

**NEWBERRY COUNTY COUNCIL
MINUTES
AUGUST 5, 2009**

Newberry County Council met on Wednesday, August 5, 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.

Wayne Adams, County Administrator, led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

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

2. Additions, Deletions and Adoption of Agenda

Mr. Stockman moved to adopt the Agenda as presented; second by Mr. Hipp. Vote was unanimous.

3. **Ordinance #07-18-09: 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 two hundredths (2.02) acres portion of a four and fifty-five hundredths (4.55) acres real estate parcel designated as TMS Parcel No. 225-28 from Rural (R2) to Light Industrial (LI).**

Anne Peters, Zoning Director, informed Council that the property was located at 465 Jalapa Road at the intersection of Pete Harris Road and Jalapa Road. Metal Masters, zoned Light Industrial (LI), is located within one mile of this property.

Mr. Waldrop asked Mrs. Peters if this was part of the Metal Masters' tract.

Mrs. Peters stated that it was not the same tract but Metal Masters was nearby.

Chairman Livingston stated that from the material presented, the Joint Planning Commission has recommended approving this rezoning.

Mr. Baker moved to approve first reading of Ordinance #07-18-09; second by Mr. Koon. Vote was unanimous.

4. **Resolution #07-09: A Resolution accepting FAA grants for reimbursement of obstruction removal expenses.**

Mr. Adams stated that the adoption of this Resolution would demonstrate Councils approval to apply for \$175,000.00 in reimbursements from the FAA for the recently completed tree removal project at the Newberry County Airport. The project has been completed at \$117,768.00 under budget. The budgeted cost initially was \$544,400.00 and was completed at \$426,648.00 based on cost paid to date and \$18,700.00 in outstanding invoices. The County had originally expected to pay about \$300,000.00 towards this project and ended up paying slightly less than \$200,000.00. The County paying approximately 46.1 percent of the cost, with State and Federal Government paying the rest.

Mr. Waldrop shared his concerns about trees growing back on the property that the County owns where the power lines were buried at the entrance to the Country Club. He asked what the County was going to do to maintain this area.

Kyle Nash stated that part of the Public Works maintenance rotation will include this area being bush hogged a few times a year. He assured Council that they will not allow trees to grow back and present a problem for the County down the road.

Mr. Waldrop asked if they were going to sew any grass in the area.

Mr. Nash stated that grass was sewn in the area after the trees were removed and the stumps ground down.

Mr. Adams read Resolution #07-09 to Council.

Mr. Koon moved to approve Resolution #07-09; second by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Baker commented that there was a spring or wetland area on the property and wanted the Public Works Department to be aware of it before they do any bush hogging so they will not encroach the wet area.

Mr. Nash agreed that there was a low lying area on the property that collects water and will not be able to be cut. They have discussed putting some ground cover in the area that would not have to be maintained; similar to that found in retention ponds. They will cut as close to this area as possible.

Having received no additional comments, the vote was unanimous to approve Resolution #07-09.

5. Resolution #08-09: A Resolution creating Commission to select Capital Projects to be funded by proposed local sales tax.

Mr. Adams stated that the current Capital Project Sales Tax is projected to expire in late 2010. A referendum question extending the CPST for a new set of projects is anticipated in November of 2010. The first step in conducting the 2010 ballot question is for County Council to adopt a Resolution creating the Commission that will determine which projects will appear on the ballot. Council must appoint three representatives to the Commission and the City of Newberry must appoint two representatives. The two City of Newberry representatives will then appoint a sixth member of the Commission who must be a citizen of one of the other municipalities.

Mr. Baker moved to approve Resolution #08-09; second by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that the previous one cent sales tax had assisted the County in building and enhancing areas in the County that did not burden just the taxpayers of our County. He personally likes sales tax as a property tax in that it offers everyone an opportunity to contribute to the services that they use. He said if the Commission uses good judgment in selecting these projects, he felt it would be a good way for the County to fund some capital improvements without burdening the property taxpayers.

Chairman Livingston stated that he agreed with Mr. Hipp. There are a lot of opportunities and the right selection of projects will enhance Newberry County's desirability to industries and the citizens of our County.

Having received no additional comments, the vote was unanimous to approve Resolution # 08-09.

6. Appointments

Mr. Koon nominated the re-appointment of Edward “Buddy” Counts to the Airport Commission for a term expiring 6/30/2013.

Mr. Waldrop moved to approve the re-appointment of Mr. Counts to the Airport Commission; second by Mr. Baker. Vote was unanimous.

Mr. Koon nominated the re-appointment of Rosetta Gallman to the Community Hall Commission for a term expiring 6/30/2013

Mr. Baker moved to approve the re-appointment of Mrs. Gallman to the Community Hall Commission; second by Mr. Waldrop. Vote was unanimous.

Mr. Hipp nominated the re-appointment of Bill Floyd to the Newberry County Disabilities and Special Needs Board for a term expiring 6/30/13.

Mr. Baker moved to approve the re-appointment of Mr. Floyd to the Newberry County Disabilities and Special Needs Board; second by Mr. Waldrop. Vote was unanimous.

Mr. Hipp nominated the appointment of Phil Spotts to the Fairgrounds Commission for a term expiring 6/30/2013.

Mr. Waldrop moved to approve the appointment of Mr. Spotts to the Fairgrounds Commission; second by Mr. Koon. Vote was unanimous.

7. Consideration of acceptance of a Drainage Easement Agreement off of Elisha Church Road – Kyle Nash, Public Works Director

Mr. Nash stated that the agreement before Council was to address water coming off of Elisha Church Road onto the cemetery and property around the church. Mr. Nash visited the site after a heavy rain and determined some of the water from the county road is attributing to their problem. They have planned to put driveway pipe and drainage ditches to direct the water past the church and the cemetery into a natural drainage area. In order to do this, they will have to go along the church property to get the water past the cemetery. The drainage easement is needed for permission to proceed. They have discussed this with the church and they are supportive of this. The Public Works and Planning Committee asked that the easement agreement be forwarded to Council for review and approval.

Mr. Baker said he was glad to see the last paragraph added that this will not 100% correct the problem at Elisha Church in that the church was improperly constructed to begin with.

Mr. Nash stated there was some improper grading around the church building causing a low lying area that the church will need to address.

Mr. Baker moved to approve the Drainage Easement Agreement off of Elisha Church Road; second by Mr. Waldrop. Vote was unanimous.

8. Committee Reports

a. Economic Development Committee Meeting, July 20, 2009.

Ms. Powers stated that the Economic Development Committee met on Monday, July 20, 2009. The following items were addressed:

- The pending Roll Cast Energy Memorandum of Understanding was discussed. Ms. Powers briefed new members of Council appointed to the Economic Development Committee on this project and its status to date.
- The finances of the Oakland Mill project were discussed. Specifically, the partnership between the County and the City in addressing the streetscape infrastructure improvements. The City will need bonds to fund that improvement and because of the properties Multi-County Park designation, the County's assistance will be needed to move forward. The County will be pledging fee streams to secure the bonds that will be used for the improvements. The County is working towards an intergovernmental agreement between the City and the County that will be brought before Council for final approval.
- The State has decided to change Industry Appreciation Week from the month of September to the month of January; however, they are encouraging those Counties who have already started planning to go ahead with their local event this year. Newberry County has set the date for their Industry Appreciation Reception for September 29, 2009 at Steven W's.
- The committee discussed how the County could interface with existing industry. They are working on a survey to send out to industries for feedback on how the County is addressing their needs and what they would like to see from the County.
- Construction and grading of the roadway is underway at the Mid-Carolina Commerce Park.

Mr. Hipp asked Ms. Powers if she would give Council the status of the property at the Industrial Park on Hwy. 219.

Ms. Powers stated that Council had approved the sale of the property known as Project Shell. They had a 60 day due diligence period to decide if they were going to move forward with the project. She received notice a week ago that they have decided not to move forward. The County still owns the property and can proceed with finding someone

else to develop it. They have had some interest in the property and are optimistic about finding another developer.

b. Personnel and Intergovernmental Relations Committee Meeting, July 27, 2009.

Mr. Adam stated that Committee Chairman John Caldwell convened the meeting of the Personnel and Intergovernmental Relations Committee on July 27, 2009. The following items were to be relayed to Council:

- Gary Ball, newly hired Custodial Supervisor, was introduced to the committee by Crystal Waldrop, Purchasing Director. Mr. Ball will be meeting monthly with Department Heads to discuss concerns regarding the custodial maintenance of County buildings.
- Randy Berry reported that the committee seeking to recommend a use for the old library building has not appointed a Chairman and consequently does not have any recommendations to make at this time.
- Linda Edwards, Labor Attorney, discussed suggested changes to the County's Employment Manual, including that the existing manual be repealed as an Ordinance and replaced with an updated manual passed by Resolution of Council. The Resolution format will make it easier for the County to adapt the manual to changes in employment law. Wanda Hill, Human Resources Director, will present Council with a draft of the proposed new manual Resolution in the coming weeks.
- The committee agreed to recommend to Council that the outreach program being operated at the Helena Community Center by Ms. Twala Werts be allowed to continue to use the building free of charge on a monthly basis.

9. Public Comments

No comments

10. Vote for Executive Session

Mr. Adams stated that Council requested to convene in Executive Session to discuss a contract matter regarding the emergency preparedness obligations of the County with VC Summer Nuclear Station.

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

11. Executive Session [7:30 p.m. – 7:55 p.m.]

12. Necessary Action on Matters Discussed in Executive Session

Mr. Adams stated that the proposed details of a contractual matter were discussed but no action was taken by Council.

13. Comments from County Administrator

Mr. Adams informed Council that he and Ms. Powers were asked to meet with Andy Morris and John David Dawkins of the Chamber of Commerce on Monday at 4:00 p.m. to talk about how the Chamber and the Economic Development Department can work more closely together. Council is invited to attend and your input welcomed.

14. Comments from Council Members

Mr. Hipp commented that Council had approved some funding for some one time capital improvements in our upcoming budget and thought it might be time for us to think about identifying and allocating where these funds are going to go. He felt we should start putting these items on the committee agendas or bringing them before Council in open session.

Mr. Baker stated he was glad to see Mr. Adams wife Meg here tonight.

15. Future Meetings

- a. County Council Meeting – August 19, 2009
- b. County Council Meeting – September 2, 2009
- c. Finance Committee Meeting – August 10, 2009
- d. Public Safety and Courts Committee Meeting – August 24, 2009

16. Vote to Adjourn

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

17. Adjournment

Chairman Livingston declared the meeting adjourned at 8:00 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

