



**NEWBERRY COUNTY COUNCIL  
MINUTES  
JUNE 18, 2014**

Newberry County Council met on Wednesday, June 18, 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:** Kevin Boozer, Newberry Observer  
Tammy Kitchen, WKDK

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order and led the invocation followed by the Pledge of Allegiance.

Chairman Livingston recognized and welcomed Mr. Travis Reeder who won his primary and has no opposition in November.

**1. Adoption of Consent Agenda**

Mr. Caldwell motioned to approve the Consent Agenda; seconded by Mr. Cain. The vote was unanimous.

2. **Ordinance #04-07-14: An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2014, and ending June 30, 2015, for the Newberry County Budget for county ordinary purposes and for other county purposes for which the county may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.**

Mr. Cain motioned to approve third reading of Ordinance #04-07-14; seconded by Mr. Caldwell.

Mr. Adams reported that the budget is balanced at \$21,700,781.00 with capital budgets totaling \$2,355,000.00. He said there are five separate amendments for consideration with the first one incorporating all changes concerning the operating budget that were discussed at the June 9, 2014 work session.

### ❖ **Amendment One**

It is recommended that the following changes to the 2014-15 Operating Budget be incorporated as a single amendment prior to third reading:

#### Revenue Increases

- Increase National Forestry Funds (line item #010-004-00040-00433) by \$172,000, from \$0 to \$172,000.

#### Revenue Reductions

- None

#### Expenditure Increases

- Increase Newberry County School District National Forestry Funds payment (line item #010-005-11300-02020) by \$70,000, from \$0 to \$70,000.
- Increase Solicitor's Office appropriation (line item #010-005-05110-02020) by \$15,000, from \$101,867 to \$116,867.

- Increase Fleet Maintenance Services (line item #010-005-08120-02021) by \$31,667, from \$538,333 to \$570,000.
- Increase State Medically Indigent appropriation (line item #010-005-14260-02020) by \$5,694, from \$91,373 to \$97,067.
- Increase Newberry County Literacy appropriation (line item #010-005-13800-02020) by \$1,380, from \$4,620 to \$6,000.
- Increase Council Department budget for non-Council salaries (line item #010-005-01100-01010) by \$12,000, from \$133,770 to \$145,770.
- Increase Non-departmental Vehicle Repairs (line item #010-005-02200-02300) by \$3,600, from \$0 to \$3,600.
- Increase County Administration Personnel (line item #010-005-02100-01010) by \$15,646, from \$362,805 to \$378,451.
- Increase County Administration Social Security (line item #010-005-02100-01110) by \$1,197, from \$27,775 to \$28,952.
- Increase County Administration Retirement (line item #010-005-02100-01120) by \$1,705, from \$39,546 to \$41,451.
- Increase County Administration Worker's Compensation (line item #010-005-02100-01200) by \$558, from \$6,735 to \$7,293.
- Increase Council Contingency (line item #010-005-15000-02011) by \$77,803, from \$100,000 to \$177,803.

#### Expenditure Reductions

- Decrease the following departmental vehicle repair budgets as indicated:
  - Information Technology (line item #010-005-02300-02300)  
Reduce by \$500, from \$500 to \$0.
  - Assessor's Office (line item #010-005-03300-02300)  
Reduce by \$1,000, from \$1,000 to \$0.
  - Coroner's Office (line item #010-005-05600-02300)  
Reduce by \$1,250, from \$1,250 to \$0.
  - Sheriff's Department (line item #010-005-06100-02300)  
Reduce by \$8,000, from \$8,000 to \$0.

- Animal Services Department (line item #010-005-06210-02300)  
Reduce by \$4,000, from \$4,000 to \$0.
- Public Works (line item #010-005-08100-02300)  
Reduce by \$6,000, from \$6,000 to \$0.
- Public Works/Heavy Equipment (line item #010-005-08100-2320)  
Reduce by \$30,000, from \$30,000 to \$0.
- Economic Development (line item #010-005-09310-02300)  
Reduce by \$1,500, from \$1,500 to \$0.
- Ambulance Service (line item #010-005-14250-02300)  
Reduce by \$12,000, from \$12,000 to \$0.

Mr. Caldwell motioned to approve Amendment One; seconded by Mr. Hipp. Amendment One passed by vote of 6-1; Mr. Koon opposed.

## ❖ **Amendment Two**

It is recommended that the following changes to the Coroner's departmental appropriation for the 2014-15 Operating Budget be incorporated as a single amendment prior to third reading:

### Revenue Increases

- None

### Revenue Reductions

- None

### Expenditure Increases

- Increase Coroner's budget for Deputy Coroner Compensation (line item #010-005-05600-01010) by \$3,500, from \$48,383 to \$51,883.
- Increase Coroner's budget for Social Security Expenditures (line item #010-005-05600-01110) by \$1,301, from \$2,669 to \$3,970.
- Increase Coroner's budget for Retirement Contributions (line item #010-005-05600-01120) by \$1,318, from \$4,467 to \$5,785.

Expenditure Reductions

- None

Mr. Hipp motioned to approve Amendment Two; seconded by Mr. Cain. Amendment Two passed by vote of 6-1; Mr. Koon opposed.

❖ **Amendment Three**

It is recommended that the section of the 2014-15 budgets referred to as “Capital Budgets” be amended to include the following budgets by adding said budgets or inserting them in lieu of previous versions.

▪ **COURTHOUSE REPAIRS/RENOVATIONS**

<u>REVENUES</u>	<u>AMOUNT</u>
FUND BALANCE	643,552
CLERK OF COURT IV-D MONEY	50,000
TOTAL REVENUES	693,552

<u>EXPENDITURES</u>	<u>AMOUNT</u>
BELOW GROUND WATERPROOFING	400,000
ENGINEERING/DESIGN (AREA WAY)	50,000
ABOVE GROUND REPAIRS	109,151
INTERIOR REPAIRS	63,590
REFINISHING OF BENCHES	25,000
LANDSCAPING	10,000
TESTING	18,000
CONTINGENCY	<u>17,811</u>
TOTAL EXPENDITURES	693,552

▪ **WHITMIRE TOWN HALL CONSTRUCTION COMPLETION**

<u>REVENUES</u>	<u>AMOUNT</u>
CAPITAL PROJECT SALES TAX	<u>57,297</u>
TOTAL REVENUES	57,297

<u>EXPENDITURES</u>	<u>AMOUNT</u>
APPROVED CONSTRUCTION EXPENDITURES	<u>57,297</u>
TOTAL EXPENDITURES	57,297

▪ **COUNCIL ON AGING BUILDING CONSTRUCTION**

<u>REVENUES</u>	<u>AMOUNT</u>
CAPITAL PROJECT SALES TAX	<u>975,748</u>
TOTAL REVENUES	975,748
<u>EXPENDITURES</u>	<u>AMOUNT</u>
DESIGN	8,000
DEMOLITION/CONSTRUCTION	920,858
CONTINGENCY	<u>46,890</u>
TOTAL EXPENDITURES	975,748

▪ **OPERA HOUSE REPAIRS/RENOVATIONS**

<u>REVENUES</u>	<u>AMOUNT</u>
CAPITAL PROJECT SALES TAX	<u>78,384</u>
TOTAL REVENUE	78,384
<u>EXPENDITURES</u>	<u>AMOUNT</u>
APPROVED CONSTRUCTION EXPENDITURES	<u>78,384</u>
TOTAL EXPENDITURES	78,384

▪ **WHITMIRE FIRE DEPARTMENT REPAIRS/RENOVATIONS**

<u>REVENUES</u>	<u>AMOUNT</u>
FUND BALANCE	<u>88,400</u>
TOTAL REVENUE	88,400
<u>EXPENDITURES</u>	<u>AMOUNT</u>
CONSTRUCTION	86,400

CONTINGENCY	<u>2,000</u>
TOTAL EXPENDITURES	88,400

Mr. Hipp motioned to approve Amendment Three; seconded by Mr. Cain. Amendment Three passed unanimously.

❖ **AMENDMENT FOUR**

It is recommended that the section of the 2014-15 budgets referred to as “Capital Budgets” be amended to include the following budgets by adding said budgets or inserting them in lieu of previous versions.

▪ **LYNCH’S WOODS BRIDGES**

<u>REVENUES</u>	<u>AMOUNT</u>	
LYNCH’S WOODS ACCOUNT	90,000	
FUND BALANCE	<del>210,000</del>	110,300
TOTAL REVENUES	<del>300,000</del>	200,300

<u>EXPENDITURES</u>	<u>AMOUNT</u>	
CONSTRUCTION	<del>280,000</del>	160,300
ENGINEERING/CONSTR. INSPECTIONS	20,000	
<u>CONTINGENCY</u>	<u>20,000</u>	
TOTAL EXPENDITURES	<del>300,000</del>	200,300

▪ **AIRPORT APRON CONSTRUCTION**

<u>REVENUES</u>	<u>AMOUNT</u>	
FEDERAL FUNDING	1,012,345	
STATE FUNDING	56,242	
FUND BALANCE	<u>56,241</u>	
TOTAL REVENUES	1,124,828	

<u>EXPENDITURES</u>	<u>AMOUNT</u>	
CONSTRUCTION	969,851	
CONSTRUCTION ADMINISTRATION	27,432	
DBE PLAN	11,000	
QA TESTING	36,000	

AS-BUILT SURVEY	18,000
RESIDENT INSPECTOR	<u>62,545</u>
TOTAL EXPENDITURES	1,124,828

Mr. Hipp motioned to approve Amendment Four; seconded by Mr. Cain.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that this amount is considerably under our budgeted amount and asked if it was because we were not refurbishing as many of the bridges in Lynches Woods or was it a matter of the type of construction.

Mr. Adams responded that it is a matter of the materials for the façade work. He said staff conversed with the low bidder today and made it clear that we want submittals prior to any construction on the façade portion. We need to be vigilant on what they submit to prepare the façade; there are concerns with the community that it matches the integrity of the other bridges and the rest of the park. The bid for this work is coming up as an item on the agenda later and we will want to specify that the façade needs to go through the Lynches Woods Committee and be approved by Council. He said it is possible there could be a change in the cost if it has not been specked correctly.

Having received no further discussion, Amendment Four passed unanimously.

**❖ AMENDMENT FIVE (As discussed at June 9 Work Session )**

It is recommended that capital purchases from debt services for the 2014-15 budget include the following items in the indicated approximate amounts, provided that any such expenditures must first hereafter be specifically approved again by County Council prior to the scheduled time of purchase. These expenditures shall be funded in addition to amortization commitments for other debt previously approved by County Council.

- Fire System Emergency Radio Communications Upgrades (Simulcast/Repeater “Voting” System) \$325,000
- Twenty-four (24) Self Contained Breathing Apparatus Packs for Firefighter Use @ \$6,600 each -- \$158,400
- Two (2) Modular Ambulance Units for Use by Emergency Medical Services @ \$140,000 each -- \$280,000
- Purchase and Installation of Fifteen (15) Solid Waste Compactor Units at a total cost of \$500,000 for Use in Single Stream Recycling Implementation.

Mr. Cain motioned to approve Amendment Five, second by Hipp. The vote was unanimous.

Chairman Livingston called for the question and third reading of Ordinance #04-07-14, as amended, passed by vote of 6-1; Mr. Koon opposed.

3. **Ordinance #04-08-14: An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2014 and ending June 30, 2015, for the Newberry County Library, Piedmont Technical College and the Newberry Agency for the Disabilities and Special Needs; to provide for the levy of taxes on all taxable personal and real estate properties in Newberry County for said purposes; to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year for said purposes.**

Mr. Cain motioned to approve third reading of Ordinance #04-08-14; seconded by Mr. Hipp. The vote was unanimous.

4. **Ordinance #05-09-14: An Ordinance to amend the Code of Ordinances of the County of Newberry to include the offense, exceptions, definitions, and penalties of distracted driving.**

There was no motion; therefore, Ordinance #05-09-14 died.

Mr. Adams explained that the General Assembly has already acted on this matter relating to the use of wireless devices to talk and text while driving. Because of their action, it has pre-empted the field for local governments to pass such an ordinance.

5. **Ordinance #06-10-14: An Ordinance enacting and adopting 2014 S-11 Supplement to the Code of Ordinances for the County of Newberry, South Carolina.**

Mr. Hipp motioned to approve second reading of Ordinance #06-10-14; seconded by Mr. Cain. The vote was unanimous.

6. **Consideration of bids for Creek Crossings at Lynches Woods Park.**

Mrs. Waldrop reported that Alliance Engineering was contracted in April and determined the bridges and culverts of most concern in Lynches Woods. They developed a complete set of drawings and specifications and identified four that needed immediate attention due to the structural integrity of the crossings. Staff accepted bids on June 12, 2014 and two bids were submitted from Spartanburg. Martin and Son Construction had a base bid in the amount of \$94,400.00 with Alternate's 1 and 2 each being \$47,040.00. Capital Construction's base bid was \$76,300.00 with Alternate's 1 and 2 coming in at \$42,000.00. Staff received a recommendation from Alliance to accept the low bid from Capital Construction including both Alternate 1 and 2 for a total of \$160,300.00. She said after speaking with Alliance, 150 days has been allocated to complete all four (4) of the crossings.

Mr. Adams mentioned staffs concerns about the material that might be used for the facades. He said our understanding from talking to the contractor is that they plan to use synthetic stone which may be acceptable. We would like to have the Lynchés Woods Committee look over this and for Council to have samples of what will be used before we begin. If we are not able to reach a satisfactory agreement with the contractor, we would just enter into a separate scope of work.

Mr. West reviewed the step by step scope of work to be completed on the bridges.

Mr. Adams stated that the material type for the façade was largely left open and subject to submittals by the contractors. Whatever submittals the contractors made will be constrained by the budget so his concern is that the choice might not be satisfactory.

Mr. Cain asked if the base bids included everything; even the façade.

Mr. West said the bids did included putting some type of stone façade onto the headwall.

Mr. Cain mentioned that the difference in the base bids from the two bidders was the façade work and wondered if the higher bid included a better material for the façade.

Mr. West responded that staff only talked with the low bidder and do not know what materials the number two bidder will use. After a review of the drawings and spec this afternoon, we realized we did not have a technical spec on the stone for the headwall.

Mr. Cain said he does not feel comfortable voting without knowing what the façade will be constructed of or what the final cost will be.

Mr. Adams commented that staff feels there is not much in the job for the façade and that is what concerns us. He is not sure they can make a façade in keeping with what we want for what they have in that portion of the bid.

Mr. Koon asked Mr. West if the cost of façade was for the stone or the labor.

Mr. West said the breakdown that the engineer developed had a line item for the headwall which included constructing a reinforced concrete headwall with the outer façade included in that number. He said it could be synthetic cultured stone but did not feel it was natural stone.

Mr. Koon commented that if the stone is granite, we are fixing to demo the old Public Works building and will have plenty of stone if that's the problem.

Mr. West agreed with Mr. Koon in that it does appear that the renditions of the bridges are made of granite or field stone; however, we do not have a spec that actually says this is to be constructed of a hard stone and that is where the question comes in.

Mr. Hipp agreed with Mr. Cain and said if we had something that was absolutely pressing for safety then we would already have the Lynches Woods access closed. If we do not have the specs specifying what the façade should be constructed of then we should revise our spec and go back out for bid. He said he did not feel it was a good idea to award a contract knowing that it probably will not be built to our specs and then have to go through a change.

Mr. Koon agreed with Mr. Hipp and Mr. Cain and felt we needed a total cost before this project is awarded.

Mr. Adams concluded that staff understands the consensus to go out for bid with a better scope and noted that staff will take that direction.

**7. Consideration of 3<sup>rd</sup> and 4<sup>th</sup> Quarter Appropriation (FY13-14) Proviso) in the amount of \$8,500.00 to Newberry County Soil and Water Conservation District for the Keep Newberry County Beautiful Program**

Mr. Ben Setzler introduced Ms. Danielle Rowe, newly hired District Coordinator for the Soil and Water Conservation.

Ms. Rowe said she is very happy to be here and excited to get started on some projects and programs and is looking forward to working with everyone.

Mr. Setzler reported that they are reorganizing and finding more efficient ways of doing things which should amount to a \$10,000.00 per year savings. He updated Council on the shoe drive; 2,701 pairs collected. He said they are working on getting back into the schools and will be entertaining some scholarships and awards. They continue to make strides with litter pick-ups averaging 1 pick-up per month and said their next project will be the grinding of the greens (Christmas trees) to keep them out of the landfill. He said Ms. Rowe is looking to have a one day Camp Conservation this year and hopefully they can resume with the week-long camp next year. He thanked Council and said the administrative staff has really helped them out during this transition. Mr. Setzler thanked Council and requested the 3<sup>rd</sup> and 4<sup>th</sup> quarter allocation in the amount of \$8,500.00.

Chairman Livingston welcomed Ms. Danielle Rowe to the Newberry Soil and Water Conservation District and Keep Newberry County Beautiful Program.

Mr. Cain motioned to approve the 3<sup>rd</sup> and 4<sup>th</sup> quarter allocation in the amount of \$8,500.00; seconded by Mr. Hipp. The vote was unanimous.

**8. Appointments**

Mr. Koon nominated Mrs. Michelle Bundrick for an appointment to the Newberry County Recreation Commission representing District 4; seconded by Mr. Waldrop. The vote was unanimous.

## **9. Public Comments**

No comments.

## **10. Executive Session**

Mr. Adams reported that staff was requesting an Executive Session under three different codes; Section 30-4-70 (a)(1) of the SC Code of Laws to discuss a personnel matter, Section 30-4-70 (a)(2) to discuss contractual arrangements and legal matters, and Section 30-4-70(a)(5) pertains to the location and expansion of industry.

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

### **Executive Session [7:26 p.m. – 9:20 p.m.]**

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

Mr. Adams reported that Council met in Executive Session for the stated purposes and took no action was taken. He said Council developed consensus on one matter concerning an employee issue which involves a promotion for the Clerk to Council and we will need a motion for Council to act upon that.

Mr. Koon motioned to approve the promotion; seconded by Mr. Cain.

Chairman Livingston stated that Mrs. Renwick will have added responsibilities and has been promoted as Assistant to the Administrator.

After no discussion, the vote was unanimous.

## **11. Comments/Request from County Administrator**

Mr. Adams mentioned that today the Supreme Court handed down a decision concerning the Lambries Case which was overruled. It is now permissible for the body to add items to the agenda by vote prior to the meeting.

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

Mr. Hipp thanked Mrs. Renwick for all of her hard work and said she will have additional responsibilities. He felt she will perform those just as well as she has her other responsibilities.

Mr. Koon congratulated Mrs. Renwick.

Chairman Livingston thanked Mrs. Renwick for all she does along with everyone else on the team.

**13. Future Meetings**

- a. Economic Development Committee 6/23/14 @ 6:00 p.m.
- b. County Council 7/2/14 @ 7:00 p.m.
- c. Finance Committee 7/14/14 @ 6:00 p.m.
- d. County Council 7/16/14 @ 7:00 p.m.

**14. Adjournment**

Chairman Livingston declared the meeting adjourned at 9:25 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, Chairman**

**APPROVED:**

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