

**NEWBERRY COUNTY COUNCIL
MINUTES
MAY 19, 2010**

Newberry County Council met on Wednesday, May 19, 2010, 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, 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. Baker led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Mr. Baker motioned to adopt the consent agenda; seconded by Mr. Stockman. The vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Chairman Livingston said there were several additions to the agenda tonight. Newberry County Memorial Hospital, represented by Mr. John Boozer, will be added as agenda item 3b. They are seeking Council's approval through a letter of support in the hospital's efforts to expand its emergency department facility. The Sheriff's Office will present a proposal related to the expenditure of grant funding for the County's E911 system and will be added as agenda item 8b. He stated Council will also need an Executive Session pursuant to §30-4-70(a)(2) of the SC Code of Laws.

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

3. Newberry County Service Awards

Chairman Livingston said it was a great pleasure for Council to present these certificates and has noticed that we are honoring employees with higher years of service. He presented the following service awards: Tony Eigner, Sheriff's Office – 10 years; and Kim Griffith, Public Works – 20 years.

He thanked these employees for the services that they render to the County which makes their job a whole lot easier.

3b. Newberry County Memorial Hospital – Mr. John Boozer

Mr. Boozer thanked Council and stated that NCMH had previously presented to them their proposal for replacing the emergency department. The current department was constructed in 2000 and is approximately 5,500 sq. ft. He said they have doubled their volume in emergency department visits in the past 10 years from 11,000 in the year 2000 to a projected 22,000 by the end of this fiscal year. The entire health care industry is studying the implications of the health care reform and there are a number of indications that it is going to result in additional persons seeking emergency room services. They are proceeding with the DHEC Certificate of Need application that requires letters of support from different community leaders. Mr. Boozer said they are respectfully approaching Council for a letter of support for this project. The letter will be included as an exhibit in the Certificate of Need application which they anticipate completing and submitting to DHEC within the next two to three months.

Mr. Hipp commented that he assumed they are moving forward and attempting to get funding through other sources for this project without funding from the Capital Project Sales Tax.

Mr. Boozer said that was right. They will be approaching their Board next week to get formal re-approval of the project given the changes. A number of the DHEC regulations require that we declare funding sources. DHEC will not grant the Certificate of Need application unless they are comfortable that we have identified viable funding sources.

Mr. Caldwell motioned to approve a letter of support; seconded by Mr. Baker. The vote was unanimous.

4. Ordinance #02-02-10: An Ordinance amending Chapter 151 of the Newberry County Code of Ordinances amending the requirements for building permits and establishing building permit and inspection fees, and for other matters related thereto.

Chairman Livingston declared this the Public Hearing.

Having received no comments, Chairman Livingston declared the Public Hearing closed.

Mr. Koon motioned to approve third reading of Ordinance #02-02-10; seconded by Mr. Hipp. The vote was unanimous.

5. Ordinance #04-09-10:

Chairman Livingston stated that Ordinance #04-09-10 was withdrawn at the request of the property owners.

6. Ordinance #04-10-10: 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 six hundredths (2.36) acres portion of a real estate parcel totaling ten and nine tenths (10.9) acres designated as TMS Parcel No. 442-2 from Rural (R2) to Limited Commercial (LC).

Chairman Livingston declared this the Public Hearing.

Having received no comments, Chairman Livingston declared the Public Hearing closed.

Mr. Hipp motioned to approve third reading of Ordinance #04-10-10; seconded by Mr. Stockman. The vote was unanimous.

7. Ordinance #04-11-10: 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 total six and one hundred and seventy three thousandths (6.173) acres of two contiguous parcels, one four and two hundred and seventy eight thousandths (4.278) acres, the other one and eight hundred and ninety five thousandths (1.895) acres designated as TMS Nos. 284-2-6 and 284-2-13 respectively from General Commercial (GC) to Rural (R2)

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

8. Ordinance #04-06-10: An Ordinance amending Chapter 153 of the Newberry County Code of Ordinances amending special exceptions requirements for the location of commercial campgrounds, and for other matters related thereto.

Mr. Waldrop motioned to approve first reading of Ordinance #04-06-10; seconded by Mr. Baker. The vote was unanimous.

8b. Expenditure of Grant Funding for County's E911 System - Sheriff Lee Foster and Major Todd Johnson

Sheriff Foster stated that two years ago, Congressman Spratt's Office arranged for them to get a grant to improve the technology of the Sheriff's Office through a community oriented police service grant process. Several months ago, Mr. Bobby Bowers and Senator Cromer came and presented some additional monies they had applied for which were set aside through the wireless telephone 911 system. They combined these totals and were able to come up with a very detailed plan, following federal guidelines, to improve the information technology delivery for the officers and the customers they serve and also to improve the E911 system and take it to the next level. Sheriff Foster turned the presentation over to Major Todd Johnson who was the project leader to explain the process, the bidding, and where we stand today.

Major Johnson thanked Sheriff Foster for allowing him to have the lead on this project. This is probably the most exciting project done in Newberry County from the law enforcement side. They developed an RFP based on federal grant guidelines and he thanked Mr. Tothacer and Mrs. Waldrop who were both instrumental in helping them develop this RFP. They divided the request for proposal into four parts; (1) the complete renovation of their 911 center on the technology side to include technology such as accepting text messages as 911 calls, (2) a voice over IP telephone system that will incorporate both the Sheriff's Office and the detention center, (3) replace all the radios and consoles in the 911 center and (4) build a new network infrastructure. Major Johnson said their current network infrastructure is severely lacking and the new one will support the new equipment. They went out for bid on these projects and it was very close between AT&T and Century Link, the two bidders in this process. The RFP was not a lowest bid proposal but called for grading in 5 different criteria. That criterion was set forth by eight people who were on the committee. He said based on those proposals and reviews, we come to you tonight recommending that the 911 system and the administrative phone system be awarded to AT&T with an average score of 88.38., the radio and console system be awarded to Kinard Control System, and the network be awarded to CSI out of Anderson, S.C. All of the funds will be taken out of the federal grant with no local funds expended on this project.

Chairman Livingston asked if there were any questions.

Mr. Hipp asked if the change out of the equipment would affect his communications with other state and local organizations.

Sheriff Foster said it would not change or interfere with communications with the County or any other organization. In fact, some of the backbone of the infrastructure we are putting in will actually help the other County departments have faster service.

Mr. Baker asked if the Capital Project Sales Tax goes through and the Sheriff Office relocates, were they any plans to relocate this system.

Sheriff Foster said the system will be designed so that it can be broken down and taken where ever they go. There will be some transfer cost associated with moving but it will be minimal compared to the system that we have.

Mr. Hipp asked if the bidders were relatively close in price and overall points in the technology improvements and voice over areas.

Major Johnson stated they were very close in price and overall points.

Chairman Livingston asked if we will incur any ongoing maintenance cost.

Major Johnson said there will be ongoing maintenance cost that will be incurred out of the 911 budget. It will not be self sustaining but all the money will come from the 911 tariff that is on your home phone and prepaid cell phones.

Mr. Koon motioned to accept the Sheriff's Office recommendation and move forward; seconded by Mr. Baker. The vote was unanimous.

9. Appointments

Chairman Livingston introduced Mr. Norman Whitaker and stated he was here tonight to speak regarding an appointment.

Mr. Whitaker, Executive Director of the Central Midlands Council of Governments, said he was proud to have Mr. Bill Waldrop as one of their Board Members and Executive Committee Members. He said Newberry County was one of the founding members of the COG and also helped found the Central Midlands Development Corporations which is a 501C3 non-profit organization. It was founded in the 1970's, went dormant for a period of time in the 1990's, and was revived 2-3 years ago. The corporation can work in economic development, services for the elderly and environmental conservation. The board has some terms expiring and they are looking for replacement members. He said Newberry's current members on the corporation are Eloise Bishop and Representative Walt McLeod. Their nominating committee has asked Newberry to appoint Mr. Henry Summer to that position. Mr. Summer was a member of the COG Board of Directors and the committee thought he would be familiar the types of programs they work with. With his accounting and financial background, the committee respectfully request that Council appoint Mr. Summer to a 3 year term on the Central Midlands Development Corporation.

Mr. Waldrop motioned to approve Mr. Summer's appointment on the Central Midlands Development Corporation; seconded by Mr. Koon. The vote was unanimous.

10. Committee Reports

- a. Economic Development/Budget Work Session, May 10, 2010 –
Teresa Powers, Economic Development Director; Wayne Adams,
County Administrator.

Ms. Powers reported that the Economic Development Committee met on May 10th and discussed two items. One was an update on the Mid-Carolina Commerce Park work that is finishing up. The road work has been completed; water lines have been installed and tested; and they are finishing up a little more work on the sewer system. They are moving towards looking at signage, lighting, and landscaping for the park. She updated the committee on her marketing trip to Germany in March. She personally met with eight companies and felt it was a very successful trip and brought back a number of contacts and will continue to follow up with these.

Mr. Adams reported that the following proposed budget amendments were discussed at the Work Session on May 10, 2010.

- Emergency Services proviso for purchasing rolling stock
- Distribution of budgeted merit pay and its reduction in the amount of \$350,000.00 to \$200,000.00
- General proviso concerning travel expenditures and line item transfers
- Omission in the budget regarding \$324,808.00 for lease purchase
- Establish cost of living increase for independently elected or appointed officials other than County Council members
- Proviso approving a transfer of up to \$25,000.00 for repairs and improvements to the Village Cemetery

Chairman Livingston commented that these amendments will be included and voted on at third reading of the budget ordinance

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

Chairman Livingston asked Ms. Doris Berry to the podium.

Ms. Doris Berry stated that she has a problem with the Newberry County Water and Sewer Authority and has received some very high water bills over the years. Mr. Lingle has ignored her and has not worked with her to try and resolve it and she needs some help. In April of this year, she received a water bill in the amount of \$117.00 saying she used 15,990 gallons of water. She said there is no way one person can do that. Ms. Berry stated that she called Mr. Lingle and he said he would reduce her bill down to \$80.00. When she received her May bill, the April amount had not been reduced and they had put a late penalty on her bill. She needs to pay her bill by the 25th or her water will be cut off but advised Council that she is not going to pay the bill until her water issue is resolved. She mentioned that she has also tried to talk with the board and they have ignored her request too. She said this has been going on since the 1990's and asked Mr. Lingle if he would change out her meter and he told her he would not and that most of the older meters run slow. She has documentation from Meetze Plumbing that there are no leaks in her home. Ms. Berry handed Mr. Stockman her documentation on the matter and said she would appreciate any help Council could give her.

12. Vote for Executive Session, When Necessary

Chairman Livingston stated that staff had requested an Executive Session pursuant to §30-4-70(a)(2) of the SC Code of Laws for discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property.

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

13. Executive Session [7:40 p.m. – 8:02 p.m.]

Chairman Livingston returned the meeting to open session and asked Mr. Adams to report out.

14. Necessary Action on Matters Discussed in Executive Session

Mr. Adams reported that Council met in Executive Session for discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property and no action was taken in that session.

15. Comments from County Administrator

Mr. Adams reported to Council that their Clerk has done an excellent job since last October getting the Capital Project Sale Tax Commission to their final conclusion last night. That was a part time job in itself for many, many months.

16. Comments/Request from Council Members

Mr. Baker thanked members of the CPST Commission for the work and time they put in. He said he knew everybody was not happy with the outcome but we appointed some of these members and he was willing to live with the decisions they made.

Mr. Koon said they did a great job on the CPST and so did Mrs. Renwick. He said the Sheriff's Office did a good job on the 911 system and thanked them all.

Mr. Waldrop congratulated Mr. Wayne Adams for receiving the Piedmont Tech Presidential Medallion at their graduation ceremony on Monday. He said Council is proud of him and another Newberrian, Mrs. Lisa Toland, who also received a Presidential Medallion.

Chairman Livingston said that he thoroughly enjoyed the graduation ceremony on Monday at Piedmont Tech. It was great seeing all of the Newberry County residents taking advantage of our local center to start off or enhance their careers. It was very special seeing two of our own receive the Presidential Medallion.

17. Future Meetings

- a. County Council – June 2, 2010 @ 7:00 p.m.
- b. County Council – June 16, 2010 @ 7:00 p.m.
- c. Public Safety and Courts Committee – May 24, 2010 @ 6:00 p.m.
- d. Public Hearing for Budget Ordinance #04-07-10 and #04-08-10 – June 2, 2010
- e. Third Reading of Budget Ordinance #04-07-10 and #04-08-10 - June 16, 2010

18. Vote to Adjourn

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

19. Adjournment

Chairman Livingston declared the meeting adjourned at 8:06 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council