



**NEWBERRY COUNTY COUNCIL  
MINUTES  
OCTOBER 15, 2014**

Newberry County Council met on Wednesday, October 15, 2014, 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**  
                  **Kirksey Koon, Vice Chairman**  
                  **John E. Caldwell, Councilman**  
                  **Bill Waldrop, Councilman**  
                  **Leslie (Les) Hipp, Councilman**  
                  **Steven C. Stockman, Councilman**  
                  **Scott Cain, Councilman**  
                  **Wayne Adams, County Administrator**  
                  **A.J. Tothacer, County Attorney**  
                  **Laurie Renwick, Clerk to Council**  
                  **Debbie Cromer, Finance Director**

**MEDIA:**     **Andrew Wigger, Newberry Observer**

The meeting was duly advertised as required by law.

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

Vice-Chairman Koon led the invocation followed by the Pledge of Allegiance.

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

Mr. Hipp motioned to add agenda item #5a for consideration of awarding the contract for the Council on Aging improvements as approved under the Capital Project Sales Tax; seconded by Mr. Cain. The vote was unanimous.

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

**2. *Newberry County Service Awards***

Chairman Livingston presented service awards to William Claytor, Sheriff's Office (absent) – 5 years; Charles Wicker, Public Works – 5 years; Lindsey Stribble, Sheriff's Office (absent – 25 years; and Elizabeth Folk, Clerk of Court's Office – 35 years.

Chairman Livingston thanked these employees and commented that the four recognized has a total of 70 years of service which is quite an honor.

**3. *Personal Appearances***

a. Donna Lominack, Auditor – FY 2014/2015 Levy

Mrs. Lominack reported that they have a different schedule for this reassessment year due to not having the completed figures to recommend the levy. On July 13, 2014 she wrote for an extension until November 1<sup>st</sup>. The extension was granted by the Department of Revenue on July 30, 2014. She stated that Newberry County prepares the duplicate and collects all taxes for the five municipalities located in the county. At this time, she does not have the City of Newberry's tax levy. It is her understanding that City Council had first reading last night and will have second reading in seven days. She said she will not send her tax roll to the computer without the city's tax levy. This will delay the sending of the 2014 tax bills but she has been assured that our records will be on the computer by November 1, 2014 which will officially open our tax duplicate. If this cannot be done, she will have to write for another extension.

Mrs. Lominack officially set the 2014 levy for County and School Bonded Indebtedness as follows:

County Ordinary	125.5 mills
General Obligation Bonds of 2007	0.5
General Obligation Bonds of 2010A	1.3
General Obligation Bonds of 2010B	1.5
2014 B Lease Purchase	4.8
2014 A Santee Cooper	0.2
Community Services	6.6
TOTAL	141.2 mills

The Newberry County Board of Education has levied the following for school purposes:

School Ordinary	186.8 mills
School General Obligation Bonds of 2014	53.0
TOTAL	239.8 mills

**The total 2014 tax levy for both County and School purposed is set at 381.0 mills.**

Mrs. Lominack's report is attached and part of the official minutes.

Chairman Livingston thanked Mrs. Lominack and staff for a good job and noted that Council appreciates all that you do.

Mr. Adams commented that Mrs. Lominack is one of the best county auditors.

Chairman Livingston noted that Mrs. Lominack will be hosting all state auditors in Newberry in November.

Mr. Hipp stated that Mrs. Lominack is President of the State Auditors Association.

**4. *Ordinance #10-13-14: An Ordinance to declare surplus and approve the transfer of a portion of certain real estate property owned by Newberry County.***

Mr. Adams reported that this is a small land parcel that is part of the property that Chappells Community Center has been using for quite some time. It has no material value to the county and we are requesting, as the Finance Committee recommended, that it be transferred to the Chappells Community Center via Quick Claim Deed.

Mr. Cain motioned to approve first reading of Ordinance #10-13-14; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Hipp stated that for those not present at the committee meeting, not only is this parcel needed by the Chappells Community Center but part of the center rest on it. It is not a separate parcel of land and must have been omitted from some previous transfer.

Chairman Livingston stated that some of this dates back to 1956 and we are correcting what no one has realized over a long period of time.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #10-13-14.

**5. *Ordinance #10-14-14: An Ordinance to provide for the issuance and sale of a General Obligation Bond of Newberry County, South Carolina not exceeding \$310,000 in principal amount, to prescribe the purposes for which the proceeds of said bond shall be expended, to provide for the payment of said bond, and other matters relating thereto.***

Mr. Adams reported that Council put great emphasis on planning for the most recent round of CPST projects as far as budgeting and that has been a resounding success; however, this is an area where we missed the mark a little bit. The Council on Aging has been trying to value engineer this project and has been seeking other funding for over a year now. They have made a good faith effort to bring this project within budget. The CPST is projected to over collect significantly even after the bonded projects are completed and the second tier projects funded which are the Mid-Carolina Commerce Park and the three fire substations. All of these will be funded and we will have over collections. This is essentially borrowing against those future proceeds with the county fronting the \$310,000.00 to go ahead with this project now.

Mr. Stockman motioned to approve first reading of Ordinance #10-14-14; seconded by Mr. Cain. The vote was unanimous.

***5a. Approval of bid for Council on Aging Construction***

Mr. Hipp motioned to approve the bid for Council on Aging construction; seconded by Mr. Cain.

Mr. Adams reported that the low bid for this project was Pyramid Contracting in the amount of \$1,111,111.00. We received a letter from Pyramid stating that they will honor this bid which was submitted a while back.

Mr. Stockman asked if there had been any changes to the original plans and specs.

Mr. West responded that these are the original plans and specs as originally bid.

Mr. Stockman asked if the renovations will meet the needs of management and staff at the center.

Mrs. Lynn Stockman, Director of the Senior Center, stated that as long as all of the kitchen equipment is put back in it should meet their needs.

Mr. West said that this design will give them a fully operational kitchen with a walk-in cooler and walk-in freezer, food preparation apparatuses and cleaning sink that will meet DHEC requirements.

Mr. Hipp recapped that this was not only approved by the CPST Commission as their number three project but overwhelmingly approved by the voters of Newberry County.

Mr. Cain pointed out that this was not necessarily due to engineering issues but when they started excavating they ran into all kinds of infrastructure that will have to be moved; from cables to sewer lines. Sometimes there are hidden items when you start renovating old construction.

Having received no further discussion, the vote was unanimous to approve the bid from Pyramid Contracting in the amount of \$1,111,111.00 for the Senior Center Renovations.

**6. *Ordinance #10-15-14: An Ordinance authorizing the execution and delivery of a Purchase Agreement between Newberry County, South Carolina and (Project Eagle); the conveyance of certain property owned by and located in Newberry County to (Project Eagle); and other matters related thereto.***

Mr. Adams reported that this involves a company that wants to purchase the remaining property in the original Newberry County Industrial Park on Hwy. 219. The company has proposed to pay \$10,000.00 per acre for the primary 11 acre tract and \$5,000.00 per acre for 20 additional acres. The intended purpose is to construct warehouse space to support two companies already located in the park.

Mr. Hipp motioned to approve first reading of Ordinance #10-15-14; seconded by Mr. Cain. The vote was unanimous.

**7. *Consideration of bid for Overlay of Hamm Drive and Overlay and Patching of Edgewater Drive in the amount of \$53,223.00 from Satterfield Construction***

Mr. Pisano, Public Works Director, reported that these bids were received on October 7, 2014, and only one bid returned which was Satterfield Construction in the amount of \$53,233.00 and staff would like to recommend them for consideration.

Mr. Stockman motioned to approve the bid from Satterfield Construction in the amount of \$53,233.00; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked that since we only had one bid was it in the normal range for this type and size project.

Mr. Pisano stated that this figure was approved by the County Transportation Committee and did fall within range.

Having received no further discussion, the vote was unanimous to approve the bid from Satterfield Construction in the amount of \$53,233.00.

**8. *Consideration of Request for Proposal for Engineering Services for Convenience Centers***

Mrs. Crystal Waldrop, Purchasing Director, reported that Request for Proposals were solicited on October 2, 2014, for engineering firms to accommodate the concrete pads for the new containers that will be used for recyclables. Four (4) responses were received; ICA Engineering, Chao Engineering, Alliance Consulting, and Joyce Engineering .The

evaluation criteria consisted of proposed project team (including sub-contractors), project approach (commitment to County's schedule), experience with similar projects, surveying capabilities, and sample drawing of project and engineering cost. The chosen firm will access the current conditions of each of the twelve (12) sites and provide design and layout of the new concrete pad, the traffic flow, and address the required utilities associated with environmental controls. They will provide the county with a recommendation for exploration testing and provide cost estimates assistance and also prepare a complete set of drawings and specs for construction. The committee would like to recommend the highest ranking firm which was Joyce Engineering for a fee not to exceed \$37,000.00 for their services. The evaluation committee was made up of Ervin West, Mike Pisano, Stacy Guy and Crystal Waldrop.

Mr. Waldrop motioned to approve the Request for Proposal from Joyce Engineering for a fee not to exceed \$37,000.00; seconded by Mr. Cain.

Chairman Livingston asked if there was any discussion.

Mr. Hipp noted to Mr. West that the evaluations varied marginally except for his evaluation of this contractor, Joyce Engineering, which was very low compared to the others.

Mr. West stated that his evaluation of this company was high.

Mr. West commented that a digit was omitted in typing the report and that he scored Joyce Engineering with 100; not 10. He said they are a very qualified firm and their credentials stand out. He said that was a good catch by Mr. Hipp.

Having received no further discussion, the vote was unanimous to approve the Request for Proposal from Joyce Engineering for the Convenience Centers.

**9. *Consideration of Community Christmas Tree Sponsorship in the amount of \$3,000.00***

Mrs. Agnes Routon came to the podium and stated that the funding is so they can purchase snow machines to add to the existing decorations that have been purchased for the Community Christmas Tree over the years. She gave a description of the machines and stated that the snow is bio-degradable and safe for everyone. She felt this would help promote the county

Mr. Cain motioned to approve the \$3,000.00 sponsorship; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Koon stated that during the budget process he did not support funding monies for charitable, civic, or special interest organizations. He said this is a good cause and he

thanked all individuals who give to support it. He said he is a business owner downtown and this may bring business in but felt he could not support it and the number of other similar projects in the budget process. He said does not feel comfortable supporting taxpayer money for this reason.

Mrs. Cathy Cain stated that they are trying to promote the City of Newberry and Newberry County. We will have billboards going up off of I-26 to promote this event and there will be school children singing on the balcony of the Community Center. We have invited a meteorologist from WIS and are hoping that it will draw a lot of publicity and revenue to Newberry. The Christmas tree is a good thing for the county and promotes the spirit of the season. We will have carolers in Victorian costume and the college will have singers participating so this will be a festive time to bring folks to downtown. The snow machines will run for two hours every Friday night starting November 21 – December 26<sup>th</sup>. This event should bring awareness to the county itself.

Mr. Waldrop said he agreed with what they are saying but he did not understand why the City of Newberry was not helping as much as they should.

Mrs. Cain stated that the city is helping financially. The city employees will put up the tree, put lights on it, put up the wreaths on the Community Center and also put up all the artificial trees at Memorial Park. She said the city employees do a great job.

Mr. Waldrop said he was not talking about manpower but financial support.

Mrs. Cain responded that the city has done quite a bit financially.

Mr. Cain commented that like Oktoberfest, these events do happen in the City of Newberry which is the capital of Newberry County. These are ways for us to sell our county and quality of life and is a huge issue that families look for when relocating. This is a big part of the Christmas season; a time for celebration and a joyful time of year. The publicity for all the events we do does have an impact on the economic development side.

Mr. Stockman commented that he appreciates all that this committee does and has supported funding for trees, lights, and decorations in the past but stated that he could not support a snow machine. He said he did not know what the recurring cost will be from year to year and this is something he felt we should not spend taxpayer's money on.

Chairman Livingston shared that another avenue of funding might be through the Accommodations Tax; however, he did not know if this would fall within the parameters but it could be a possibility.

Having received no further discussion, the motion passed by vote of 4-3; Stockman, Waldrop and Koon opposed.

**10. Consideratin of Christmas Gift Card for County Employees in the amount of \$50.00 for a total of \$10,340.00.**

Mr. Hipp motioned to approve the \$50.00 Gift Card for County Employees; seconded by Mr. Cain. The vote was unanimous.

**11. Appointments**

Mr. Hipp motioned to reappoint Mr. David Senn, representing the Public Sector to the Accommodations Tax Committee; seconded by Mr. Koon. The vote was unanimous.

**12. Committee Reports**

a. Finance 10/6/14

Mrs. Cromer, Finance Director, stated that the Finance Committee met on October 6, 2014 and most of the items were addressed tonight. 8888888

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

No comments.

**14. Executive Session**

Mr. Adams reported that staff would like an Executive Session under §30-4-70(a)(2) of the SC Code of Laws for discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property and the receipt of legal advice and under §30-4-70(a)(5) for discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industry.

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

***EXECUTIVE SESSION [7:41 p.m. – 8:39 p.m.]***

Chairman Livingston returned the meeting to Open Session and asked Mr. Adams to report out.

Mr. Adams reported that Council met in Executive Session for the stated purposes and no action was taken in that session.

**15. Comments/Request from County Administrator**

No comments.

**16. *Comments/Request from Council Members***

No comments.

**17. *Future Meetings***

- a. Public Safety and Courts – 10/20/14 @ 6:00 p.m.
- b. Personnel and Intergovernmental Relations – 11/3/14 @ 6:00 p.m.
- c. County Council – 11/5/14 @ 7:00 p.m.
- d. County Council – 11/19/14 @ 7:00 p.m.
- e. Public Works and Planning – 11/24/14 @ 6:00 p.m.

**18. *Adjournment***

Mr. Koon motioned to adjourn; seconded by Mr. Stockman. Chairman Livingston declared the meeting adjourned at 8:40 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, Chairman**

**APPROVED:**

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**Laurie N. Renwick, Clerk to Council**