

**NEWBERRY COUNTY COUNCIL
MINUTES
JUNE 17, 2009**

The Newberry County Council met on Wednesday, June 17, 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, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

PRESS: Cindy Pitts, Newberry Observer
Heather Hawkins, WKDK

The meeting was duly advertised as required by law.

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

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

1. Presentation of Newberry County Service Awards

Chairman Livingston stated it was his privilege to present service awards to the following employees: Casey Boughnight, Sheriff's Office – 5 years; Shawn Carnes, Sheriff's Office – 5 years; Sharon McClanahan, Sheriff's Office – 5 years; Ann Peters, Planning and Zoning – 5 years; Johnny Mack Scurry, Sheriff's Office – 20 years.

Chairman Livingston thanked the employees for all they do for the County.

2. Personal Appearance

a. Kent Lesesne, Staff Attorney, SCAC – Update on Legislative Session

Mr. Lesesne recapped some of the services that the South Carolina Association of Counties offers such as research, technical assistance and training, and the legislative program. He highlighted the upcoming Annual Conference and encouraged attendance and touched on the various SCAC publications distributed along with updates on the past legislative session. From January until June they are at the State House lobbying with the

General Assembly on behalf of the Counties. It was a difficult session for Counties due to economic short falls that occurred which resulted in the suspension of local aid to subdivision. Initially, Counties were looking at a cut of about 122 million dollars, but thanks to assertive efforts, this amount was reduced to a 50 million dollar cut. He informed Council that the Point of Sale which would affect Counties was still on the table and would be taken up in the next Legislative Session in January. They will be working with interested parties over the summer to work out a compromise that everyone can live with. Another bill that was still floating is bill S.669; this deals with requiring political subdivisions to provide an annual financial report. Some of the language in this particular bill requires the State Treasurer's Office to set standards for what they consider financially healthy political subdivisions. There are many unknowns and implications to what this might mean which is causing some concern. They are meeting and expressing their concerns with the State Treasurer's Office and getting as many questions answered as possible. Finally, there were various bills floating to look at how we go about raising taxes in the state. The legislature has established a commission to take a comprehensive look at our tax system. Mr. Lesesne thanked Council and welcomed recommendations for improvement on the services that the SCAC provides and any legislative issues that they might want addressed.

Chairman Livingston thanked Mr. Lesesne for their work and support on behalf of the Counties.

3. Adoption of Consent Agenda

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

4. Additions, Deletions and Adoption of Agenda

- Move Public Comments from Agenda Item 13 to Agenda Item 4.1.
- Add Special Called Council Meeting on Thursday, June 25, 2009 @6:00 p.m. to Agenda Item 16 under Future Meetings.

Mr. Waldrop moved to adopt the agenda as amended; second by Mr. Baker. Vote was unanimous.

4.1 Public Comments

Chairman Livingston reminded everyone that this was third and final reading of the budget and if anyone wanted to speak regarding the budget they were encouraged to do so.

Chairman Livingston asked Mr. Newton to the podium.

Mr. Craig Newton, Newberry County Coroner, introduced himself and thanked Council for the opportunity to speak. He commended Council and the County Administrator for

the job they have done with the budget under such hard financial times. During his absence last week, he stated he appreciated Council approving the amendment to his budget for an increase for his deputy coroners. He said he did not anticipate that moving the funds from his travel budget would draw it down to zero dollars. He shared his concern that there would be no money in that line item for the required state mandated training for his department. Mr. Newton respectfully asked that Council reinstate a portion of monies to that line item. He thanked Council for their time and consideration.

Having received no additional public comments, Chairman Livingston moved to the next agenda item.

5. **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.

Mr. Caldwell moved to approve third Reading; second by Mr. Baker.

Chairman Livingston asked Mr. Adams to read the amendments.

Amendment 1: Create new account Council Contingency – Capital one-time Purchases – line item # 010-010-15000-04160.

Mr. Waldrop moved to approve Amendment 1; second by Mr. Hipp. Vote was unanimous.

Amendment 2: Add three mills to Operating Levy (\$310,152); appropriate for capital one-time purchase – line item # 010-010-00040-00413.

Mr. Baker moved to approve Amendment 2; second by Mr. Stockman. Vote was unanimous.

Amendment 3: Reduce all Travel line items by \$12,403; re-appropriate for capital/one-time purchases – line item # 010-010-15000-04160.

Mr. Waldrop moved to approve Amendment 3; second by Mr. Stockman. Vote was unanimous.

Amendment 4: Reduce all Subsistence line item by \$9,127; re-appropriate for capital one-time purchases – line item # 010-010-015000-04160.

Mr. Hipp moved to approve Amendment 4; second by Mr. Baker. Vote was unanimous.

Amendment 5: Reduce all Office Expense line item by \$18,378; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Waldrop moved to approve Amendment 5; second by Mr. Koon. Vote was unanimous.

Amendment 6: Reduce Clemson Extension (4-H) by \$4,500; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Koon moved to approve Amendment 6; second by Mr. Baker. Vote was unanimous.

Amendment 7: Reduce Health Department by \$450; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Baker moved to approve Amendment 7; second by Mr. Koon. Vote was unanimous.

Amendment 8: Reduce Beckman Mental Health by \$2,250; re-appropriate for capital one-time purchases – line item #010-010-15000-04160.

Mr. Waldrop moved to approve Amendment 8; second by Mr. Stockman. Vote was unanimous.

Amendment 9: Reduce DSS by \$1,425; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Koon moved to approve Amendment 9; second by Mr. Baker. Vote was unanimous.

Amendment 10: Reduce Sexual Trauma Services by \$750; re-appropriate for capital one-time purchases – line item # 010-01-015000-04160.

Mr. Waldrop moved to approve Amendment 10; second by Mr. Baker. Vote was unanimous.

Amendment 11: Reduce Sistercare by \$405; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Koon moved to approve Amendment 11; second by Mr. Baker. Vote was unanimous.

Amendment 12: Reduce Newberry Literacy Council by \$815; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Baker moved to approve Amendment 12; second by Mr. Hipp. Vote was unanimous.

Amendment 13: Reduce EMS capital appropriations by \$60,000; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Hipp moved to approve Amendment 13; second by Mr. Baker. Vote was unanimous.

Amendment 14: Reduce Legal Expenditures by \$15,000; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Waldrop moved to approve Amendment 14; second by Mr. Hipp. Vote was unanimous.

Amendment 15: Increase Treasurer's Office Expenditures by \$1,560; reduce expenditures for capital one-time purchases – line item # 010-01-15000-04160.

Mr. Stockman moved to approve Amendment 15; second by Mr. Baker. Vote was unanimous.

Amendment 16: Reduce Auditor's Office Expenditures by \$33,925; re-appropriate for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Hipp moved to approve Amendment 16; second by Mr. Waldrop. Vote was unanimous.

Amendment 17: Delete Coroner's Travel Expenditures by \$2,125; reduce expenditures for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Koon moved to approve Amendment 17; second by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp stated that when Council voted on this amendment at the work session, he had the understanding the amendment was offered as a compromise by the Coroner that the Deputy Coroner's would not charge mileage for responding to calls. He did not understand it to be a total reduction in his travel budget that would affect travel for training. He asked the Administrator for assistance in wording to amend the amendment presented.

Mr. Adams stated you would suggest a change to the amendment which Council would need to vote on, and then a vote would need to be taken on the amendment as changed.

Mr. Hipp asked Mr. Newton what would be a realistic amount for actual travel associated with training vs. travel associated with on call response.

Mr. Newton stated he estimated the figure would be less than \$1,000.00 for travel associated with training.

Mr. Hipp asked if \$850.00 would be realistic.

Mr. Newton stated he felt \$850.00 would be fine.

Mr. Koon asked what this travel was for.

Mr. Newton said training such as he attended last week was a required Coroner's training out of town. This money would be used specifically for travel reimbursement for training issues. There will be no reimbursement for deputies being on call.

Mr. Koon asked Mr. Newton if he had a vehicle.

Mr. Newton stated that he did, but he uses his personal vehicle for out of town training and the Coroner's vehicle remains in the County because it is equipped with the emergency equipment needed for responding to calls.

Mr. Koon asked if the County Coroner's vehicle would be used for training.

Mr. Newton stated that the vehicle is used for required monthly training sessions in Columbia. The Deputy Coroners, who attend these same monthly meetings, carpool with him in the vehicle. For short day trips, the vehicle is used for training.

Mr. Waldrop asked about the Deputy Coroners and their training.

Mr. Newton said Deputy Coroners have the same requirements as he does just with fewer hours.

Mr. Hipp moved to amend the current motion for a reduction in the Coroner's travel budget of \$1,275, leaving \$850 in the travel budget for state mandated training; second Waldrop.

Chairman Livingston asked if there was any discussion.

Mr. Koon proposed if we were going to put \$850 back in the travel budget then we should reduce the amount of subsistence by that same amount. He noted that no county employees will receive a cost of living or merit increase next year and that the county does not pay the fire department or rescue squad volunteers. They are not reimbursed when they use their vehicles to make calls.

Mr. Hipp said that in light of other potential compromises, whenever we first discussed this, you offered two compromises. One was a 15% reduction in your travel budget and the other was for non-reimbursement for deputies actual travel mileage. He asked what a 15% reduction in his travel budget would equate to relative to this one.

Mr. Newton said he could not recall what figures he came up with.

Chairman Livingston stated that Council had already approved the subsistence amendment.

Mr. Hipp said the Corner's travel and subsistence had already received a 15% reduction.

Mr. Newton stated that the travel budget last year and in prior years was \$4,000.00 and when he submitted his budget for the coming year, he reduced that figure to \$2,500.00.

Mr. Waldrop said he understood that Mr. Newton won an award last week and could he share that with Council.

Mr. Newton stated that last week he was at the South Carolina Coroner's Association Training Session held at Pawley's Island. Each year the Association gives out two awards; the first one being the SC Coroner of the Year and the second which is called the Sue Townsend Memorial Award. Mr. Newton said he was honored with the Sue Townsend Memorial Award which is given in honor of Sue Townsend who was a long time Coroner for Aiken County. She brought the Coroners position to where it is today. She got Legislation enacted that professionalized the Coroner's position and identified required training and was considered the Coroner of all Coroner's in the State of South Carolina.

Mr. Waldrop and Mr. Adams congratulated Mr. Newton on being the recipient of this award.

Chairman Livingston asked if there was any further discussion.

Having received no further discussion, the motion passed 6 to 1, with Mr. Koon voting against the motion.

All in favor of the motion as amended, the motion passed 6 to 1 to only reduce the Coroner's travel budget by \$1,275, leaving \$850 in the travel budget for state mandated training. Mr. Koon voted against the motion.

Amendment 18: Increase Non-Departmental by \$7,292; reduce expenditures for capital one-time purchases – line item # 010-010-15000-04160.

Mr. Koon moved to approve Amendment 18; second by Mr. Stockman.

Chairman Livingston asked if there was any discussion.

Mr. Hipp wanted a little more information on this amendment.

Mrs. Cromer shared with Council that this Non-Departmental increase was to cover the sales tax on the Sheriff's Office rental trailers which was not included in the present budget.

Mr. Baker abstained from voting.

Having received no further discussion, the motion passed; all were in favor for the exception of Mr. Baker who abstained.

Mr. Adams stated that the following are proposed proviso amendments to the budget.

- **Amendment 19 – Reserve Fund**

Change the amount currently appropriated to the County Council Contingency Fund Acct. No. 010-010-15000-020211 from \$175,000 to \$134,641.

- **Amendment 20 – General**

Change the amount from \$40,000 to \$25,000 as the amount County Council shall approve contracts for purchase or lease of real property and buildings.

- **Amendment 21 – Animal Control Fees**

Change the fees charged for the adoptions of cats and kittens from \$60.00 to \$65.00.

- **Amendment 22 – Tax Assessor**

Change fees as listed below.

Copies B/W	\$.25
Black and White		
8 1/2 X11 Property Cards	\$.25
Color Property cards/ Information sheet 8 1/2 X 11	\$	1.00
Color Maps 8 1/2 X 11	\$	2.00
Tax Map Index Maps 24X24 Color	\$	8.00
Tax Map without Aerial 24X34 Color	\$	10.00
Tax Map with Aerial 24X34 Color	\$	20.00
Custom Maps	\$	40.00

Digital Data

Digital Orthos whole county	\$	1,500.00
Digital Layers parcel w #s only		1,500.00
Digital parcel layer w owner attributes		2,500.00
Zoning		200.00
Digital other layers each		110.00

Tapes sold at various prices each 25.00-110.00
Tapes/disc must be supplied by customer

*Basic cost for copies countywide is \$.20 per page, except that departments may charge actual costs for the employee searching the records and/or making the copies, in accordance with the state Freedom of Information Act.

However, the cost of copying medical records is set by statute.

Mr. Adams stated that if there were no objections, Council can motion to accept these as a block or they can be done individually.

Mr. Baker moved to approve the four proviso amendments as a block; second by Mr. Waldrop. Vote was unanimous.

Mr. Adams informed Council that the question now is on the original motion to approve third reading of the budget which already has a second. It is a question of adopting the budget as amended, which will put \$462,853 into capital one-time expenditures at Council's discretion.

Having received no further discussion, third reading of the budget passed unanimously.

- 6. 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.**

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

- 7. 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.**

Chairman Livingston declared this the Public Hearing.

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

Mr. Stockman moved to approve third reading; second by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp inquired when the specifics of Project Shell would be made public since the completion of third and final reading.

Teresa Powers shared with Council that 11.65 acres was sold at \$10,000 per acre for a total of \$116,500.00. There is no tax incentives included at this time. At this point, this is only pertaining to the land transaction. The taxes on the property will be ad valorem at 6%. The proposed future 70,000 sq. ft. warehousing project with approximately 10 jobs will be a 2.5 million dollar taxable investment for Newberry County.

Mr. Baker asked if we could not go with Fee-in-Lieu-Of in a warehouse situation and would this be based on the price of the warehouse at a 6% rate.

Ms. Powers stated that Fee in Lei was not an option. There is a 6% assessment on warehouses; they are not treated the same as manufacturing.

Mr. Hipp inquired about the net return to the county taking it from county property and putting the warehouse facility on it.

Mr. Adams stated the figure to be around \$61, 500, give or take.

Mr. Hipp said this was good in that it will provide jobs, additional tax for the county, and he thanked Ms. Powers for the work that she put into this.

Mr. Baker asked Ms. Powers the name of the company.

Ms. Powers stated it was ITS, LLC.

Having received no further discussion, the vote was unanimous.

- 8. Ordinance #05-15-09: 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 six and one hundred and seven thousandths (6.107) acres real estate parcel designated as a portion of TMS Parcel No. 577-2 from Rural (R2) to Light Industrial (LI).**

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

- 9. Ordinance #06-16-09: 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 sixteen and five hundred and seventeen thousandths (16.517) acres real estate parcel designated as TMS Parcel No. 341-1-22-5 subdivided into Parcel "A" containing seven and seven hundred and seventy-five thousandths (7.775) acres from Basic Industrial (BI) to General Commercial (GC) and Parcel "B" containing eight and seven hundred and**

forty-two (8.742) thousandths acres from Basic Industrial (BI) to limited commercial (LC).

Mr. Adams stated that this concerns the rezoning of the Oakland Mill. At the last meeting, Council voted on this matter before it went to the Planning Commission due to a timing issue to get this completed by the end of June because of new code requirements becoming effective July 1, 2009. As of last night, the Planning Commission has approved this Ordinance. The version before you tonight reflects the Planning Commission's actions. This property is in a Multi-County Park which is pledged for the repayment for the property on Hwy. 773 and I-26. The bank has agreed to release that pledge on this particular property. We will be working with the City on how to finance the incentives to bring this project about.

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

Chairman Livingston asked if there was any discussion.

Mr. Baker asked who the other County was that was involved with this Multi-County Park

Mr. Adams stated that it was Lexington County.

Mr. Hipp expressed that he was in favor of this and the opportunity to increase land value and spread the taxable footprint in Newberry County.

Mr. Livingston shared that it was a great opportunity for Newberry County as a whole.

Having received no further discussion, the vote was unanimous.

10. Resolution #06-09: A Resolution to establish that no objection on behalf of Newberry County shall be made with regard to a petition to close a street or road pursuant to section 57-9-10 of the Code of Laws of South Carolina, 1976 as amended.

Mr. Adams stated that this pertains to a motion filed by property owners in Circuit Court to close a portion of Odell Road, specifically that portion which is bordered by their property on each side. They are the only residents with property beyond this point in which they want to close the road. They have agreed to provide a cul-de-sac for the County for traffic purposes to accommodate folks that go down the road and need to turn around. Staff has no objection to this and recommends not objecting to this motion to close this portion of Odell road.

Mr. Koon moved to approve Resolution #06-09; second by Mr. Waldrop. Vote was unanimous.

11. Committee Reports

- a. Finance Committee: Mr Adams stated that the Finance Committee met on June 4, 2009 to discuss the amendments Council adopted tonight.
- b. Full Council Budget Work Session: Mr. Livingston stated that the amendments to the budget were discussed again at the budget work session.

12. Appointments:

Mr. Baker reminded everyone of the appointments with terms expiring on June 30, 2009.

No Appointments at this time.

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

Public Comments moved the Agenda item 4.1

14. Comments from County Administrator

No Comments

15. Comments from Council Members

Mr. Hipp reminded Council of the Special Called Meeting on June 26, 2009 @ 6:00 p.m. He also thanked the County Staff, Administrative Staff and all employees of the County who went through this difficult year and presented the people of Newberry County the very best possible product they could hope to obtain. He was personally proud of what was accomplished in this budget.

Mr. Adams thanked both the Treasurer and Auditor elect; for both of them lost positions in this budget. They were very cooperative and he appreciates the sacrifice that they made.

Mr. Koon thanked everyone for the work done on the budget.

Mr. Waldrop reminded folks that the Newberry County Governmental Association would be meeting in Silverstreet the fifth Monday in June @ 7:00 p.m. at the Silverstreet Community Center.

Mr. Livingston said all county employees made a sacrifice and everyone understands why these sacrifices had to be made. It is an extremely difficult time, not only for Newberry County, but for the World as a whole. He thanked the media for the wonderful

job they did getting the message about the budget out there and keeping the citizens informed.

16. Future Meetings

- a. County Council Meeting – July 1, 2009
- b. County Council Meeting – July 15, 2009
- c. Public Works and Planning Committee – July 13, 2009 @ 6:00 p.m.,
Courthouse Annex Conference Room
- d. Economic Development Committee – July 20, 2009 @ 6:00 p.m.,
Courthouse Annex Conference Room
- e. Personnel and Intergovernmental Relations Committee – July 27, 2009
@ 6:00 p.m., Courthouse Annex Conference Room

17. Vote to Adjourn

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

18. Adjournment

Chairman Livingston declared the meeting adjourned at 8:08 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council