

**NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 3, 2013**

Newberry County Council met on Wednesday, April 3, 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.

Scott Cain 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. 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

Chairman Livingston declared this the Public Hearing.

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

Mr. Hipp motioned to approve third 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 two amendments. He motioned to amend the lease to extend Lessor or Lessee's written notification not to renew from ninety (90) days to one hundred eighty (180) days (paragraph 1, page 1); seconded by Mr. Hipp.

Mr. Adams wanted Council to be aware of several items and asked Ms. Zimmerman to address the issue of serving alcohol on premises and what the Jaycees' policy covers.

Ms. Zimmerman responded that the Jaycees do not in any way sell alcohol. They keep a small amount of beer in a refrigerator for members who care to consume alcohol during a meeting. She said the Jaycees and the county are covered by their insurance simply by virtue of consumption on premises. However, they would not have coverage if they were in the business of selling alcohol.

Mr. Adams asked for some clarification on some language in their insurance policy that states it covers the lease premises in so much as it is used for office purposes. He asked if this would limit the insurance company's liability in the instance of a claim that arises out of something being done in the building other than for administrative purposes.

Ms. Zimmerman responded that she would be glad to expand on that classification but felt as written it covers the purpose for which the hut is used.

Mr. Koon stated that there was some concern as to whether the Jaycees were a 501c3 organization.

Ms. Zimmerman responded that the lease is with the Jaycee Foundation and they are a 501c3 organization.

Having received no further comments, the amendment to the lease was unanimously approved.

Mr. Cain motioned to amend page 4, item 12, of the lease to increase termination by either party from ninety (90) days to one hundred eighty (180) days; seconded by Mr. Hipp.

Mr. Koon asked Mr. Cain to explain why he was asking for this extension.

Mr. Cain stated that he was asking because the Pistol Club will need the extra time to remove all of the armour and stuff behind their targets. This will keep both leases consistent which is the policy.

Having received no further comments, the amendment to the lease was unanimously approved.

Chairman Livingston called for the vote to approve third reading of Ordinance #03-03-13 as amended and all were in favor; the vote was unanimous.

3. **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

Chairman Livingston declared this the Public Hearing.

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

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

Mr. Cain stated that he would like to offer the same two amendments. He motioned to amend the lease to extend Lessor or Lessee's written notification not to renew from ninety (90) days to one hundred eighty (180) days (paragraph 1, page 1); seconded by Mr. Hipp. The vote was unanimous to approve the amendment.

Mr. Cain motioned to amend page 4, item 12, of the lease to increase written termination notice by either party from ninety (90) days to one hundred eighty (180) days; seconded by Mr. Hipp. The vote was unanimous to approve the amendment.

Mr. Koon asked about the Pistol Club's 501c3 status.

Mr. Tothacer stated that a representative of the Pistol Club shared with him that when he was Treasurer he believes that they were a 501c3 organization and he would try to find the paperwork to establish that they were.

Mr. Hipp commented that the county does not need to be the ones to judge the merits of individual groups. The state has a standard for 501c3 organizations that takes fairness and uniformity into consideration and that is what we need to use as our standard in these situations. If the Pistol Club has been a 501c3 organization or lost that status, we need to grandfather them in and give them adequate time to obtain that status.

Mr. Waldrop stated that his main concern is that they are insured and in the event of a death on the premises the county will not be liability.

Mr. Tothacer responded that he would imagine that they would have the insurance to cover themselves but he would check the policy and make sure.

Chairman Livingston called for the vote to approve third reading of Ordinance #03-04-13 as amended and all were in favor; the vote was unanimous.

4. **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 second reading of Ordinance #03-05-13; seconded by Mr. Cain.

Mr. Adams reported that there are some substantial changes to the language and purpose of the ordinance; therefore, staff is requesting that any motion for second reading be a motion to adopt the new version of this ordinance as a substitution for the original. He said we were under the impression that our ordinances said that we automatically adopt the most recent code adopted by the state and that is not the case. This new language will fix that and the ordinance now says that we are adopting specific building codes recommended by the state and automatically adopt whatever the Building Codes Council adopts in the future in addition to adopting the administrative policy.

Mr. Hipp wanted confirmation that we are currently applying the state building code standards to the way we are doing business now.

Mr. Powell responded that we are currently operating under the 2006 edition of the codes. There will not be any changes to the administrative section and in the way we do business. Only the body of the code will change and that is adopted through the state.

Mr. Hipp asked if we will be in compliance in the way we implement our system now that we are adopting the complete revisions of the state building codes.

Mr. Powell responded affirmatively.

Mr. Adams stated for the record that there will be a substitution of the language that was approved at first reading.

Mr. Waldrop motioned to approve second reading of Ordinance #03-05-13; seconded by Mr. Cain. The vote was unanimous.

5. **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. Koon motioned to approve second reading of Ordinance #03-06-13; seconded by Mr. Waldrop. The vote was unanimous.

6. Resolution #05-13: A Resolution declaring April 2013 as Fair Housing Month.

Mr. Adams read Resolution #05-13 into the record:

WHEREAS, Newberry County desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and

WHEREAS, Newberry County rejects discrimination on the basis of race, religion, color, sex, national origin, disability and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and

WHEREAS, April is recognized nationally as Fair Housing Month;

NOW, THEREFORE, BE IT RESOLVED that Newberry County does hereby designate the month of April 2013 as Fair Housing Month.

Mr. Caldwell motioned to adopt Resolution #05-13; seconded by Mr. Hipp. The vote was unanimous.

7. Appointments

Chairman Livingston commented that he has a vacancy in District 3 for the Community Hall Commission and asked if anyone knew of someone who is interested in serving to share their name with him

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

No comments

9. Executive Session

No Executive Session.

10. Comments from County Administrator

Mr. Adams shared that the final plans for the spec building are in the conference room. If you have any comments about the plans we would like to have them by next Wednesday because they are ready to move forward.

11. Comments/Request from Council Members

No comments.

12. Future Meetings

- a. Finance Committee – 4/08/13 @ 6:00 p.m.
- b. County Council – 4/17/13 @ 7:00 p.m.

13. Adjournment

Chairman Livingston adjourned the meeting at 7:24 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council