



***NEWBERRY COUNTY COUNCIL  
MINUTES  
APRIL 15, 2015***

Newberry County Council met on Wednesday, April 15 2015, 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**  
                  **Steve Stockman, Councilman**  
                  **Scott Cain, Councilman**  
                  **Travis Reeder, Councilman**  
                  **Wayne Adams, County Administrator**  
                  **A.J. Tothacer, County Attorney**  
                  **Laurie Renwick, Clerk to Council**  
                  **Debbie Cromer, Finance Director**

**MEDIA:**     **Andrew Wigger, Newberry Observer**  
                  **Samie Truong, WKDK**

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Mr. Reeder 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. Hipp. The vote was unanimous.

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

Chairman Livingston recommended that agenda item #17 be moved under item #4 so that action can be taken on the item Mrs. Johnson with SC Workforce Development has asked Council to consider.

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

**4. *Personal Appearances***

a. Sandra Johnson, Workforce Development Administrator

Ms. Johnson introduced herself and stated that she is the Workforce Development Administrator for Upper Savannah Council of Governments. She reported that they administer the workforce system programs in the counties of Abbeville, Edgefield, Greenwood, Laurens, McCormick, Newberry and Saluda through their SC Works Centers. They work with job seekers and employers and try to match each of those together. She said new legislation was passed last July for the programs that they operate and as a result, new agreements have to be in place to work as a consortium in the seven counties and to appoint Upper Savannah COG as the administrative entity for this program.

**17. *Consideration of Upper Savannah Workforce Development Area Designation Petition and Consortium Agreement***

Mr. Reeder motioned to approve agreement; seconded by Mr. Cain. The vote was unanimous.

**3. *Newberry County Service Awards***

Chairman Livingston recognized the following employees for their years of service: Timothy Heuble, Sheriff's Office – 10 years; Connie Johnson, Sheriff's Office (absent) – 15 years; Jeffery Martin, Facility Maintenance – 15 years; Pam Neal, Treasurer's Office (absent) – 15 years; Debra Beard, Sheriff's Office – 20 years; and Debbie Cromer, Finance Director – 40 years.

**5. *Ordinance #11-16-14: An Ordinance authorizing the execution and delivery of an Incentive Agreement between the county and Sea Pro Boats, LLC relating to certain investment in the county; authorizing the provision of certain incentives to Sea Pro Boats, LLC, including assisting in the acquisition or lease of certain land and improvements by Sea Pro Boats, LLC, and the execution and delivery of those documents necessary to provide such incentives; and other matters related thereto.***

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 #11-16-14; seconded by Mr. Koon. The vote was unanimous.

6. ***Ordinance #03-02-15: An Ordinance to provide for the issuance and sale of not exceeding one million two Newberry County, South Carolina, for the issuance of notes in anticipation of such hundred thousand dollars (\$1,200,000.00) General Obligation Bonds of 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.***

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 #03-02-15; seconded by Mr. Waldrop. The vote was unanimous.

7. ***Ordinance #04-03-15: An Ordinance to provide for the issuance and sale of General Obligation Bonds of Newberry County, South Carolina not exceeding \$1,900,000 in aggregate principal amount, to prescribe the purposes for which the proceeds of said bonds shall be expended, to provide for the payment of said bonds, and other matters relating thereto.***

Mr. Koon motioned to approve second reading of Ordinance #04-03-15; seconded by Mr. Reeder. The vote was unanimous.

8. ***Ordinance #04-04-15: An Ordinance authorizing the execution of an Equipment Lease-Purchase Agreement in an amount not exceeding \$700,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.***

Mr. Waldrop motioned to approve second reading of Ordinance #04-04-15; seconded by Mr. Cain. The vote was unanimous.

9. ***Ordinance #04-05-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone two contiguous real estate parcels totaling three and two hundredths (3.02) acres designated as TMS Parcels No. 399-52 and 399-109 from Rural (R2) to General Commercial (GC).***

Mr. Cain motioned to approve second reading of Ordinance #04-05-15; seconded by Mr. Hipp. The vote was unanimous.

10. ***Ordinance #04-06-15: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a four and five tenths (4.5) acres portion of a real estate parcel totaling nine and ninety three hundredths (9.93) acres designated as TMS Parcel No. 652-32 from Single Family Residential (RS-3) to General Commercial (GC).***

Mr. Stockman motioned to approve second reading of Ordinance #04-06-15; seconded by Mr. Reeder. The vote was unanimous.

11. ***Ordinance #04-07-15: An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of Ad Valorem Taxes and Incentive Agreement by and between Newberry County, South Carolina, and Metal Masters, Incorporated, as sponsor, to provide for a fee in lieu of ad valorem taxes incentive, and other matters related thereto.***

Mr. Cain motioned to approve second reading of Ordinance #04-07-15; seconded by Mr. Reeder. The vote was unanimous.

12. ***Ordinance #04-08-15: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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. Adams reported that the proposed operating budget for FY15-16 is balanced at \$23,116,011.00.

Mr. Cain motioned to approve first reading of Ordinance #04-08-15; seconded by Mr. Waldrop. The vote was unanimous.

- 13. Ordinance #04-09-15: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2015 and ending June 30, 2016, for the Newberry County Library, Piedmont Technical College and the Newberry Agency for the 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. Adams reported that the proposed community services budget for FY15-16 is balanced at \$832,262.00.

Mr. Reeder motioned to approve first reading of Ordinance #04-09-15; seconded by Mr. Cain. The vote was unanimous.

- 14. Ordinance #04-10-15: An Ordinance for the purpose of leasing county property located at 1300 Hunt Street used by the Newberry County Council on Aging (TMS No. 342-2-6-2).**

Mr. Koon motioned to approve first reading of Ordinance #04-10-15; seconded by Mr. Stockman. The vote was unanimous.

- 15. Resolution #04-15: A Resolution supporting state efforts to find solutions to the funding needs for state maintained and operated roads and bridges without transferring the burden to local governments and opposing any actions taken by the General Assembly that through lack of state funding will lead to increased taxes to the citizens of Newberry County.**

Mr. Adams read Resolution #04-15 into the record:

“**WHEREAS**, Newberry County, along with the vast majority of citizens, acknowledges that South Carolina’s infrastructure is in desperate need of repairs and funding sources; and

**WHEREAS**, it is widely understood that the State has failed to sufficiently address and fund road and bridge projects over the years; and

**WHEREAS**, only 10% of the non-federal aid eligible secondary roads assigned for transfer are good condition while 90% are in fair or poor condition, and

**WHEREAS**, the Department of Transportation is in a much better position to assess the needs and to perform the necessary maintenance on these roads in the state system, and

**WHEREAS**, H. 3579 claims that the dumping of State roads onto counties is “optional” and comes with “adequate” funding, but the option is left to the County Transportation Committee (CTC) and not the County Council and the proposed funding is insufficient to repair and maintain the nearly 19,000 miles of roads; and

**WHEREAS**, devolving this authority onto an appointed body renders this legislation constitutionally suspect; and

**WHEREAS**, if the CTC does not refuse the roads then the County is forced to accept the financial responsibility, maintenance, and liability of the roads; and

**WHEREAS**, the bill places too much power with the CTC, which is not liable or accountable to the taxpayers if the funding is insufficient or if the CTC elects to spend the money on other projects such as state-owned roads; and

**WHEREAS**, insufficient funding would result in a potential local tax increase on County to pay for maintenance and repair on the deteriorating roads; and

**THEREFORE, BE IT RESOLVED** by the Newberry County Council that it is opposed to any legislative efforts to transfer state-owned roads to local governments and requests that all members of the South Carolina General Assembly refuse further consideration of any proposed legislation.

**DONE IN REGULAR MEETING THIS 15<sup>th</sup> DAY OF APRIL, 2015.”**

Mr. Koon motioned to approve Resolution #04-15 and have it forwarded to our Legislative Delegation; seconded by Mr. Waldrop. The vote was unanimous.

- 16. Resolution #05-15: A Resolution identifying a project in order to satisfy the requirements of South Carolina Code Section 12-44-40, so as to allow investment expenditures incurred by Metal Masters, Incorporated to qualify as economic development property under a Fee-In-Lieu of Taxes Arrangement with Newberry County, South Carolina; and committing to enter into such necessary agreements to effectuate the intent of this resolution, and other matters related thereto.**

Mr. Adams reported that this Resolution identifies fee qualified projects and states the county’s agreement in principal to negotiate a fee-in-lieu of taxes.

Mr. Koon motioned to approve Resolution #05-15; seconded by Mr. Waldrop. The vote was unanimous.

- 18. Consideration of Request for Proposals for Two-Way Radios**

Mrs. Waldrop stated that proposals were received from Kinard Control in the amount of \$46,110.70 and Rock Communications in the amount of \$52,668.20 on April 09, 2015 Staff recommends accepting the cost proposal from Kinard Control with funding coming from a no-match DHEC grant.

Mr. Koon motioned to approve the low bid from Kinard Control in the amount of \$46,110.70; seconded by Mr. Cain. The vote was unanimous.

**19. Consideration of bid for EMS Ambulance Remounts**

Mrs. Waldrop reported that staff received a bid from Peach State Ambulance for 2 ambulances, 1 stretcher, and two back up cameras for a total of \$218,656.00. Mrs. Waldrop noted an error on the amount that was provided to the Clerk to Council for the agenda. Instead of \$118,656.00 as noted on the agenda, the correct amount is \$218,656.00.

Mr. Cain motioned to approve the bid from Peach State Ambulance in the amount of \$218,656.00; seconded by Mr. Reeder. The vote was unanimous.

**20. Appointments**

No appointments.

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

No comments.

**22. Executive Session**

a. §30-4-70(a)(2) SC Code of Laws: Discussion of negotiations incident to proposed contractual arrangements 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.

b. §30-4-70(a)(5) SC Code of Laws: Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

Mr. Waldrop motioned to go into Executive Session; seconded by Mr. Cain. The vote was unanimous.

***Executive Session [7:31 p.m. – 8:55 p.m.]***

Mr. Stockman motioned to return to Open Session; seconded by Mr. Hipp. The vote was unanimous.

Mr. Tothacer reported that Newberry County Council went into executive session to consider two matters and no action was taken in that session.

**23. *Comments/Request from County Administrator***

Mr. Adams reminded all of the budget work session on Monday night. He also indicated that Lynches Woods should be reopened by May 15, 2015.

**24. *Comments/Request from Council Members***

No comments.

**25. *Future Meetings***

- a. Budget Work Session 04/20/15 @ 6:00 p.m.
- b. Public Safety and Courts Committee 05/04/15 @ 6:00 p.m.
- c. County Council 5/06/15 @ 7:00 p.m.
- d. Public Works and Planning Committee 05/11/15 @ 6:00 p.m.
- e. County Council 05/20/15 @ 7:00 p.m.

**26. *Adjournment***

Chairman Livingston declared the meeting adjourned at 8:58 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, Chairman**

**APPROVED:**

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**Laurie N. Renwick, Clerk to Council**