

**NEWBERRY COUNTY COUNCIL
MINUTES
MAY 20, 2009**

The Newberry County Council met on Wednesday, May 20, 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.

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

1. Presentation of Newberry County Service Awards

Chairman Livingston thanked the following employees for their service to the County over the years. Deena Hallman, Animal Control – 5 years; Donald Leitzsey, Public Works - 5 years; Robert Spreng, Sheriff’s Office - 5 years; Robert Dennis, Sheriff’s Office – 10 years; Paula Dominick, Sheriff’s Office - 20 years; Charles Leitzsey, Public Works - 20 years

Chairman Livingston said some of these employees have been through some pretty tough times and we might be seeing more tough times ahead with the budget. He thanked them for their efforts in helping to make Newberry County what it is.

2. Personal Appearances

a. Francie DeBeer asked Council for an extension to file for agricultural taxes on her property. She stated they bought 25 acres on Harmon Quarters Road and are in the process of building their house on the property. She knew that at some point she would have to fill out the form to file for agricultural classification, but

was confused because the form asked you to verify living on the property and if it was your permanent residence. She set the form aside with intentions of following up, but it got buried under some paperwork and by the time she got the bill and realized how much more it was from the previous year, they were past the deadline. She was told the only way to get an extension was to come before Council for approval.

Mr. Koon asked Ms. DeBeer how the property was assessed last year.

Ms. DeBeer stated that it was assessed as agricultural. The property consists of seven (7) acres of trees and eighteen (18) acres of grassland. Their neighbor has been bailing the hay and feeding it to his animals. Once they move in, they would like to purchase some cows and start farming eventually.

Chairman Livingston clarified that Council was being asked to extend the filing date, not determine classification.

Ms. DeBeer stated that was correct.

Mr. Hipp moved to extend the filing deadline for Ms. DeBeer; second by Mr. Waldrop. Vote was unanimous.

Chairman Livingston asked Mr. Mac Holmes to the podium.

b. Mr. Holmes stated he and his father, Mr. Owen Holmes, are trustees for the Bill and Mary Carter Charitable Foundation. Before Mrs. Carter's death, she made arrangements for most of her assets to be transferred into this foundation. The foundation contributes each year to charitable organizations in Newberry County. He said this spring when he and his father were preparing to pay the foundation's property taxes, they were surprised to find that the tax bill was \$5,570.00 when the 2007 tax bill, which they paid on behalf Mary Carter's Estate, was \$159.00. The 2008 tax bill went up 30 times in one year and that was without the penalty. Mr. Holmes stated that the Assessor's Office informed him that there was a form that should have been filed when the property was transferred from the Carter Estate to the Foundation, which would have requested that the property continue to be assessed as agricultural or timberland. To his knowledge the property has always been assessed as timberland or agricultural use and he had no idea that a form had to be filed to continue that. The property is underdeveloped and does not produce any income. If it is to be developed or any timber sold or the property sold, it would all go towards charitable purposes within the County. Mr. Homes said he would appreciate if Council would file an extension for them to file this form.

Mr. Baker asked Mary Arrowood, Newberry County Assessor, to the podium.

Mrs. Arrowood stated that any time a deed comes through for a property sale it is flagged. Notices are mailed out to those owners of agricultural property when ownership has changed. On June 13, 2008, an application was mailed to Ms. DeBeer and the Charitable Foundation for them to file for agricultural use. The tax notices were

delivered the first week of November in 2008 which should have signaled that the tax bill was different than the year before. Several ads were also published in the Newberry Observer in December of 08 announcing all of the deadlines for the agricultural application, with the first penalty date being January 16, 2009. Their office did not receive the applications until April 3 from the Carter Charitable Foundation and April 13 from Ms. DeBeer.

Mr. Hipp moved to grant an extension to the Holmes for agricultural use of the property; second by Mr. Stockman. Vote was unanimous.

Chairman Livingston asked that a motion be made to extend the agricultural filing deadline to the end of the month with a final hearing on June 3rd on any request for extensions so this is not repeated throughout the year.

Mr. Caldwell moved to extend the agricultural filing deadline to the end of May with a final hearing at the June 3rd Council meeting for any request; second by Mr. Baker. Vote was unanimous.

3. Additions, Deletions and Adoption of Agenda

Mr. Waldrop moved to adopt agenda; second by Mr. Koon. Vote was unanimous.

4. Ordinance #04-10-09: An Ordinance for the purpose of leasing the old armory property to Piedmont Technical College.

Mr. Adams reported that there had been no changes to this Ordinance since first reading.

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

5. Ordinance #04-12-09: 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 acre real estate parcel designated as TMS Parcel No. 225-40 from Rural (R2) to Light Industrial (LI).

Mrs. Peters informed Council that this property was located off of Hwy. 76 across the street from Metal Master in the Jalapa area of Newberry County. Metal Masters is wishing to expand their facility on this property.

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

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked Mrs. Peters if any of the contiguous property owners had objected to this rezoning.

Mrs. Peters stated they had not.

Mr. Waldrop asked if Metal Masters had already started building and weather they should have waited for Council to approve the rezoning.

Mrs. Peters stated that the building itself is permitted in the present R2 zoning; however, better use of the property would be the recommended light industrial.

Having received no further discussion, the vote was unanimous.

6. Ordinance #04-13-09: 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 two and thirty-seven hundredths (2.37) acres real estate parcel designated as TMS Parcel No. 404-40 from Single Family Residential (RS1) to General Commercial (GC).

Mrs. Peters stated that this property was located on Hwy. 76 near Colony Church Road and the owner wanted it rezoned to general commercial to conduct an automobile repair business.

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

7. Resolution #05-09:

Mr. Adams read the Resolution honoring Ms. Lizzie Gallman Marshall.

Mr. Caldwell moved to approve Resolution #05-09; second by Mr. Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Caldwell thanked Council for this Resolution and felt that Ms. Marshall and the Church will appreciate this honor.

Having received no further discussion, the vote was unanimous.

8. Proclamation declaring May 2009 to be “Motorcycle Safety Awareness Month”

Mr. Adams read the Proclamation to increase the awareness of motorcycle safety in Newberry County.

Mr. Caldwell moved to approve the Proclamation; second by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked who sponsored this Proclamation.

Mrs. Renwick said the Proclamation was sponsored by the Lake Murray Abate Club and was endorsed by Sheriff Foster.

9. Committee Reports

Public Works and Planning Committee – May 11, 2009

a. Consideration of acceptance of proposed Licensing Agreement for Airwolf Aviation Services – Kyle Nash, Public Works Director

Mr. Nash stated that the Licensing Agreement is at the request of Michelle Rash from Airwolf Aviation Services to conduct flight instructions at the Newberry County Airport. Ms. Rash has operated similar programs at the Anderson, Greenwood and Abbeville Airports. This agreement will give Airwolf Aviation Services permission to operate at the Newberry County Airport and to use the same building space that is available to the general public, including an office space. The proposed licensing fee in the agreement is \$50.00 per month, which will be waived if more than \$500.00 in fuel is purchased during the preceding month. The Airport Commission and the Public Works Committee are both in support of this agreement.

Mr. Baker moved to approve the Licensing Agree; second by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Hipp made note of an inconsistency in the agreement. He said Limited License was used throughout the agreement except in paragraph four, which used Limited Permit. He also asked if bonding and insurance were required

Mr. Nash stated that at the end of item #7 in the agreement it states that Airwolf Aviation Services shall provide evidence of all insurance requirements prior to commencement of the agreement. A certificate of insurance will have to be on file.

Mr. Hipp asked if there was a bonding requirement.

Mr. Adams stated that there was not a bonding requirement, but there is a million dollar insurance requirement.

Mr. Hipp asked Mr. Nash what the time duration was on the agreement.

Mr. Nash stated that it was a month to month license that can be terminated at the option of either party with a thirty day written notice.

Chairman Livingston wanted clarification that the Airport Commission had looked at the agreement, is familiar with the provider of these services, and feels confident moving forward with this.

Mr. Nash said the Airport Commission was very supportive of this and having their presence and activity at the Airport.

Mr. Waldrop asked if they would be training on single engine planes.

Mr. Nash said that they will station one single engine aircraft at the Newberry Airport until they grow their business.

Mr. Koon asked if this was the same agreement that Mr. Chappells has with the County.

Both Mr. Nash and Mr. Adams stated they were unsure of Mr. Chappells arrangement with the County but would get this information to them.

Having received no further discussion, the vote was unanimous.

b. Consideration of acceptance of proposed Transfer Station and Disposal Service Agreement – Kyle Nash, Public Works Director

Mr. Nash shared with Council that this agreement, along with the next one on the agenda, was brought before full Council at a recent Budget Work Session and has been through the Public Works and Planning Committee. This agreement covers processing the waste at the transfer station and hauling it to the landfill. The next agreement is for transferring the waste from the recycling centers to the transfer station. The most notable change in this arrangement is that the County will operate the scale at the transfer Station rather than allowing the contractor to do so. The cost should be comparable to what is currently paid, after taking in account the cost of the County taking over the operation of the scales. The term of the agreement is for two years with up to three one year extensions.

Mr. Waldrop moved to approve the Transfer Station and Disposal Service Agreement; second by Mr. Stockman.

Mr. Hipp asked Mr. Nash if anything had changed in either of the agreements since it was presented at the Budget Work Session.

Mr. Nash stated that the addendum which was attached to the agreement reflecting the lower rates had been added into the agreement and was not on a separate sheet. Other than that, no other changes had been made

Having received no further discussion; the vote was unanimous.

c. Consideration of acceptance of proposed Solid Waste Hauling Agreement – Kyle Nash, Public Works Director

Mr. Nash stated that this agreement is for hauling from the recycling centers and some incidental hauling from other county facilities such as DHEC and the Jail. This agreement, rather than the County paying a flat monthly fee, will pay a specified rate per haul. By applying these haul rates to an estimated number of hauls, it is estimated that the County will save an estimated \$8,000.00 per month compared to the existing agreement. By closely managing and ensuring the hauling of full containers, we can save even more. The terms of this agreement are for two years with up to three 1 year extensions. This agreement has also been before full Council at the Budget Work Session.

Mr. Hipp moved to approve the Solid Waste Hauling agreement; second by Mr. Baker. Vote was unanimous.

Economic Development Committee – May 18, 2009

Teresa Powers reported the Economic Development Committee met in Executive Session to review a proposal that will be looked at this evening. They discussed Industry Appreciation, which will start in the month of September and the Oakland Mill Project which property is in a Multi-County Park and the County's involvement in the project. Old business taken up was the National Forest revenue and the County's lack of input due to it being a formula based distribution. An update was also given on the Mid-Carolina Commerce Park and that they are under construction and moving forward.

Mr. Hipp added that along with the discussion on Industry Appreciation, they talked about the County's efforts to continue to develop better relationships with existing industry and ideas on how to accomplish this.

10. Appointments

Mr. Caldwell made a motion to nominate Ms. Alma B. Sullivan of Silverstreet for an appointment on the Westview Behavioral Services Board; second by Mr. Waldrop. Vote was unanimous

Mr. Waldrop made a motion to nominated Mr. Grady Senn of 135 Main Street, Silverstreet for an appointment on the Westview Behavioral Service Board; second by Mr. Caldwell. Vote was unanimous

11. Public Comments

Chairman Livingston asked Mr. Harold Betty to the podium.

Mr. Betty introduced himself and stated he lived at 171 Middleton Place. He said he was here to ask Council to vote against the pending Resolution to reduce the hours (from 24

hours a day to 12 hours a day) of the EMS Service at the Fairview Station also known as Medic 3. He reported that Fairview had responded to 393 calls in the last six months. Out of those 393 calls, 174 (or 44%) were in the timeframe of 8 p.m. – 8 a.m., which is the time period this Resolution would eliminate. Based on numbers obtained from the County Treasurer, the two Districts that Medic 3 covers pays 31% of all property and vehicle taxes collect on behalf of the entire county. Eliminating services between 8 p.m. – 8 a.m. will increase the response time from 9-10 minutes to 18-20 minutes. Peak and Dreher Island's response times would increase greater than that. He asked Council not to cut Medic 3's service hours and to find a way to provide 24 hour coverage for the entire county on a timely basis.

12. Vote for Executive Session, When Necessary

Mr. Koon moved to go into Executive Session; second by Mr. Baker. Vote was unanimous.

13. [Executive Session 7:48 p.m. – 8:17 p.m.]

Chairman Livingston asked Mr. Tothacer to report out.

Mr. Tothacer stated that Newberry County Council went into Executive Session for the discussion of negotiations incident to a proposed contractual arrangement and proposed purchase of property. No action was taken in that session.

14. Necessary Action on Matters Discussed in Executive Session

a. Ordinance 05-14-09: An Ordinance for the approval of an agreement for the sale and transfer of county property located within the Newberry Industrial Park containing eleven and sixty-five hundredths (11.65) acres, more or less, for Project Shell and other matters related thereto.

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

Mr. Hipp asked, as a point of order, if Council needed a motion and vote to come out of Executive Session.

Chairman Livingston stated that Mr. Tothacer advised as long as Council reported out, a motion and vote were not needed.

Having received no further discussion, the vote was unanimous.

15. Comments from County Administrator

Mr. Adams informed Council that he had been working with Department Heads to continue looking at recurring cost and possibly reducing them in a third reading

amendment. As directed by Council, he has continued conversing with the EMS and Rescue Squads to achieve better efficiencies by working together.

16. Comments from Council Members

Mr. Hipp stated that at Monday's meeting, it was discussed and agreed that it would be a good idea to put the Committee agendas on our website prior to committee meetings. This will let the public know what is on the agenda.

Mr. Livingston stated he thought it was a great idea and people will know what to expect when they come to the meetings.

Mr. Koon reminded everyone that the Public Safety and Courts Committee had been changed to Tuesday, May 26, 2009.

17. Future Meetings

- a. County Council Meeting – June 3, 2009
- b. County Council Meeting - June 17, 2009
- c. Public Safety and Courts Committee – May 25, 2009
6:00 p.m. @ Courthouse Annex Conf. Room
- d. Finance Committee – June 8, 2009
6:00 p.m. @ Courthouse Annex Conf. Room

18. Vote to Adjourn

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

19. Adjournment

Chairman Livingston declared the meeting adjourned at 8:21 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III

ATTEST:

Laurie N. Renwick

