



**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 1, 2017**

Newberry County Council met on Wednesday, February 1, 2017, 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
Kirksey Koon, Vice Chairman
Bill Waldrop, Councilman
Steve Stockman, Councilman
Scott Cain, Councilman
Dr. Harriett Rucker, Councilwoman
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: Wayne Adams, County Administrator
Travis Reeder, Councilman

MEDIA: Andrew Wigger, Newberry Observer

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Dr. Harriett Rucker led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Dr. Rucker motioned to adopt consent agenda; seconded by Mr. Stockman. The vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Mr. Cain motioned to adopt the agenda as presented; second by Vice Chairman Koon. The vote was unanimous.

3. ***Newberry County Service Awards***

Chairman Livingston presented service awards to the following employees: Donna Lominack, Auditor – 40 years; and Lindsey Dean Stribble, Sheriff's Office – 30 years (absent).

4. ***Ordinance #01-01-17: An Ordinance to provide for the determination of salaries for countywide elected officials and to provide for the annual review of salaries for such offices.***

Mr. Waldrop motioned to approve second reading of Ordinance #01-01-17; seconded by Mr. Stockman. The vote was unanimous.

5. ***Ordinance #02-02-17: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16, to be codified in Chapter 153 of the Newberry County Code of Ordinances establishing zoning classification and districts, so as to rezone one real estate parcel totaling one and six hundredths (1.06) acres designated as TMS Parcel No. 6-6-54, from Single Family Residential (RSM) to Rural (R2).***

Vice Chairman Koon motioned to approve first reading of Ordinance #02-02-17; seconded by Mr. Waldrop.

A.J. Tothacer, County Attorney, explained that there are four (4) parcels and the request of the property owner is to rezone all four (4) one acre parcels from Single Family Residential (RSM) to Rural (R2) to allow pigmy goats, chickens, and beehives on the properties. The only classification the county currently has to permit this is R2; however, the problem as expressed by staff and the Planning Commission, is that R2 has no limitation to just pigmy goats and chickens but would allow horses, cows, pigs, etc; therefore the reason for denial by the Planning Commission. Mr. Adams has recommended that if Council is in agreement, that these four (4) rezoning requests are not approved.

Mr. Waldrop withdrew his second to approve first reading followed by Vice Chairman Koon's withdrawal of the motion.

Mr. Cain motioned that first reading of Ordinance #02-02-17 not be approved as recommended; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Waldrop shared that staff will be meeting with the property owners in a few weeks and another option may be offered in the form of a text amendment.

6. ***Ordinance #02-03-17: : An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16, to be codified in Chapter 153 of the Newberry County Code of Ordinances establishing zoning classification and districts, so as to rezone one real estate parcel totaling one and one hundredths (1.01) acres designated as TMS Parcel No. 6-6-55, from Single Family Residential (RSM) to Rural (R2).***

Mr. Cain motioned that first reading of Ordinance #02-03-17 not be approved as recommended; seconded by Mr. Waldrop. The vote was unanimous.

7. ***Ordinance #02-04-17: : An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16, to be codified in Chapter 153 of the Newberry County Code of Ordinances establishing zoning classification and districts, so as to rezone one real estate parcel totaling one and seven hundredths (1.07) acres designated as TMS Parcel No. 6-6-56, from Single Family Residential (RSM) to Rural (R2).***

Mr. Cain motioned that first reading of Ordinance #02-04-17 not be approved as recommended; seconded by Mr. Waldrop. The vote was unanimous.

8. ***Ordinance #02-05-17: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16, to be codified in Chapter 153 of the Newberry County Code of Ordinances establishing zoning classification and districts, so as to rezone one real estate parcel totaling one and one tenth (1.10) acres designated as TMS Parcel No. 6-6-57, from Single Family Residential (RSM) to Rural (R2).***

Mr. Cain motioned that first reading of Ordinance #02-05-17 not be approved as recommended; seconded by Mr. Waldrop. The vote was unanimous.

9. ***Ordinance #02-06-17: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16, to be codified in Chapter 153 of the Newberry County Code of Ordinances establishing zoning classification and districts, so as to rezone one real estate parcel totaling one and forty three hundredths (1.43) acres designated as TMS Parcel No. 523-28, from Single Family Residential (RS) to General Commercial (GC).***

Mrs. Peters identified the parcel as located on the northern side of Mt. Pilgrim Church Road near the intersection of Hwy. 391. The purpose of the rezoning is to construct a 150 foot Public Safety Radio Antenna on the existing property that already houses critical infrastructure such as a water tower and a 120 foot antenna.

Chairman Livingston reported that the 150 foot tower is a part of the new 800 MHz radio system approved by the voters and part of the 2016 CPST Referendum.

Mr. Cain motioned to approve first of Ordinance #02-06-17; seconded by Vice Chairman Koon. The vote was unanimous.

10. Ordinance #02-07-17: An Ordinance to provide for the issuance and sale of a not exceeding one million nine hundred thousand dollar (\$1,900,000) General Obligation Bond Anticipation Note of Newberry County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, to provide for the issuance and sale of not exceeding nineteen million eight hundred thousand dollars (\$19,800,000) General Obligation Bonds of Newberry County, South Carolina, and other matters relating thereto.

Dr. Rucker motioned to approve first reading of Ordinance #02-07-17; seconded by Vice Chairman Koon.

Chairman Livingston reported that this borrowing is to provide funding for initial expenses pertaining to projects approved by voters as part of the 2016 CPST Referendum.

Having no further discussion, the vote was unanimous to approve first reading of Ordinance #02-07-17.

11. Resolution #01-17: A Resolution designating Dr. James E. Wiseman, Jr. Appreciation Day

A.J. Tothacer, County Attorney, read Resolution #01-17 into the record:

“WHEREAS, Dr. James E. Wiseman, Jr. was the founding Chairman of the Newberry Opera House Foundation Board in January of 1991, served in that capacity until 2015, and continued service as a member of the Board until recently; and

WHEREAS, through the persistent and visionary efforts of Dr. Wiseman the renovation of the Opera House returned it to the glory it had known in the best years of its original operation between 1881 and 1952; and

WHEREAS, the Newberry Opera House once again attracts many visitors from far and wide each season to Newberry, greatly benefiting the local economy and preserving the facility’s long and illustrious heritage; and

WHEREAS, Dr. Wiseman was instrumental in the hiring of longtime Executive Director Deborah Smith, and through their efforts the Newberry Opera House was recognized in 2008 as being among the finest theatres in America by the League of Historic American Theatres; and

WHEREAS, Dr. Wiseman is a native and lifelong resident of Newberry County and has received numerous awards in recognition of his unselfish community service, which has enriched the lives of Newberry County citizens; and

WHEREAS, the County wishes to recognize his contributions and express its pride in his many accomplishments.

NOW, THEREFORE BE IT RESOLVED THAT NEWBERRY COUNTY COUNCIL WISHES TO DESIGNATE FEBRUARY 11, 2017 AS DR. JAMES E. WISEMAN, Jr. APPRECIATION 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 provided to Dr. Wiseman.

AND IT IS SO RESOLVED this 1st day of February, 2017.”

Vice Chairman Koon motioned to approve Resolution #01-07; seconded by Dr. Rucker. The vote was unanimous.

12. *Consideration of Requests for Qualifications for Capital Project Sales Tax Projects (City of Newberry Recreational Complex Construction; Town of Prosperity Recreational Complex Improvements; and Town of Silverstreet Walking Track)*

Mrs. Waldrop, Purchasing Director, reported that staff received seven (7) responses on November 17, 2016, and the evaluation committee recommends Alliance Consulting Engineers, the highest ranked firm.

Mr. Koon motioned to approve Alliance Consulting Engineers; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop commented that we have been using this same firm for years and he would like some other companies to have an opportunity to do some of these projects.

Having received no further discussion, the vote was unanimous to approve Alliance Consulting Engineers.

13. *Consideration of Requests for Qualifications for Capital Project Sales Tax Project (Water Supply Improvements for Consolidated Fire District)*

Mrs. Waldrop, Purchasing Director, reported that staff received two (2) responses on November 17, 2016, and the evaluation committee recommends the highest ranked firm, HDR/ICA.

Mr. Cain motioned to approve HDR/ICA as recommended; seconded by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Cain reported that HDR submitted a cost of around \$174,000.00 and the four (4) underground tank companies have extensive schematics and drawings on how to install the tanks. His concern is that we get a good price because the engineering of putting them in the ground is actually already done and he is not sure what other engineering will be needed.

Chairman Livingston asked Todd Griffin to address Council on this issue.

Mr. Griffin shared that he has been involved with the tank project and has done a lot of research. He said each tank has a warranty and gives very specific installation and inspection procedures to meet the warranty. He said he brought this to the attention of Councilman Cain and noted that these tanks have very limited regulations and no environmental impact. He felt any construction company could install these and save the county a tremendous amount of money on engineering cost. He questioned whether this was the best way to go with our taxpayer dollars.

Chairman Livingston said with a \$174,000.00 decision on the table, he asked Council to consider retracting the motion and let the County Administrator review and bring back before Council.

Mr. Cain withdrew his motion to approve; Mr. Waldrop withdrew his second.

Mr. Cain motioned to refer to Mr. Adams for review; seconded by Mr. Waldrop. The vote was unanimous.

14. *Consideration to Purchase LifePak Monitors and Accessories from Physio-Control, Inc. in the amount of \$111,415.41 for Newberry County EMS*

Tommy Long, Emergency Services Coordinator, reported that staff had budgeted \$120,000.00 through lease purchase for this and the bid came in under budget. He noted that it was sole source and would interface with their existing LifePak.

Mr. Cain motioned to approve LifePak Monitors and Accessories from Physio-Control in the amount of \$111,415.41; seconded by Mr. Waldrop. The vote was unanimous.

15. *Appointments*

Chairman Livingston nominated Rodney Wicker for an appointment to the Board of Rural Fire Control representing Consolidated Fire Dept; seconded by Mr. Waldrop. The vote was unanimous.

16. *Committee Reports*

a. Public Safety and Courts 1/23/17

Tommy Long, Emergency Services Coordinator, reported that the committee met on January 23, 2017, and Mr. Koon was reappointed as the Chairman of the Committee. Ervin West, Facilities Manager, gave an update on the Courthouse landscaping project and a status on the three (3) Fire Substations. Mr. Long said he brought to the attention of the committee the struggle they face with daytime (8-5) response on the fire and rescue side during the week due to volunteers working their normal jobs. He felt in the foreseeable future the need for full-time firefighters to cover this time frame. The committee discussed a possible training facility between the city and county to help fund a burn building at the fairgrounds. Staff asked the committee if they could move forward with an engineering study to make sure the site is sufficient and meets requirements. Chief Minick informed the committee of the Recruitment Coordinator position currently funded by a grant that expires in 2018 and how the city and county are looking for ways to keep that position which helps us all with recruiting efforts.

Vice Chairman Koon mentioned that it was brought to the committee's attention by Mr. Long, Mr. Minick, and Sheriff Foster of the DHEC regulations requiring that fingerprints for our first responders be done in Columbia before they can drive an ambulance at a cost of \$33.50 when our Sheriff's Office can do it for free. He did not feel DHEC should be regulating this.

Mr. Long said this is a requirement for the entire state.

Vice Chairman Koon said if agreeable with Council, he would like to recommend that our Administrator write a letter to DHEC, our Governor, Senator, and House Representative and voice our concerns on this issue.

Kelley Carlton with EMS said all EMT's in the state are required to have these fingerprints done every time they recertify along with a background check and with our reliance on volunteers, the same requirements were imposed. He said he did not know why they decided to use a single service throughout the state or whether it was federally mandated as such.

Dr. Rucker questioned why fingerprints were needed every four years because your fingerprints don't change. She shared that they stopped doing Judges because once they have them they are on file.

It was agreed among all that they did not have a problem with background checks and fingerprints but felt the charges for fingerprints were costly to the county when there was free option.

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

No comments.

18. Executive Session

No executive session.

19. Comments/Request from Council Members

Vice Chairman Koon shared that our City Fire Chief, Keith Minick, lost his mother this past week and asked for thoughts and prayers for his family.

20. Future Meetings

- a. Public Works and Planning Committee 2/6/17 @ 7:00 p.m.
- b. Special Called Finance Committee 2/8/17 @ 6:00 p.m.
- c. County Council 2/15/17 @ 7:00 p.m.
- d. Finance Committee 2/27/17 @ 6:00 p.m.

21. Adjournment

Chairman Livingston declared the meeting adjourned at 7:45 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council