

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 19, 2020**

Newberry County Council met on Wednesday, February 19, 2020, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., for a regular scheduled meeting.

The meeting was duly advertised, as required by law.

PRESENT: Henry H. Livingston, Chairman
Kirksey Koon, Vice Chairman
Steve Stockman, Council Member
Scott Cain, Council Member
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, III, County Attorney
Susan C. Fellers, Clerk to Council
Debbie Cromer, Finance Director
Crystal Waldrop, Purchasing Director
Karen Brehmer, Deputy Administrator

ABSENT: Johnny Mack Scurry (County related meeting in Columbia)

MEDIA: Andrew Wigger, Newberry Observer

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

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

Mr. Livingston welcomed everyone to the meeting and advised that Mr. Surry was absent because of attendance at a county related meeting in Columbia.

1. Adoption of Consent Agenda.

Motion by Mr. Cain to adopt the Consent agenda consisting of minutes of the January 15, 2020 Council meeting; second by Mr. Reeder. Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda.

There being no additions or deletions to the Agenda, Mr. Cain moved to adopt the Agenda as presented; second by Mr. Reeder. Vote was unanimous.

3. Employee Service Awards.

Mr. Livingston presented service awards to the following county employees:

Katrina L. Bouknight, Animal Control - 5 years
Travis Reeder, County Council - 5 years
Arvid D. Lominick, Jr., Sheriff's Office - 10 years
Bridgett Fain, Planning and Zoning - 15 years
Nora R. Sanders, Auditor's Office - 15 years

4. Public Appearance.

David M. Stumbo, Solicitor, requested an additional \$62,000 in his budget for fiscal year 2020-2021. These funds would enable him to hire an investigator for the Solicitor's Office. Right now he uses the investigator from Laurens County.

Mr. Koon asked how many backlog cases Newberry County has. Mr. Stumbo said that Newberry has the smallest backlog, and his office can usually get through them within a year. Right now there are 400 open warrants.

5. Ordinance #01-01-20: An Ordinance to create the Mountain View Subdivision.

A. Public Hearing

Motion by Mr. Cain to hold the public hearing; second by Mr. Stockman. Vote was unanimous.

Mr. Livingston declared this to be the public hearing. There being no comments, Mr. Livingston declared the public hearing closed.

B. Third Reading

On December 17, 2019, by a margin of 16-2, voters residing in the Mountain View Estates Subdivision approved the creation of a special tax district for the purpose of maintaining the unpaved roadways located within their subdivision. The approved referendum calls for a not-to-exceed \$150 annual uniform service charge on each land parcel, the proceeds of which will offset the County's cost to provide the road maintenance fee. Code Section 4-9-30(5) of the South Carolina Code of Laws requires the adoption of an ordinance by County Council in order to create a special tax district.

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

6. Ordinance #01-03-20: An Ordinance authorizing the execution and delivery of an agreement providing a grant to Project Shot; and other related matters.

A. Public Hearing

Motion by Mr. Reeder to hold public hearing; second by Mr. Stockman. Vote was unanimous.

Mr. Livingston declared the public hearing open. There being no comments, Mr. Livingston declared the public hearing closed.

This Ordinance provides for a \$25,000 grant from Newberry County to a small Samsung supplier whose investment is not large enough to qualify for a Fee-in-Lieu of Taxes.

B. Third Reading

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

7. Ordinance #02-13-20: An Ordinance to amend the Budget Ordinance for the FY 2019-2020 fiscal year (Ordinance #04-04-2019) to provide for revised revenues and appropriations. (Title Only)

A. First Reading

This Ordinance will reconcile actual expenditures and revenues with those originally included in the FY 19-20 budget, in advance of the fiscal year's end. Revenues will reflect updated estimates based on actual receipts. Expenditure items to be amended will include salaries for law enforcement officers and expenditures for economic development.

Motion by Dr. Rucker for first reading; second by Mr. Reeder (second was not recognized by the Chairman).

Mr. Cain said he could not vote on this without the numbers and that a lot of time and effort was spent convincing people the budget was not excessive. Now Council is being asked to vote by title only with no actual numbers.

Mr. Cain moved to postpone first reading until actual numbers were provided to Council.

Dr. Rucker said under Robert's Rules of Order there was a motion and second already on the floor to adopt first reading, which the Chairman did not recognize. In order to undo that, there would have to be a second motion to undo it. Mr. Livingston stated he did not hear a second to the motion.

Mr. Stockman agreed that unless there was a rush for this to happen tonight, he would like to see the numbers.

Mr. Reeder advised that salaries for law enforcement were discussed by Council during consideration of the FY 19-20 budget. Mr. Cain denied it had been discussed in public. Mr. Reeder said Mr. Cain must have missed the meeting at which that was discussed.

Dr. Rucker called for the question.

Mr. Koon said there is still plenty of time to get the numbers.

Mr. Adams said actual numbers can be given for the law enforcement salaries but not in Economic Development. The reason for this ordinance at this time is it gets confusing when Council is amending the FY 19-20 budget and also discussing and voting on the FY 20-21 budget.

Mr. Stockman asked if the numbers would be available at the next meeting, and Mr. Adams said if they were not available, second reading would be delayed.

Mr. Livingston said Dr. Rucker had called for the question. Voting to approve first reading: Council Members Livingston, Koon, Stockman, Reeder and Rucker. Voting against first reading: Council Member Cain. Motion for first reading passed by majority vote.

8. Consideration to approve the bid amount of \$35,790 from Sun Coast Contractors for the Animal Shelter Storage Building - Crystal Waldrop, Purchasing Director.

Mrs. Waldrop advised that Council budgeted \$62,500 for this purpose. On February 4, 2020, the following bids were received:

Sun Coast Contractors - \$35,790
RNF Construction - \$52,247
Solid Structures - \$54,252
The Palmetto Group - \$54,540

Staff recommends approval of the Sun Coast Contractors bid in the amount of \$35,790.

Mr. Koon asked where the building would be located.

Ervin West said this would be a pole frame, 25x40 enclosed; metal side, metal roof, insulated. This building will provide storage for food for the animals. It will have a roll up door, slab on grade. There is a 20 year warranty on the metal and a 1 year warranty on the insulation. There will be minimal heat, ventilation and light.

Motion by Mr. Reeder to accept the Sun Coast Contractors bid in the amount of \$35,790; second by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. Consideration to approve expenditures for the Old Jolly Street Bridge - Mike Pisano, Public Works Director.

Mr. Pisano advised that on November 26, 2019 the County received bids to replace the Old Jolly Street Bridge, which has been out of service since the flood in 2015. The low bid for the bridge replacement is \$469,291. The budget for this project is \$318,102, leaving \$151,189 short of the required amount. The revenues in the original budget are as follows:

FEMA - \$210,025
State - \$70,000
County - \$38,077

In order to move forward with the low bid to replace this bridge, the County would have to appropriate additional funding in the amount of \$151,189.

Mr. Pisano advised no action was taken at the last Public Works and Planning Committee on this matter.

Stan Shealy, 4241 Old Jolly Street Road, Prosperity, talked about closing the road and making a turn around. He will work with the County on that but would like for other people living on the road to have a chance to express their opinions.

Mr. Pisano said Mr. Shealy doesn't want to be the one responsible for the road closure. The road has been closed since 2015, and he has not received a lot of complaints since then.

Springhill Drive, located off Highway 176, had 72 inch pipes washed out as a result of the flood. They were replaced last year but if there is a failure on Springhill Drive, residents are cut off. There are 15 structures and 16 parcels on that road.

Mr. Koon said 90% of the FEMA grant would be retained.

Mr. Livingston felt that this should be delayed until the other people on Old Jolly Street Road are contacted.

Mr. Adams stated there is an urgency on Springhill Drive. If something happens, the residents on that road would be stranded.

Mr. Shealy said this issue needs to be resolved. Mr. Adams stated that Council cannot come up with \$150,000 more on a road that has been out for 5 years with no complaints. Mr. Shealy said he had heard complaints.

Mr. Pisano said he could do a turn around, and the road would be maintained by the County on both sides.

Mr. Shealy said Council needed to obtain permission from the other residents to close the road. Mr. Pisano advised there was a procedure to do that.

Mr. Koon said the road and bridge were in his district. The bridge has been out for 5 years, and he has not received the first complaint. He asked Mr. Shealy how many people had complained to him. Mr. Shealy indicated 4 or 5 families on the 219 side. There are people who go to Prosperity to get medicine, and they have to go around the long way to get there. Mr. Koon said it was about the same distance.

Mr. Koon asked if the FEMA funding was available to repair Springhill. Mr. Pisano said there had been no declaration but he was meeting with people on site tomorrow.

Motion by Mr. Koon that the funding for Old Jolly Street Bridge be used to make repairs on Springhill Drive; second by Mr. Stockman. There being no discussion, Mr Livingston called for the vote. Vote was unanimous.

10.Appointments.

No appointments.

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

Jeffrey and Samantha Cox requested an extension to file for the 4% assessment. Due to several moves, they did not receive their mail in a timely manner and missed the deadline to file for the 4%. Council requested that they put their request in writing and submit it to the County Administrator for placement on the next Council agenda.

12. Executive Session (if needed)

Not needed.

13. Comments/Requests from County Administrator

There will be a meeting of the developer and residents in the Plantation Point area in Council Chambers on Saturday, February 22, at 10:00 am. It is possible there could be a quorum of Council Members but no official action will be taken by Council. They were invited to attend this meeting.

14. Comments/Request from Council Members

Mr. Reeder advised everyone is invited to Newberry Elementary for a breakfast on February 22. There is a spaghetti dinner Saturday at the Catholic Church and the public is invited.

15. Future Meetings.

- A. Public Safety & Courts, 02-24-2020 at 5:00 p.m.
- B. Economic Development, 03-02-2020 at 7:00 p.m.
- C. County Council, 03-04-2020 at 7:00 p.m. at Piedmont Technical College in the auditorium rooms.

16. Adjournment.

There being no further business, Mr. Stockman moved to adjourn; second by Mr. Reeder. Mr. Livingston declared the meeting adjourned at 8:15 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

APPROVED: _____