

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

Newberry County Council met on Wednesday, December 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
Steven C. Stockman, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: Les Hipp, Councilman
Edgar Baker, Councilman

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. Koon led the invocation followed by the Pledge of Allegiance.

Chairman Livingston welcomed those in attendance and excused the absence of Mr. Baker who was home sick and Mr. Hipp who had a work related emergency.

1. Presentation of Newberry County Service Award

Chairman Livingston recognized Mr. Douglas Harmon who has worked in Public Works for 10 years. He thanked Mr. Harmon for all he has done on behalf of Newberry County.

2. Additions, Deletions and Adoption of Agenda

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

3. Personal Appearances:
a. David Enzastiga, Rish and Enzastiga – FY 08-09 Audit Report

Mr. Enzastiga presented members of Council with the audited financial statement for Newberry County for the FY 08-09. (A copy of the audit is on file in the Office of Clerk to County Council or available on the County's website at www.newberrycounty.net.)

Mr. Adams noted that there were three significant deficiency findings in last years Audit Report and Laurie Smith with Elliott Davis (our internal Auditor) was here to talk about what the County was doing to address these deficiencies.

b. Laurie Smith, Elliott Davis – Comments from Internal Auditors

Ms. Smith introduced herself as shareholder in charge of Elliott Davis's Governmental Practice Group. They are working jointly with David Enzastiga and the County team to address these deficiencies more efficiently and they have done some preliminary work. The biggest issue facing Newberry County is the need for some modifications to your system applications in how you process data. Another deficiency relates to your Fire Department and Rescue Squads and the need for some policies and procedures that the County might want to look at and implement. Ms. Smith said they have already looked at a draft copy with Mrs. Cromer and Mr. Adams. The other major deficiency is rather broad as it pertains to segregation of duties. One person should not be doing everything; some controls need to be built into your system. They will try to bring some of the best practices they have learned over the years from other counties and brief the County team on the new accounting standards that are coming (i.e. GASB). She will share how some of the counties are approaching GASB funding and working it into their budget. One new standard coming your way is related to fund balances. Implemented in two years, the new standard will divide the three existing fund balance categories into five new categories. The County may want to revisit their policies and terminology on what you are targeting for your fund balance.

Chairman Livingston thanked Ms. Smith for her attendance and presentation.

4. Ordinance #10-22-09: An Ordinance to amend the Budget Ordinance for the 2009-2010 fiscal year, Ordinance Number 04-08-09, to provide for revised revenues.

Mr. Adams stated that this Ordinance pertains to charges associated with the commercial dumping of yard debris and sets a fee of \$25/per ton and is estimated to bring in \$6,500.00 for the remainder of this fiscal year.

Mr. Waldrop motioned to approve third reading of Ordinance #10-22-09; seconded by Mr. Koon. The vote was unanimous.

5. Ordinance #10-23-09: An Ordinance to limit truck traffic on Lumberyard Road.

Mr. Koon motioned to approve third reading of Ordinance #10-20-09; seconded by Mr. Stockman. The vote was unanimous.

6. Ordinance #10-24-09: An Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Newberry County, South Carolina, and Loblolly Green Power, LLC, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$125,000,000.

Mr. Koon motioned to approve third reading of Ordinance #10-24-09; seconded by Mr. Waldrop. The vote was unanimous.

7. Ordinance #12-25-09: 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. (Included on the Finance Committee meeting agenda on Monday, December 14, 2009 for consideration)

Mr. Adams said this Ordinance serves two funding purposes: (1) for Clemson Extension's move to 2220 Harrington St., which was completed today, and (2) for professional engineering and construction services associated with the upcoming Capital Project Sales Tax referendum. The total cost for these two purposes is \$88,000.00.

Mr. Waldrop motioned to approve first reading of Ordinance #10-24-09; seconded by Mr. Stockman. The vote was unanimous.

8. Appointments

Mr. Koon nominated Mr. Phil Bouknight to serve an appointment on the Fairgrounds Committee for a term commencing immediately and ending June 30, 2013.

Mr. Waldrop motioned to approve Mr. Bouknight's appointment to the Fairgrounds Committee; seconded by Mr. Stockman. The Vote was unanimous.

9. Consideration of proposed contracts for development and review of CPST project proposals – Wayne Adams, County Administrator

a. Alliance Consulting Engineers Agreement - \$50,000.00

Mr. Adams stated that the Alliance Agreement provides for a sum not to exceed \$50,000.00, with billable hours invoiced to the County up to that amount. Alliance will assist sponsoring entities and organizations in completing proposal submission requirements and will review proposals for cost and content to make sure all submission requirements are met an accurate. They will supply a master plan for all balloted projects that will consist of uniform information on project cost, purpose, and description.

Chairman Livingston commented that he felt this was pretty cheap insurance to hopefully prevent some of the surprises that was incurred last time. He said the County is providing this service at no charge to all entities submitting projects.

Mr. Koon motioned to approve the Alliance Consulting Engineers Agreement; seconded by Mr. Stockman. The vote was unanimous.

b. Carter Goble Lee Agreement - \$15,000.00

Mr. Adams said the Carter Goble Lee Agreement provides for a sum not to exceed \$15,000.00, with billable hours invoiced up to that amount. They will assist sponsoring entities and organizations in completing proposal submission requirements specifically those dealing with building renovations and will help review project proposals for cost and content to make sure all submission requirements are met an accurate.

Mr. Waldrop motioned to approve the Carter Goble Lee Agreement; seconded by Mr. Koon. The vote was unanimous.

8. Committee Report

a. Finance Committee – December 14, 2009.

Chairman Livingston stated that the Finance Committee did not meet due to several members who were unable to attend.

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

Chairman Livingston invited Mr. Jeff DeBacker to the podium.

Mr. DeBacker introduced himself and shared his concerns about the embarrassing and deplorable conditions at the Newberry County Animal Shelter. He felt the County could do a better job maintaining the shelter and felt it was treated as if it were not important. He shared with Council the many ways he and members of the Humane Society are supporting the shelter through their time and donations. He asked Council to build the new shelter with the integrity and purpose to take care of the animals. He thanked Council for the opportunity to speak.

Chairman Livingston stated he appreciated Mr. DeBacker's suggestions and his passion for his cause. The County's intentions are to build a quality shelter but unfortunately

there is the time span between now and then. He agreed that we are not where we need to be with the Animal Shelter.

Mr. DeBacker offered his professional services at no charge to help the County with any aspects of planning and design of the new shelter.

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 Necessary Action

13. Comments from County Administrator

Mr. Adams reported that the bid specifications for the work at the Clemson Extension Building are almost complete and we hope to be going out for bids early next week. Once this is done, Mr. West will turn his attention to the Courthouse basement to begin investigating how we might best solicit proposals/bids for that work.

Mr. Waldrop asked when the Clemson Extension employees will make their move to Harrington Street.

Mr. Adams said they are in the process of moving. They are waiting for their IT Department to finish setting up their system before they relocate.

Mr. Waldrop stated that he rode by the Voter Registration building in the BI-LO Shopping Center and said that it looked good and asked if the public had been made aware of the new location and the possibility of putting up a sign.

14. Comments from Council Members

No Comments

15. Future Meeting

- a. County Council – January 6, 2010 @ 7:00 p.m.
- b. County Council – January 20, 2009 @ 7:00 p.m.
- c. Economic Development Committee – December 21, 2009 @ 6:00 p.m.

16. Vote of Adjourn

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

17. Adjournment

Chairman Livingston declared the meeting adjourned at 7:18 p.m.

NEWBERRY COUNTY COUNCIL

APPROVED:

Henry H. Livingston, III, Chairman

Laurie N. Renwick, Clerk to Council