



**NEWBERRY COUNTY COUNCIL
MINUTES
NOVEMBER 4, 2015**

Newberry County Council met on Wednesday, November 4, 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.

Bill Waldrop led the invocation followed by the Pledge of Allegiance.

1. *Adoption of Consent Agenda*

Mr. Koon motioned to adopt the consent agenda; seconded by Mr. Cain. The vote was unanimous.

2. *Additions, Deletions and Adoption of Agenda*

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

3. ***Ordinance #10-23-15: An Ordinance to provide for the determination of salaries for County Appointed Officials other than those appointed by County Council or the County Administrator, and to provide for the regular evaluation of salaries for such officials.***

Mr. Koon motioned to approve second reading of Ordinance #10-23-15; seconded by Mr. Hipp. The vote was unanimous.

4. ***Ordinance #08-14-15: An Ordinance to provide for the determination of salaries for county elected officials other than members of county council, subsequent to elections, appointments, and special elections pertaining to such offices, and to provide for the regular review of salaries for such offices.***

Mr. Waldrop motioned to approve third reading of Ordinance #08-14-15; seconded by Mr. Reeder. The vote was unanimous.

5. ***Ordinance #08-15-15: An Ordinance to provide for the progression of salaries for county elected officials other than members of county council, subsequent to elections, appointments, and special elections pertaining to such offices.***

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

6. ***Ordinance #10-16-15: 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 five and two hundredths (5.02) acres real estate parcel designated as TMS Parcel No. 633-3-1 from Single Family Residential (RS1) to Rural (R2).***

Chairman Livingston declared this the Public Hearing.

Ms. Candace Sportello came to the podium and stated that she lives at 199 Wicker Road which is parcel #4. She said she was in favor of this rezoning because all of the surrounding areas have horses and at one time this area was R2. It was rezoned R1 at some point to make it easier to parcel off the lots and build homes. She has met most of the neighbors and all are in favor of rezoning it back to R2.

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

Mr. Koon motioned to approve third reading of Ordinance #10-16-15; seconded by Mr. Hipp. The vote was unanimous.

7. ***Ordinance #10-17-15: 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 five and two hundredths (5.02) acres real estate parcel designated as TMS Parcel No. 633-3-2 from Single Family Residential (RS1) to Rural (R2).***

Chairman Livingston declared this the Public Hearing.

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

Mr. Koon motioned to approve third reading of Ordinance #10-17-15; seconded by Mr. Waldrop. The vote was unanimous.

8. ***Ordinance #10-18-15: 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 five and five hundredths (5.05) acres real estate parcel designated as TMS Parcel No. 633-3-3 from Single Family Residential (RS1) to Rural (R2).***

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 #10-18-15; seconded by Mr. Reeder. The vote was unanimous.

9. ***Ordinance #10-19-15: 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 five and one hundredths (5.01) acres real estate parcel designated as TMS Parcel No. 633-3-4 from Single Family Residential (RS1) to Rural (R2).***

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 #10-19-15; seconded by Mr. Hipp. The vote was unanimous.

10. ***Ordinance #10-20-15: 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 five and five hundredths (5.05) acres real estate parcel designated as TMS Parcel No. 633-3-5 from Single Family Residential (RS1) to Rural (R2).***

Chairman Livingston declared this the Public Hearing.

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

Mr. Waldrop motioned to approve third reading of Ordinance #10-20-15; seconded by Mr. Reeder. The vote was unanimous.

11. ***Ordinance #10-21-15: 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 five (5.00) acres real estate parcel designated as TMS Parcel No. 633-3-6 from Single Family Residential (RS1) to Rural (R2).***

Chairman Livingston declared this the Public Hearing.

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

Mr. Koon motioned to approve third reading of Ordinance #10-21-15; seconded by Mr. Cain. The vote was unanimous.

13. ***Ordinance #10-22-15: 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 two and fourteen hundredths (2.14) acres designated as TMS Parcel No. 472-46 from Rural (R2) to General Commercial (GC).***

Chairman Livingston declared this the Public Hearing.

Mr. Adams asked the Zoning Administrator, Anne Peters, if to her knowledge there is no imminent use change for this rezoning.

Mrs. Peters stated she did not know the most recent status but the owner of the property is here.

Mrs. Pat Smith, owner of the property, responded that there is no contract and no discussions; the property is as is. She shared where the property was located and that it was the modular office of her husband Dr. Bob Smith.

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

Mr. Koon shared his concerns about the unknown and that he would like to know what type of business is going there before it is rezoned General Commercial. He said because of this reason, he could not support it at this time.

Mr. Stockman commented that he agreed with Mr. Koon and stated we are doing things a little backwards. This is not the norm as we typically do when rezoning properties; we know what the intent is and what is going there first. He felt we should have this information before we rezone the property.

Mrs. Smith said that it was her understanding that if the property were rezoned commercial then they would have to come before Council again to make sure whatever was going there would be approved. She said she could sell it residential or commercial; either way.

Mrs. Peters clarified that once the property becomes zoned General Commercial then anything that is permitted within the zoning ordinance for the General Commercial zoning district can be put there depending on whether it is permitted with conditions or goes through the Board of Zoning Appeals as a special exception. She said it would not come before Council again.

Mrs. Smith responded that she misunderstood.

Mr. Cain asked Mrs. Smith if there was a time crunch here and if so it could be a year before this can be brought back up. He said he would like to see Council postpone it or table it if there was someone interested in purchasing the property.

Mrs. Smith stated that she had at one point spoken with someone about the property but that fell through and she is not in any discussions with anyone at the present time.

Chairman Livingston asked Mrs. Smith if she would consider withdrawing her request so in the event someone comes to the table and wants to do something, she will not have to wait a year if the motion for third reading is defeated tonight. This option will allow you to bring it back before Council if something does happen.

Mrs. Pat Smith withdrew her request for rezoning; therefore, no third reading took place on Ordinance #10-22-15.

13. Consideration of bids for Debris Grinding at Transfer Station

- DS Utilities - \$449.00
- Metts Construction - \$490.00
- State Tree Services - \$625.00
- American Property Experts - \$842.50
- Green Waste Recyclers \$1,715.00

Mike Pisano, Public Works Director, reported that Request for Proposals were advertised and five (5) bids were received ranging from a high of \$1,715.00 per hour to a low of \$449.00 per hour with DS Utilities being the apparent low bidder. Staff would like to recommend DS Utilities for this contract at \$449.00 per hour.

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

14. Consideration to purchase Capital Outlay for Rescue Squads in the amount of \$60,000.00.

A list of rescue squad purchases was provided to Council prior to the meeting for review.

Mr. Koon motioned to approve Capital Outlay for Rescue Squads; seconded by Mr. Cain. The vote was unanimous.

15. Consideration to purchase four (4) 2015 Chevrolet 1500 Extended Cab 4x4 Trucks for Sheriff's Office in the amount of \$106,572.00.

Lieutenant Ben Chapman reported that each truck cost \$26,643.00 through state contract purchase pricing for a total of \$106,572.00 and the funding is budgeted in the Sheriff's Office Capital Outlay.

Mr. Koon motioned to approve purchase of four (4) trucks for Sheriff's Office; seconded by Mr. Cain. The vote was unanimous.

16. Consideration to purchase Security Control System for Detention Center in the amount of \$92,250.00.

Lieutenant Ben Chapman reported that this system will upgrade our old system that operates the doors at the jail and falls within the budgeted amount.

Mr. Waldrop motioned to approve Security Control System at Detention Center; seconded by Mr. Koon. The vote was unanimous.

17. *Consideration of Proposals for Economic Development Website Design and Implementation.*

Rick Farmer, Economic Development Director, introduced Kara Cannon, the newest member of the ED team. He reported that staff advertised Requests for Proposals for the ED website design and implementation and ten (10) proposals were received that ranged in price from \$16,000.00 - \$40,000.00. The evaluation committee would like to recommend for Council's consideration Marketing Alliance, who happened to be the least expensive firm.

Mr. Cain motioned to approve RFP from Marketing Alliance; seconded by Mr. Koon. The vote was unanimous.

18. *Consideration of FEMA Sub-recipient Public Assistance Funding Agreement.*

Tommy Long, Emergency Services Coordinator, reported that approval of this agreement will start the process for the county to receive reimbursement for the recent water related damages from the storm.

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

19. *Appointments*

No appointments.

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

Mr. Donald R. Berry of 1904 Montgomery Street addressed Council and wished to dispute the seizure and sale of properties that are under the jurisdiction and control of the court. He said the process of seizing and selling his properties for delinquent taxes started over a year ago He is disputing this because the courts have control of the property and his monetary assets and he does not have access to his money. He supported his claim by sharing with Council a copy his court order and briefed them on his interpretation of the law. He asked Council to consider going into Executive Session to address this urgent matte; he wanted an immediate response because today was the last day to redeem several of his properties.

Mr. Tothacer stated that he spoke with Mr. Berry this week as well as reviewed his court order and told him that he had not presented anything that would eliminate his property from being sold at the delinquent tax sale.

Chairman Livingston shared that coming to Council on the very last day and wanting a decision has put us in an unfair position when Mr. Berry had an entire year to address this matter.

18. *Executive Session (if needed)*

Mr. Hipp motioned to go into Executive Session to receive legal advice on this matter; seconded by Mr. Cain. The vote was unanimous.

Executive Session [7:53 p.m. – 8:18 p.m.]

Chairman Livingston returned the meeting to Open Session and asked Mr. Tothacer to report out.

Mr. Tothacer reported that County Council meet in Executive Session to receive legal advice about a matter brought up during public comments and no action was taken in that session.

Chairman Livingston stated that it is the county's position to believe that due process was followed. From notifications, to the delinquent tax sale, and the one year redemption period afterwards, due process was followed appropriately and Council does not have the right or authority to change the law at this time.

19. *Comments/Request from County Administrator*

No comments.

20. *Comments/Request from Council Members*

Mr. Cain noted that the Whitmire Fire Department has gone from an ISO rating of 6 to a rating of 4. He said Michael Thomas and all of the volunteers are doing an outstanding job.

Mr. Koon shared that there will be a Veteran's Parade coming up and invited everyone to attend.

Chairman Livingston wanted to thank all of the people who are continuing to serve in the aftermath of the storm and throughout the continued rain and flooding. They have been true champions for everything we have needed.

21. *Future Meetings*

- a. Finance Committee 11/11/15 @ 7:00 p.m.
- b. County Council 11/18/15 @ 7:00 p.m.

c. Public Works and Planning Committee 11/23/15 @ 7:00 p.m.

22. *Adjournment*

Chairman Livingston declared the meeting adjourned at 8:21 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council