



**NEWBERRY COUNTY COUNCIL
MINUTES
JUNE 19, 2013**

Newberry County Council met on Wednesday, June 19, 2013, 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
John E. Caldwell, Councilman
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

PRESS: Natalie Netzel, 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. Waldrop led the invocation followed by the Pledge of Allegiance.

1. Presentation of Newberry County Service Awards

Chairman Livingston presented the following service awards: Jay Tothacer, County Attorney – 5 years; Anne Peters, Zoning Administrator – 10 years; Pete Johnson (absent), Sheriff's Office – 20 years.

2. Ordinance #06-12-13: 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 three (3.0) acres portion of a real estate parcel totaling fifteen (15.0)

acres designated as TMS No. 695-44 from Single Family Residential (RS-1) to Rural (R2).

Mr. Cain motioned to approve second reading of Ordinance #06-12-13; seconded by Mr. Stockman. The vote was unanimous.

3. **Ordinance #06-13-13: 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 six and one tenth (6.1) acres designated as TMS No. 695-27 from Single Family Residential (RS-1) to Rural (R2).**

Mr. Waldrop motioned to approve second reading of Ordinance #06-13-13; seconded by Mr. Stockman. The vote was unanimous.

4. **Ordinance #06-14-13: 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 thirty-eight and forty-three hundredths (38.43) acres portion of a real estate parcel totaling forty and forty-eight hundredths (40.48) acres designated as TMS Parcel No. 633-3 from Rural (R2) to Single Family Residential (RS-1).**

Mr. Caldwell motioned to approve second reading of Ordinance #06-14-13; seconded by Mr. Koon. The vote was unanimous.

5. **Ordinance #06-15-13: 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 two and six hundredths (2.06) acres portion (Lot 7) of a real estate parcel totaling forty and forty-eight hundredths (40.48) acres designated as TMS Parcel No. 633-3 from Rural (R2) to Limited Commercial (LC).**

Mr. Koon motioned to approve second reading of Ordinance #06-15-13; seconded by Mr. Hipp. The vote was unanimous.

6. **Ordinance #04-07-13: An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2013, and ending June 30, 2014, 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. Waldrop motioned to approve third reading of Ordinance #04-07-13; seconded by Mr. Cain.

Mr. Adams reported that there are several proposed amendments to Ordinance #04-07-13. Council may wish to take these one at a time or all in one block.

Mr. Waldrop asked that they be presented one at a time.

Mr. Adams stated that Amendment #1 will increase the Miscellaneous Operating budget for health insurance by \$86,000.00. That line item will go from \$68,831.00 to \$154,831.00 and is for a state required increase in health insurance.

Mr. Waldrop motioned to approve Amendment #1; seconded by Mr. Cain. The vote was unanimous.

Mr. Adams stated that Amendment #2 will insert \$5,000.00 in funding for the Newberry Free Medical Clinic.

Mr. Cain motioned to approve Amendment #2; seconded by Mr. Waldrop. The motion passed by vote of 5-2; Koon and Stockman opposed.

Mr. Adams stated that Amendment #3 will increase the Coroner's personnel and fringe benefits by a total of \$4,000.00 for the purpose of raising the Coroner's salary by \$3,000.00.

Mr. Cain motioned to approve Amendment #3; seconded by Mr. Hipp. The motion passed by vote of 6-1; Koon opposed.

Mr. Adams stated that Amendment #4 will increase the appropriation for Newberry Soil and Water Conservation by \$17,000.00.

Mr. Hipp motioned to approve Amendment #4; seconded Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop shared his concerns about not knowing exactly how this money is going to be allocation and what it will be used for. He said he thought that it was for the Keep Newberry County Beautiful Program. We already pay a Recycling Coordinator and he felt the money should be used for that purpose or put in contingency until we find out how it will be used. He said he did not feel it should be used for a salary increase.

Mr. Koon stated that he agreed with Mr. Waldrop and if this passes the way it is written there is no guarantee that with it will not increase someone's annual salary instead of going toward litter control and beautification.

Mr. Waldrop said he did not want to take it out but wanted to find out more about what it will be used for. He did not feel it should be used strictly for salary.

Mr. Hipp commented that we have added a proviso in the past when we have had an organization such as this requesting funding that would require them to come before Council quarterly to justify the funding. We are at third reading of the budget and he did not feel we were going to get any more clarification other than justification on a quarterly basis of the distribution of funds.

Mr. Waldrop stated again that the money can still be allocated but felt we needed to know more about how it is going to be used. He did not feel that it should be used for a salary.

Chairman Livingston said that if it goes for a salary it will be recurring but the justification quarterly will let us know.

Mr. Hipp said the proviso should state that they come back quarterly and request distribution for 1/4th of \$17,000.00 and justify the needs of it. This will give us more definition on what their needs are and how it is to be distributed. He said at this point it is either yes or no or a proviso to that affect.

Mr. Cain said a proviso is a good option anytime we give money like this; to come before Council and give a periodic update on how the money is being spent and explain how they are servicing the county with the county's money.

Mr. Koon commented that he received a phone call today and was asked to bring a question before Council. The individual asked him if the amendments voted on tonight resulted in a tax increase that they be listed on the property tax bills so everyone would know exactly why their taxes were increased to include the mandatory health insurance.

Mr. Hipp responded that he did not know how we would determine which line item because these amendments alone are no different than the other line items in how it impacts the total tax bill and they are a part of the total budget.

Chairman Livingston asked if there was a software package that would disseminate that information and commented that he did not know if there was enough room on the tax notice to even post all of that.

Mr. Koon responded that there may not be enough room on the tax notice but maybe something could be sent along with the notice.

Mrs. Lominack commented that the tax notices are pre-done when they get them; there is no way to stuff them or put anything with them.

Mr. Koon said that answered his question and he would forward the information along.

Mr. Hipp motioned to approve Amendment #4 to include a proviso that the Soil and Water Conservation District come before County Council quarterly to request 1/4 of the \$17,000.00 and justify the need and that it be distributed based on our agreement; seconded by Mr. Waldrop. The motioned passed by vote of 6-1; Koon opposed.

Mr. Adams stated that Amendment #5 will increase Central Magistrates Court jury fees by \$6,000.00.

Chairman Livingston commented that we do not have a choice because this is a cost that is required for jurors.

Mr. Cain motioned to approve Amendment #5; seconded by Mr. Hipp. The vote was unanimous.

Mr. Adams stated that Amendment #6 will increase Council Contingency by \$150,000 to address any number of construction projects that are ongoing with any expenditure to come before Council for a separate vote.

Mr. Koon motioned to approve Amendment #6; seconded by Mr. Stockman. The vote was unanimous.

Chairman Livingston called for the question to approve third reading of Ordinance #04-07-13 as amended.

Mr. Hipp commented that we are nearing the end of our budget year and he saw that we are about 17% under spent at this point. He said the unspent money from this past year could go into the general fund and possible offset any of the additional expenses we are talking about here and not necessarily increase taxes.

Mr. Adams stated that anything that goes unexpended from any given budget year becomes part of the fund balance and to fund these amendments by that means would be to use fund balance. He said the last amendment of \$150,000.00 for contingency is not current year's tax money but fund balance. He said staff has projected about 4% left not 17%.

Mr. Hipp said even if the 17% is reduced down to 7% or 8% that is still a pretty good amount of money going into our fund balance. He said even though we are saying that some of these items might result in some tax increases, at this point that is not absolute.

Chairman Livingston commented that if we vote on this budget as it is it would be absolute but the following year there could be enough money there to look at for the following year.

Mr. Adams asked Mrs. Lominack when she will be setting the levy to which she replied the first Council meeting in September.

Mr. Hipp said so we would know the amount of unspent funds we have in the fund balance before Mrs. Lominack sets the levy.

Mr. Adams replied that at that point you could do a budget amendment and change the revenue with less in property taxes and more in fund balance. He said it will take some effort but there is a means to do it as long as you start in the last meeting in July.

Mr. Hipp said some of these items are relatively minor amounts that will clearly be less than the money we will have left over from this year's budget so therefore we can fund them without a tax increase.

Mr. Adams replied that what Mr. Hipp is saying is that had these line items been these amounts this year we could have absorbed them without changing the budget.

Mr. Waldrop commented that we have done that in the past and gotten into a bit of trouble by absorbing it instead of increasing the millage and he does not want to see that happen again.

Having received no further discussion, the vote to approve third reading of Ordinance #04-07-13 as amended passed by vote of 6-1; Koon opposed.

7. Ordinance #04-08-13: An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2013, and ending June 30, 2014, 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 stated that Amendment #1 will increase Newberry Library's insurance by \$13,490.00 and is the same state required health insurance cost increase that affects the general operating budget.

Mr. Hipp motioned to approve Amendment #1; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Adams said Amendment #2 will increase the library appropriation by \$22,500.00.

Mr. Waldrop motioned to approve Amendment #2; seconded by Mr. Hipp.

Chairman Livingston asked is there was any discussion.

Mr. Hipp asked if this amendment needed a proviso like the other one or do we just let it go unattached.

Mr. Cain said he thought this would fall like the other one. We are providing tax payer funds and should have some kind of update on how the funds are being spent.

Mr. Hipp asked if we wanted to release it quarterly or do an annual release and have a report.

Mr. Waldrop asked Mr. Sam Ziady, Library Director, to come to the podium to address this.

Mr. Ziady introduced himself and stated that they can do it either way. He will be glad to submit an annual or quarterly report.

Chairman Livingston responded that the library can report on a quarterly basis like the other one.

Having received no further discussion, the vote was unanimous to approve Amendment #2.

Mr. Adams stated the Amendment #3 will increase Piedmont Technical College funding by \$513,850.00 for the purpose of purchasing mechatronics training equipment. \$500,000.00 will come from the release of the escrow from the sale of the nursing home and will be available to us on March 1, 2014 with the remaining \$13,850.00 coming from property taxation.

Chairman Livingston commented that this was part of our Economic Development initiative to try and make sure we have work ready workforce.

Mr. Cain motioned to approve Amendment #3; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop noted that this will be a one-time expenditure.

Having received no further discussion, the vote was unanimous to approve Amendment #3.

Chairman Livingston called for the question and the vote was unanimous to approve third reading of Ordinance #04-08-13 as amended.

8. Resolution #06-13: A Resolution to ratify and approve Mutual Aid Agreements and/or other Inter-Jurisdictional Agreements entered into by the Newberry County Sherriff's Office.

Mr. Adams reported that law enforcement mutual aid agreements require County Council's approval.

Mr. Cain motioned to approve Resolution #06-13; seconded by Mr. Koon. The vote was unanimous.

9. Consideration to approve bid for paving of Twin Springs Road.

Mrs. Waldrop reported that we received bids yesterday from three contractors with Satterfield Construction Company out of Greenwood being the lowest most responsive bidder in the amount of \$157,328.00. Alliance Consulting Engineers has reviewed all the bids and confirmed that the unit pricing did match up with their bid and they, along with staff, recommend Satterfield Construction for the Twin Springs paving project.

Mr. Hipp motioned to approve the low bid from Satterfield Construction in the amount of \$157,328.00; seconded by Mr. Stockman. The vote was unanimous.

10. Consideration to approve Multi-Party Agreement for SC Highway 773 intersection realignment of Market Place Avenue at Market Place Business Park.

Mr. Pisano reported that this was discussed at the last Council meeting and since that time we have had discussion with SCDOT clarifying the transfer of this piece of property to the county rather than having an easement. The county will own it for the purposes of maintenance in the future.

Mr. Koon motioned to approve Multi-Party Agreement for SC Highway 773; seconded by Mr. Waldrop. The vote was unanimous.

11. Consideration to cancel County Council meeting on August 7, 2013.

Mr. Waldrop motioned to cancel meeting on August 7, 2013; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that if we have a need for a meeting in that time frame to possibly amend our budget as discussed tonight, we might be able to schedule a meeting for the following week on August 14, 2013.

Having received no further discussion, the vote was unanimous to approve the cancellation of the County Council meeting on August 7, 2013 due to the SCAC Annual Meeting.

12. **Appointments**

Mr. Cain nominated Mr. Tommy Amick for reappointment to the Airport Commission; seconded by Koon. The vote was unanimous.

Mr. Cain nominated Mr. Michael Thomas for reappointment to the Board of Rural Fire Control representing the Whitmire Fire Department; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Cain nominated Mr. Blair Long for reappointment to the Board of Rural Fire Control representing the Bush River Fire Department; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Cain nominated Mrs. Kitsy Johnson for reappointment to the Library Board, seconded by Mr. Waldrop. The vote was unanimous.

Mr. Cain nominated Mr. George Oxner for reappointment to the Newberry County Memorial Hospital Board; seconded by Mr. Hipp. The vote was unanimous.

Mr. Cain nominated Mr. Richard (Rick) Doran for an appointment to the Joint Planning Commission; seconded by Mr. Hipp. The vote was unanimous.

Mr. Cain nominated Mr. Michael Brown for an at-large seat on the Joint Planning Commission; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Cain nominated Mr. David Andrews for reappointment to the Board of Rescue Squads; seconded by Mr. Hipp. The vote was unanimous.

Mr. Cain nominated Rev. Edward Jeter for reappointment to the Westview Behavioral Board; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that Mr. Cain was not here at the time but we have had many issues with Westview and it was decided that we needed to take a hard look prior to reappointments. He said he does not have a personal issue with Rev. Jeter but does have issues with the total board and the repercussions and outfall from some of their decisions. He said he would like the opportunity to go over this information with Mr. Cain to get him up to speed. If he would like to make the nomination afterwards he will support it.

Mr. Cain withdrew his nomination of Rev. Edward Jeter; Mr. Waldrop withdrew his second.

Mr. Koon nominated Ms. Misty West for an appointment to the Airport Commission; seconded by Mr. Hipp. The vote was unanimous.

Mr. Stockman nominated Mr. Rodney Bedenbaugh for reappointment to the Board of Rural Fire Control representing the Fairview Fire Department; seconded by Mr. Koon. The vote was unanimous.

Mr. Stockman nominated Mr. Carol Wicker for reappointment to the Board of Rescue Squads; seconded by Mr. Cain. The vote was unanimous.

Mr. Stockman nominated Mr. Nathaniel Birochak for reappointment ; seconded by Mr. Hipp. The vote was unanimous.

Mr. Stockman nominated Mr. Corey Bishop for an appointment to the Board of Rescue Squads; seconded by Mr. Waldrop. The vote was unanimous.

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

Mr. Jerry Faulkenburg introduced himself and stated that he lives at 77 Demaskas Road. He said he is in the process of building a house on Higway 202 in Little Mountain and thanked County Council for their time and consideration with his zoning request.

14. Executive Session (if needed)

Chairman Livingston stated that Council would be going into Executive Session according to Section 30-4-70(a)(1) of the SC Code of Laws for the evaluation of the Clerk to Council and the County Administrator.

Mr. Waldrop motioned to go into Executive Session; seconded by Mr. Hipp.

[7:44 p.m. – 8:27 p.m.]

Chairman Livingston reported out of Executive Session and stated that the Clerk to Council and the County Administrator had a very successful evaluation and Council is very pleased with their performance.

15. Comments from County Administrator

No comments.

16. Comments/Request from Council Members

Mr. Hipp thanked Mrs. Renwick and Mr. Adams.

17. Future Meetings

- a. Economic Development Committee – 6/24/13 @ 6:00 p.m.
- b. County Council – 7/3/13 @ 7:00 p.m.
- c. Finance Committee – 7/8/13 @ 6:00 p.m.
- d. County Council – 7/17/13 @ 7:00 p.m.

18. Adjournment

Chairman Livingston adjourned the meeting at 8:29 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council