



**NEWBERRY COUNTY COUNCIL
MINUTES
JULY 6, 2016**

Newberry County Council met on Wednesday, July 6, 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
Kirksey Koon, Councilman
Travis Reeder, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Debbie Cromer, Finance Director

ABSENT: Steve Stockman, Councilman

MEDIA: Andrew Wigger, Newberry Observer

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Wayne Adams led the invocation followed by the Pledge of Allegiance.

1. Additions, Deletions and Adoption of Agenda

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

2. 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.

Chairman Livingston declared this the Public Hearing.

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

Mr. Hipp motioned to approve third reading of Ordinance #05-09-16; seconded by Vice Chairman Cain.

Chairman Livingston asked if there was any discussion.

Mr. Adams stated that staff would ask for a sponsorship for an amendment that is technical in nature to reword the ordinance to concur with a recent change made by the General Assembly in the session that just ended. Mr. Adams read the change into the official minutes:

Mr. Hipp motioned to amend the ordinance to include the language stated by Mr. Adams; seconded by Vice Chairman Cain. The vote was unanimous.

3. *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. Adams reported that this second iteration of the county's zoning ordinance; the first was adopted 15 years ago. Since March of 2011, Council has been working on various parts of the ordinance with three basis goals: Simplify and streamline regulations, create more flexibility in the largest zoning district – R2, and update to reflect some legal and technological changes that have happened since the adoption of the first ordinance in 2001. This draft ordinance is available on the county's website for review by the public.

Chairman Livingston declared this the Public Hearing.

Chairman Livingston encouraged people to go online to review the ordinance. He said it can be frustrating to have it available and people wait until a later date to say something. A lot of work has gone into this and Council's desire is that this version of the zoning ordinance be workable and user friendly as possible for our citizens. Any input beyond Council, the consultants, and the administrative team would be greatly appreciated.

Mr. Hipp stated that the South Carolina Association of Counties (SCAC) is looking for input from Council on legislative policies concerning solar farms for the upcoming year and your input is due by August 8th. He recommend sending a letter signed by all of County Council to SCAC encouraging that body to lobby in opposition to the legislation that did not get approved this last cycle. He said we struggled to get it off the docket at the last second but it will come up again in the next cycle and we need SCAC to oppose this legislation.

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

4. ***Ordinance #07-12-16: 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 two and thirty-nine hundredths (2.39) acres portion of a real estate parcel totaling fifty three (53.0) acres designated as TMS Parcel No. 55-1-1-3 from Rural (R2) to General Commercial (GC).***

Mr. Waldrop motioned to approve first reading of Ordinance #07-12-16; seconded by Mr. Reeder.

Chairman Livingston invited Greg Googer to the podium for comments on this ordinance.

Mr. Googer, representing the Patton Development Company, introduced himself and stated that they are a Dollar General developer currently doing projects across the state of South Carolina. This parcel is a need because of the rural housing around this area in Newberry County. He said it is an approved project for Dollar General; it is not prospective. If the rezoning is approved, there will be over a million dollar capital investment in Newberry County and creation of 6-10 jobs. He said he was available to answer any questions Council might have.

Mr. Hipp asked Mrs. Peters, Zoning Administrator, if this had come before and been approved by the Joint Planning Commission.

Mrs. Peters responded that it was recommended by the Joint Planning Commission and there were no public objections.

Having received no further discussion, first reading of Ordinance #07-12-16 was unanimously approved.

5. ***Ordinance #07-13-16: 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 one (1) real estate parcel totaling three and four tenths (3.4) acres designated as TMS No. 404-41 from Light Industrial (LI) to Single Family Residential (RS3).***

Vice Chairman Cain motioned to approve first reading of Ordinance #07-13-16; seconded by Mr. Hipp.

Chairman Livingston stated that this parcel is located on Haltiwanger Road and there has been a manufactured home on the property for sometime; however, the current zoning does not accommodate manufactured homes. The owners of the parcel would like to replace the existing manufactured home and rezoning the property to RS-3 will allow them to do this.

Mr. Reeder asked if there was any opposition to which Mrs. Peters responded that there was not.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #07-13-16.

6. ***Ordinance #07-14-16: 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 portion of real estate parcel which comprises a total two and two tenths (2.20) acres (Parcels B and C) designated as TMS Parcel No. 464-2 from Single Family Residential (RS-1) to Single Family Residential (RS3).***

Mr. Waldrop motioned to approve first reading of Ordinance #07-14-16; seconded by Mr. Reeder.

Mrs. Peters stated that this rezoning was recommended by the Joint Planning Commission and there was no opposition.

Chairman Livingston recognized Mr. Deron Shealy, property owner, and asked if he would like to speak. Mr. Shealy said he did not but would answer any questions Council might have.

Having received no further discussion, the motion to approve first reading of Ordinance #07-14-16 was unanimously approved.

7. ***Ordinance #07-15-16: An Ordinance to create the Fox Briar Subdivision Special Tax District.***

Vice Chairman Cain motioned to approve first reading of Ordinance #07-15-16; seconded by Mr. Waldrop.

Mr. Adams reported that this ordinance is being considered pursuant to an election for a special tax district for the Fox Briar Subdivision. The election was held on the 21st of June and of the 68 registered voters who were eligible to participate, only 15 voted in favor of forming the tax district. The effect of the tax district is that a uniform charge of \$150.00 maximum per year will be levied on each lot in the subdivision. The purpose of the Special Tax District is for the upkeep of the roads and the associated storm water drainage in the subdivision.

Mr. Koon wanted confirmation that all 68 voters were notified of the election.

A citizen residing in the Fox Briar subdivision commented that all voters were notified; a neighborhood newsletter was put in everybody's mailbox and they personally went door to door and told everybody.

Mr. Adams stated that a proper notice was published in the Newberry Observer in a timely fashion.

A Fox Briar subdivision resident asked when the \$150.00 special tax would be imposed on the residents.

Mr. Adams said Council has to consider and approve two more readings before it is put on the tax bill. If the reading process is completed in August, the special tax will go on the tax bill that is mailed out this fall and work should begin shortly thereafter on the road.

Chairman Livingston noted that in addition to the reading process there will be a public hearing scheduled if anyone needs to share their opinion.

Having received no further discussion, first reading of Ordinance #07-15-16 was unanimously approved.

8. *Committee Reports*

a. Economic Development – 6/20/16

Rick Farmer, Director of Economic Development, reported that the committee met on June 20, 2016, and was updated on the following:

- Project activity
- Industry visits
- Product development,
- Website development
- Caterpillar closure
- Toast of the Town event
- Office space renovations

Mr. Hipp complimented Mr. Farmer and Mrs. Cannon for the excellent work they are doing for the county in economic development. He said we are in a position where we can handle any size prospect that comes to us; whether large or small.

9. *Appointments*

Mr. Waldrop nominated Karen Geier for an appointment to Board of Rescue Squads representing Chappells; seconded by Mr. Hipp. The vote was unanimous.

Mr. Reeder nominated Ernest Shealy for reappointment to the Accommodations Tax Board; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Reeder nominated Vina Abrams for reappointment to the Central Midlands Council of Governments; seconded by Mr. Waldrop. The vote was unanimous.

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

No comments.

11. *Executive Session*

- a. §30-4-70(a)(2) SC Code of Laws: 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.

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

EXECUTIVE SESSION [7:30 p.m. – 7:44 p.m.]

Mr. Hipp motioned to return to Open Session; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Adams reported that Council met in Executive Session to discuss the terms of a contract with Newberry County Memorial Hospital concerning EMS services for Newberry County and no action was taken in that session.

Vice Chairman Cain motioned to authorize the Administrator to enter into a contract with NCMH; seconded by Mr. Hipp. The vote was unanimous.

12. *Comments from County Administrator*

No comments.

13. *Comments/Request from Council Members*

Mr. Koon requested prayers for the family of Eddie “Gerald” Graham, former Public Works Director, who passed away on July 4, 2016.

Chairman Livingston shared that Mr. Stockman was not in attendance due to taking care of his wife who hurt her ankle.

Mr. Hipp and Mr. Waldrop welcomed Mr. Adams back from his trip.

Vice Chairman Cain commented that he and Mr. Waldrop have been working for several years to get funding for Bush River Road. He said they have paved through Helena about 3 miles and the funding for the remainder should be available in August.

Chairman Livingston shared that Roger Eargle who is a regular at Council meetings has not attended in several months. He said he has had some close calls health wise and asked for thoughts and prayers for him. He thanked EMS for their response time and efforts to aid Gerald Graham when he fell. He said Council is very appreciative of all that fire, EMS, rescue, and law enforcement do in n our county.

14. *Future Meetings*

- a. Public Safety and Courts Committee – 7/11/16 @ 5:00 p.m.
- b. County Council – 7/20/16 @ 7:00 p.m.

15. *Adjournment*

Chairman Livingston declared the meeting adjourned at 7:51 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council