

City of New Ellenton  
Special Meeting of City Council  
City Hall Council Chambers  
Minutes

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Tuesday, January 3, 2012

1. **Welcome**

Mayor Anthony Shaw welcomed everyone to and called the meeting to order at 6:04 p.m.

2. **Invocation**

Councilman Braswell offered the invocation.

3. **Pledge of Allegiance**

4. **Roll Call for the Record**

**Present:** Rick Crosby, Rex Nordeen, Anthony Shaw, Daniel Braswell, Roy Shaw, Deborah Maddox, Terence Williams.

**Others Present:** City Clerk Vernel Sanders, Glenda Henderson, Al Edenfield.

5. **New Business**

a) *Approval of Contract for Library Parking Lot Paving Project.*

Mayor Anthony Shaw asked the council members to review the bids for the paving project. Mayor Anthony Shaw asked Mr. Edenfield to explain the design of the paving project. Mr. Edenfield stated the bids on the project were opened on December 21, 2011. Mr. Edenfield stated a bid tabulation sheet was recorded and Pave Way of Augusta is the low bidder at \$47,236.71. Mr. Edenfield stated some questions arose as to them being qualified and he subsequently checked out two sites. Mr. Edenfield stated he checked with the Better Business Bureau for South Carolina and Pave Way was listed and there were no complaints in the past five years. Mr. Edenfield stated he also checked with the South Carolina Contractor's Licensing Board and there are no actions against Pave Way, nor were there any recorded past actions. Mr. Edenfield checked with the Augusta Better Business Bureau and the Georgia Licensing and Regulation Board and there were no complaints against Pave Way. Mr. Edenfield stated there was a question raised regarding Napa Dealer job done in Aiken. Mr. Edenfield stated he was acquainted with the site engineer who worked on the project and works with Warren Associates. He called and discussed this with him. Mr. Edenfield stated there were no issues with Pave Way; however, there was one small low spot when he drove over there and wasn't sure whether it was Pave Way's fault or a bust in elevations, but the quality of the work was good. Mr. Edenfield stated he also visited the new Cracker Barrel site, which had Pave Way trucks present at the time. They had laid down sub-base and heavy-duty asphalt behind Cracker

Barrel and it looked good. Mr. Edenfield stated from his limited investigation he felt Pave Way was qualified and recommended them to be the contractor for the project. Mayor Anthony Shaw asked Mr. Edenfield what his fee was for his work. Mr. Edenfield stated he was paid \$2,000.00. Mayor Anthony Shaw asked who approved the funds? Mayor Pro Tem Nordeen stated he approved it. City Clerk Sanders stated the funds were already approved within the scope of the entire library project. Mayor Anthony Shaw stated he thought it was out of line to pay someone \$2,000.00 to inspect something that the whole Council did not approve. City Clerk Sanders stated those funds were not for the inspection. Mr. Edenfield stated the work consisted of the design, bidding, contract documents, and overseeing the paving project itself. Mayor Anthony Shaw asked when Council voted on this? City Clerk Sanders stated this was part of the library package. Councilman Braswell also stated this was part of the library package. Mayor Pro Tem Nordeen also stated this was part of the library package. Mayor Anthony Shaw asked if anyone else spoke with Mr. Edenfield about the investigation that was done. City Clerk Sanders stated Mr. Edenfield was not paid anything additional for the investigation. Mayor Anthony Shaw stated Mr. Edenfield was paid \$2,000.00. Councilman Braswell stated that was going to be the same either way. Mayor Anthony Shaw stated the City shouldn't pay \$2,000.00 for Mr. Edenfield to ride around the parking lot. Mr. Edenfield stated this was free and he was not paid for that. City Clerk Sanders stated Mr. Edenfield actually did the engineering portion of the project, to include putting all the bidding documents together and the contracts. Mr. Edenfield stated he and his draftsman came out and did measurements for the entire parking lot, drafted it up, met with Joe Berry twice to make sure that they were interfacing the asphalt design correctly with the library. Mr. Edenfield stated his communication was with Mayor Pro Tem Nordeen, but also worked with Councilman Braswell. Councilman Braswell stated that they met several months ago when everything was getting started. Mayor Anthony Shaw stated he never heard anything about this. Mr. Edenfield stated he prepared contractual documents and placed the project out for bid with City Clerk Sanders' help. The job was advertised in SCBO, and advertised in the Aiken Standard, which resulted in the bid tabulation that is included. Mayor Anthony Shaw stated he just wondered because he hadn't heard anything about it. City Clerk Sanders stated she could provide Mayor Anthony Shaw with all the documents. Mayor Anthony Shaw stated it was too late now. Councilman Braswell stated Council met around August or possibly before that. Councilman Braswell stated this was part of the City working with the County to get the library going. City Clerk Sanders stated it was part of the \$200,000.00 that was pledged on behalf of the City. Mayor Anthony Shaw stated he thinks the whole Council should have a voice before it is decided and done. City Clerk Sanders stated it was voted on in a council meeting to do the project itself. Mayor Pro Tem Nordeen stated it was voted on in a council meeting to do the parking lot and the sidewalks and use the one cent sales tax money for it. City Clerk Sanders stated that was the Council prior to the present Council that voted on this. Mayor Anthony Shaw asked who chose the engineer to do this project. City Clerk Sanders stated Mayor Pro Tem Nordeen chose the engineer. Mayor Anthony Shaw asked if Council voted on this. Mayor Pro Tem Nordeen answered no, that Council did not vote on this because Mr. Edenfield has been used in past jobs. Mayor Anthony Shaw stated if the City spent \$2,000.00 the City Council should have voted on it and before the City pays him \$2,000.00 he feels like it should have been voted

on by City Council. Mayor Anthony Shaw asked how many agreed with him. Councilman Braswell stated if necessary the Council could vote on it. Mayor Anthony Shaw stated he won't vote on it because he doesn't believe the City needs to pay him \$2,000.00 because it wasn't brought before City Council to be voted on. Councilman Braswell stated he would be paid. Mayor Pro Tem Nordeen stated the City agreed and voted to do the project. Mayor Anthony Shaw asked if the Council voted on Mr. Edenfield to be the engineer. Mayor Pro Tem Nordeen stated individually spelled out no. Mayor Anthony Shaw stated if the Council didn't vote on him to be the engineer then we do not owe him the \$2,000.00. Councilman Williams stated he has already done the work. Mayor Anthony Shaw stated but nobody voted on it. Mayor Anthony Shaw asked Councilman Williams if he agreed to it. Councilman Williams stated if it was in the scope of doing the library within that scope of the whole, the furniture and the pavement. Council voted on the pavement at the last meeting. Mayor Anthony Shaw stated it seems like he has missed a whole lot lately that nobody tells him anything because we have other people running behind everybody else's back taking care of everything. Councilwoman Maddox stated she located in the December meeting minutes, where council had voted on the paving project, although she wasn't here. Mayor Anthony Shaw stated that was fine and to do what you want to do. Councilman Braswell stated an approval of the bid package is needed. Mayor Anthony Shaw asked if the City put out bids for engineers to do this job. Mayor Anthony Shaw stated that \$2,000.00 should have been put out for bids and should not have been given to one person. Councilman Braswell stated he did not agree with that in this case. Mr. Edenfield stated it is illegal to put out engineering work for bids in South Carolina. You can request for qualifications but you do not put engineering work out for bid. This is a qualification based State. Mayor Anthony Shaw asked Mr. Edenfield whether he had all of his qualifications and if he brought them to the meeting. Mr. Edenfield responded certainly he had all of his qualifications but did not bring them at this time because he did not expect this issue to be brought up. Mr. Edenfield stated we are at the point of approving the contractor to execute this project. Mr. Edenfield stated if his qualifications need to be examined he will be happy to provide them. Mayor Shaw stated it seems like the City always has the same engineer and it should be open to others who are qualified to make a presentation. Mayor Pro Tem Nordeen stated when you do engineering you don't give the project to three engineers and have them come back with estimates on what it's going to cost to do the project. Mayor Anthony Shaw stated what he is trying to say is he never hears about it until afterwards and it makes him angry. Mayor Pro Tem Nordeen stated he submitted the idea and drawing to Council to say this is what the City wants to do with the parking lot and how we want to accomplish it. It was discussed. The bid packages were discussed. The bids were sent out and then went through SCBO by State requirements. Mayor Anthony Shaw stated he felt like everyone could have kept him more informed. Councilman Braswell stated that perhaps they should have done a better job of keeping the Mayor informed. Mayor Anthony Shaw stated he felt like he probably shouldn't even be there because he doesn't hear anything from anybody. Mayor Anthony Shaw stated the council members can vote if they wish to but he's finished as far as this goes.

**Councilman Braswell MOVED to award the contract of the library parking lot paving to Pave Way of Augusta; SECONDED by Councilman Williams. MOTION**

**CARRIED** on a vote of 6-1. (*Mayor Anthony Shaw abstained because of lack of information*).

**6. Adjournment**

*Mayor Anthony Shaw MOVED to adjourn; SECONDED by Councilman Braswell. MOTION CARRIED UNANIMOUSLY.* Approved. Meeting adjourned.

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**Mayor's Signature**

\_\_\_\_\_  
**Date**

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**Municipal Clerk Signature**

\_\_\_\_\_  
**Date**