

**NEWBERRY COUNTY COUNCIL  
MINUTES  
JUNE 16, 2010**

Newberry County Council met on Wednesday, June 16, 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.

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

**1. Adoption of Consent Agenda**

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

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

Mr. Adams stated that the public hearing on agenda items 7 and 8 were included on the agenda in error and they will actually be held at the next Council meeting on July 7, 2010. He said the Planning Commission has asked that Council delay third reading of Ordinance #04-06-10 to the July 21<sup>st</sup> Council meeting so that they may provide some other language for consideration.

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

3. **Ordinance #04-06-10: An Ordinance 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.**

Third reading delayed until the July 21<sup>st</sup> Council meeting (see agenda item 2).

4. **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.**

Mr. Adams stated that after a motion, second, and a call for discussion, Council has seven (7) amendments to consider that were discussed at the Work Session on June 10<sup>th</sup>.

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

Chairman Livingston asked Mr. Adams to individually go through each amendment.

Mr. Adams stated the first amendment is that an additional "EMERGENCY SERVICES" proviso concerning the purchasing of emergency services rolling stock be added to read as follows: PROVIDED FURTHER that, emergency services rolling stock purchases (e.g. fire trucks, ambulances, rescue trucks, etc.) must first be approved by County Council, whether such purchases are made using revenues from the County's debt service levy or from its general operating levy.

Mr. Hipp motioned to approve the emergency services proviso amendment; seconded by Mr. Baker. The vote was unanimous.

Mr. Adams stated the second amendment is that \$200,000.00 appropriated at second reading for merit pay increases (Line Item 010-010-02200-01000) be transferred to Council's Contingency Account (Line Item 010-010-150000-02021), and that Council further consider the distribution of merit pay increases upon completion and review of the June 30, 2010, audited financial statements.

Mr. Stockman motioned to approve the merit pay increase budget amendment; seconded by Mr. Hipp. The vote was unanimous.

Mr. Adams stated the third amendment is that an additional "GENERAL" proviso concerning travel expenditures and budget line-item transfers be added to read as follows: PROVIDED FURTHER that, for the Fiscal Year 2010-2011, any travel-related expenditures or obligations beyond budgeted amounts must first be approved by County Council, duly assembled; and that, as information for Council's second monthly meeting each month, the Finance Director will provide a complete listing of all line-item transfers that have occurred in the preceding thirty (30) days.

Mr. Koon motioned to approve the travel expenditure and budget line-item transfer proviso amendment; seconded by Mr. Baker. The vote was unanimous.

Mr. Adams stated the fourth amendment is that the following miscellaneous expenditure items be reduced or eliminated, with an amount equal to the total of these reductions/eliminations (\$1,610) being added to appropriations for Capital and One-Time Purchases (Line Item Number 010-010-15000-02011), and with further references in the Budget Ordinance to these items being so reflected.

Line Item Decreases

Community Hall Telephone	(010-010-08140-02360)	\$ 800
Fairgrounds Telephone	(010-010-08170-02360)	264
Helena Ctr. Telephone	(010-010-08180-02360)	546
Total		\$ 1,610

Mr. Koon motioned to approve the amendment eliminating the above referenced miscellaneous expenditures; seconded by Mr. Hipp. The vote was unanimous.

Mr. Adams stated the fifth amendment is that the following line items be changed in order to increase lease- purchase appropriations in the General Operating Budget by \$324,808 without an increase in required revenue:

Line Item Increases

Board of Rescue Squads	(010-010-07300-04070)	\$ 59,111
Board of Rural Fire Control	(010-010-07500-04070)	90,588
Ambulance	(010-010-14250-04070)	175,109
Total		\$ 324,808

Line Item Decreases

Capital One-Time Purchases	(010-010-15000-02011)	\$ 78,994
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Capital Repairs Building	(010-010-08130-04150)	72,635
Capital Outlay Public Works	(010-010-08100-04070)	8,500
Non-Dept. Salary Adjustments	(010-010-02200-01000)	100,000
Non-Dept. Tort Insurance	(010-010-02200-02131)	15,377
Non-Dept. Insurance	(010-010-02200-02130)	49,302
Total		\$ 324,808

Mr. Baker motioned to approve the amendment increasing lease-purchase appropriations without an increase in required revenue; seconded by Mr. Hipp. The vote was unanimous.

Mr. Adams stated the sixth amendment is that Non-Departmental expenses (Line Item 010-010-02200-2360) be increased by \$27,600 to fund information technology upgrades associated with the South Carolina Judicial Department's new case management system, and that Council's Contingency Account (Line Item 010-010-15000-02021) being reduced by this same amount to offset such expense increases.

Mr. Waldrop motioned to approve the amendment to increase non-departmental expenses to fund information technology upgrades; seconded by Mr. Hipp. The vote was unanimous.

Mr. Adams stated the seventh amendment is that a line item be established for FY 10-11 only (Line Item 010-010-15000-04200) for the purpose of funding renovations to the Village Cemetery; that this line item be funded in the amount of \$25,000; and that Council's Contingency account (Line Item 010-010-15000-02021) be reduced by this same amount to offset such expenses.

Mr. Hipp motioned to approve the amendment funding the Village cemetery in the amount of \$25,000.00; seconded by Mr. Waldrop. The vote was unanimous.

Chairman Livingston reported that Council had a work session on June 10<sup>th</sup> and these amendments were discussed at length and wanted the public to know this was not something they just rubber stamped.

Mr. Hipp motioned to approve third reading of Ordinance #04-07-10 as amended; seconded by Koon. The vote was unanimous.

- 5. 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.

Mr. Adams stated that this Ordinance remained unchanged since first reading and was balanced at \$721,505.00.

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

6. **Ordinance #05-12-10: 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 four and seven hundred and twenty one thousandth (4.721) acres portion of a real estate parcel totaling twenty seven (27.0) acres designated as TMS Parcel No. 535-18 from Single Family Residential (RS-3) to General Commercial (GC).**

Mr. Baker motioned to approve second reading of Ordinance #05-12-10; seconded by Mr. Stockman. The vote was unanimous.

7. **Ordinance #05-13-10: An Ordinance to impose a one percent sales tax, subject to a referendum, within Newberry County pursuant to the Capital Project Sales Tax Act; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which the tax may be imposed; to provide the maximum cost of the projects or facilities funded from the proceeds to be raised by the tax; to provide for a county-wide referendum and to concur in the contents of the ballot question in such referendum; to establish the priority in which the proceeds of the tax are to be expended; to authorize the issuance of general obligation bonds of Newberry County, subject to such referendum, to defray costs of projects and issuance costs; to provide for the conduct of such referendum; to provide for the administration of the tax; to provide for the payment of the tax; and to provide for other matters relating thereto.**

Mr. Waldrop motioned to approve second reading of Ordinance #05-13-10; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp said he had commented the last time around and had followed with Voter Registration and identified two errors on our voting precinct locations in the Ordinance. One is Precinct 2 that shows old Speer St. School and that should be Serenity Chapel. The other is Precinct 36 which should be the Prosperity Civic Center.

Mr. Hipp motioned to approve second reading of Ordinance #05-13-10 as amended with the changes in precinct locations; seconded by Mr. Waldrop. The vote was unanimous.

**8. Ordinance #05-14-10: An Ordinance for the purpose of leasing County property located at 1400 Camellia Avenue in the City of Newberry to Palmetto Health.**

Mr. Waldrop motioned to approve second reading of Ordinance #05-14-10; seconded by Mr. Koon. The vote was unanimous.

**9. Ordinance #05-15-10: An ordinance to provide for the issuance and sale of not exceeding two million nine hundred seventy thousand dollars (\$2,970,000) General Obligation Refunding Bonds of Newberry County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.**

Mr. Theo DuBose stated that this Ordinance relates to refunding the County's Series 2001 Bonds. The Bonds are currently outstanding with rates ranging from 4.6% to as high as 5%, then backing back down to 4.5%. In today's market, we expect you can refund these bonds at an interest rate of around 3.10-3.15%. The gross savings would be in the neighborhood of \$213,000.00. These figures were presented to the Finance Committee on June 10<sup>th</sup> and they looked at the most economical way to sell these bonds. With the current market conditions, they believe the best way to do this is through a public offering. If Council would like to proceed, and after third reading, we will approach the rating agencies with the appropriate documents and move forward with selling these bonds. We will continue to monitor the market and if interest rates go up, we will simply shelf this until such time that rates come down.

Chairman Livingston informed Council that this Ordinance was discussed in the Finance Committee on June 10, 2010. When you look at the amount of money this will save the County, he feels it is a no brainer. He thanked Mr. DuBose and Mr. Adams for working on this and bringing it to their attention.

Mr. Koon motioned to approve first reading of Ordinance #05-15-10; seconded by Mr. Hipp. The vote was unanimous.

**10. Ordinance #06-16-10: An Ordinance authorizing the amendment of the agreement for development for Joint County Industrial Park executed on October 18, 1995, by and between Newberry County, South Carolina and Fairfield County, South Carolina, providing for the development of a Joint County Industrial and Business Park so as to include additional property in Newberry County as part of the Joint County Industrial Park, and other matters relating thereto.**

Mr. Adams stated that this Ordinance involved Rollcast and under this agreement, Fairfield County will be the recipient of 1% of the fee revenue after incentives are given to the company. This Multi-County Park designation also allows the company to get

another \$1,000.00 in job tax credits which was part of the incentives package for bringing them here.

Mr. Waldrop motioned to approve first reading of Ordinance #06-16-10; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp asked if any discussions had transpired with Fairfield County in regards to the Multi-County Park concerning VC Summer.

Mr. Adams stated that nothing has yet transpired and he would consider this a measure of good will as opposed to quid pro quo.

Mr. Hipp said it will certainly offset the benefit and is a measure of good will. We'll see if they reciprocate.

Having received no further discussion, first reading of Ordinance #06-16-10 was unanimously approved.

- 11. Ordinance #06-17-10: An Ordinance repealing Ordinance No. 06-06-02, relating to the establishment of a classification and a compensation plan for Newberry County and to provide for comprehensive personnel policies for the employment and dismissal of all county employees and to set forth the working conditions and benefits for those employees, to provide for equal employment opportunity and affirmative action goals and anti-discrimination provisions and amendatory ordinances thereto.**

Mr. Adams said that the existing Personnel Manual was adopted by ordinance. Our legal counsel advised that when we revise it that it be adopted by resolution instead. To repeal an ordinance, you have to have a repealing ordinance and that is what this is about.

Mr. Koon motioned to approve first reading of Ordinance #06-17-10; seconded by Mr. Baker. The vote was unanimous.

## **12. Appointments**

No appointments.

## **13. Committee Reports**

- a. Personnel and Intergovernmental Relations – June 7, 2010 – Steve Stockman, Committee Chairman**

Mr. Stockman reported that the Personnel and Intergovernmental Relations Committee met on June 7, 2010 and the following was discussed:

- Geri Gambill and Kathy Montgomery updated the committee on the operations at JF Hawkins and Springfield Place
- Gerdi Lake reported on the second quarter recreational activities
- Discussions on the current employee service recognition program and ideas for improvements
- The committee made a recommendation to move forward with the process of repealing Ordinance #06-06-02 as addressed tonight as agenda item 11.

**b. Finance – June 10, 2010 – Debbie Cromer, Finance Director**

**c. Budget Work Session – June 10, 2010 – Debbie Cromer Finance Director**

Mrs. Cromer said the Finance Committee met on June 10, 2010 to discuss the refinancing of the bonds which was approved as agenda item #9; and the seven (7) amendments approved by Council in agenda item #4 were discussed at the Budget Work Session on that same evening.

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

No public comments.

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

No vote for Executive Session.

**16. Executive Session [7:40 p.m. – 8:02 p.m.]**

No Executive Session.

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

No necessary action.

**18. Comments from County Administrator**

Mr. Adams thanked Debbie Cromer, Karen Lindler, Donna Lominack, and Mary Arrowood for their help developing the budget that just passed third reading. The revenue estimates were difficult this year due to state cut backs and also the fact that we will be implementing reassessment. Budgeting for expenditures was something that we needed cooperation from all department heads and officials; we got that cooperation and appreciate it very much. Mr. Adams thanked Council and all his co-workers for their outpouring of sympathy for the recent passing of his father.

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

Mr. Hipp said this has been a tough year for budget and we have all done a good job putting together a budget as best we can with a 4% reduction.

Chairman Livingston expressed his condolences to Mr. Adams and his family and thanked him for all he has done putting together the budget. He thanked staff and their willingness to give and take in this budget year.

**20. Future Meetings**

- a. County Council – July 7, 2010 @ 7:00 p.m.
- b. County Council – July 21, 2010 @ 7:00 p.m.
- c. Public Works and Planning – July 12, 2010 @ 6:00 p.m.
- d. Finance – July 26, 2010 @ 6:00 p.m.

**21. Vote to Adjourn**

Mr. Baker motioned to adjourn; seconded by Mr. Koon. The vote was unanimous.

**22. Adjournment**

Chairman Livingston declared the meeting adjourned at 7:30 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**