

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

The Newberry County Council met on Wednesday, March 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
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, County Attorney
Debbie Cromer, Finance Director
Taylor Davenport, Administrative Assistant
Susan C. Fellers, Clerk to Council

MEDIA; Andrew Wigger, Newberry Observer

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

Mr. Cain led the invocation followed by the Pledge of Allegiance

1. Adoption of Consent Agenda.

Motion by Mr. Cain to adopt Consent Agenda, as presented, consisting of minutes of the February 6, 2019 and February 20, 2019 Council meetings; second by Mr. Reeder. There being no discussion Mr. Livingston called for the vote. Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda.

Mr. Cain moved to make the following additions and deletions:

Under Item 2 add an (A), (B) and ©.

Item 2(A) is personal appearances.
Item 2(B) is public appearances.
Item 2(C) is deletion of Agenda Item 4.

Second by Mr. Koon. There being no further additions, deletions or discussion, Mr. Livingston called for the vote. Vote was unanimous.

2(A) (previously Agenda Item 3). Personal Appearances.

Connie Gallman spoke on behalf of Newberry County Disabilities and Special Needs. She thanked Council for inviting them. The 30th anniversary of Disability Advocacy Day was held at the State House today. She invited Council to the Artabilities Open House on March 27 from 10:00 a.m. to 1:00 p.m. The Ruth Pugh Golf Tournament is April 11 at Mid-Carolina Country Club beginning at 1:00 p.m.

Mr. Adams read into the record the Proclamation Declaring March 2019 as Disabilities Awareness Month. (Copy of Proclamation is attached hereto and incorporated herein).

Mr. Livingston then presented the Proclamation to Ms. Gallman and two other clients of the Disabilities and Special Needs.

2(B). Jim Edwards, a resident of Deer Trace Subdivision, spoke regarding rezoning of Parcel 450-4. This subdivision is located between Oxner Road and Interstate 26, with Highway 219 on one edge of it. The proposal to rezone Highway 219 does not give the SCDOT enough footage to grant an encroachment permit. If this parcel is zoned General Commercial and the party was to proceed with putting the proposed operation in there, the traffic must come off of Oxner Road. If that is the route of ingress and egress for 18 wheelers, it would make it rough for passenger automobiles to travel over it. At least 30 trucks a day would be going in and out, and some of them would be towing trailers. Oxner Road is a cut thru from Highway 34 and there is a lot of traffic and residents on that road. Mr. Edwards encouraged the denial of rezoning of Parcel 450-4.

Gayle Metts (rezoning 450-4) requested that **Robert Tak** address the rezoning on her behalf.

Mr. Tak said their company home office is located in California but plans to expand with a branch office here and this particular property was chosen because of the proximity of Samsung.

Approximately 30 trucks would be going in and 30 going out on a daily basis. The only exit and entrance would be on Oxner Road. Some of the trucks would be loaded and some of them empty.

Mr. Livingston asked Ms. Metts her relationship to this situation. Ms. Metts replied that she was the owner of this property. (inaudible)

Bobby Shealy with Lane Properties appeared representing the seller of a piece of property that we are asking to be rezoned from General Commercial to R2 Rural. The Hawkins family purchased this parcel of land consisting of 1.72 acres at the intersection of Airport Road and Wilson Road (Highway 76). They bought this property around 1947 and built a home in which they lived their entire life. When they died, their daughter inherited the property. In the process of selling it, we found out the property was zoned General Commercial. The property undoubtedly was zoned General Commercial back around 2001 when the County decided to start a zoning process. All of the property from Airport Road to Civitan Road on that side is actually zoned General Commercial but all of the property down through there is residential property. No commercial properties are located on any of those lots. Mr. Shealy has a buyer but in order to sell it it has to be zoned Residential in order for her to get a residential loan. Most of the neighbors out there are in favor of it. You will probably be hearing from others out there wanting their property rezoned. At the time of zoning the County probably thought the business district would go toward Clinton but instead is moving toward Prosperity. The only thing commercial or industrial was an old sawmill located across the road and it is closed. (TMS 284-1-6).

2(C). Deletion of agenda item 4.

Mr. Adams said this involves the piece of property owned by Ms. Metts. The Planning Commission has voted to disapprove the rezoning request because of complaints from the neighbors regarding the fact it would accommodate trailers and truck movements, etc.

Staff's position on deleting the item has nothing to do with who is right and who is wrong in this situation. It has to do with the awkwardness with which the consideration process moves forward once the Planning Commission disapproves. There is standard language in these ordinances that asks Council to approve or disapprove the rezoning request as acted on by the Planning Commission. In this case as they disapproved it, Council would have to vote yes or to approve to not allow a rezoning. This creates an awkward situation because then you have an

Ordinance that has to be read three times in order for Council to express its approval and nothing more. Council is enacting an Ordinance that does nothing. It is a confusing process.

We suggest that if any member of Council is inclined to favor Ms. Metts' request, then you bring it up as a stand alone ordinance at a future meeting, and Council would vote up or down yes or no to approve a zoning ordinance. This brings more clarity to the process. It doesn't rob anybody of their due process or rights here. People have had a chance to speak today for or against and they would have chances at future meetings if this ordinance comes up. It is just a clearer process and makes more sense.

Motion by Mr. Cain to accept Administration's recommendation; second by Mr. Koon. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

3 (formerly item 5). Ordinance #03-03-19: 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 one and seventy-two hundredths (1.72) acres, designated as TMS Parcel No. 284-1-6 from General Commercial (GC) to R2-Rural.

A. First Reading

Motion for first reading by Mr. Cain; second by Mr. Scurry.

This is the property Mr. Shealy spoke about.

Mr. Koon abstained from voting because Mr. Shealy is his cousin.

There being no further discussion, Mr. Livingston called for the vote. Voting for first reading were Council Members Livingston, Stockman, Cain, Reeder, Rucker and Scurry. Mr. Koon abstained. First reading passed.

4 (formerly agenda item 6). Consideration of Bids for Repair of Springhill Road (funding provided by CTC).

Mike Pisano, Public Works Director, said this was put out for bid and three bids were received for this contract. The low bidder was Satterfield Construction at \$178,813; the next bid was Lindler's Construction at \$189,900; and the highest bidder was Armstrong Contractors at \$281,534. This is for repair of Springfield Road, approximately eight-tenths of a mile. This is within the budgeted amount set forth by the County Transportation Committee.

Mr. Pisano requested that Council accept the low bid of Satterfield Construction in the amount of \$178,813.

Motion to accept recommendation of low bid by Mr. Reeder; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the question. Vote was unanimous.

5 (formerly agenda item 7). Appointments.

Central Midlands Council of Governments has asked Council to make two appointments to its Board, 1) a serving member of County Council (replacement for Bill Waldrop) and 2) a citizen appointee.

Motion by Mr. Koon to appoint Scott Cain from Council; second by Mr. Reeder. There being no further appointments, Mr. Livingston called for the vote. Vote was unanimous.

Motion by Mr. Reeder to appoint Walt McLeod as the citizen appointee; second by Dr. Rucker. There being no further appointments, Mr. Livingston called for the vote. Vote was unanimous.

6 (formerly agenda item 8). Committee Report.

A. Personnel and Intergovernmental Relations Committee - 3/4/19 - Jay Tothacer, County Attorney.

Mr. Tothacer reported the Committee met on March 4 and the first item of business was the election of the Chairman for 2019. Mr. Reeder was re-elected as Chairman.

The only other item on the agenda was a request by an individual who wanted to use Lynches Woods for a program or project he had in mind. He was not in attendance at the meeting. Mr. Tothacer explained the request to the Committee. Mr. Tothacer had already told the individual if he was asked about it, he would not recommend it. Mr. Tothacer explained his concerns. There was some discussion, and Mr. Cain, a member of the Committee, knows the individual, and it was agreed by the Committee that Mr. Cain would meet with the individual and see if he could answer some of the concerns. If necessary, it would be brought back up at a future Committee meeting.

7 (formerly agenda item 10). Executive Session (if needed)

No Executive Session needed.

8 (formerly agenda item 11). Comments/Requests from County Administrator.

No comments.

9 (formerly agenda item 12). Comments/Requests from Council Members.

Mr. Koon asked prayers for the people of Alabama and Georgia who lost lives and property in the tornados.

Mr. Livingston thanked Mr. Cain for accepting the appointment to the Central Midlands Board.

Mr. Livingston will be at real estate training and will miss the next Council meeting.

10 (formerly agenda item 13). Future Meetings

- A. Finance Committee Meeting 3/18/19 @ 6:00 p.m.**
- B. County Council Meeting 3/20/19 @ 7:00 p.m.**
- C. Economic Development Committee Meeting 3/25/19 @ 7:00 p.m.**

11 (formerly agenda item 14). Adjournment.

There being no further business, Dr. Rucker moved for adjournment; second by Mr. Stockman.

Meeting adjourned at 7:45 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III

Susan C. Fellers, Clerk to Council

APPROVED: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)
)

PROCLAMATION BY NEWBERRY COUNTY
DECLARING MARCH 2019
DISABILITES 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 2019 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 2019 as
DISABILITES 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 a meeting duly assembled in Newberry, South Carolina, this 6th day of March 2019.”

AND IT IS SO PROCLAIMED THIS _____ DAY OF _____, 2019 AT NEWBERRY, S.C.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Henry H. Livingston, III, Chairman

Attest:

BY: _____
Susan C. Fellers, Clerk to Council