



**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 21, 2015**

Newberry County Council met on Wednesday, January 21, 2015, 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
 Bill Waldrop, Councilman
 Leslie (Les) Hipp, Councilman
 Steve Stockman, Councilman
 Scott Cain, Councilman
 Travis Reeder, Councilman
 Wayne Adams, County Administrator
 A.J. Tothacer, County Attorney
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

MEDIA: **Andrew Wigger, Newberry Observer**
 Samie Truong, WKDK

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Mr. Adams led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Mr. Hipp motioned to adopt the consent agenda; seconded by Mr. Cain. The vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Mr. Adams reported that staff would like to add an Executive Session under Section 30-4-70(a)(2) for discussion concerning the settlement of legal claims and under Section 30-4-70(a)(5) for discussion of matters relating to the proposed location of industry.

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

3. *Personal Appearances*

a. David Enzastiga, Rich and Enzastiga – Financial Audit FY13/14

Mr. Enzastiga reported that Newberry County was issued an unqualified opinion; the best opinion they can give. He distributed each Council member a copy of the audit report and briefly highlighted the major points contained therein. A copy of the FY13/14 Financial Audit will be made available for viewing on the county's website.

Chairman Livingston thanked the Finance Department, Auditor, County Administrator and others for working diligently on this and stated he was proud of the quality of people we have on our administrative team.

4. *Consideration of Proposed Change Orders to Lynches Woods Bridges Repair Project*

Mr. West reported that staff has a request for two change orders from the Lynches Woods Committee pertaining to the construction of the new bridges. The first proposed change order is to install cedar post and railing above the block wall to increase the overall height to about 4'2". He said the cost for this change order is \$7,605.00 for the four bridges under construction now. Change order #2 would revise the type of stone that will be applied to the structural part of the retaining wall. The contract drawings call for a veneer type stone and the Lynches Woods Committee has requested a dry-stacked Tennessee field stone. He said the additional cost on this change order is \$45,162.00 for four bridges. The Tennessee field stone cost more than the veneer stone and labor cost for the dry stack method is about double.

Chairman Livingston stated that he would give those citizens who had signed up to speak on this matter the opportunity before any voting by Council and invited Mrs. Laura Dukes to the podium.

Mrs. Dukes introduced herself as a Landscape Architect in the county. She said she was the guilty party who brought the rock to the county's attention. She commended Council for considering changing the rock style and method of laying it and noted that to accept the two change orders would definitely be a step in the right direction. Should Council decide not to accept the rock change order, she would recommend leaving the concrete masonry block exposed until the county can afford to do the right thing.

Chairman Livingston invited Dr. Charles Horne to the podium.

Dr. Horne introduced himself as a Biology Professor at Newberry College and said he has been on the Lynches Woods Advisory Board for several years. He said the advisory board has been

working the past several years on safety and trying to keep the historic component at Lynchess Woods. He felt the veneer stone would be more susceptible to weathering and Ms. Dukes has more experience with rocks that will be more resistant to break down over time. He said the base work on the bridges are of good quality and looks as if it will last a long time and we would like the stones to do the same thing.

Chairman Livingston invited Mr. John Sukovich to the podium.

Mr. Sukovich introduced himself as a retired college professor and said he has lived in Newberry County since 1976 and resides at 606 Morningside Drive.

He said he and his wife have ridden horses in Lynchess Woods several times a week for all these years year round. He said they love the place and it is special.

He would like to see that it continues to be appreciated and remain a jewel in Newberry County. He felt the railings and newly constructed bridges will keep people safe and said it is not going to be cheap to make these renovations and repairs. He questioned whether it would be cheaper to spend the money now or face a multi-million dollar lawsuit due to negligence if these safety issues are not corrected. He would like to see the rock facing to last as long as the previous construction that had been there since the 1930's.

Mr. Gordon Johnson stood and stated that he was 100% in favor of the railing for safety but asked if the change order for the stone was for reinforcement of the structure or for aesthetics purposes.

Mr. West responded that in his opinion the stone does not have anything to do with the structural integrity. The old bridges were torn out and the new bridges constructed with reinforced concrete footings, state of the art aluminum culverts which were backfilled with granular material. The headwalls are solid filled concrete blocks that are reinforced and tied into the footings. What we are talking about is the stone that will be applied to the structural part. He said in his opinion, neither the veneer stone nor the Tennessee field stone will add any structural strength to the headwalls.

Mr. Cain shared his concerns about the addition of \$53,000 to this project halfway through the process. He commented that the bridges are structurally sound and all we are talking about now is the façade and railing for additional height.

There was discussion about re-bidding the stone work and Mr. Cain asked how much this would decrease the contractor's contract.

Mr. West responded that it would be reduced \$15,678.00.

Mr. Cain inquired if the 15,678 was added in to the \$45,000.00

Mr. West said that the stacked stone was originally \$60,000.00 and the original veneer was \$15,000.00. He said whatever the new bid would be we could bank the \$15,000.00 and put towards it.

Mr. Hipp asked Mr. West if the contract was written to allow us the option to remove items without reducing the costs and if so the contractor is not obligated to give us \$15,000.00.

Mr. West commented that he would have to defer that to Mr. Tothacer to read the fine print.

Mr. Hipp indicated that Council wanted the bridge walls to have a good appearance and the stone veneer in the specs would be historically correct and noted that the existing bridges do not have all dry-stacked construction. He said his concern is that we have nine (9) bridges and we are just now working on four (4) of them. That would be \$90,000.00 for the dry stacked process. Mr. Hipp said he appreciated the work of the Lynches Woods Committee; they have done an excellent job and we could not have done it without them. He felt the railing could be brought up to a 4 feet height for safety purpose for \$7,000.00; however, he felt the veneer stone in the original contract for \$15,000.00 is close enough to what was originally there and that we ought to proceed with that.

Mrs. Dukes stood at her seat and made additional comments which were inaudible on the recorder.

Mr. Hipp commented that the committee's input was appreciated because they raised the curb height to the attention . Bringing it up three feet and adding the additional height with the railings only further enhances the safety for walkers or horseback riders.

Mrs. Dukes made further comments that were inaudible on the recorder.

Chairman Livingston asked where the \$140,000.00 in the Lynches Woods account came from that is being used on this project.

Mr. Gordon Johnson spoke in reference to this question but his comments were inaudible on the recorder.

Chairman Livingston responded that he recalled where the money came from and there has been opposition to going in and disturbing anything or harvesting timber. He said that Mrs. Dukes' point is valid about not doing anything until it can be done right; however, there should be some sustainability of the property. If you look at good forestry management, we are not doing a good job with this piece of property and he felt we could selectively market some timber and protect the pristine value and plant species within.

Chairman Livingston commented that as a steward of taxpayer dollars, there are projects that weigh heavier than the aesthetics of the headwalls such as safety issues in the park.

Mr. Sukovich stood and commented from the floor; however, they were inaudible on the recorder.

Mr. Koon inquired about the looks of the stone that was removed versus the Tennessee field stone and if it looked the same.

Mr. West stated that there is no conformity with the current stone; each wall is made of a little different stone. It was just mortared in placed one stone on top of the other. He said a lot of the walls have fallen over and needs to be addressed. In several cases, those fallen walls are blocking the natural flow of water getting into the existing culvert causing low cuts and undercutting the road. There are other maintenance that needs to be done to the existing headwalls that we have now that do not need to be neglected.

Mr. Koon asked if the addition of railing was a safety issue or just for looks.

Mr. West responded that to get it higher is always a good thing. We are at 32 inches now and another foot will be good.

Mr. Waldrop shared his concerns about the railing rotting and should be careful about using cedar.

Mr. West said he has spoken with a local vendor and he supply us with up to a 24 feet one length piece.

Chairman Livingston wanted people to understand that we are not just discussing four bridges but there are five more to do which will total up to \$117,000.00 in additional costs. The cedar railing itself will be \$17,111.00 for all nine bridges.

There was discussion among Council and the public about safety guidelines for the height of the headwalls and adherence to OSHA, ADA, and DOT standards. Some of these standard do not come into play with this project but Mrs. Dukes said the SCDOT guidelines are the closest that we should follow.

Mr. West said this is a unique situation in deciding which code governs it; he would recommend going with DOT standards as Mrs. Dukes suggested.

Mr. Hipp referred back to the two change orders and commented that 42 inches is a reasonable for safety and \$7,000.00 for the total cost of this project is not a significant increase for what could be gained in safety. The maintenance of this railing could be done by our Public Works personnel. He said the second change order is of some concern to him. We would be looking at \$90,000.00 for all the bridges and whatever we do we need to do throughout the park. It will be hard to do something less on the remaining bridges than we do on the first four. We need to do the same throughout the park so there is some consistency in how it looks. He further stated that he was not in favor of leaving exposed cement block. He felt it would be difficult to revisit project and allocate funding for finishing the stone work later. He said his recommendation would be to go with the original rock veneer.

Mr. Hipp motioned to approve change order #1 to install cedar railing to the four bridges in the amount of \$7,605.00; seconded by Mr. Cain.

Chairman Livingston wanted to elaborate on the issue of safety. He said the last time he rode through Lynches Woods there were a lot of fallen trees. It happened in Irmo where a limb fell on

a child. With all the activity in the park from horse back riders, hikers, bikers, the potential for a tree falling is greater when we do not manage the forest any better than we are doing. Would the committee like to study the possibility of thinning or finding a way for the trees to be managed better for safety purposes and use that money to bring this project to standard to which they want as another option?

Mr. Hipp respectfully addressed the Chairman and noted that there is a motion and a second on the floor to approve the railings and what he is proposing is outside of anything here. Having the committee look into this is a good thing in the long term but we have a park that we need to get back open.

Without further discussion, the vote to approve \$7,605 for cedar railings for four bridges in Lynches Woods was unanimous.

Chairman Livingston thanked all those who came and spoke on behalf of Lynches Woods and stated that the park is an extremely valuable asset to this county.

Mr. Koon recommended tabling change order #2 until we could have Mr. West do a little more study of the difference between the Tennessee field stone and the veneer finish.

Mr. West said there were several things to look at. One being to look at the contract to see if we would get the full deduct back and we can research the veneer and the Tennessee stone. He said another option would be to re-bid the stacked stone out to see how it comes out. The price right now to do the Tennessee stone is \$60,000.00 not \$45,000.00; the \$45,000.00 is with the deduct from the contract.

Mr. Hipp commented that even if we selected today to go with Tennessee field stone we are looking at 10 weeks and there are a lot of people anxious for Lynches Woods to reopen. Whatever we do, we need to do on an expedited basis. He felt going out for bids is not going to be in our best time interest.

Mr. Cain stated that technically both of these are veneers; one is a dry stack and one is a mortar stack; our structural wall is already there.

There was discussion among Council about the look of the proposed veneer. Mr. Adams reported that the veneer will be flat; however, the contractor said there are several dozen varieties of stone that can be used within the original spec price. He said he felt the committee's issue was with the coloring of the stone.

Dr. Horne responded that it was the chemical composition of the stone that was the committee's concern. The veneer is subject to weathering and the original stone out there now is either granite or quartz which is very resilient.

Mr. Adams and Mr. West concurred that at first the committee did not like the color and they did not like the width of the mortar joints.

Mr. Sukovich and Mrs. Dukes commented that the mock up was constructed with shoddy workmanship and insufficient.

Mr. Hipp stated that following the mock up, Council had discussed reducing the mortar joints in the specs to reduce the freeze/thaw cycle that has been mentioned. He said the difficult decision for Council is do we pay this much in addition to what we have that is beyond the budget for the project.

Mr. Hipp shared his concerns that he did not want the committee to think that their effort has not been appreciated if Council does not accept everything that the committee has proposed.

Mr. Waldrop commented that he wanted to make sure the structural block was sufficiently reinforced with rebar to prevent washing in the future.

Mr. Stockman commented that he felt a lot of this is about aesthetics and he was not sure about how much safety will be provided by raising the wall. He said there is a lot of other work to be done in the park and he did see spending this much money at this time.

Mr. Stockman motioned that we proceed with the rest of the project as originally presented; seconded by Mr. Waldrop. The vote passed by vote of 4-2-1; with Mr. Koon and Mr. Cain opposed and Mr. Hipp abstaining from the vote.

5. Consideration of Central SC Alliance 3rd Quarter Invoice in the amount of \$18,000.00.

Mr. Hipp motioned to approve 3rd Quarter Invoice; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Koon stated that he has voted against this the last two times and will vote against it this time because he feels we have not received a fair return on our investment.

Having received no further discussion, the vote to approve Central SC Alliance 3rd Quarter Invoice in the amount of \$18,000.00 was approved by vote of 5-2; with Mr. Koon and Mr. Reeder opposed.

6. Consideration of Fire and Rescue Automatic Aid Agreement between Newberry County and Greenwood County.

Mr. Adams reported that this is a standard Mutual Aid Agreement and Greenwood County Council has asked that Newberry County Council express its opinion before they take it up.

Mr. Koon motioned to approve the agreement; seconded by Mr. Waldrop. The vote was unanimous.

7. Committee Reports

a. Public Safety and Courts Committee - 1/12/15

Mr. Tommy Long, Emergency Services Coordinator, reported that the Public Safety and Courts Committee met on January 12, 2015 and there were five (5) items on the agenda. The first two were discussions from the Sheriff's Office regarding additional security requirements that may cause some additional funding and health services at the jail. The committee was updated on some grants; one from DHEC in the amount of \$46,114.00 to update radios for EMS service and three (3) forestry grants (50/50 match) for fire departments in the amount of \$6,146.00. Mr. Long gave the committee and ISO rating update and reported that Friendly Fire Department just received its ISO rating which went from 1 7-10 rating to a 5-10 rating. He said they are in the process of evaluating four (4) other stations now. The final item was a presentation and briefing from the newly establish fire/rescue committee establish to research the possibility of having paid fire members.

b. Finance Committee - 1/1/5/15

Chairman Livingston reported that the committee heard from Mr. David Enzastiga on the audit which he presented tonight.

8. Appointments

No appointments

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

Chairman Livingston granted those who signed up the opportunity to comment along with the discussion of agenda item #4.

10. Executive Session

Mr. Adams reported that staff would like an Executive Session under Section 30-4-70(a)(2) for discussion concerning the settlement of legal claims and under Section 30-4-70(a)(5) for discussion of matters relating to the proposed location of industry.

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

Executive Session [8:25 p.m. – 9:25 p.m.]

Mr. Tothacer reported that Council went into Executive Session to discuss a legal matter and the proposed location of industry and no action was taken in that session.

11. Comments/Request from County Administrator

No comments.

12. *Comments/Requests from Council Members*

No comments.

13. *Future Meetings*

- a. County Council 2/4/15 @ 7:00 p.m.
- b. Economic Development Committee 2/9/15 @ 6:00 p.m.
- c. County Council 2/18/15 @ 7:00 p.m.
- d. Personnel and Intergovernmental Relations 2/23/15 @ 6:00 p.m.

14. *Adjournment*

Chairman Livingston declared the meeting adjourned at 9:27 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council