

**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 15, 2020**

The Newberry County Council met on Wednesday, January 15, 2020, 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
Steve Stockman, Council Member
Scott Cain, Council Member
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Johnny Mack Scurry, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, III, County Attorney
Susan C. Fellers, Clerk to Council
Debbie S. Cromer, Finance Director
Karen Brehmer, Deputy County Administrator
Taylor Davenport, Assistant to County Administrator

ABSENT: Kirksey Koon (illness)

MEDIA: Andrew Wigger, Newberry Observer.

The meeting was duly advertised as required by law.

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

Mr. Stockman had the invocation followed by the Pledge of Allegiance.

1. Election of Chairman for 2020.

Mr. Livingston turned the meeting over to Mr. Tothacer for election of the Chairman for 2020. After explaining the method of election, Mr. Tothacer asked for a motion to open the floor for nominations. Mr. Cain moved to open the floor for nominations; second by Dr. Rucker. Vote was unanimous.

Mr. Cain nominated Mr. Livingston as Chairman; second by Mr. Reeder. There being no further nominations, Dr. Rucker moved to close the nominations; second by Mr. Stockman. Vote was unanimous.

Mr. Tothacer declared Mr. Livingston Chairman of County Council for 2020.

2. Election of Vice Chairman for 2020.

The meeting was turned back over to the Chairman and the same method of election was followed.

Dr. Rucker nominated Mr. Koon as Vice Chairman for 2020; second by Mr. Reeder.

There being no further nominations, Mr. Scurry moved that nominations come to a close; second by Mr. Reeder. Vote was unanimous.

Mr. Livingston declared Mr. Koon Vice Chairman for 2020.

3. Adoption of Consent Agenda.

Motion by Dr. Rucker to adopt Consent Agenda, consisting of the December 11, 2019 minutes and the December 18, 2019 minutes; second by Mr. Reeder. Vote was unanimous.

4. Additions, Deletions and Adoption of Agenda.

There being no additions or deletions to the Agenda, as presented, Mr. Cain moved for adoption; second by Mr. Stockman. Vote was unanimous.

5. Ordinance #12-21-19: An Ordinance modifying the makeup of the Joint Planning Commission and certain responsibilities as established by Ordinance #185 and the amendments thereto.

A. Third Reading

Explanation: The objective of this Ordinance is to reduce the number of seats on the Planning Commission, which will help ensure a regular quorum. The number of Council appointed seats would be reduced from 12 to 7, with the 5 at large appointments being

eliminated. Currently only 3 of the at-large appointments are filled and those persons would continue to serve until June 30, 2020. Representation for Whitmire and Silverstreet would be deleted, since neither of these municipalities either has its own zoning regulations or utilizes the zoning regulations of Newberry County. References to separate finances for the Planning Commission would be removed from the Code as well.

Motion by Dr. Rucker for third reading; second by Mr. Scurry. There being no discussion, Mr. Livingston called for the question. Vote was unanimous.

6. Ordinance #01-01-20: An Ordinance to create the Mountain View Subdivision Special Tax District.

A. First Reading

Explanation: On December 17, 2019, by a margin of 16-2, voters residing in the Mountain View Subdivision approved the creation of a special tax district for the purpose of maintaining the unpaved roadways of their subdivision. The approved referendum calls for a not-to-exceed \$150 annual uniform service charge to offset expenses incurred by the County in providing this service. Under Code Section 4-9-30(5) of the South Carolina Code of Laws, the creation of a special tax district requires the adoption of an ordinance by County Council.

Motion by Mr. Cain for first reading; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the question. Vote was unanimous.

7. Ordinance #01-02-20: An Ordinance amending and revising Section 153.168 of the Newberry County Code of Ordinances to establish the process to determine the minimum lake shore setback.

A. First Reading

Explanation: This most recent offering by the Planning Commission would standardize all offsets on the lake to 50-feet from the contour line. There is currently one situation in which the staff calculates the setback and that is only in the case where two houses exist on either side and the setback has to be decided for the middle house.

Motion by Mr. Reeder for first reading; second by Mr. Stockman.

Several persons signed up for public comments and Mr. Livingston allowed those persons to speak at this time.

Celeste Parsons lives in Middleton Place in Prosperity. She built her home several years ago, and this ordinance affected her in that she had to move her home back. Now all of a sudden rules are being changed, and it is not fair to persons who had to move their homes back. This is causing a ripple effect in our neighborhood and homes are losing value.

Mr. Cain asked how many lots would be affected. Ms. Parsons said approximately 12.

Patty Bailey understands the ordinance has been rewritten and requested that the current ordinance be explained as to content.

Mr. Tothacer explained at the Planning Commission's last meeting, it voted to adopt the way it existed prior to 2016, which is a 50-foot setback from the contour line. It is going back to what was in effect prior to 2016.

The proposed ordinance changing it was defeated at the last Council meeting so this is a new proposal by the Planning Commission. This new proposal provides that setbacks for Lakes Murray and Greenwood would be 50-feet from the contour line.

Ms. Bailey felt if Council voted for this new ordinance a disservice would be done to the existing homeowners who live on the lake and want to keep up the highest standards of continuity and property value. She felt Council would be taking this County backwards. The original ordinance with the text amendment proposed is the most logical and inclusive for everyone, both Lake Greenwood and Lake Murray. She asked the Council to make the decision in the best interest of the residents of the lake and the County's future. The Ordinance, as written before, only included a lot with homes on both sides, which obviously did not include all homeowners.

Ms. Parsons asked to speak again. Council is now going back to what was in effect prior to 2016. She built right after this ordinance was changed and had to move her house up, which she went along with. Now her house is built, and we are going back to the old ordinance. She feels this is unfair to her.

Mr. Reeder felt it was in the best interest to go back to the ordinance currently in effect.

Mr. Cain said a lot of time was spent going through regs when the ordinance was rewritten in 2016. Two state level professionals were hired to help with putting the 2016 ordinance together. He feels the Ordinance is good the way it is written. It protects the homeowners that have a vacant lot in the middle. When you have 2 vacant lots together, we can't govern everything that happens on the lake property. If there are already two existing homes with a vacant lot in the middle, protect those homeowners the way it is written. He wanted to see it stay exactly the way it is.

Dr. Rucker said it was voted down so they could wait and hear from the Planning Committee.

Mr. Stockman thanked Ms. Parsons and Ms. Bailey for coming and appreciated their input. He totally agrees with Mr. Cain. When this was started, there was a proposed change to the ordinance that the homeowners came up with. That did not happen but with that being said, he totally disagrees with changing this ordinance to a 50-foot setback and wants to see it stay as written.

There being no further discussion, Mr. Livingston called for the question. Voting for first reading: No Council Member. Voting against first reading: Council Members Livingston, Stockman, Cain, Reeder, Rucker and Scurry. First reading failed by a majority vote.

8. Ordinance #01-03-20: An Ordinance authorizing the execution and delivery of an agreement providing a grant to Project Shot; and other related matters.

A. First Reading

Explanation: This Ordinance provides for a \$25,000 grant from Newberry County to a small Samsung supplier whose investment is not large enough to qualify for a Fee-in-Lieu of Taxes. The State is providing \$50,000.

Motion by Mr. Scurry for first reading; second by Mr. Cain. There being no discussion, Mr. Livingston called for the question. Vote was unanimous.

9. Resolution #01-20: A Resolution calling for the J.B. Fulmer Court Special Tax District Election.

Explanation: Residents of J.B. Fulmer Court have petitioned for the creation of a special tax district for the same purpose as that currently under consideration by Council for Mountain View Estates. Each community is seeking the creation of a special tax district under Code Section 4-9-30(5) of the South Carolina Code of Laws for the maintenance of their unpaved roadways.

Subject to approval by Council, the J.B. Fulmer Court referendum is scheduled for April 14, 2020. If that passes, Council will have to pass an Ordinance to support this Resolution.

Motion by Mr. Scurry to adopt Resolution; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the question. Vote was unanimous.

10. Appointments.

No appointments, however, Dr. Rucker advised there was a resignation on the hospital board that would need to be filled.

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

Tommy and Michelle Jackson, who live over in Oakland Mills, have a problem with their neighbor's dog running loose. They have called the Animal Shelter several times. After the Animal Shelter came the first time, they would let the dog run loose when they thought we were not home or when we were asleep. Spring of last year, the neighbor's said the dog had disappeared and didn't know where she was. They never found her. Then this lady starts bringing them kittens, which they keep in the house until they are big enough to put outside. Now we have cats on our cars and cats having kittens everywhere. We have called the Animal Shelter twice to come pick up kittens from our yard. The neighbors have now adopted a dog from the shelter and have also gotten another dog, both of which are running loose again. They want something done.

Leslie Jenkins with Newberry County Animal Control explained that if the animals are not seen out of the owner's yard by Animal Control or an Officer, they cannot write a ticket. She believes the animals are getting off the property but she cannot write a ticket if she doesn't see it. She talks to the owners, and it is usually resolved that way. We have not been able to catch the animals off the property.

Mr. Adams advised that the Jacksons have called Animal Control 7 times since 2013. On at least two of those occasions animals were picked up. In those cases we had enough evidence for Ms. Jenkins to do her job.

Ms. Jenkins said that it is a cat neighborhood, and if they tell her it is not their cat, she can't argue with them. Every cat we have gotten, they will not admit ownership.

Terry Wise also has problems with a neighbor's cats and the stench is pretty bad. He wanted to know how to get a DHEC Inspection. He wanted to know how to get a full count of the cats the neighbor has.

Mr. Adams advised that the County does not regulate the number of cats that people have, and he was not sure DHEC would come out and count the number of cats. Mr. Adams asked if Mr. Wise had talked with his neighbor about what to do with the cats.

Mr. Wise said his neighbor wears a mask when he brings the cardboard out of the house.

Mr. Wise has talked with Mr. Braswell with the City of Newberry, and the neighbor was supposed to get down to 3 cats.

Mr. Adams said apparently the City has some regulation they enforce.

Mr. Wise said he would go see Mr. Braswell with the City.

12. Executive Session (if needed).

No Executive Session needed.

13. Comments/Requests from County Administrator.

No comments.

14. Comments/Requests from Council Members.

Mr. Scurry (inaudible)

Mr. Reeder reminded everyone of the MLK celebration over the weekend and invited everyone to attend. He also congratulated Donnie Shell from Whitmire, who was elected into the Pro Football Hall of Fame.

Mr. Cain also congratulated Donnie Shell and requested that everyone keep Kirksey in prayer during his recovery from surgery.

Mr. Stockman also asked that Kirksey be remembered in prayer.

Mr. Livingston advised the new voting machines were in, and if anyone wanted to practice on one, contact Voter Registration.

15. Future Meetings

- A. Public Works and Planning, 02/03/2020 at 7:00 p.m.**
- B. County Council, 02/05/2020 at 7:00 p.m.**
- C. County Council, 02/19/2020 at 7:00 p.m.**
- D. Public Safety & Courts, 02/24/2020 at 5:00 p.m.**

16. Adjournment.

There being no further business before Council, Mr. Cain moved to adjourn; second by Mr. Stockman. Mr. Livingston declared the meeting adjourned at 7:43 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

APPROVED _____