

**NEWBERRY COUNTY COUNCIL
MINUTES
NOVEMBER 6, 2019**

Newberry County Council met on Wednesday, November 6, 2019, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, South Carolina, for a regular scheduled meeting.

PRESENT: Henry H. Livingston, III, Chairman
Kirksey Koon, Vice Chairman
Steve Stockman, Council Member
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Johnny Mack Scurry, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Susan C. Fellers, Clerk to Council

ABSENT: Scott Cain, Council Member

MEDIA: Andrew Wigger, Newberry Observer

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

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

1. Additions, Deletions and Adoption of Agenda.

There being no additions or deletions to the Agenda, Dr. Rucker moved to adopt the agenda as presented; seconded by Mr. Reeder. Vote was unanimous.

2. Ordinance #10-17-19: An Ordinance to provide for the issuance and sale of not exceeding one million two hundred fifty thousand dollars (\$1,250,000.00) general obligation bonds of Newberry County, South Carolina, for the issuance of notes in anticipation of such bonds, to prescribe the purposes for which the proceeds of such obligations shall be expended, to provide for the payment thereof, and other matters relating thereto.

EXPLANATION: This borrowing pertains to capital items approved as part of the FY 19-20 budget: facilities maintenance building, \$300,000; fleet maintenance building, \$250,000; fire service training grounds, \$150,000; animal shelter storage building, \$62,500; improvements and/or additions to Mid-Carolina Commerce Park, \$420,000.

A. Second Reading

Motion by Mr. Scurry to approve second reading; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

3. Ordinance #11-18-19: 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 four and one hundred forty-six thousandths (4.146) acres designated as TMS Parcel No. 399-144 from R-2 Rural to General Commercial.

EXPLANATION: This agenda item and the next one both pertain to rezoning adjoining land parcels for the same purpose. The two land parcels are located behind Wilson Tractor on Wilson Road and are owned by Wilson Tractor. The stated purpose of the rezoning is to utilize these parcels as part of the property owner's business.

A. First Reading

Motion by Mr. Scurry to approve first reading; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

4. Ordinance #11-19-19: 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 four and fifty-four hundredths (4.54) acres designated as TMS Parcel No. 399-153 from R2-Rural to General Commercial (GC).

EXPLANATION: See Agenda Item No. 3.

A. First Reading

Motion by Dr. Rucker to approve first reading; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

5. Appointments.

The following appointments were made to the **Board of Rescue and Rural Fire Control**:

Mr. Livingston recommended the appointment of Lallie Waites to the Board of Rescue, Pomaria representative; second by Dr. Rucker. Vote was unanimous

Mr. Scurry recommended the appointment of Joey Bishop to the Board of Rescue, Chappells representative; second by Mr. Stockman. Vote was unanimous.

Mr. Koon recommended the appointment of Daniel Werts to the Board of Rural Fire Control, Friendly representative; second by Mr. Stockman. Vote was unanimous.

Mr. Scurry recommended the appointment of Evan Horne to the Board of Rural Fire Control, Chappells representative; second by Mr. Stockman. Vote was unanimous.

Mr. Livingston recommended the appointment of Wesley Boland to the Board of Rural Fire Control, Pomaria representative; second by Dr. Rucker. Vote was unanimous.

Mr. Livingston recommended the appointment of Rodney Wicker to the Board of Rural Fire Control, Consolidated No. 5 representative; second by Mr. Reeder. Vote was unanimous.

Mr. Scurry recommended the appointment of John Pollard to the Board of Rural Fire Control, Silverstreet representative; second by Mr. Stockman. Vote was unanimous.

The following appointments were made to the **Newberry County Memorial Hospital Board**:

Mr. Livingston moved to approve the medical staff recommendation of Dr. Steven Fiamengo as the Medical Staff Representative; second by Mr. Reeder. Vote was unanimous.

Mr. Livingston recommended the appointment of Jerry Alewine as District Three Representative; second by Mr. Stockman. Vote was unanimous.

Mr. Livingston recommended the appointment of Barry Richardson as District Three Representative; second by Mr. Stockman. Vote was unanimous.

Mr. Scurry recommended the appointment of Frank M. Senn, Jr. as District Six Representative; second by Mr. Reeder. Vote was unanimous.

The following appointment was made to the **Newberry County Airport Commission:**

Mr. Scurry recommended the appointment of Ashley Wilson as the District Six representative; second by Mr. Stockman. Vote was unanimous.

The following appointment was made to the **Newberry County Library Board:**

Mr. Scurry recommended the appointment of Shirley Suber as the District Six representative; second by Mr. Reeder. Vote was unanimous.

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

Kenneth Brooks spoke regarding the fact that Roses was not going to open in Newberry because Food Lion kicked them out. Mr. Adams and Council Members explained to Mr. Brooks that County Council had no authority to do anything about this.

Mr. Brooks also stated taxes in the county were going up 20%. Mr. Adams asked where he was getting this information and that this was not true. Taxes are derived from three entities - County Council, municipalities and School District. For the County Council levy, if there is an increase, it is not more than \$10 per \$100,000 of market value. Reassessment is also going on but County Council has no control over reassessment. The value does play a big part in how much taxes you pay. The millage rate is going down.

7. Executive Session

Motion by Dr. Rucker to go into Executive Session to discuss the following:

Section 30-4-70(a)(2) SC Code of Laws: Discussion of negotiations incident to proposed contractual arrangement 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. (Opioid Claim)

Second by Mr. Reeder. Vote was unanimous.

(EXECUTIVE SESSION 7:30-7:50 P.M.)

Motion by Mr. Reeder to return to open session; second by Mr. Stockman. Vote was unanimous.

Mr. Tothacer reported Council went into Executive Session to receive legal advice relating to the opioid claims, and no action was taken in Executive Session.

Dr. Rucker moved to authorize the County Administrator and the County Attorney to sign the appropriate paperwork to opt out of the negotiating class in the opioid cases; seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

Mr. Adams advised the County is still pursuing this matter. We are just going about it in a different way. This negotiation class was sort of an experimental thing that has never been done before and has not gone the way we thought it would. All of our options are still open to us, and the County will be filing its own suit.

8. Comments/Requests from County Administrator.

Mr. Adams had no comments.

9. Comments/Requests from Council Members.

Mr. Reeder and Dr. Rucker attended the program at the National Guard and learned that a new brigade will be coming to Newberry, which is the Engineering Brigade, so the Armory will now be in full action.

The Veterans Day Parade is on Saturday, down Main Street, at 10:00 a.m. Samsung is sponsoring a dinner for the Veterans and their families at Speers Street School.

Mr. Livingston advised that Mr. Cain was absent because of health issues and requested that we keep him in our thoughts and prayers.

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10. Future Meetings:

- A. Personnel & Intergovernmental Relations Committee - 11/11/19 @ 6:00 p.m.**
- B. County Council - 11/20/19 @ 7:00 p.m.**
- C. Finance Committee - 11/25/19 @ 6:00 p.m.**

Mr. Livingston advised he would not be at the November 20th meeting because he and Rick Farmer are going to Washington working with our Congressman for economic development.

11. Adjournment.

There being no further business, Dr. Rucker moved to adjourn.

Mr. Livingston declared the meeting adjourned at 7:55 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved: _____