

**NEWBERRY COUNTY COUNCIL  
MINUTES  
JULY 16, 2008**

The Newberry County Council met on Wednesday, July 16, 2008, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., for a regularly scheduled meeting.

**Present were: Henry B. Summer, Chairman**  
**William D. Waldrop, Vice-Chairman**  
**Mike Hawkins, Councilman**  
**John David Dawkins, Councilman**  
**Edgar Baker, Councilman**  
**Henry H. Livingston, III, Councilman**  
**Wayne Adams, County Administrator**  
**A.J. Tothacer, Jr., County Attorney**  
**Laurie Renwick, Clerk to Council**  
**Debbie S. Cromer, Finance Director**

**Absent: John Caldwell, Councilman**

**Press: Cindy Pitts, The Newberry Observer**  
**Heather Hawkins, WKDK**

Notice of the meeting was duly advertised as required by law.

Mr. Summer called the meeting to order and determined a quorum to be present.

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

Mr. Summer stated that Mr. Caldwell was absent due to his representing Newberry County and the state of South Carolina at the National Association of Counties Conference in Kansas City.

**1. Personal Appearances.**

**a. Lt. Col. Jeff Hamrick, Facilities Management Office of the Military  
Department of South Carolina**

Lieutenant Colonel Jeff Hamrick, an Engineer with the Facilities Management Office of the S.C. Military Department, informed Council of the \$500,000 repair deficit they are facing with the Newberry County Armory. Col. Hamrick said they spend approximately \$97,000 annual on the Newberry Armory and try to use local contractors. He stated the 3,400 sq. ft. building was 27 years old and they are currently paying \$2.94 per sq. ft. matched by \$6.80 sq. ft. from the State Department of Transportation for building maintenance. Lt. Col. Hamrick said they are required by law to spend one dollar of federal money for each dollar of state money. He asked Newberry County to support and partner with them like the partnerships they have with Spartanburg, Beaufort, and Richland Counties by allocating a one time \$50,000 donation that they could match with federal dollars (\$100,000) to be applied to the Armory maintenance deficit. Additionally, he requested \$20,000 annually (\$40,000 matched) which could solve the deferred maintenance problem. Col. Hamrick stated that the 218<sup>th</sup> Infantry Brigade consisting of 176 soldiers had moved to Charleston but the same amount of transportation and engineering units would come in to replace those lost in Newberry.

Mr. Summer asked for clarification on the amount. Col. Hamrick said they were asking for \$50,000 for this year and \$20,000 for the next budget year.

Mr. Summer asked if the state was giving money to match the federal money and Col. Hamrick stated absolutely not. Lt. Col. Hamrick informed Council that when an armory is built, the state signs an agreement with the federal government that they will maintain it at a certain standard. Col. Hamrick said this has not happened. The state legislature budgeted \$500,00 to be matched with federal dollars for a total of \$1,000,000 for all 97 facilities in the state, however, Col. Hamrick said they had to return 3.5 million of federal money that they did not have the state match for.

Mr. Waldrop asked why they moved the 218<sup>th</sup> to the Citadel in Charleston. Col Hamrick said recruiting and the partnership that they have with the Citadel may have been the reason for the move. Col. Hamrick acknowledged that The Citadel provided the 25% state match needed for the new facility.

Mr. Dawkins thanked Col. Hamrick for the manpower that they provided during the tornadoes. He also said this is another example of the burden placed on counties to pick-up the states responsibility but felt sure Council would support them.

Mr. Dawkins moved to approve the \$50,000 appropriation; seconded by Mr. Waldrop. Vote was unanimous

### **b. Robert Croom, South Carolina Association of Counties (SASC)**

Mr. Summer introduced Mr. Robert Croom, Assistant Director of the South Carolina Association of Counties and Kent Lesesne, staff attorney and member of the lobbying team for the SCAC.

Mr. Croom distributed a SCAC packet to each Council Member. Mr. Croom stated that lasts year's legislative session was a very good year. The S1105 Repeal of Prohibition on one county received the most response he has seen in 10 years which is the cornerstone of the Home Rule Act. Mr. Croom encouraged Council members to continue to speak up. He informed Council on how receiving grant money affects your local spending cap. Mr. Croom reminded Council if they had any legislative policy positions or issues to be considered by the SCAC legislative committee, the deadline for submission is August 11, 2008. He updated Council on the publications he had handed out to them which consisted of the 2008 Act that Affect Counties, 2008 County Profiles, Case Law Affecting Counties, Home Rule Handbook, FOI, Revenue Resources, and the Wage & Salary Report. Mr. Croom informed Council of the services offered by the association some of which include the collection of small debt. He stated that through this service the EMS collected \$60,000 in small debts and NCMH collected \$350,000 in small debts. Other services offered by the SCAC are risk management and worker's compensation pool training, land use training and certification training.

Mr. Summer announced the postponement of the Camp Holy Springs proposal until the August 6<sup>th</sup> meeting.

## **2. Adoption of Consent Agenda**

Mr. Livingston moved to adopt the Consent Agenda consisting of minutes of June 04, June 11, and June 12, 2008; second by Mr. Waldrop. There was no discussion. Vote was unanimous

## **3. Additions, Deletions, and Adoption of Agenda.**

- Mr. Adams requested agenda item 10.5 be added for discussion on a Resolution placing a moratorium on any activity that would be inconsistent with the first reading draft that pertains to the rezoning issue at Lake Greenwood.
- Mr. Hawkins requested discussion on the video poker issue that was brought up several months back. Mr. Summer informed Council this issue would be 10.8 on the agenda.

There being no further amendments to the agenda, Mr. Baker moved to adopt the agenda as amended; second by Mr.

Dawkins. Vote was unanimous.

Mr. Hawkins asked Chairman Summer for the floor. Mr. Hawkins said this was the first meeting since the primary election and his unsuccessful attempt to continue to represent District 4 on the Council. He stated the last 7 ½ years severing with these folks have been one of the highlights of his life. Mr. Hawkins said they had put some programs in place that will serve the county well into the near and long term future such as zoning, improving emergency services delivery, economic development. He believed that in the not so distant future, people will look at the Commerce Park on Hwy. 773 and they will say to this Council, "Thank You", that is one of the best things you have ever done. Mr. Hawkins stated he had five more months remaining and he will continue to be an active member of Council before his successor is sworn in.

Mr. Baker asked Mr. Adams to introduce the new employee.

Mr. Adams introduced Laurie Renwick as the new Clerk to Council who assumed her duties on Monday. Mrs. Renwick came to us from SLED's Office of Counter Terrorism.

**4. Ordinance #04-12-08:** An Ordinance Amending Chapter 154 Of The Newberry County Code of Ordinances, commonly known as the Newberry County Subdivision Regulations, so as to simplify the method of approving surety bonds submitted in lieu of completion of subdivision improvements, including amendments to Sections, 154.024(b)(4), 154.063(a) and (e) and the addition of Section 154.063(I), and other matters related thereto.

Mr. Summer called for the public hearing. There being no comments from the public; Mr. Summer declared the public hearing closed.

Mr. Hawkins moved for third reading; second by Mr. Dawkins. Vote was unanimous.

**5. Ordinance #06-19-08:** An Ordinance authorizing certain economic development incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a Fee Agreement between Newberry County, South Carolina, and Trucast, LLC, a Limited Liability Company organized and existing under the laws of the State of Delaware, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000.

Mr. Summer called for the public hearing. There being no comments from the public; Mr. Summer declared the public hearing closed.

Mr. Hawkins moved for second reading; second by Mr. Baker. Vote was unanimous.

**6. Ordinance #06-20-08:** An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance #12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone ten tracts containing a total of 19.34 acres designated as TMS Parcel Nos. 335-25, 335-50, 335-53, 335-55, 335-56, 335-58, 335-60, 335-76, 335-77 and 335-80, from Single Family Residential (RS-1) to Single Family Residential (RS-3). [Calvary Church Road. Planning Commission recommends approval.]

Mr. Summer called for the public hearing. There being no comments from the public; Mr. Summer declared the public hearing closed.

Mr. Baker moved for second reading; second by Mr. Livingston. Vote was unanimous.

**7. Ordinance #07-21-08:** An Ordinance to postpone the implementation of revised values resulting from reassessment and equalization.

Mary Arrowood, Tax Assessor, stated that under SC Code 12-47-217A, once every 5<sup>th</sup> year the county of the state shall appraise and equalize those properties under its jurisdiction. She stated that property evaluation must be

completed by December of the 4 year. Newberry County's last reassessment in 2003 with an implementation year of 2004 means the next reassessment will be due December of 2008 with an implementation year of 2009. Ms. Arrowood asked Council to approve an ordinance to postpone this reassessment by one year which would be in 2009 with a 21010 implementation year. She also stated that SC Code of Laws 12-47-217B provides that a county by ordinance may postpone for not more than 1 property tax year the implementation of revised values resulting from an equalization program provided. Ms. Arrowood informed Council that the 2006 reassessment generated 3,533 appeals (½ of these were settled within the last 12 months), field checked more than 1000 permits for new construction and mobile homes, installed new property valuation software, issued 1,800 new valuation notices (ATI), and installed the new GIS system to be used by the assessors office and the general public as reasons for the request for postponement. Ms. Arrowood said staffing one year ago was only at 50% but they had hired 3 new appraisers in the past year as well as increased the professional credentials of staff members.

Mr. Hawkins asked about the re-evaluation of property after a sale. Ms. Arrowood informed Council that this had already been approved by the legislature and implemented in Newberry County.

Mr. Hawkins asked Ms. Arrowood if newly built residential or commercial buildings were under the 2003 values. She stated they were. Mr. Hawkins shared his concern that with postponement we would be 6 years catching up with a 15% cap on that.

Mr. Dawkins said he no problem with postponing reassessment for one year.

Mr. Hawkins stated his confusion over the legislature that they are going to let brand new houses go on the books at 2003 values but if a structure changes hands it immediately goes to today's value.

Mr. Livingston said with the economic downturn to 2003 to current value might not be much difference at this point. Ms. Arrowood stated sales are well above what is on the books for value and that we are not going in the wrong way.

Mr. Summer asked how much new construction was in Newberry County. Ms. Arrowood did not have those figures available with her.

Mr. Summer asked Ms. Arrowood what the public could do with the new GIS system. Ms. Arrowood stated the public would be able to navigate around the map and place different layers including aerial, water, district, etc.

Mr. Livingston moved for first reading; second by Mr. Baker. Vote was unanimous.

**8. Ordinance #07-22-08:** An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance #12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a 2.0 acre portion of a tract containing a total of 6.68 acres designated as TMS Parcel #399-153, from Rural (R-2) to General Commercial (GC). [Fish Hatchery Road. Planning Commission recommends approval.

Mr. Hawkins moved for first reading; second by Mr. Waldrop. Vote was unanimous.

**9. Ordinance #07-23-08:** An Ordinance for the purpose of leasing Fairgrounds property to the Newberry Historical Society.

Mr. Waldrop asked Mr. Adams how much space would be needed. Mr. Adams said that the space being leased out is approximately 5,000 sq. ft. and was the space occupied by Pearson's Auction. Mr. Spotts with the Newberry Historical Society spoke up and stated they would be placing the best and most important part of the museum in the building.

Mr. Dawkins moved for first reading; second by Mr. Baker. Vote was unanimous.

**10. Ordinance #07-24-08:** An Ordinance acting on a Council-initiated request to amend the Official Zoning Map established pursuant to Zoning Ordinance #12-24-01, codified in Chapter 153 of the Newberry Code of Ordinances, so

as to rezone one hundred twenty-five (125) tracts containing a total of one hundred twenty-nine and eighty-eight one hundredths (129.88) acres designated as TMS parcel numbers 4-2-1 through and including 4-2-14 and 4-2-12/1 (fifteen parcels); and TMS parcel numbers 4-1-1 through and including 4-1-76 and 4-1-53/1, 4-1-100, 4-16/1,2 and 3 (eighty-one parcels); and parcel numbers 5-2-2 through and including 5-2-30 (twenty-nine parcels) from Single Family Residential (RS-1) to Single-Family Residential (RS-1A).

Mr. Waldrop moved for first reading; second by Mr. Baker. Vote was unanimous.

**10.5 Resolution 10-08:** A Resolution imposing a moratorium on any inconsistent uses of property in the following residential subdivisions of Summerset Point, Summerset Bay and Windmill Landing located along Lake Greenwood during the rezoning from RS1 to RS1A.

Mr. Adams stated that no activity will be permitted on these parcels that would be inconsistent with the first draft of the ordinance. This resolution will preserve the district during the reading process.

Mr. Baker asked if this included the gentleman who is using it now as such.

Mrs. Adams informed Council that he (Mr. Sperry) is grandfathered in being that he has used this property in this fashion since before Newberry had zoning ordinances.

Mr. Waldrop moved to approve the resolution; second by Mr. Dawkins. Vote was Unanimous.

## **10.8 Video Poker Issue**

Mr. Hawkins moved to put it on the ballot in November; Second by Mr. Waldrop Waldrop.

Mr. Summer ask if there was any discussion

Mr. Hawkins stated he had not changed his position on video poker but felt it should be left up to the people to decide.

Mr. Baker asked if we were legal to put something on the ballot that was illegal.

Mr. Adams responded by saying that this was highly illegal as the former County Attorney had stated.

Mr. Adams asked if we were going to put on the ballot if it had sufficient signatures or regardless of weather it gets the signatures.

Mr. Hawkins stated Council could do it without the signatures.

Mr. Adams told Mr. Hawkins he was right.

Mr. Hawkins said put in on the ballot.

Mr. Livingston stated he was not in favor of it personally, but from the stand point of seeking the opinion of the public, I will support putting it on the ballot. If the opinion of the public is so desiring it, then we will find out before we move forward with it weather there are any legal implications behind it.

Mr. Adams informed Council that every referendum has to be pre-cleared by the Justice Department and we will have to go through that process.

Mr. Baker stated he disagreed with this. It is asking the people to do something that is illegal, that we know to be illegal, and they are going to vote that way. Mr. Baker said the vote is probably going to turn out to try and cut the tax

base and stated he could not go along with that.

Mr. Dawkins stated he thought Mr. Baker was right. Under the tax situation and what the state keeps putting on the counties, as we've seen tonight, should sent a message to the state. Mr. Dawkins said looking at the referendum question, I see would you like to see video poker OR continue to pay high property taxes. He stated if the government sees that we are doing something wrong they will step in and tell us we are out of line and cannot put it on the referendum. Mr. Dawkins said we can obey it or ignore it like Governor Sanford did the Federal ID Program. He felt it has gotten so confusing these days, the state expects the counties to obey what they order but the state does not obey what the federal government orders them. Mr. Dawkins stated on the record, I am not saying I am in favor of video poker. I'm in favor of the people having the chance to speak and send their message to us and the state. Mr. Dawkins said he had never played a video poker machine in his life nor had he ever bought a lottery ticket. It doesn't mean he is for it or against it. It is just something he chose to do. He felt when the SC Lottery was created; it has been the most cheap run thing he has seen next to video poker. Mr. Dawkins stated that less than 10% of the people actually play the lottery. The rest of them just scratch the tickets and throw them out the window in parking lots and such. Mr. Dawkins said instead of loosing your money a quarter at a time, a scratch card gets you for \$2 and higher.

Mr. Waldrop thought at one time there was a petition and Mr. Martin was here tonight and he was the one going around with the petition. Mr. Waldrop asked Mr. Martin if he had more signatures.

Mr. Martin said he did.

Mr. Waldrop asked if he made sure they were registered voters by social security numbers, etc.

Mr. Dawkins asked Mr. Martin to the podium

Mr. Martin said as far as if they are valid or not is left up to the Election Commission and they have not counted them and this is in violation of state law. Mr. Martin stated he had the voter registration list for the county and he had gone through about 10% of it so far. He found hundreds of people who were dead, people who do not live in this county, and even people who have never been registered who are on the board of registration list. He stated he had copies in his automobile to present to Council and show, if this trend holds through the entire vote, there could be between 3-5 thousand people who are dead, don't live in this county, live in this county but vote somewhere else, or never actually registered at all. Mr. Martin said the election commission was responsible for taking these people off. He stated he had seen where a former member of the Election Commission, who was now deceased, as one of the people in question and it was obvious to him that this was wrong. Mr. Martin asked if he is suppose to get 15% of the vote but if 3-5 thousand people are not eligible then what is the point?

Mr. Waldrop stated his concern that he had heard a rumor that Mr. Martin had gone to Columbia and found out there were a lot of people deceased that were still on the ballot. Mr. Waldrop stated he thought the Department of Health and Environmental Control was to report to the Election Commission when someone dies. He said he does not understand why they are not performing their duties if that is the case.

Mr. Martin said that there is an individual who has been listed who has been deceased since 1996 and also a resident where they have 117 people listed.

Mr. Waldrop stated that this did need to be addressed.

Mr. Dawkins said we provide space and money for the voter registration but it was run by the state.

Mr. Waldrop said he read the petition that it would cut your property taxes. He stated having video poker statewide might be effective but just in Newberry County he didn't think so. Mr. Waldrop said that Newberry was not a rich county and if we have to go to court with this thing, who in the world will pay for all this.

Mr. Martin stated that they were some interested people who would pay for it.

Mr. Waldrop said nobody has the money to fight for all the landfill issues but the taxpayers.

Mr. Baker informed Council that the Catawba Indian Reservation was turned down by the state. He stated if you can't put it on an Indian Reservation in South Carolina then he will vote not to put it on the ballot here tonight.

Mr. Hawkins asked for an amendment to his original motion that the county will not spend one dime of legal fees defending this.

Mr. Hawkins moved to approve amended motion by Mr. Hawkins; Second by Mr. Livingston.

Mr. Summer asked if there was any discussion of the amended motion.

Mr. Livingston stated he did not think that seeking an opinion would put us in any court litigation. He said we are only asking the opinion of the public and hoped that just because we put it on the ballot that it becomes a misleading thing. Mr. Livingston said he personally thought that it would never get to the point of going out there because he didn't think it was legal. He stated this is just an opinion we are putting out there and he did have somewhat of a problem with it but he understood the need to hear the people.

Mr. Livingston said he was afraid we are not going to be able to honor what they want.

Vote on first reading was approved.

In Favor: Mr. Summer, Mr. Livingston, Mr. Dawkins, and Mr. Waldrop

Opposed: Mr. Baker and Mr. Hawkins.

## **11. Committee Reports.**

No committee reports.

## **12. Appointments.**

Mr. Livingston nominated Barry Richardson, 1680 Koon Trestle Road, from Pomaria to the Newberry County Memorial Hospital Board.

Mr. Livingston moved to accept the nomination; Second by Mr. Baker.

Mr. Summer asked if there was any discussion.

Mr. Dawkins asked if Mr. Richardson was serving on the Board of Rescue.

Mr. Livingston stated he was going to drop that.

Nomination of Mr. Richardson Approved – Opposed by Mr. Hawkins.

## **13. Consideration of Release of Funds for Additional Ambulance Service Appropriation.**

Mr. Adams stated that at the time budget was passed Council, in an effort to get further information about the ambulance service, postponed the additional funding for more staffing for the ambulance service. He said in order for it to be released, since Council voted to withhold it, Council had to vote to release it.

Mr. Livingston stated Mrs. Robertson and Mr. Grigsby both submitted information to him that was sufficient for him to agree to support this endeavor.

Motion to approve release of funds made by Mr. Livingston, Seconded by Mr. Dawkins

Mr. Summer asked if there was any discussion.

Mr. Waldrop stated that the Chappells Rescue Squad and Fire Department received a substantial amount of money from Washington under the Homeland Security money and Representative Spratt helped with that and he appreciated that for his district. Mr. Waldrop said the Chappells Rescue Squad was getting a new ambulance from what he has read in the paper and from a call from a rescue squad member. He said the fire department was getting \$45,000 for radio equipment and around \$100,000 for a new ambulance. Mr. Waldrop said there had been discussion at one time that the hospital would give Chappells an ambulance with 50,000 miles on it. He asked since Chappells was getting a new ambulance could the hospital ambulance be sold to recoup some money.

Mr. Beasley with the hospital commented from his seat in the audience. You could not hear his response other than they would work with us.

Mr. Waldrop stated he did not think the ambulance should just sit around and deteriorate anymore than it was with only 50,000 miles on it.

Mr. Beasley said they would plan on disposing of the oldest and most obsolete ambulances.

Mr. Dawkins stated that when they did the budget there were three rescue squad ambulances that needed replacing, Chappells having the oldest, Pomaria and Lt. Mountain. The hospital, by getting two new ones, was going to hand down (2) pretty new ambulances which would take care of the rescue squad ambulance needs.

Mr. Waldrop stated that Bush River and Silverstreet may need some services, he was not sure, but thought we needed to get services all over the county if we are doing the right thing.

Mr. Baker informed Council the reason he voted against this was he felt it would be a full time ambulance service out of the hospital. He stated he was not voting against the hospital, he said he was all for that, what he was voting against was the 3 mil tax increase for the salaries to run the ambulance.

Mr. Dawkins stated that the salaries would not come out of this year's budget but next years.

Vote to release funds was Approved. Opposed by Mr. Baker.

#### **14. Request by Councilmen.**

No requests.

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

No comments from the public

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

Mr. Dawkins moved to go into Executive Session to receive legal advice and to discuss an economic development project and contractual matter; second by Mr. Waldrop. Vote was Unanimous.

**[EXECUTIVE SESSION 8:51 P.M. – 9:15 P.M.]**

#### **17. Executive Session.**

- a. Contractual matter concerning economic development**
- b. Discussion of an economic development project**
- c. Legal advice**

Mr. Waldrop moved to return to open session; second by Mr. Livingston. Vote was Unanimous

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

Mr. Tothacer stated that County Council had meet in Executive Session to discuss an economic development project, a contractual matter concerning economic development and to receive some legal advice. He stated no action was taken in that session.

Mr. Summer stated that as a matter of clarification on the vote on video poker; there was a first reading of an ordinance. He said there will be another reading and a public hearing as well as a third reading.

Mr. Summer asked if there were any questions from the press.

Cindy Pitts with the Newberry Observer asked if there was any new information on the Pomaria landfill.

Mr. Baker said nobody was aware of any new information

### **19. Comments from County Administrator.**

No Comments

### **20. Comments from Council Members.**

Mr. Hawkins said he had a few complaints that we were not accepting glass at the recycling centers and that this may need to be addressed.

Mr. Adams stated that this matter had been resolved. All sites are now accepting glass again and we no longer have to separate by color; a mixture will be taken.

Mr. Baker asked what we were doing with it.

Mr. Adams said hopefully someone would take it, free.

Mr. Waldrop said there was no money in it.

Mr. Adams informed Council that the County's only expense is collecting at the sites.

Mr. Baker informed Council that we have a paved 4,000 ft. runway finished, all but painting the numbers on it. They are ready now to go into the next phase which is to tie aprons into the existing to make the taxiway. He said they on average are selling 4,000 gallons of fuel at the airport a month. He stated this was about ½ of a tanker.

Mr. Summer asked how much we made off of a gallon.

Mr. Adams and Mr. Baker said somewhere around 40-50 cents per gallon

Mr. Summer stated he was glad to have Mrs. Renwick present.

**21. Future Meetings. August 6, 2008  
August 20, 2008**

**22. Adjournment.**

Mr. Livingston moved to adjourn. Mr. Summer declared the meeting adjourned at 9:22 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry B. Summer, Chairman**

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

**APPROVED: August 20, 2008**