

**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 20, 2013**

Newberry County Council met on Wednesday, March 20, 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.

Wayne Adams 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. Koon. The vote was unanimous.

- 2. Ordinance #07-16-12: An Ordinance authorizing the execution and delivery of documents relating to the provision of county facilities; consenting to and approving the issuance of a not exceeding \$2,000,000 Newberry County Public Facilities Corporation Installment Purchase Revenue Bond (Newberry County Public Works Project) Series 2012, by Newberry County Public Facilities Corporation to provide funding to finance the costs of acquiring, constructing, equipping, and installing county facilities; consenting to and approving the execution of a base lease agreement by and between Newberry County, South Carolina and Newberry County Public**

Facilities Corporation; consenting to and approving the execution of a facilities purchase and occupancy agreement relating thereto by and between Newberry County, South Carolina and Newberry County Public Facilities Corporation; approving the directors of Newberry County Public Facilities Corporation; consenting to the form of a bond agreement to be entered into by Newberry County Public Facilities Corporation and the purchaser of the bond; and together therewith an assignment to the purchaser of certain rights to payment and other rights of Newberry County Public Facilities Corporation, under the facilities purchase and occupancy agreement; and making provision for all other matters relating to the foregoing.

Mr. Hipp motioned to approve third reading of Ordinance #07-16-12; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop asked Mr. Adams to report on this financing.

Mr. Adams said that this ordinance relates directly to financing the Public Works Facility and indirectly to financing the speculative building at the Mid-Carolina Commerce Park. We want to use the installment purchase debt method which keeps the debt off our debt limitation and we can do that with an essential facility like the public works building. Banks are not interested in financing spec buildings in this way because the county could walk away from it; they feel more comfortable financing an essential facility like a Public Works Facility. Instead of using cash for the Public Works Facility, we are going to finance that with lease purchase funding and use the cash for the spec building.

After receiving no further discussion, the motion to approve third reading of Ordinance #07-16-12 passed by vote of 5-2 with Councilman Waldrop and Koon opposed.

3. Ordinance #03-03-13: An Ordinance for the purpose of leasing county property located as a part of the fairgrounds property (TMS No. 399-39-1) – Jaycees Foundation

Mr. Hipp motioned to approve second reading of Ordinance #03-03-13; seconded by Mr. Cain.

Chairman Livingston asked if there was any discussion.

Mr. Cain stated that he would like to offer some amendments to the original ordinance.

Amendment #1: Section 6 is amended to read as follows: The Lessee may not make any improvements or alterations to the premises without written consent of the Lessor. The Lessor intends only to reimburse for such improvements that it deems valuable to the premises for generic future use. Specialty improvements or improvements that Lessor deems duplicative with respect to its ability to allocate limited resources for providing

public facilities may not be eligible for reimbursement. Generally, significant improvements should be of mutual future value to Lessor and Lessee. If the proposed improvements or alterations are approved by Lessor and cost more than one thousand (\$1,000.00) dollars the parties shall, by addendum to this Lease, agree to remuneration in the event Lessor does not renew, or cancels, this Lease prior to the useful or depreciable lifetime of the improvement or alteration. Lessee must also receive the consent of Lessor prior to erecting any signs connecting with the parapet or other outside portion of the leased premises, and for any actions that may alter vehicular access for other purposes that Lessor deems beneficial to the public.

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

Amendment #2: Section 8 is amended to read as follows: The Lessee shall be responsible for all participants and functions taking place in the building. The Lessee shall not sublet the areas leased or assign this Lease without the prior written permission of the Lessor or in any way use the leased premises in any way that renders the use ineligible for customary purposes. This specifically includes renting the facilities to other persons or entities by Lessee.

Mr. Cain motioned to approve Amendment #2; seconded by Mr. Koon. The vote was unanimous.

Amendment #3: A new section 9 is added (and the remaining sections are renumbered) as follows: In lieu of payment by Lessee to Lessor of market rate rental charges, Lessee shall report annually to County Council in open session regarding its service club activities of the prior year, as well as its planned service activities for the coming year. Such activities must be deemed by Lessor to be beneficial to citizens of Newberry County beyond organizational membership. Lessee shall make its report to Council at a regularly scheduled Council meeting in the third month of the lease term.

Mr. Cain motioned to approve Amendment #3; seconded by Mr. Waldrop. The vote was unanimous.

Amendment #4: A new section 10 is added (and the remaining sections are renumbered) as follows: The storage, consumption or sale of alcoholic beverages of any kind shall not occur unless the prior written approval of the Lessor upon proof of adequate insurance coverage and amounts. In order to consider approval, the Lessor shall have not less than thirty (30) days' review opportunity prior to any event at which alcoholic beverages will be provided, served, consumed or sold. Alcoholic beverage consumption shall not be permitted at any site in conjunction with the use of firearms of any type.

Mr. Cain motioned to approve Amendment #4; seconded by Mr. Koon. The motion passed by vote of 6-1 with Mr. Caldwell abstaining from the vote because of his alcoholic beverage business.

Amendment #5: A new section 14 is added as follows: Violation by Lessee of any provision contained herein may result in immediate termination of this Lease. This basis for termination is in addition to the mutual termination procedure set out in Section 12 herein.

Mr. Cain motioned to approve Amendment #5; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked who will be responsible for monitoring violations and making the determination to terminate the lease.

Mr. Adams responded that staff will monitor to the extent that it can; however, a lease termination would have to be brought before Council for consideration.

Having received no further discussion, the vote was unanimous to approve Amendment #5.

Mr. Koon commented that prior to the lease term coming to an end he felt Council needed a work session to review not only these two leases but other properties that are leased by the county.

Mr. Adams responded that staff would make of note of this request.

Chairman Livingston noted that we have a motion and second on the floor with the amendments already approved and he called for the vote. The vote was unanimous to approve second reading of Ordinance #03-03-13 as amended.

4. Ordinance #03-04-13: An Ordinance for the purpose of leasing county property located as a part of the fairgrounds property (TMS No. 399-39-2). – Newberry Pistol Club

Mr. Hipp motioned to approve second reading of Ordinance #03-04-13; seconded by Mr. Cain.

Chairman Livingston stated that we have the same five suggested amendments for this item. We will vote on them individually but will not read each amendment.

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

Amendment #2: Mr. Hipp motioned to approve; seconded by Mr. Waldrop. The vote was unanimous.

Amendment #3: Mr. Cain motioned to approve; seconded by Mr. Waldrop. The vote was unanimous.

Amendment #4: Mr. Cain motioned to approve; seconded by Mr. Hipp. The motion passed by vote of 6-1 with Mr. Caldwell abstaining from the vote.

Amendment #5: Mr. Koon motioned to approve; seconded by Mr. Waldrop. The vote was unanimous.

Having received no further discussion, the vote was unanimous to approve second reading of Ordinance #03-04-13 as amended.

5. Ordinance #03-05-13: An Ordinance amending Chapter 151 of the Newberry County Code of Ordinances adopting the Administrative Policies and Procedures contained in each of the codes associated with the International Building Code and the National Electrical Code.

Mr. Waldrop motioned to approve first reading of Ordinance #03-05-13; seconded by Mr. Caldwell.

Ron Powell, Building Inspector, came to the podium and reported that the administrative chapter will give them the authority to issue permits, do inspections, plan reviews, and basically run the office.

Mr. Hipp asked if there would be any change in the way we are going to do business if we do not adopt these administrative policies and is this just formalizing the way we do business.

Mr. Powell responded that there will not be any change to the way we do business.

Chairman Livingston stated that this process is actually a requirement.

Mr. Powell acknowledged that it is requirement of the State Building Codes Council. He said the state adopts the body of the codes and we are required to adopt some administrative procedures.

Mr. Adams reported that the reason the administrative policies are adopted separately is because local jurisdictions have the option of developing their own.

Having received no further discussion, the vote to approve first reading of Ordinance #03-05-13 was unanimous.

6. Ordinance #03-06-13: An Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a Fee Agreement between Newberry County, South Carolina and Georgia-Pacific Wood Products LLC; the application of a Special Source Revenue Credit to Fees-In-Lieu Of tax payments; and providing for other matters relating thereto.

Mr. Cain motioned to approve first reading of Ordinance #03-06-13; seconded by Mr. Hipp.

Chairman Livingston reported that this was previously referred to as Project Optimus in the Inducement Resolution and the company has decided there is no longer a need to conceal their identity. We are extremely happy to reveal that Georgia-Pacific is expanding and committing to a 64 million dollar investment in our county and creating 39 new jobs He introduced and recognized Ms. Diane Coffee with the Atlanta Office and Dan Bowen, Plant Manager from the Newberry Facility and thanked them for making their home in Newberry County, S.C. We are very appreciative and blessed to see this growth.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #03-06-13.

7. Proclamation declaring March 2013 as American Red Cross Month

Mr. Adams read the Proclamation declaring March 2013 as American Red Cross Month into the record (Attached and part of the official minutes).

Chairman Livingston presented a copy of the Proclamation to Paula Thayer the American Red Cross Representative in attendance. He said Horry County recently received a lot of Red Cross support and knows they are very appreciative.

Mr. Cain commented that he was a commander in the Middle East and they used the Red Cross many times. We do appreciate the humanitarian efforts given to us during that time and he thanked the Red Cross for their service.

8. Consideration to approve Request For Proposal (RFP) from Fuss & O'Neill for Storm Water Pollution Prevention Plan for Airport.

Mr. Pisano reported that this item was discussed at the March 11, 2013, meeting of the Public Works and Planning Committee. The proposal was one of six firms that submitted and the evaluation committee and Public Works and Planning Committee recommend the approval of RFP from Fuss & O'Neill.

Mr. Cain motioned to approve the RFP from Fuss & O'Neill; seconded by Mr. Koon. The vote was unanimous.

9. Consideration to approve Goodwill Boxes at Convenience Centers

Mr. Pisano reported that this item was also discussed at the Public Works and Planning Committee meeting. He said we were approached by the Goodwill Organization and they asked if we could put these boxes at our Convenience Centers free of charge to the county. They are attractive looking boxes and will reduce the tonnage going to the landfill saving the county money on tonnage for tipping fees and at the same time providing for those less fortunate.

Mr. Hipp commented that since we are not having a lease agreement he asked Mr. Tothacer to take care of sending a Letter of Agreement stating that the boxes are being allowed at the discretion of the county but also without liability of the county.

Mr. Cain motioned to approve Goodwill boxes at Convenience Centers; seconded by Mr. Koon. The vote was unanimous.

10. Appointments

No appointments.

11. Committee Reports

a. Public Works and Planning Committee – March 11, 2013

Mr. Pisano reported that the two items previously discussed tonight were also discussed at the committee meeting. The committee was also updated on the Lynch's Wood bridges and procurement is moving forward with a Request for Proposal.

Mr. Hipp asked Mr. Pisano how this RFP will be posted.

Mr. Pisano said they will be advertised in SCIBO as we do all our procurement.

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

Dr. Joel Sexton came to the podium and introduced himself. He wanted to talk with Council about the Pistol Club that he has enjoyed participating in for 30 years. He thanked Council for allowing the club to use the facility and the big difference it has made in what they are able to do for the community. The club has 80 members all of which are concerned about the safe handling of firearms. He has come into contact with a lot of gun clubs and none have been able to do what this club has done throughout the time he has been here and this is primarily due to the use of this building. This old stable was converted into an indoor range by knocking out some of the walls, adding a meeting room and constructing an air range to one side. With support from the NRA, we have been able to have a lot of activities for the community that doesn't require membership to the club. We have a junior rifle program with 20 or so each participants each year with many of these achieving junior distinguished expert designations. We have a pistol program with numerous distinguished experts with 1-5 individuals going each year to the

national junior Olympic Championships with three going on the World Championships. We offer concealed weapon permit training and some ladies come to learn how to safely handle firearms. This has been a very responsible group that has helped this community particularly because of the use of that building which offers a quiet setting indoors where you can keep people contained.

Mr. Hipp responded that he agreed with everything Dr. Sexton said except for one statement. He said it was the building that made those things happen but it wasn't the building; it has been your efforts. Mr. Hipp said his step-son had the opportunity to learn to shoot under Dr. Sexton and he has been a great influence to a lot of our youth over the years who have gone on to be national shooters. Dr. Sexton has have made a tremendous impact in our county and we appreciate it.

Mr. Ben Blanton stated that Dr. Sexton covered everything he wanted to say.

Chairman Livingston commented that a lot of what Mr. Hipp said about Dr. Sexton can be said about Mr. Blanton too in his help and support of this program.

Mr. Victor Terrana came to the podium and stated that he appreciates everything that County Council does. We don't see the work that is behind these meetings but we do appreciate what you are doing and for putting up with the flax that comes at you. He said the Pistol Club was formed in 1935 and in that time there have been no firearm related injuries at the club. People have been taught to handle firearms in a safe manner and this is being taught to the juniors. They have three shoots the first three Monday's in a month and a business meeting on the fourth Monday. There is a woman's program that is starting to meet a couple times a month to get women trained in firearms. He said if they did have to move they have several tons of steel that need to be moved and would be a slow and difficult thing to do.

13. Executive Session

No Executive Session.

14. Comments from County Administrator

Mr. Adams commented that this afternoon he met with a group of legislatures and representatives of the Veterinarians in South Carolina concerning the veterinarians proposed bill to regulate animal shelters. This Association of Counties had some concerns about this but those fears were a laid when we discussed this with the veterinarians. They are fully in support of animal sterilization efforts by local governments. The committee mark-up of the bill is going to be favorable in that it will allow us continue everything that we are doing.

15. Comments/Request from Council Members

Mr. Cain commented that he will be attending the VC Summer Plant on Friday morning at 9:00 a.m. to talk about Parr Road. Councilman Waldrop, Koon, and myself attended the first meeting and this is the second meeting on the intersection and road structure to handle the mass amount of traffic from the personnel in that plant.

Mr. Waldrop thanked law enforcement for a job well done for the past few days with apprehending the people responsible for calling the bomb threat in to our high school.

Mr. Koon said Mr. Waldrop was correct. They worked very hard for two days at the high school and made two arrests. Sometimes they aren't given the credit they deserve. He said this was a great crowd tonight and invited everyone back again and stated that Council wants to hear your concerns and needs and loves having them here.

Chairman Livingston commented that working in education and being next door to all the activity going on, it was a great mutual effort not only from our county but from SLED, Richland and Lexington County. We cannot say enough about it and makes you feel good to see all that support coming in from the time of the original call to the coordination of busses and getting students out of the school. Our number one job in education is the safety and security of our kids.

Chairman Livingston thanked the Pistol Club and the Jaycees for coming out tonight and for all they do for the community.

16. Future Meetings

- a. County Council – 4/03/13 @ 7:00 p.m.
- b. County Council – 4/17/13 @ 7:00 p.m.

17. Adjournment

Chairman Livingston adjourned the meeting at 7:43 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council