land will have to participate in order for the road to be considered for paving.

Having received no further discussion; Vote was unanimous.

- 9. Ordinance #03-06-09: An Ordinance enacting and adopting 2009 S-6 supplement to the Code of Ordinances for the County of Newberry, South Carolina.**

Mr. Caldwell moved to approve first reading; second by Mr. Baker.

Chairman Livingston asked Mr. Adams to explain this ordinance.

Mr. Adams said this ordinance simply confirms that actions of Council have been codified from July 1, 2008 through December 31, 2008. Ordinances are codified two times a year and go into the Newberry County Code of Ordinances (the blue book).

Having received no further discussion; Vote was unanimous.

10. Committee Reports

Mr. Hipp reported that the Piedmont Tech Committee met and those in attendances were Councilman Waldrop, Mr. Adams and himself. He also said the Economic Development Committee met this past Monday and those in attendance were Chairman Livingston, Councilman Stockman, Ms. Teresa Powers, Mr. Adams and himself. Mr. Hipp said he will distribute the formal minutes coming from that meeting and will give a complete report at the next Council meeting in two weeks.

Mr. Adams reported that the Public Works and Planning Committee met and discussed Agenda Items # 7 & 8 which Council approved on first reading tonight. There was also some discussion on Beisel Road, off of Mt. Bethel Garmany Road, and questions regarding the ownership of the right of way. He said he believes there is a recorded 50 ft. easement to the US Forest Service. It is not a paved road and the County does not accept non-paved roads, but it has been maintained by another governmental entity. We are exploring the ins and outs and will report back when we have something firmer.

11. Appointments

Mr. Hipp reported that we are making headway with our goal of posting these vacancies on our website, as well as posting with the media. He stated that although we have a number of vacancies, we are working towards a more transparent way of posting these by enlisting applications from citizens who may be interested in applying for these positions. He said the Clerk to Council and Mr. Tom Barber are working diligently to make this happen.

12. Consideration of acceptance of Proposal Number: 2009-03 – Transfer Station Floor Repair, Kyle Nash – Public Works Director

Mr. Nash informed Council that the tipping floor at the Transfer Station has two holes in its surface and are continuing to get worse. These holes were noted on a recent DHEC inspection. The County asked for proposals to overlay the floor instead of patching that has not held up. He stated they received five responses to the proposal which were reviewed by an evaluation committee. In the review, emphasis was placed on the experience of the contractor on similar project work, the impact of the repair on Transfer Station operations, and the cost. The top two proposals evaluated by the committee were from Leak & Associates for \$100,000.00 and from Structural Preservation Systems for \$132,000.00. The funds for this project were included in the budget amendment which Council passed earlier in the meeting and staff recommends Leak & Associates for this project.

Mr. Hipp asked what the engineering firm determined from the borings to have caused the failure in the floor. He inquired if the original specs were inadequate or was the construction inadequate.

Mr. Nash said the samples taken showed that the problem was with the compaction just below the surface of the concrete. He also said concrete reinforcement was lacking. The proposed reinforcement will be much more durable and will hold up a lot better.

Mr. Hipp asked if there was reason for us to go back to the original contractor because you should not expect this kind of failure on concrete if it was designed and constructed for this type application.

Mr. Nash stated that even though it is concrete, it gets a tremendous amount of wear on a daily basis. Over time, the concrete will wear. The samples taken showed the concrete between 6-8 inches, and originally it would all be closer to 8 inches. He said the use of rebar and the use of high strength concrete can help mitigate this kind of wear.

Mr. Hipp asked about the process involved with the overlay.

Mr. Nash said that the damaged areas will be removed completely. The reinforcement (rebar) will be put into place and then concrete poured. Mr. Nash asked Mr. Ervin West, our construction consultant, if he had any additional information to offer.

Mr. West said that the overlay thickness will range from 4 inches to 6 inches and will be sloped. The old drain system will be removed and a new one put in. This should help out with the liquid management; instead of just sitting there, it will run off. The two existing holes will be repaired during the first weekend. The original floor was constructed of 4,000 PSI concrete. They will be using 10,000 PSI, which will allow the concrete to set up in 3 days.

Mr. Hipp asked if we will have any kind of warranty on this work.

Mr. West said the standard warranty is one year. They checked references and similar jobs completed by this company. They have constructed Transfer Station floors that are 6-7 years old and are not having any problems with them yet.

Mr. Caldwell asked if we had some an idea of how long this new floor would last.

Mr. Nash said they give a one year warranty. Again, they checked the company's work and their flooring projects are 6-7 year old with no problems. This is the best information we have in terms of life expectancy at this point.

Mr. Waldrop asked what year the County built the Transfer Station.

Mr. West said between 1992 and 1994.

Mr. Hipp complimented Mr. Nash for being prepared to answers these questions.

Mr. Koon moved to acceptance the proposal; second by Mr. Baker. Vote was unanimous.

13. Consideration to declare 1989 Ford Ambulance as surplus equipment, Crystal Waldrop, Purchasing Director

Mrs. Waldrop stated this ambulance was used by the Coroner's Office to transport DOA's. The Chappells Fire Department has transferred another vehicle to the Coroner's Office for their use.

Mr. Hipp moved to declare the 1989 Ford Ambulance as surplus and that it is placed on GovDeals; second by Mr. Caldwell. Vote was unanimous.

14. Request by Councilmen

No Comments

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

No comments

16. Vote for Executive Session, When Necessary

No Vote

17. Executive Session

No Executive Session

18. Necessary Action on Matters Discussed in Executive Session

No Necessary Action

19. Comments from County Administrator

Mr. Adams stated that a Finance Committee will be held next Monday at 6:00 p.m. in the conference room to discuss a preliminary review of revenue and expenditures of the County operating budget and also the County's OPEB liability.

20. Comments from Council Members

Mr. Hipp shared with Council a golfing benefit to be held on May 15, 2009 at the Country Club of Newberry with the proceeds going to J.F. Hawkins/Springfield Place and he encouraged Council's support and participation.

Mr. Baker stated that he was happy to see that the Road Committee had some rules and regulations to go by and he thanked Mr. Adams for that. There is no more guess work; it is set in black and white.

21. Future Meetings

- a. April 1, 2009
- b. April 15, 2009
- c. Finance Committee - April 13, 2009
6:00 p.m. @ Courthouse Annex Conf. Rm.
- d. Personnel & Intergovernmental Committee – April 27, 2009
6:00 p.m. @ Courthouse Annex Conf. Rm.

Chairman Livingston thanked the administrative staff for their involvement and willingness to participate in the new committee structure

22. Vote to Adjourn

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

23. Adjournment

Chairman Livingston declared the meeting adjourned at 7:35 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

