



**NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 4, 2018
7:00 P.M.**

Newberry County Council met on Wednesday, April 4, 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
Bill Waldrop, Councilman
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

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.

Wayne Adams led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Mr. Cain 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. ***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).***

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 third reading of Ordinance #03-01-18; seconded by Mr. Reeder. The vote was unanimous.

4. ***Ordinance #04-02-18: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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 first reading of Ordinance #04-02-18; seconded by Mr. Reeder.

Mr. Adams reported that the FY18/19 general operating budget is balanced at \$24,930,250.00. He said there will full council work sessions on April 9, 2018, and May 14, 2018, to discuss the details of the ordinance.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #04-02-18.

5. ***Ordinance #04-03-18: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2018 and ending June 30, 2019, for Newberry County Library, Piedmont Technical College and the Newberry Agency for 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 first reading of Ordinance \$04-03-18; seconded by Mr. Stockman.

Mr. Adams reported that the FY18/19 community services budget is balanced at \$917,224.00. H said there will full council work sessions on April 9, 2018, and May 14, 2018, to discuss the details of the ordinance.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #04-03-18.

6. ***Ordinance #04-04-18: 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 a thirteen and seventeen hundredths (13.17) acres portion of a real estate parcel totaling sixteen and thirty-three hundredths (16.33) acres designated as TMS Parcel No.577-16 from Industrial (IND) to General Commercial (GC).***

Mr. Waldrop motioned to approve first reading of Ordinance #04-04-18; seconded by Mr. Stockman.

Mrs. Peters, Zoning Administrator, identified the parcel as located at the intersection of US Hwy. 76 and SC Hwy. 773. She said the owner is requesting that 13.17 acres of the 16.33-acre parcel be rezoned to General Commercial (GC) to accommodate office space for marketing groups or trained people looking for a physical address.

Mr. Reeder asked if there was any opposition.

Mrs. Peters responded that there was no opposition.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #04-04-18.

7. ***Ordinance #04-05-18: 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 three and fifty-one hundredths (3.51) acres designated as TMS Parcel No. 342-36 from General Commercial (GC) to Rural (R2).***

Mr. Stockman motioned to approve first reading of Ordinance #04-05-18; seconded by Mr. Cain.

Mrs. Peters, Zoning Administrator, identified the parcel as located on the southern side of Pender Ridge Road at the intersection of Apple Orchard Lane. The owner is requesting that the 3.51-acre parcel be rezoned to Rural (R2) because he is living in one of the houses and is renting out three other houses on the parcel.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #04-05-18.

8. Resolution #03-18: A Resolution declaring the intention of Newberry County, South Carolina to reimburse itself for certain expenditures with the proceeds of debt to be incurred by Newberry County, South Carolina.

Mr. Adams reported that this is a routine resolution that will allow staff to relocate magistrate's court from its current location at the jail to 833 Main St. which is occupied by SC Works. He said SC Works currently has 5 people working in that building and they are looking to down size. With a budget of \$850,000.00, we can purchase the building on Main St., make the necessary upfits for the magistrates and prepare a new space for SC Works to which they will pay the county rent.

Mr. Waldrop motioned to approve Resolution #03-18; seconded by Vice Chairman Koon. The vote was unanimous.

9. Consideration to approve Central SC Alliance FY 17/18 3rd and 4th Quarter Invoices totaling \$36,000.00.

Mr. Stockman motioned to approve Central SC Alliance invoices; seconded by Mr. Reeder. The motion passed 6-1; Vice Chairman Koon opposed.

10. Consideration of bids to upfit Newberry Square for Job

Mrs. Waldrop, Purchasing Director, reported that staff solicited bids to upfit Newberry Square for SC Works and two bids were received; MAR Construction in the amount of \$86,000.00 and RJ Dean in the amount of \$98,000.00. Staff would like to recommend the low bid in the amount of \$86,000.00 from MAR Construction.

Mr. Waldrop motioned to approve low bid from MAR Construction; seconded by Mr. Stockman. The vote was unanimous.

11. Consideration of proceeding with filing of Opioid Lawsuit

Jay Tothacer, County Attorney, reported that the contract distributed to Council has been updated to reflect councils wishes of limiting the agencies and portions of the county we will go after.

Mr. Reeder motioned to approve filing of Opioid Lawsuit; seconded by Vice Chairman Koon.

Chairman Livingston asked if there was any discussion.

Mr. Cain stated that he has some issues with this. First, the county does not at this time have a real issue with opioid or other drug related cost to the county which we can contribute to the job of our Sheriff and his deputies and our healthcare providers for being dedicated and ethically dispensing these drugs. He said the second part of this litigation is to tie a bridge between legal and illegal use and holding someone accountable to gain money from it. Mr. Cain was most concerned about the collateral damages that could come out of this lawsuit. These drugs are already regulated, safeguards are in place, they are being distributed correctly. He said he did not want to put any of our healthcare providers or our hospital in the middle of such litigation.

Mr. Cain did not feel like the rewards we might gain from this lawsuit would outweigh the damage we could do to our health providers.

Mr. Waldrop said that he agreed with Mr. Cain and he thought the State of South Carolina was already suing these drug companies and wondered why we were getting involved in it.

Mr. Tothacer responded that to his knowledge the Attorney General has only filed suit against one pharmaceutical company.

Dr. Rucker addressed Mr. Cain and said her understanding was that our doctors and hospital will not be a part of this.

Mr. Cain responded by saying that the county has no idea how these drug companies will countersuit and who will be involved.

Mr. Reeder commented that this will not cost the county anything to pursue and regardless of the outcome, the county will not lose anything.

Vice Chairman Koon stated that he does not see that this lawsuit will put any of our medical staff in Newberry County at risk but could help us in controlling the abuse of these type drugs.

Mr. Waldrop said according to the Coroner, there have only been two drug related deaths.

Dr. Rucker responded that there have been two deaths now, but this is a growing epidemic.

Mr. Adams asked Chairman Livingston if the motion would include authorizing staff to enter into an agreement with attorneys Pope and Senn for representation.

Both Mr. Reeder and Vice Chairman Koon who made the motion and second. agreed to include agreement with Pope and Senn.

The motion passed by vote of 4-3; Livingston, Waldrop, and Cain opposed.

12. Committee Meetings

Kara Cannon, Economic Development Specialist, reported that the Economic Development Committee met on March 26, 2018, and Councilman Steve Stockman was re-elected as Chairman. Staff from Central SC Alliance were present and gave an annual update on all efforts being made on behalf of Newberry County. She said the committee approved two quarterly invoices that were brought before council tonight. Mr. Farmer gave updates on economic development activity and product development. She mentioned two upcoming job fairs; one at Newberry College on April 18, 2018, and the other at Piedmont Tech Newberry Campus on May 3, 2018. Mr. Farmer shared with the committee that Samsung Newberry was awarded Project of the Year by the South Carolina Chamber of Commerce, a CC Award from Trade and Industry Development Magazine, Business Facilities Magazine State of the Year Award for South Carolina and the Site Selection Magazine will soon announce the Samsung Project as one of the top 20 deals nationwide in 2017. She said the annual industry appreciation "Toast of the Town" event has been scheduled for May 8, 2018, at Community Hall from 5:30 p.m. – 7:30 p.m. She concluded by saying the committee

met in executive session from 7:41 p.m. – 8:46 p.m. for discussions on a potential contract between Newberry County, Newberry Electric Coop., and the Marlboro Development Team to build a new speculative building in the Mid-Carolina Park.

Mr. Stockman thanked Kara for the excellent job that they do and said things may be a little slow now, but things are going to change.

13. *Appointments*

No appointments.

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

No public comments.

15. *Executive Session*

No executive session.

16. *Comments/Request from County Administrator*

No comments.

17. *Comments/Request from Council Members*

Dr. Rucker commented that she and Mr. Cain were at the Rotary Meeting where they recognized Disabilities and Special Needs and it was a delightful celebration.

Mr. Reeder said he attended the Disabilities and Special Needs Art Show and these guys and gals have some real talent. He thanked Mr. Adams for bringing up the 50th Anniversary of Dr. Martin Luther King's death in his opening invocation.

Mr. Waldrop thanked the people of Newberry County for their support during his tenure on County Council.

Chairman Livingston thanked the citizens on behalf of Mr. Reeder and himself for their support as there was no opposition for either of them.

18. *Future Meetings*

- a. Budget Work Session 4/9/18 @ 7:00 p.m.
- b. Public Safety and Courts 4/16/18 @ 5:00 p.m.
- c. County Council 4/18/18 @ 7:00 p.m.
- d. Public Works and Planning 4/23/18 @ 7:00 p.m.

19. *Adjournment*

Chairman Livingston adjourned the meeting at 7:36 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council