

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 16, 2011
7:00 p.m.**

Newberry County Council met on Wednesday, February 16, 2011, 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
William D. Waldrop, Councilman
John E. Caldwell, Councilman
Edgar Baker, Councilman
Leslie (Les) Hipp, Councilman
Steven C. Stockman, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

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

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

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

1. Adoption of Consent Agenda

Mr. Baker motioned to adopt the consent agenda; seconded by Mr. Hipp. The vote was unanimous.

2. Additions, Deletions, and Adoption of Agenda

Mr. Adams requested adding a resolution for consideration regarding the defeasance of the J.F. Hawkins bonds.

Chairman Livingston added Resolution #01-11 as agenda item 11a.

Mr. Stockman motioned to adopt the agenda as amended; seconded by Mr. Baker. The vote was unanimous.

3. Newberry County Service Award Presentations

Chairman Livingston stated that we have the privilege of recognizing two of our finest and presented certificates and service pins to the following employees:

- Howard Johnson, Sheriff's Office – 5 years (absent)
- Pamela W. Day, Sheriff's Office – 30 years

4. **Ordinance #01-01-11: : An Ordinance supplementing 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 fifteen million six hundred twenty five thousand dollar (\$15,625,000) General Obligation Bonds of Newberry County, South Carolina, and other matters relating thereto.**

Mr. Hipp motioned to approve third reading of Ordinance #01-01-11; seconded by Mr. Baker. The vote was unanimous.

5. **Ordinance #01-02-11: 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, adopted by the County of Newberry, so as to rezone a two (2.00) acres real estate parcel designated as TMS No.590-21, from Rural (R2) to General Commercial (GC).**

Mr. Waldrop motioned to approve second reading of Ordinance #01-02-11; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Koon stated that he approved first reading and has since visited the property. It is his understanding that when the building was put up there was no intention for it to be used as commercial property. Apparently, the property owner decided he would move his cabinet making shop into this area and this is in violation of our zoning codes. Although he does have a legitimate business there now, it sort of looks like he slide in under the radar to get there which puts him in violation. Mr. Koon said he had several concerns: (1) When are we going to start enforcing our zoning ordinances and what is the penalty; (2) Did the property owner not know that it was a violation to do this; and (3) Why didn't he come and ask for permission for it to be rezoned before he placed his business there.

Mr. Caldwell suggested that Mr. Koon present his questions to the attorney so he could give Council some feedback.

Mr. Tothacer said he would like to brief Council on the facts as he knew them and stated that if they needed additional legal advice he would be glad to offer it. His understanding

was the gentleman came into the building code office and requested a building permit for a 60 x 60 storage structure for personal use. He was then sent to the zoning department and because it was to be erected for personal use on this parcel of land they did not have an issue with it. After the construction, he ended up transferring a cabinet making business into the building which is not an acceptable use in the residential zoning classification. One of his options was to start the process to have the parcel rezoned to a classification to which the use would be more appropriate. The planning staff reviewed the information provided and recommended against it because it did not comply with the requirements. The Planning Commission heard and recommended in favor of it and it is before Council for your consideration to either concur or disagree with the Planning Commission.

Mr. Tothacer stated to answer some of Mr. Koon concerns that if Council will recall several meetings back, we do go out and enforce the zoning ordinance when a violation occurs. Technically, while this may be a violation right now, it is in the process of rezoning. If Council were to approve the rezoning request then it can be used for the purpose to which the owner now intends it to be used. We would not prosecute because it would be an acceptable use.

Mr. Tothacer continued by saying if Council wanted to know if they should consider making changes based on the other statements that Mr. Koon made would become legal advice and he would suggest that Council go into Executive Session.

Mr. Stockman stated that he did not think there was representation tonight from the party involved and thought that if Council tried to answer these questions without anyone being here would be purely speculation on our part. We do not know whether this person acted by just not knowing or acted by coming under the radar. Regardless of whatever the facts may be, he is trying to make it right now. He said this is a fairly big parcel and not really close to any residential homes; probably 200-300 yards away from the nearest home/building. Mr. Stockman stated that he would like to make a recommendation that this be second reading.

Chairman Livingston stated that the property has been posted for rezoning purposes and asked Mr. Stockman, who represents this area, if he has heard any complaints from adjoining neighbors.

Mr. Koon commented that since we have heard from Counsel, he is willing to give it second reading but he would like for us to into Executive Session to seek his opinion on whether something can be done if this becomes illegal and try to find ways to prevent something like this from happening again; although he is trying to make it right.

Chairman Livingston asked Mr. Koon if he would entertain going into Executive Session under agenda item #15 to which Mr. Koon agreed.

Having received no further discussion, second reading of Ordinance #01-02-11 was approved unanimously.

Mr. Waldrop asked that before we go any further if we could all give Pam Day a round of applause for her 30 years of service to Newberry County.

6. Ordinance #01-03-11: An Ordinance for the purpose of leasing the old Wal-Mart property to Piedmont Technical College

Mr. Adams stated that the document has changed since Council last met and agreed to make it a 25 year lease without the granting of property to Piedmont Tech. We have since learned that this is an issue in the state's approval process. The state is going to put two million dollars into this and they want the college to have a property interest. We have drafted language that will require them to give the property back to Newberry County if at any time it is used as anything other than a Piedmont Tech campus and we are requiring that they put two million dollars in it.

Mr. Caldwell motioned to approve second reading of Ordinance #01-03-11; seconded by Mr. Hipp. The vote was unanimous.

7. Ordinance #01-04-11: An Ordinance to limit truck traffic on Dillinger Road

Mr. Baker motioned to approve second reading of Ordinance #01-04-11; seconded by Mr. Waldrop. The vote was unanimous.

8. Ordinance #01-05-11: An Ordinance suspending the application of the Sunday prohibitions contained in Title 53 Chapter 1 of the Code of Laws of South Carolina (commonly known as the "Blue Laws")

Mr. Koon motioned to approve second reading of Ordinance #01-05-11; seconded by Mr. Hipp.

Chairman Livingston invited Marianna DeLuchica to the podium.

Mrs. DeLuchica introduced herself and stated her address as 4983 Bethel Church Rd. in Prosperity, S.C. She said it has been a pleasure to live in Newberry County for the past 2 ½ years and that is because this county gives glory to God. The blue laws are a beautiful part of this county's culture. Many citizens demonstrate their Christianity by the decals on their cars, the shirts they wear and the jewelry they wear. Everything we have is through the providence of God and those that like the blue laws are standing up for God and his glory; we should keep holy the Sabbath day. Be proud of your county; the blue laws are a part of the beauty it.

Mr. Hipp stated he appreciated Mrs. DeLuchica's position on this and as a Christian himself understands the importance of the Sabbath. In this particular case, he will have to vote in favor of eliminating the blue laws because commercial businesses in Newberry County are open at 1:30 p.m. anyway. Some businesses can open prior to 1:30 p.m.; its just certain products can't be sold and he thinks this is discriminatory. One thing that has

not been emphasized publicly about the elimination of blue laws is that it legally protects any Christian employee who has a desire not to work on Sunday morning. This may not make it more palatable for you but he wanted this to be clarified because it does protect those employees who choose not to work during those hours.

Mr. Baker said that he very much believes in Christianity and said if he is in town he will be in church on Sunday morning. He said we have had three companies ask them to take the blue laws out and he will be glad to share with her the names after the meeting. We are losing a lot of income every year because of the blue laws; people are going to Fairfield, Union, Richland and Lexington County on Sunday morning. He said if a person is going to church this will not stop them and he is going to vote in favor because of that reason.

Mr. Caldwell stated that it would be disadvantageous of him to support that law simply because of the business that he has. He said he is not against change but this will send a message to you and our replacements that there comes a time in our lives that laws such as the blue laws are quite advantageous in his opinion.

Having received no further discussion, the vote to approve second reading of Ordinance #01-05-11 was unanimous.

9. Proclamation declaring March 2011 Disabilities Awareness Month

Mr. Koon motioned to approve March 2011 as Disabilities Awareness Month; seconded by Mr. Stockman. The vote was unanimous.

Chairman Livingston commented that the Proclamation will be read at the first meeting in March when the Newberry County Disabilities and Special Needs representatives are present.

10. Consideration to accept Market Street into County Road System – Kyle Nash, Public Works Director

Mr. Nash stated that the Market Place Business Park is located behind the Hess Truck Stop on SC Hwy. 773 and I-16 with access by way of Market Street which runs beside the truck stop. Mr. Larry Higgins had requested approval of the plat of the Market Place Business Park and was notified by letter on Dec. 29, 2010, that the plat could not be approved at that time because the county had not accepted Market Street into the county road system and until concerns from the SC Department of Transportation (DOT) had been resolved to the county's satisfaction. The concerns raised by DOT in 2008 were the realignment of the intersection of Market Street at SC 773 and the need for additional turn lanes at this intersection.

Mr. Nash shared with Council pictures he had taken of trucks entering and exiting the intersection. He noted several pictures where gravel has been placed on each side of

Market Street because two large vehicles are not able to make the turn and stay on the road due to the angle of the intersection. He said Mr. Higgins had previously exchanged letters with DOT stating he would be willing to put up \$50,000.00 towards the realignment and the additional turn lanes when the time comes that they resurface SC Hwy. 773. We have received no specific time frame from DOT as to when this work will happen. This is important to the county because if we take ownership of this road in its current state it will present a hazard to traffic and we have personally witnessed traffic problems during site visits. The intersection represents a constant source of future maintenance and complaints to Council to the point that if DOT does not step up and do the resurfacing work relatively soon, the burden of these issues will fall on the county. Mr. Nash stated that he just received a copy of a letter before this meeting from John Walsh with DOT to Mr. Higgins that appears to give a timeframe which is the information that he has tried numerous times to obtain for some assurance that this is a near term project. Mr. Nash stated he will let Mr. Higgins address that later.

Mr. Nash stated that the recommendation of staff is that the realignment be completed before the county accepts this road that way any liability, safety, or maintenance issues and items such as signs, drain ditches or utilities that might have to be located for the realignment, not be at risk of falling to the county at some future time. He would suggest that if Council elects to accept the road in its current state that it be contingent upon several things: (1) that the \$50,000.00 agreed by Mr. Higgins with DOT towards the realignment and additional turn lanes be a part of the agreement; (2) that the county obtain a consent of row of way in writing from the owner of the truck stop for the realignment purposes to prevent problems in the future and; (3) that the cost of relocating any utilities, signs, and other similar items not be borne by the county. If Council elects to accept the road in its current form, these are burdens that you would not want to be surprised with later on.

Mr. Nash stated he would be happy to answer any questions Council might have.

Mr. Koon commented that by looking the diagram, as you enter Market Street there are two 90 degree turns on the road before you get to the cul-de-sac and asked if Mr. Nash thought there would be problems with these 90 degree turns.

Mr. Nash stated that if there were larger trucks going back there that would propose a challenge; however, most of the larger trucks are going in and out of the first section of the road to go to the truck stop. The primary concern is related to the realignment of the intersection of Market Street and SC Hwy. 773 not the two 90 degree turns which to his understanding have been in the design of the road for awhile.

Mr. Baker commented about Market Street coming into the property from the rear and asked if it was not put in by the owner of the truck stop.

Mr. Nash replied that was his understanding. The original encroachment permit from DOT was for driveway access for the truck stop which predated the business park.

Mr. Hipp stated that we have restrictions on the condition of a road before we accept it into the county road system and asked if the current street, other than the usage of eighteen wheelers and the radius turn, met the minimum right of way requirements to be accepted into the road system.

Mr. Nash said his understanding was that that road was inspected and a proof rolling was done but it was abandoned by his predecessor sometime in 2008. To his knowledge it was inspected and approved at that time.

Mr. Baker said he has gone down and looked at the road and it is wider than a normal road and those trucks make those turns. He questions the ability of those trucks to enter and exit against Mr. Higgins. The trucks are coming into that truck stop and he is mainly going to have cars and pickups.

Mr. Higgins responded that he spent some time there taking photographs from both sides of the intersection so he could get trucks coming in and going out at the same time. He supplied Council with three sets of these pictures for their review which will reveal there is more than adequate room for trucks to come in and stay on the pavement.

Mr. Waldrop wanted to know who owned the road.

Mr. Higgins stated that he owned the road and when they sold it to the Williams family they agreed to give them a reduced price on the purchase of the property if they would complete the first 825 feet of the road that was planned. The first 825 feet of this road was built to three times the standard requirements to accommodate the traffic using it. We submitted to the county the preliminary plans which were followed to a tee and did more than regulations and guidelines called for. We have also pledged \$50,000.00 towards improvements.

Mr. Waldrop wanted confirmation from Mr. Higgins that he wanted the county to take the road over and maintain it for his development and he would put up \$50,000.00.

Mr. Higgins stated that was correct and he would put this in writing and the right of way can be put in writing.

Mr. Waldrop asked if anyone had checked about the utility and water lines and inquired if Mr. Shealy, the county consultant, had checked this out.

Mr. Nash said he was unaware if Mr. Shealy checked this out and that this issue has not been brought before the County Transportation Committee.

Mr. Baker said that it has been before the Public Works and Planning Committee and the road was paved to the state's specs.

Mr. Higgins stated that this is an opportunity for the county. To get this road in place and hopefully expand new businesses can potentially return an unreal amount of taxes back to the county.

Mr. Waldrop stated that he has been to see the road and did not see a problem with it and he did not see a problem with putting a little gravel down for the trucks.

Chairman Livingston asked what condition the road was in from where the 825 feet ends to the back of the property and the county's responsibly for the two 90 degree turns.

Mr. Higgins stated that the turns were designed based on the engineering firm's recommendation to satisfy the occasional deliver beyond the second driveway. They were submitted to the county and it was reviewed and approved by Mr. Tommy Whitehead.

Chairman Livingston asked what the specs were on the road beyond the first 825 feet.

Mr. Higgins stated that the first 825 feet was constructed with 7 ½ inches of asphalt with 12 inches of stone. From there back it was constructed in accordance with county guidelines which was 2 ½ inches of asphalt with 8 inches of stone.

Mr. Adams asked how the occasional delivery will impact the road.

Mr. Higgins stated that it was engineered to do just that.

Mr. Stockman noted that the road was asphalt instead of triple treatment and was designed to withstand heavier traffic.

Mr. Hipp wanted to know if there was an approved right of way for infrastructure for those commercial lots to meet the county's requirements to which Mr. Higgins confirmed there was.

Mr. Hipp asked if each one the commercial lots would have to provide parking for their business and Mr. Higgins responded that each lot would accommodate their own parking.

Mr. Hipp commented that there was a common area for storm water drainage and asked if this was based on the run off from the existing road or would it accommodate parking in all of these areas with a potential parking lot.

Mr. Higgins stated that the detention pond is designed and set up to accommodate the run off of the entire property fully developed.

Mr. Hipp asked if this would be with the additional asphalt to which Mr. Higgins replied yes.

Mr. Koon commented that Mr. Higgins heard the recommendation of Mr. Nash and asked if he would be in agreement with that.

Mr. Higgins said that outside of the recession the road has been a major issue for the development of these lots.

Mr. Baker asked Mr. Tothacer if it was possible to accept a road with the variances that Mr. Nash has brought up on the entrance.

Mr. Tothacer responded that Mr. Nash has three recommendations and his understanding from the letter Mr. Higgins received from DOT is that they are still requiring the \$50,000.00, the granting of the right of way, and also the relocation of anything that is in the right of way of where the new realignment will be. If Council elects to take the road, Mr. Higgins should post the \$50,000.00 in some way. That may be a bit complicated because as he understands the proposal, it may be sometime in 2011-2013 before the highway department may consider doing something and at that point will utilize the \$50,000.00 that Mr. Higgins has previously promised them. We need to address the issue of how Mr. Higgins will post the \$50,000.00 in our favor until the construction of the right of way which may be 2-3 years out. It is not a performance bond and it is not really a payment guarantee bond so he felt the simplest thing for Mr. Higgins to do is put a CD in the county's name for \$50,000.00. As far as the right of way, all he has seen is the letter Mr. Higgins sent, that the owner of Wilco Hess signed, saying he was willing to give it up but it does not indicate how much of his property he will give up. His recommendation would be that as part of the acceptance, Mr. Higgins should have a design drawn that shows how much right of way is necessary and have the gentlemen sign over the right of way. After a meeting last year at the site with DOT, Mr. Higgins and county staff, DOT stated it was unclear at that time what utilities would be impacted but they made it clear that they would not be involved and the cost burden would be on whoever does it.

Mr. Higgins said he met with the state's planning director on site and he stated that the money was budgeted for the new fiscal year and the work was planned for the spring of the next year. The wording was changed in his last letter because of the damage done to the road system due to all of the ice and snow we had. Mr. Higgins said he was puzzled about the posting of the \$50,000.00 because he tried to do that just 2-3 months ago and he was turned down. He had his banker call the county office and we offered to do that.

Mr. Tothacer responded by saying that at that point it was SCDOT who was requesting the \$50,000.00; this was a deal between you and DOT. That is why he explained to Council that if we are now going to accept it that you would be more than happy to provide the CD for \$50,000.00. If you will read the most current letter from Mr. Walsh, it still does not say that they are committing to construct it and it also doesn't clearly say that they will do the realignment. We are not trying to tell Council what to do, only make you aware that by the letter from Mr. Walsh the earliest that this will happen is 2012. It also clearly states that they want a \$50,000.00 contribution from someone, the donation of any necessary right of way along SC Hwy. 773 at the intersection at no cost to the

department, and that any signs or appurtenances be relocated out of the right of way at no cost to DOT. They have said they will not know the extent of relocating the utilities until they get into the design phase.

Mr. Higgins stated they have done everything in accordance with the county's requirements and did not know what else they could do.

Mr. Stockman commented that if we waited until a situation was perfect we would never take a road in. From what he is hearing, Mr. Higgins has done everything he can possible do in accordance with Newberry County's requirements.

Mr. Stockman motioned to accept this road into the county system; seconded by Mr. Baker.

Mr. Adams reminded the Chairman that the motion as is stands now is without any conditions.

Mr. Koon stated that he was going to take the advice of Mr. Tothacer and Mr. Nash and feel the three conditions need to be written in. He is not willing to move forward tonight unless the conditions are in there.

Mr. Baker said that he will withdraw his second but will second it with Mr. Nash's recommendations, but not as is.

Mr. Hipp said he will second the original motion so we can get back to the amendment.

Mr. Koon wished to make an amendment to the motion to include the recommendation of Mr. Nash and Mr. Tothacer; second by Mr. Hipp.

Mr. Adams stated that if Mr. Nash's recommendations were being referenced that they need to be stated here for the record.

Mr. Nash conditions for accepting Market Street into the county road system are as follows:

- 1) That Mr. Higgins put up a \$50,000.00 CD in the county's name for this project
- 2) That the specific right of way required for the realignment as drawn and recommended by DOT be granted in writing by the current property owner
- 3) That Mr. Higgins be personally responsible for the cost of relocating any utilities, signs, or other similar items

Mr. Higgins said he really did not understand where this was coming from. Up until three months ago, the entrance to this road was never an issue; there is adequate room.

Mr. Nash asked Mr. Higgins if this was not recommended in a realignment drawing by DOT in 2008.

Mr. Higgins said the realignment came up was when they requested an encroachment permit. They came out and evaluated it and basically we created it by requesting an encroachment permit.

Mr. Nash said it was the county understands that the realignment was something in the works between Mr. Higgins and DOT and since that time, the county is being asked to accept the road and is concerned that this is provided for.

Mr. Higgins asked that Council compare the ingress/egress of this road to others that have been accepted into the county road system and said we have much better ingress/egress than they do.

Mr. Nash stated that DOT seems to think the realignment is called for.

Mr. Baker said we want to accept the road but need to cover ourselves, the county, and all the taxpayers in the event the state makes you change something. That is all this is for.

Mr. Higgins agreed to accept the conditions.

After no further discussion, the vote to approve the amended motion to accept Market Street Road into the county road system was unanimous.

11. Consideration to increase Councilman Caldwell's travel budget

Chairman Livingston reported that Councilman Caldwell's budget will need to increase in the amount of \$2,340.44 to cover conference registration, hotel accommodations, meals and mileage for him to attend the SCAC Mid-Year Conference and the NACO Legislative Conference.

Mr. Caldwell said that he is the first and only member of County Council in the past 28 years to be a member of the NACO Board. It speaks well of Newberry County to have representation because NACO is the leading organization for all counties. He said he is going to go because he has already made reservations and will go along with whatever decision that is made.

Mr. Koon commented that we set a budget in July and we need to live within that budget and spend our money wisely. Each council member other than the chairman is budgeted \$2,975.00 per year and has lived within that budget except for Mr. Caldwell. This is not our money; it belongs to the citizens of Newberry County and it is unfortunate that some of these conferences and trips being taken, not only by our local government but by our state and federal government, are no more than vacations being paid for by the taxpayer. If we are going to take these trips and not bring something back to help the citizens of Newberry County, then he does not think we should take them. We have just this week

asked elected officials and department heads to start looking at cutting their budgets by 3%. He said we have got to live within our means.

Mr. Baker said this was brought up during the budget process about Mr. Caldwell's travel and him being a member of the NACO Board and at that time it was decided that we would leave it like it was and adjust it as needed.

Mr. Caldwell said if it will satisfy Council, he will pay his own expenses there and back and give a report when he comes back. He encouraged any Council member who has the opportunity to become a member of the NACO Board to accept and be able to attend.

Mr. Waldrop said that if Mr. Caldwell is going to work and try to help this county and this state then he does not have a problem with him going. In the past, Council has pooled their travel funds and he does not mind Mr. Caldwell taking money out of his account if he needs it.

Mr. Baker motioned to transfer the funds for Mr. Caldwell to attend the conferences; seconded by Mr. Waldrop.

Mr. Hipp commented that he was in favor of the transfer as long as it stayed within the total travel budgeted for County Council; however, if it is outside of Council's budgeted travel amount then he will have to agree with Mr. Koon.

Mr. Caldwell stated that in order to move along with the agenda he reiterated that he will be paying his own expenses there and back and he will make a report of progress when he returns and the county will not have to pay a penny. He requested that the motion to increase his travel budget be rescinded because he does not want anyone thinking he is riding the county; however, he felt this was actually a slap in the face to a Council member who has gone the distance he has for the county.

The motion to increase Councilman Caldwell's travel was rescinded.

11a. Resolution #01-11

Mr. Adams reported that we are moving towards the real estate closing of the nursing home on February 28th. The trustee representing the holders of the county bonds has asked Council to approve a resolution that would allow the chairman or himself authority to sign all paperwork concerned with defusing the existing bonds.

Mr. Baker motioned to approve Resolution #01-11; seconded by Mr. Waldrop. The vote passed 6-1, with Mr. Caldwell abstaining.

12. Committee Reports

- a. Personnel and Intergovernmental Relations Committee – 2/7/11

Mr. Adams reported that the Personnel and Intergovernmental Relations Committee met and discussed a funding request in the amount of \$5,000.00 from the Palmetto Conservation Foundation to help with the upkeep of trails located in Newberry County. The committee also discussed a request from the NCMH Board to amend the Ordinance by which those members are appointed.

13. Appointments

Mr. Koon made a motion to recommend Mr. Aubrey Horne, Sr. for an appointment to the Board of Rural Fire Control to replace the seat vacated by Mr. Bob Snelgrove; seconded by Chairman Livingston.

Chairman Livingston stated that Mr. Horne is actually in District 3 and he has given Mr. Koon permission for him to be appointed.

Having received no further discussion, the motion to approve the appointment of Mr. Aubrey Horne, Sr. to the Board of Rural Fire Control was unanimous.

14. Public Comments

No comments

15. Vote for Executive Session, When Necessary

Mr. Koon motioned to go into Executive Session for legal advice; seconded by Mr. Baker. The vote was unanimous.

16. Executive Session

[8:30 p.m. – 9:05 p.m.]

17. Necessary Action on Matters Discussed in Executive Session

Mr. Tothacer reported that Newberry County Council went into Executive Session to receive legal advice about zoning and other planning matters and no action was taken in that session.

18. Comments from County Administrator

No comments.

19. Comments from Council Members

Mr. Waldrop expressed condolences to Cindy Pitts on the loss of her grandmother.

20. Future Meetings

- a. Economic Development Committee – 2/28/11 @ 6:00 p.m.
- b. County Council – 3/2/11 @ 7:00 p.m.

21. Vote to Adjourn

Mr. Waldrop motioned to adjourn; seconded by Mr. Stockman.

22. Adjournment

Chairman Livingston declared the meeting adjourned at 9:06 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council