



**NEWBERRY COUNTY COUNCIL
MINUTES
OCTOBER 16, 2013**

Newberry County Council met on Wednesday, October 16, 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
John E. Caldwell, Councilman (Arrived @ 7:10 p.m.)
Bill Waldrop, Councilman
Leslie (Les) Hipp, Councilman
Steven C. Stockman, Councilman
Scott Cain, Councilman
Wayne Adams, County Administrator
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: Kirksey Koon, Vice Chairman

PRESS: Natalie Netzel, Newberry Observer

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order and determined a quorum present.

Steve Stockman led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Mr. Waldrop motioned to adopt the consent agenda; seconded by Mr. Hipp. The vote was unanimous.

2. Newberry County Service Awards

Chairman Livingston presented service awards to the following: Karen Brehmer, Administration – 5 years; Curtis Lever, Sheriff's Office – 5 years; Kaye Bedenbaugh, Magistrate's Office – 10 years; Kaye Epps-Williams, Sheriff's Office – 15 years; Mattie Shippy, Clerk of Court's Office – 15 years (absent); and Karen Lindler Smith, Treasurer – 25 years.

3. **Ordinance #09-09-13: An Ordinance to amend the Budget Ordinance for the 2013-2014 Fiscal Year, Ordinance Number 04-07-13, to provide for revised appropriations pertaining to capital expenses for repairs to the Newberry County Courthouse.**

Mr. Adams reported that this amendment will strike the waterproofing line item in the amount of \$258,800.00 from the Courthouse budget and reallocate that same amount for interior repairs and carpeting in the amount of \$140,680.00; a new HVAC control system in the amount of \$35,000.00; exterior wall waterproofing in the amount of \$60,000.00 and increases contingency by \$23,120.00.

Chairman Livingston declared this the Public Hearing.

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

Mr. Hipp motioned to approve third reading of Ordinance #09-09-13; seconded by Mr. Waldrop. The vote was unanimous.

4. **Ordinance #10-20-13: 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 real estate parcel which comprises a one (1.00) acre parcel designated as TMS Parcel No. 419-21 from Single Family Residential RS-1) to Single Family Residential (RS-3).**

Chairman Livingston reported that this ordinance and agenda items 5, 6 and 7 are all related and do the same thing.

Mrs. Peters identified the parcels on a map for Council and stated that they are contiguous to other properties on the lake designated as RS-3

Mr. Stockman motioned to approve second reading of Ordinance #10-20-13; seconded by Mr. Cain.

Mr. Hipp asked Mrs. Peters if there were any objections when this came before the Zoning Commission.

Mrs. Peters responded that there were no objections.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #10-20-13.

5. **Ordinance #10-21-13: : 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 real estate parcel which comprises a one (1.00) acre parcel designated as TMS Parcel No. 419-31 from Single Family Residential (RS-1) to Single Family Residential (RS-3).**

Mr. Hipp motioned to approve second reading of Ordinance #10-21-13; seconded by Mr. Cain. The vote was unanimous.

6. **Ordinance #10-22-13: 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 real estate parcel which comprises a one (1.00) acre parcel designated as TMS Parcel No. 419-35 from Single Family Residential (RS-1) to Single Family Residential (RS-3).**

Mr. Hipp motioned to approve second reading of Ordinance #10-22-13; seconded by Mr. Caldwell. The vote was unanimous.

7. **Ordinance #10-23-13: 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 real estate parcel which comprises a one (1.00) acre parcel designated as TMS Parcel No. 419-52 from Single Family Residential (RS-1) to Single Family Residential (RS-3).**

Mr. Cain motioned to approve second reading of Ordinance #10-23-13; seconded by Mr. Hipp. The vote was unanimous.

8. **Consideration of Central SC Alliance 1st Quarter (FY13-14) Invoice in the amount of \$18,000.00.**

Chairman Livingston stated that the Economic Development Committee recommended this expenditure at its meeting on September 9, 2013.

Mr. Waldrop motioned to approve invoice in the amount of \$18,000.00; seconded by Mr. Hipp. The vote was unanimous.

9. **Consideration to authorize the County Administrator to continue negotiations to purchase the Old Market Basket property for an amount not to exceed \$180,000.00 and prepare a contract to accomplish this purchase**

contingent upon a sixty day inspection period which does not result in the discovery of any major or significant deficiencies.

Chairman Livingston stated that this item will be postponed until after the Executive Session.

10. Appointments

No appointments.

11. Committee Reports.

a. Finance Committee 10/07/13 – Debbie Cromer, Finance Director

While waiting on Mrs. Cromer to return to Council Chambers, Mr. Hipp made a motion that we amend the Executive Session to include legal advice due to a pending legal claim against the County; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Adams stated that staff would also like to add negotiations incident to proposed contractual arrangements and the proposed sale of property to the Executive Session if Council approves.

Mrs. Cromer reported that the Finance Committee met on October 7, 2013, and an update was given by Mrs. Mary Arrowood Ard on the 2014 property reassessment. Mr. Ervin West also gave an update on Capital Projects.

12. Public Comments

No public comments.

13. Executive Session

Mr. Adams reported that the Executive Session will be for three separate purposes. The first is permitted under §30-4-70 (A)(5) of the SC Code of Laws and pertains to matters relating to the proposed location expansion or the provision of services encouraging location or expansion of industry or other businesses in the area served by the public body. The other two purposes are covered under §30-4-70 (A)(2) with the first being legal advice that relates to a pending, threatened, or potential claim or other matters covered by the attorney privilege and the second being negotiations incident to proposed contractual arrangements in proposed sale or purchase of property.

Mr. Hipp motioned to go into Executive Session; seconded by Mr. Waldrop. The vote was unanimous.

[Executive Session: 7:16 p.m. – 9:00 p.m.]

Mr. Tothacer reported that County Council went into Executive Session to take up three matters; economic development; legal advice on a pending claim and discussions of proposed contractual arrangements. No action was taken in that Executive Session.

Chairman Livingston stated that we will now take up Agenda Item #9.

- 9. Consideration to authorize the County Administrator to continue negotiations to purchase the Old Market Basket property for an amount not to exceed \$180,000.00 and prepare a contract to accomplish this purchase contingent upon a sixty day inspection period which does not result in the discovery of any major or significant deficiencies.**

Mr. Adams requested that Council also add an authorization to acquire adjacent properties for up to \$70,000.00 under the same terms.

Mr. Hipp motioned to approve authorization; seconded by Mr. Stockman. The vote was unanimous.

14. Comments from County Administrator

No comments.

15. Comments/Request from Council Members

No comments.

16. Future Meetings

- a. Public Safety and Courts Committee 10/21/13 @ 6:00 p.m.
- b. Personnel and Intergovernmental Relations Committee 11/04/13 @ 6:00 p.m.
- c. County Council 11/6/13 @ 7:00 p.m.
- d. County Council 11/20/13 @ 7:00 p.m.
- e. Public Works and Planning Committee 11/25/13 @ 6:00 p.m.

17. Adjournment

Chairman Livingston declared the meeting adjourned at 9:01 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council