



**NEWBERRY COUNTY COUNCIL
MINUTES
JUNE 1, 2016**

Newberry County Council met on Wednesday, June 1, 2016, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

PRESENT: 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

ABSENT: Henry H. Livingston, III, Chairman

MEDIA: Andrew Wigger, Newberry Observer

The meeting was duly advertised as required by law.

Vice Chairman Cain called the meeting to order.

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

1. Additions, Deletions and Adoption of Agenda

Mr. Hipp requested that item 8 on the agenda be moved to item 1A; seconded by Mr. Waldrop. The vote was unanimous.

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

1A. Resolution #11-16: A Resolution Honoring Dakota Keith Murphy

Mr. Adams read Resolution #11-16 into the record:

“WHEREAS, Dakota Keith Murphy was a lifelong resident of Newberry County attending schools in the County and eventually working at McKechnie Components; and

WHEREAS, before Dakota died at the young age of 22 he had encouraged and helped many friends, athletic teammates and members of Young Life ministry; and

WHEREAS, Dakota enjoyed hunting, fishing, swimming, four-wheeling and other outdoor activities with friends and family in both South Carolina and West Virginia; and

WHEREAS, through all his activities and life Dakota was the embodiment of the “Pay it Forward” philosophy by responding to a kindness received not by paying it back to the giver but paying it forward to someone else.

NOW, THEREFORE BE IT RESOLVED THAT NEWBERRY COUNTY COUNCIL HEREBY RECOGNIZES DAKOTA KEITH MURPHY by declaring June 7, 2016 as “Pay it Forward for Dakota Day”.

AND BE IT FURTHER RESOLVED that this Resolution shall be published in the official minutes of the Newberry County Council and a framed copy of this Resolution shall be presented in his memory.

AND IT IS SO RESOLVED this 1st day of June, 2016.”

Mr. Waldrop motioned to approve Resolution #11-16; seconded by Mr. Hipp. The vote was unanimous.

2. *Personal Appearances*

- a. Mike Briggs and Melissa Mimms, Central SC Alliance

Mr. Briggs and Ms. Mimms reported on the services and economic development consulting they provide for their members. They presented members of Council with an update on the investments and activity in Newberry County and in the region over the past year.

- 3. *Ordinance #04-06-16: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2016, and ending June 30, 2017, for the Newberry County budget for county ordinary purposes and for other county purposes for which the county may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.***

Mr. Waldrop motioned to approve third reading of Ordinance #04-06-16; seconded by Mr. Reeder.

PROPOSED AMENDMENTS

1. *Mid-Carolina Commerce Park – Site Preparation*

Insert the Mid-Carolina Commerce Park Site Preparation Budget in “SECTION III. CAPITAL BUDGETS.”

<u>REVENUES</u>	<u>AMOUNT</u>
NEC UTILITY CREDIT	\$ 250,000
SC DEPARTMENT OF COMMERCE	260,000
SC POWER TEAM	625,000
NEWBERRY COUNTY FUND BALANCE	<u>115,000</u>
TOTAL REVENUES	\$ 1,250,000
<u>EXPENDITURES</u>	
CONSTRUCTION	\$ 1,030,000
PROFESSIONAL SERVICES	<u>220,000</u>
TOTAL EXPENDITURES	\$ 1,250,000

Mr. Hipp motioned to approve amendment #1; Mid-Carolina Commerce Park – Site Preparation amendment; seconded by Mr. Reeder. The vote was unanimous.

2. *Bridge Replacement for Old Jolly Street Road*

Insert the Old Jolly Street Road Bridge Replacement Budget in “SECTION III. CAPITAL BUDGETS.”

<u>REVENUES</u>	<u>AMOUNT</u>
FEMA FUNDING	\$ 210,025
NEWBERRY COUNTY FUND BALANCE	<u>92,008</u>
TOTAL REVENUES	\$ 302,033
<u>EXPENDITURES</u>	
CONSTRUCTION	<u>\$ 302,033</u>
TOTAL EXPENDITURES	\$ 302,033

Mr. Koon motioned to approve amendment #2; Bridge Replacement for Old Jolly Street Road; seconded by Mr. Hipp. The vote was unanimous.

3. *Detention Center – Repairs/Renovations*

In “SECTION III. CAPITAL BUDGETS,” in the budget for “DETENTION CENTER – REPAIRS/RENOVATIONS,” strike the \$2,100,000 revenue amount for “BOND ANTICIPATION NOTE/G.O. BOND” and insert in lieu thereof the amount of \$1,600,000. Insert a revenue amount for “NEWBERRY COUNTY FUND BALANCE,” assigning to it the amount of \$500,000.

AMOUNT

REVENUES

BOND ANTICIPATION NOTE/G.O. BOND	\$ 2,100,000 (strike)
	\$ 1,600,000 (insert)
NEWBERRY COUNTY FUND BALANCE	<u>500,000</u> (insert)
TOTAL REVENUES	\$ 2,100,000

EXPENDITURES

DESIGN	\$ 154,000
TESTING	\$ 3,500
SITE PREPARATION	\$ 60,250
PERMITS	\$ 12,250
CONSTRUCTION/RENOVATION	\$ 1,192,500
ADDITIONAL PARKING	\$ 328,700
UTILITY CONNECTIONS	\$ 144,000
CONTINGENCY	<u>\$ 204,800</u>
TOTAL EXPENDITURES	\$ 2,100,000

Mr. Koon motioned to approve amendment #3; Detention Center – Repairs/Renovations; seconded by Mr. Reeder. The vote was unanimous.

4. Eliminating Expenditure Increase for Information Technology (IT) Personnel

In “SECTION II.” under “GENERAL FUND EXPENDITURES,” reduce the amount appropriated for “INFORMATION TECHNOLOGY” by \$22,259. Under “GENERAL FUND REVENUE,” reduce revenue from millage-based “PROPERTY TAXES” by this same amount.

Mr. Hipp motioned to approve amendment #4 to eliminate expenditure increase for Information Technology (IT) Personnel; seconded by Mr. Koon. The vote was unanimous.

5. Eliminating Expenditure Increase for Recycling Attendant Supervisor

In “SECTION II.” under “GENERAL FUND EXPENDITURES,” reduce the amount appropriated for “COLLECTIONS” by \$22,524. Under “GENERAL FUND REVENUE,” reduce revenue from millage-based “PROPERTY TAXES” by this same amount.

Mr. Hipp motioned to approve amendment #5 to eliminate expenditure increase for Recycling Attendant Supervisor; seconded by Mr. Waldrop. The vote was unanimous.

6. Increasing Employer Portion of State Retirement System Funding

In “SECTION II.” under “GENERAL FUND EXPENDITURES,” increase the amount appropriated for affected departmental line items by the total amount of \$25,000. Under

“GENERAL FUND REVENUE,” increase revenue from millage-based “PROPERTY TAXES” by this same amount.

Mr. Hipp motioned to approve amendment #6 to increase State Retirement System Funding; seconded by Mr. Waldrop. The vote was unanimous.

7. Specifying the Method of Salary Increase Distribution as a Fixed-Amount Cost of Living Increase

In “SECTION II.” under “GENERAL FUND EXPENDITURES,” specify that 150,600 in funding appropriated for “SALARY ADJUSTMENT” be distributed as a “FIXED-AMOUNT COST OF LIVING INCREASE.”

Mr. Koon motioned to approve amendment #7 specifying the method of salary increase distribution be a fixed-amount cost of living increase; seconded by Mr. Reeder. The vote was unanimous.

8. Restore Detention Center Position Inadvertently Omitted in Original Budget Draft

In “SECTION II.” under “GENERAL FUND EXPENDITURES,” increase funding for “CORRECTIONS” by \$38,888. Under “GENERAL FUND REVENUE,” increase revenue from millage-based “PROPERTY TAXES” by this same amount.

Mr. Reeder motioned to approve amendment #8 to restore Detention Center position; seconded by Mr. Waldrop. The vote was unanimous.

9. Increase Funding for the Newberry County Council on Aging

In “SECTION II.” under “GENERAL FUND EXPENDITURES,” increase funding for “COUNCIL ON AGING” by \$15,000. Under “GENERAL FUND REVENUE,” increase revenue from millage-based “PROPERTY TAXES” by this same amount.

Mr. Stockman motioned to approve amendment #9 to increase funding for NCCOA; seconded by Mr. Koon. The vote was unanimous.

Vice Chairman Cain called for the question and third reading of Ordinance #04-06-07 was unanimously approved as amended.

4. Ordinance #04-07-16: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2016 and ending June 30, 2017, for Newberry County Library, Piedmont Technical College and the Newberry Agency for Disabilities and Special Needs; to provide for the levy of taxes on all taxable personal and real estate properties in Newberry County for said purposes; to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year for said purposes.

Mr. Hipp motioned to approve third reading of Ordinance #04-07-16; seconded by Mr. Waldrop.

PROPOSED AMENDMENT

1. Increase Funding for Newberry County Library

In "SECTION II." under "REVENUE," increase the amounts for "PROPERTY TAXES" and "TOTAL COMMUNITY SERVICES REVENUE" each by \$15,000. Increase "EXPENDITURES" for "NEWBERRY COUNTY LIBRARY" and "TOTAL COMMUNITY SERVICES EXPENDITURES" each by \$15,000.

Mr. Hipp motioned to approve amendment to increase funding for Newberry County Library; seconded by Mr. Reeder.

Vice Chairman Cain called for the question and third reading of Ordinance #04-07-16 was unanimously approved as amended.

5. ***Ordinance #05-10-16: An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$710,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.***

Mr. Waldrop motioned to approve second reading of Ordinance #05-10-16; seconded by Mr. Hipp. The vote was unanimous.

6. ***Ordinance #05-09-16: An Ordinance to impose a one percent sales tax, subject to a referendum, within Newberry County pursuant to the Capital Project Sales Tax Act; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which the tax may be imposed; to provide the maximum cost of the projects or facilities funded from the proceeds to be raised by the tax, subject to funding cost overruns as provided by law; to provide for a county-wide referendum and to concur in the contents of the ballot question in such referendum; to establish the priority in which the proceeds of the tax are to be expended; to authorize the issuance of General Obligation Bonds of Newberry County, subject to such referendum, to defray costs of projects and issuance costs; to provide for the conduct of such referendum; to provide for the administration of the tax; to provide for the payment of the tax; and to provide for other matters relating thereto.***

Mr. Hipp motioned to approve first reading of Ordinance #05-09-16; seconded by Mr. Reeder. The vote was unanimous.

7. ***Ordinance #06-11-16: An Ordinance amending and revising Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances.***

Mr. Waldrop motioned to approve first reading of Ordinance #06-11-16; seconded by Mr. Hipp.

PROPOSED AMENDMENTS

1. Prohibit Arrests for zoning violations

Delete Section 153.055 Enforcement item E in its entirety.

Mr. Hipp motioned to approve amendment #1 to prohibit arrests for zoning violations; seconded by Mr. Reeder. The vote was unanimous.

2. No unilateral interpretation of NAICS codes by the Zoning Administrator

Insert the phrase with the County Administrator and County Attorney in the last sentence in Section 153.073 Zoning District Table of Permitted Uses in item (B)(1) to read as follows: “Any use not specifically listed in §153.073(D) – *Zoning District Table of Permitted Uses* and any proposed use not substantially similar to a listed use as determined by the Zoning Administrator after consultation with the County Administrator and County Attorney shall be deemed to be prohibited.”

Mr. Hipp motioned to approve amendment #2 for no unilateral interpretation of NAICS codes by the Zoning Administrator; seconded by Mr. Koon. The vote was unanimous.

3. Prohibition on Solar Farms being located in any district other than Industrial

Remove any reference to Solar Farm in the R2 classification as shown in Section 153.073 Zoning District Table of Permitted Uses.

Mr. Hipp motioned to approve amendment #3 for prohibition on Solar Farms being located in any district other than Industrial; seconded by Mr. Waldrop. The vote was unanimous.

4. Permitting of recreational vehicle use in certain districts

Insert in Section 153.073 (D) Zoning District Table of Permitted Uses under Temporary Uses the letter “P” to include that a recreational vehicle may be used for recreational use only as a permitted use in R2, RS, RSM and RG classifications.

Mr. Koon motioned to approve amendment #4 permitting of recreation vehicle use in certain districts; seconded by Mr. Reeder. The vote was unanimous.

5. Cross-reference open space standards with land development regulations description

Insert in Section 153.185 Open Space (A) the phrase and major subdivisions as defined in Chapter 154 – Land Development Regulations of the Newberry County Code of Ordinances and a new section (C) Open space may include recreational areas, wooded areas, and environmental open space. Environmental open space is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access.

Mr. Waldrop motioned to approve amendment #5 to cross-reference open space standards with land development regulations description; seconded by Mr. Koon. The votes was unanimous

Vice Chairman Cain called for the question and first reading of Ordinance #06-11-16 was unanimously approved as amended.

Mr. Adams stated that staff would ask that Council affirm its intention to evoke what's called the "pending ordinance doctrine" with respect to the first reading of the zoning ordinance. If anyone makes an application for a zoning permit that is counter to the intentions of this first reading, then that application is frozen until Council has finished its action on the ordinance.

Mr. Waldrop motioned to approve the pending ordinance doctrine; seconded by Mr. Hipp. The vote was unanimous.

8. Resolution #11-16: A Resolution Honoring Dakota Keith Murphy

Moved to agenda item #1A.

9. Appointments

No appointments.

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

No comments.

11. Executive Session

No Executive Session.

12. Comments/Request from County Administrator

Mr. Adams informed all that he will be leaving for Scotland on June 13th.

13. Comments/Request from Council Members

Mr. Reeder congratulated all graduates and their families in the county.

Mr. Koon recognized Mr. Eddie Corley, a retired sergeant with the Newberry Police Department, who passed away on May 30th.

Mr. Stockman shared that it has been an honor for him to serve on County Council and urged everyone to vote in the Primary Election on June 14th. He said if re-elected, he will continue to work diligently for the taxpayers.

Mr. Hipp and Mr. Waldrop wished Mr. Adams and Meg a fun time and safe travels on their vacation.

Vice Chairman Cain shared that Chairman Livingston and his wife are attending the graduation ceremony of their son Derek tonight. He has not missed very many meetings in the 17 years he has served.

14. Future Meetings

- a. On the Move with Margaret – 6/13/16 @ 9:00 a.m.
- b. County Council – 6/15/16 @ 7:00 p.m.
- c. Economic Development Committee – 6/20/16 @ 7:00 p.m.

14. Adjournment

Vice Chairman Cain declared the meeting adjourned at 8:00 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council