

**NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 6, 2011**

Newberry County Council met on Wednesday, April 6, 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
Edgar Baker, Councilman
Steven C. Stockman, Councilman
Leslie (Les) Hipp, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: John E. Caldwell, Councilman

PRESS: Heather Hawkins, WKDK

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

Chairman Livingston 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. Koon motioned to adopt the agenda as written; seconded by Mr. Baker. The vote was unanimous.

3. Ordinance #03-06-11: An Ordinance amending the revised Solid Waste Management Plan Pursuant to §44-96-80 of the 1976 S.C. Code of Laws.

Mr. Baker motioned to approve second reading of Ordinance #03-06-11; seconded by Mr. Waldrop. The vote was unanimous.

4. Ordinance #03-07-11: An Ordinance amending Ordinance No. 06-11-01 relating to the membership of the Newberry Hospital Board.

Mr. Adams reported that this change was requested by Newberry County Memorial Hospital. Currently, the Chief of Staff has been a member of the hospital board by ordinance; however, one problem with this is that the Chief of Staff rotates every year so there is a lack of continuity. This ordinance will allow the physicians to make a recommendation to Council for an appointment to represent the medical community as a member on the board.

Mr. Koon motioned to approve first reading of Ordinance #03-07-11; seconded by Mr. Baker. The vote was unanimous.

5. Ordinance #04-08-11: An Ordinance enacting and adopting the 2011 S-8 Supplement to the Code of Ordinances for the County of Newberry, South Carolina.

Mr. Adams stated that this ordinance is to formally add to the Newberry County Code of Ordinances those ordinances that have been passed since the last adoption by Council.

Mr. Hipp motioned to approve first reading of Ordinance #04-08-11; seconded by Mr. Stockman. The vote was unanimous.

6. Resolution #02-11: A Resolution designating April 2011 as Fair Housing Month.

Mr. Adams read Resolution #02-11 designating April 2011 as Fair Housing Month into the official minutes.

WHEREAS, Newberry County desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and

WHEREAS, Newberry County rejects discrimination on the basis of race, religion, color, sex, national origin, disability and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and

WHEREAS, April is recognized nationally as Fair Housing Month;

NOW, THEREFORE, BE IT RESOLVED that Newberry County does hereby designate the month of April 2011 as Fair Housing Month.

ADOPTED, by Newberry County Council in meeting duly assembled this 6th day of April 2011, at which a quorum was present and voting.

Mr. Koon motioned to adopt Resolution #02-11; seconded by Mr. Waldrop. The vote was unanimous.

7. Consideration of acceptance of low bid in the amount of \$28,475.00 from J.A. Piper Roofing for Agriculture Building Roof Replacement (Bid Number 2011-11) – Crystal Waldrop, Purchasing Director.

Mrs. Waldrop reported that this is to replace the existing roof on the ag building which was not in the original construction budget. She said numerous businesses responded and they would like to recommend J.A. Piper as the low bidder in the amount of \$28,475.00.

Mr. Hipp motioned to accept the low bid of \$28,475.00 from J.A. Piper; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Koon asked if any local contractors submitted bids.

Mrs. Waldrop replied that it was advertised in the local paper and with SCEBO and no local contractors submitted bids.

Mr. Adams reported for Council's information that there is approximately \$60,000.00 remaining in the budget at this time.

Mr. Hipp asked if there were any other remaining items to be completed.

Mr. Ervin West responded that they plan to do some painting in the stairwells that was not included in the original scope.

Mr. Koon commented that there are some things that the contractor will have to follow up on.

Chairman Livingston stated that all of this is within the scope and we should have a remaining balance at the end.

Having received no further discussion, the motion to accept the low bid of \$28,475.00 from J.A. Piper was unanimous.

8. Consideration of Request for Qualifications (#2011-01) for Courthouse Waterproofing – Crystal Waldrop, Purchasing Director

Ms. Waldrop stated that the committee was made up of herself, Ervin West and Bill Yates from the building department. Mrs. Jackie Bowers did assist in the interview process but could not participate in the scoring of the firms. They interviewed three of the highest ranked firms and wish to recommend Stafford Consulting Engineers to proceed with Phase 1, the investigative phase, of the Courthouse waterproofing.

Mr. Adams reported that Phase 1 consist of the engineers going in and determining what the problems/causes are. A report of their findings will be presented to Council and you will decide weather you want this firm to go ahead with a scope of work which you will approve before its bid. This first part is just an investigation phase.

Mr. Hipp asked if the deliverable would include a bid spec for the work.

Mr. Adams stated that it would not and that this first phase could be in the range of \$20,000.00.

Mr. Koon asked if they would tell us what the fix is.

Mr. Adams said they will tell you what the problems are and will have an idea of what the fix is but putting it into specs that can be bid out will be another phase.

Mr. Baker motioned to approve Stafford Consulting for Phase 1 of the Courthouse Waterproofing seconded by Mr. Hipp. The vote was unanimous.

9. Consideration of Request for Qualifications (#2011-07) for Structural Engineering Services for Whitmire Town Hall Renovation, Computer Center at Whitmire Library and Council on Aging Addition – Crystal Waldrop, Purchasing Director

Mrs. Waldrop said the structural engineering services will be for these specific projects and the committee would like to recommend approving the highest ranked firm, Davis and Floyd.

Mr. Waldrop motioned to approve Davis and Floyd; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked if we had a cost estimate associated with this engineering service.

Ms. Waldrop stated that the costs have already been approved in the budget for these specific projects.

Mr. Hipp said he knew there were costs budgeted and asked if these services included time and materials.

Ms. Waldrop said it was strictly an RFQ; a Request for Qualifications. The firms were evaluated based on their qualifications not on fees.

Mr. Adams commented that Council can approve that staff negotiate with them as the highest ranked firm and if there are any problems with costs we can go with the next firm.

Mr. Hipp asked what the current budgeted amounts were for these services.

Mr. West stated that the budgeted amounts are based on a percentage of the total project using standard industry engineering fees which can be anywhere from 6 ½ - 10 percent due to the complexity of the project.

Mr. Hipp asked if we included a not to exceed amount with any of these.

Mr. West said we do not because we have not entered into negotiations with them yet

Mr. Hipp wanted to know if Council was approving to contract with them or approving to get a quote from them.

Mrs. Waldrop stated that Council will be approving staff to enter into negotiations with the firm.

Chairman Livingston commented that we might need to rephrase the motion for more clarity to read “a motion to approve staff to negotiate with the firm.”

Mr. Hipp said that would help him because it is kind of hard to approve something that we do not have a dollar value on other than our budget numbers.

Mr. Adams stated that the code states that if it is \$25,000.00 or more that it will be brought back to Council for approval.

Mr. Waldrop amended his motion to approve staff to negotiate with Davis and Floyd for structural engineering services on the above mentioned project; seconded by Mr. Baker. The vote was unanimous.

10. Consideration of Request for Qualifications (#2011-09) for Electrical Engineering Services for Whitmire Town Hall Renovation, Computer Center at Whitmire Library, Council on Aging Addition, Public Works Facility, and Opera House – Crystal Waldrop, Purchasing Director

Mrs. Waldrop reported that four (4) firms submitted and they interviewed two (2) of those firms and they would like to also recommend Davis and Floyd for the electrical engineering services for these projects.

Mr. Hipp motioned to accept the recommendation to go forward and evaluate a proposal for engineering services with Davis and Floyd; seconded by Mr. Koon. The vote was unanimous.

11. Consideration of Request for Qualifications (#2011-08) for Mechanical Engineering Services for Whitmire Town Hall Renovation, Council on Aging Addition, Computer Center at Whitmire Library, Public Works Facility and Opera House – Crystal Waldrop, Purchasing Director

Mrs. Waldrop reported that only one firm responded to this solicitation and they would like to recommend Davis and Floyd for the mechanical engineering services on these projects.

Mr. Koon motioned to approve staff to negotiate with Davis and Floyd for the mechanical engineering services on these projects; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked where Davis and Floyd was located and if we had any experience working with them.

Mr. West stated that Davis and Floyd has been in business since the early 50's and they have a pretty good reputation.

Having received no further discussion, the motion to approve staff to negotiate with Davis and Floyd for mechanical engineering services was unanimous.

Chairman Livingston thanked Mrs. Waldrop and Mr. West for all of their efforts on these projects.

12. Committee Reports

a. Finance committee – 4/04/11

Mrs. Cromer reported that the Finance Committee met on Monday, April 4, 2011 and the administration presented the FY11-12 Operating Budget with a few minor changes that will be presented to the entire Council on Monday, April 11, 2011. She said the capital project budgets are underway and will be presented at a later date.

13. Appointments

No appointments

14. Public Comments

No comments

15. Vote for Executive Session, When Necessary

No vote for Executive Session

16. Executive Session

No Executive Session

17. Necessary Action on Matters Discussed in Executive Session

No action taken

18. Comments from County Administrator

Mr. Adams reported that staff presented a draft of the operating budget with a memorandum of transmittal. He said Council has a great deal of latitude in this upcoming budget process. You have the ability to make some significant decisions that will impact the county in the future.

19. Comments from Council Members

Mr. Koon thanked staff and Mr. Adams for the work they have done on the budget so far.

Chairman Livingston said that Mr. Caldwell called in advance of this meeting and stated he would not be in attendance tonight. He said he appreciated all the work that has gone into this budget and thanked the individual departments for doing a wonderful job keeping us well within budget. Chairman Livingston also thanked fellow Council members and stated they have been a great group to work with.

20. Future Meetings

- a. Finance Committee/Budget Work Session – 4/11/11 @ 6:00 p.m.
- b. County Council – 4/20/11 @ 7:00 p.m.
- c. Public Works and Planning Committee – 4/25/11 @ 6:00 p.m.

21. Vote to Adjourn

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

22. Adjournment

Chairman Livingston declared the meeting adjourned at 7:21 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council