



**NEWBERRY COUNTY COUNCIL  
MINUTES  
DECEMBER 18, 2013**

Newberry County Council met on Wednesday, December 18, 2013, 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  
Steven C. Stockman, Councilman  
Scott Cain, Councilman  
A.J. Tothacer, County Attorney  
Laurie Renwick, Clerk to Council  
Debbie Cromer, Finance Director

**ABSENT:** Leslie (Les) Hipp, Councilman  
Wayne Adams, County Administrator

**PRESS:** Natalie Netzel, Newberry Observer

The meeting was duly advertised as required by law.

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

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

**1. Adoption of Consent Agenda**

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

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

Chairman Livingston presented Mr. Randy Epps, Sheriff's Office, his 5 year service award.

## 3. **Ordinance #12-25-13: An Ordinance to abolish the Recreation Commission as established by Ordinance No. 10-34-02 and to reinstate said commission with a change in the membership of the commission.**

Chairman Livingston stated that the passage of this ordinance will reestablish the Recreation Commission with a seven (7) member body instead of a fourteen (14) member body. It has been a number of years since this board has mustarded a quorum.

Mr. Cain motioned to approve first reading of Ordinance #12-25-13; seconded by Mr. Stockman. The vote was unanimous.

## 4. **Ordinance #12-26-13: An Ordinance repealing portions of Ordinance No. 122 and No. 06-11-01, relating to the creation of the Community Hall Commission and Fairgrounds Commission.**

Chairman Livingston stated that these Commissions suffer from a lack of purpose and neither body has meet in sometime. Administration handles all duties concerning these respective properties.

Mr. Cain motioned to approve first reading of Ordinance #12-26-13; seconded by Mr. Stockman. The vote was unanimous.

## 5. **Ordinance #12-27-13: 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 eleven and ninety-four hundredths (11.94) acres real estate parcel designated as TMS Parcel No. 225-3 from Rural (R2) to Light Industrial (LI).**

Chairman Livingston reported that this property is located across from Metal Masters and is between Jalapa Rd. and Hwy. 76. He said Metal Masters intends to use their current facility for storage and place a new facility on this rezoned property.

Mrs. Peters identified the parcel on a map for members of Council. She wanted to clarify that the initial plat was for 11.94 acres but they later found out that it did not include the easements for the roads so the true acreage for that parcel is 13.28 acres.

Mr. Cain motioned to approve first reading of Ordinance #12-27-13; seconded by Mr. Waldrop. The vote was unanimous.

**6. Ordinance #12-28-13: An Ordinance to provide for the issuance and sale of not exceeding nine hundred fifty thousand dollars (\$950,000) General Obligation Bonds of Newberry County, South Carolina, for the issuance of notes in anticipation of such bonds, to prescribe the purposes for which the proceeds of such obligations shall be expended, to provide for the payment thereof, and other matters relating thereto.**

Chairman Livingston reported that this ordinance provides for borrowing \$950,000.00 for use in conjunction with the construction of the new Sheriff's Office building which will replace the same amount of all cash budgeted for that project. This strategy in no way indicates a cash flow problem but will allow the county to extend the roadway in the Mid-Carolina Commerce Park across a creek to allow for a new power substation farther away from the entrance. This project was approved in the most recent CPST referendum with funding not available to the county until late 2016. The \$950,000.00 will be expended now in the form of cash to extend the roadway and be reimbursed to the county in 2016. Those proceeds would then be used to pay off the bonds associated with the Sheriff's Office building. The impact on the debt service levy until that time will be negligible and in no way will this affect the progress and completion of the new Sheriff's Office building.

Mr. Caldwell motioned to approve first reading of Ordinance #12-28-13; seconded by Mr. Cain. The vote was unanimous.

**7. Ordinance #12-29-13: An Ordinance to declare surplus and approve the sale and transfer of a portion of certain real estate property owned by Newberry County.**

Mr. Tothacer reported that County Council agreed in principle at the last meeting to sell the property to Mr. Tommy Amick. He has had a final survey done and instead of purchasing .55 acres at a price of \$19,250.00, his surveyor came off of that because of our fence. Second reading will actually read .54 acres in the amount of \$18,900.00. He wanted Council to be aware that there will be a slight change for second reading assuming you give first reading tonight.

Mr. Koon motioned to approve first reading of Ordinance #12-29-13; seconded by Mr. Cain. The vote was unanimous.

**8. Consideration of Fairgrounds for Agricultural Expo September 11-14, 2014.**

Chairman Livingston reported that Mr. Sligh called him regarding the use of the fairgrounds for the Ag Expo in 2014 at no charge. He said the event went off flawlessly this year with no problems and no alcohol.

Mr. Cain motioned to approve the use of the fairgrounds for the Ag Expo September 11-14, 2014; seconded by Mr. Koon. The vote was unanimous.

- 9. Consideration to surplus the following:**
- a. Hwy. 219 Bldg. Generator**
  - b. 2002 Ford Pickup (Animal Control) – VIN#1FTRF17W02KC70004**
  - c. 2002 Ford Pickup (Public Works) – VIN#1FTRF17W22KC70005**
  - d. 2002 Ford Pickup (Public Works) – VIN#1FTSW30L02EC57491**
  - e. 3Com NBX Phone System**
  - f. 1999 Dresser (Public Works)**

Mrs. Waldrop reported that the pickups for Animal Control and Public Works have been declared surplus by these departments and new vehicles have been purchased. They have been put out of commission and she would like to place them on GovDeals for sale. The 219 building generator is just sitting out there. Having talked with Tommy Long and Ervin West, an estimated cost of around \$66,000.00 has been given to move it to the EMS station in Whitmire. It has been stripped of wire and will cost another \$8,000.00 for us to crank it up to see if it even works. Mr. Long did not feel like it would be worth the cost to move it. It can be placed on GovDeals along with the phone system that has been replaced throughout county offices. There is also a dresser at Public Works that has been surplus by the department.

Mr. Cain commented that he would like to check out some other avenues for moving the generator if the issue is the cost. He would like Council to consider taking the generator off the surplus list. We might be able to find someone to donate some things to make it serviceable again.

Chairman Livingston asked how much a generator like this would cost us.

Mr. West said that this generator came from the hospital and it is probably oversized for anything we have use for. We thought we could use it in Whitmire for Rescue/EMS but it does not go outside like most of our other generators. It needs to be housed in a building and protected from the weather. Not only will you have to move it but pour a new slab and build a new building to cover it which will get into site prep, concrete, grading cost and a building. We bought the Sheriff's Office a 125 generator at a cost of \$57,000.00 along with the automatic transfer switch. The switch on the 219 generator is manual and has been damaged. Its approximate replacement cost is \$50,000.00.

Mr. Cain motioned to approve the surplus list with the exception of the Hwy. 219 building generator; seconded by Mr. Waldrop. The vote was unanimous.

**10. Consideration of bids for Clerk of Court's Temporary Storage.**

Mrs. Waldrop reported that they took bids to up-fit a portion of the strip mall at Newberry Square to house the Clerk of Court's records and books that are in the attic of the Courthouse. Cannon and Associates was the lowest bidder at \$26,610.00; they do meet the specs and staff would like to recommend them as the awarded contractor.

Mr. Cain motioned to approve awarding the contract to Cannon and Associates in the amount of \$26,610.00; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop commented that this is not a whole lot of money but in a way it is. His understanding is that we will eventually use this space for another purpose.

Mrs. Waldrop said there will be no carpet installed but storage racks will be installed for the books, the store front will be redone entirely, and the location will be made secure.

Mr. West elaborated on the chosen space and shared some additional specs of the work.

Having received no further discussion, the vote was unanimous to approve the low bid in the amount of \$26,610.00 from Cannon and Associates for Clerk of Court's temporary storage.

## **11. Appointments**

Mr. Koon nominated Mr. Dwight McDuffie for reappointment to the Joint Planning Commission; seconded by Mr. Cain. The vote was unanimous.

## **12. Committee Reports**

### **a. "Special Called" Personnel and Intergovernmental Relations Committee Meeting 12/09/13**

Mr. Stockman reported that this was a special called meeting to review several Council appointed Boards and Commissions. After a full discussion, the committee recommended several changes for Council's consideration. These recommendations were addressed earlier tonight through items #3 and #4 on the agenda.

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

No Comments.

## **14 Executive Session**

Mr. Tothacer reported that staff would like to request a brief Executive Session to address a legal matter.

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

***[EXECUTIVE SESSION 7:23 p.m. – 7:44 p.m.]***

Mr. Tothacer reported that Newberry County Council went into Executive Session to receive legal advice and no action was taken in that session.

## **15. Comments/Request from Council Members**

Mr. Cain wished everyone a Merry Christmas and Happy New Year.

Mr. Stockman and Mr. Waldrop dittoed Mr. Cain's comment.

Mr. Koon asked that all remember the passing of Mr. Earl Bergen tonight. He served on the House of Representatives and the Highway Commission and was a fine fellow.

Chairman Livingston stated that he would like to share a 2013 year end review. He said this is one of the most collegial Councils he has ever worked with. We have accomplished a lot this year and he is very proud of their accomplishments. To name a few; the mega-site, the new Animal Shelter and Public Works buildings are up and running, the Courthouse waterproofing, the new Sheriff's Office building, the Kiswire expansion, Newberry Square which houses Clemson Extension, Veterans Affairs, and Voter Registration, the J. Mitchell Graham Award and the Golden Palmetto Award. He said when you are working together and have a lot of community involvement it really pays a lot of dividends. He gave Mr. Adams and the team much credit to have accomplished so much at basically no additional cost to taxpayers.

## **12. Future Meetings**

- a. **NO COUNCIL MEETING ON 1/1/14**
- b. Finance Committee (Special Called) 1/6/14 @ 6:00 p.m.
- c. Public Safety and Courts Committee 1/13/14 @ 6:00 p.m.
- d. County Council 1/15/14 @ 7:00 p.m.

## **13. Adjournment**

Chairman Livingston declared the meeting adjourned at 7:46 p.m.

### **NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

**APPROVED:**

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