



**NEWBERRY COUNTY COUNCIL
MINUTES
DECEMBER 14, 2016**

Newberry County Council met on Wednesday, December 14, 2016, 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**
 Scott Cain, Vice Chairman
 Bill Waldrop, Councilman
 Leslie (Les) Hipp, Councilman
 Kirksey Koon, Councilman
 Steve Stockman, 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**

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Vice Chairman Cain led the invocation followed by the Pledge of Allegiance.

1. *Adoption of Consent Agenda*

Chairman Livingston stated that this item will be postponed until the next agenda.

2. *Additions, Deletions and Adoption of Agenda*

Vice Chairman Cain motioned to adopt the agenda as presented; second by Mr. Waldrop. The vote was unanimous.

3. ***Personal Appearances***

- a. David Enzastiga, Rich and Enzastiga – Financial Audit FY 15/16

Mr. Enzastiga presented all council members with a copy of the FY 15/16 Financial Audit. He reported on the county's financial statement findings and noted that the firm issued Newberry County an unqualified opinion. A copy of the financial audit is available for viewing on the county website.

Vice Chairman Cain motioned to adopt the audit as published; seconded by Mr. Waldrop. The vote was unanimous.

Chairman Livingston thanked everyone instrumental in making our budget look as good as it does.

4. ***Ordinance #12-18-16: 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 and further revised and amended by Zoning Ordinance No. 06-11-16 to be codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a four and nine hundredths (4.09) acres portion of a fifteen (15.0) acres real estate parcel designated as TMS Parcel No. 397-91 from General Commercial (GC) to Industrial (IND).***

Mr. Adams reported that this involves a rezoning request by Newberry Electric Cooperative to use 4.09 acres behind their building on Wilson Road for a solar farm. Both staff and the Zoning Commission recommended the rezoning and to date there has been no persons to speak against it.

Vice Chairman Cain motioned to approve first reading of Ordinance #12-18-16; seconded by Mr. Koon. The vote was unanimous.

5. ***Resolution #19-16: An Inducement Resolution providing for a Fee In Lieu Of Tax Agreement between Newberry County and Project Apollo II.***

Mr. Adams reported that an inducement resolution is required by statute for the purpose of putting people on notice that the county is negotiating incentives with an industrial development prospect.

Mr. Hipp motioned to approve Resolution #19-16; seconded by Mr. Reeder. The vote was unanimous.

6. ***Ordinance #12-19-16: An Ordinance authorizing the execution and delivery of a Fee In Lieu Of Ad Valorem Tax and Incentive Agreement by and between Newberry County, South Carolina, and [Project Apollo II], to provide for a Fee In Lieu Of Ad Valorem Taxes Incentive, the grant of infrastructure credits, the transfer of certain property, and other matters related thereto.***

Mr. Adams reported that this project will be called MM Technics and will create 65 jobs at an average wage of \$22/per hour. The project guarantees 12.6 million dollars in capital investment during the initial six years. MM Technics is a tier one BMW supplier that will be making stamped metal parts for the new BMW X-5. Mr. Adams gave an overview of the county's incentives and the importance of attracting jobs such as these that pay 25% more than the average manufacturing wage in Newberry County.

Mr. Hipp motioned to approve first reading of Ordinance #12-19-16; seconded by Mr. Stockman. The vote was unanimous.

7. ***Consideration of funding request from Chamber of Commerce in the amount of \$15,000.00.***

Mr. Adams reported that the Chamber made two requests totaling \$15,000.00 at the Finance Committee meeting on December 5th. One was for \$10,000.00 in support of an Ag Tour taking place in June of this year and \$5,000.00 for a new community leadership program. The committee recommended both requests.

Vice Chairman Cain motioned to approve \$15,000.00 for the Chamber of Commerce; seconded by Mr. Hipp.

Mrs. Michelle Long, Executive Director, was asked by Mr. Koon to explain the leadership program. She said the program will target new folks to the area or for those locals who are interested in learning about the inner workings of Newberry County; things like government, utilities, law enforcement, health care, recreation, history, etc. This will be a day long tuition offered course for 25 participants that will meet once a month for 10 months. This program's mission is to build up community leaders because we are not going to be around forever.

Having received no further discussion, the vote was unanimous to approve the Chamber funding request.

8. ***Consideration of salary recommendations for Elected Officials***

Mr. Adams reported that two committees have met and discussed this action that was triggered by an Ordinance involving the setting of maximum salaries for elected officials. He said it is his understanding there may be some move to delay this and he would let council decide.

Elected Official	Current Max	4.8% of Curr. Max	Equal Amt.	New Max.	% Incr.	New 80%
Auditor*	62,209.42	2,986.05	3,440.60	65,650.02	5.5%	52,520.02
Clerk of Court	79,812.37	3,830.99	3,440.60	83,252.97	4.3%	66,602.38
Coroner	45,000.00	2,160.00	3,440.60	48,440.60	7.6%	38,752.48
Probate Judge**	78,045.73	3,746.20	3,440.60	81,486.33	4.4%	65,189.06
Sheriff	104,270.60	5,004.99	3,440.60	107,711.20	3.3%	86,168.96
Treasurer*	60,736.87	2,915.37	3,440.60	64,177.47	5.7%	51,341.98
	430,074.99	20,643.60	20,643.60	450,718.59		

* Effective July 2017

**Effective January 2019

Mr. Hipp motioned to approve salary recommendations for elected officials; seconded by Mr. Stockman.

Mr. Koon expressed that he would like to table this and call for a work session with full council to hear from our elected officials or whoever may want to attend. He said he was not happy with some of the things in the ordinance.

Mr. Hipp commented that our elected officials are paid much higher than comparative positions throughout counties in our state of similar size and budget. One of our elected officials is the fifth highest paid for that position in the state and another is the 8th highest paid. He said this was not an issue with performance because our elected officials do an excellent job; however, this is just his opinion based on the job position. We have a lot of elderly taxpayers on fixed incomes that have gone without a cost of living increase and we are being asked to provide our current elected officials with a cost of living increase when they are paid substantially higher than any comparable county in the state. As Mr. Enzastiga pointed out earlier, Newberry County is in an excellent financial position and we can probably afford to give these raises; however, in his opinion, it is not the right thing to do. He said the state prohibits county councils' from reducing the salaries of officials who are in office. So if our county's financial position becomes less favorable, the raise can never be rescinded or the salary reduced. Mr. Hipp restated his position from last year and repeated that as he goes out of office his position has not changed; he felt this was not the correct thing to do.

Mr. Reeder said his position is totally different than Mr. Hipp's. He said peoples' standard of living is based on the salary they make so the cost of living should not have anything to do with the amount of money an individual makes. A cost of living increase is what you give someone each year based on the economy and if the economy is where a COLA can be given he felt it should be.

Mr. Cain said council reviewed this last year and decided not give elected official's a raise but as a result sat down and prepared two Ordinances which we approved to address elected officials' salaries, progression of salaries, and raises. He said the cost of living increase was presented to the Finance Committee and the Personnel and Intergovernmental Relations Committee and both made recommendations of approval. He said all this is just a process we are going through and does not change the Ordinances; we just need to vote on it.

Mr. Waldrop stated he has a problem approving the Coroner and Clerk of Court cost of living because these are newly elected positions.

Mr. Cain said the ordinances we approved states that the cost of living is to include everyone for the next four years; they cannot be penalized for being newly elected.

Mr. Waldrop responded that he is on the Finance Committee and the Coroner's salary was increased two years ago and asked if they should get a cost of living before they are even sworn in.

Mr. Adams explained that the cost of living is given to preserve the buying power of the maximum salaries so that it doesn't erode. The newly elected positions are only at 80% so it's not about the fact that they are new.

Mr. Waldrop said he felt they were already getting an increase without a cost of living too.

Mr. Adams stated that it is not that a certain person is getting a raise but the salary has gone up to preserve its buying power against inflation.

Chairman Livingston said he wanted to make sure we give the salary increases but wanted to make sure we were doing the right thing. It has been determined that 4.8% regardless of how you cut it is \$20,643.63 and if the COLA is evenly distributed and not based on salary, we are falsely distributing it out. The coroner would receive a 7.6 increase and the sheriff only 3.3 percent increase and this is the area that concerns him. If we adopted an ordinance that said the salary should be 80% of the max, distributing an equal cost of living bumps this to 87% of the max.

Mr. Stockman shared that he agrees with most of what Councilman Hipp has said and understands where Councilman Waldrop is coming from also with the Coroner's salary

being more than \$36,000.00 so with that said, he agrees with Mr. Koon in that we should table this and have a work session to work on this and get it right.

Mr. Hipp withdrew his motion; Mr. Stockman withdrew his second to approve recommendation to postpone for further analyzing.

Mr. Koon motioned to postpone and refer to work session to include elected officials; seconded by Mr. Stockman. The vote passed by vote of 6-1; Reeder opposed.

Chairman Livingston noted that whatever conclusion council makes will be retroactive to January 1st as to not penalize anyone.

9. *Consideration of Request for Proposals for Landfill Monitoring*

Mrs. Waldrop reported that staff solicited and received RFP's on December 1st and received two responses; Alliance Consulting Engineers and Rogers & Calicott. The evaluation committee reviewed the proposals and recommends the highest ranked firm, Alliance Consulting Engineers.

Mr. Koon motioned to approve Alliance Consulting Engineers for Landfill Monitoring; seconded by Mr. Stockman. The vote was unanimous.

10. *Consideration of Bids for DSS/DHEC Building Restroom Renovations*

Mrs. Waldrop reported that bids were received on November 30th and staff received two bids; RJ Dean in the amount of \$45,250.00 and Wescard in the amount of \$63,330.00. She said staff recommends the low bid from RJ Dean in the amount of \$45,250.00.

Mr. Koon motioned to approve bid for DSS/DHEC restroom renovations; seconded by Mr. Reeder. The vote was unanimous.

11. *Consideration of Bid for Lake Murray Public Safety Complex Electrical Repairs*

Mrs. Waldrop reported that only one bid was received for this solicitation: Transworld Inc., in the amount of \$39,750.00 and staff recommends accepting the bid.

Mr. Waldrop motioned to approve bid from Transworld, Inc. for electrical repairs, seconded by Vice Chairman Cain. The vote was unanimous.

12. *Consideration of Request for Proposals for Detention Center Architectural/Engineering Services*

Mrs. Waldrop reported that staff received three responses for these services on September 30th; Johnson, Laschober & Associates, KCI Technologies, and DSP Architects. The

evaluation committee conducted personal interviews will all three firms followed by phone interviews with the two highest ranked firms. Staff does recommend the highest ranked firm; Johnson, Laschober and Associates.

Mr. Koon motioned to approve recommendation; seconded by Mr. Reeder. The vote was unanimous.

13. Consideration of Bids for Pomaria Fire Truck

Mrs. Waldrop reported that three bids were received on November 8th ; Rosenbauer in the amount of 281,287.00, Toyne in the amount of \$294,567.00, and Spencer Mfg. in the amount of 346,691.00. Staff recommends the low bidder in the amount of \$281,287.00 in addition to the alternates in the amount of \$18,436.00 coming within the budget of \$300,000.00.

Mr. Koon motioned to approve recommendation; seconded by Vice Chairman Cain. The vote was unanimous.

14. Consideration of County Council 2017 Meeting Schedule

Chairman Livingston stated that Council will continue to meet on the first and third Wednesday of each month with no meeting on August 2nd due to SCAC Annual Meeting.

Mr. Reeder motioned to approve schedule; seconded by Mr. Stockman. The vote was unanimous.

15. Consideration of FY2017/2018 Budget Calendar

Vice Chairman Cain motioned to approve budget calendar; seconded by Mr. Waldrop. The vote was unanimous.

16. Appointments

No appointments.

17. Committee Reports

a. Personnel and Intergovernmental Relations 11/28/16

Mrs. Cook reported that the committee held its quarterly meeting and the following items were discussed: holiday office closing, employee \$50 gift cards, employee Christmas Dinner on Dec. 16, 2016, update on Worker's Comp, and salary recommendations for Elected Officials.

b. Finance 12/05/16

Mrs. Cromer reported that the committee met and the following was discussed: David Enzastiga reviewed the audit report, Michelle Long, Chamber Executive Director, presented a funding request, and Elected Officials salaries were discussed.

c. Economic Development 12/05/16

Mr. Farmer reported that the committee met and was updated on project activity, existing industry expansions, REA substation at Mid-Carolina Commerce Park, and product development. He said an Executive Session was held for discussions on Apollo II.

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

No comments.

19. Executive Session

No executive session.

20. Comments/Request from County Administrator

Mr. Adams thanked Mr. Farmer, Economic Development Director, for his pursuit of Apollo II and he thanked Mr. Hipp, a champion of product development, for his insight and guidance which lead to our celebrating Apollo II today.

21. Comments/Request from Council Members

Mr. Reeder thanked everyone involved in advancing Newberry County and wished everyone a happy and safe holiday.

Mr. Koon wished all a Merry Christmas and Happy New Year and thanked Mr. Hipp for his eight years of service to Newberry County.

Mr. Stockman dittoed Mr. Koon statement.

Mr. Hipp said he appreciated the opportunity to serve the citizens of Newberry County for the past eight years.

Mr. Waldrop, Vice Chairman Cain and Chairman Livingston all wished everyone a Merry Christmas and Happy New Year.

Chairman Livingston recognized Mr. Hipp and presented him with a plaque for his dedicated service.

22. *Future Meetings*

- a. County Council 1/04/17 @ 7:00 p.m.
- b. County Council 1/18/17 @ 7:00 p.m.

23. *Adjournment*

Chairman Livingston declared the meeting adjourned at 8:05 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council