

**NEWBERRY COUNTY COUNCIL  
MINUTES  
MAY 6, 2009**

The Newberry County Council met on Wednesday, May 6, 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. Adams led the invocation followed by the Pledge of Allegiance.

**1. Personal Appearances**

- a. Mr. Pat McGee and Vet Tech students – Presentation on the Veterinary Technology Program offered at Piedmont Technical College, Newberry Campus.**

Chairman Livingston invited Pat McGee to the podium.

Mr. McGee shared with Council several pieces of good news; the first being the establishment of the Vet Tech Program at the Newberry Center. They have received accreditation for this program from the Commission of Higher Education and have been approved by the ABMA, the National Accrediting Agency for Veterinary Technology. Mr. McGee stated that establishing and getting the Vet Tech Program going in Newberry has been a highlight in his career. He introduced several personnel in the Vet Tech program in attendance tonight: Sylvia McFarlane, Program Coordinator who is a licensed Veterinary Technologist and came to Piedmont Tech from Newberry College; Dr. Ruthie

Buist, Doctor of Veterinary Medicine and graduate from Georgia; and Jerry Alewine, Dean of the Health Science Division at Piedmont College. He said he was very proud to also have a part of the first and second year class of Vet Tech students here tonight. He shared that the second year students will be receiving their pins tomorrow night and graduating from the program. He received news today that all of the young ladies graduating already have jobs. Mr. McGee turned the presentation over to Elizabeth Stevens, President of the Veterinary Technology Club at the College for the second piece of good news.

Ms. Stevens introduced herself and thanked Council for the opportunity to come before them tonight. The students work at the Newberry County Animal Shelter led to their community service project and mission which was to raise money to aid the County with building a new shelter. Ms. Stevens spoke highly of the Animal Shelter staff and their dedication, led by Deena Hallman, who is known throughout our seven county area for her commitment and outstanding efforts to help discarded and neglected animals. The staff in Newberry does all that it can with their facility which is limited in space and in poor condition due to its age. She said Newberry County needs a new animal shelter where animals can be in a controlled environment and there are enough kennels where the dogs and cats can be presented for possible adoption. Ms. Stevens presented a check to Deena Hallman and Chairman Livingston in the amount of \$3,000.00 to the Newberry County Animal Shelter Building Fund on behalf of Piedmont Technical College Newberry Center Veterinary Technology Club.

Chairman Livingston thanked Ms. Stevens on behalf of County Council, staff, and the citizens of Newberry County for their efforts.

Ms. Hallman thanked the students and staff at Piedmont for their support and stated that the Vet Tech program has been very beneficial to the community.

## **2. Adoption of Consent Agenda**

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

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

Mr. Adams requested, on behalf of staff, that additional roofing needs at Piedmont Technical College be added as Agenda Item #13a.

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

4. **Ordinance #03-07-09: 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 one and twenty-six hundredths (1.26) acres real estate parcel designated as TMS Parcel No. 337-2-12 and a nine hundred and fifty-one thousandths (.951) acre real estate parcel designated as TMS Parcel No. 337-2-34, from Rural (R2) to General Commercial (GC).**

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

5. **Ordinance #04-08-09: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the Newberry County budget for County ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all County purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues coming to the County during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes.**

Mr. Caldwell moved to approve second reading; second by Mr. Hipp.

Chairman Livingston asked Mr. Adams for an update.

Mr. Adams stated that the amendments to the budget would be in order at this time and have been agreed to in principle by Council during the budget work sessions on April 22<sup>nd</sup> and 29<sup>th</sup>. He said this will require a motion to amend the motion.

Mr. Hipp moved to amend the motion; second by Mr. Baker. Vote was unanimous.

6. **Ordinance #04-09-2009: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the Newberry County Library, Piedmont Technical College and the Newberry Agency for the Developmentally Disabled; to provide for the levy of taxes on all taxable personal and real estate properties in Newberry County for said purposes; to provide for the expenditure of said taxes and other revenues coming to the County during said fiscal year for said purposes.**

Mr. Hipp moved to approve second reading; second by Mr. Stockman.

Chairman Livingston asked Mr. Adams for an update.

Mr. Adams stated that this motion can be amended with those changes agreed to in principle by Council during the budget work sessions on April 22<sup>nd</sup> and 29<sup>th</sup>.

Mr. Hipp moved to amend the motion; second by Mr. Baker. Vote was unanimous

**7. Ordinance #04-10-09: An Ordinance for the purpose of leasing the old armory property to Piedmont Technical College.**

Mr. Adams stated that this was basically continuing the same lease Piedmont Tech has had with the County on this facility for quiet sometime. The only monetary consideration is nominal.

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

**8. Ordinance #04-12-09: 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 one acre real estate parcel designated as TMS Parcel No. 225-40 from Rural (R2) to Light Industrial (LI).**

Chairman Livingston asked Mrs. Peters to the podium.

Mr. Hipp asked Mrs. Peters if the Planning Commission had recommended approving this rezoning.

Mrs. Peters stated that the Planning Commission had approved the rezoning.

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

**9. Ordinance #04-13-09: 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 two and thirty-seven hundredths (2.37) acres real estate parcel designated as TMS Parcel No. 404-40 from Single Family Residential (RS1) to General Commercial (GC).**

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

**10. Resolution #04-09 Amending a Resolution entitled "A Resolution authorizing an equipment lease/purchase agreement in the principal amount of not exceeding \$1,300,000 relating to the financing of various equipment for public purposes; authorizing the execution and delivery of various documents including equipment lease/purchase agreement; and other matters relating thereto."**

Mr. Adams recommended that this resolution be taken up first by the Public Safety and Courts Committee at its May 25<sup>th</sup> meeting.

Mr. Koon moved to defer Resolution #04-09 to the Public Safety and Courts Committee; second by Mr. Caldwell. Vote was unanimous.

## **11. Committee Reports**

### **a. Personnel and Intergovernmental Relations Committee – April 27, 2009**

Mr. Adams reported that the major item of business was the distribution of a recommended comprehensive revision to the current employee handbook. The committee asked that the revisions be distributed to all elected officials and department heads, and this has been done. Other items of consideration were as follows: An update on recreation department activities presented by Gerdi Lake; discussion of County facility repairs presented by Crystal Waldrop; discussion of appointments to boards and commissions presented by Laurie Renwick.

## **12. Appointments:**

Mr. Koon nominated Kevin Atkins of Firetower Road for an appointment on the Westview Behavioral Services Board.

Mr. Baker moved to approve Kevin Atkins; second by Mr. Hipp. Vote was unanimous

Mr. Koon also nominated the re-appointment of Martha Waller of Macedonia Church Road in Prosperity for another term on the Board of Zoning Appeals for a tem...

Mr. Waldrop moved to approve Martha Waller; second by Mr. Stockman. Vote was unanimous.

Mr. Hipp wanted to clarify the deadline for board and commission applications.

Mrs. Renwick stated that the deadline was next Friday, May 15<sup>th</sup>.

## **13. Consideration of acceptance of bid for the Chappells Fire Station Addition – Crystal Waldrop, Purchasing Director.**

Mrs. Waldrop stated that this was the second time this was bid out. She said Dixie Pole Building gave a description of why their cost had gone up since their first bid of \$25,000.00 to the Chappells Fire Department.

Mr. Waldrop moved to approve the low bid of \$33,233.00 from Dixie Pole Building; second by Mr. Caldwell.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked Mr. Koon about an agreement that would reduce the bid amount by the security bond amount.

Mr. Koon brought everyone's attention to Dixie Pole Building's estimate sheet and the miscalculation in the addition. The estimate sheet total was not the same as the bidders schedule total that was submitted.

Mrs. Waldrop informed Council that Mr. Dominck was in attendance and could address that issue.

Mr. Dominick stated that he was told that he was low bidder at \$33,233.00 but was informed that this was still too high and the project would not possibly proceed at that amount, so he reduced his price to \$29,433.00 in an effort to get the project started. He said he disagreed with the performance bond, not from a general contractor's view point but as a Newberry County taxpayer. The County taxpayers are ultimately the ones who will end up paying this bond that is tacked on to the bottom line. Mr Dominick also stated that he disagreed with the steel reinforcement concrete requirements needed for this project. He said they have been using 3,000 PSI concrete with fiber mesh in it for 12-13 years and has had no problem with cracking. If he is required to buy the performance bond and use the steel reinforcement, then this needs to be added to the \$29,433.00 figure.

Mr. Koon said that with those added, should bring the total to \$31,383.00 not \$33,233.00. If the performance bond and reinforcement were not required, would bring the total bid down to \$29,433.00.

Mr. Koon felt that since Dixie Pole Building built the original building and was going to construct the addition that we should accept his low bid of \$29, 433.00; second by Mr. Baker.

Chairman Livingston stated that we had a motion and a second to accept the low bid of \$29,433.00 which will exclude the performance bond and the use of steel concrete reinforcement for wire and asked if there was any more discussion.

Mr. Hipp asked Mr. Baker his expertise on the reinforcement of wire vs. mesh.

Mr. Baker stated that he preferred using mesh with keyways 20-25 feet apart. Mr. Baker said that it is hard to predict which method would not make the concrete crack, but felt the mesh was the best way to go.

Having received no further comments, the vote was unanimous.

### **13a. Roofing on Piedmont Technical College – Crystal Waldrop, Purchasing Director**

Mrs. Waldrop stated that it had been brought to their attention recently that there were some problems with the dome roof at Piedmont. She shared with Council photos of the roof that were taken by Ervin West today. This was not included in the original shingle

roof replacement that was just completed but some funding was left over from the project and she felt this maintenance issue needed to be tended to.

Mr. Baker asked if this was over the old auditorium and asked Mr. West if what he was looking at in the photos was foam.

Mr. West stated that it was and over a period of time and exposure to wind and rain it has deteriorated the membrane part of it. Water is getting in and has spread to the foam part.

Mr. Baker asked Mr. West what his recommendations were on fixing the roof.

Mr. West said you would go in and cut out all of the bad foam, repack it, apply some hydrostop or approved equivalent, and mesh. It will then be finished off with two more coats of hydrostop. All of the low spots would have to be built up and treated the same way. Mr. West stated that the warranty on this type of roof was usually 10 years and we have well gone beyond that warranty period.

Mr. Baker asked if they had an estimated cost on this repair.

Mrs. Waldrop stated that she had a preliminary estimate from the contractor that put the shingles on the original roof and asked that Council consider accepting this as a change order. If not, the County could procure this from the open market and follow procedures for purchases over \$5,000 and up. These bids do not require a bid advertisement as long as the quotes are solicited from the County's list of bidders.

Mr. Koon asked Ms. Waldrop to share the estimate to replace the damage with Council.

Mr. Adams stated that we could get it done for less than \$20,000.00.

Mrs. Waldrop said that \$19,457.00 was left over from the shingle roofing project.

Chairman Livingston asked Mr. Adams if he had a recommendation.

Mr. Adams agreed with Mrs. Waldrop and Mr. West that the roof needed to be fixed. He said they could look at the two routes in which to procure services with Council approving staff spending up to \$20,000.00 to make the repair.

Chairman Livingston asked what the warranty would be.

Mr. West stated that the County would receive only a two year warranty because we will be going over an existing roof.

Chairman Livingston enquired about the anticipated life of this repair.

Mr. West replied that the repair to the roof should last approximately 10-12 years.

Mr. Baker stated that with the savings from the original roofing project, he moved to approve the repair to the Piedmont Tech building for under \$20,000.00; second by Mr. Waldrop. Vote was unanimous.

**14. Public Comments**

No Comments

**15. Comments from County Administrator**

Mr. Adams updated Council on JF Hawkins Nursing Home. He said DHEC had accepted staffs amended plan of correction which meant we are only one successful inspection away from being in full compliance. Staff was assembling a package of financial information required for hardship consideration by CMS to reduce the fines. The full fine amount of \$3,050.00 per day ended up being \$103,700.00, and by agreeing not to appeal, we have reduced that amount by 35% to \$67,405.00. This will be an attempt to get it further reduced.

**16. Request/Comments from Council Members**

Chairman Livingston shared an email he had received from Mrs. Brackett inviting Council to a special sponsored luncheon celebrating Older American Month on Wednesday, May 13, 2009 @11: 15 a.m. at the Dave C. Waldrop Center.

**17. Future Meetings**

- a. County Council Meeting - May 20, 2009
- b. County Council Meeting - June 3, 2009
- c. Public Works and Planning Committee – May 11, 2009  
6:00 p.m. @ Courthouse Annex Conf. Room
- d. Economic Development Committee – May 18, 2009  
6:00 p.m. @ Courthouse Annex Conf. Room
- e. Public Safety and Courts Committee – May 25, 2009  
6:00 p.m. @ Courthouse Annex Conf. Room

Ms. Pitts shared that May 25, 2009 was Memorial Day.

**18. Vote to Adjourn**

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

**19. Adjournment**

Chairman Livingston declared the meeting adjourned @ 7:50 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**