

**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 2, 2011**

Newberry County Council met on Wednesday, March 2, 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. Hipp 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. Stockman. The vote was unanimous.

2. Additions, Deletions, and Adoption of Agenda

Mr. Hipp requested adding Agenda Item 3c to recognize some guest that we have here tonight.

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

3. Personal Appearances

- a. Fred Owens – Director of Newberry County Disabilities and Special Needs**

Chairman Livingston stated that County Council adopted a Proclamation at the last meeting recognizing March 2011 as Disabilities Awareness Month.

Mr. Adams read the Proclamation declaring March 2011 as Disabilities Awareness Month followed by Chairman Livingston's invitation to Mr. Owens for his comments at the podium.

Mr. Owens expressed on behalf of all of the people they serve across the county, their thanks to everyone for their support of people with disabilities. We would be hard pressed without some of the funding that the county has provided to meet the needs of the people we serve. It has been a tough couple of years; we lost approximately \$600,000.00 in funding from the Department of Disabilities and Special Needs over the past two years and we are projecting another \$200,000.00 shortfall this year. He thanked Council for always being there regardless of what they needed and for supporting the agency. Mr. Owens stated that it has been an honor for him to have worked with the department since 1993.

Mr. Bill Floyd, NCDSN Board Member, stood and asked that everyone remember just one word - PRIDE - which stands for People Realizing Individual Dreams and Expectations. These individuals have the same rights as you and I; the only difference is they need help with theirs. He encouraged everyone to come to the disabilities building and have a look around to see what they do. He thanked both Council and the public for their support and said, "Please come and see us; we are the best kept secret in Newberry County."

Mr. Owens commented that after hearing Mr. Floyd talk about PRIDE there was someone that he wanted to introduce. Mr. Leon Gallman has been with our agency for several years and now he has his own car washing business that he runs behind the workshop on Nance St. He does a great job so if you ever need a car wash just call the agency and they will arrange for Leon to do it.

Lastly, Mr. Owens introduced Ms. Jennifer Brooks as the incoming Executive Director of the Agency who will step in and take his place when he leaves in May.

Ms. Brooks introduced herself and stated she has been with the Newberry County Disabilities Board for 15 years and it has been the best place she has ever worked. She said she looks forward to continuing the relationship and working with Council in the upcoming years.

Chairman Livingston thanked Mr. Owens for the role his has played in Newberry County and stated that it has been phenomenal. You have done a great job with limited resources. He presented Mr. Owens with a copy of the Proclamation declaring March 2011 as Disabilities Awareness Month.

b. Jackie Bowers, Clerk of Court

Mrs. Bowers said this is a request to transfer \$8,000.00 from two line items within her budget for the replacement of carpet and for painting the portion of the courthouse that was recently vacated by the Tax Assessor's Office. This office will now house the Circuit Judge in the back for security reason and the front portion will be used as a Self Help Center. The Access to Justice Commission chose Newberry County as a pilot for a Self Help Center. This commission was established in 2007 by the Chief Justice and was created in recognition of the need to expand access to civil legal representation for people of low income and modest means in South Carolina. Knowing that we had freed up some space in the courthouse, they chose Newberry as a pilot county. We are working to try and make that happen in Newberry County

Mr. Waldrop motioned to approve the transfer request; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked Mrs. Bowers if the actual implementation of this program will be funded by the state court system.

Mrs. Bowers reported that the Chief Justice's assistants have been working with her and the commission in looking for donated items, seeking help from the legal community, and getting students from Newberry College to volunteer to man the center.

Mr. Hipp asked that other than the initial investment of this capital money to prepare this area, would there be an ongoing cost to the county.

Mrs. Bowers stated that there will be no ongoing cost that she is aware of. She said the pilot program is supposed to be for about two years. It will only open several days a week so we can insure that someone in manning the area.

Mr. Hipp commented that this is a credit to Mrs. Bowers and our system for Newberry to be selected to do this pilot.

Having received no further discussion, the vote to approve the transfer request was unanimous.

c. Less Hipp, Councilman

Mr. Hipp said that he has the special privilege tonight to have Mr. Zheng, Mr. Wang, Mr. Li and Mr. Yu as his guest. They are engineers from mainland China and are at the VC Summer Nuclear Station for 90 days to learn about our safety culture and how we manage our nuclear plant. Their companies in China have purchased six Westinghouse nuclear units and will be building another eight nuclear units on another site. This is a huge project and he has been happy to share engineering information with these

gentlemen at work about nuclear power. Mr. Hipp said he thought this would be a great opportunity for them to see local American government at work.

Chairman Livingston welcomed them to the State of South Carolina and the County of Newberry.

- 4. 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).**

Chairman Livingston declared this the Public Hearing.

Mr. Ladain Owens introduced himself and stated that he lived at 391 St. Thomas Church Road in Chapin. The property that he has here he has owned for 15 years. He said he would appreciate Council's consideration to rezone the property. He has a cabinet manufacturing business and at one time employed close to 100 people and he has had to layoff all but 10 employees. The economy has killed the business and we are trying to save ten families jobs by keeping this open.

Having received no further comments, Chairman Livingston declared the Public Hearing closed.

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

Chairman Livingston asked if there was any discussion.

Mr. Caldwell asked how long ago had he employed 100 employees.

Mr. Owens replied about 10 years ago, with the major layoffs being within the last two years.

Having received no further discussion, the motion to approve third reading of Ordinance #01-02-11 passed with a vote of 6-1, with Mr. Caldwell opposed.

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

Chairman Livingston declared this the Public Hearing.

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

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

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

Mr. Waldrop motioned to approve third reading of Ordinance #01-04-11; seconded by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Caldwell stated that all trucks have different weights and asked if we were including all trucks or just those with certain weight limits.

Mr. Nash said that this is intended to address larger size type delivery trucks that are using this as a through route. It will only say NO THRU TRUCKS. If you have business on the road such as a truck making a delivery or if a truck belongs to someone who lives on the road it would not exclude them. Other than that, it would not specify weight restrictions. He said he has spoken with the state regarding this since first reading and the standard is to impose weight restrictions on roads that have bridges. It is not applicable in this situation and is difficult to enforce because law enforcement does not necessarily know the weight of a vehicle.

Mr. Hipp said he has seen signs in the past where they actually limit the number of axles on the vehicle and maybe this will take care of Mr. Caldwell's concern.

Mr. Nash replied that he was told by the state that axle and weight restrictions are both generally tied to bridges and was advised to go with the general signage of NO THRU TRUCKS. This is the way it was explained to him from the SCDOT resident engineer in Newberry County.

Having received no further discussion, the motion to approve third reading of Ordinance #01-04-11 was unanimous.

7. 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")

Chairman Livingston declared this the Public Hearing.

Chairman Livingston asked Marianna DeLachica to the podium.

Marianna DeLachica said we dare not complain or feel regret when we see the negative changes in our culture unless we are prepared to take a full stand. She said the Blue Laws positively affect our culture and give glory to God by keeping the Sabbath holy. No matter the outcome of your vote, we all love to be on the winning side. She has peace at the end of the day because she knows she is on the winning side by loving her God

above all things. May God continue to bless this county and all the things she loves about it, including the Blue Laws.

Mr. Ron Cromer introduced himself and said Mrs. DeLachica will be a hard act to follow. He stated he does not want to be controversial but he has come to support the abolishment of the Blue Laws. He said he goes to church but felt we cannot deny the people of this county the right to go buy something they might need during this odd time which may be after 12:00 a.m. on Saturday night up until 1:30 p.m. on Sunday afternoon. He said he got up on the second Sunday in January to go to church and flipped the light switch on and the light socket started frying. He went to Wal-Mart in Newberry to buy one then realized he would not be able to purchase one there so he drove to the Wal-Mart in Laurens County and purchased one. He went back home, installed it, and then went to Sunday school and Church. He thanked the Chairman and Council members for their time.

Having received no further comments, Chairman Livingston declared the Public Hearing closed.

Mr. Caldwell stated he has a business that falls under this category and felt this is the way it should be so he is going to abstain from the vote. If we keep changing the Blue Laws, some of these businesses that have been successful and helped the community would not be under the Blue Laws. He said he has one of those businesses which in his opinion should be under the Blue Laws.

Mr. Baker commented that he hated to correct Mr. Caldwell but his business does not fall under the Blue Laws. The Blue Laws only concern items that can currently be sold on Sunday afternoon after 1:30 p.m.

Mr. Caldwell replied that he would like Mr. Baker to go with him to Columbia tomorrow and clear up the statement he just made.

Mr. Baker said that beer, wine, and liquor are not concerned in this law.

Mr. Caldwell said until he receives written documentation that states it does not that he will abstain from the vote.

Mr. Baker motioned to approve third reading of Ordinance #01-05-11; seconded by Mr. Stockman.

Chairman Livingston asked is there was any further discussion

Chairman Livingston said he has mixed emotions regarding this and it has weighed a lot on his heart because he feels his dad would absolutely have a fit if he knew he was voting for it.

Having received no further discussion, the motion to approve third reading of Ordinance #01-05-11 passed with a vote of 6-1, with Mr. Caldwell abstaining.

8. Consideration of acceptance of RFP for Geotechnical Testing and Consulting Services (not exceeding \$50,000.00) for the following projects: Public Works Complex; Council on Aging Senior Center Addition; Whitmire Library Addition; and Whitmire Annex Restoration – Crystal Waldrop, Purchasing Director

Mrs. Waldrop distributed the scoring sheets for the RFP for geotechnical testing and consulting services to members of Council and said they had numerous firms bid. After averaging the rankings, staff would like to recommend that Council accept S&ME (the highest ranked firm) for the geotechnical services on these projects. We have used S&ME in the past and have had good response and cooperation from them. S&ME's travel expenses should be less because they are closer to our county and they have more professional engineers on staff and more in-house services.

Mr. Hipp asked Mrs. Waldrop where they were located.

Mrs. Waldrop said they are located in Columbia.

Mr. Baker asked if the price come in under budget.

Mrs. Waldrop stated that they submitted their rates for services not to exceed \$50,000.00.

Mr. Hipp motioned to approve S&ME for geotechnical and consulting services on these projects; seconded by Mr. Baker. The vote was unanimous.

9. Consideration of acceptance of Summerset Bay Drive and Point Arrowhead Circle in Water's Edge Subdivision into the County Road System – Kyle Nash, Public Works Director.

Mr. Nash reported that the Public Works and Planning Committee unanimously approved acceptance of these roads into the county road system at its previous meeting with the stipulation that Public Works review the right of way agreements for accuracy. Since that meeting, we have completed our review of the agreements and can certify that they are correct. One clarification that he would like to make is that this is acceptance of Summerset Bay Drive up through the first cul-de-sac. There is a small extension of Summerset Bay Drive and a smaller cul-de-sac past that that they do not have all of the signatures for. The matter you are considering is acceptance of Summerset Bay Drive up through the first cul-de-sac. Mr. Nash thanked Mr. Gene Tyne, who was in attendance with his wife, for his tireless work in acquiring the signatures on all these agreements and in accordance with the process outlined by county ordinance.

Mr. Waldrop motioned to approve the acceptance of Summerset Bay Drive up through the first cul-de-sac and Point Arrowhead Circle in the Water's Edge Subdivision into the county road system; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Waldrop thanked Mr. Tyne for working with them to get this road into the system. It is a good road and we have been trying for several years to make this happen. He is very pleased tonight to recommend that this road be in the county system.

Having received no further discussion, the vote was unanimous to accept Summerset Bay Drive up through the first cul-de-sac and Point Arrowhead Circle into the county road system.

Chairman Livingston asked Mr. Nash to continue standing and commented that this was Kyle's last action with County Council. He said he is leaving us for another job opportunity and wanted to wish him well. He thanked Mr. Nash for everything he has done helping to guide our Public Works Department. You have done a very outstanding job for Newberry County.

Mr. Nash replied that it has been his pleasure and he has enjoyed working with all the folks in the county and with Council.

10. Committee Reports

a. Economic Development Meeting – 2/28/11

Ms. Powers reported that the Economic Development Committee met on Monday, February 28, 2011 and they reviewed the plans for landscaping, signage, and lighting at the Mid-Carolina Commerce Park and are in the process of putting that out for bid. They discussed some project development issues with their sites and also summarized the Industry Appreciation Event that was held in January which was quite successful.

Mr. Hipp added that Mr. Adams followed up on one of the action items from this meeting and that was to inform full Council and enlist their input on the recommendations from Alliance Engineering on the signage for the Mid-Carolina Commerce Park.

11. Appointments

No appointments.

12. Public Comments

Chairman Livingston invited Mr. Tom Crooks to the podium who had signed up to speak.

Mr. Crooks stated that he lived at 759 Hughey Ferry Road in Pomaria, S.C and said he had some good news and some not so good news. He delivered the bad news first and

shared his concerns about learning that the fire substations included in the one cent sales tax would have to wait until last to be completed and he couldn't believe his ears. He said to his understanding, Council voted to buy the property for these substations at the last Council meeting. He did not understand how buying the property was going to help people with their insurance rates. He said he came to several of the work sessions when the county was working up the projects for one cents sales tax and does not remember hearing anything about the fire substations having to wait until last.

Mr. Crooks delivered the good news and said his interest in the new fire substation that is proposed to go over on Leitzey Road had just lessened. He said he did not know what Tommy Long did but he was going to give him a pat on the back because he now has ISO Class 6 fire insurance rate that has cut his insurance premium by 1/3.

13. Vote for Executive Session, When Necessary

No vote for Executive Session.

14. Executive Session

No Executive Session.

15. Necessary Action on Matters Discussed in Executive Session

No action taken.

16. Comments from County Administrator

Mr. Adams stated that as of Monday evening, ownership of the nursing home was transferred to the new operators. He thanked Jay, Debbie and Laurie who took care of a lot of last minute intensive work to make all of this happen without a hitch.

17. Comments from Council Members

Chairman Livingston said he knew how intensely Mr. Adams worked on the nursing home transfer too and thanked him for making all the pieces come together.

18. Future Meetings

- a. County Council Zoning Work Session – 3/08/11 @ 6:00 p.m.
- b. Public Safety and Courts Committee – 3/14/11 @ 6:00 p.m.
- c. County Council – 3/16/11 @ 7:00 p.m.
- d. Finance Committee – 3/28/11 @ 6:00 p.m.

19. Vote to Adjourn

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

20. Adjournment

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

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council