



**NEWBERRY COUNTY COUNCIL
MINUTES
MAY 6, 2015**

Newberry County Council met on Wednesday, May 6, 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. Stockman 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. Reeder. The vote was unanimous.

2. *Additions, Deletions and Adoption of Agenda*

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

3. ***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. Cain motioned to approve third reading of Ordinance #04-03-15; seconded by Mr. Hipp. The vote was unanimous.

4. ***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).***

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 #04-05-15; seconded by Mr. Hipp. The vote was unanimous.

5. ***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).***

Chairman Livingston declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

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

6. **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.**

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 #04-07-15; seconded by Mr. Reeder. The vote was unanimous.

7. **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. Cain motioned to approve second reading of Ordinance #04-08-15; seconded by Mr. Hipp.

Mr. Adams reported that the budget remains balanced at \$23,116,011.00. At the April 22, 2015 work session, Council agreed to consider an amendment if someone would like to offer it.

Mr. Hipp motioned to amend Ordinance #04-08-15 to include the following:

- Decrease Contingency Expenditures (010-005-15000-02011) by \$18,187 from \$242,532 to \$224,345, and increase the following expenditure line items
 - Increase State Medically Indigent appropriation (010-005-14260-02020) by \$9,786 - from \$69,956 to \$79,742

- Increase Newberry County Soil and Water Conservation District appropriation (010-005-11400-01010) by \$2,000 - from \$37,210 to \$39,210
- Increase Transfer Station appropriation (010-005-08112-01020) by \$5,400 - from -0- to \$5,400
- Increase Transfer Station appropriation (010-005-08112-01110) by \$413 - from \$1,969 to \$2,382
- Increase Transfer Station appropriation (010-005-08112-01120) by \$588 - from \$2,833 to \$3,421

Mr. Cain seconded. The vote was unanimous to approve amendment.

Having received no further discussion, the vote to approve second reading of Ordinance #04-08-14 as amended was unanimous.

8. Ordinance #04-09-15:

Mr. Cain motioned to approve second reading of Ordinance #04-09-15; seconded by Mr. Reeder.

Mr. Adams reported that the proposed community services budget for FY15-16 is balanced at \$832,262.00. At the April 22, 2015 work session, Council agreed to consider an amendment totaling a \$30,000.00 increase with \$20,000.00 for the library system and \$10,000.00 for the Board of Disabilities and Special Needs.

Mr. Hipp motioned to amend Ordinance #04-09-15 as follows:

- Increase Property Taxes Revenue (010-004-00040-00413) by \$30,000 - from \$832,262 to \$862,262
 - Increase Newberry Disabilities and Special Needs Expenditures (020-005-12400-02020) by \$10,000 - from \$22,606 to \$32,606
 - Increase Newberry Library Expenditures (020-005-10100-02020) by \$20,000 - from \$403,881 to \$423,881

Mr. Waldrop seconded. The vote was unanimous to approve amendment.

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

Having received no further discussion, the vote to approve second reading of Ordinance #04-09-15 as amended was unanimous.

9. **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 second reading of Ordinance #04-10-15; seconded by Mr. Cain. The vote was unanimous.

10. **Resolution #06-15:** A Resolution to establish that no objection on behalf of Newberry County shall be made with regard to a petition to close a street or road pursuant to Section 57-9-10 of the Code of Laws of South Carolina, 1976 as amended.

Mr. Adams reported that this Resolution is for a petition initiated by the adjoining property owners asking the county to close the portion of Hamm Drive that adjoins their property. It is not a portion that the county has ever maintained and it is not even paved.

Mr. Koon motioned to approve Resolution #06-15; seconded by Mr. Stockman. The vote was unanimous.

11. **Proclamation designating May 15, 2015 as Peace Officer's Memorial Day**

Mr. Adams read Proclamation into the record:

WHEREAS, The Congress and President of the United States have designated May 15, 2015, as Peace Officers' Memorial Day; and

WHEREAS, the members of the law enforcement agencies of Newberry County play an essential role in safe guarding the rights and freedoms of the citizens of our community; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement officers, and that law enforcement officers recognize their duty to serve the people of this community, by protecting them against violence and disorder; and

WHEREAS, the law enforcement officers of Newberry County unceasingly provide a vital public service;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that the County Council of Newberry County directs that all flags on County buildings be flown at half-staff on May 15, 2015, in recognition of Peace Officers' Memorial Day and in memory of those law enforcement officers, who through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and to honor those law enforcement officers presently serving the community.

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

12. Proclamation commemorating the 50th Anniversary of the Vietnam War

Mr. Adams read Proclamation into the record:

WHEREAS, Our county, our state and nation have been blessed by the courageous men and women who answer the call to protect and defend the core principles upon which our county was founded, both at home and abroad; and

WHEREAS, from the deployment of American troops in 1962 to the fall of Saigon in 1975, more than three million members of our armed forces served in Vietnam, and 58,000 lost their lives; and

WHEREAS, in recognition of the 50th Anniversary of the Vietnam War, the United States of America Vietnam War Commemoration was established to thank and honor the veterans, including those held as prisoners of war or listed as missing in action, and their families for their service and sacrifice; and

WHEREAS, Vietnam War commemoration events held throughout our state and nation provide an opportunity to show our appreciation to the veterans who so bravely served in Southeast Asia.

NOW, THEREFORE, BE IT RESOLVED, this 6th day of May, 2015, Newberry County Council hereby pays tribute to the men and women who answered the call of duty with courage and valor and to their families for their enduring sacrifice.

Mr. Koon motioned to approve Proclamation; seconded by Mr. Cain. The vote was unanimous.

13. Committee Reports

a. Public Safety and Courts 5/4/15

Mr. Tommy Long reported that the committee met on May 4, 2015 and four (4) items were addressed at the meeting.

- Extending fire coverage between the hours of 7 a.m. – 5 p.m. with possible option of funding through a special tax district.
- Re-bidding Simulcast Radio Project
- Discussion of EMS shortfalls and funding
- Update on Courthouse Areaway and Landscaping Project

14. Appointments

Mr. Koon nominated Mr. Aubrey Horne to Board of Rural Fire Control; seconded by Mr. Hipp. The vote was unanimous.

Mr. Hipp nominated Mr. Rick Farmer to the Upper Savannah COG; seconded by Mr. Koon. The vote was unanimous.

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

No comments.

16. 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.

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

EXECUTIVE SESSION [7:28 p.m. – 8:05 p.m.]

Mr. Cain reported that Newberry County Council went into executive session to receive legal advice related to a pending claim and a proposed contractual arrangement and no action was taken in that session.

Mr. Cain motioned that the county retain David Dubberly, attorney with Nexsen Pruet, to serve as legal counsel for the pending matter initiated by Chief Magistrate Jayroe to be heard by County Council regarding a petition of redress and the termination of additional compensation; seconded by Mr. Hipp. The vote was unanimous.

17. Comments/Request from County Administrator

No comments.

18. Comments/Request from Council Members

Chairman Livingston asked that the Clerk to Council and her family be kept in thought and prayer as her father was admitted to the hospital.

19. Future Meetings

- a. Public Works and Planning Committee 05/11/15 @ 6:00 p.m.
- b. County Council 05/20/15 @ 7:00 p.m.

20. Adjournment

Chairman Livingston declared the meeting adjourned at 8:07 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council