

**NEWBERRY COUNTY COUNCIL  
MINUTES  
AUGUST 18, 2010  
7:00 p.m.**

Newberry County Council met on Wednesday, August 18, 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  
Edgar Baker, Councilman  
John E. Caldwell, 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. He 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. Hipp. The vote was unanimous.

**2. Additions, Deletions and Adoption of Agenda**

Chairman Livingston added Mayor Tim Carroll of Whitmire to the agenda as item 4c regarding the Whitmire Library.

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

**3. Newberry County Service Award Presentations**

Chairman Livingston recognized and thanked the following employees for their service to Newberry County: James Travis Freeman, Sheriff's Office – 5 years; Michael William

Hefner, Sheriff's Office – 5 years; Gerdi Lake, Recreation Director – 5 years; Alma Sullivan, Sheriff's Office – 5 years; and Art Jayroe, Magistrate, 15 years.

**4. Personal Appearances**

**a. Doris Jones, US Census Bureau – 2010 Newberry County Census Report**

Ms. Jones thanked Newberry County for their partnership which helped drastically improve the participation rate for the 2010 Census. She reported the following figures for Newberry County.

Census Year	2000	2010
<u>Newberry County</u>	<u>67%</u>	<u>74%</u>
• Little Mountain	33%	76%
• Prosperity	65%	76%
• Newberry-county seat	68%	72%
• Silverstreet	68%	77%
• Peak	80%	59%
• Whitmire	57%	72%
• Pomaria	68%	78%

Ms. Jones presented Chairman Livingston with a plaque recognizing Newberry County Council as a valued partner in the 2010 Census.

Chairman Livingston thanked Ms. Jones for her efforts in spearheading the Census in Newberry County.

**b. Jamie Frost, Alliance Consulting Engineers – Capital Project Sales Tax Master Plan submission**

Jamie Frost presented a brief PowerPoint presentation outlining the overview of the Capital Project Sales Tax Master Plan. He distributed a copy of the Master Plan to each Council member.

Chairman Livingston commented that there were several things that stuck out in the presentation; (1) People need to understand that this is a continuation and not an additional one cent sales tax, (2) Having Alliance and Carter Coble Lee involved with this process has resulted in reliable cost estimates and if this is something the citizens vote to move forward with, the bid climate is very favorable at this point.

Mr. Hipp asked Mr. Frost if he would share a copy of his presentation in case it is needed to promote this.

Mr. Frost stated he would be glad to share it and would offer his time if he was needed for speaking engagements.

**c. Tim Carroll, Mayor of Whitmire**

Mayor Carroll said the Whitmire Library was submitted as a project for consideration through the CPST; however, the library was not included. They have located a Community Development Block Grant through the Department of Commerce in the amount of \$500,000.00. The grant will provide a 1600 sq. ft addition to the library, provide workforce training and development, add 14 additional computer work stations, remodel existing restrooms and entrance to become ADA compliant, and upgrade heating, air, and electrical systems to accommodate the expansion.. He said there is a 10% match of \$50,000.00 required. The request for qualification is due this Friday, with the grant application due on September 20, 2010. Before the request is submitted, they need the approval from the County to move forward and the commitment for a 10% match.

Mr. Baker motioned to approve moving forward with a 10% match of \$50,000.00; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp reported that the \$50,000.00 is available in contingency funds that are set aside in the annual budget. He asked the availability of contingency funds for FY 2010-2011.

Mrs. Cromer stated that the total in the contingency fund was \$333,342.00 with \$175,000.00 earmarked for possible merit raises.

Mr. Baker asked Mayor Carroll to explain that this is a County building.

Mayor Carroll said the library is a County building and this will be a County grant. The Town of Whitmire cannot go forward with this without the final say coming from the County.

Chairman Livingston stated that if the grant is not accepted the \$50,000.00 will never leave the County.

Mr. Hipp asked if they would maintain the improvements within the \$500,000.00

Mayor Carroll said there are only two choices; either come back and ask Council for more money or cut back on the project. They would cut back on the project; downsize to 1400 sq. ft. Mr. Ervin West with Carter Goble Lee feels very confident that 1600 sq. ft. is within reach for the amount of grant funding.

Having received no further discussion, the motion to approve the 10% match of \$50,000.00 was unanimously approved.

5. **Ordinance #08-18-10: An Ordinance to provide for the issuance and sale of general obligation bonds of Newberry County, South Carolina not exceeding \$550,000 in aggregate principal amount, to prescribe the purposes for which the proceeds of said bonds shall be expended, to provide for the payment of said bonds, and other matters relating thereto.**

Mr. Theo DuBose stated that he would like to speak on this Ordinance and the next one because they both speak to a single goal. These Ordinances address the goal of a five year plan to provide and finance ambulance, fire trucks and other public safety equipment. The plan allows the County to enter into lease purchase agreements each year for the purchase of certain equipment with Council approving these agreements each year. The next Ordinance addresses the short term bonds that Council will issue each year to provide funds in which to pay the lease purchases. The County would go out and acquire the equipment and once that is done the bonds will be issued to make the payment on the totality of all the agreements in December of each year with that bond being paid off in March of the following year. This allows you to use a small portion of the County's debt limit, probably less than \$600,000.00 per year, to acquire this equipment. The bond Ordinance before you tonight will authorize bonds to be issued for the payments for this fiscal year and next fiscal year.

Mr. Waldrop asked Mr. DuBose what percentage the bond was.

Mr. DuBose said they are looking at 4% for 3 months.

Mr. Waldrop motioned to approve first reading of Ordinance #08-18-10; seconded by Mr. Baker. The vote was unanimous.

6. **Ordinance #08-19-10: An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$770,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.**

Mr. Caldwell motioned to approve first reading of Ordinance #08-19-10; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp stated as a point of information that even though we approve the funding and have plan a for replacement; nevertheless, the actual purchases and replacement of the specific items under this plan will still have to come before Council and be approved. We are approving the bonding tonight but not approving any specific purchase at this time.

Having received no further discussion, the motion passed unanimously to approve first reading of Ordinance #08-19-10.

**7. Consideration of bids for Dillinger Road paving project – Crystal Waldrop, Purchasing Director and Kyle Nash, Public Works Director**

<b>Vendor:</b>	<b>Amount:</b>
U.S. Group Inc.	\$422,645.93
Satterfield Construction	\$547,300.00
McClam & Associates	\$498,999.00
Eagle Construction Co.	\$589,800.00
REA Contracting	\$815,159.60

Mr. Nash reported that the funding for this work, as well as the associated engineering services, will be paid entirely by CTC funding. The CTC has approved a total of \$450,000.00 for this project. We present these bids for your review and the low bidder is US Group in the amount \$422,645.93. The US Group will be performing the contract services for the widening and paving of the road. Alliance Consulting Engineers are working to get the land disturbance permit. They are working very hard to get the project done before the paving season ends. The item for Council's consideration this evening is actually the formal approval of the widening and paving of Dillinger Road which was approved by the Public Works and Planning Committee in July.

Mr. Adams commented that Council will also be saying that the bid process was followed according to the Procurement Ordinance of the County on this same vote.

Mr. Waldrop motioned to approve the widening and paving of Dillinger Road; seconded by Mr. Koon.

Mr. Baker asked what the total would be for paving, engineering and permits and who would be doing the testing.

Mr. Nash reported that the total was \$448, 500.00 and the third party testing required is part of the contract and included in US Group's bid; however, the County will be witnessing testing on the site along with the CTC consultant during the course of construction.

Mr. Waldrop asked Mr. Nash to explain that it might be next year before this project will be started.

Mr. Nash said if it gets too late in the paving season with the temperatures cooling off, the possibility of the project being delayed is a possibility. He has talked with the contractor and they are confident that if the permit application is expedited that the work will be completed in time.

Mr. Hipp shared his concern that quality control is being done by the vendor doing the work vs. an independent company reporting to us.

Mr. Nash said the way it is stated in the procurement is a third party independent lab will be contracted to certify the results, but it is through that contract with US Group that it will be procured.

Mr. Hipp asked who will be paying the third party.

Mr. Nash said it will be paid through the contractor.

Mr. Hipp asked if there was a possibility we could take the third party testing as a separate contract out from under the production contract and have quality control report to us.

Mr. Nash stated that he could certainly investigate and check into that. He pointed out that in addition to the testing samples, they will be doing proof-roll testing of the entire sub-grade on the two mile road. This will be done along with the CTC consultant in addition to the third party testing.

Mr. Hipp stated that there was representation from Alliance in attendance and asked if they had quality control subcontractors that could be rolled into the engineering effort. He said he felt uncomfortable having the production people in charge of doing their own testing.

Mr. Jamie Frost with Alliance said they can support that effort if need be. They do not do third party testing in house but have firms they can subcontract with.

Mr. Hipp said his concern is the range of the quotations from a low quote of \$422,000.00 to the high being \$815,000.00. This is a wide range and does not want to choose the low quote and end up with a poor end product. Having an independent to verify the quality would make him feel a whole lot more comfortable about accepting the low end quote.

Mr. Etiliamby with Alliance said Mr. Hipp's concern is very much valid but Mr. Nash's point that they will be doing a proof-roll test is also a plus. Sample testing is only done in certain points but a proof- roll means you will follow that dump truck all the way back and forth. He said they will work with Kyle to have someone under their contract for quality control testing. The contractor will have quality assurance testing and we will have quality control testing.

Having received no further discussion, the vote was unanimous to move forward with the Dillinger Road project.

## **8. Appointments**

No appointments.

## **9. Committee Reports**

### **a. Finance Committee – July 26, 2010**

Mrs. Cromer, Finance Director, reported that the Finance Committee met on July 26, 2010 and Ordinance #08-18-10 and Ordinance #08-19-10 presented by Mr. Theo DuBose tonight was discussed. The committee also reviewed and approved the Fire and Rescue Financial reporting that will be placed on the next agenda.

### **b. Economic Development Committee – August 9, 2010**

Ms. Powers, Economic Development Director, reported that the Economic Development Committee met on August 9, 2010. The bulk of the meeting was discussions of some marketing efforts and approval to move forward with a firm to publish some general brochures for the County. There was discussion on moving forward with the lighting, signage, and landscaping of the Mid-Carolina Commerce Park. Industry Appreciation was discussed and plans are to move our event to January in coordination with the State's recognition of Industry Appreciation.

Mr. Waldrop shared with Ms. Powers that he and Mr. Baker rode through the Mid-Carolina Commerce Park and noticed some erosion from the last rains on the left side of Phase I and recommend that it be looked at.

Jamie Frost with Alliance stated that this erosion has been noted and the contractor should be able to get back on the site in August with the project being closed out and in tip top shape by the end of September.

Mr. Baker asked about the drainage culvert going from Hwy. 773 into the project. It is either filling up or is too small and spilling mud onto the road.

Mr. Frost said that this is another piece that the contractor has to address. The box is full of sediment and its bypassing the box and overtopping the curb and gutter and is sitting at the entrance. All of that will be cleaned out and addressed by the contractor.

Mr. Waldrop commented that the rains are also washing the big dirt pile into the retaining pond.

Mr. Frost stated that was part of the erosion items and they still need to get good grassing on the stock piles and the sediment in both basins need to be cleaned out and removed. The contractor is aware of the situation but unfortunately is on another project but is trying to get to us as quick as he can.

## **10. Public Comments (by those who signed up at the meeting)**

Mr. George Burke thanked Council and commented that the next item on the agenda was to discuss the sale of property. He said there has been some discussion about the possible sale of Springfield Place and J.F. Hawkins and his only comment is that they belong to the taxpayers of this County. He wanted to know if they are sold would it be by vote of the citizens or a decision of Council and will people have a say in the decision.

Chairman Livingston stated that the decision to sell will be by vote of Council. He said there will be three readings and a public hearing and the public will be able to express their concerns.

**11. Vote for Executive Session, When Necessary**

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

**12. Executive Session**

[8:03 p.m. – 8:38 p.m.]

**13. Necessary Action on Matters Discussed in Executive Session**

Mr. Baker motioned to return to Open Session; seconded by Mr. Koon. The vote was unanimous.

Chairman Livingston reported that no action was taken in Executive Session.

**14. Comments from County Administrator**

No comments from County Administrator

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

Mr. Caldwell expressed his thanks to Mr. Hipp and his wife for offering to drive him and his wife home from the SCAC Annual Conference after he fell ill at the conference.

Mr. Waldrop reported that the Chappells Fire Department recently had their ISO rating reduced from a 9 to a 6. He said this change will take effect in November and will include those residents within a 5 mile road radius of the Fire Department.

**16. Future Meetings**

- a. Public Safety and Courts Committee – August 23, 2010 @ 6:00 p.m.
- b. Governmental Association – August 30, 2010 @ 7:00 p.m.
- c. County Council – September 1, 2010 @ 7:00 p.m.
- d. County Council – September 15, 2010 @ 7:00 p.m.

**17. Vote to Adjourn**

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

**18. Adjournment**

Chairman Livingston declared the meeting adjourned at 8:55 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**