



**NEWBERRY COUNTY COUNCIL
MINUTES
NOVEMBER 5, 2014**

Newberry County Council met on Wednesday, November 5, 2014, 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
Leslie (Les) Hipp, Councilman
Steven C. Stockman, Councilman
Scott Cain, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: John E. Caldwell, Councilman

MEDIA: Andrew Wigger, Newberry Observer
Tammy Kitchen, WKDK

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order and determined a quorum present.

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

1. Adoption of Consent Agenda

Mr. Hipp motioned to adopt the consent agenda; seconded by Mr. Cain. The vote was unanimous.

2. ***Additions, Deletions, and Adoption of Agenda***

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

3. ***Ordinance #10-13-14: An Ordinance to declare surplus and approve the transfer of a portion of certain real estate property owned by Newberry County.***

Mr. Waldrop motioned to approve second reading of Ordinance #10-13-14; seconded by Mr. Hipp. The vote was unanimous.

4. ***Ordinance #10-14-14: An Ordinance to provide for the issuance and sale of a General Obligation Bond of Newberry County, South Carolina not exceeding \$310,000 in principal amount, to prescribe the purposes for which the proceeds of said bond shall be expended, to provide for the payment of said bond, authorizing the issuance of notes in anticipation of the bond authorized herein, and other matters relating thereto.***

Mr. Cain motioned to approve second reading of Ordinance #10-14-14; seconded by Mr. Hipp. The vote was unanimous.

5. ***Ordinance #10-15-14: An Ordinance authorizing the execution and delivery of a Purchase Agreement between Newberry County, South Carolina and (Project Eagle); the conveyance of certain property owned by and located in Newberry County to (Project Eagle); and other matters related thereto.***

Mr. Cain motioned to approve second reading of Ordinance #10-15-14; seconded by Mr. Waldrop. The vote was unanimous.

6. ***Resolution #09-14: A Resolution urging the General Assembly to increase the allocation to the Local Government Fund.***

Mr. Adams read Resolution #09-14 into the record:

“WHEREAS, The South Carolina General Assembly enacted the Home Rule Act, Act No. 283 of 1975, granting certain, but limited, powers to the Local Government bodies across the State; and

WHEREAS, the State, in addition to the powers and obligations enumerated in the Home Rule Act, has chosen to utilize Counties as an administrative arm of the state of South Carolina and as an additional funding source for state agencies; and

WHEREAS, the legislature proposed and passed the State Aid to Subdivisions Act in the FY 1991-92 budget; and

WHEREAS, this Act requires that the State appropriate 4.5% of general fund revenues of the most recently completed fiscal year to the Local Government Fund; and

WHEREAS, in FY 2009-10, 2010-11, FY 2011-12, FY 2012-13, FY 2013-14 and FY 2014-15 the General Assembly suspended the provisions of §6-27-30 and §6-27-50 in the budget and failed to fund the LGF at the statutorily mandated formula; and

WHEREAS, for FY 2014-15 the General Assembly funded the LGF at \$187.6 million in recurring dollars and \$25 million in non-recurring money. This amount represents \$75 million in lost tax relief to county taxpayers; and

WHEREAS, in 1999 the General Assembly passed §12-37-2735, the Personal Property Tax Relief Fund, to provide an additional \$20 million allocation to counties for property tax relief; and

WHEREAS, since FY 2001-02 the General Assembly has suspended the provisions of §12-37-2735 in the budget and failed to fund the Personal Property Tax Relief Fund at the statutorily mandated level; and

WHEREAS, state-shared revenue assists in the burden placed upon property taxpayers to fund both state and local services; and

WHEREAS, despite refusing to increase monies to the Local Government Fund, the General Assembly persists in statutorily requiring counties to assume the State's administrative and financial responsibilities; and

WHEREAS, the State further punishes county taxpayers by withholding additional revenue for a county's failure to assume the state's obligations; and

WHEREAS, this shift of financial responsibility creates a sham; giving the appearance of "clean hands" at the state level of government while forcing local governments to raise taxes; and

WHEREAS, in addition to surreptitiously dismantling statutory property tax relief granted to their property taxpayers, the General Assembly has further restricted county governments' ability to generate revenue, thereby preventing the counties from being able to pay for legitimate functions of county government and from mitigating the expected shortfalls resulting from the State's refusal to meet its statutory obligations; and

WHEREAS, despite the fact that the state general fund saw a 20.3% increase from FY 2010 to 2013, the General Assembly refuses to provide even a negligible increase for property tax relief, much less fund in accordance with state statutes, and

WHEREAS, this tax policy is unsustainable without substantial tax increases and service reductions; and

WHEREAS, a failure to fund the Local Government Fund requires taxpayers to pay twice for the same services they were receiving prior to the reductions in the Local Government Fund.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of November 2014, that Newberry County urges the General Assembly to re-establish accountability by restoring State funding of State agencies and desist in the current policy which uses slight of hand by forcing counties to levy property taxes to fund these agencies; and

BE IT FURTHER RESOLVED, that Newberry County urges the General Assembly increase the allocation to the Local Government Fund to both provide property taxpayers with the relief they have been promised and allow county government the ability to provide the State and Local Government services required under State Law; and

BE IT FURTHER RESOLVED that the County Council directs the Clerk to Council to forward a copy of this Resolution to both members of the Newberry County Legislative Delegation and the South Carolina Association of Counties.

AND IT IS SO RESOLVED THIS DAY OF NOVEMBER 5, 2014 AT NEWBERRY, S.C."

Mr. Cain motioned to approve Resolution #09-14; seconded by Mr. Stockman.

Under discussion, Chairman Livingston commented that County Council has done a good job being frugal with taxpayer dollars and noted that this shortfall negates what our largest employer, Louis Rich, makes to our county.

Mr. Adams responded that the effect of the under funding by the General Assembly is the same as if we were to lose our largest property tax payer. Under these circumstances, Council has still consistently reduced taxes over the past several years.

Mr. Hipp stated that this document was provided to us by the SC Association of Counties; we did not create all of the inflammatory language. He said he did not have a problem contacting our legislative delegation and stressing the importance of the General Assembly abiding by the LGF formula to fund state mandated services, but he would like to see the Resolution reduced to a more concise and condensed document.

After much discussion and input from Councilmen, Mr. Koon motioned to approve Resolution #09-14 as is; seconded by Mr. Waldrop. The vote passed 4-2, with Hip and Cain opposed.

7. *Proclamation: A Proclamation declaring Newberry County as a Purple Heart County*

Mr. Adams read the Purple Heart County Proclamation into the record:

“WHEREAS, The Purple Heart, created in 1782 by General George Washington as the Badge of Military Merit, is the oldest military decoration in present use; and

WHEREAS, The Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the Armed Services who is wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, The mission of the Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of good will among combat wounded veteran members and their families, promote patriotism, support legislative initiatives and, most important, make sure we never forget; and

WHEREAS, Newberry County residents have made the ultimate sacrifice in armed conflicts and have been awarded the Military Order of the Purple Heart for wounds received in combat; and

WHEREAS, Newberry County has many highly decorated military members, both active and retired, and the county recognizes their continuing commitment and the increasing sacrifice that military families make daily;

NOW, THEREFORE, BE IT RESOLVED, Newberry County Council hereby proclaims Newberry County as a Purple Heart County in recognition and honor of these men and women.

DATED this 5th day of November 2014.”

Mr. Koon motioned to approve Purple Heart County Proclamation; seconded by Mr. Hipp. The vote was unanimous.

8. *Consideration of bid in the amount of \$33,350.00 from North Greenville Fitness and Cardiac Rehabilitation Clinic for Fire, Rescue, and Hazmat Physicals*

Mr. Long, Emergency Services Coordinator, reported that the physicals were bid out and only North Greenville Fitness responded. He said they have been doing our physicals for the past five (5) years. This is funded in the budget and would like Councils consideration to move forward with the physicals in January.

Mr. Koon motioned to approve bid in the amount of \$33,350.00 from North Greenville Fitness; seconded by Mr. Waldrop. The vote was unanimous.

9. Consideration to expend Capital Outlay in the amount of \$60,000 for Rescue Squads

Mr. Long reported that this item is budgeted and Council was provided with an itemized list of proposed purchases. Members of the Public Safety and Courts Committee recommended moving forward and bringing before full Council.

Mr. Waldrop motioned to approve Capital Outlay for Rescue Squads in the amount of \$60,000.00; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked if they had identified any shortfalls or will this be the only funding requested for the year.

Mr. Long stated that there may a need for some funding to assist with Ebola but he will try to work that funding within the PPE budget.

Mr. Cain mentioned that he felt all active members should be issued their own respiratory gear so they will know that it is clean and serviceable.

Having received no further discussion, the vote was unanimous to approve Capital Outlay in the amount of \$60,000.00 for Rescue Squads.

10. Appointments

No appointments.

11. Committee Reports

a. Public Safety and Courts Committee - 10/20/14

Mr. Long reported that there were five (5) items on the agenda; two of which (capital outlay and physicals) were discussed tonight.

- Discussions about a structure for storing the Mobile Morgue. The committee noted that this could be added to next year's budget.

- Discussions about response times in the Chappells area for Rescue and EMS calls. Mr. Long noted that we have a Mutual Aid Agreement with Laurens and he has coordinated efforts with the Cross Hill Department who will respond if our needs meet certain criteria.
- Mr. West gave an update on the Courthouse, Whitmire Fire Department, Rescue Squad, EMS, and the Sheriff's Office facilities.

b. Personnel and Intergovernmental Relations 11/3/14

Mrs. Hill, Human Resource Director, reported that the following was discussed at the Personnel and Intergovernmental Relations Committee on November 3, 2014.

- Mrs. Hill gave the committee an update on the minor changes she is making to the Employee Handbook.
- The committee was given notification of the upcoming Thanksgiving and Christmas Holiday schedule.
- Christmas Luncheon is scheduled for December 19th from noon – 2:00 p.m
- Mrs. Gerdi Lake gave the recreational activities update
- Mr. West updated the committee on the bridge work at Lynches Woods and stated that the demolition of the Jaycee Hut is complete.

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

No comments.

13. Executive Session

No Executive Session

14. Comments/Request from County Administrator

Mr. Adams thanked the Election Commission and the poll workers for doing a fine job in yesterday's election. He thanked the Finance staff for a well-run Delinquent Property Tax Sale which took place on Monday.

15. Comments/Request from Council Members

Mr. Hipp congratulated Mr. Livingston, Mr. Waldrop, and Mr. Reeder for their election to County Council and thanked the citizens who exercised their constitutional right to vote.

Mr. Waldrop thanked the people of District 6 for their support.

Chairman Livingston thanked the people of District 3 for their continued support.

16. Future Meetings

- a. County Council – 11/19/14 @ 7:00 p.m.
- b. Public Works and Planning – 11/24/14 @ 6:00 p.m.

17. Adjournment

Chairman Livingston declared the meeting adjourned at 7:35 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council