



**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 3, 2016**

Newberry County Council met on Wednesday, February 3, 2016, 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**
Scott Cain, Vice Chairman
Bill Waldrop, Councilman
Leslie (Les) Hipp, Councilman
Steve Stockman, Councilman
Kirksey Koon, 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.

Travis Reeder 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. Reeder. The vote was unanimous.

2. *Additions, Deletions and Adoption of Agenda*

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

3. *Personal Appearances*

- a. Anne Peters, Planning and Zoning Administrator –
Comprehensive Plan Yearly Review

Mrs. Peters thanked Council for the opportunity to better explain the progress made on the Comprehensive Plan adopted by County Council in December of 2012. She stated that this plan is mandated by the State Legislature and is updated every 10 years with a mid-way revision after 5 years which will be due in 2017. She said Newberry County is in compliance with this document which is comprised of 9 elements with committee meetings held for each element. These committees were made up of people who have relevant knowledge of each element and an interest in the future of Newberry County. Out of these committee meetings, goals and strategies were developed to establish a broad direction for the county. She said the land use element is perhaps the most important one with most other elements serving the land use element. The most tangible result of this element is the revision of the zoning ordinance now under review by the Newberry County Joint Planning Commission. The subdivision regulations are also in the process of being reviewed by staff. She concluded by saying that the Comprehensive Plan is a large and complicated document and invited Council members to meet with her if they needed more information.

Mr. Hipp pointed out that he was involved in the creation of the Comprehensive Plan in 2012 along with many community leader volunteers from various sectors of the county. Part of the review was to present strategies to implement items deemed important for the future of Newberry County over the following 10 years. There were a number of long term elements with a timeframe of completion as ongoing; these are not definable, measurable or specific. It also contained some short term strategies that are actionable, measurable, definable and doable. He said these have a specific end product and you will know when they have been completed. He recommended prioritizing the elements that are important and need to be completed. Mr. Hipp said he and Mr. Cain have offered to go through the elements and identify those that need to be completed and the timeframe for completion. After their review and prioritization, they will get back with Mrs. Peters and assist her in any way to make sure these are completed.

4. ***Ordinance #01-01-16: An Ordinance authorizing the acceptance of the transfer of the authority for conducting municipal elections in the City of Newberry to the Newberry County Registration and Elections Commission; to define the powers, duties and responsibilities assumed by the Newberry County Registration and Elections Commission for the conduct of municipal elections in the City of Newberry; to provide for reimbursement of all costs and expenses incurred by the Newberry County Registration and Elections Commission in the conduct of such municipal elections; and to provide for other matters relating thereto.***

Mr. Cain motioned to approve second reading of Ordinance #01-01-16; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Hipp mentioned that at the last meeting Council requested that staff check to see if the city would want to change their election cycle to the same as the county but it is his understanding that the city's desire is to keep it the way it is. He asked if they gave a reason for that.

Mr. Tothacer reported that after the meeting two weeks ago he called and spoke with the city attorney and the city manager and they both expressed the desire to keep the date as it is. Mr. Sam Price, Chairman of the Election Commission and Mrs. Shanna Proctor, Director, also shared their preference to keep it separate. The only issue Mr. Price identified was finding workers to work the polls.

Mr. Reeder shared that he has been around voting for many years and most of those working the polls are elderly and are working over 12 hours a day. He felt it would benefit the county to combine the elections for this reason and it would also save the county money.

Mr. Koon said that he spoke with Mrs. Proctor and she would rather leave the election cycle the way it is.

Having received no further discussion, the vote to approve second reading of Ordinance #01-01-16 passed by vote of 6-1; with Mr. Reeder opposed.

5. ***Ordinance #02-02-16: 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 real estate parcel designated as TMS Parcel No. 404-35 from General Commercial (GC) to Basic Industrial (BI).***

Mr. Cain motioned to approve first reading of Ordinance #02-02-16; seconded by Mr. Reeder.

Mrs. Peters identified the parcel on a map for members of Council and noted that it was located on the C.R. Koon Highway (Hwy. 76) to the side of the Newberry County Water and Sewer Authority building. She said there was a cement plant on the parcel years ago and the current owners would like to revive the cement plant and has requested the rezoning for this purpose.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #02-02-16.

6. ***Ordinance #02-03-16: 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 fifty-five hundredths (0.55) acre real estate parcel designated as TMS Parcel No. 464-42 from Single Family Residential (RS1) to Rural (R2).***

Mr. Waldrop motioned to approve first reading of Ordinance #02-03-16; seconded by Mr. Koon.

Mrs. Peters indicated that the property was located on Birdsong Lane off of SC Hwy. 391 in Prosperity. The owner has always rented out this land for a manufactured home; however, the last home was demolished by a tornado. He is requesting the rezoning in an effort to once again lease out his land.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #02-03-16.

7. ***Consideration to purchase Two (2) 2016 Ford Police Package Explorers for Sheriff's Office in the amount of \$53,966.00 and One (1) 2016 Ford Police Package Explorer for the Victim Services Unit in the amount of \$26,983.00.***

Lieutenant Ben Chapman reported on the Sheriff's Office vehicle needs and requested moving forward with these purchase.

Mr. Koon motioned to approve the Sheriff's Office vehicle purchases; seconded by Mr. Cain. The vote was unanimous.

8. ***Appointments***

No appointments.

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

No public comments.

10. Executive Session (if needed)

Chairman Livingston reported that Council would like to enter an Executive Session under §30-4-70(a)(2) of the SC Code of Laws for discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. He said Council will receive legal advice on two separate lawsuits: Jayroe vs. Newberry County and West-Hobby vs. Newberry County.

Mr. Cain motioned to go into Executive Session; seconded by Mr. Koon. The vote was unanimous.

Mr. Koon recused himself from the Jayroe vs. Newberry County portion of the executive session.

EXECUTIVE SESSION [7:23 P.M. – 9:31 P.M.]

Chairman Livingston returned the meeting to open session.

Mr. Tothacer reported that Newberry County Council went into Executive Session to receive legal advice on the West-Hobby case and no action was taken in that session.

Chairman Livingston reported that Council met with its attorney, Mr. David Dubberly, for legal advice on the Jayroe matter and no action was taken in that session. He noted that County Council reached a decision in the Arthur Jayroe matter and asked if there was a motion to approve the decision that was discussed in Executive Session.

Mr. Cain motioned to approve the Jayroe decision; seconded by Mr. Hipp. The vote passed unanimously with Mr. Koon's recusal from the vote.

Chairman Livingston provided the document establishing the decision (attached and part of the official minutes) for Council members to sign and instructed Mr. Dubberly to transmit it to the lawyers of both parties in the matter and afterwards provide to others including the news media.

11. *Comments/Request from County Administrator*

No comments.

12. *Comments/Request from Council Members*

Mr. Koon recognized the passing of Mr. Buck Cockrell, a former Newberry County Chief Deputy and SLED retiree, who lost his battle with cancer last week.

Mr. Reeder congratulated all of the Newberry County players and their families who signed letters of intent today. He shared that he attended the NFL Golden Ball Ceremony in Whitmire where Donnie Shell, who won four Super Bowls with the Pittsburg Steelers, was in attendance. He said this was an excellent ceremony.

16. *Future Meetings*

- a. Capital Project Sales Tax Presentations 2/16/16
- b. County Council 2/17/16 @ 7:00 p.m.
- c. Public Works and Planning Committee 2/22/16 @ 7:00 p.m.
- d. Capital Project Sales Tax Presentations 2/23/16 (if needed)
- e. Finance Committee 2/29/16 @ 7:00 p.m.

17. *Adjournment*

Chairman Livingston declared the meeting adjourned at 9:36 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council