



**NEWBERRY COUNTY COUNCIL
MINUTES
OCTOBER 7, 2015**

Newberry County Council met on Wednesday, October 7, 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
 Scott Cain, Councilman
 Travis Reeder, Councilman
 Wayne Adams, County Administrator
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

ABSENT: **Steve Stockman, Councilman**

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

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Travis Reeder 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. Koon recommended separating the vote on Agenda Item #14; a vote for elected officials and a vote for appointed officials because two of the appointed officials are related to him.

Chairman Livingston proposed amending the agenda separating Agenda Item 14 to 14(a) for elected officials and 14(b) for appointed officials and asked for a motion.

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

3. *Ordinance #08-14-15: An Ordinance to provide for the determination of salaries for county elected officials other than members of county council, subsequent to elections, appointments, and special elections pertaining to such offices, and to provide for the regular review of salaries for such offices*

Mr. Adams reported that this ordinance establishes maximum salaries for the six county-wide elected officials; Auditor, Clerk of Court, Coroner, Probate Judge, Sheriff, and Treasurer and provides that those salaries will be reviewed for increases every four years following the election of those offices.

Mr. Cain motioned to approve first reading of Ordinance #08-14-15; seconded by Mr. Reeder. The vote was unanimous.

4. *Ordinance #08-15-15: An Ordinance to provide for the progression of salaries for county elected officials other than members of county council, subsequent to elections, appointments, and special elections pertaining to such offices.*

Mr. Adams reported that this ordinance works with Ordinance #08-14-15 and provides for reduced salaries for newly elected officials at 80% of the maximum and would receive an additional 5% for each successive term thereafter toward the maximum. The filing fees for the offices would be based on 80% of the maximum salary going forward.

Mr. Waldrop motioned to approve first reading of Ordinance #08-15-15; seconded by Mr. Cain. The vote was unanimous.

5. *Ordinance #10-16-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a five and two hundredths (5.02) acres real estate parcel designated as TMS Parcel No. 633-3-1 from Single Family Residential (RS1) to Rural (R2).*

Mrs. Peters reported that this parcel and the following five are almost identical in size (approx. 5 acres) and located on Wicker Road just west of Highway 773. She identified the parcels on a map for members of Council and stated that the requests come from the developer whose desire is for the property to be rezoned R2 to allow for the use of horses.

Mr. Cain motioned to approve first reading of Ordinance #10-16-15; seconded by Mr. Waldrop. The vote was unanimous.

6. ***Ordinance #10-17-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a five and two hundredths (5.02) acres real estate parcel designated as TMS Parcel No. 633-3-2 from Single Family Residential (RS1) to Rural (R2).***

Mr. Cain motioned to approve first reading of Ordinance #10-17-15; seconded by Mr. Hipp. The vote was unanimous.

7. ***Ordinance #10-18-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a five and five hundredths (5.05) acres real estate parcel designated as TMS Parcel No. 633-3-3 from Single Family Residential (RS1) to Rural (R2).***

Mr. Hipp motioned to approve first reading of Ordinance #10-18-15; seconded by Mr. Cain. The vote was unanimous.

8. ***Ordinance #10-19-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a five and one hundredths (5.01) acres real estate parcel designated as TMS Parcel No. 633-3-4 from Single Family Residential (RS1) to Rural (R2).***

Mr. Hipp motioned to approve first reading of Ordinance #10-19-15; seconded by Mr. Cain. The vote was unanimous.

9. ***Ordinance #10-20-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a five and five hundredths (5.05) acres real estate parcel designated as TMS Parcel No. 633-3-5 from Single Family Residential (RS1) to Rural (R2).***

Mr. Hipp motioned to approve first reading of Ordinance #10-20-15; seconded by Mr. Cain. The vote was unanimous.

- 10. Ordinance #10-21-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a five (5.00) acres real estate parcel designated as TMS Parcel No. 633-3-6 from Single Family Residential (RS1) to Rural (R2).**

Mr. Hipp motioned to approve first reading of Ordinance #10-21-15; seconded by Mr. Cain. The vote was unanimous.

- 11. Ordinance #10-22-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a two and fourteen hundredths (2.14) acres designated as TMS Parcel No. 472-46 from Rural (R2) to General Commercial (GC).**

Mrs. Peters identified the 2 acre parcel for members of Council on a map and noted that it is located off of US Hwy. 391. She said there was a doctor's office there and the owners are requesting that it be rezoned general commercial.

Mr. Hipp motioned to approve first reading of Ordinance #10-22-15; seconded by Mr. Cain. The vote was unanimous.

- 12. Resolution #17-15: A Resolution to ratify and approve Mutual Aid Agreements and/or other Inter-Jurisdictional Agreements entered into by the Newberry County Sheriff's Office.**

Mr. Koon motioned to approve Resolution #17-15; seconded by Mr. Waldrop. The vote was unanimous.

- 13. Resolution #18-15: A Resolution to approve a Memorandum of Understanding between the South Carolina Department of Social Services Division of Investigation and State Law Enforcement Bureau and the Newberry County Sheriff's Office.**

Mr. Adams reported that this resolution will allow the Sheriff's Office to investigate fraud in the EBT and SNAP Public Assistance Programs.

Mr. Koon motioned to approve Resolution #18-15; seconded by Mr. Cain. The vote was unanimous.

14. Consideration of 1% Salary Increase for Elected and Appointed Officials.

Mr. Adams reported that the Personnel and Intergovernmental Relations Committee met on September 14th and recommend that Council provide a 1% salary increase for all county-wide Elected and Appointed Officials and that the increase be retroactive. He said funding for this purpose is budgeted.

Chairman Livingston noted that Council amended the agenda to separate these two and asked if there was a motion for 14(a) 1% increase for Elected Officials.

Mr. Koon motioned to approve 14(a); seconded by Mr. Reeder.

Chairman Livingston asked if there was any discussion.

Mr. Hipp stated that Council was made aware of salary comparisons between our elected official and elected officials of counties of like size and consequently our elected officials ranked higher. He said our elected officials and their staff do a great job but reviewing the current salary information, he cannot support the 1% salary increase. Mr. Hipp noted that the 1% budgeted was to be given to county employees making less than \$40,000.00 and he fully supports that as a cost of living. He shared that someone making less than \$40,000.00 has less disposable income when they have paid their mortgage, taxes and utilities; they have less money left over for quality of life. Someone on the high end of a pay scale does not need as much of a cost of living increase because they already have more disposable income. He said Council discussed this in a work session and in committee and he did not think we should further create a gap between what our elected officials make and those in counties of like size; and in many cases in counties much larger than ours.

Mr. Waldrop commented that he has been on Council for almost 29 years and he remembers when salaries in our county were low including elected officials but now they are very high; especially the county-wide elected officials. He said he agreed with Mr. Hipp that these salaries are out of line for the size, population and growth in this county and he will not support it.

Mr. Koon said he was not in favor of the 1% and agreed with everything Mr. Hipp said until he found out that a mistake had been made. The mistake was that all other employees making above \$50,000.00 received the 1% and that elected and appointed officials were left out. He indicated his support of the 1% increase; to right a wrong because everybody should be treated equal. Mr. Koon said a cost of living increase has never been fair because if you make \$100,000.00 per year and get 1% increase you just got a \$1,000.00 raise. However, if you make \$30,000.00 and get a 1% increase you are only getting \$300.00 yet when both show up at the grocery store or the gas pump you pay the same thing. He said he will not vote for another one unless we pool the

money and divide it equally among all employees but he said it will only be \$5,700.00 to right this wrong tonight.

Chairman Livingston clarified that this was not the 1% we earmarked for employees making under \$40,000.00. It is still in the budget and to be used specifically for that purpose.

Chairman Livingston noted that the motion was for 14(a); a 1% increase for Elected Officials. He called for the question and the vote was 3-3; Koon, Livingston, Reeder in favor; Waldrop, Hipp, Cain opposed; Mr. Stockman was absent.

Mr. Hipp noted for clarification that this does not pass.

Chairman Livingston asked if there was a motion for 14(b); a 1% for Appointed Officials.

Mr. Waldrop motioned to approve 14(b) for Appointed Officials; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Koon recused himself from the vote because two Magistrates are related to him; Barry Koon, his cousin and Ron Halfacre, his brother-in-law. He stated for the record that he was in favor of the 1% increase but should not vote on it; it not only has to be right but has to look right.

Mr. Hipp commented that his position on this is different than that for Elected Officials because the comparative study for the appointed officials does not show the same discrepancy with other counties relative to our size. He said he does not have any objection to the 1% for appointed officials.

Having no further discussion, the vote to approve 14(b); a 1% for Appointed Officials passed by vote of 5-0; with Mr. Koon abstaining from the vote and Mr. Stockman absent.

15. Consideration of Purchasing Surplus Fire Truck in the amount of \$35,000.00.

Tommy Long, Emergency Services Coordinator, reported that the City of Newberry took a 1991 Fire Engine that holds 750 gallons out of service and offered it to the county at a discounted price of \$35,000.00. He said it is in really good condition and Chief Minick was here tonight if Council had any questions. Mr. Long said the county recently wrecked and totaled an ambulance and it is being replaced by one being taken out of EMS service. We will have \$26,000.00 coming from our insurance on the wrecked ambulance that we can

put towards this purchase. We plan to use this engine in the Bush River area to help increase our water supply.

Chairman Livingston noted that this would leave a \$9,000.00 deficit that will have to come from contingency. He felt we would be getting a known piece of equipment versus one off SC Govs and we will be better off working within our county.

Mr. Cain motioned to approve the purchase of fire truck in the amount of \$35,000.00; seconded by Mr. Hipp.

Chairman Livingston asked if there was any other discussion.

Mr. Waldrop mentioned that he had talked with Mr. Long at an earlier meeting and he said the county did not need any more pumpers and asked why we needed one now.

Mr. Long responded that we delayed our purchase of two new trucks because we are trying to fix our radio problems and we are also getting to the substations quicker than anticipated. He distributed a printout of all the trucks at each station throughout the county.

Mr. Cain mentioned that we did delay the purchase of two new trucks to purchase a simulcast radio system which will benefit the entire county. This is an opportunity for us to get a really good truck for \$9,000.00 that will last another 10 years; a great deal for the county.

Mr. Waldrop said this is a good price for a pumper and asked if it had been checked out thoroughly for leaks and pumping capacity.

Mr. Long stated that Mr. Minick has all the maintenance records and they are required to pump test these trucks at least once a year.

Chief Minick reported that the truck has been pump tested every year and the ladders are ground tested annual. This truck is coming with the hose on it and is ready to go.

After receiving no further discussion, the vote was unanimous to purchase the fire truck.

16. Consideration of Purchasing Additional Node and Back-Up Server in the amount of \$71,442.90.

Lieutenant Ben Chapman reported that they would like to purchase a new back up system for the dispatch center. This will add a server to the backup location allowing a seamless real-time back up center. The cost of the project is

\$71,442.90 with state reimbursement of \$57,157.22 and \$14,288.58 coming from 911 funds; no funding will come from budgeted funds or tax dollars.

Mr. Koon motioned to approve purchase of Additional Node and Back-Up Server in the amount of \$71,442.90; seconded by Mr. Waldrop. The vote was unanimous.

17. Consideration of Request for Proposals for Capital Project Sales Tax Consultant Services.

Mrs. Waldrop reported that staff received proposals on September 30th and the three firms that submitted were Alliance Consulting Engineers, Hybrid Engineering and KCI Technologies. The evaluation committee scored Alliance Consulting Engineers as the highest ranked firm and recommends them for this project.

Mr. Koon motioned to approve proposal from Alliance consulting Engineers; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Reeder asked for the scoring for each firm on each criterion.

Mrs. Waldrop supplied Council with the evaluation committee's scoring and ranking of each firm under the selected criteria.

Mr. Hipp mentioned that we might break out and hire a separate engineering firm that can provide expertise on certain aspects of the CPST projects; specifically the Detention Center. We may not be putting all of the projects under one of these firms.

Mr. Cain noted that he will be abstaining from the vote because his son was newly hired with KCI, one of the bidders. He pointed out that the top two firms both have experience and was ranked above average with only 14 points between the two. Paying 44% more for another firm is pretty steep.

Having received no further discussion, the motioned passed by vote of 4-1-1; with Reeder opposed and Cain abstaining.

18. Consideration of bid from Satterfield Construction Company in the amount of \$184,715.36 for Shelter Bay/Shelter Ridge Road Patching.

Mrs. Waldrop reported that staff received only one bid from Satterfield Construction on August 26, 2015 with funding for this project coming from the County Transportation Committee.

Mr. Waldrop motioned to approve bid in the amount of \$184,715.36; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop commented that Satterfield Construction always seemed to get the job and they also have a lot of jobs on state roads in the county. He inquired about when they were planning to pave this road.

Mrs. Waldrop responded that they were given a time limit; they have 45 days to start work on this project.

Mr. Waldrop shared his concerns about road paving when it gets cold.

Mr. Pisano responded that the temperature should be 45 degrees and higher. They have been able to pave through December with hot mix asphalt.

Having received no further discussion, the vote was unanimous to approve bid from Satterfield Construction in the amount of \$184,715.36

19. *Consideration of Request for Proposals for Debris Management and Removal Services.*

Mrs. Waldrop reported that staff received six proposals on August 27, 2015 and the evaluation committee ranked Southern Disaster Recovery as the highest ranked firm. This contract is a requirement of FEMA in order to receive an additional (2%) federal reimbursement for debris removal. The county will not utilize these services unless we have such an event.

Mr. Hipp motioned to approve proposal from Southern Disaster Recovery; seconded by Cain. The vote was unanimous.

20. *Appointments*

Chairman Livingston nominated Mr. Wesley Boland for reappointment to the Board of Rural Fire Control representing Pomaria; seconded by Mr. Waldrop. The vote was unanimous.

Chairman Livingston nominated Mr. Audrey Horne for reappointment to the Board of Rescue; seconded by Mr. Waldrop. The vote was unanimous.

21. *Committee Reports*

- a. Economic Development 09/28/15

Rick Farmer gave Council a detailed briefing on economic development activity, product development, grant opportunities, existing industry contact, collaborative meetings, marketing, website development, and the economic development specialist position.

Mr. Hipp commented that Mr. Farmer has been on board for a relatively short time and has done an outstanding job.

22. *Public Comments*

No comments.

23. *Executive Session (if needed)*

Mr. Hipp motioned to go into Executive Session for a personnel matter; seconded by Mr. Koon. The vote was unanimous.

Executive Session [8:10 p.m. – 8:25 p.m.]

Mr. Hipp motioned to return to Open Session; seconded by Mr. Koon. The vote was unanimous.

Mr. Adams reported that Council met in Executive Session and discussed authorizing the Administrator to make certain schedule changes for personnel in the Administrator's Office and no action was taken in that session.

Mr. Cain motioned to accept the recommendation as stated; seconded by Mr. Hipp. The vote was unanimous.

24. *Comments/Request from County Administrator*

Mr. Adams applauded and thanked our emergency services and law enforcement personnel, volunteers, State Guard and citizens for their support and cooperation during the flood emergency.

25. *Comments/Request from Council Members*

All members of Council thanked everyone involved on a local and state level for their aide during and after this emergency.

26. *Future Meetings*

- a. CPST Work Session 10/13/15 @ 7:00 p.m.
- b. Public Safety and Courts Committee 10/19/15 @ 7:00 p.m.
- c. County Council 10/21/15 @ 7:00 p.m.

27. *Adjournment*

Chairman Livingston declared the meeting adjourned at 7:14 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council