



**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 7, 2018
7:00 P.M.**

Newberry County Council met on Wednesday, March 7, 2018, 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
Steve Stockman, Councilman
Scott Cain, Councilman
Travis Reeder, Councilman
Dr. Harriett Rucker, Councilwoman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: Bill Waldrop, Councilman

MEDIA: Andrew Wigger, Newberry Observer

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order at 7:00 p.m.

Steve Stockman led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Dr. Rucker motioned to adopt the consent agenda; seconded by Mr. Reeder. The vote was unanimous.

2. Additions, Deletions, and Adoption of Agenda

Mr. Cain motioned to adopt the agenda as presented; seconded by Mr. Reeder. The vote was unanimous.

3. *Personal Appearances*

a. Voices for Pride Officers (NCDSN) – Disabilities Awareness Day at State House

Connie Coleman reported that today was the 29th Anniversary of Disabilities Advocacy Day at the State House. She said there was a crowd on this windy day as they met with legislatures and rallied in front of the state house. Connie said she appreciates the work of council and for recognizing March as Disabilities Awareness Month by Proclamation. Leon Gallman presented each council member with an envelope containing some upcoming events and Connie invited everyone to attend. Connie introduced Leon Gallman and Tony Powers who were in attendance with her.

Chairman Livingston thanked Connie and the staff at NCDSNB for all they do for our community.

Wayne Adams read the Proclamation into the record:

**Proclamation by Newberry County Council
For
2018 DISABILITIES AWARENESS MONTH**

“WHEREAS, more than 500,000 South Carolina citizens and families are impacted by severe lifelong disabilities, with no distinction as to race, culture, geography, age, sex or economic class; and

WHEREAS, the South Carolina Department of Disabilities and Special Needs serves people with severe lifelong physical and intellectual disabilities, including autism, traumatic brain injury, and spinal cord injury; and

WHEREAS, the Newberry County Disabilities and Special Needs Board works with families to provide support services which promote economic self-sufficiency and independence; and

WHEREAS, PEOPLE with lifelong disabilities are productive citizens, neighbors, and family members deserving of respect and opportunities for economic self-sufficiency, independence and personal growth; and

WHEREAS, the 2018 statewide observance of Disabilities Awareness Month celebrates the successful partnership between people with and without disabilities and the increasing involvement of people with disabilities in education, employment and community activities.

NOW, THEREFORE, NEWBERRY COUNTY COUNCIL, does hereby proclaim March 2018 as

DISABILITIES AWARENESS MONTH IN NEWBERRY COUNTY

and encourages our citizens to work together to promote increased opportunities for people with disabilities; to recognize the many contributions they make to our community; and to honor the dedication of the caregivers who bring support and hope to their fellow citizens

ADOPTED by Newberry County Council in meeting duly assembled in Newberry, South Carolina, this 7th day of March 2018.”

Chairman Livingston presented Connie, Leon, and Tony with the Proclamation with photo compliments of Andrew Wigger, Editor of the Newberry Observer.

b. Thomas H. Pope, III and Lisa Senn – Presentation on Opioid Lawsuit

Mr. Pope introduced himself and Lisa Senn and stated that they were here on behalf of the opioid litigation affecting many cities, counties, and municipalities across the country that are suing manufacturers. He indicated that as of 2016, South Carolina ranked ninth in the nation on opioid prescription rates and that drug overdoses and deaths due to opioid use has increased tremendously over the past 5 years. He stated that 3500 Medicaid enrollees reportedly have opioid addictions. Mr. Pope said governments and taxpayers are bearing the unexpected costs because of the opioid problem. Counties have costs associated with law enforcement, treatment, counseling and rehab that are unnecessary. He said opioids provide good relief on a short-term basis for surgical recovery and gun-shot wounds; however, the drug manufacturers and distributors have misrepresented the facts and have used front groups to promote the long-term use of opioids which are highly addictive. He named a few drug companies and their failure to do studies on the long term affects of these opioids. He said as of now, there are 14 counties in South Carolina signed up to bring suit against the manufacturers and distributors of these opioids. The suit that they are proposing to Council will be to recover the by product costs due to opioid addiction in Newberry County. He said the cost to the county is undetermined, but we should get in line because within the next year many if not all counties will be on board to bring action against these manufactures. He said if Council is interested, he and Lisa are willing and able to represent the county in this action. Mr. Pope stated that there will be no fee charged unless there is recovery for the county at which time the fee will be 25% of what is recovered. There will be no cost to the county other than providing computer and technical assistance necessary to identify and produce the damage figures. He has submitted a Fee Agreement to Mr. Tothacer, County Attorney, for review. He said he would entertain questions in open session; however, respectfully suggested an executive session if there are questions about legal strategy or damages.

Mrs. Senn added that we should look at this two-fold; this action could recoup expenses for the county and help stop further addictions by going after the source of what began this epidemic in our country.

4. Ordinance #03-01-18: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling two and twenty-five hundredths (2.25) acres designated as TMS Parcel No. 592-46 from General Commercial (GC) to Single Family Residential (RS).

Mrs. Peters, Zoning Administrator, identified the property as located on Marina Way in Prosperity, S.C. She said in 2015, the parcel was rezoned to commercial for a business venture; however, that never materialized. The owner would like to have it rezoned back to Single Family Residential for possible sale of the property.

Mr. Cain motioned to approve first reading of Ordinance #03-01-18; seconded by Mr. Stockman. The vote was unanimous.

5. Consideration of bids for Fire Fighter Bunker Gear

Crystal Waldrop, Purchasing Director, reported that staff received two bids for this solicitation; Safe Industries in the amount of \$1,444.50 and Poseidon in the amount of \$1,658.50. She said this amount does include sales tax and shipping and staff recommends Safe Industries, the low bidder. The funding for the gear is through the Fire Departments' line item in their regular operating budget.

Mr. Cain asked if we were purchasing 31 sets at \$1,444.50 each.

Mrs. Waldrop confirm the number of sets at 31 for a total of \$44,779.50.

Mr. Cain asked if it might be best to buy several at a time throughout the year instead of all at once.

Mr. Long responded that he could use more than 31 sets now but that is all his budget will allow.

Mrs. Waldrop recommended that at the beginning of the fiscal year when Tommy knows what is allocated in the budget, staff can request in the solicitation that the bid holds for the remainder of the year.

Mr. Cain said that this is exactly what he was referring to. He noted he was ok with the low bidder and going this route but thought there might be an alternative method for purchasing.

Mr. Cain motioned to approve the low bid from Safe Industries in the amount of \$44,779.50; seconded by Vice Chairman Koon. The vote was unanimous.

6. Appointments

Vice Chairman Koon nominated Dwight McDuffie for an appointment to the Board of Rural Fire Control replacing Bert Lucas; seconded by Mr. Stockman. The vote was unanimous.

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

No comments.

8. Executive Session

Dr. Rucker motioned to go into executive session for the stated reason below; seconded by Mr. Stockman. The vote was unanimous.

- a. For matters that may involve attorney-client privileged discussions concerning the Opioid Lawsuit, (agenda Item #3b) under §30-4-70(a)(2) of the SC Code of Laws as stated: Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the

attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

EXECUTIVE SESSION [7:35 p.m. – 8:30 p.m.]

Chairman Livingston returned the meeting to open session and asked Mr. Adams to report out.

Mr. Adams reported that council met in executive session for the stated purpose but took no action.

9. Comments/Request from County Administrator

No comments.

10. Comments/Request from Council Members

Vice Chairman Koon extended condolences to Buddy for the loss of his mother Mrs. Loretta. He also recognized the passing of Reverend Billy Graham.

Chairman Livingston thanked council, staff, and everyone for their support during the loss of his mother.

11. Future Meetings

- a. “On the Move with Margaret” 3/12/18 @ 9:00 a.m.
- b. Finance Committee 3/19/18 @ 7:00 p.m.
- c. County Council 3/21/18 @ 7:00 p.m.
- d. Economic Development 3/26/18 @ 7:00 p.m.

12. Adjournment

Chairman Livingston adjourned the meeting at 8:35 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council