

**NEWBERRY COUNTY COUNCIL
MINUTES
SEPTEMBER 16, 2020**

Newberry County Council met on Wednesday, September 16, 2020, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

Notice of the meeting was duly advertised as required by law.

PRESENT: Henry H. Livingston, III, Chairman
Kirksey Koon, Vice Chairman
Steve Stockman, Council Member
Scott Cain, Council Member
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Johnny Mack Scurry, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Karen Brehmer, Deputy County Administrator
Susan C. Fellers, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

Mr. Livingston called the meeting to order at 7:00 p.m.

Mr. Stockman had the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Motion by Mr. Scurry to adopt the Consent Agenda consisting of the minutes of the July 29, 2020 and August 19, 2020 Council meetings; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the vote, Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Motion by Mr. Cain to adopt the agenda as presented; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

3. Ordinance #08-18-20: An Ordinance amending an ordinance entitled “An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$965,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto” to direct the use of available proceeds of the lease-purchase agreement authorized thereby.

This Ordinance amends a previous lease-purchase ordinance to allow for purchasing three heart monitors for use by rescue squads, rather than two. The funding is available within the original borrowing amount.

A. Third Reading

Motion by Mr. Cain to approve third reading; second by Mr. Koon. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

4. Ordinance #08-19-20: An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$878,500 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.

This ordinance provides for the lease-purchase of the following equipment items, which Council has approved as part of the FY 20-21 budget.

1 EMS ambulance remount	\$174,000
1 pumper/tanker fire truck	\$325,000

2 heart monitors	\$70,000
1 motor grader	\$229,500
2 vehicles for school resource officers	\$80,000
 Total	 \$878,500

B. Third Reading

Motion by Mr. Koon to approve third reading; second by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

5. Ordinance #08-20-20: An Ordinance to create the JB Fulmer Court Special Tax District.

On July 14, 2020, by a margin of 14-1, voters residing on JB Fulmer Court approved the creation of a special tax district for the purpose of maintaining their unpaved roadway. The approved referendum called for a not-to-exceed \$150 annual uniform service charge per lot to offset expenses incurred by the County in providing this service. Under Code Section 4-9-30(5) of the South Carolina Code of Laws, the creation of a special tax district requires the adoption of an ordinance by County Council.

A, Public Hearing

Mr. Livingston declared the public hearing open.

There being no comments from the public, Mr. Reeder moved to close the public hearing; seconded by Dr. Rucker. Vote was unanimous.

Mr. Livingston declared the public hearing closed.

B. Third Reading

Motion by Mr. Reeder to approve third reading; second by Mr Scurry. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

6. Ordinance #08-21-20: An Ordinance to declare surplus and approve the sale and transfer of a portion of certain real estate property owned by Newberry County.

This ordinance contemplates the sale of approximately 5 acres of county property to the owner of Wilson Tractor, a business located on Wilson Road in Newberry. The property involved is situated directly across Wilson Road from Wilson Tractor and is a *portion* of Tax Map Parcel 399-39. The negotiated selling price for the property is \$20,000. The two parts of the property to be conveyed are intervened by a small roadside park which we believe was built by the Civilian Conservation Corps, giving it some historical significance. The County would retain this portion of Tax Map Parcel 399-39, i.e., it would not be conveyed as part of the proposed transaction.

Another consideration was/is that the prospective buyers will allow the County to option property under the buyers' ownership for potential industrial use. This property (approximately 192.45 acres) is comprised of Tax Map Parcels 345-14 and 345-3 and located along the Hwy. 34 bypass. The sellers have agreed to terms of a five-year lease concerning this property. In the coming weeks, the County expects to begin due diligence testing to determine whether a long-term (five-year) option to purchase the property is advisable to continue.

B. Second Reading

Motion by Dr. Rucker; second by Mr Scurry. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

7. Consideration to approve the low bid from Hamm Hardware to provide custom structural Firefighting Gear. (Unit Price \$1,476.60; Total Price of \$36,915) - Tommy Long, Public Safety Director.

This purchase pertains to protective bunker gear (pants and coats) used in structural firefighting. Funding is included in the capital outlay budget for the Board of Rural Fire Control (\$60,000 total for the current fiscal year). The Board has agreed to this use of the funding. The total price includes sales tax and is sufficient to purchase 25 sets.

Motion by Mr Reeder to approve the low bid from Hamm Hardware in the amount of \$36,915; second by Dr. Rucker.

Mr. Koon recused himself from voting as the owners of Hamm Hardware are his cousins.

There being no discussion, Mr. Livingston called for the vote. Vote was unanimous with the exclusion of Mr. Koon who recused himself.

8. Consideration to approve the bid of \$23,600 from Satterfield Construction for repairs to Glade Springs Road - Mike Pisano, Public Works Director.

This expenditure pertains to the Mountainview Estates Special Tax District. Specifically, the first section of Glade Springs Road, which connects to Coley Todd Road, is quite steep. As was part of the original planning for this special tax district, the paved apron would be extended on this unpaved road in order to help private vehicles and school buses gain traction up the hill and onto Coley Todd Road. There was only one bid for this work, which was advertised.

Motion by Mr. Stockman to approve the bid of \$23,600 from Satterfield Construction; second by Mr. Koon. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. Appointments

No appointments.

10. Committee Reports

a. Personnel & Intergovernmental Relations 9/14/20 - Katherine Cook, Human Resources Director.

Mr. Adams reported the Committee met on Monday, September 14, and considered two items of business, both of which the members present agreed to forward to full Council for final consideration: 1) an employee handbook policy concerning the possession of firearms in County-owned facilities and vehicles; 2) the transfer of certain County-owned property located next to the railroad tracks in Prosperity to the Town of Prosperity. Both items will appear on the October 7 agenda.

11. Executive Session (if needed)

No Executive Session needed.

12. Public Comments

No public comments, however, Mike Pisano, Public Works Director, reported on Charlie Freeway as to the preliminary cost estimates. This is a dirt road with no drainage and no aggregate. Estimated costs for engineering is \$21,000 and estimated costs for construction is \$23,000. If this is amortized over 7 years, it averages \$600 per year.

The engineering is necessary in order to prevent water ending up on somebody's property and to ensure the rain water stays off the road.

This matter will be discussed at the next Public Works and Planning Committee meeting.

13. Comments/Requests from the County Administrator

No comments.

14. Comments/Requests from Council Members

Mr. Reeder requested prayers for the families of Zebbie Goudelock and Dave Waldrop.

Mr. Koon requested prayers for the family of James R. Murray, a former employee of the Sheriff's Office.

15. Future Meetings

- a. Economic Development, 9/28/20 at 7:00 p.m.**
- b. Public Safety and Courts Committee, 10/5/20 at 5:00 p.m.**
- c. County Council, 10/7/20 at 7:00 p.m.**

16. Adjournment

There being no further business, Mr. Reeder moved to adjourn.

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

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

APPROVED: _____