

**NEWBERRY COUNTY COUNCIL
MINUTES
September 2, 2009**

Newberry County Council met on Wednesday, September 2, 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
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

ABSENT: John E. Caldwell, Councilman

PRESS: Cindy Pitts, Newberry Observer
Heather Hawkins, WKDK

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order and determined a quorum present.

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

1. Adoption of Consent Agenda

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

2. Additions, Deletions and Adoption of Agenda

Mr. Adams stated that staff requests the addition of the following:

- Consideration of Agenda Item 7b which is an agreement between the Sheriff's Department and the Town of Prosperity to assist in the provision of law enforcement services with the town limits.
- Consideration to sponsor a team for the Industry Appreciation Week Golf Tournament sponsored by the Chamber of Commerce. Last year the County sponsored a tem at a cost of \$500.00.

Chairman Livingston stated that this item will be Agenda Item 7c.

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

3. Personal Appearances

a. Donna Lominack, Auditor – 2009-2010 Newberry County Tax Levy

Mrs. Lominack distributed packets to Council members and those in attendance at the meeting. She stated it was good to be here tonight and this was her first time setting the Newberry County Tax Levy.

Attached is a statement Mrs. Lominack read to Council setting the 2009-2010 tax levy along with supporting documentation as reported below.

Mrs. Lominack stated that she had included a copy of the letter from Mr. Bennett requesting the school ordinary to be set at 194 mils. Also included is a breakdown of the 2009 tax levy showing the County's portion, school's portion and municipalities' portion. The only municipality whose levy went up this year was the Town of Little Mountain which went up 1.3 mils. Mrs. Lominack directed Council to the 2008-2009 Comparison and reported the total County levy for 2008 was 151.7 mils and the 2009 levy was 148.7 mils, which is a minus of 3 mils. The total tax levy for 2008 was 406.0 mils but for 2009 it will be 403.0 mils

Chairman Livingston asked if there were any questions.

Mr. Waldrop stated that this was a very good report.

Mrs. Lominack said she had a very good teacher.

Chairman Livingston agreed but stated she has been there for quite some time supporting that role too and we appreciate that. He said he was happy to see that we were able to reduce taxes by 3 mils. It is not a lot but will help.

Mr. Waldrop moved to approve the tax levy set by Mrs. Lominack; second by Mr. Baker. Vote was unanimous.

4. Ordinance #07-18-09: 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 two hundredths (2.02) acres portion of a four and fifty-five from Rural (R2) to Light Industrial (LI).

Mr. Baker moved to approve third reading of Ordinance #07-18-09; second by Mr. Stockman. Vote was unanimous.

5. Appointments

Mr. Koon moved for approval of the following appointment/reappointments:

- Reappointment of Andy Ackerman of District 4 to the Board of Rural Fire Control representing Prosperity; second by Mr. Hipp. Vote was unanimous
- Reappointment of Rev. James Gallman of District 4 to the Newberry County Disabilities and Special Needs Board; second by Mr. Baker. Vote was unanimous.
- Reappointment of Lynda Counts of District 4 to the Library Board; second by Stockman. Vote was unanimous
- Reappointment of Dwight McDuffie of District 4 to the Joint Planning Commission; second by Mr. Baker. Vote was unanimous.
- Appointment of Glenn Hamm, Jr. of District 4 to the Rescue Squad Board replacing Robert Dennis who is stepping down; second by Mr. Stockman. Vote was unanimous.

Chairman Livingston reminded Council of their commitment to appoint representatives to the Capital Project Sales Tax Commission by the deadline of September 30th. Our next meeting is September 16th and we need come up with some names for consideration for these appointments by the deadline.

Mr. Hipp asked if we were individually going to provide some nominations to Mr. Adams and let him make a list of those so we can have some discussion on that date.

Chairman Livingston thought it would be good for Council to forward names to Mr. Adams and he can see if they meet the criteria.

Mr. Hipp stated that Mr. Adams can formulate a list of Council’s nominations to be discussed.

Chairman Livingston confirmed with Mr. Adams that Council will need to make three appointments. He asked Council members to submit a couple of names to Mr. Adams for discussion at the next meeting.

6. Consideration of acceptance of proposal for the construction of a concrete pad at the Transfer Station/Solid Waste Recycling Center – Kyle Nash, Public Works Director

Bid Number 2009-015 – Concrete Pad at Transfer Station

<u>Vendor</u>	<u>Amount</u>
Ashmore Construction	\$ 25,870.00
Barker Metal	\$ 41,838.00
Cannon Associates	\$ 21,768.00
Concrete Connection	\$ 29,600.00
Henley’s Construction	\$ 28,000.00
Topcor Augusta	\$46,518.00

Mr. Nash stated that this pad will be at the convenience center in front of the Transfer Station. They have been working to make some improvements there; to separate commercial traffic for safety reasons and to expedite the flow of traffic. The pad will serve up to four open-top trash containers and the work will be funded entirely through a DHEC grant. These funds were originally going to be used at the new Newberry Recycling Center but it has been delayed. The grant funds have to be used within a definite time period; so rather than lose the grant money, they requested a 90 day extension and asked to apply the funds to the convenience center at the Transfer Station. The work has to be done by September 30, 2009. They advertised in the local newspaper, received six bids, and the apparent low bidder was Cannon Associates for \$21,768.00.

Mr. Koon commented that he noticed the low bid was considerably lower than a lot of them and asked when they mix cement, can they mix a different type.

Mr. Nash said they specified 3,000 psi concrete; eight inches thick, with steel #8 rebar reinforcement eight inches on center. He agreed that there was a wide disparity in the bids, particularly one that was much higher.

Mr. Hipp asked if we had a penalty clause in the contract if the bidder fails to complete the project by that date. He shared his concerns about the work being completed within the terms of the grant and the County picking up the tab should the work not be completed on time.

Mrs. Waldrop said there was no penalty clause in the contract but it specifies that the work must be completed by September 17, 2009.

Mr. Nash commented that there was some other work that needs to be done around the concrete pad and they did not want to wait until the end of the month to get it done. They will have to start on this project right away.

Mr. Waldrop asked how many inches of concrete would be used.

Mr. Nash stated eight inches will be used. Heavy trash trucks will be driving over this, dropping the containers, and can tend to do a lot of damage. They need something very strong and robust to take that beating everyday.

Chairman Livingston said he thought this was a great transition from where we were to where we are going, and for safety purposes this is a great move.

Mr. Baker moved to approve Cannon Associates at \$21,768.00 as the low bidder; second by Mr. Koon.

Chairman Livingston asked if there was any additional discussion.

Mr. Hipp said if we expect to have it done by the middle of September and it looks like the schedule is slipping due to weather conditions or other problems, he wanted Council to be made aware and know what is being done to try to expedite progress in order to meet the deadline. He does not want the County to end up eating this cost.

Mr. Nash clarified for Council that approving this bid will meet the requirement that it is in the works before the end of the month. The work does not actually have to be completed by that day; it just has to be in the works.

Mr. Hipp commented that their documentation stated the work had to be completed by the end of the month.

Mr. Nash stated that he was pretty sure that it just has to be in the process and has been procured. He said that either way, if there is any delay in the process, he will definitely keep Council informed.

7. Committee Reports
a. Public Safety and Courts Committee, August 24, 2009

Mr. Adams reported that the Public Safety and Courts Committee chaired by Councilman Koon met on August 24, 2009 and the following matters were considered.

- A presentation was made by Joan Assey of the SC Judicial Department concerning the installation of a statewide case management for the court systems in Newberry County. Work on the project would begin as soon as November of this year. The total annual recurring cost to Newberry County was estimated at approximately \$75,000, though some costs associated with the current case management system would be shed as a result of the conversion.
- Kinard Control will be installing a test repeater for emergency radio communications on the Prosperity Water Tower as an option to continuing the present tower lease with Duke Energy. Duke Energy is requesting a five-year lease, and increase from \$2,100 to \$3,600 in annual charges, and an annual cost increase factor as conditions of continuing its present lease with Newberry County.
- The Sheriff and the Emergency Services Coordinator reported findings of the recently-commissioned radio communications study and recommended that the County pursue purchasing three new radio frequencies and numerous radios, in addition to reprogramming some existing radios, as a means of resolving up to 70% of the communications problems with the current radio system. The Committee recommended one additional expert review of this proposed fix before moving forward. Sheriff Foster is pursuing that review by an independent expert at no charge to the County. Funding for this option is expected to fall within existing budget restraints.
- Sheriff Foster informed the Committee of a shortage of police protection in the Town of Prosperity due to various factors. He recommended the adoption of an agreement by which the County would be paid offsetting amounts by the Town of

Mr. Baker asked Mr. Adams if the item with the Judicial Department was considered another unfunded state mandate to the County.

Mr. Adams said to the extent that it cost more than what we are doing currently; yes, but as he indicated in the report, the County will be shedding some cost. The cost had not been determined by the time of the committee meeting but before we move forward, we'll determine that cost for Council. Chief Justice Toal will be here on September 16, 2009 to discuss this matter in more depth with the entire Council.

Mr. Waldrop commented that he had attended the Public Safety and Courts Committee meeting and it was his understanding that there are only a few counties left that are not on this system.

Mr. Hipp shared that Council would expect to have the numbers available on the 16th.

Mr. Waldrop stated that he had requested Mrs. Renwick make copies of the Central Midlands Council of Governments Major Project Activity list for July and distribute to Council members and the media. He said the report tells where the grant money is going and to which counties in our region. If any one has any questions, you can give him a call.

7b. Consideration of proposed agreement between the Sheriff's Department and the Town of Prosperity to assist in the provision of law enforcement services with the town limits.

Mr. Adams stated that Todd Johnson with the Sheriff's Department was here to answer any questions from Council.

Mr. Johnson said that this agreement was recommended as a result of an audit on their worker's compensation. The deputies that were working off duty employment for other municipalities or organizations are not covered by the County's workers compensation. If an injury were to occur, they would not be covered. They called several other law enforcement agencies around the state to see how they handled similar situations and received a copy of the agreement Richland County uses to address this issue. He said there was no need to reinvent the wheel when someone has a good thing going, so they have changed the agreement to reflect the Newberry County Sheriff's Office. Under this agreement, government agencies requesting an off duty law enforcement officer would pay the County a rate of \$25.00 per hour while non-government organization would pay \$35.00 per hour. All that money coming into the County would then be issued back out to the officer as part of his standard salary rate. This would cover the officers as far as their worker's compensation.

Mr. Adams asked Mr. Johnson if he was asking Council to approve this for \$25.00 per hour for the Town of Prosperity.

Mr. Johnson stated that all government entities requesting this law enforcement service such as the school district, Whitmire, and Prosperity, etc. would have the government rate of \$25.00 per hour and non-government base requests would be at \$35.00 per hour.

Mr. Adams wanted clarification that the rate per hour would be the only modification to the agreement for the Town of Prosperity.

Mr. Johnson stated that was correct for the agreement in front of them tonight.

Mr. Koon moved to approve the agreement; second by Mr. Stockman.

Chairman Livingston asked if there was any additional discussion.

Mr. Hipp said he assumed this agreement was recommended for approval by Public Safety and Courts Committee.

Mr. Waldrop stated that is was.

Having received no further discussion, the vote was unanimous.

7c. Consideration of acceptance to sponsor a team at a cost of \$500.00 for the Industry Appreciation Golf Tournament sponsored by the Chamber of Commerce.

Mr. Adams reported that last year Council sponsored a team and a hole at the Silver Sponsorship level at a cost of \$500.00.

Mr. Waldrop moved to approved sponsoring a team again this year; second by Mr. Baker.

Chairman Livingston asked if there was any additional discussion.

Mr. Hipp asked if this was the only cost associated with Industry Appreciation Week for the County.

Mr. Adams said as far as the tournament, this was the only cost he was aware of.

Mr. Hipp noted that we have other cost associated with Industry Appreciation Week with the Economic Development Board.

Mr. Adams stated that we do, but traditionally Ms. Powers gathers sponsorships for the other events so if there are any additional cost it will be minimal.

Having received no further discussion, the vote was unanimous.

8. Public Comments

No Comments.

9. Vote for Executive Session, When Necessary

No vote for Executive Session.

10. Executive Session

No Executive Session.

11. Necessary Action on Matters Discussed in Executive Session

No Action.

12. Comments from County Administrator

Mr. Adams congratulated Mrs. Lominack on setting her first levy. He also thanked Karen Lindler and Debbie Cromer who were very integral in developing this year's financial picture and forecasting.

13. Comments from Council Members

Chairman Livingston shared his appreciation to Mr. Adams for his work and help in setting the levy and the combined efforts of staff and said it was great to see a 3 mil decrease.

14. Future Meetings

- a. County Council Meeting – September 16, 2009 @ 7:00 p.m.
- b. County Council Meeting – October 7, 2009 @ 7:00 p.m.
- c. Public Works and Planning Committee Meeting – September 14, 2009 @ 6:00 p.m.
- d. Economic Development Committee Meeting – September 21, 2009 @ 6:00 p.m.
- e. “On the Move with Margaret” – September 14, 2009 @ 9:30 a.m.

15. Vote to Adjourn

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

16. Adjournment

Chairman Livingston declared the meeting adjourned at 7:30 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council