

**NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 1, 2009
7:00 P.M.**

The Newberry County Council met on Wednesday, April 1, 2009, 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**
 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 N. Renwick, Clerk to Council
 Debbie Cromer, Finance Director

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

The meeting was duly advertised as required by law.

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

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

1. Personal Appearances

- a. Mrs. Jessie J. Reeder, Member of the Involved Citizens of the Helena Community – Use of the Helena Community Center at no charge on April 10, 2009 for the Ebony Community Players’ Easter Production.

Chairman Livingston invited Mrs. Reeder to the podium.

Mrs. Reeder stated that she was here tonight on behalf of the Ebony Community Players who would like to have their Easter Cantata at the Helena Community Center on April 10, 2009, and would like Council’s approval to use the center at no charge.

Mr. Waldrop told Mrs. Reeder he thought this was a great idea but we do have rules and regulations on the use of the facility. He was concerned that if we start letting organizations use the facility at no charge we would soon run into some problems and felt this would lead to a chain reaction. He said there were a lot of costs in keeping the building up and asked if they were asking the public for donations to help with the cost.

Mrs. Reeder stated that they were not asking for donations and were requesting that the rental fee be waived.

Mr. Baker said he thought this should go through the Involved Citizens of the Helena Community and not Council.

Mr. Adams stated only Council can waive the fees that are set by Council Resolution. He informed Mrs. Reeder that the money paid to use the facility goes into a separate account for repairs to the building when needed.

Mr. Caldwell asked how much money we were talking about.

Mrs. Reeder said it was \$75.00 to reserve it and another \$125.00 to use it.

Mr. Caldwell said he felt this committee means well and offered to donate \$200.00 for them to use of the Helena Community Center.

Chairman Livingston thanked Mr. Caldwell for his kind gesture.

2. Adoption of Consent Agenda

Mr. Baker moved to adopt Consent Agenda; second by Mr. Waldrop. Vote was unanimous.

3. Additions, Deletions and Adoption of Agenda

Chairman Livingston added the Fair Housing Resolution as Agenda Item #3a.

Mr. Adams asked for consideration in funding the reduction in Auditor and Treasurer salaried due to State budget cuts be added as Agenda Item #3b.

Mr. Baker moved to adopt the Agenda as amended; second by Mr. Hipp. Vote was unanimous.

3a. Fair Housing Resolution #03-09

Mr. Waldrop moved to approve Resolution #03-09; second by Mr. Baker. Vote was unanimous

3b. Transfer of funds for reduction in Auditor and Treasurer Salaries due to State budget cuts.

Mr. Adams reported that when the State made their budget reductions, they cut an area of spending that provided part of the salaries for the Auditor and Treasurer. He said it was his understanding that it was not the Legislature's intention to cut the Auditors and

Treasurers' salaries, but were cut because they were in a certain department that was reduced. The total sum for this fiscal year is \$2, 806.00 each. Mr. Adams stated that they were the only two county employees who received this cut.

Mr. Hipp asked if every Auditor and Treasurer throughout the state received this same cut.

Mr. Adams stated that they did.

Mr. Adams said there would need to be a motion to transfer the funds so the salary reductions could be paid for. He also said this should be a one time thing. In the event the state legislature does not protect it next year; that would be another discussion.

Chairman Livingston wanted clarification that the money to be transferred was in their current departments and no new monies would be appropriated for these reductions.

Mr. Hipp also inquired if we were within our legal authority to transfer operating and maintenance money to state subsidized salaries.

Mr. Adams said it was not a problem as far as he was concerned. The money could also be transferred from the contingency account, which is an all purpose account.

Mr. Caldwell moved to approve transferring the money; second by Mr. Waldrop.

Chairman Livingston asked if there was any more discussion

Mr. Koon asked Mrs. Floyd how this reduction would affect her retirement.

Mrs. Floyd stated that retirement and social security are based on your last quarterly salaries and would affect one around \$20.00 per month and she was not sure about the other.

Mr. Waldrop said if the funds were coming from money already in their budgets and if the transfer was legal and approved by our Attorney; he does not have a problem with it.

Mr. Baker stated as long as this as an interdepartmental transfer; he did not have a problem with it either.

Mr. Koon asked Mrs. Floyd if this would affect Mrs. Owen the same way and inquired if Mrs. Owen was under the TERRI program.

Mrs. Floyd said that it would affect Mrs. Owen and that she was not under the TERRI program now.

Mr. Koon wanted clarification that it would affect both their retirement and social security.

Mrs. Floyd stated that it would.

Having received no further discussion; the vote was unanimous.

4. **Ordinance #02-04-09: 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 and thirty-seven hundredths (20.37) acres portion of three real estate parcels totaling twenty-two and nine hundred and twenty-four thousandths acres designated as TMS Parcel Nos. 520-4, 520-25 and 518-4 from Single Family Residential (RS1) to General Commercial (GC).**

Chairman Livingston declared this the Public Hearing.

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

Mr. Waldrop moved to approve third reading; second by Mr. Koon. Vote was unanimous.

5. **Ordinance #01-02-09: An Ordinance to transfer to A. Denise O'Shields within the Scurry Island Road expanded right of way that is not utilized by Newberry County.**

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

6. **Ordinance #03-05-09: An Ordinance amending Chapter 91 of the Newberry County Code of Ordinances so as to include provisions relating to the procedures for residents to petition to have existing county-maintained roads paved, and other related matters.**

Mr. Hipp asked how many miles of unpaved roads we currently had in the county system.

Mr. Nash said he did not have that information with him tonight but would get it to them.

Mr. Waldrop stated, as Chairman of the Road Committee, that we have several hundred miles of unpaved roads. He said at one time they had over 300 miles of unpaved roads but over the past 10-12 years, through the use of C-Funds, quite a few roads have been paved.

Mr. Hipp asked if we had a list of roads ranked according to their priority for paving and if this information was available on our website.

Mr. Baker said the list of prioritized roads Mr. Hipp was requesting was handled through the County Transportation Committee (CTC). They let us know which roads will be paved.

Mr. Hipp said it looked like a good Ordinance to have in place but thought the prioritized list could use some visibility.

Mr. Adams stated that if the CTC agrees this is a public document, they would not mind us putting in on our website.

Chairman Livingston said there were six or seven roads that had requested paving that had not yet made it through our present process and was not sure if they even would. He asked if we could possibly consider grandfathering in these roads at 40 ft.

Mr. Waldrop said, as Chairman of the Road Committee, we could discuss it. He said Mr. Nash was going to go out and stake one of the roads in question to give the landowners an idea of that 50 ft. looks like. He felt by doing this people would get a better understanding, and agree that 50 ft. is a better option for the safety of a through road.

Mr. Nash stated that these six or seven roads were brought up at the last Road Committee meeting and the committee voted to recommend they go through the new process that is before you; assuming that it is approved and put in place by Council. With all of these roads, we are having trouble getting the right of way. The Road Committee voted that all pending roads should back up and go through this new process because it was designed to alleviate this problem. With regard to the 40 ft. and 50 ft. right of way; these were suggested and recommended by the CTC who are in support of the new road ordinance and guidelines.

Mr. Hipp stated he agreed with Mr. Nash on this issue. It looks like it was well planned and has a consistent and uniform way of applying road regulations in the county. He felt it was not a good idea to start off with exceptions. The effort has been put into this to make it reasonable and we should consistently apply it. Mr. Hipp said we should start off with the Ordinance as it is currently recommended by the committee.

Mr. Caldwell inquired about the grandfathering process and its limitations and how far back we were going.

Mr. Livingston said this would apply only to those roads that were already being considered but had not made it through the entire process.

Mr. Adams stated that if Council decided to go this route, staff would recommend that the specific roads be named and voting on that list to avoid future potential claims.

Mr. Baker shared that the Ordinance states we have to get 100% consent from landowners for right of way. If not, the road is thrown out and we move on to the next one on the list.

Mr. Nash said that Mr. Baker made a good point. He said this Ordinance was written to address the problems the CTC has had because they grant funding for roads to be paved that we can not get right of way on. This new process will allow us to get the right of way first and then submit for funding and paving.

Mr. Waldrop stated we have come a long way paving roads and making them safer in the County. Hopefully this plan will work for everybody in the County.

Mr. Hipp moved to approve second reading; second by Mr. Waldrop. Vote was unanimous.

7. Ordinance #03-06-09: An Ordinance enacting and adopting 2009 S-6 supplement to the Code of Ordinances for the County of Newberry, South Carolina.

Mr. Baker moved to approve second reading; second by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp said we needed to add our current Chairman to this Ordinance.

Receiving no further discussion; Vote was unanimous.

8. Ordinance #03-07-09: 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 one and twenty-six hundredths (1.26) acres real estate parcel designated as TMS Parcel No. 337-2-12 and a nine hundred and fifty-one hundredths (.951) acre real estate parcel designated as TMS Parcel No. 337-2-34, from Rural (R2) to General Commercial (GC).

Mrs. Peters briefed Council on the location of the proposed property for rezoning.

Mr. Baker moved to approve first reading; second by Mr. Hipp.

Mr. Hipp noted a correction on page 2.

Having received no further discussion; Vote was unanimous.

9. Committee Reports

Mr. Hipp shared with Council the minutes of the last two Economic Development meetings. He said in the first meeting there was discussion about identifying property within Newberry County that might be available and if industry was interested, the

County might be able to facilitate the sales. Nuclear Development was discussed and the positive and negative impact on our County and how it could be addressed.

Mr. Hipp reported that the second meeting was conducted on March 13, 2009, and was the first meeting under the new committee system. He said the Emergency Services Board meeting was held on March 17, 2009 with representatives from SCANA and the Sheriff's Office and other areas of Emergency Services in Newberry County. The SCANA representatives were given information relating to the cost to our County for emergency plans and preparation in the event of an incident at the VC Summer Plant. Mr. Adams has compiled some requests in a letter to SCANA and we are waiting on their reply. Another item discussed was the National Forest revenue. Last year the County received \$380,860.00 from the Sumter National Forest. There was discussion on the basis on this money and that it seemed relatively low. There are 56,000 acres in the National Forest unavailable for development. The committee asked Ms. Powers to monitor this issue, discuss with her counterparts in other counties and how they deal with getting federal government revenue as far as land. The committee was updated on the Piedmont Technical meeting that was held on March 3, 2009. The main item from that meeting was the potential for training citizens within Newberry County through a quick jobs program that might be able to find employment at the new nuclear plants. Existing business partnerships were discussed and avenues for developing rapport and communication with existing industries. Having a good relationship with our existing industries will help market Newberry to new industries. Mr. Hipp said there has been no word yet on our sister County and the possibility of forming a multi county park arrangement at the MC Industrial Park. Ms. Powers is actively pursuing some other businesses and industry that might locate in Newberry County.

Chairman Livingston asked the County Administrator, Mr. Wayne Adams, to report on the recent Finance Committee meeting.

Mr. Adams reported that the Finance Committee met on March 30, 2009, to discuss the first draft of the operating budget for FY 09-10. It was presented as a base line budget that assumed no tax increase. The General Assembly is considering Point of Sale (assessable transfers of interest) and the aid to subdivisions which could have a \$520,000 impact on the County budget. There was an executive session to discuss some solid waste contracts which will come to Council at the next meeting. The Auditor and Treasurer's salary issue was also discussed.

10. Appointments

Mr. Stockman made a motion to recommend the appointment of Mrs. Sharon Graham to the Accommodations Tax Committee to represent the Public Sector with a term to expire 06/30/2011. He said Mrs. Graham was married to Mr. Tim Graham and they reside in District 2 on Lake Murray. Mrs. Graham has work for the state for 25 years at the SC Commission of Indigent Defense. Mr. Stockman felt she would be an asset to the board and he appreciated her willingness to serve; second by Mr. Waldrop. Vote was unanimous.

Mr. Waldrop made a motion that Mr. Brian Alvarez be recommended to the Legislative Delegation for re-appointment by the Governor to serve another term on the Newberry County Water and Sewer Board; second by Mr. Baker. Vote was unanimous.

11. Requests by Councilmen

No request.

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

No comments.

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.

16. Comments from County Administrator

Mr. Adams noted that the Finance Committee will meet again on April 13, 2009, @ 6:00 p.m. to take up capital budgets and Springfield Place/J.F. Hawkins.

17. Comments from Council Members

Mr. Baker thanked Ms. Powers for showing the Renfro Plant in Whitmire this week; however, the people who came needed a 22 ft. ceiling and we only had 16ft.

Mr. Koon thanked Mrs. Judy Floyd and Mrs. Nancy Owen for their time with the County and apologized for the trouble they had with their salaries and hoped the transfer would help them out on their retirement and social security.

18. Future Meetings

- a. April 15, 2009
- b. May 6, 2009
- c. Finance Committee – April 13, 2009
6:00 p.m. @ Courthouse Annex Conf. Rm.
- d. Personnel & Intergovernmental Committee – April 27, 2009
6:00 p.m. @ Courthouse Annex Conf. Rm.

19. Vote to Adjourn

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

20. Adjournment

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

NEWBERRY COUNTY COUNCIL

APPROVED:

Henry. H. Livingston, III, Chairman

Laurie N. Renwick, Clerk to Council