

**NEWBERRY COUNTY COUNCIL
MINUTES
JUNE 3, 2009**

The Newberry County Council met on Wednesday, June 3, 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.

Councilman Caldwell led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

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

2. Additions, Deletions and Adoption of Agenda

Chairman Livingston recommended the following additions to the Agenda:

- First Reading of Ordinance #06-16-09 as Agenda Item 9.1
- Resolution #04-09 under Agenda Item 11 during the Public Safety and Courts Committee report out.
- Appointment of a Council member to the GLEAMS Board under Agenda Item 12

Mr. Caldwell recommended the addition of an appointment to the Water and Sewer Authority Board for District 7 under Agenda Item 12.

Mr. Caldwell moved to adopt the Agenda as amended; second by Mr. Waldrop. Vote was unanimous.

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

Chairman Livingston declared this the Public Hearing.

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

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

4. 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 declared this the Public Hearing.

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

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

5. 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).

Chairman Livingston declared this the Public Hearing.

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

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

6. 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.

Chairman Livingston declared this the Public Hearing.

Chairman Livingston asked Mr. Adams for an update on Ordinance #04-08-09.

Mr. Adams reported that the budget remains as approved by Council at second reading. The Finance Committee will meet tomorrow afternoon and discuss possible amendments which staff will present at that time. The meeting will be at 4:00 p.m. at the Courthouse Annex Conference Room. There is also a Budget Work Session scheduled for June 11th and will be the final work session for the budget.

Mr. Waldrop asked if we would have another Public Hearing.

Mr. Adams stated that only one Public Hearing is required.

Mr. Livingston encouraged anyone wishing to speak on the budget to attend the Finance Committee tomorrow at 4:00 p.m.

Mr. Hipp elaborated on Mr. Waldrop's concerns and stated that comments can be taken from the public at any Council meeting on any subject. He said at the June 17th meeting, during the adoption of the final budget, the public can voice their concerns at that time.

Mr. Livingston suggested that we move the public comment section before a vote is taken on the budget, which will allow the public an opportunity to speak.

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

- 7. Ordinance #04-09-09: 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.**

Chairman Livingston declared this the Public Hearing.

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

8. **Ordinance #05-14-09: An Ordinance for the approval of an agreement for the sale and transfer of county property located within the Newberry Industrial Park containing eleven and sixty-five hundredths (11.65) acres, more or less, for Project Shell and other matters related thereto.**

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

9. **Ordinance #05-15-09: 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 six and one hundred and seven thousandths (6.107) acres real estate parcel designated as a portion of TMS Parcel No. 577-2 from Rural (R2) to Light Industrial (LI).**

Mrs. Peters stated that the property is located in Prosperity on Hwy. 773 next to International Paper Co.

Mr. Adams said that this was TMS Parcel #577-2, which was not listed on the agenda.

Mr. Waldrop inquired about the property's proximity to the new Mid-Carolina High School.

Mr. Livingston responded that the property was $\frac{3}{4}$ mile away from the school.

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

Mr. Livingston asked if there was any other discussion.

Mr. Hipp asked Mrs. Peters if any contiguous property owners had complained about this rezoning.

Mrs. Peters stated they have not received any negative or positive comments.

Mr. Hipp shared that by rezoning this parcel from rural to light industrial would net the County more taxes and felt this was a good thing for that area.

Having received no further discussion, the vote was unanimous.

- 9.1 **Ordinance #06-16-09: 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 sixteen and five hundred and seventeen thousandths (16.517) acres real estate parcel designated as TMS Parcel No. 341-1-22-5 subdivided into Parcel "A" containing seven and seven hundred and seventy-five thousandths (7.775) acres from Basic Industrial (BI) to General Commercial (GC) and Parcel "B" containing eight and seven hundred and forty-two (8.742) thousandths acres from Basic Industrial (BI) to limited commercial (LC).**

Mr. Adams stated that this was a rezoning request pertaining to the Oakland Mill development project. The developers are trying to put this change into effect by the end of the month. In order to do this, first reading will need to be tonight. Second reading will be at the June 17th meeting with third reading coming seven days after. Staff has no objection to this change. The goal is to bring property values up in that area around the Oakland Mill and staff concurs with their request.

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

Mr. Livingston asked if there was any discussion.

Mr. Hipp stated that this will require a special called Council Meeting to have a Public Hearing and third reading prior to the end of the month to meet their time requirement. He said this needed Council's support because of the future potential for Newberry County

Mr. Baker reported that the National Electrical Code will make a change in the code effective July 1, 2009 and he questioned if the National Electric Code or Building Code Council (BCC) will automatically enforce this come July 1st, or does Council have to adopt this code.

Mr. Adams read a statement from the BCC's website which stated mandatory enforcement by all jurisdictions within South Carolina. The 2008 National Electric Code must be implemented by all local jurisdictions on July 1, 2009.

Mr. Adams mentioned that the Public Hearing will need to be scheduled on or after the 25th of June to allow 7 days between second and third readings. This needs to be decided fairly quickly to meet the 15 day advertisement deadline. He suggested possible meeting dates of June 25th, 26th and 29th. He asked Ms. Powers how involved the application process was and how many days would be needed.

Ms. Powers stated that the building department could issue the permit on June 30th and suggested that the developer have the application completed and ready to submit immediately after the Public Hearing and third reading for the permit to be issued.

Chairman Livingston and Council agreed to hold a special called Council Meeting on Thursday, June 25, 2009 at 6:00 p.m. for the Public Hearing and third reading on Ordinance #06-16-09.

Mr. Hipp wanted to recognize Mr. Wayne Boland and Mr. Jeff Jeffcoat from the County Planning Commission who were in attendance. He stated this rezoning request was out of sequence and these gentlemen had agreed to come tonight in support of this move to expedite this rezoning. He thanked them for their job on the Planning Commission.

10. Final request concerning agricultural exemption filing deadline.

Mr. Adams reminded Council that at the last Council meeting they entertained request from two individuals to extend the deadline for filing agriculture exemption for property taxes. Council voted to extend the deadline to May 31, 2009 for all affected persons. No others have been filed.

11. Committee Reports

Public Safety and Courts Committee – May 26, 2009

Mr. Adams reported that the Public Safety Committee met on May 26, 2009 with Councilman Koon, Chairman, calling the meeting to order. There was discussion of EMS, Rescue Squad, and Emergency Medical Response resources related to the County's budget. Mrs. Jackie Bowers, Clerk of Court, briefed the committee on the growing space needs of the Court system within the Courthouse. Sheriff Lee Foster updated the committee on the communications system study. There was also discussion about the Coroner's space needs, which has been worked out to his satisfaction. Resolution #04-09 takes the last remaining \$50,000.00 or so from an existing lease purchase Ordinance from 2007, issued in the amount of 1.3 million dollars, to outfit three Rescue Squads with 12-lead EKG monitors for ambulances. The committee was positive and in support of Resolution #04-09.

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 an equipment lease/purchase agreement; and other matters relating thereto.”

Chairman Livingston asked if there was any discussion on the Resolution and reminded everyone that it does not require three readings so any comments are welcome at this time.

Mr. Baker moved to adopt Resolution #04-09; second by Mr. Waldrop. Vote was unanimous.

12. Appointments

Chairman Livingston nominated the re-appointment of Councilman John Caldwell to the GLEAMS Board; second by Mr. Baker. Vote was unanimous.

Chairman Livingston thanked Mr. Caldwell on behalf of Council for his work on the GLEAMNS Board.

Mr. Caldwell nominated Mr. John T. (Tim) Nichols of District 7 for an appointment to the Water and Sewer Authority Board

Mr Hipp moved to approve the appointment of Mr. Nichols to Water and Sewer Authority Board; second by Mr. Stockman. Vote was unanimous.

Mr. Hipp recommended the re-appointment of Mr. Frank Downs to the Water and Sewer Authority Board and stated he has served the County well on this board in the past.

Mr. Caldwell moved to approve the appointment of Mr. Downs to the Water and Sewer Authority Board; second by Mr. Koon. Vote was unanimous.

Mr. Hipp recommended the re-appointment of Mr. Robert (Spot) Coats to the NCMH Board. He has previously served the County well with 100% attendance at all meetings last year and comes recommended by this fellow commissioners and the independent medical community.

Mr. Waldrop moved to approve the re-appointment of Mr. Coats to the NCMH Board; second by Mr. Baker. Vote was unanimous

13. Consideration of acceptance of bid for generators for Fire Stations – Crystal Waldrop, Purchasing Director and Ervin West with Carter, Coble, Lee.

Standby Generator Cost To Date

May 20,2009

<u>Item Description</u>	<u>Matl.Cost</u>	<u>Tax</u>	<u>Total Matl.</u>	<u>Labor Cost</u>	<u>Total unit cost</u>
	Caterpillar				
Consolidated	31,460	1,888	33,348	7,000	40,348
Fairview	55,000	3,300	58,300	26,000	84,300
Prosperity	36,141	2,168	38,309	8,000	46,309
Silverstreet	31,460	1,888	33,348	5,000	38,348
Total Installation Cost	154,061	9,244	163,305	46,000	209,305

Mrs. Waldrop stated that this purchase was not bid out because they went through the National Joint Powers Alliance (NJPA) to receive federal contract pricing which our Procurement Ordinance, Section 34.43 (C) allows. This purchase will be made from Blanchard Caterpillar, manufactured here in Newberry County, and will be funded by lease purchase.

Mr. Hipp asked about the sizes of the generators.

Mr. West reported that the smaller 125 kilowatt generators are needed for Consolidated and Silverstreet Fire Departments. The Prosperity Fire Department will need the next size up at 150 kilowatts with Fairview needing the largest 250 kilowatt generator.

Mr. Waldrop asked if the generators would be diesel.

Mr. West stated that they would be diesel, state of the art, programmable generators.

Mr. Hipp asked if the County currently had generators at these locations.

Mrs. Waldrop stated there were no generators at these locations. The Whitmire, Bush River, and Little Mountain Fire Departments are the only ones with generators.

Mr. Waldrop reminded Council that in the past if there was an emergency, they would call the National Guard and they would bring in generators on wheels and set them up in the needed areas. It usually took awhile for the generators to get here and I feel it would be good for the communities to have them on hand in case of an emergency.

Mr. West stated they wanted approval on the generators for a total cost of \$163,305. A separate scope would be issued and bids accepted for the labor and electrical cost associated with installation.

Mr. Baker asked if they would be equipped with automatic transfer switches.

Mr. West said they would come with automatic transfer switches.

Mr. Hipp stated that 250 kilowatt seemed like an awfully large generator, and asked what the current switchbox load was at the Fairview Station.

Mr. West replied that Fairview was a very large station and had an 800 amp switchbox load.

Mr. Baker moved to approve the purchase of the generators; second by Mr. Stockman

Chairman Livingston reminded Council that this money was budgeted in FY 08-09 through lease purchase.

Chairman Livingston allowed a question from a citizen who asked how the fuel would keep from going stale in the generators.

Mr. West stated that as part of the contract, they will come out every six months to pump the fuel out, recycle and filter it and then it can be reused by the Public Works Department.

Having received no further discussion, the vote was unanimous.

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

Chairman Livingston invited Mr. Frank Brown to the podium to speak.

Mr. Brown introduced himself and stated he lived at 57 Lominick Road, Prosperity. He said he came tonight to request that Council leave Medic 3 at Fairview operating 24/7. He shared with Council the importance of having a paramedic instead of an EMT on call and the quick response time provided to the community by Medic 3. He thanked Council for their time and their support of Medic 3 in the lower part of the County.

15. Comments from County Administrator

Mr. Adams stated there would be a Finance Committee meeting tomorrow night and staff would be presenting a number of proposed amendments to the budget for the committee to consider.

16. Comments from Council Members

Mr. Hipp said it was good to see so many people from the County present tonight. You probably noticed we went through the agenda quickly without any fanfare. This is because Council has already spent quite a bit of time reviewing these Ordinances at the various committee meetings.

Mr. Baker said he was glad to see a lot of people here tonight and there are many present who are employees of the County. He wanted them to have the opportunity to speak if they had anything they wanted to say.

Mr. Ben Bishop with the Public Works Department addressed Council about their working hours. He said they are currently on four 10-hour days and doing very well with that, and did not see any reason to go back to five 8-hour days. He stated that he tried to plan doctor's appointments around his Friday off. It will be an extra day of child care, an extra day of fuel to spend to come to work, and extra fuel for the equipment to run.

Mr. Adams stated that he took a grime view of employees coming here to disagree with their supervisor about the hours they work. If we were asking you to work between 12:00 p.m. – 8:00 a.m., that might be unreasonable, but everybody that works in the Court House works 5 days a week. Mr. Adams said he has approved Mr. Nash's recommendation and guards that as the end of the story.

Mr. Bishop said that was fine; they just wanted to voice their opinion and they will respect the decision.

17. Future Meetings

- a. County Council Meeting – June 17, 2009
- b. County Council Meeting – July 1, 2009
- c. Finance Committee – June 4, 2009
4:00 p.m. @ Courthouse Annex Conf. Room
- d. Budget Work Session – June 11, 2009
6:00 p.m. @ Courthouse Annex Conf. Room

18. Vote to Adjourn

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

19. Adjournment

Chairman Livingston declared the meeting adjourned @ 7:50 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

