

**NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 15, 2009**

The Newberry County Council met on Wednesday, April 15, 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. Waldrop led the invocation followed by the Pledge of Allegiance.

1. Presentation of Newberry County Service Awards

Chairman Livingston presented the following service awards to those in attendance: Tracy Farrington, Building Inspection – 5 year service award; Nancy Owen, Auditor – 40 year service award. Those not in attendance who received awards were: Roy Long, Public Works – 5 year service award; Andrew Stout, Sheriff's Office – 5 year service award; Clyde Bobo-Bowman, Sheriff's Office – 10 year service award; Detrick Bishop, Sheriff's Office – 10 year service award.

Mrs. Owen asked Council for the opportunity to speak.

Mrs. Owen thanked her husband for his love and support. She said people probably question why she has stayed so long and stated her reason is because she loves Newberry County government and the people she serves. She said it has been a beautiful journey and God has truly blessed her. She came to work for Newberry County 42 years ago as an employee for Mrs. Jeanette Hamm and at that time they did not have a County Council. Mrs. Owen reminded elected officials to always remember to whom they serve;

the good people of Newberry County and said their interest should come first and above everything else. No where else can you work and be more rewarded in your service. She thanked everyone for the opportunity to be of service and imparted these words of wisdom. "Never look down on someone unless you are giving them a hand to lift them up."

2. Additions, Deletions and Adoption of Agenda

Mr. Hipp requested that Ms. Debra Smith, Executive Director of the Opera House, be added as Agenda Item #2a.

Mr. Adams requested that a Proclamation declaring May as Older Americans Month be added as Agenda Item #2b.

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

2a. Debra Smith – Opera House

Debra Smith distributed the Economic Impact Study on the Opera House and thanked Council for their help in funding it. She highlighted some of the major findings and encouraged council members to review it. She stated that they would be coming before the finance committee as times have been very hard for the Opera House with ticket sales down 20%.

Mr. Hipp said the Opera House has truly been an asset to Newberry. It is not often we get a return on the money we spend. The Opera House has become our identity. He thanked Ms. Smith for her tremendous efforts and said she deserves the credit for the honors the Opera House has received.

Ms. Smith noted that the 400 volunteers are what makes the Opera House run and who deserve the credit.

Mr. Caldwell commended Ms. Smith and her staff for their work at the Opera House and the recognition that we all receive from it.

2b. Proclamation – May as Older Americans Month

Mr. Adams read the Proclamation declaring May as Older Americans Month.

3. 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. (This Ordinance is recommended to Council for approval by the Public Works and Planning Committee which met on 3/09/09.)

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. Baker. Vote was unanimous.

- 4. 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. (This Ordinance is recommended to Council for approval by the Public Works and Planning Committee which met on 3/09/09.)**

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

Chairman Livingston declared this the Public Hearing.

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

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

- 6. 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 thousandths (.951) acre real estate parcel designated as TMS Parcel No. 337-2-34, from Rural (R2) to General Commercial (GC).**

Chairman Livingston declared this the Public Hearing.

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

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

7. **Ordinance #04-08-09: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the Newberry County budget for County ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all County purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues coming to the County during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes. (Submitted to Finance Committee for consideration.)**

Chairman Livingston asked Mr. Adams to update Council on the budget.

Mr. Adams reported that staff has met with the Finance Committee twice on the first draft of this budget which is balanced at \$21,255,066.00. This amount is 4.9% less than last year's operating budget amount. On the revenue side, 73.2% comes from property taxes. The mill value for FY 09-10 is estimated at 103,354.00, which is a growth rate of ½ of 1% over last year's mill value. 10.5% of revenue comes from intergovernmental funds with the largest item under this being state aide to subdivisions, which is being cut \$375,000.00 by the General Assembly. Another action that can potentially affect the revenue is the elimination of assessable transfers of interests. If this is repealed, the cost will be around \$145,000.00. The next largest area of revenue comes from charges for services followed by miscellaneous, licenses and permits. Expenditures reflect 4.9% less spending than FY 08-09, which involved cutting almost 1.1 million dollars in expenses. Reductions were made in the following areas: Capital repairs were cut \$229,000.00, employee merit raises cut \$183,000.00, health insurance modifications for a savings of \$48,737.00, reduction in land improvement and paving account by \$85,000.00, reduction in Rescue Squad funding by \$115,871.00, reduced ambulance purchases by \$45,438.00, elimination of Clemson Extension Forester position for a savings of \$51,285.00 and council contingency was reduced by \$25,000.00.

Mr. Adams stated that this budget was balanced and is presented with the assumption of no increase in ad volarem taxation. No increase in taxation was used to establish a baseline budget for Council to work with. He said the cuts that have been made were easy to make because they do not involve people. Next year's cuts will be the ones that will affect services. If Council wishes to maintain the tax rate, we need to look beyond this year's cuts and start thinking about next year'. Mr. Adams said he does not recommend putting any line by line savings into recurring spending because that is a year after year obligation. He feels any savings should be put into short term capital, which will allow you to use the funds again the follow year for some other purpose. Mr. Adams also shared with Council his concerns in funding the Other Post Employment Benefit (OPEB) liability and its cost to the county.

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

Chairman Livingston asked if there was any discussion.

Mr. Waldrop asked Mr. Adams for clarification on the OPEB liability.

Mr. Adams stated that an actuarial study was done that projects the number of people who will avail themselves to this benefit, who will earn it, and considers the cost of inflation of that benefit over time. The amount of actuarial liability for current and future retirees as of July 1, 2008 is \$8,555,450. If the County were to place this amount in a fund earning interest at the rate of 5.0% per year, and all other actuarial assumptions were met, the fund would have exactly enough to pay all expected benefits.

Having received no further discussion; Vote was unanimous.

- 8. Ordinance #04-09-09: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the Newberry County Library, Piedmont Technical College and the Newberry Agency for the Developmentally Disabled; to provide for the levy of taxes on all taxable personal and real estate properties in Newberry County for said purposes; to provide for the expenditure of said taxes and other revenues coming to the County during said fiscal year for said purposes. (Submitted to the Finance Committee for consideration.)**

Chairman Livingston asked Mr. Adams for an update.

Mr. Adams stated that this budget is balanced at \$736,294.00 which is an 8% decrease from last year's budget because of the FY 08-09 escrows for roofs repairs to the old library building and Piedmont Technical College. Each budget is proposed as follows: Newberry County Library - \$385,000.00; Disabilities and Special Needs – \$22,500.00; Piedmont Technical College \$328,794.00.

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

Chairman Livingston asked if there was any discussion.

Mr. Waldrop inquired about the utilities at the new library versus the old library.

Mrs. Cromer responded that it was too early to tell.

Mr. Adams said that there was some room for an increase in utilities; an additional \$40,000.00 yet unspent. It will be adjusted as we go along, after we have reviewed several months of data on the electricity usage on the new library.

Mr. Koon directed everyone's attention to page 26 of the budget worksheet that reflects the total amount already cut from the budget.

Having received no further discussion; Vote was unanimous.

9. Committee Reports

a. Finance Committee Meeting Report – April 13, 2009

Mr. Adams reported that the Finance Committee had met several times and on April 13, 2009, recommended accepting staff's draft version of the operating budget for first reading with any amendments being made as the reading process moves forward. The following recommendations were made on the capital budgets. Sheriff's Office - The County should no move beyond the conceptual stage of design for this project until the lawsuit concerning the 219 facility is resolved and leave the capital budget as is until further instructions. Recycling Center - Staff is to request the maximum number of extensions for the DHEC grant proposed to fund portions of this project. Prepare the surface and procure a new compacter for the existing site and amend the budget to reflect these changes. Maybinton Ball field - Staff is to recommend to Council a reduced version of this budget; one that meets the minimal obligation of the County under the terms of the Capital Project Sales Tax Ballot, and amended the budget to reflect these changes. Mid-Carolina Commerce Park - Recommended that this budget be approved as presented.

10. Appointments

Mr. Stockman recommended two appointments to Council. The first was to re-appoint Michael Bedenbaugh to the Board of Zoning Appeals. He said Mr. Bedenbaugh currently chairs this board and has done an excellent job and is willing to serve another term.

Mr. Hipp moved to approve the re-appointment of Michael Bedenbaugh to the Board of Zoning Appeals; seconded by Mr. Baker. Vote was unanimous.

The second was to nominate Donald Wayne Stockman, Jr. for recommendation to the Legislative Delegation and for appointment by the Governor to the Water and Sewer Authority Board. Donald is currently completing his junior year at the University of South Carolina, majoring in Civil and Environmental Engineering. He has 4 ½ year of experience in the field working for Kyzer and Timmerman Engineering Firm in Columbia. He feels he is very qualified and will do a good job on this board.

Mr. Baker moved to approve Donald Wayne Stockman's nomination for recommendation to the Water and Sewer Authority Board; seconded by Mr. Waldrop. Vote was unanimous.

Mr. Koon nominated Doug Hipp of Stoney Hill Road, Prosperity to represent District 4 on the Newberry County Parks and Recreation Commission with a term commencing 07/01/2009 and expiring on 06/30/2013.

Mr. Waldrop moved to approve Doug Hipp to the Parks and Recreation Commission; second by Mr. Baker. Vote was unanimous.

Mr. Koon also nominated Kathy Eargle of Wheeler Ave. in Prosperity to represent District 4 on the Newberry County Parks and Recreation Commission with a term commencing 07/01/2009 and expiring on 06/30/2013.

Mr. Caldwell moved to approve Kathy Eargle to the Parks and Recreation Commission; seconded by Mr. Waldrop. Vote was unanimous.

Mr. Hipp reported that for those following this issue, an application is now available on the County website for people who are interested in being involved with boards and commissions. There will also be an op-ed forwarded to the media to announce the vacancies available. He thanked Mr. Wayne Adams and Mrs. Renwick for making this happen.

11. Request by Councilmen

No Request

12. Public Comments

No Comments

13. Comments from County Administrator

Mr. Adams reported that he had met this morning extensively with the staff at J.F. Hawkins Nursing Home and they are working hard to bring the nursing facility into full compliance and hope for a positive resolution to this matter very soon.

14. Comments from Council Members

Mr. Hipp thanked Mr. Adams, Mrs. Cromer, and department heads for all the hard work put into the budget. They have acknowledged the economic times and the strains on the County and it shows up in budget, which has provided Council with a good start.

Mr. Hipp acknowledged the media for their presence at the Council Committee meetings and thanked them and the public for their continued participation. Council is putting in more time and focusing on issues and the result should be that Council is doing a better job for the citizens of Newberry County.

Chairman Livingston echoed Mr. Hipp's statement and the efforts that staff has put into the budget and he really appreciates it. He thanked everyone for their support of his chairmanship and for council's efforts in making the committee system work.

15. Future Meetings

- a. May 6, 2009
- b. May 20, 2009
- c. Personnel & Intergovernmental Committee – April 27, 2009
6:00 p.m. @ Courthouse Annex Conf. Room
- d. Public Works and Planning Committee – May 11, 2009
6:00 p.m. @ Courthouse Annex Conf. Room
- e. Economic Development Committee – May 18, 2009
6:00 p.m. @ Courthouse Annex Conf. Room
- f. Public Safety and Courts Committee – May 25, 2009
6:00 p.m. @ Courthouse Annex Conf. Room

16. Vote to Adjourn

Mr. Waldrop moved to adjourn; seconded by Mr. Stockman. Vote was Unanimous

17. Adjournment

Chairman Livingston declared the meeting adjourned at 8:05 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

