

**NEWBERRY COUNTY COUNCIL
MINUTES
OCTOBER 21, 2009**

Newberry County Council met on Wednesday, October 21, 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, County Attorney
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

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.

Mr. Waldrop led the invocation followed by the Pledge of Allegiance.

1. Presentation of Service Awards

Chairman Livingston said it was his pleasure on behalf of Council to present service awards to honor the following employees who serve Newberry County. Those in attendance receiving their awards were Mattie Shippy, Clerk of Court's Office – 10 years; Ann DeHart, Auditor's Office – 15 years; Karen Lindler, Treasurer – 20 years; and Beth Folk, Clerk of Court's Office – 30 years. Others not in attendance receiving awards were David Ashworth, Building Inspection – 5 years; Kaye Bedenbaugh, Magistrate's Office – 5 years; Kay Epps, Sheriff's Office – 10 years; Kelly Nobles, Probate Judge – 10 years; Judy Floyd, retired Treasurer 25 years. Chairman Livingston made a presentation in memory of Tina Bedenbaugh honoring her 10 years of service to the County.

2. Adoption of Consent Agenda

Mr. Caldwell motioned to adopt the Consent Agenda; seconded by Mr. Baker. The vote was unanimous.

3. Additions, Deletions and Adoption of Agenda

Mr. Baker motioned to adopt the Agenda as presented; seconded by Mr. Hip. The vote was unanimous.

4. Public Appearances

a. Bill Grisby – Update on EMS Service Plan

Mr. Grigsby shared with Council that the County has three ambulances that are on call 24 hours a day, seven days a week, and staffed with a paramedic and a basic EMT. Two of these ambulances are stationed behind the hospital on Evans Street and the other one is stationed at Fairview. There is a 12 hour ambulance operating out of Whitmire seven days a week, and two Quick Response Vehicles (a paramedic in a pick up truck on call 40 hours a week, Monday through Friday); one stationed in Pomaria and the other in Silverstreet. Mr. Grigsby stated that Mr. Adams would be talking about the budget and EMS position.

Mr. Adams said the new EMS service coverage is an adjustment to address a budget shortfall that came from a decrease in service user charges. For the fiscal year ending June 2009, the EMS experienced a \$95,000.00 negative budget variance. This was not due to their expenditures, but due to a shortfall on the user charge portion of the revenue. This service plan adjustment is to address the limited dollars the EMS can expect to receive. Mr. Adams stated that Mr. Grigsby will need some approval from Council on the new recommended EMS coverage.

Mr. Grigsby recommended keeping the same staffing with the same number of trucks and proposed moving one of the full time ambulances to Silverstreet on a temporary basis with the assumption that if it does not work out, it can be relocated back to the Evans Street location.

Mr. Hipp said that the largest number of calls were in the downtown area of Newberry. He recommended locating the ambulance somewhere between the City of Newberry and Silverstreet and be responsive to both directions.

Mr. Grigsby said it could be located at the Bush River Industrial Park; however, there would be an expense to build or house the ambulance in that area. As we move forward, that will be an ideal location but in the interim the Silverstreet location already offers a building and there would be no capital expense. He said he was not sure whether the Silverstreet location would work but felt it was worth a try.

Mr. Hipp asked if there was anything available at the Bush River Industrial Park that could temporarily house one ambulance.

Mrs. Powers stated that all the facilities at the Industrial Park are currently privately owned and occupied at the present moment.

Mr. Waldrop stated that there would an expense of putting in a dropped ceiling at the Silverstreet location which used to be the old fire department. A new roof has been installed on the building which encompasses two bays.

Chairman Livingston asked Council if they would be amiable to a 90 day trial at the Silverstreet location and report back to Council after the 90 days.

Mr. Baker said it would have to be looked at closely because from the chart Mr. Grigsby provided, the Silverstreet area only had 3 calls in four months.

After discussion among Council members, it was decided that Mr. Grigsby would report back to full Council at the 2nd meeting in November on the status of relocating one ambulance to Silverstreet.

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.

Chairman Livingston declared this the public hearing.

Having received no comments, Chairman Livingston declared the public hearing closed.

Mr. Hipp motioned for third reading of Ordinance #09-19-09; seconded by Mr. Caldwell.

Chairman Livingston asked if there was any discussion.

Mr. Adams stated that the Finance Committee recommended an amendment to Ordinance #09-19-09.

Mr. Hipp motioned to approve the amendments as recommended; seconded by Koon.

Mr. Adams highlighted the recommended amendments which included:

- Increase the capital budget for the Clemson Extension Building renovations from \$156,300.00 to \$644,000.00. This will move the project from an exterior renovation to a full blown (exterior/interior) renovation.
- Increase the capital budget for Courthouse repairs from \$42,372.00 to \$295,600.00 (\$200,000.00 for waterproofing work to resolve water intrusion in the Courthouse basement).
- Cap the Sheriff's Office Building escrow at \$2,124,240.00.
- Revenues were amended to include a total of \$837,585.00 in Series 2007 A General Obligation Bond funding of which \$487,700.00 will go to the Clemson Extension Building; \$253,228.00 to the Courthouse repairs capital budget; and \$96,657.00 going to the Sheriff's Office Building escrow.

Mr. Hipp reinforced the provisos attached to the Courthouse repairs and the Sheriff's Office escrow. Although we are appropriating some funding, these funds will be in reserve until Council has had an additional opportunity to see what work is proposed and will approve the release of those funds at that time.

Chairman Livingston stated that no new tax dollars are involved with this amendment; this has all been incorporated within the current budget.

Mr. Hipp motioned to approve third reading of Ordinance #09-19-09 as amended; seconded by Mr. Koon. The vote was unanimous.

6. Ordinance #10-20-09: 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 the operations of the County and to approve the administrative transfer of certain funds.

Mr. Adams stated that this Ordinance was discussed in the recent Finance Committee meeting and it addresses three separate purposes as listed below:

- The shortfall in State Aid appropriations to Newberry County in the amount of \$55,658.00.
- The relocation of the Voter Registration and Election Commission offices to a commercially leased space at a cost of \$34,938.00 for the remainder of this fiscal year. The estimated cost for the next two fiscal years will be \$35,000.00 per year.
- Eliminate \$100,000.00 from the Sheriff's Office escrow to address these two recurring costs with the remaining \$9,404.00 being appropriated to Council contingency.

Chairman Livingston asked if there was any discussion

Mr. Baker stated he could not vote for leasing another building when we own one; more specifically the library.

Mr. Waldrop said he thought there were some problems with the library and we could not just move into it as is. He asked Mr. West to give Council an update on the library.

Mr. West said his opinion was there has been a continual problem with the air conditioning/heating system, the hot water heater and the water supply. He said the restroom facilities are not ADA accessible and there are still some issues with water intrusion. To make the building usable and comfortable, there will be some expense involved.

Chairman Livingston stated that if we had a readily usable building then it would be bad judgment for Council to go outside and lease one. He said we have to look at the costs involved to make the library suitable for use, and thought we needed to wait on the Committee to come back with their recommendations on the building before making any knee jerk decisions.

Mr. Baker said the \$35,000.00 a year spent on rent, which doesn't include utilities, would go along way in repairing the library.

Mr. Hipp stated he agreed that we did not need to buy another structure right now, but these people needed to be moved and we are under some time pressures here. He felt that leasing for now would allow Council to do a better job with the long range planning of our buildings.

Mr. Waldrop asked if we had received the report back on the Courthouse.

Mrs. Crystal Waldrop stated she had spoken with ATC, the firm chosen to perform the air quality test, and the results would be forwarded as soon as possible.

Having received no further discussion, the vote passed 6-1 in favor, with Mr. Baker opposing, to approve first reading of Ordinance #10-20-09.

7. Ordinance #04-11-09: An Ordinance adopting a revised Solid Waste Management Plan pursuant to §44-96-80 of the 1976 S.C. Code of Laws.

Mr. Nash said the Ordinance before Council was an Ordinance to adopt the update to the Solid Waste Management Plan for the County. This update is required by DHEC every five years and is required to be reviewed by the County annually. The update was prepared by Alliance Consulting Engineers with minor revisions made to the previous plan. The changes include updating solid waste data through 2007 and prior to final reading; the plan will reflect current data through 2008.

Mr. Koon motioned to approve first reading of Ordinance #04-11-09; seconded by Mr. Waldrop. The vote was unanimous.

8. Ordinance #07-17-09: Ordinance amending Chapter 91 of the Newberry County Code of Ordinances to modify standards for the inclusion, maintenance, and removal of roads within the Newberry County road system.

Mr. Nash stated the revisions were made to reflect clarifications to the provisions of acceptance of roads into the County system and make the Ordinance consistent with the changes that were made earlier in the year as it pertains to right of way widths. He said there are also provisions for exceptions from the normal standards to allow acceptance of a road if it had undergone continuous and current maintenance by another governmental entity. The Ordinance also clarifies the process where by a road can be abandoned or closed.

Mr. Baker motioned to approve first reading of Ordinance #07-17-09; seconded by Mr. Stockman. The vote was unanimous.

9. Appointments:

Chairman Livingston stated that there was a vacancy on the Capital Project Sales Tax Commission due to Mr. David Abrams decision to continue serving on the Newberry County Planning Commission and asked if there were any recommendations for this position.

Chairman Livingston recommended Mr. Jimmie Coggins for this appointment.

Mr. Hipp stated he would like to recommend Mrs. Christy Whitaker who is also willing to serve.

Chairman Livingston stated that in order to prevent any further delays in the CPST Commission's progress, he recommended nominating one as an alternate back up.

Mr. Livingston motioned to approve the appointment of Mr. Coggins to the CPST with Mrs. Whitaker as the alternate; second by Mr. Waldrop. The vote was unanimous.

10. Consideration of \$5,000.00 request from the Small Business Development Center – Bob Montgomery and Mike Davenport, Newberry Co. SBDC

Mr. Davenport introduced himself and Mr. Bob Montgomery and stated they were here tonight to support the consideration of a \$5,000.00 request from the Small Business Development Center. He said it had been a year since they came before Council requesting the initial funding to get the SBDC in Newberry up and running.

Mr. Montgomery updated Council on the impact the SBDC has had in Newberry County. He stated that for every \$1 invested in the South Carolina SBDC, the SBDC returns \$148.10 to the public which means Council's investment of \$5,000.00 has generated approx. 5 million in pending project in Newberry County.

Mr. Waldrop asked if the County had the funds available at this time to approve this request.

Chairman Livingston stated that the Economic Development Committee met and agreed that this was a worthwhile expenditure to take out of contingency.

Mr. Caldwell motioned to approve the \$5,000.00 request from the SBDC; seconded by Mr. Hipp. The vote was unanimous.

11. Consideration of \$10,000.00 request from the Newberry County Chamber of Commerce – Andy Morris and John David Dawkins, Chamber of Commerce.

Mr. Morris commented that Newberry County and the Chamber of Commerce has a long relationship that goes back many years and they are trying to transition the Chamber towards the future to help be a driving force for Newberry County. They are reinventing themselves and are currently adopting policies and procedures; employing job descriptions, and setting goals and objectives. They are evaluating staff and have a new employee starting on November 16th as the Marketing and Communications Director. Mr. Morris said the Chamber is not seeking a long term financial commitment, but a short term one that will aid the Chamber through this transition. They will be reporting back to Council on a quarterly basis for feedback on their progress.

Mr. Dawkins enlightened Council of the limbo the Chamber has been in since Economic Development recruitment was taken out from under their umbrella and placed under the County's jurisdiction. He commended Mr. Morris for visiting other Chambers throughout the state and bringing back workable and proven ideas to help direct the Newberry Chamber into the future; such as housing, promoting tourism, and refocusing the vision of the Chamber.

Mr. Hipp commented that there are some elements in Economic Development that the County cannot focus on and having an active Chamber to help promote and grow Newberry is a great thing.

Chairman Livingston reminded Council that this was one-time seed money and not guaranteed as a recurring cost to the taxpayers or the budget at this point in time.

Mr. Waldrop motioned to approve \$10,000.00 to the Chamber of Commerce; seconded by Mr. Hipp. The vote was unanimous.

12. Consideration of Intergovernmental agreement between the City of Newberry and Newberry County for the Oakland Mill Project – Wayne Adams, County Administrator

Mr. Adams reported that this agreement pertains to the funding of the sidewalks and lighting surrounding the Oakland Mill Project. By signing, the County agrees that tax revenues from the new investment being made will first repay the City of Newberry for approx. \$800,000.00 in streetscape improvements and then be divided among the entities as usual. This method of payment is being used in lieu of the County pledging its Fee in Lieu of tax payments as assurance for repayment to a private bank or lender. The City is fronting the money for this project and offered the sidewalks and streetscape improvements as inducement to the developer. Both the County and the City agree that some project is needed to spur residential development in that area and to create new investment.

Mr. Koon stated that he has a conflict of interest in that he is co-owner of a fitness center and being that there is a proposed fitness center to be housed at the Oakland Mill Project, he would have to abstain from voting.

Mr. Waldrop questioned if the County and the schools would receive their part of the taxes from the property.

Mr. Adams said the tax proceeds from the new investment (apartments and fitness center) would first pay back the City its \$800,000.00 and then the tax revenues will be divided among the entities as usual. He noted that the City is the one taking the risk here.

Mr. Waldrop shared his concerns about the City and County getting their investment back in case the project does not fly.

Mr. Adams stated that the City feels very confident that they will get a return on this investment and that all taxing entities will realize a return on this investment.

Chairman Livingston clarified that Newberry County does not have any money to loose in this scenario.

Mr. Adams stated that the current levels of revenue will not be diminished but all taxing entities will forego revenue on the new investment side until the City has been repaid first.

Mr. Baker motioned to approve the Intergovernmental Agreement; seconded by Mr. Caldwell. The vote passed 6 to 1, with Mr. Koon abstaining from the vote.

13. Consideration of Internal Audit Proposals (RFP No. 2009-017) – Crystal Waldrop, Purchasing Director

Mr. Adams shared that the County is familiar with the external auditor and we are required by law to produce an external audit annually. An internal audit is entirely different. Internal auditors can assist the County with budget forecasting, reconciliation of funds and ledgers among various finance offices, monthly and year end close outs and procedures for cash receipts and deposits. The internal auditor's role is more proactive in terms of making sure the County has sound policies while professional standards keep external auditors from doing things during the year that help improve the County's financial situation..

Mrs. Waldrop stated that the County received six responses to the internal audit solicitation. The Committee ranked Elliot Davis as the most qualified based on their experience with other counties, their qualified staff, and their cost proposal. Their cost proposal is based on an hourly rate at \$95.00/per hour for this particular scope of work; not to exceed Council's approved budget of \$25,000.00.

Mr. Hipp motioned to approve Elliot Davis as the Internal Auditor; seconded by Mr. Baker. The vote was unanimous.

14. Consideration of Duke Net Communications Lease – Tommy Long, Emergency Services Coordinator

Mr. Long stated he was here tonight to ask for Council's approval to continue their lease purchase on the fire repeater at the Little Mountain location. Both the Finance Committee and Public Safety and Courts Committee asked that he try to renegotiate with the company and they were able to get the lease back down to \$2,400.00 per year to include utilities. This will be a three year lease with a 3% increase per year and with an option to renew four times.

Chairman Livingston thanked Mr. Long for his efforts to renegotiate the lease.

Mr. Waldrop motioned to approve the Duke Net Communications Lease; seconded by Mr. Koon. The vote was unanimous.

15. Consideration of Rescue Squad FY09-10 Expenditures – Mr. Tommy Long, Emergency Services Coordinator

Mr. Long stated that they are required under the proviso to bring Rescue Squad capital outlay expenditures before Council for their approval. The Public Safety and Courts Committee has approved the \$75,000.00 expenditures for the Rescue Squads and are being presented tonight for Council's approval.

Mr. Koon asked Mr. Long if some of the items will be duplicated.

Mr. Long stated that each squad is becoming specialized in different areas of operations and some of the items being purchased are going to enhance each specialized squad and no other squads are involved. They have been making an effort to not duplicate the services and/or equipment.

Mr. Hipp enquired about the cost of an auto-pulse cardiac support pump and asked how this equipment was specific to that station.

Mr. Long stated that Gary Seibert was in attendance with the Lake Murray Rescue Squad whose station is requesting the item. He said the equipment provides CPR backup and does the chest compressions for you. He felt the outer lying stations with longer response times could benefit from having this equipment, but because of the cost, will have to be purchased over time.

Mr. Hipp shared Mr. Koon's concern in that we do not need to duplicate purchases if the items could be shared among the squads.

Mr. Koon motioned to approved the Rescue Squad FY09-10 expenditures; second by Mr. Baker. The vote was unanimous.

16. Committee Reports

a. Finance Committee Meeting – October 12, 2009

Mr. Adams reported that the Finance Committee met and made recommendations on a number of items appearing on tonight's agenda.

- Ordinance #09-19-09 and Ordinance #10-20-09 pertaining to the capital and operating budget amendment.
- Recommendations on the RFQ for the Internal Audit Service.
- Relocation of Courthouse basement offices due to water intrusion and mold.
- Proposed contract to lease space for the Voter Registration and Election Commission Offices.
- The committee heard a report from Glen Wicker, CFO of JF Hawkins and Springfield Place. Occupancy levels in the apartments at Springfield Place are well above average. The Enterprise Fund finances have been supplemented significantly by Medicaid payments putting cash levels ahead of the comparable reporting period for last year.

a. Economic Development Committee Meeting – October 21, 2009

Teresa Powers reported that the Economic Development Committee met earlier today and addressed the following:

- Alliance Consulting Engineers made a presentation on some alternative signage, landscaping, and lighting concepts at the Mid-Carolina Commerce Park
- Industry survey results were available and presented to the committee.
- Mr. Adams updated the committee on the Intergovernmental Agreement between the City of Newberry and Newberry County on the Oakland Mill Project
- The committee wrapped up with discussions on the Industry Appreciation Event.

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

No Comments

18. Vote for Executive Session, When Necessary

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

19. Executive Session [8:37 p.m. – 8:50 p.m.]

20. Necessary Action on Matters Discussed in Executive Session

Mr. Tothacer stated that County Council went into Executive Session to discuss matters relating to a lease and no action was taken in the session.

Mr. Koon motioned to approve the contractual agreement for the property for the Voter Registration and Election Commission Offices; seconded by Mr. Baker. The vote was unanimous.

Mr. Adams reported that the location for the Election Commission Offices will be at 1927 Wilson Road located in the Bilo Shopping Center.

21. Comments from County Administrator

Mr. Adams stated that the Planning, Zoning and Building Department offices have been relocated to the Clemson Extension Building. The scope of work for renovating the building is under development and being prepared for bids. He was pursuing several options for the eventual relocation of the Clemson Extension Office to allow for the renovation of their current office space. It is envisioned that the down stairs portion of the building will be occupied by the Tax Assessor's Office once renovation and reassessment work have been completed. He said he was working with the CPST Commission to develop its checklist requirements for project submission. Mr. Adams informed Council that the Animal Shelter will be closed starting tomorrow to the public until further notice to address a rat infestation problem.

22. Comments from Council Members

No Comments

23. Future Meetings

- a. County Council Meeting – November 4, 2009 @ 7:00 p.m.
- b. County Council Meeting – November 18, 2009 @ 7:00 p.m.
- c. Personnel and Intergovernmental Relations Committee – October 26, 2009 @ 6:00 p.m.
- d. Public Works and Planning Committee – November 9, 2009 @ 6:00 p.m.

24. Vote to Adjourn

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

25. Adjournment

Chairman Livingston declared the meeting adjourned @ 8:54. p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

