

**Newberry County Public Works and Planning Committee
Minutes
Monday, August 24, 2015
7:00pm.**

Members Present: Mr. Scott Cain, Mr. Bill Waldrop, Mr. Steve Stockman

Others in Attendance: Wayne Adams, Mike Pisano, Jay Tothacer, Teresa Ball, Judy Meetze, Patrick Meetze, Wayne Koon, Judy Elder and numerous residents from Fox Briar community

1. Call to Order – Scott Cain, Chairman

Councilman Cain called the meeting to order with prayer

2. Approval of March 3, 2015 Minutes

Mr. Stockman motioned to approve the May 11, 2015 minutes; seconded by Mr. Waldrop. All were in favor.

3. Discussion of Special Tax District for Fox Briar Road – Ms. Crystal Hernandez, Citizen

Ms. Hernandez stated that Fox Briar Road was in rough condition and the school buses would not come down the road to pick up the children. Ms. Hernandez said that the residents would prefer to have the road paved or at least have regular maintenance.

Mr. Adams said that in 2007, county council changed their policy on road acceptance. The county would only accept paved roads into the system. At that time, Fox Briar and a few other roads had been seeking to get into the system. There had been some back and forth about what needed to be done but nothing was completed. During that time, county council changed their policy. The question was in those cases, would it be possible to create a special tax district to help bring the road up to standard. Mr. Adams said the committee didn't look into paving in this case because the discussion in the case of Fox Briar at the last meeting was about maintaining the road with gravel.

Mr. Adams said there are two methods to create a special tax district. One is a referendum, which means people who live in a defined area would vote as to whether or not to impose some charge. The second one is to have a petition process that involves totaling the total assessed value of the people who have signed the petition and it has to be 75% of the people representing 75% of the assessed property. Mr. Adams said in the case of Fox Briar Road, a referendum would be the easiest way to create the special tax district. Another choice is you can do this by setting a millage rate or by a uniform fee. By a millage rate, people would pay different amounts based on what their property is valued. If this is done, you would have some people who would pay hundreds of dollars and others who would pay much less. This would be an equity issue because everyone gets the same benefit. For that reason a uniform fee is a fairer option. Mr. Adams stated that if council were to choose this option, there are some legal issues

that the council would prefer to talk about in an executive session. The other issue is equal protection, the county cannot just limit this to Fox Briar, and these options would have to be open to everyone which creates the possibility of proliferating the special tax district. It would not cost the same for each road to have improvements

Mr. Adams said that the PWP committee does not appropriate money for paved road, the funds come from gas tax and the CTC committee votes to spend money for road improvements.

Ms. Hernandez asked if Atlantic Coast Properties is responsible for paying the taxes on the road.

Mr. Tothacer said no, that the road was owned by Atlantic Coast Properties and was sold because the taxes were not paid last year. If Atlantic Coast Properties does not redeem the property, it will be turned over to the Forfeited Land Commission (FLC). FLC's responsibility is when the tax sale is held, if no one else bids, the property goes to the FLC. Mr. Tothacer said the delinquent tax payer has a year to redeem the property from when it was sold. The property is still in the redemption period. If the property owner does not redeem, the property will be deeded to the FLC. Anyone interested in the property can attend the tax sale and put in a bid for the property.

Mr. Cain suggested postponing further discussion on Fox Briar Road until next meeting to find answers to pending questions.

4. Discussion of Maintaining Maintenance on County Roads – Mike Pisano, Public Works Director

Mr. Pisano stated that the county has issues with some of the gravel roads that are in the system. At this time the county has roughly 180 miles of gravel roads. Mr. Pisano said that they did a survey of some of the roads because they receive request for maintenance and repairs for roads that have no houses or one house. About 55 miles of roads fall into this category. Mr. Pisano is seeking guidance from council whether to keep these roads in the system or take them out. Mr. Pisano said he would like to go over the list with council members and take each council member out to look at the roads in their district. A few of the roads are Epting, Gable Hill, Henderson Island, Breezy Hill Trail, David's Mtn. Trail and Brooks Road. These roads mainly serve as hunting access or timber land. Mr. Pisano said maintaining these roads don't seem like a wise use of county resources.

Mr. Cain approved the request to have council members to check on these roads.

5. Discussion of Leitzsey Road – Ms. Judy Meetze, Citizen

Ms. Meetze stated that Leitzsey Road has been in the system for a long time and that the road has 7 land owners. Ms. Meetze said that the residents are requesting maintenance on the road at least once a year.

Mr. Adams said that in 2011 there was a civil suit involving Leitzsey Road. Mr. Tothacer said that both attorneys agreed to the facts which state "Said unpaved road was at one time a county or neighborhood road as far back as 1953, as it is identified in the Newberry County Soil and Water Conservation records and appears as Leitzsey Road and it is likewise indexed in the Newberry County Court Road System, however, any such public use of such road has been abandoned and is thus a private road". The

document goes on to say, “it is the intent that the parties of this road continues to be used as a private road for the use of said owners including the plaintiff for the purposes of ingress and regress to their respected tracks”. Both parties and attorneys agreed that this no longer a county road, it is a private road. The final judgement states, “Accordingly the parties may mutually agree to erect a cable or other method to prevent trespassers provided such measures do not interfere with the parties rights to use of said road as set forth herein”.

Mr. Cain said that this is not a county maintained road and there is nothing the council can do.

6. Public Works Update – Mike Pisano, Public Works Director

Mr. Pisano said that the repairs and improvements on Peninsula Drive are moving forward and was brought to council last week.

Mr. Pisano said that they have 4 sites that are in the initial phase of single stream recycling.

Mr. Pisano stated that the public works storage building has been completed and hope to start moving materials in the next month or so.

7. Airport Terminal – Judy Elder, Talbert, Bright and Ellington

Ms. Elder said the county has three options for funding the new terminal. The first option is the county pays for the entire project with no funding. The second option is no federal participation but would have state participation which would be 50% up to \$500,000. The third option includes federal funding. The FAA participates in terminal construction with entitlement money which is \$150,000 per year. You can go back 4 years; typically a grant is 4 years which would be \$600,000. You have two options if you choose the third option. First option you can wait 4 years and then use the \$600,000. The second option you can tell the federal government that you want to use 4 years of your entitlement money, but the county would be responsible for fronting the money and then the county would receive a refund.

Mr. Pisano asked if there were any stipulations on the use of the money for site work.

Ms. Elder said the money can only be used for site work, parking lot and the terminal building.

Mr. Stockman made the motion to take the design phase before full council for consideration.

Motion was second and all were in favor.

8. Other Items

9. Public Comments

10. Adjournment

Mr. Cain motioned to adjourn; seconded by Mr. Waldrop. The vote was unanimous.

PUBLIC WORKS AND PLANNING COMMITTEE

Scott Cain, Chairman

Teresa Ball, Recorder

APPROVED: