



**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 15, 2014**

Newberry County Council met on Wednesday, January 15, 2014, 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
 Leslie (Les) Hipp, Councilman
 Steven C. Stockman, Councilman
 Scott Cain, Councilman
 Wayne Adams, County Administrator
 A.J. Tothacer, County Attorney
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

PRESS: **Natalie Netzel, Newberry Observer**
 Tammy Kitchen, WKDK

The meeting was duly advertised as required by law.

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

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

The meeting was turned over to A. J. Tothacer, County Attorney, for the election of Chairman and Vice-Chairman for 2014.

1. Election of Chairman for 2014

Mr. Tothacer opened the floor for nominations for Chairman of Newberry County Council.

Mr. Cain nominated Mr. Buddy Livingston for Chairman.

Mr. Tothacer asked if there were any other nominations.

Mr. Waldrop moved that the nominations come to a close.

All were in favor of Mr. Livingston remaining Chairman for 2014.

2. Election of Vice-Chairman for 2014

Mr. Tothacer opened the floor for nominations for Vice-Chairman of Newberry County Council.

Mr. Livingston nominated Mr. Kirksey Koon for Vice-Chairman.

Mr. Tothacer asked if there were any other nominations.

Mr. Waldrop moved that the nominations come to a close.

All were in favor of Mr. Koon remaining Vice-Chairman for 2014.

The meeting was turned over to Chairman Livingston. He thanked each Council member for their support and said he felt this was one of the best groups of County Council we have ever had.

3. Adoption of Consent Agenda

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

4. Personal Appearances

a. Councilman John E. Caldwell – Presentation of Proclamation Honoring Rev. James A. Williams

Mrs. Pat Caldwell thanked County Council for allowing her to take part in this presentation with her husband Councilman John Caldwell. She said Rev. and Mrs. Williams have been a treasure to the Bethlehem Baptist Church family.

Councilman John E. Caldwell read the following proclamation into the record and presented Rev. James A. Williams with a framed copy.

“WHEREAS, Pastor James A. Williams recently retired as Pastor of Bethlehem Baptist Church in Newberry, South Carolina after twenty-two (22) years of passionate and devoted service to the congregation; and

WHEREAS, Pastor Williams provided unselfish counsel and leadership to his flock through good times and bad, administering to the sick and comforting the grieving while also celebrating births, baptisms, graduations and marriages; and

WHEREAS, Pastor Williams not only provided for the spiritual needs of his congregation but also provided for the physical church as well through repair to the steeples, replacing the roof and adding a new educational and fellowship hall; and

WHEREAS, Pastor Williams accomplished these duties with kindness and love.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by Newberry County Council that December 29, 2013 shall be known as ***“Pastor James A. Williams Day”***, and a framed copy of this proclamation shall be presented to him.

AND IT IS SO RESOLVED THIS 15th DAY OF January, 2014 AT NEWBERRY, S.C.”

b. David Enzastiga, Rish and Enzastiga, CPA’s – Audited Financial Statements June 30, 2013

Mr. Enzastiga reported on the audit for the fiscal year ending June 30, 2013. He highlighted some information contained in the report for members of Council and noted that the county received an unqualified opinion which is the best opinion they can give. A copy of the audit is available on the county’s website at www.newberrycounty.net.

Mr. Hipp commented that this was presented to the Finance Committee and asked if any changes have been made since that draft.

Mr. Enzastiga responded that no changes were made.

Chairman Livingston stated that we are on extremely solid ground with our budget and are in better financial shape than most counties in the state. He thanked Mr. Adams, department heads, and Mrs. Cromer for working together to make this happen.

5. Newberry County Service Awards

Chairman Livingston presented service awards to the following: Adra Battle, Veteran’s Affairs – 5 years; Les Hipp, County Council – 5 years; Kirksey Koon, County Council – 5 years; Craig Newton, Coroner – 5 years; Steve Stockman, County Council – 5 years; Rebecca Adams, Sheriff’s Office – 10 years. He noted that Sheriff Lee Foster celebrated 25 years with the county in January but is out of town due to a prior commitment. He will receive his award in February

Chairman Livingston thanked everyone for their years of service and longevity which brings a lot of continuity to our program and stated he appreciated them being here and serving our county and the people within it.

6. **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.**

Mr. Hipp motioned to approve second reading of Ordinance #12-25-13; seconded by Mr. Koon. The vote was unanimous.

7. **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.**

Mr. Koon motioned to approve second reading of Ordinance #12-26-13; seconded by Mr. Hipp. The vote was unanimous.

8. **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 declared this the Public Hearing.

Mrs. Charlene Lyles signed up to speak and was invited to the podium.

Mrs. Lyles introduced herself and stated that she lives at 334 Jalapa Road in Newberry. She said her property is adjacent to the area that is being rezoned and wanted to know how this will affect her property, the property value, and asked what this rezoning will change for the residents.

Mrs. Anne Peters, Zoning Administrator, commented that the rezoning will affect it in terms of change of use. She was not aware of how it might affect the properties in terms of any extra taxes. She noted that Metal Masters, which is already established in the area, would like to expand.

Mrs. Lyles shared her concerns about having a large building in front of her residence and having utility trucks going in and out. She said it is currently farm land and she built there 8 years ago and had no idea that it would be an industrial area.

Mrs. Peters stated that she has not seen the proposed plans Metal Masters is looking into so she cannot answer to the size of the structure. She said it will not remain as quiet but there are controls and limitations with it being light industrial.

Mrs. Lyles asked if this rezoning had already been approved and if other residents had been notified by letter.

Chairman Livingston responded that this is the second reading and it will take a third reading before it is final.

Mrs. Peters stated that everybody that has contiguous property received a letter.

Mr. Hipp commented that he went to the zoning link on the county's website to find the definition of light industrial so she would know exactly what could or could not go there; however, the link is not available at this time. He asked Mrs. Peters to provide this information to Mrs. Lyles.

Mrs. Lyles asked if it would be possible to get information from Metal Masters on what their plans are.

Mrs. Peters said that the plans have not been presented to the Zoning Office but recommended that Mrs. Lyles ask Metal Masters if she could see their proposed plans.

Mr. Caldwell wanted clarification from Mrs. Peters that Metal Master had not presented anything to the Zoning Office.

Mrs. Peters responded that they presented the rezoning request and the plat which is required. The plans are not required to be submitted at the time of rezoning; they will be submitted to the Building Department when they decide to proceed with the permit for the expansion.

Chairman Livingston commented that the actual application states that there will light metal manufacturing at the new site.

Mrs. Peters responded that the current facility they are using now will become storage when the new facility is built.

After some further discussion, Mrs. Lyles submitted her contact information to Mrs. Renwick so that the light industrial zoning information could be forwarded to her.

Having no other comments from the public, Chairman Livingston declared the Public Hearing closed.

Mr. Cain motioned to approve second reading of Ordinance #12-27-13; seconded by Mr. Waldrop. The motion passed by vote of 6-1 with Mr. Caldwell abstaining.

- 9. 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 declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

Mr. Stockman motioned to approve second reading of Ordinance #12-28-13; seconded by Mr. Hipp. The vote was unanimous.

- 10. 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.**

Chairman Livingston declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

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

- 11. Resolution #01-14: 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. Adams reported that under state law, local governing bodies must approve any agreements of this kind by resolution.

Mr. Koon motioned to approve Resolution #01-14; seconded by Mr. Hipp. The vote was unanimous.

- 12. Consideration of FY 2014/2015 Budget Calendar**

Mrs. Cromer presented the proposed budget calendar and asked if Council had any changes to make at this time.

Mr. Hipp motioned to approve the FY 2014/2015 budget calendar; seconded by Mr. Stockman. The vote was unanimous.

13. Consideration of 2nd Quarter Appropriation (FY 13/14 Proviso) for the Library in the amount of \$5,525.00

Mr. Sam Ziady, Library Director, thanked Council for the opportunity to take advantage of a CDBG grant for upgrades to the Whitmire War Memorial Library. The library recently reopened for the citizen on January 2, 2014 and they hope to have an Open House next month. This grant was focused specifically on upgrading the library so that it is ADA compliant and for putting in a computer lab. He thanked Council for their support.

Mr. Waldrop motioned to approve the 2nd quarter appropriation in the amount of \$5,525.00; seconded by Mr. Cain. The vote was unanimous.

14. Consideration of Bids for Courthouse Interior Demolition

Moats Construction - \$19,000.00
Howard's General Contracting - \$23,800.00
Carolina Wrecking - \$26,873.00
Pyramid Contracting - \$42,600.00

Mrs. Waldrop reported that four (4) bids were received on January 8th and the apparent low bidder is Moats Construction. Staff would like to recommend Moats Construction in the amount of \$19,000.00 for the scope detailed in the specification.

Mr. Koon motioned to approve bid in the amount of \$19,000.00 from Moats Construction; seconded by Mr. Stockman. The vote was unanimous.

15. Consideration of Bids for Newberry Square Exterior

Carolina Wrecking - \$68,000.00
Core Construction - \$71,847.00
Howard's General Contracting - \$75,545.00
Pyramid Construction - \$76,600.00
W.E. Baker and Sons - \$76,800.00
Cannon Associates - \$76,912.00
BarMac - \$110,200.00
JMD Construction - \$124,700.00

Mrs. Waldrop reported that eight (8) bids were received on January 8th. Staff would like to recommend Carolina Wrecking in the amount of \$68,000.00.

Mr. Koon motioned to approve the bid from Carolina Wrecking in the amount of \$68,000.00; seconded by Mr. Stockman.

Chairman Livingston noted the wide range of bids from the high of \$124,700.00 to the low of \$68,000.00. He said the bidding process brings out a lot of different elements.

Having no further discussion, the vote was unanimous to approve the low bid of \$68,000.00 from Carolina Wrecking.

16. Consideration of Bids for Old Library Renovations

Pyramid Construction - \$47,100.00
JMD Construction - \$77,000.00
Howard's General Contracting - \$83,185.00
W.E. Baker and Son - \$88,724.00
Moats Construction - \$118,000.00
Carolina Wrecking - \$179,800.00
Huss, Inc. - \$180,000.00

Mrs. Waldrop reported that these bids were received on January 8th and the apparent low bidder, Pyramid Construction in the amount of \$47,100.00, misinterpreted the drawings and omitted a portion of the specifications; therefore, was deemed non-responsive. Staff would like to recommend moving to the next lowest bidder in the amount of \$77,000.00 from JMD Construction.

Mr. Cain motioned to approve bid in the amount of \$77,000.00 from JMD Construction; seconded by Mr. Hipp. The vote was unanimous.

17. Appointments

Mr. Caldwell nominated Mr. Chris Johnson for reappointment to the Board of Rescue Squads representing the Newberry Squad. He also nominated Mr. Bobby Pollard for an appointment to the Board of Rural Fire Control.

Mr. Waldrop motioned to approve appointments of Chris Johnson to Board of Rescue Squads and Bobby Pollard to Board of Rural Fire Control; seconded by Mr. Cain. The vote was unanimous.

Mr. Koon nominated Mrs. Lynda Counts for reappointment to the Library Board.

Mr. Waldrop motioned to approve Lynda Counts appointment to Library Board; seconded by Mr. Stockman. The vote was unanimous.

18. Committee Reports

b. "Special Called" Finance Committee Meeting 01/06/14

Mrs. Debbie Cromer, Finance Director, reported that the Finance Committee met for a special called meeting to discuss the audit that was presented tonight. The county is in great financial status at this time thanks to administration, department heads, and elected officials.

c. Public Safety and Courts Committee Meeting 01/13/14

Mr. Tommy Long, Emergency Services Coordinator, reported that the following items were discussed at the meeting on January 13, 2014.

- Chief Magistrate Art Jayroe discussed some concerns with the bailiffs' budget
- Sheriff Foster reported on State Constables' liability insurance
- Sheriff Foster gave an update on the new Sheriff's Office building
- Mr. Long presented two 50/50 forestry grant awards for the Bush River and Little Mountain Fire Departments and stated that funds are already budgeted for the matching amounts on these grants
- Ervin West gave an update on Courthouse repairs

Mr. Adams mentioned that another item the Public Safety and Courts Committee wanted to put before Council is some additional expenditure items for the Sheriff's building. Staff will propose an amendment for that purpose as well as for the bailiffs' budget and some other items. He said he mentioned this in the event the Finance Committee would like to meet to address this before it goes to full Council.

Mr. Hipp asked what kind of scope and money we are talking about.

Mr. Adams responded that the amount is roughly \$230,000.00 for the Sheriff's building and \$8,000.00 for the bailiffs' budget.

Mr. Hipp asked if the \$230,000.00 was within the contingency funding we had originally budgeted.

Mr. Adams responded that this money is not currently budgeted.

Mr. Hipp commented that this is completely over contingency and over budget.

Mr. Adams stated that we are expecting some reimbursements for part of the project but he was not sure how that will come into play. One of the big items is the resurfacing of the parking lot. There are some plans to go before the C-Fund Committee with that and make a request but we cannot presume that they will fund it so we are including that item just in case.

Mr. Hipp recommended that the Finance Committee have a called meeting to see the scope of this considering it is a quarter of a million dollars beyond budget. He does not want to see it for the first time in a Council meeting.

Chairman Livingston asked Mrs. Renwick to schedule a Finance Committee meeting for this purpose.

Mr. Adams reported that another item presented to the Public Safety and Courts Committee was an Ordinance to ban texting while driving. Mr. Tothacer is doing some ground work with the Magistrates and the Sheriff, all of whom were represented at the meeting, to see if they can come up with something that is enforceable and that everybody agrees with.

Mr. Waldrop commented that Mr. Cain sent out an email about emergency personnel and the Affordable Health Care Act and asked that he elaborate for members of Council.

Mr. Cain stated that a determination has been made at the national level that all first responders will be exempt from the part time employment status as it related to the new Affordable Health Care Act.

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

No Comments.

20 Executive Session

No Executive Session.

21. Comments/Request from County Administrator

No Comments.

22. Comments/Request from Council Members

Chairman Livingston commented that our County Administrator is here during the day and when you look at all the committee meetings and special called meetings this ties him up a lot at night too. He puts forth a lot of dedication as well as other county employees.

23. Future Meetings

- a. County Council 2/05/14 @ 7:00 p.m.
- b. Economic Development Committee 2/10/14 @ 6:00 p.m.
- c. County Council 2/19/14 @ 7:00 p.m.
- d. Personnel and Intergovernmental Relations Committee 2/24/14 @ 6:00 –p.m.

24. Adjournment

Chairman Livingston declared the meeting adjourned at 7:45 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council