



**NEWBERRY COUNTY COUNCIL  
MINUTES  
May 7, 2014, 2014  
7:00 P.M.**

Newberry County Council met on Wednesday, May 7, 2014, 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  
John E. Caldwell, Councilman  
Bill Waldrop, Councilman  
Leslie (Les) Hipp, Councilman  
Steven C. Stockman, Councilman  
Scott Cain, Councilman  
Wayne Adams, County Administrator  
A.J. Tothacer, County Attorney  
Laurie Renwick, Clerk to Council  
Debbie Cromer, Finance Director

**PRESS:** Natalie Netzel, Newberry Observer  
Tammy Kitchen, WKDK

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order and determined a quorum present.

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

Chairman Livingston recognized Mrs. Beth Jaeger as the new Director of Piedmont Technical College.

**1. Adoption of Consent Agenda**

Mr. Koon motioned to adopt the consent agenda; seconded by Mr. Caldwell. The vote was unanimous.

2. **Ordinance #04-05-14: 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 fifty-nine hundredth (2.59) acres real estate parcel designated as TMS Parcel No. 651-60 from Rural (R2) to General Commercial (GC).**

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 #04-05-14; seconded by Mr. Cain. The vote was unanimous.

3. **Ordinance #04-06-14: 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 (2.0) acres real estate parcel designated as TMS Parcel No. 5-3-101 from Single Family Residential (RS1) to Single Family Residential (RS1A).**

Chairman Livingston declared this the Public Hearing.

Mr. Gene Tynes introduced himself and said he was a representative of the Homeowners Association of the Waters Edge Subdivision where this lot is located. This lot is really a boat storage lot that was established when the subdivision was developed 10-12 years ago and unbeknownst to anyone it was not properly zoned. He said he was in support of the rezoning.

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

Mr. Waldrop motioned to approve third reading of Ordinance #04-06-14; seconded by Mr. Hipp. The vote was unanimous.

4. **Ordinance #04-07-14: An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2014, and ending June 30, 2015, 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 second reading of Ordinance #04-07-14; second by Mr. Cain.

Mr. Adams reported that the operating expenses are balanced with revenues at \$21,700,781.00 and capital budgets are balanced at \$2,355,000.00. He said the main issue in flux right now is the difference in the appropriation for the Local Government Fund by the two houses of the General Assembly. The Senate currently has an appropriation of \$100,000.00 less than is funded in our budget and the House version matches what we have in our budget.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that we had a number of people come before our last work session making some requests. At this time, he is not going to propose an amendment but if we do receive the LGF funds from the legislature to replace the \$100,000.00, he will propose a couple of minor changes to our budget.

Having received no further discussion, the vote was unanimous to approve second reading of Ordinance #04-07-14.

- 5. Ordinance #04-08-14: An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2014 and ending June 30, 2015, for the Newberry County Library, Piedmont Technical College and the Newberry Agency for the 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. Koon motioned to approve second reading of Ordinance #04-08-14; seconded by Mr. Hipp.

Mr. Adams reported that this ordinance will provide \$403,881.00 for the Newberry County Library System, \$397,132.00 for Piedmont Technical College, and \$22,606.00 for the Newberry County Disabilities and Special Needs and is unchanged from first reading.

Having received no discussion, the vote was unanimous to approve second reading of Ordinance #04-08-14.

**6. Ordinance #05-09-14: To amend the Code of Ordinances of the County of Newberry to include the offense, exceptions, definitions, and penalties of distracted driving.**

Mr. Cain motioned to approve first reading of Ordinance #04-09-14; seconded by Mr. Hipp.

Mr. Adams reported that this ordinance pertains to banning the use of hand held electronic devices for texting and talking while driving. The General Assembly is in the process of addressing the same issue and whatever they do will take precedence over the legislative actions of the local governments. The final General Assembly action could leave open some areas of local regulation depending on which bill is ultimately approved. The Public Safety and Courts Committee recommended advancing the reading process of the Newberry County ordinance in case the General Assembly ends up doing nothing or fails to address some area that the county wants to regulate. The proposed ordinance can be amended during the reading process to achieve whatever purposes remain.

Having received no discussion, the vote was unanimous to approve first reading of Ordinance #05-09-14

**7. Resolution #04-14: A Resolution in support of fully funding the Statutorily Prescribed Formula of the Local Government Fund**

Mr. Hipp motioned to approve Resolution #04-14; seconded by Mr. Cain.

Mr. Adams reported that under the current funding scenario in the House, the county would receive about ½ million dollars less than we would otherwise receive under the Local Government Fund formula. This formula has been under suspension since 2008 when revenues for the state shrank significantly. Revenues are up this year and the LGF funding is still down and may go \$100,000.00 or so less than the previous year. We have been experiencing this shortfall for some time and may be aggravated in the coming year if the Senate version persists.

Mr. Adams read Resolution #04-14 into the record.

**WHEREAS**, Newberry County Council has learned that the Local Government Fund (LGF) allocated by the South Carolina General Assembly for FY 14-15 provides Newberry County with more than \$500,000 *less than* the statutorily prescribed formula amount, as set forth in §6-27-30 of the Code of Laws of South Carolina, 1976, as amended, pursuant to the State Aid to Subdivisions Act; and

**WHEREAS**, the South Carolina General Assembly has not fully funded the LGF allocation since 1984, and continues in the coming year to severely underfund it, despite a significant increase in revenues of the State; and

**WHEREAS**, mandated State obligations, including those pertaining to providing offices for and otherwise funding numerous State functions, have not correspondingly declined with this loss of revenue; and

**WHEREAS**, the failure of the LGF to offset State-related costs incurred at the local level necessarily increases the property tax liability of Newberry County citizens, and also for property owning citizens in every county of our State;

**NOW, THEREFORE, BE IT RESOLVED** by Newberry County Council to impress upon the General Assembly that its diminution of the statutorily required LGF has become a recurring property tax *by the South General Assembly* on South Carolinians; and

**BE IT FURTHER RESOLVED** that the County Council urges the Newberry County Legislative Delegation to stand up for Newberry County, and all other counties, by seeking full funding of the statutory funding formula; and

**BE IT FURTHER RESOLVED** that Newberry County Council directs its Clerk to Council to forward a copy of this Resolution to both members of the Newberry County Legislative Delegation, requesting that they further circulate it among their colleagues in the General Assembly.

**AND IT IS SO RESOLVED THIS DAY OF MAY 7, 2014 AT NEWBERRY, S.C.**

Having received no discussion, the vote was unanimous to approve Resolution #04-14.

## **8. Proclamation declaring May 15, 2014 as Peace Officers' Memorial Day**

Mr. Adams read the Peace Officers' Memorial Day Proclamation into the record.

**WHEREAS**, The Congress and President of the United States have designated May 15, 2014, as Peace Officers' Memorial Day; and

**WHEREAS**, the members of the law enforcement agencies of Newberry County play an essential role in safe guarding the rights and freedoms of the citizens of our community; and

**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement officers, and that law enforcement officers recognize their duty to serve the people of this community, by protecting them against violence and disorder; and

**WHEREAS**, the law enforcement officers of Newberry County unceasingly provide a vital public service;

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that the County Council of Newberry County directs that all flags on County buildings be flown at half-staff on May 15, 2014, in recognition of Peace Officers' Memorial Day and in memory of those law enforcement officers, who through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and to honor those law enforcement officers presently serving the community.

Mr. Koon motioned to approve Proclamation declaring May 15, 2014 as Peace Officers' Memorial Day; seconded by Hipp. The vote was unanimous.

## **9. Appointments**

No appointments.

## **10. Committee Reports**

### **a. Public Safety and Courts Committee - 05/05/14**

Mr. Tommy Long reported that the committee met on Monday, May 5, 2014 and there were four (4) items on the agenda.

- Discussion of the texting ordinance
- Discussion of paid firefighters for daytime coverage
- Mr. West gave an update on the Courthouse renovation and the new Sheriff's Office building

Mr. Hipp asked Mr. Long when the benchmark was for talking with the other counties and having the meetings for the paid firefighters. He said we are in the budget process and having paid firefighters will affect our budget.

Mr. Long responded that he has a meeting set up Tuesday with the fire chiefs and board members. He said he has already been to Sumter to discuss what they are doing and he would like for Dorchester to come up and talk to us as well.

Mr. Hipp commented that it would be nice to have all this information available for our next budget work session on June 9<sup>th</sup>.

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

No comments.

## **12. Executive Session**

Chairman Livingston stated that Council will meet in Executive Session pursuant to §30-4-70(a)(1) of the SC Code of Laws for discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

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

***EXECUTIVE SESSION [7:20 p.m. – 7:50 p.m.]***

Chairman Livingston reported that Council met in Executive Session and no action was taken in that session. He asked if Council had any comments from the session.

Mr. Hipp motioned to extend the Memorandum of Understanding and employment agreement with the County Administrator through the year 2016; seconded by Mr. Waldrop. The vote was unanimous.

**13. Comments/Request from County Administrator**

Mr. Adams thanked County Council for their confidence and said he enjoys the working environment that they provide. He said in his 19 years of being a County Administrator, this was the best group he has ever worked with.

Mr. Adams also said that on Monday afternoon our state lost one of its great leaders over the past half century. Mr. Butler Derrick was a 10 term Congressman representing South Carolina's third district which for a short time included Newberry County. He said more important for him, Mr. Derrick was a mentor, a friend, and his boss. He asked that his family be remembered during their period of bereavement.

**14. Comments/Request from Council Members**

In conjunction with Peace Officers' Memorial Day, Mr. Cain commended all of Newberry County's public safety and law enforcement personnel for their efforts in doing their day to day jobs.

Mr. Hipp applauded the United States Supreme Court for supporting prayer before local government meetings and also stated that Mr. Adams was by far the best administrator that he has had a chance to work with.

Mr. Waldrop said that he has worked with many administrators and Mr. Adams is the best one we have ever had and he is proud of him.

Mr. Koon seconded Mr. Cain and Mr. Hipp's comments.

Chairman Livingston commented that he appreciates all that Mr. Adams does. He gave a recap of all of Mr. Adams accomplishments during his tenure as Newberry County's Administrator and noted that he has been a stabilizing force for the county. He said a new contract with a salary increase is extremely justified.

**15. Future Meetings**

- a. Public Works and Planning Committee 5/12/14 @ 6:00 p.m.
- b. County Council 5/21/14 @ 7:00 p.m.

**16. Adjournment**

Chairman Livingston declared the meeting adjourned at 7:55 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

**APPROVED:**

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**Laurie N. Renwick, Clerk to Council**