

**NEWBERRY COUNTY COUNCIL  
MINUTES  
OCTOBER 20, 2010  
7:00 p.m.**

Newberry County Council met on Wednesday, October 20, 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.

Mr. Caldwell 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. Stockman. The vote was unanimous.

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

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

**3. Newberry County Service Award Presentations**

Chairman Livingston said that it gave him great pleasure to recognize the following employees who have given a lot of time and effort to the County. Garrett Lominack,

Sheriff's Office – 15 years; Odell Schumpert, Sheriff's Office – 15 years; Danielle Turkaly, Registration and Elections – 10 years.

Chairman Livingston thanked these employees on behalf of Council and the citizens of Newberry County.

**4. Personal Appearance**

- a. 2010 Tax Levy – Donna Lominack, Auditor

Mrs. Lominack thanked Wayne Adams, Debbie Cromer, Mary Arrowood, and Karen Lindler for their help throughout this process. She officially set the 2010 Tax Levy for all County and School Bonded Indebtedness Purposes as authorized by Sections 4-15-150 and 59-71-150 of the 1976 Code of Laws of South Carolina, as amended. (Attached and part of the official minutes)

Mr. Koon motioned to accept Mrs. Lominack's report as information; seconded by Mr. Baker. The vote was unanimous.

- 5. Ordinance #02-04-10:** 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 twelve and thirteen hundredths (12.13) acres portion of a real estate parcel totaling thirty-four and thirteen hundredths (34.13) acres designated as TMS Parcel No. 512-15 from Rural (R2) to Light Industrial (LI).

Mr. Hipp motioned to table third reading of Ordinance #02-04-10 until the second meeting in January; seconded by Mr. Waldrop. The vote was unanimous.

- 6. Ordinance #10-25-10:** 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 two (2) real estate parcels totaling three and two hundred and seven ten-thousandths (3.0207) acres, one parcel containing two and forty four hundredths (2.44) acres designated as TMS Parcel No. 457-9, the other parcel containing fifty eight and seven ten-thousandths (0.5807) acres designated as TMS No. 457-29 from Single Family Residential (RS-1) to General Commercial (GC).

Mr. Hipp motioned to approve second reading of Ordinance #10-25-10; seconded by Mr. Baker. The vote was unanimous.

**7. Consideration of bids on the Silverstreet EMS Renovations (Bid #2010-12) - Crystal Waldrop, Purchasing Director and Ervin West, Carter Goble Lee**

Mrs. Waldrop reported that the bids were opened today for the Silverstreet EMS renovations. Cannon Associates submitted the low bid in the amount \$47,293.00 and she asked for Council's approval for acceptance.

Mr. Waldrop motioned to approve the low bid of \$47,293.00 from Cannon Associates; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop stated that at one time they thought this bid would be a lot more and he was proud that it came in at this price.

Mr. West reported that this scope of the bid did not include the diesel generator that is included in the overall budget. There are some details that need to be worked out to see if we can tie into the existing generator at the fire station or go with a stand alone for EMS. This scope gives EMS the basics; their office, day room, bunk rooms, and the isolated truck bay.

Mr. Waldrop thanked members of Council for supporting the Silverstreet community on this project. It will be a great asset to the people of Silverstreet, Bush River, and Chappells.

Mr. Hipp thanked Mr. Waldrop for his comment but said he did not think he was willing to support an independent generator for EMS. There is a generator at the fire department that we might be able to tie into.

Mr. West stated that it is a matter of the load requirements. He said the transfer switch and conduit over to the generator might cost just as much as a stand alone generator. He has the generator manufacturer working on these figures now.

Mr. Hipp stated that the fire department generator is sized to cover all circuits. We could by transfer, cover not only in the original structure but the new structure if we by-passed unnecessary items. This is the time to review some cost and would appreciate you looking into this.

Having received to further discussion, the motion to accept the low bid from Cannon Associates was approved unanimously.

**8. Consideration to extend the recreation contract between Newberry County, Town of Prosperity, and the YMCA – Gerdi Lake, Recreation Coordinator**

Mrs. Lake thanked Council and stated that she would like to recommend the extension of the recreation contract between Newberry County, the Town of Prosperity and the YMCA. There are no changes to the contract which has been in place since August of 2006 and is has been approved and recommended by both the Recreation Commission and the Personnel and Intergovernmental Relations Committee.

Mr. Koon motioned to approve the extension of the recreation contract; seconded by Mr. Baker. The vote was unanimous.

**9. Consideration of Christmas holiday observance for county employees -  
Wanda Hill, Director of Human Resources**

Mrs. Hill stated that in the past, the County has followed the state government holiday schedule. With the holiday falling on a weekend, state government will observe Christmas Eve on Friday, Dec. 23<sup>rd</sup>; Christmas Day on Monday, Dec. 27<sup>th</sup>; the day after Christmas on Tuesday, Dec. 28<sup>th</sup>; and New Year's Day on Monday, Jan. 3<sup>rd</sup>. The Personnel and Intergovernmental Relations Committee's recommendation is that the County holiday schedule be in accordance with the State.

Mr. Baker motioned to approve the holiday schedule as presented; seconded by Mr. Waldrop. The vote was unanimous.

**10. Consideration of acceptance of Beisel Road into the County Road System  
Kyle Nash, Public Works Director**

Mr. Nash stated that Section 91.34 of the Newberry County Code of Ordinances provides for acceptance of a road into the county road system that has undergone continuous maintenance for at least 3 years by a federal or state agency or a municipality of the County. Beisel Road, a forest service road, meets this criterion. A second condition for this process is for property owners along the road to grant the required easement. This road has gone through the petition process and 100% of the property owners along this road have signed an agreement granting the 40 foot right of way plus an additional area for a turn around at the end of the road. The Public Work and Planning Committee's recommendation is to accept this road into the county road system.

Mr. Koon motioned to approve acceptance of Beisel Road into the County Road System; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked how many people lived on Beisel Road.

Mr. Nash stated that he did not recall the exact number but thought that 25 or so was the number of signatures on the petition.

Having received no further discussion, the vote was unanimous to approve acceptance of Beisel Road into the county road system.

**11. Consideration to increase speed limit to 25 mph along a portion of Felker-  
Setzler Road – Kyle Nash, Public Works Director**

Mr. Nash stated that Section 91 of the Newberry County Code of Ordinances specifies that the speed limit for all triple treatment and asphalt roads shall be 30 mph or as otherwise approved by County Council. Council previously set the speed limit on this

particular road to 20 mph which was done due to safety concerns and problems with dust when it was a gravel road. Since that time the road has been paved. The Felkers have a resident on the first portion of the road and there is a commercial farming operation at the end of the road. There are a number of vehicles that go down this road on a regular basis because of the farming operation. Mr. Setzler, who owns the farming operation, brought this issue before the Public Works and Planning Committee and made a request to raise the speed limit above 20 mph. The committee made a recommendation that the speed limit be changed from 20 mph to 25 mph only on the portion of the road after you have passed the Felker's resident and the hill that creates a site distance hazard. Since that meeting, Mr. Felker has expressed his opposition to raising the speed limit due to safety concerns.

Chairman Livingston asked Mr. Felker to the podium.

Mr. Eddie Felker introduced himself and stated he live at 259 Felker-Setzler Road. He briefed Council on the history of the road and the problems they have encountered over the years with dust and safety issues regarding the speed limit of the 700 trucks that are in and out of the poultry operation in a year's time. This is a narrow road, with very little shoulders, with trucks coming in and out 24/7. He said the situation is finally working good with the 20 mph speed limit and just learned yesterday that his neighbor went to the road committee to request that the speed limit be raised. He asked that Council consider the safety of his family and any one else who uses the road before making their decision.

Mrs. Ruth Ann Felker stated that they are the major road frontage landowners on the road and felt their voices should be heard. She encouraged Council to come out and try to meet an eighteen wheeler on the road to see how it feels; even walking on the road is dangerous.

Mr. Waldrop asked Mr. Nash if 30 mph is the normal speed the county has for roads.

Mr. Nash stated that according to the County Ordinance, 30 mph is the standard for all county paved roads unless another speed limit is set by Council. This particular road is narrow measuring only 14 feet wide with the drivable paved portion being only 11 ½ feet wide.

Mr. Waldrop asked if the increase in the speed limit would start below Mr. Felker's house and continue down to the gate of the poultry operation.

Mr. Nash said that was correct. It would start after you pass Mr. Felker's house and the area where there is limited site distance which is near the mid-point of the road.

Mr. Baker stated that Felker-Setzler Road is in his district and he has worked on this road since he first came in office. The road was a mess and today it would not meet the County's specs for paving due to our criteria. At that time, the County wanted a test road for triple-treat paving and Felker-Setzler Road was chosen for that test. He said he drove on the road this afternoon and if you get over 25 mph, you can't stay on it. When we first

set this speed limit, there were continual discussions between the County and the Sheriff's Office. The Sheriff's Office finally recommended setting a 20 mph speed limit that would be enforceable with radar and if anyone didn't like it, they could get a ticket. Two cars cannot pass on the road; literally you will have one wheel on the grass and the other wheel in the ditch. Mr. Baker went on the record as saying he felt the road should be left at 20 mph all the way through because it was too dangerous at any speed limit over that. He said he would like to hear from Major Todd Johnson from the Sheriff's Office.

Major Johnson reported that the Sheriff's Office has imminently been involved with this from the beginning. They have been out to Felker-Setzler Road numerous times with radar, which was part of the agreement that was made. It is difficult because you do not know when all of the trucks are coming through. They have issued one warning during the times they have been there and able to run radar.

Mr. Baker said they spent almost 1 ½ years addressing problems on this road, and once the County set the speed limit, there has been no problem since that time.

Mr. Nash said that the speed limit was set before he was hired but since then they have added additional signage on the road. There are 3 or 4 speed limit signs on this road and it is only 9 tenths of a mile long. They also have signs that indicate that the speed is checked by radar by the Newberry County Sheriff's Office to try and draw attention to the speed limit.

Mr. Felker shared with Council that he is a retired engineer from DOT and he has a certain method of calculating speed and has clocked loaded eighteen wheel trucks driving better than 50 mph down this one lane road. He thanked the Sheriff's Office, Mr. Nash, and Council's Road Committee for working with him on this matter. There has been drastic improvement with the 20 mph speed limit.

Mr. Hipp stated that Mr. Nash mentioned that this road was 9 tenths a mile long. If you looked at the actual impact of changing the speed limit by 5 mph, you are not affecting somebody's arrival and departure time. There is a safety issue here we need to consider and he felt Council had more important things to do than change a ½ mile section of a road from 20 to 25 mph.

Mr. Baker motioned to leave the speed limit on Felker-Setzler Road at 20 mph; seconded by Mr. Stockman.

Chairman Livingston asked if there was anymore discussion.

Mr. Waldrop spoke up to defend Mr. Setzler by saying he was the one that brought this to the Road Committee and he has a right to come before this Council and ask to increase the speed just as Mr. Felker's right to have it decreased.

Having received no further discussion, the motion to leave the speed limit on Felker-Setzler Road at 20 mph was unanimously approved.

**12. Consideration of bids (hourly rate) for debris grinding at the Transfer Station – Kyle Nash, Public Works Director**

Mr. Nash reported that they received bids for the grinding at the Transfer Station and the apparent low bidder was Metts Construction at \$338.00 per hour. They are actually the contractor currently doing this work which is re-bid each year.

Mr. Hipp asked Mr. Nash what was the current price per hour.

Mr. Nash responded \$338.00 was the current hourly rate. Metts Construction submitted a bid this year at the same rate as last year.

Mr. Baker asked if this was the same Metts that runs the landfill below Little Mountain.

Mr. Nash stated that it was the same Metts.

Mr. Baker motioned to approve the low bid of \$338.00 from Metts Construction; seconded by Mr. Waldrop. The vote was unanimous.

**13. Appointments**

No Appointments

**14. Committee Reports**

**a. Public Works and Planning Committee, Oct. 11, 2010 – Kyle Nash, Public Works Director**

Mr. Nash reported that the Public Works and Planning Committee met on October 11, 2010 and other than the items already covered tonight, the following was discussed:

- A property owner requested an extension of county maintenance on Long Street in Prosperity
- Staff was directed to develop a detailed cost estimate on replacing Berley Road Bridge in Pomaria
- A cost estimate for additional parking at the Central Court facility was presented and recommended by the committee to be included in next year's budget.
- Update on Dillinger Road widening and paving project

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

Chairman Livingston asked Mrs. Sue Summer to the podium.

Mrs. Summer introduced herself and stated she resided at 1903 Main St., Newberry, SC. She said the only two people who have approved her message were her sister and herself. Mrs. Summer shared that she had not intended to speak out on the nursing home until some things were revealed at the public hearing; one being, Mrs. Melvina Busby's request that she be able to speak with Council as family without the presence of the potential buyers. Her summation was that these buyers did not have enough consideration for the feelings of an elderly lady in our community to leave the room when they knew that their presence was intimidating to her. She felt this was all of the due diligence needed to decide whether to make this sale to this buyer. She said regardless of what they tell us about who they are they showed us everything we needed to know about them in that split second. She followed by stating that both nursing home meetings followed similar paths in that the answers to the questions from the community were passed on to the buyers. She shared that she has prayed that Council not pursue this sale. Our loved ones deserve courtesy, respect and dignity; better treatment than the buyers gave Mrs. Busby two weeks ago. She said the community in attendance wanted answers from Council, not the buyers. She wants some reassurance that she did not get when she attended those two meetings. She said her way of gaining the confidence needed was to think about people in her life that she respected and cared about and she asked herself what they would do to gain that confidence. Mrs. Summer stumbled upon a memory of Janie Lou Whitaker and she proceeded to pass out a "pop quiz" to members of Council. All of these questions are related to some of the points made at the Springfield Place meeting and the Public Hearing. She ask that they not look at anyone else's paper, no calling the buyer on his cell phone, and when you finish, we'll talk about the answers.

Chairman Livingston stated he did not feel Council was required to respond to the "quiz" but they would take it as information; however, he asked if there were members of Council that wanted to talk about it.

Mr. Stockman motioned to accept the "pop quiz" as information to which Mrs. Summer continued her comments in opposition of the sale and concluded with encouraging Council to keep the nursing home in the Newberry family.

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

No vote for Executive Session

**17. Executive Session**

No Executive Session

**18. Necessary Action on Matter Discussed in Executive Session**

No Action

**19. Comments from County Administrator**

Mr. Adams reported that the County Auditor has done an excellent job in this reassessment year and he has been impressed with how she has kept on top of all the facets of this difficult issue.

**20. Comments/Requests from Council Members**

Mr. Hipp commented that he had heard an incredible rumor that our Representative and County Council met with a business who had an interest in moving to Newberry County and was going to employ a number of people at high wages; however, we were resistant to them coming into the County because the wages were going to be \$18.00/per hour. He said this just goes to show how things get started out there.

Mr. Koon thanked all of the employees of Newberry County for the good job that they do.

Mr. Waldrop encouraged people to VOTE on Nov. 2<sup>nd</sup>.

Chairman Livingston commented that he would like for us to continue to explore Berley Bridge in Pomaria which is straight across from the fire department. This improvement will allow better access over to Koon Trestle Road for emergency equipment and benefit this community.

**21. Future Meetings**

- a. "On the Move with Margaret" – Oct. 25, 2010 @ 9:30 a.m.
- b. Finance Committee – Oct. 25, 2010 @ 6:00 p.m.
- c. County Council – Nov. 3, 2010 @ 7:00 p.m.

**22. Vote to Adjourn**

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

**23. Adjournment**

Chairman Livingston declared the meeting adjourned at 8:15 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**