

**NEWBERRY COUNTY COUNCIL  
MINUTES  
APRIL 21, 2010**

Newberry County Council met on Wednesday, April 21, 2010, 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, County Attorney  
Laurie 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.

Councilman Waldrop led the invocation followed by the Pledge of Allegiance.

**1. Adoption of Consent Agenda**

Chairman Livingston added the consent agenda of March 3, 2010 to the consent agenda tonight for adoption.

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

**2. Additions, Deletions and Adoption of Agenda**

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

### 3. Newberry County Service Awards

Chairman Livingston said it was an honor to present the following service awards: Toni Bouknight, Assessor's Office – 5 years, Timothy Hueble, Sheriff's Office – 5 years, Connie Johnson, Sheriff's Office – 10 years, Jeff Martin, Building Maintenance Supervisor – 10 years, Pamela Neal, Treasurer's Office – 10 years and Debra Beard, 911 Coordinator – 15 years.

Chairman Livingston thanked these employees for their service to the County and to the citizens on behalf of both Council and the Administration.

4. **Ordinance #02-04-10: 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 twelve and thirteen hundredths (12.13) acres portion of a real estate parcel totaling thirty-four and thirteen hundredths (34.13) acres designated as TMS Parcel No. 512-15 from Rural (R2) to Light Industrial (LI).**

Mr. Hipp motioned to table third reading Ordinance #02-04-10 until the second meeting in October to allow Council more time for additional research; seconded by Mr. Waldrop. The vote was unanimous.

5. **Ordinance #02-05-10: 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-seven and ninety-two hundredths (27.92) acres real estate parcel designated as TMS Parcel No. 536-5 from Single Family Residential (RS1) to Rural (R2).**

Mr. Stockman motioned to approve third reading of Ordinance #02-05-10; second by Mr. Hipp. The vote was unanimous.

6. **Ordinance #04-07-10: An ordinance to provide appropriations for the fiscal year beginning July 1, 2010, and ending June 30, 2011, 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.**

Chairman Livingston asked Debbie Cromer, Finance Director, to present the budget.

Mrs. Cromer distributed a handout to Council highlighting the FY 10-11 budget. She said the FY 10-11 County Ordinary Budget represents a 4% or an \$800,000.00 decrease in revenues and expenses over last year. The General Operating Budget is balanced at \$20,756,855.00. She said three factors accounted for an estimated 1.7 million decrease in revenues from FY 09-10; (1) the implementation of reassessment which will decrease property tax revenues by an estimated 1.1 million, (2) a declining value based on automobile taxes estimated to decrease revenue by \$450,000.00 and, (3) a state budget decline of \$200,000.00 for state aide. The resulting revenue gap is closed by the following spending reductions in revenue increase which total 1.8 million; (1) one time capital expense reduction of \$332,946.00, (2) satisfaction of an outstanding annual lease purchase of \$578,487.00, (3) elimination of a capital escrow account of \$100,000.00, (4) employee health insurance cost reductions of \$84,500.00, (5) reduced budget request by the Sheriff in the amount of \$73,809.00, (6) fee in lieu of taxes revenue increase \$310,000.00 and, (7) delinquent tax revenue increase of \$250,000.00.

Mrs. Cromer briefed Council on the next agenda item, Ordinance #04-08-10, which addresses the FY 10-11 Special Ed Budget and represents a 7% decrease over last years expenses. The majority of this decrease represents the reduction in contingency funds from \$25,778.00 to \$3,535.00. This budget also represents the capital budgets proposed for FY 10-11 in the amount of \$5,356,682 carried over from the FY 09-10 budget. The newly proposed capital projects for FY10-11 total \$2,518,279 with 90% of this total being accounted for in the construction of a new Animal Shelter, Public Works Department and Vehicle Maintenance Facility which will share a common roadway. These proposed capital projects will increase unrestricted cash from \$9,456,588 or 5.25 month operating expenses to 7,650,887 or 4.4 months of operating expenses.

Mrs. Cromer stated that these were basically the highlights of the Fy10-11 budget and she would answer any questions Council might have.

Mr. Waldrop motioned to approve first reading of Ordinance #04-07-10; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Koon said there were some items on the budget that he would like to talk about. He stated he had some questions and concerns about the Helena Basketball Court, Silverstreet EMS Renovations, Public Works Office Building, Animal Shelter, and the Public Works Maintenance Building.

Mr. Hipp said he wanted to have some discussion on a couple of the capital projects being proposed. His concern is that some of these have not been justified at this point to be in the budget and he would like to remove them until we have had an opportunity to discuss and justify where they should reside. He questioned the Helena Basketball Court and the Silverstreet EMS Renovations. He said we currently have an ambulance in Silverstreet and the agreement with Council was that EMS would come back and report to us on the effectiveness of the ambulance at the Silverstreet location. He said to put it

in our budget prior to this report might be a little premature. These were the two items that he thought they needed additional discussion.

Mr. Waldrop said the Helena Basketball Court has been in the making for quite sometime and they have requested that it be in this year's budget. From his understanding, there will be no tax increase if this project were included in the budget. The Silverstreet EMS Renovation is something the people of Silverstreet want in their community. The County already owns the building and it is strategically located between Chappells and the Bush River Industrial Park. He has heard through EMS personnel that it is working quite well. He said Bill Grisby will be at the budget work session on April 26, 2010 to talk about this very subject.

Mr. Hipp said before he can support this, he would like to see the condition met with Mr. Grisby reporting back to Council.

Mr. Baker said in lieu of taking these items out of the budget, he recommended leaving them in for first reading, let the budget committee look at them at the next meeting prior to second reading, and let's see what happens.

Mr. Koon stated that he concurred with Mr. Hipp on both the Silverstreet EMS Renovation and the Helena Basketball Court.

Mr. Hipp recommended removing these two items from the budget for first reading because additional information is desired and add them back at second and third reading. He said it is his opinion that these two issues be justified then added to the budget instead of justifying to remove them from the budget.

Mr. Caldwell asked Mr. Hipp why he would want to remove them from the budget if they will be added later on and asked what difference it would make.

Mr. Hipp said if vote on it for first reading and these items are included then everyone voting on the budget in approval has voted for these items. He stated again he cannot vote for these two items at this point, and having heard what Mr. Koon said and knowing how I feel, then that is two votes against the budget as presented. He said these line items needed to be justified and then added later.

Mr. Baker said he is still in favor of leaving them in for first reading and if they need to be taken out after the budget work session, we may do so.

Mr. Stockman said he was in favor of leaving them in and did not see why it would hurt. We can collect the facts and remove them later if needed.

Chairman Livingston asked if there were any more items for discussion.

Mr. Koon wanted clarification that the new road leading the new Public Work Department will be asphalted and if the clearing and grading was going to be contracted out or was the County going to do that.

Mr. Nash, Public Works Director, said the construction of the road including the clearing is contracted out but recognized that there are some opportunities for certain pieces to be done in-house and save some funds.

Mr. Koon said these were basically the same questions that he had for each one of the facilities and asked if we were contracting out the project management.

Mrs. Cromer stated that project management would be contracted out to Ervin West with Carter Goble Lee.

Mr. Koon asked about the insurance.

Mrs. Cromer said the County will have to have builder's risk insurance for any new building and the amount is based on the structure.

Mr. Koon said the same goes for landscaping and asked if we could do our own.

Chairman Livingston asked if there was further discussion. Having received no further discussion, he asked for a motion to leave the Helena Basketball Court in the budget.

Mr. Waldrop motioned to leave the Helena Basketball Court in the budget; seconded by Mr. Baker. The vote passed 5-2, with Mr. Koon and Mr. Hipp opposed.

Chairman Livingston asked for a motion to leave the Silverstreet EMS Renovations in the budget.

Mr. Waldrop motioned to leave the Silverstreet EMS Renovations in the budget; seconded by Mr. Caldwell. The vote passed 5-2, with Mr. Koon and Mr. Hipp opposed.

Chairman Livingston called for the question and the vote to approve first reading of Ordinance #04-07-10 was passed 5-2, with Mr. Koon and Mr. Hipp opposed.

- 7. Ordinance #04-08-10: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2010, and ending June 30, 2011, 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.**

Mrs. Cromer said as she stated earlier, this is a 7% reduction from the last fiscal year with the majority of that reduction coming from the contingency fund that was placed in there last year.

Mr. Hipp motioned to approve first reading of Ordinance #04-08-10; seconded by Mr. Caldwell. The vote was unanimous

**8. Ordinance #02-02-10: An Ordinance amending Chapter 151 of the Newberry County Code of Ordinances amending the requirements for building permits and establishing building permit and inspection fees, and for other matters related thereto.**

Mr. Adams reported the principal changes this Ordinance would make to our Code of Ordinances. It will automatically include by reference any new inspection requirements of SC Counties that might be approved by the SC Building Codes Council that require building code inspections without regard to the cost of permitted improvements. It also allows Council to set inspection fees as part of the annual budget ordinance as opposed to requiring separate ordinances.

Mr. Waldrop motioned to approve first reading of Ordinance #02-02-10; seconded by Mr. Koon. The vote was unanimous.

**9. Ordinance #04-09-10: 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 two (2) acres portion of a real estate parcel totaling eleven and seven tenths (11.7) acres designated as TMS Parcel No. 337-2-10 from Rural (R2) to General Commercial (GC).**

Mr. Hipp motioned to approve first reading of Ordinance #04-09-10; seconded by Mr. Waldrop. The vote was unanimous.

**10. Ordinance #04-10-10: 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 two and thirty six hundredths (2.36) acres portion of a real estate parcel totaling ten and nine tenths (10.9) acres designated as TMS Parcel No. 442-2 from Rural (R2) to Limited Commercial (LC).**

Mr. Caldwell motioned to approve first reading of Ordinance #04-10-10; seconded by Mr. Hipp. The vote was unanimous.

**11. Resolution #02-10: Fair Housing Resolution**

Mr. Adams said this is a Resolution that we are requested to pass annually by the Central Midlands Council of Governments and it pertains to our eligibility for certain grants.

Mr. Waldrop motioned to approve Resolution #02-10; seconded by Mr. Baker. The vote was unanimous.

**12. Discussion Item: Draft Ordinance #04-06-10 amending Chapter 153 of the Newberry County Code of Ordinances amending special exceptions requirements for the location of commercial campgrounds, and for other matters related thereto.**

Chairman Livingston said that the original setback requirement is 500 feet and he would like to recommend changing it to 200-250 feet. This would allow a person who owns 40 acres more usable room on their property.

Mr. Waldrop stated he agreed with Mr. Livingston and felt it should be 250 feet instead of 500 feet.

Mr. Hipp asked the zoning folks if there were any buffer requirements between the campground and major highways written in the ordinance.

Ms. Powers stated that the Ordinance referred to the 500 feet setback requirement but did not include any buffer requirements.

Mr. Hipp asked the Chairman if he would be interested in accepting some buffer requirements along with the new setback so that it would not be visible from the highway.

Chairman Livingston asked Zoning to draft the ordinance to include language that would address buffers.

Mr. Koon asked if that would include property line buffers.

Chairman Livingston said that would probably be good.

Mr. Adams stated that the draft Ordinance makes reference to a 200 feet setback instead of 250 feet and asked if there was a preference.

Mr. Waldrop said he thought a 200 feet setback would be fine with buffering to which all members of Council agreed.

Mr. Adams asked if Council wanted something prepared for first reading at the next meeting or would they like this to go before the Public Works and Planning Committee first.

Chairman Livingston said let's go ahead and have first reading at our next meeting, with full Council discussion, since this will impact all areas of the County.

### **13. Appointments**

Mr. Koon said he received a call from Chief Bowers of the Prosperity Fire Department and was informed that Andy Ackerman resigned from the Board of Rural Fire Control representing Prosperity. He thanked Mr. Ackerman for his service. Mr. Koon nominated Bert Lucas from Stoney Hill for an appointment, as Prosperity's representative, on the Board of Rural Fire Control; seconded by Mr. Hipp. The vote was unanimous to appoint Bert Lucas to the Board of Rural Fire Control.

### **14. Committee Reports**

#### **a. Public Works and Planning – April 12, 2010**

Mr. Nash reported that the Public Works and Planning Committee met on April 12, 2010 and the following was discussed.

- A letter from SCDOT stating that the maintenance issues on Jollystreet Road and County Line Road, both state roads, have been addressed.
- Plans to resurface approximately 10 miles of County roads this summer
- Update on the status of official requests for road paving consideration. There are currently four roads going through the process; Dillinger Rd., Biesel Rd., Holly Point Rd., & Addyway Lane
- Plans to supplement the ROW mowing on County roads this summer with the addition of a rented bush cutter.

Mr. Nash concluded by distributing timber estimates on County owned property to member of Council that he was asked to obtain. The estimated timber value on the Hwy. 34 property and Cavanaugh property combined is \$123,000.00-\$127,000.00.

Chairman Livingston asked if we paid for this timber evaluation

Mr. Nash said they had a previous estimate that was done a few years back based on older timber values but the values in front you are current and they did pay a small fee for the evaluation. He proposed to Council that before any timber is cut, it be put out for bid.

Mr. Hipp said we certainly need to make sure we have competitive bids before we sell it. We have just voted to approve first reading of the budget which includes the sale of timber so we have somewhat committed ourselves to sell this timber and recommended we use it for capital non-recurring projects.

Mr. Waldrop agreed with Mr. Hipp and said he thought the money was supposed to be used for the Public Works Complex.

Mr. Koon stated that he agreed with Mr. Nash and the process that he used and motioned that Council move forward with the cutting of this timber; seconded by Mr. Baker. The vote was unanimous.

Mrs. Powers briefed Council on the planning portion of the meeting which involved items that have already been acted upon tonight; changes to the building code and campground setbacks. She said third reading zoning Ordinances on tonight's agenda were also discussed.

Mr. Hipp stated for the record that this Public Works and Planning Committee was posted in advanced, announced to the media, and the media was present.

**b. Finance Committee – April 12, 2010**

Mrs. Cromer stated that the Finance committee met on April 12, 2010 and the FY 10-11 budget was presented by staff. The committee reviewed revenues and expenditures to be presented for first reading and the next Finance Committee meeting will be April 26, 2010 @ 6:00 p.m.

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

Steve McKean of 832 Pettis Lane wanted to ask Council why it was going to take six months to consider this rezoning issue. He asked Council to take a look at the R-2 District and consider splitting some of it out. The current R-2 District is very broad and needs to be thinned. We need something that would address people who want to live rurally and have a small family farm.

**16. Vote for Executive Session, When Necessary**

No vote for Executive Session

**17. Executive Session**

No Executive Session

**18. Necessary Action on Matters Discussed in Executive Session**

No Action

**19. Comments from County Administrator**

No comments

**20. Comments/Request from Council Members**

Mr. Koon thanked staff for the hard work on the budget.

**21. Future Meetings**

- a. County Council – May 5, 2010 @ 7:00 p.m.
- b. County Council – May 18, 2010 @ 7:00 p.m.
- c. Finance Committee – April 26, 2010 @ 6:00 p.m.

**22. Vote to Adjourn**

Mr. Waldrop motioned to adjourn, seconded by Mr. Baker. The vote was unanimous.

**23. Adjournment**

Chairman Livingston declared the meeting adjourned at 7:48 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

**APPROVED:**

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**Laurie N. Renwick, Clerk to Council**