

**NEWBERRY COUNTY COUNCIL  
MINUTES  
SEPTEMBER 16, 2009**

Newberry County Council met on Wednesday, September 16, 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  
Laurie Renwick, Clerk to Council

**ABSENT:** A.J. Tothacer, County Attorney

**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

Chairman Livingston led the invocation followed by the Pledge of Allegiance.

Chairman Livingston welcomed Mr. Caldwell back from his adventure.

**1. Adoption of Consent Agenda**

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

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

Mr. Caldwell made a recommendation to add Mr. David Abrams of 4511 Dennis Dairy Road to the list of appointments for consideration to the Capital Project Sales Tax Commission.

Chairman Livingston said this recommendation would be placed under Appointments; Agenda Item #6.

Mr. Stockman moved to adopt the Agenda as amended; second by Mr. Baker. Vote was unanimous.

### **3. Presentation of Newberry County Service Awards**

Chairman Livingston stated it was his honor to make some presentation on behalf of County Council for service awards. Those in attendance to receive their awards were: Matthew Dickert, Sheriff's Office – 5 years; Larry Graham, Sheriff's Office – 5 years; Tammy Kinard, Sheriff's Office – 5 years; Brenda Rogers, Voter Registration – 5 years; Mildred Simpkins, Sheriff's Office – 5 years; Clayton Babb, Sheriff's Office – 10 years; Betty Honeycutt, Sheriff's Office – 10 years; Zenda McClurkin, Public Safety – 10 years; Wendy Wise, Delinquent Tax – 10 years; and Doug Bozard, Sheriff's Office – 20 years.

Those employees not present to receive awards were: Jeff Martin, Building Maintenance – 5 years; Larry McCravey, Building Maintenance – 5 years; and Carolyn Tobe, Auditor's Office – 5 years.

Chairman Livingston thanked all the employees who collectively represented 100 years of service that were recognized tonight.

### **4. Personal Appearances**

#### **a. Honorable Jean Toal, Chief Justice, SC Supreme Court – Proposed Case Management System**

Chairman Livingston said we are privileged to have the Honorable Jean Toal here tonight to talk about a proposed case management system for Newberry County and he invited her forward to make her presentation.

Judge Toal said it was a great honor to appear in front of County Council to discuss the statewide Court Case Management System. The purpose of this presentation is to review the opportunity for Newberry County to implement this statewide system. Judge Toal reported first on the status of the system. She said court records for years were managed by paper records and over time counties in South Carolina made serious efforts to automate their court data as it resided in the Clerk of Court's Office and Magistrate's Courts. Each county was on their own to achieve automation with no assistance or guidance from the state. There was also no coordination among the counties to access information from a centralized data system. This proposed internet based system will bring this data into an organized system and allow law enforcement and court systems access across the state, increase the efficiency of the system, and make our courts work faster. Judge Toal said they started the system where the data starts in the magistrate's courts, where people are arrested and warrants are first issued. The system organizes general session's court, common pleas court, and magistrate's court data. It also includes

a module that will organize the financial accounting and the juries. In short, the system takes four complex interrelational data bases involving the people in the case, the finances of the case, the case itself, and the time deadlines to move a case through the system and relate all this data; an enormous undertaking for an automated system, and do it the same no matter which county you are in. The state will provide the software and all of the services to install, set up, configure, convert data, train, and online/onsite support when you go live with the system. They will convert all of your previous data into this system. 77% of the state's case load in magistrates and circuit court is now on this system. Before the end 2009, 83% of the total case load in South Carolina will be managed by this system. Of the remaining counties, they hope to acquire Newberry, Barnwell, Bamberg, Charleston and to Williamsburg with completion of this system, which is nationally recognize, by the year 2010. Judge Toal touched on the leadership in Newberry County stating that Wayne Adams is a real gift as County Administrator and has been very helpful in assessing the needs for the county. You have a real jewel in Jackie Bowers as your Clerk of Court who is a statewide leader and go to for many other counties. She does it here with fewer personnel than any other county of its size in South Carolina. They are proud to have added Bubba Griffith as one of South Carolina's Circuit Court Judges. He came with a lot of experience as a lawyer and will be key, as will all of these people, in implementing this system. Johnny Rucker has been a blessing in the family court system and has taken Chief Administrative Judge responsibilities in Richland County at the time. His common sense and good will are helping us move things forward in that big county. Newberry's Chief Magistrate, Art Jayroe, stepped up to the plate when Newberry County was in trouble. Jerry Peace has been a wonderful addition to the Solicitors of South Carolina. He is an organized military man who understands the mission and will get it accomplished. He now has the Solicitor's Case Management System and will have the tools needed to effectively reduce the jail population in Newberry County. Judge Toal commented on the leadership of Sheriff Lee Foster statewide. His support of this system has been instrumental in moving it forward. She reviewed the different systems that the county presently has in operation and their inability to transmit and relate to the other offices needing the information. The new system will allow the data entered at the time the warrant is issued to interface with the Clerk of Court's system, the Solicitor's system and the Sheriff's system. One entry puts all the data into the system which is a much more secure an accessible system. The recurring cost for Newberry County, based on the population, will be around \$10,000 per year. The County has the option to host the operation of this system on its server or allow the Judicial Department to host utilizing the Citrix environment that includes security, backup, disaster recovery and tier II support equivalent to that offered to the SC Supreme Court. The total estimated cost for Newberry County, beginning in July 2011 including the \$10,000 year cost for the case management system and \$30,000 for the Citrix which will eliminate local IT personnel and servers, is around \$40,000.00. The only other cost to Newberry County will be to upgrade the pipe for the internet which will run around \$2,700.00 per month. Judge Toal stated that if Council should approve this system, the next step would be to have a Memorandum of Understanding signed by all parties, after which the equipment will be ordered. They will be prepared to come in November to install, which could take anywhere from 2-4 months.

Chairman Livingston encouraged anyone in attendance that would be using the system to make comments.

Mr. Jerry Peace said that after he was elected he went to Greenville to Solicitor Bob Arial's Office to look at his system and wondered why we could not get a similar system. Shortly after, he received a call that the Chief Justice was considering a proposal to implement a similar system statewide. He said we are so fortunate to have Judge Toal who had the vision to recognize that we needed uniformity and organization in this process. Not only did she have the vision, but the initiative to go out and get the money for it; not only for the court system but for the whole judicial process. Mr. Peace said the system has been fantastic for them. The lawyers love it and it saves a tremendous amount of time; it no longer takes 35-40 minutes to flip through a thick docket. On Martin Luther King Day, they had court in Greenwood and they were able to take care of 75 cases in three hours. He said he cannot say enough about the Solicitor's part of this system.

Mr. Baker asked the Chief Justice about the firewall for this system.

Judge Toal responded that you will not find a more secure system in any other level of state government in terms of firewalls. There is a firewall installed in every Magistrate's Office and Clerk's Office. Being that the system is also internet based adds another level of security because it requires a login to get into the system.

Mr. Baker commented that the system seemed to be well funded from the state and asked about future funding from the state.

Judge Toal stated that most of it has been federally funded and she has continued to put aside State funding that is carried forward to insure that the system will continue to be supported. She has received positive feedback for the legislature that the state will continue to bear this share of the funds.

Mr. Hipp thanked Chief Justice Toal for her energy and good information. He stated that his experience in changing over computer systems in the past at his work has been the hidden cost of the data transfer/conversion from an old system to a new system. He wanted to make sure he understood her that the conversion of old data will be assumed as part of this transfer process.

Judge Toal stated that Mr. Hipp was correct. There will not be a dime of cost to Newberry County for this conversion. She agreed with Mr. Hipp that the largest hidden cost for any new automated system is data conversion.

Chairman Livingston asked Mr. Adams the recommendation of the Administration.

Mr. Adams recommended that Council authorize the Chairman and staff to enter into the Memorandum of Understanding to implement the new system beginning as the Chief Justice has recommended.

Mr. Koon moved to approve the Administration's recommendation; second by Mr. Hipp. Vote was unanimous.

Chairman Livingston thanked Chief Justice Toad and her staff for their time. He also thanked all of the Judges for coming out tonight.

**b. Lee Mitchell, SCDNR – Newberry County Water Resources Project**

Chairman Livingston asked Mr. Mitchell to the podium.

Mr. Mitchell said he appreciated the opportunity to appear before Council and would not take too much of their time. He stated it was pretty awesome that he will be able to tell his lawyer friends in Greenville that he had the opportunity to speak to the Chief Justice.

Mr. Mitchell introduced himself as a hydrologist with the State of South Carolina Department of Natural Resources. He and his colleague are at the Clemson Office of the SCDNR and their territory covers the 18 Piedmont counties of the state. They have been going through their database of wells and other hydrological information to put together a report on Newberry County. Mr. Mitchell stated that his reason for coming before Council was to let them know they were doing this so they could let their constituents know that DNR will be in the area, walking around looking at wells and springs and talking to farmers, homeowners and county employees to try to firm up some of the information. This report will help them better understand the hydrology of Newberry County, especially in regards to the recent droughts and other weather related factors. They have been collecting the data and they already have over 2,300 wells in their database for Newberry County. This study will allow them to update the information they have and get it current. Mr. Mitchell said he would answer any questions of Council.

Chairman Livingston asked Mr. Adams for his recommendation.

Mr. Adams asked Mr. Mitchell if it would benefit them to have a simple Resolution or vote of Council to support this study.

Mr. Mitchell stated that would be great.

Mr. Waldrop commented that they will be working with the local Soil and Water Conservation as well.

Chairman Livingston thanked Mr. Mitchell and asked if we had a motion to express Council's support of this study.

Mr. Waldrop moved to approve the study; second by Mr. Hipp. Vote was unanimous.

**5. Ordinance #09-19-09: : An Ordinance to amend the budget ordinance for the 2009-2010 fiscal year, Ordinance Number 04-08-09, to provide for revised revenues and appropriations related to capital projects and to approve the administrative transfer of certain funds.**

Mr. Adams reported that during the budget process, Council wisely put aside funding to address some big ticket capital needs in the County. The study of these needs was referred to both the Personnel and Intergovernmental Relations Committee and the Finance Committee. The Ordinance before Council is a result of the recommendations of those Committees. The Ordinance contains five projects to include Phase I of renovations to the Agriculture Building on Martin Street, renovations to Community Hall, ADA and accessibility improvements to the Whitmire Library, repairs to the Courthouse aimed at eliminating water intrusion into the basement, and weatherization improvements to the existing Animal Shelter. The total expenditure budgeted for these repairs are \$499,019.00. Of this amount \$409,489.00 is being transferred from an existing line item in the current budget which was funded for the purpose of addressing large ticket capital repair needs. The remaining funding of \$89,530.00 is being funded by a request specific to Community Hall, whereby the exterior of the building would be painted and repaired. No borrowed funds will be required in this Ordinance.

Mr. Waldrop moved to approve first reading of Ordinance #09-10-09; seconded by Mr. Baker. Vote was unanimous.

**6. Appointments**  
**a. Upper Savannah Workforce Development Board**

Chairman Livingston noted the letter to Council on behalf of the Upper Savannah Workforce Development Board recommending the following to the Board:

- Zebbie Goudelock, Wilson Funeral Home – Business Sector
- Debbie St. Mark, Gallman Personnel Services – Business Sector
- Teresa Powers, Newberry County – Economic Development
- Arthur Asbill, AFL-CIO – Organized Labor

Mr. Hipp moved to approve the recommendations of the Upper Savannah Workforce Development Board; second by Mr. Koon. Vote was unanimous.

**b. GLEAMNS Human Resources Commission**

Chairman Livingston noted a letter from Joseph Patton, CEO of GLEAMNS, recommending Mr. Zebbie Goudelock to the private sector position on the board of commissioners for Newberry for of term of 2 years.

Mr. Baker moved to approve Mr. Zebbie Goudeock to the GLEAMNS Commission; second by Mr. Waldrop. Vote was unanimous.

### **c. Capital Project Sales Tax Commission**

Chairman Livingston asked Council for three nominees for this Commission.

Mr. Waldrop nominated Mr. Dave Waldrop, Jr.

Mr. Hipp nominated Mr. Phil Spotts.

Mr. Caldwell nominated Mr. David Abrams.

Mr. Hipp moved to approve the above appointments to the Capital Project Sales Tax Commission; second by Mr. Baker. Vote was unanimous.

Mr. Baker moved to nominate Mr. Jimmy Brock from Whitmire as an alternate in the event one of the above could not serve; second by Mr. Hipp. Vote was unanimous.

Mr. Adams stated that if there was no opposition, he would refer the name of Mr. Brock to the two municipal appointees who have to name a third appointee.

Mr Hipp recommended Mr. Steve (Byrd) Smith of Harrington Street to serve an appointment on the Airport Commission

Mr. Waldrop moved to approve Mr. Smith's appointment to the Airport Commission; second by Mr. Stockman. Vote was unanimous

## **7. Consideration of acceptance of Agreement between South Carolina Electric and Gas and Newberry County, South Carolina**

Chairman Livingston welcomed Mr. Rich Fletcher with SCANA who was in attendance and asked Mr. Adams to report on this Agreement.

Mr. Adams reported that the term of Council's Agreement will be in effect until 2038, which involves Newberry County's support of emergency exercise planning for the VC Summer Nuclear Station. SCE&G has previously funded the Council for this purpose at \$25,000.00 per year. The Agreement before you will provide for \$45,000.00 of funding in the current calendar year and that amount will rise to \$75,950.00 in 2010 and increase every other year thereafter by 3% beginning in 2012. However, for any year after in which Fairfield County agrees to include Newberry County in a Multi-County Fee Agreement for the VC Summer Nuclear Station, annual multi-county fee revenues not less than \$200,000.00 per year will be provided. Once these revenues begin, estimated in 2018, SCE&G will only pay \$45,000.00 per year and that payment will cease once Newberry County begins receiving the multi-county revenues.

Mr. Baker moved to approve the agreement between SCE&G and Newberry County; second by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp stated for the record, that as an employee of SCE&G, he recused himself from any discussion or vote on this issue.

All were in favor of the agreement, for the exception of Mr. Hipp who recused himself from the vote.

## **8. Committee Reports**

### **a. Public Works and Planning Committee – September 14, 2009**

Mr. Kyle Nash, Public Works Director, stated that the Public Works and Planning Committee met on Monday and several items were approved that will be brought before full Council for consideration at its next meeting on October 7, 2009. The items are listed below:

- A DHEC required revision to the County's Solid Waste Management Plan
- Amendments to Chapter 91 of the County Code of Ordinances designed to make some clarifications and remove some inconsistencies in the Ordinance
- A proposal to institute a fee for commercial dumping of clearing debris at the Transfer Station.
- A proposal to ban heavy truck traffic on Lumber Yard Road.

In addition, the committee was updated on the status of the Recycling Center that is being paved and the concrete pad that was approved by Council at the last meeting. The committee also received a status update on Dillinger Road. Mrs. Kim Morris went through the petition process that Council approved earlier in the year. Mr. Nash was pleased to report that this was the first road to be taken fully through that petition process with 100% of the landowners agreeing to grant the right of way easement necessary for paving the road. The next step in the process will be to complete the survey work along the road which is necessary to legally grant the required easement. The County Transportation Committee (CTC) agreed at its meeting yesterday to fund that survey work.

## **9. Public Comments**

No Comments

## **10. Vote for Executive Session, When Necessary**

No Vote for Executive Session

## **11. Executive Session**

No Executive Session

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

No Action

**13. Comments from County Administrator**

Mr. Adams recognized Mr. Sam Zaidy, the new Newberry County Librarian and stated that this was his first Council meeting.

Mr. Zaidy introduced himself and said he was glad to be here and applauded the new County Library and said it was his attraction to Newberry County. Mr. Zaidy commented that under the current economic situation folks are turning to resources that are free or at low cost and attendance at the library is up. He thanked Council for the ADA funding towards the improvements at the Whitmire Library and said this library is just as busy as their main library. People have learned that they can check out a CD rather than going to the movies. He said he appreciated Council's support and he was looking forward to working with them.

Mr. Adams reminded Council of the possible time change for the October 7<sup>th</sup> Council meeting due to a SCANA reception in honor of elected officials on the same night.

Mr. Baker recommended to the Chairman that the October meeting be rescheduled for 4:00 p.m. to allow council member to attend the reception.

There was some concern voiced by Mr. Hipp that we should postpone any item that would create public interest and involvement to the October 21<sup>st</sup> meeting to allow availability to interested citizens.

**14. Comments from Council Members**

Mr. Hipp commented that generally when airline pilots learn to fly, they are awarded their wings. He presented Councilman Caldwell with an airplane in recognition of the fine job of flying he did off of his roof top.

Mr. Caldwell said he felt very fortunate to be here. He said a few weeks ago, he fell about 40 feet. He thought if he landed on his head it would probably kill him but he tucked his chin into his chest and rolled up in a ball and landed in a bed fire ants. He reported he had no broken bones just a severe knee injury. He said he appreciated everyone's support and thanked the man upstairs and let him know how he felt about it.

Chairman Livingston commented that he had spoken with Mrs. Pat Caldwell and she was talking about how lucky Mr. Caldwell was. He said there must have been fine intervention there, and he said God is good.

**15. Future Meetings**

- a. County Council Meeting – October 7, 2009 @ 7:00 p.m.
- b. County Council Meeting – October 21, 2009 @ 7:00 p.m.
- c. Finance Committee Meeting – October 12, 2009 @ 6:00 p.m.
- d. Economic Development Committee Meeting – October 19, 2009 @ 6:00 p.m.(Start of new rotation – Third Monday in Oct., Dec., Feb., April, June, and Aug.) Presently conflicting with the Newberry Business Alliance Meetings.
- e. Personnel and Intergovernmental Relations Committee – October 26, 2009 @ 6:00 p.m.

**16. Vote to Adjourn**

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

**17. Adjournment**

Chairman Livingston declared the meeting adjourned by 8:20 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**