

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 4, 2009**

PRESENT: **Henry H. Livingston, III, Chairman**
 William D. Waldrop, Vice-Chairman
 Kirksey Koon, Councilman
 John E. Caldwell, Councilman
 Edgar Baker, Councilman
 Leslie (Les) Hipp, Councilman
 Steven C. Stockman, Councilman
 Wayne Adams, County Administrator
 A.J. Tothacer, Jr., County Attorney
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

PRESS: **Cindy Pitts, Newberry Observer**
 Heather Hawkins, 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.

1. Personal Appearances

- a. Mr. Randy Berry and Mr. Ernest Shealy with the Newberry County Historical and Museum Society – Disposition of the Old Newberry County Post Office/Library.

Mr. Randy Berry, President of the Newberry Historical and Museum Society, introduced himself and Mr. Ernest Shealy. Mr. Berry distributed handouts to Council members that were prepared and stated that Mr. Shealy would be making the presentation.

Mr. Shealy said Newberry was blessed with many beautiful and historic buildings. It is a rare opportunity when one of these buildings becomes available. We need to consider the use of such a building and keep it safe for generations to come. The Historical and Museum Society would like Council's permission to form a committee to look into appropriate and historic uses for the building that will fully utilize its potential as an architectural gem for Newberry County. He asked Council to hold off on any decisions to sell or use the building until the committee can form and recommend to Council the types of uses that can be accomplished for the good of the County. The committee would include representation from many organizations and many factors of Newberry County's citizenry.

Mr. Waldrop informed Mr. Shealy that the roof had some problems and wanted them to be aware of it.

Mr. Shealy said he was aware of the roof problems and it would need to be looked into. He felt the interior gutters were partially the cause of this situation. The tile roof should be pretty stable but there could be a cracked tile somewhere.

Mr. Hipp stated it was interesting to find that the architect of this building designed and built many other distinguished buildings throughout our country including the Philadelphia Mint, the Denver Mint, the Tuttle Court Building in Atlanta, and the Governor's Mansion in Juno, Alaska. He said we do have quite a gem here. Mr. Hipp said those that know him, know that he is a proponent of keeping this building in the public sector and making the best use of it. He said what Mr. Berry and Mr. Shealy were proposing would not cost the County anything nor would it be binding to the County. He asked if they were going to contact the various stakeholders to plan a feasibility study for the best use of the building.

Mr. Shealy stated that was correct.

Mr. Caldwell said we are not talking about just an average building. This is an extraordinary building that has helped put Newberry on the map. He feels we should move forward to preserve this building and keep it as is so it can maintain that status.

Mr. Adams congratulated the gentlemen on their efforts and said he appreciated the historical history provided. Mr. Adams informed Council that through his communications with Jackie Bowers, Clerk of Court, it seemed imminent that we were going to have to free up some space in the Courthouse for an Office for a Resident Circuit Judge. This may displace the Assessor's Office and if this comes to pass, we will have to look for some options.

Mr. Hipp stated we have people willing to volunteer and prepare a feasibility study at not cost to the County. Many times in the past we made errors by spending money and then later realizing that was not the best approach. We have an opportunity to start the process and do the planning without being in crisis mode. They are offering to form a committee with representation from County Council, local municipalities, the school district, the Opera House Foundation, Newberry College, local industries, organizations and civic leaders. This will give us an unbiased opinion from a great cross section of stakeholders from within the County.

Mr. Hipp moved to approve the Newberry County Historical and Museum Society's proposal to take the lead to develop this committee, prepare the study, and report back to County Council with recommendations for the building; second by Mr. Caldwell. Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Mr. Hipp asked to add an additional item to Executive Session for discussion of a personnel issue at J.F. Hawkins/Springfield Place.

Mr. Waldrop moved to adopt the agenda as amended; second by Mr. Hipp. Vote was unanimous.

3. Ordinance #12-36-08: An Ordinance for the purpose of leasing County property for a Skeet Range.

Mr. Waldrop moved to approve third reading; second by Mr. Baker.

Mr. Hipp excused himself from voting because of his membership in the club.

Vote was unanimous for the exception of Mr. Hipp who excused himself.

4. Ordinance #12-37-08: 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 one and sixty-two hundredths (1.62) acre tract designated as TMS Parcel No. 741-60, from Single Family Residential (RS1) to General Commercial (GC).

Mr. Baker moved to approve third reading; second by Mr. Caldwell. Vote was unanimous.

5. Ordinance #01-01-09: 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 twenty-two and sixty-six hundredths (22.66) acres portion of a seventy-nine acres real estate parcel designated as TMS Parcel No. 751-2, from Rural (R2) to General Residential (RG).

Chairman Livingston stated there were several people who would like to speak on this rezoning ordinance. He called Mr. Bob Ariail to the podium.

Mr. Bob Ariail introduced himself and stated he resided at 1208 Mayer Road, Little Mountain. He said the question here should be what is best for Newberry County and the immediate community. He has concerns about this project because the scope has changed several times since its inception. At first they were told it was going to be a hunting lodge and then it changed to a 26 unit RV park. The sketch that was given out on the property had 83 sites for mobile homes listed. Mr. Ariail was concerned that if water and sewer had to be brought in, it would cost the taxpayers. Most of the people in the area have their own septic tank and well. He said the Planning Commission stated that

Broad River Road will accommodate an increase in traffic flow. He said he travels this road daily and it is already in need of repair. Any repairs to handle the increase in traffic flow would come at the expense of the taxpayers. Mr. Ariail said the people who would live in the RV Park from outside of the County and from out of state will be paying taxes in their own County for their RV's and vehicles. Newberry County would not receive any of that. If they bring children with them, we will have to pay to educate them. Mr. Ariail stated his mother owned the land that adjoins this property. Her only asset is her property and the house she lives in. An RV or mobile home park could possibly decrease her land value and this would hurt her in the long run. Mr. Ariail stated he works for V.C. Summer and this RV Park is in support of its construction in Fairfield County and didn't feel it would help Newberry County at all. He asked Council to consider voting no on this ordinance. He asked those present that were not in support of this ordinance to stand. He submitted to Council a petition signed by 77 citizens from the community in opposition to this ordinance.

Chairman Livingston called Mrs. Ann Ariail to the podium.

Mrs. Ariail said her concern is that her property is adjacent to the property being rezoned. She lives there by herself and is concerned about her neighbors and her community. She stated she was opposed to this rezoning and asked Council to consider that.

Chairman Livingston called Mrs. Evelyn Nichols to the podium.

Mrs. Nichols stated her remarks would be brief because they had covered almost everything. She is one of five widows that live in the area and strongly opposes this rezoning. She said instead of bringing in outside people we should find employment for all of the local people in our County who are unemployed at the moment. They should be considered for these positions before we bring in outside people.

Chairman Livingston asked Mr. Charlie Mayer to the podium.

Mr. Mayer thanked Council for the opportunity to speak. Mr. Mayer stated he grew up at 787 Mayer Road and still considers it home. He has lived his adult life in Lexington. The property adjacent to the proposed rezoning property is owned jointly by him and his brother. He stated County Council has the ability to approve or disapprove things that happen in this County. The impact of this proposal will bring in folks that are not family based and have no stake in Newberry County. Their homes are not here and they don't have kin folks buried in the ground in this community like I do. He stated he may not live here but it will always be considered his home. He comes back as a refuge to get away from a lot of what he sees on a daily basis in Lexington. Mr. Mayer stated this proposal seems to have a negative financial impact with limited revenue for Newberry County. There are no shops and stores that will benefit from this in Newberry County. The closest shopping will be in Chapin. Mr. Mayer stated the impact on the quality of the community is of concern too. He asked Council to drive down to the area and see what it looks like and consider some of the questions that these folks have brought forward. The question is will this have a good impact or a negative one on the area.

Chairman Livingston called Mr. Roger Eargle to the podium.

Mr. Eargle introduced himself and stated he resided at 26 Deer Run Road, Pomaria. His property is right in front of the proposed property to be rezoned. He said he will not have time to police his property with the complications that are brought in from this type of arrangement. He said Fairfield County will reap the benefits of this, not Newberry.

Chairman Livingston called Mr. Dow Dykes to the podium.

Mr. Dykes asked if Mrs. Peters could update Council on the project and what he was trying to do because there was a lot of incorrect information out there.

Mrs. Peters stated that in Newberry County you cannot live in an RV unless it is in a manufactured home park. Mr. Dykes came to her office and wanted to know how to go about making it into an RV campground. Mrs. Peters told Mr. Dykes he needed to go through the steps to comply with the manufactured home park regulations. In the zoning code, there are steps that have to be followed such as having paved roads, a minimum of eight acres to start, and a minimum of 7,500 sq. ft. of space for each manufactured home. Part of the requirement is to have a large buffer around the area. She stated if Council permits the rezoning, he would then have to go through a subdivision review and a DHEC review for a community septic system and community well. He would also need approval from SCDOT for the entrance way to this park. Mrs. Peters stated the park would house between 24-36 RV's; certainly not 80 because it will not perk for that amount. She addressed the septic issue and stated by the time the water is released into the ground, it is 95% pure and will not contaminate the ground water. In terms of policing the area, she said Mr. Dykes had already contacted some security people to live at the park 24 hours a day, 7 days a week.

Chairman Livingston asked if there were any questions of Mrs. Peters.

Mr. Baker said the plat she showed tonight indicated approximately 38 lots and the one Council had showed 88 lots and could she explain the difference.

The plat with 88 lots was what Mr. Dykes presented to the planning commission and he could probably answer that question.

Mr. Dykes introduced himself and stated he lived at 452 Rocky Ramp in Chapin. He said the first plat was done by an engineering firm in Columbia and they put the maximum number of 7,500 sq. ft. spots the 22 acres would hold. He went back and revised it because of other factors to be considered.

Mrs. Peters clarified that if approved, DHEC would have to approve the Letts Septic System for RV's and that no manufactured homes would be allowed.

Mr. Hipp asked Mrs. Peters that if this were approved, would it be possible the site could house up to 88 RV's as shown on the first plat.

Mrs. Peters stated the amount of sites would be determined by the perking of the land and how much it would support. She said the cost involved with this is \$150.00 per test, per site.

Mr. Hipp asked if going to general residential would allow for manufactured homes.

Mrs. Peters said currently you could put one manufactured home per acre. Going to general residential there could be five per acre.

Mr. Hipp asked if Council rezoned to general residential and Mr. Dykes changed his mind to go from an RV park to putting in manufactured homes, would he be able to do so with the current zoning.

Mrs. Peters explained that for a separate well and septic; it was one home per acre regardless of whether it is R2 or any other zoning.

Mr. Dykes stated it was possible that it would only handle 20 RV's. It is 100 gallons of water per day, per RV. Mr. Dykes asked if Council could amend the zoning for RV use only for the period of the construction on the nuclear site. He stated it would be dismantled after the completion of construction.

Mr. Waldrop asked about a RV park on 176 near the Food Lion at the Peak exit and stated it could be used for this purpose because it was not far from the nuclear site.

Mr. Dykes said this site was completely booked. He stated the reason he came up with this plan was an engineer from Alabama called him and wanted to buy eight acres from him to put an RV park on. He told the gentleman he was not interested in selling any land so he decided if the need was there, he would try to accommodate it.

Mr. Waldrop said there were a lot of extended stay hotels in the Harbison area he felt would be booking a lot of these transient people.

Mr. Hipp asked what the affect on our tax base would be by adding 35 temporary RV vehicles.

Mr. Adams informed Council that recreational vehicles are taxed at the owner's place of residence, so if they do not live in Newberry County, we would not receive any revenue.

Chairman Livingston asked for a motion for first reading.

Having received no motion, Ordinance #01-01-09 dies for lack of a sponsor.

6. Committee Reports

No committee reports.

7. Appointments

Mr. Hipp stated he did not have any appointments for tonight but for consideration of other council members, he was going to post all Board and Commission vacancies within his district through the media. Those interested could submit their resume for consideration and he would choose the most qualified person based on merit. He offered other council members to do likewise or to continue the way they would like.

Mr. Baker asked Mrs. Renwick to strike #2 under his district's list of appointments.

Mr. Hipp moved to advertise through the local media the Board and Commission vacancies and receive applications and qualifications for selection; second by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop asked how much it would cost to print these listing in the paper.

Ms. Cindy Pitts stated she did not deal in sales and could not answer the question.

Mrs. Renwick said that ¼ page ad in the Newberry Observer cost approximately \$60.00.

Mrs. Waldrop stated that the County website could be used to advertise these vacancies.

Mr. Hipp moved to amend the motion to explore options of advertising Board and Commission vacancies; second by Mr. Koon.

Motion passed with Mr. Livingston, Mr. Koon, Mr. Caldwell, Mr. Hipp, Mr. Baker and Mr. Stockman in favor.

Mr. Waldrop abstained from voting.

8. Consideration of acceptance of bid number 2008-019 for Piedmont Technical College roof replacement – Crystal Waldrop, Purchasing Director

Mrs. Waldrop stated this was the second time they had solicited bids for the PTC roofing project. She had spoken with the Human Resource Director and informed Council they had received an additional \$13,670.00 from the insurance company from the storm damage last year to the roof, which brings the insurance total to \$43,720.00. Mrs. Waldrop stated the low bid came in from Konstruction Services at \$97,957.00 for the replacement of the shingle roof and to put vinyl trim on the facets and soffits.

Mr. Koon asked if we had explored the possibility of putting a metal roof on the building.

Mrs. Waldrop said she had received a quote from Achelpohl in April of 2008 for a metal roof and the price was \$151,650.00 and that did not include trimming the facets and soffits in vinyl or replacing any damaged wood.

Mr. Hipp asked if the quotes were for 20 year or 25 year shingles.

Mr. Ervin West stated they were 30 year architectural shingles.

Mr. Waldrop asked if the damaged wood was included in this cost

Mrs. Waldrop said it was not included due to the fact that they would not know until they started how much would need to be replaced. They did quote a price of \$2.35 per sq ft. for replacing the damaged wood.

Mr. Koon asked if any local contractors bid on the project.

Mrs. Waldrop stated they did not. She said three local contractors gave estimates last year to be submitted to the insurance company but no local contractors bid on the project the two times the County had solicited for bids.

Mr. Baker moved to approve the low bid of \$97,957.00; second by Mr. Waldrop. Vote was unanimous.

9. Consideration of approval of Budget Calendar – Debbie Cromer, director of Finance.

Mrs. Cromer informed Council that a budget calendar had been place in their agenda packets and asked if there were any changes or amendments to be made to the calendar.

Chairman Livingston asked if Council had any concerns with the calendar.

Mr. Adams stated that a Council Finance Committee meeting had been place on the budget calendar for April 5, 2009 and April 13, 2009 as an option. This has not been done in the past and a finance committee would have to be appointed if this was something Council wanted to pursue.

Mr. Baker moved to approve the budget calendar as written with consideration that Council could adjust as we go along; second by Mr. Hipp. Vote was unanimous

10. Update and progress on Mid-Carolina Industrial Park – Teresa Powers, Economic Development Director.

Ms. Powers briefed Council on the updates to the Mid-Carolina Industrial Park and gave some background history for the new members of Council who had not been a part of the process up to this point. Ms. Powers stated when she came onboard; product

development was an issue for Newberry County. Our colleagues at the Central Alliance and the Department of Commerce came to speak with Council about addressing this issue. The existing industrial park on Hwy. 219 was developed in the mid to late nineties and had been extremely successful but was full. In terms of land for new development, the County did not have any prepared industrial property available. We had some stand alone industrial sites spread around the County in private hands, but the County needed some good available space if they were going to chase some premier companies like Kamatsu and Caterpillar. This started the process and the County initiated an industrial park feasibility study. The Mid-Carolina site at 1-26/SC773 was the chosen location for the Commerce Park. Ms. Powers said they wanted to do a first class park; a step up, with certain restrictions on building types and materials, buffers between each business, and wanted to keep as many trees and as much of the natural landscape as possible. She said 40 acres have been set aside at the front of the park for commercial development for service businesses that would enhance and support the industrial park but not to detract from the main purpose.

Mr. Adams stated that the covenants for the park would include the restrictions on the building types that Council would agree to.

Ms. Powers stated they have covenants on the existing park but the covenants on this property should be a little stricter in terms of development standards.

Mr. Baker asked if the multi-County park had been settled yet.

Ms. Powers stated that it had not been settled but there is still a possibility for further development phases.

Ms. Powers said in June of 2007, the County landed their first tenants, Nasmyth Precision Products, in the Mid-Carolina Commerce Park. This announcement opened up avenues for other sources of revenue for the County. Because of their commitment of creating jobs, the County was able to apply for an Economic Development Administration Grant and Department of Commerce Grant to help pay for the Phase 1 infrastructure needed to prepare the site for potential companies. It is difficult to sell a company on a concept of an industrial park when all you have is trees. The County postponed construction until word from the EDA grant came and in August of 2008 the County was awarded \$1 million dollars towards the park. Ms. Powers stated the EDA has approved the construction designs for Phase 1 infrastructure which will allow them to proceed with advertising for bids to construct Phase 1. She said she hoped that by the next council meeting they would be able to come before Council to award those bids. Ms. Powers shared with Council the project elements of Phase 1 to include roadways, water, wastewater and a wastewater pump station. She also shared Phase 1 infrastructure cost and revenue with Council.

Mr. Deepal Eliatamby, President of Alliance Consulting Engineers, shared with Council that the cost of this phase of the project should come in favorably due to the economic situation we are in today. He hoped to bring good news to Council at the next meeting.

Mr. Hipp asked if the all of the roadwork was part of Phase 1.

Ms. Powers stated only a portion of the roadwork would be completed in Phase 1 because you need to leave the park open for design flexibility. At this point we do not know if someone will need 20 acres or 50 acres. It needs to be designed but not to far where it could mess up your flexibility in sizing your parcels.

Mr. Hipp wanted verification that through Phase 1, with addition to Nasmyth, services would also be available to parcel 11, 12, and 1 and that these parcels could be developed.

Mr. Eliatamby stated that was correct.

Mr. Baker asked if the grant for the Electric Cooperative would be used for the electric service line.

Mr. Powers stated that the grant can not go towards any electrical work and the same was true for the AT&T grant. It can go towards water, sewer and roadway but not toward any telecom infrastructure.

Mr. Waldrop asked if the 40 acres set aside for commercial development was included in the \$2 million dollar cost. He felt this was were the County could recoup some of the taxpayers money.

Mr. Livingston said the concept behind this is the maximum value will not be there on that land until there are more tenants in the park.

Mr. Eliatamby stated that was correct.

11. Request by Councilmen

No request.

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

Chairman Livingston called Mr. Stewart Peters to the podium.

Mr. Peters stated he had seen an industrial park in Charleston evolve in this same fashion and after seeing what Ms. Powers had just presented, he was impressed and thanked her for the work she has been doing. This is a step in the right direction for the County.

13. Vote for Executive Session, When Necessary

Mr. Hipp moved to go into Executive Session; second by Mr. Baker. Vote was unanimous.

Mr. Adams stated that Council would go into Executive Session for two reasons. One for discussion of matters relating to the proposed location and expansion for economic development and the other involving personnel issues at Springfield Place/JF Hawkins.

14. Executive Session [8:25 p.m. – 9:25 p.m.]

Mr. Waldrop moved to return to Open Session; second by Mr. Baker. Vote was unanimous.

15. Necessary Action on Matters Discussed in Executive Session

Mr. Adams stated that Council met in Executive Session to discuss an economic development matter and a personnel issue at Springfield Place/JF Hawkins and no action were taken on either.

16. Comments from County Administrator

Mr. Adams reminded Council of the option on the budget calendar for a finance committee and if they wished to pursue this.

17. Comment from Council Members

Mr. Livingston mentioned the finance committee and the workshop that was mention at a prior meeting. He asked if the finance committee could be appointed at the workshop and asked if Mr. Adams had given some thought to this.

Mr. Adams stated that he and Mr. Hipp had spoken and acknowledged, with the full support and approval of Council that having a more active committee process might help for preparation of meetings and where items could be looked at in more depth before coming to the full council.

Mr. Livingston reminded Council that On the Move with Margaret was at 9:30 a.m. on February 16, 2009.

18. Future Meetings

- a. February 18, 2009
- b. March 4, 2008

19. Vote to Adjourn

Mr. Waldrop moved to adjourn; second by Mr. Koon. Vote was unanimous.

20. Adjournment

Chairman Livingston declared the meeting adjourned at 9:30 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council