

**NEWBERRY COUNTY COUNCIL
MINUTES
MAY 4, 2011**

Newberry County Council met on Wednesday, May 4, 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
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

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. Waldrop led the invocation followed by the Pledge of Allegiance.

1. Additions, Deletions, and Adoption of Agenda

Mr. Adams recommended the addition of Resolution #04-11 as agenda item 8a.

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

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

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

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

Mr. Adams stated that Cassie Fowler from the Whitmire Town Council was present to speak on the proposed Whitmire Rescue Squad/EMS Station that is included in second reading of the budget. If agreeable to the Chair and Council, you might want her to speak ahead of time.

Chairman Livingston invited Ms. Cassie Fowler to the podium.

Ms. Fowler introduced herself and stated she was here in reference to the Armory. She apologized for the miscommunication from their council meeting in April but they have not yet discussed or voted on the Armory. Most council members were totally unaware of this until we saw it in the newspaper. She said the Armory has been a source of revenue for the town up until the last few years; it was rented out for banquets, weddings, and proms. She said it sits on the Enoree River and the Whitmire Town Council had discussed last October plans to pursue grant funding to repair the roof to keep it for historical purposes and its revenue producing uses. In these tough times, we need the Armory there as a selling point for the golf course, as a revenue point, and as a community center. She said she was sorry that County Council was not told about them seeking funding. She would prefer that the citizens of Whitmire know more about this because they are a bit confused as to what they read in the paper. Our veterans and VFW folks should have a hand in this; it should be done up front in front of our citizens. She said they have a meeting this Monday night at 6:00 p.m. and this will be brought up for discussion. She would like to see the Young Chevrolet building, the school district's auto mechanic shop or the old gym off of Colin Ave. to be considered for the Rescue Squad/EMS space. She asked if Council could put this off for a year or two or look for another alternative to house Rescue Squad/EMS and leave their Armory. Once the property is given to the County, the town does not own it any more and it is right there in a location of potential growth.

Mr. Baker stated that after he spoke with Cassie he spoke with the Mayor of Whitmire and he told him that County Council would not take a vote on this in this meeting until after the City voted on it.

Ms. Fowler said she would be glad to contact the Young sisters to see if they might be willing to lower the price for the Young Chevrolet building but she would like for someone to come up and look at other potential sites for Rescue Squad/EMS.

4. **Ordinance #04-09-11: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. Adams stated that the procedure concerning the eleven amendments that have been proposed at second reading of the budget will be for the Chairman to call for a motion to adopt second reading of the budget and then there will be a second followed by discussion of the amendments.

Mr. Waldrop motioned to approve second reading of Ordinance #04-09-11; seconded by Mr. Hipp.

Mr. Adams reported that there are eleven amendments staff was directed to bring forward as of the budget work session on April 26th. Council will consider these in order and you will go through the normal voting procedure of a motion, a second, and a vote. Once all amendments are considered, there will be a call for the question on the budget as amended.

Mr. Adams presented the following amendments for consideration:

Amendment #1: In SECTION III, "Capital Budgets," strike that budget for "Whitmire Rescue and EMS" in the amount of \$1,190,000.00; insert in lieu thereof the following budget for this same purpose in the amount of \$500,000.00; provided that, execution of this budget is contingent upon the Town of Whitmire first transferring ownership of the former National Guard Armory Building in Whitmire to the County of Newberry for renovation addressing these purposes.

Mr. Koon motioned to approve Amendment #1; seconded by Mr. Baker. The vote was unanimous.

Amendment #2: In SECTION III, "Capital Budgets," insert the following budget in the amount of \$29,700.00 for the purpose of constructing the shell of a fire service substation building for the Bush River Fire Department.

Mr. Hipp motioned to approve Amendment #2; seconded by Mr. Waldrop. The vote was unanimous.

Amendment #3: In SECTION III, “Capital Budgets,” insert the following budget in the amount of \$43,500.00 to construct an additional storage building for the Pomaria Rescue Squad.

Mr. Baker motioned to approve Amendment #3; seconded by Mr. Waldrop. The vote passed 5-2 with Mr. Hipp and Mr. Koon opposed.

Amendment #4: In SECTION III, “Capital Budgets,” insert the following budget in the amount of \$508,800.00 for the purpose of upgrading communications system for the law enforcement, EMS, fire and rescue departments.

Mr. Koon motioned to approve Amendment #4; seconded by Mr. Hipp. The vote was unanimous.

Amendment #5: In SECTION III, “Capital Budgets,” insert the following budget in the amount of \$60,000.00 for the replacement of a bridge on Berley Road; provided that, the County shall seek the most economical alternative available to it for sourcing culvert pipe to be used in conjunction with this project.

Mr. Koon motioned to approve Amendment #5; seconded by Mr. Waldrop. The vote passed 6-1, with Mr. Stockman opposed.

Amendment #6: In SECTION III, “Capital Budgets,” strike that budget in the amount of \$40,000.00 pertaining to “Maybinton Ballfield..

Mr. Koon motioned to approve Amendment #6; seconded by Mr. Waldrop. The vote was unanimous.

Amendment #7: In SECTION VIII, “Budget Provisos,” replace those Budget Provisos included in the FY10-11 Operating Budget with those provided to and amended by Council at its April 26, 2011 budget work session, including but not limited to that pertaining to the distribution of cost of living adjustment and merit pay for employees, as outlined in memorandum form to Council and to elected and appointed department heads, by the County Administrator on April 28, 2011.

Mr. Baker motioned to approve Amendment #7; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that he certainly felt that the employees have gone without increases and based on their hard work they deserve some increases. He said he would like to propose an amendment to this in that we limit the amount of merit employee increases to a comparable amount of decrease in taxes for this year. If we are going to

give employees a raise then we need to give the taxpayers a raise in an equal amount. Based on what we have talked about, the County is in a condition financially to be able to do this. He asked Mr. Adams what that would equate to in a mileage percent.

Mr. Adams said that a mill is worth roughly \$113,000.00 and we are talking about \$400,000.00 for the cost of the raises. You would divide \$400,000.00 by \$113,000.00 which would be the number of mills.

Chairman Livingston stated that would be around 3.4 mills.

Mr. Koon said this was discussed in our work session and he thought all of Council was in agreement with what Mr. Hipp has proposed here tonight. There were some of us who were not going to vote for a pay increase unless we could do what has been proposed.

Mr. Hipp proposed an amendment that we reduce our taxes by an equivalent amount to the amount of raises we are offering; seconded by Mr. Koon. The vote was unanimous.

Having received no further discussion, Chairman Livingston called for the question and Amendment #7 was unanimously approved as amended.

Amendment #8: Motion to approve the FY11-12 Fee Schedule, as presented to Council at its April 26, 2011 budget work session, provided that per-page copy fees are raised to \$0.30 for all departments of the County.

Mr. Hipp motioned to approve Amendment #8; seconded by Mr. Koon. The vote was unanimous.

Amendment #9: In SECTION VI, "Debt Service Revenue and Appropriations," replace the FY10-11 budget for these purposes with the following budget:

DEBT SERVICE REVENUE

<u>REVENUES</u>	<u>AMOUNT</u>
Property Taxes	\$ 984,041.00
FILOT	<u>464,488.00</u>
TOTAL REVENUES	\$1,448,529.00
<u>EXPENDITURES</u>	<u>AMOUNT</u>
2006 Special Source Revenue Bond	\$ 464,488.00
2007 GO Bond	89,344.00
2007 (A) GO Bond	121,706.00
2010 (A) GO Bond	163,550.00
2010 (B) GO Bond	268,900.00
2010 (C) GO Bond	161,432.00
2011 GO Bond (Rolling Stock)	<u>179,109.00</u>
TOTAL EXPENDITURES	\$1,448,529.00

Mr. Baker motioned to approve Amendment #9; seconded by Mr. Hipp. The vote was unanimous.

Amendment #10: In line item 010-010-14260-02020, funding for the “Medically Indigent,” strike appropriations in the amount of \$92,527.00, and insert in lieu thereof the amount of \$101,910.00; reduce funding for line item 010-010-15000-02011, “Council Contingency,” in the amount equal to the difference between the new and old funding amounts for “Medically Indigent.”

Mr. Koon motioned to approve Amendment #10; seconded by Mr. Baker. The vote was unanimous.

Amendment #11: In line item 010-010-12300-02020, strike funding for “Westview Behavioral” in the amount of \$19,278.00, and increase line item 010-010-15000-02011, “Council Contingency,” by \$19,278.00.

Mr. Hipp motioned to approve Amendment #11; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop asked if Westview would be coming before Council to discuss this situation.

Mr. Adams commented that staff could certainly ask them to appear at a meeting; however, if they need the funding they will probably have to ask Council for an amendment at some later date.

Having received no further discussion, the vote to approve Amendment #11 was unanimous.

Mr. Adams stated that the time has come for the question on second reading of the budget as amendment.

Having received no further discussion, Chairman Livingston called for the question and the vote to approve second reading of the budget as amended was unanimous.

- 5. Ordinance #04-10-11: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. Adams reported that there has been no change since first reading and this budget is balance at \$721,805.00.

Mr. Caldwell motioned to approve second reading of Ordinance #04-10-11; seconded by Mr. Baker. The vote was unanimous.

6. Ordinance #04-11-11: An Ordinance for the purpose of transferring whatever interest Newberry County may have acquired in a small parcel located on Dave Drive between the Springfield Place campus and J.F. Hawkins Facility to Newberry Real Estate Investments, LLC, the owner of the properties.

Mr. Adams reported that this is approximately a 30 square foot piece of property that adjoins the nursing home property. Courthouse records are inconclusive as to its ownership and the County would be merely granting any interest they might have to the nursing homes new owners.

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

7. Resolution #03-11: A Resolution adopting 2010 Redistricting Criteria to be used in developing the plan.

Mr. Adams reported that these are the criteria recommended by Bobby Bowers, State Demographer, whose office oversees the drawing of boundaries for political representation.

Mr. Baker motioned to approve Resolution #03-11; seconded by Mr. Caldwell.

Chairman Livingston asked if there was any discussion.

Mr. Hipp said he was not sure what Council's impact was on this.

Mr. Adams responded that it basically says that Council is in agreement with these principals as the Budget and Control Board makes attempts to redistrict for County Council. Mr. Bowers recommends that these principals be adhered to for any plans that are presented.

Mr. Hipp commented that we do not have the plans. The impact of this Resolution if Council does not approve it does not affect anything.

Mr. Adams said he could not speak for the agency but it might impact their willingness to prepare these maps for us and we might have to go to some other means to do that.

Mr. Waldrop asked Mr. Hipp if he would be concerned about the lines in his district.

Mr. Hipp said he would like to know what it is before we give them carte blanche approval that we are in favor of what they are doing.

Mr. Adams replied that Council would not be approving a specific plan.

Mr. Hipp said it seems we are approving the process where the plan will be developed without first seeing the plan.

Chairman Livingston stated that this has been done in the past and these are the same bullets that have always been used; it is just a formality to maintain consistency. In the past, Mr. Bowers has brought the maps in for Council to review prior to final approval.

Mr. Hipp said he just does not want to write a blank check here.

Mr. Baker said this is just approving the criteria to be used for the maps; not approval of the maps themselves.

Having received not further discussion, the vote to approve Resolution #03-11 was unanimous.

8. Consideration to approve demolition of Old Winn Dixie Building as part of the new Piedmont Tech Project.

Mr. Adams reported that Piedmont Tech is asking for Council to approve this as part of their plan to improve the overall property with locating the new campus at the Newberry Square Shopping Center. Mr. Adams shared that the building is now currently owned by the County of Newberry.

Mr. Hipp motioned to approve demolition of the Old Winn Dixie Building; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Koon commented that questions have arisen that the County is going to tear this building down just to build it back for another purpose. He asked how much it would cost to refurbish the building if we were to keep it and if it is going to be torn down, what salvage value could possibly be returned to the County.

Mr. Waldrop said that he agreed with Mr. Koon. There are some cooling units and freezers out there that are walk in types that would be very expensive to replace if we needed them. It is possible that maybe the Sheriff's Office or Coroner's Office could use the coolers. These units could be moved and used for County purposes.

Mr. Hipp said that one reason he is in favor of this is that it would cost the County so much money to make this building into usable space and it is not going to cost us anything to have it demolished. He said he does not want to speak for Piedmont Tech but it was his understanding that the price indicated here for removal of the building includes the salvage company getting the materials from the demolition or the price would have been higher.

Mr. Baker wanted clarification on Mr. Koon's comment that this is going to be torn down so it can be built back.

Mr. Koon said that we might be considering building something back in its place.

Mr. Baker said the last he heard from Piedmont Tech was that a green space will be there and/or a parking lot.

Mr. Koon said the only other question he had was the salvage and the use of these units by the County.

Mr. Adams said that what they have at this point is a budget take off number on the net cost of the demolition. If Council would like to consider instructing them to bid it otherwise, we can certainly present that to them.

Chairman Livingston asked if anyone had been out there to actually look and see what might be usable at this facility.

Mr. Baker said there was a lot of steel in it.

Mr. Waldrop said a lot steel and compressor units and cooling units.

Mr. Koon said there was probably a lot a cooper wiring in it and even possibly block.

Chairman Livingston asked Mr. West to the podium to address this issue.

Mr. West stated that if you are a demolition contractor that is one of the main questions that you will ask, "Will I get all that I am going to demolish?" The contractor will consider in his price that he is going to get x amount of dollars for coolers and x amount for the air conditioning units. He will be able to recycle some stuff to get some value out of it. Mr. West said that he would suggest that someone give us a salvage value. He said that when developing the budget for this project, he thought the price in the budget was for the contractor to get it all because it was not delineated at that time.

Mr. Baker asked if it could be bid on both ways.

Mr. West replied that it could but he thought Piedmont Tech wanted to bid it all at once instead of having alternates.

Mr. Pat McGee stated that as discussed in the work session, Piedmont Tech would prefer not to have the salvage as an alternate but as part of the bid so there will not be any hang-ups with it. If it becomes an alternate and the whole bid goes over a little, this may open up discussion about whether to tear the building down or not. We do not want to be in that situation and it would suit them to have the salvage in the main bid. He had asked Dale Wilson if it included all the salvage value and he said it did and that it would around \$100,000.00 to tear it down. Mr. McGee said if we start pulling stuff out of there, it is going to inflate Piedmont Tech's budget.

Mr. West said Council may want to take a look at some of the larger items and determine if there is an immediate use for them. If not, you will have to store them and they will age if not protected. Mr. West stated that if the County cannot use these items within the next year or two, he would include in the main bid.

Chairman Livingston asked how long these items have been inactive.

Major Todd Johnson stated that the Sheriff's Office went out to look at the freezer and said that they are huge and he did not know where we would put them. They are designed to hold enough for a store. He said only three (3) of the sides are equipped to be outside; one of the sides is for the inside so you would have to reface the front of that freezer if you wanted to locate it outside. This building has been sitting idle for 4-5 years or better and we do not know if any of these items will even work.

Having received no further discussion, the vote approve the demolition of the Old Winn Dixie Building to include all salvage material was unanimous.

8a. Resolution #04-11: A Resolution confirming the application by Newberry County of an application for a grant to the United States Department of Commerce, Economic Development Administration, to accept the grant, to execute and deliver documents necessary or convenient therefore, and other matters related thereto.

Mr. Adams reported that this is a Resolution confirming the application by Newberry County of an application for a grant to the US Department of Commerce Economic Development Administration to accept the grant to execute and deliver documents necessary or convenient; therefore, and other matters related thereto. This will allow staff to submit the documentation that will enable us and Piedmont Tech to get a 1.8 million dollar grant for the new campus facility.

Mr. Baker motioned to approve Resolution #04-11; seconded by Mr. Hipp. The vote was unanimous.

9. Consideration to approve funding for parking expansion at Magistrates Court Facility located on Louis Rich Road in the amount of \$50,000.00 to include grading, paving, drainage and sidewalks.

Mr. Adams reported that this was requested to the Public Safety and Courts Committee by Judges Abraham and Halfacre and the committee recommended it for full Council consideration.

Mr. Koon motioned to approve the parking expansion at Magistrates Court in the amount of \$50,000.00; seconded by Mr. Waldrop. The vote passed 5-2 with Mr. Hipp and Mr. Stockman opposed.

10. Consideration to approve funding for Hope Station Community Center basketball court in the amount of \$8,500.00.

Mr. Hipp motioned to approve funding in the amount of \$8,500.00 for Hope Station Community Center basketball court; seconded by Mr. Livingston.

Chairman Livingston asked if there was any discussion.

Mr. Baker commented that this is for a community center in a small district and felt that if we do this we are going to open a can of worms. He said there could be 25 or 30 by the next reading so he will be voting against it.

Mr. Hipp reiterated his justification in favor in that this is a minimal amount and additional work is being provided at no cost by the community to provide this recreational opportunity which is a core responsibility of the County. If we can get the communities to create recreational facilities within their communities then it lessens the expectation on the County to go and buy property and create recreation facilities like the Maybinton Ballfield. He said he understands both sides of this clearly; there is no right or wrong, it is just where you stand.

Mr. Waldrop said we have to remember that the Maybinton Ballfield was voted on by the people through the one cent sales tax. There has been money that has been allocated to community projects through the recreation budget but not through County Council. Taxpayers helped with a percentage of it but not 100%.

Mr. Hipp stated that would be the same in this case. This is not the total cost of the courts and the funding that the County has provided to those other communities through the recreation department was County money.

Mr. Koon said that this building does not belong to the community center but belongs to the church next door along with the property that it sits on. He commented that they have

done a tremendous job in restoring the old school but it is a community project and he felt the County did not need to get involved with community projects.

Having received no further discussion, Chairman Livingston called for the question and the vote to approve funding in the amount of \$8,500.00 for the Hope Station Community Center basketball court was denied with a vote of 2-5 with Mr. Hipp and Chairman Livingston voting in favor and Mr. Koon, Mr. Waldrop, Mr. Caldwell, Mr. Baker and Mr. Stockman opposed.

11. Appointments

No Appointments

12. Committee Reports

a. Public Works and Planning Committee – 4/25/11

Mike Pisano, Interim Public Works Director, reported that the Public Works and Planning Committee met on April 25, 2011 and the following items were discussed.

- A petition for the acceptance of Coggins Road into the County Road System as well as a request to have it paved.
- The committee approved a request for the removal of several No Parking signs from the cul-de-sac area of Prosperity Court.
- Briefing on the proposed boat ramp on Saluda River near Chappells.
- Purchasing Director will report to the next Public Works and Planning Committee meeting with recommendations for selling surplus real estate.
- The committee was updated on Beisel Road paving project; Circle Road paving petition; Airport terminal and fencing project; Public Works Complex; and the Old Jollystreet Road Bridge.

Mr. Adams reported that the mobilization date for the Airport fencing project is May 9, 2011. The starting date is contingent upon getting a variance from the Board of Zoning Appeals which had no quorum at its last meeting. He said there was one homeowner who showed up in opposition to the eight foot fence. Staff is considering going to a seven (7) foot fence, pending approval by the Aeronautics Commission and in the spirit of Council's intent, which would not require the zoning variance.

Mr. Baker stated that the only question is that the Federal Aviation Administration (FAA) drew the plans for an eight (8) foot fence.

Mr. Adams said that it is not clear at this point if they will even go to a seven (7) foot fence.

Chairman Livingston asked if the FAA required an eight (8) foot fence.

Mr. Pisano stated that they recommend a ten (10) foot fence. Our plans have portions with eight (8) foot fencing and portions of six (6) foot fencing.

Mr. Waldrop said that if you go any lower you are defeating the purpose of keeping deer and other animals off of the runway.

13. Public Comments

No comments.

14. Vote for Executive Session, When Necessary

Mr. Baker motioned to go into Executive Session; seconded by Mr. Stockman. The vote was unanimous.

15. Executive Session [7:53 p.m. – 8:05 p.m.]

16. Necessary Action on Matters discussed in Executive Session

Mr. Tothacer reported that Newberry County Council went into Executive Session to receive legal advice and no action was taken in that session.

17. Comments from County Administrator

No comments.

18. Comments/Request from Council Members

No comments.

19. Future Meetings

- a. Economic Development Committee – 5/09/11 @ 6:00 p.m.
- b. “On the Move with Margaret – 05/16/11 @ 9:30 a.m.
- c. County Council – 5/18/11 @ 7:00 p.m.

20. Vote to Adjourn

Mr. Koon motioned to adjourn; seconded by Mr. Waldrop. The vote was unanimous.

21. Adjournment

Chairman Livingston declared the meeting adjourned at 8:07 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council