



**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 2, 2016**

Newberry County Council met on Wednesday, March 2, 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
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

MEDIA: **Samie Truong, WKDK**

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Vice-Chairman Scott Cain led the invocation followed by the Pledge of Allegiance.

Chairman Livingston noted that Mr. Adams, County Administrator, was out sick with the flu.

1. *Additions, Deletions and Adoption of Agenda*

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

3. *Personal Appearances*

a. Voices for Pride Officers (NCDSN) – Disabilities Awareness Day at State House

Mr. Tothacer read the Proclamation declaring March 2016 as Disabilities Awareness Month in Newberry County into the record:

WHEREAS, more than 500,000 South Carolina citizens and families are impacted by severe lifelong disabilities, with no distinction as to race, culture, geography, age, sex or economic class; and

WHEREAS, the South Carolina Department of Disabilities and Special Needs serves people with severe lifelong physical and intellectual disabilities, including autism, traumatic brain injury, and spinal cord injury; and

WHEREAS, the Newberry County Disabilities and Special Needs Board works with families to provide support services which promote economic self-sufficiency and independence; and

WHEREAS, people with lifelong disabilities are productive citizens, neighbors, and family members deserving of respect and opportunities for economic self-sufficiency, independence and personal growth; and

WHEREAS, the 2016 statewide observance of Disabilities Awareness Month celebrates the successful partnership between people with and without disabilities and the increasing involvement of people with disabilities in education, employment and community activities.

NOW, THEREFORE, NEWBERRY COUNTY COUNCIL, does hereby proclaim March, 2016, as

DISABILITIES AWARENESS MONTH IN NEWBERRY COUNTY

and encourages our citizens to work together to promote increased opportunities for people with disabilities; to recognize the many contributions they make to our community; and to honor the dedication of the caregivers who bring support and hope to their fellow citizens

ADOPTED by Newberry County Council in meeting duly assembled in Newberry, South Carolina, this 2nd day of March, 2016.

Chairman Livingston presented the Proclamation to Connie Coleman, Leon Gallman and Jamie Wilson.

Ms. Coleman approached the podium and stated that she was President of Impact SC, the statewide Advocacy Council and Secretary for the local Voices for Pride. She introduced Leon Gallman, President of Voices for Pride and Jamie Wilson, Self-Advocate of the Year at the local board. She thanked Council for their letter of support and revealed that she was awarded Self-Advocate of the Year for South Carolina today at the State House. She said Representative McLeod received an award at the State House for being a good advocate for Newberry's Disabilities Board and she wanted to thank him. She concluded by thanking Council for the letter of support and for helping the local Newberry Disabilities Board.

b. Lou Neiger – Treasurer’s Office Credit Card User Fees

Mr. Neiger thanked Council members for their service, countless hours, and the things they do that are unseen. He stated that he would like to request that the debit/credit card charges be removed from the Treasurer’s Office. He said he noticed when he went to pay his taxes an older gentleman in front of him was being told he would have to pay an extra fee to use his credit/card. There are people in this town that are burdened by the extra 2.5-3.5% fee. He said mobile home and commercial building permits this year in the county could offset the user fees for the poorer folks on a fixed income. He shared that he reviewed a study and many of the elected officials like the Auditor, Treasurer, Clerk of Court and Probate Judge are earning between 34-57 percent more than other positions throughout the state for the same categories. He said he understands that you cannot reduce their pay but a solution could be that they voluntarily reduce their income upon re-election if they are re-elected. This too would offset user fees. He felt this was fair for people of fixed income and is the right thing to do.

Chairman Livingston told Mr. Neiger that when he requested to speak he requested to speak on Treasurer’s Office credit card user fees and in the future to speak on the topic which he signed up for.

Mr. Neiger responded that when you are talking about financial impact you have to offer solutions and he proposed two solutions.

Chairman Livingston stated that the user fee was put on when people started asking to pay by credit card. This is a fee charged to the county and passed on to the customer; it is a convenience fee for allowing citizens to use their cards. He asked how was it fair to those who pay by cash or check to dismiss the percentage charged to those who use debit/credit cards.

Mr. Cain said the county is not making any money; all we are doing is passing the exact amount the county is charged on to the citizen. He shared that by the Treasurer’s last audit, we collected \$29,256.00 in user fees from taxpayers for this service. Council is charged with prioritizing the spending of revenues to the best of our ability. Any extra available monies could be used for bullet proof vest and new teasers for law enforcement or for self-contained breathing apparatuses for firefighters. What you are asking is for us to charge the public more money to subsidize the citizens who pay by credit/debit cards.

Mr. Neiger alluded that Mr. Cain was saying citizens that are poor should continue to pay the fees.

Chairman Livingston asked Mr. Neiger if he was saying that everyone who pays by debit/credit is poor.

Mr. Neiger said it can be rough on folks who are on social security and a fixed income to pay these fees.

Mr. Waldrop agreed with Chairman Livingston and Vice-Chairman Cain in that this is a convenience fee and the county is not making a dime off of them.

Mr. Hipp commented that this Council voted not to give Elected Officials a cost of living increase this year and he did not feel these officials will be stepping forward for a voluntary reduction in pay. If the county absorbs the fee, the number of people who use this service will go up tremendously and the amount we absorb could go even higher. He said he cannot see that it is being unfair to anyone who pays the additional fee because it's a choice to use your credit/debit card. If the county absorbs these fees, we will have to either reduce services somewhere or increase taxes and he knew how Mr. Neiger felt about tax increases.

3. ***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).***

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 #02-02-16; seconded by Mr. Waldrop. The vote was unanimous.

4. ***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).***

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 #02-03-16; seconded by Mr. Hipp. The vote was unanimous.

5. Resolution #03-16: A Resolution calling for the Foxbriar Special Tax District creation election.

Chairman Livingston reported that the Public Works and Planning Committee recommended this to full Council. The residents of Foxbriar subdivision have petitioned County Council to set a Special Election on April 12, 2016 to determine whether or not a Special Tax District should be created to pay for the maintenance of Foxbriar Road and Foxbriar Court based on a uniform service charge not to exceed \$150.00. If the election is in favor of creating the district, Council will pass an ordinance in time for the charge to be placed on this year's tax bills in September.

Mr. Cain motioned to approve Resolution #03-16; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Koon commented that since the County Administrator was not here he did not feel like he had enough information to make a decision so he cannot support this resolution tonight.

Mike Pisano, Public Works Director, reported that when the road ordinance was changed in 2007, Foxbriar and several other subdivision roads were in the process of gaining acceptance into the county system. For one reason or the other, they did not make it before the ordinance was changed. This is a proposal that addresses an issue with the citizens that fell through the cracks when the new ordinance was passed.

Mr. Cain stated that Foxbriar Road has come up a lot in the Public Works and Planning Committee meetings and we have been trying to come to a resolution. We gave them the option of turning it into a Special Tax District if they could acquire the required signatures to put it on the ballot and they did that.

Jay Tothacer, County Attorney, stated that the process was they had to acquire 15% of registered voters' signatures on the two roads in the subdivision. They provided us with a petition that we sent to the Registration and Election Board and it was verified that they exceeded the 15% to call for the election. The next step will be for Council to set an election date. If the vote is in favor to create the district, then Council will pass an ordinance to create the district through three readings and a public hearing. The intent is that the uniform service charge, not to exceed \$150.00, will create funding for the county to provide maintenance on the roadway and associated drainage. It will still not be a county road but will be routinely maintained as long the tax district is in existence and the uniform service charges are conveyed to the county. All that Council is doing is giving them the next step which is to call for the election.

Mr. Koon thanked Mr. Tothacer for the information and said he has what he needs now to support the resolution.

Mr. Waldrop clarified that this will not be a paved road; just maintained with gravel at times and scraped. We have a number of roads in the county like this that need to be addressed eventually. There are a lot of homes on these roads and these people pay property taxes and deserve the help if we can.

Mr. Hipp shared his concerns about the repercussions for those residents not in favor of this special tax district and their failure to pay this additional tax and asked if their homes will be auctioned off for payment?

Mr. Tothacer responded that if they don't pay their tax bill it will be offered for sale at the delinquent tax sale. Any information Council may need on the uniform service charge can be discussed in Executive Session

Having received no further discussion, the vote was unanimous to approve Resolution #03-16.

6. *Consideration to Purchase 2016 Ford Transit 250 Van in the amount of \$28,995.93 for Facilities Management Department.*

Ervin West, Director of Facilities Management, reported that this van will be purchased under state contract and will be a fully enclosed service van which will result in about an \$8,000.00 savings over a similar outfitted pick-up truck.

Mr. Koon motioned to approve the purchase of the 2016 Ford Transit Van in the amount of \$28,995.93; seconded by Mr. Waldrop. The vote was unanimous.

7. *Consideration of Bid for Fire Department Bunker Gear from Poseidon Equipment and Supplies in the amount of \$40,200.32.*

Tommy Long, Emergency Services Coordinator, reported that the gear was put out for bid and staff only received one bid from Poseidon and he asked Council for permission to move forward with this purchase.

Mr. Koon motioned to approve the bunker gear from Poseidon in the amount of \$40,200.32; seconded by Mr. Cain. The vote was unanimous.

8. *Discussion of New Terminal Building for Newberry County Airport.*

Mike Pisano, Public Works Director, reported that this item has been discussed for a period of time and it was presented at the Public Works and Planning Committee meeting on February 22, 2016. Talbert, Bright and Ellington have been working on the design plans for the new terminal building and Judy Elder is here to answer any questions you may have.

Mr. Hipp asked Mrs. Elder to elaborate on the funding.

Ms. Elder reported that the Federal Aviation Authority (FAA) does not participate in the 90% for construction of terminals. What they do allow is for you to bank your entitlement money and the county gets \$150,000.00 per year or up to \$450,000.00. That will be \$450,000.00 that the county can use towards the cost of the terminal. The South Carolina Aeronautics Commission (SCAC) will pay 50% or up to \$500,000.00. The estimate that we have for the cost of the terminal is \$1,650,000.00 which will leave \$700,000.00 at the expense of the county.

Mr. Hipp commented that this is not currently in our budget so the county's portion of the funding will be discussed during the budget process.

Chairman Livingston said the design looks great and this terminal would make a big difference in our airport. He said it was kind of embarrassing to have economic development prospects arrive at our airport and all we have is a block building. This is our first impression to these prospects as we try to sell our county.

Mr. Cain talked about the design which includes a waiting room and conference room. There will also be a meeting hall for businesses that fly into the airport to conduct conferences. He said other airports have solicited sponsorship from local industries to outfit their airports with furniture so maybe there will be an interest from some of our bigger companies to help outfit our airport. He said it can also be rented out for community events; it can be a multi-function building not just an airport terminal.

Chairman Livingston said this terminal is not a Taj Mahal like some buildings labeled in this county. It is very small and reasonably designed with a total of 3,500 sq. ft. He noted that it would be nice to have a meeting room where prospects can come to a single location and then fly back out.

9. *Discussion of Prioritization/Selection of Newberry County-Sponsored CPST Projects*

Chairman Livingston reported that the county has nine sponsored projects for consideration. A work session has been scheduled for Wednesday, March 9, 2016 to select projects to present to the Capital Project Sales Tax Commission. He reminded Council to look over the scoring/ranking sheets before the meeting on March 9th.

Mr. Hipp thanked all those in attendance for their interest, participation, and input in county business.

Mr. Reeder commented that it is good to see a lot of people interested in helping Newberry County grow and lending their support to all the different projects.

Mr. Koon stated that this will be the third time the people of Newberry County will have a chance to vote on the one cent tax. It has been a considerable help to everyone in this county. He hoped Council will look at these nine projects, consider which ones are the best, but not send all nine to the CPST Commission because they will have a lot on their plate.

Mr. Cain asked supporters of the museum to stand for members of Council and noted that the museum is basically the only project that shows historically across the nation a return on investment. The tourism department shows that for every dollar local governments spend on a museum they get 7-10 dollars back. He applauded everyone's time and efforts and said Council should consider pushing this forward to the CPST Commission for consideration.

10. *Appointments*

No appointments.

11. *Committee Meetings*

a. Public Works and Planning 2/22/16

Mr. Pisano, Public Works Director, reported the committee met on February 22, 2016 and two items were discussed here tonight; the Foxbriar Special Tax District and the Airport Terminal Plans. The Planning and Zoning Department, Building Department, and Public Works also updated the committee on active projects.

b. Finance 2/29/16

Mrs. Cromer, Finance Director, reported that the committee met on February 29th and Buddy Livingston was elected as Chairman of the Finance Committee for 2016. The committee discussed back charges and a contract with NCMH for EMS services and recommended it go before full Council.

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

Mindy Spires Miller of 1452 Waterway Court in Mount Pleasant, S.C introduced herself on behalf of her company Waste Management of S.C. She said she was aware that the county was currently under contract with Republic Waste for solid waste transportation and disposal services; however, she felt if you wanted someone's business you asked them for it. The county has an option to renew the contract with Republic or an option to generate a RFP to

open the opportunity up for other companies. She wanted the opportunity to submit a rate for the county's transportation and disposal services.

13. *Executive Session (if needed)*

Mr. Tothacer, County Attorney, reported that Council wished to entertain a motion to go into Executive Session under §30-4-70(a)(2) 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.

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

EXECUTIVE SESSION [8:00 p.m. – 8:19 p.m.]

Chairman Livingston asked Mr. Tothacer to report out.

Mr. Tothacer reported that Newberry County Council went into Executive Session for discussions 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 and no action was taken in that session.

14. *Comments/Request from County Administrator*

No comments.

15. *Comments/Request from Council Members*

Mr. Reeder stated that he would like to move the Personnel and Intergovernmental Relations Committee meeting on Monday up to 6:00 p.m.

All committee members were in favor of this change.

Mr. Koon remembered Mr. Sam Derrick who passed away last Wednesday and noted that he served his country in the US Army and served on the Little Mountain Town Council and as Mayor of Little Mountain.

16. Future Meetings

- a. Personnel and Intergovernmental Relations Committee 3/7/16 @ 7:00 p.m.
- b. CPST Work Session 3/8/16 @ 7:00 p.m.
- c. "On the Move with Margaret" 3/14/16 @ 9:00 a.m.
- d. County Council 3/16/16 @ 7:00 p.m.
- e. Economic Development Committee 3/21/16 @ 7:00 p.m.

17. 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