

**NEWBERRY COUNTY COUNCIL
MINUTES
AUGUST 6, 2008**

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

ABSENT: Mike Hawkins, 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 present.

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

1. Personal Appearances.

Cathy Cannady, Project Advisor, spoke on behalf of Senior Girl Scouts, Brandy Blanton, Amanda Butler and Katie Corbett who are going for their Gold Award from the Girl Scout Council of America. Ms. Cannady mentioned that not many girls receive this distinction and they were very proud of them. The girls decided to renovate Camp Holly Springs in Lynch's Woods to achieve this Award. Ms. Cannady stated the handout provided to Council detailed the work the girls plan to do. The girls met yesterday at Camp Holly Springs with members of the Soil and Water Conservation, Newberry County Recreation Department, County Building Inspector, and Councilman Edgar Baker, and shared what they would like to do. They are also working with Dr. Horne at Newberry College. Ms. Cannady stated the girls came tonight to get Council's permission to proceed with this project and then they will need permission from the Girl Scout Office in Columbia. She said over 300 people have signed their signatures in support of this project.

Mr. Dawkins commented that the proposal of items listed was quite a challenge. He was amazed that the girls were not asking for any assistance and that this was something they wanted to do themselves. He offered assistance from volunteers and the County Public Works Department. Mr. Dawkins also told the girls the County was proud of them.

Mr. Baker stated he had met with these ladies at Lynch's Woods and said they had some good ideas. He stated the project is located at approximately the 1 mile marker inside of Lynch's Woods. Mr. Baker said the area for this project is basically a campground and some of the things got hit a little hard by the County Building Inspector. They wanted to put up some hand rails across some foot bridges and according to code they would have to place pickets on the handrails every 4 inches on center. Mr. Baker was looking to see if there could possibly be some relief being that this was just a campground. Mr. Baker said there was an existing shower out there that they would like to remodel but will not be allowed to because it will not meet handicap codes. He stated the well needs a new pump and power source and will have to pass DHEC regulations.

Mr. Adams stated that being the governmental entity that would administer those codes, he suggested that we help them get it done to meet codes if Council is agreeable. He stated there were funds for Lynches Woods in the account and he thought it was about \$140,000.00 more or less.

Mr. Caldwell stated he felt that if the funds were there we should go ahead and do it because our youth are our future and we should help, protect, and keep our youth involved.

Mr. Summer echoed those comments and said it was refreshing to see young people giving back to their community.

Mr. Waldrop asked the girls if they would receive some type of badge for completing this project similar to what Eagle Scouts receive. One of the young ladies responded by saying they would receive their Gold Award, which is the highest level a Girl Scout can earn, and that it was equivalent to an Eagle except you have to put in more hours and work. Mr. Waldrop told the girls Council was very proud of them for taking on this task to improve the facilities at Camp Holly Springs

Mr. Caldwell motioned to approve the proposal with Mr. Adams added to it to administer the funds for the project; second by Mr. Livingston. Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Mr. Dawkins asked that a Resolution for the rental of the fairgrounds to the Coon Hunters Association be added as Agenda Item #17A.

Mr. Dawkins moved to adopt the Agenda as amended; second by Mr. Livingston. Vote was unanimous

Chairman Summer reminded the public that if anyone wanted to speak during the public hearings they should sign their name under the appropriate hearing.

3. 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 10 tracts containing a total of 19.34 acres designated as TMS Parcel Nos. 3335-25, 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)

Mr. Livingston moved to approve third reading; Second by Mr. Baker.

Mr. Summer asked was there any discussion.

Mr. Waldrop asked Anne Peters to explain exactly what type of housing RS-3 was.

Ms. Peters stated that RS-3 was single family residential which permits manufactured homes as well as stick built houses.

Vote was unanimous.

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

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

Mr. Summer asked was there any discussion.

Mr. Livingston inquired as to when the public hearing would be held on this.

Mr. Adams stated on August 20th.

Vote was unanimous.

5. 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).

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

6. Ordinance #07-23-08 An Ordinance for the purpose of leasing fairgrounds property to the Newberry Historical Society.

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

7. Ordinance #07-24-08 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. Summer stated this was the public hearing and asked had anyone signed up to speak.

Mr. Summer called Jim Smith to the podium

Jim Smith introduced himself and said he lived at Summerset Bay. Mr. Smith stated that the community had been zoned RS-1 for the last six or seven years since the beginning of zoning and the community has a covenant in place that allows RV's for up to seven days. He stated that there has not been a problem with that. He told Council that they made the right designation when they applied the RS-1 to their community seven years ago which is essentially RS-1A what they are trying to get now. He reminded Council of the notebook that had 80 emails in support of this. He reminded Council that this was an upscale residential neighborhood on the lake but that it shouldn't make any difference.

Mr. Summer called Keith Sperry.

Keith Sperry introduced himself and stated he was against any zoning changes to his land in Newberry County. He stated he uses a camper periodically and was grandfathered in. He said he was there before zoning. Mr. Sperry stated he had not had any problems with his current neighbors beside him with how he uses his land. He informed Council of the two sets of regulations. He stated there were the Newberry County Zoning Regulations and the neighborhood covenants. He stated how having 2 sets of regulations violated each other at times. Newberry County enforces their regulations and the POA enforces for the covenants. He stated that the covenants were in place when each of us bought property in those subdivisions. Mr. Sperry stated that the covenants were recorded with his deed. He challenged Council to accept their covenants as zoning for their subdivision which was written by the developer and was his intentions for the development. He stated there was a 75 ft. setback by the covenants but the new zoning will take that down to 25 ft from road right-of-way. Mr. Sperry stated that he felt the two needed to come together and become one zoning.

Mr. Waldrop stated that most people are not concerned with him as much as with the properties that have not been sold. They are worried that someone will come in and set

up a campground in the area. Mr. Waldrop stated that he knew Mr. Sperry was grandfathered in and that he has been a good neighbor.

Mr. Sperry stated that the wording could be put in like his. He had to have sewer, power, paved driveways, etc. He stated it can be made to look nice. Mr. Sperry said that it has been proven that his property has not devalued anyone else's property.

Mr. Waldrop stated that he had driven past his lots and they were very nice and he was proud that they decided to move to Newberry County. He suggested that everyone needed to cooperate and try to work together.

Mr. Summer asked Sandy Battocchio to the podium.

Mrs. Battocchio handed out presentations to each Council Member.

Mrs. Battocchio stated that she had come into this game about 4 weeks ago and that she appreciated everyone taking the time to help her understand because she liked to deal with facts and data and she has spent a lot of time talking with people making sure that she understand what's going on. (See attached verbatim statement made by Mrs. Battocchio)

Mr. Waldrop stated that he and Sandra had communicated on the phone. He stated that the majority of people which live in that community wanted to go to RS-1A. Mr. Waldrop said he had represented that area for a long time and most of the people who have called and talked with him are concerned about the abuse of mobile homes in the community no matter how nice or expensive they may be.

Mrs. Battocchio stated her concerns that each person read the covenants and restrictions when they bought the property, which allowed seven day usage by motor homes, and agreed to them.

Mr. Waldrop stated that you have a right to get a petition to change things and that is what the community did.

Mrs. Battocchio felt they are dealing with a lot of miscommunication which has been presented in her presentation. She asked Council to take the material presented and make a win, win decision for the neighborhood.

Mr. Roy Mendelsohn introduced himself and stated he lived at 1131 Summerset Bay Drive. Mr. Mendelsohn stated that the POA Board was not an entity upon itself. It was elected and supported by the vast majority of people that reside in the community. He said they only stay in office as long as the residents want them to stay and that they do not make decisions on their own. Mr. Mendelsohn stated that this issue had been widely talked about and that they had mailed information to everyone they had addresses for. He stated he had not seen nor heard of Mrs. Battocchio until tonight. All he knew was that she arrived on the scene about 4-5 weeks ago and comments had been made to him that

they had a pistol here and that they better look out. Mr. Mendelsohn stated that RS-1A was needed because people have not paid attention to the covenants and restrictions. He said that the majority of residents, as misinformed as they may be, would like Council to approve this resolution.

Mr. Summer asked Mr. Ed Laroche to the podium.

Mr. Laroche stated that there had been some misstatements and he had heard about a half an hour of it twisted in a way to suit a particular individual. He concurred with what Mr. Mendelsohn just stated in that Mr. Battocchio probably just made the best case for RS-1A. Mr. Laroche said that they were long past the issue with Mr. Sperry and it had not been an issue with them this year and it never was an issue within the 7 days. He stated the only time an RV had been an issue with the ACC or POA is when it exceeded 7 days and the attempt to extend it indefinitely. Mr. Laroche said that Mr. Smith had lived in the community for 7-8 years and that he had been in the community for 4 year and it has never been an issue for RV's that have come in to be used. Mr. Laroche stressed that most people follow the covenants and they have never gone after anybody with anything other than the covenants. Mr. Laroche said that RV use is supposed to be temporary and occasional. He asked what was so temporary and occasional about 12 years of usage. He said that Mrs. Battocchio had not been on the lot to be able to use it but that temporary and occasional as the covenants say was intended for vacation type usage not long term camping use. Mr. Laroche stated that zoning has never superseded a covenant if it is stricter and vice versa. He said they do not cancel each other or confuse each other. He said they are both Newberry County Ordinances and the stricter of the two apply. Mr. Laroche said that 85% of the people would like to stay the way they were and have been for 8 years and feels that RS-1A is only way to do that.

Mr. Summer asked Mr. Al Cullin to the podium.

Mr. Cullin introduced himself as the current President of the POA of Summerset Bay. Mr. Cullin stated he had been there for 2 years and the problem that he has seen is the leniency and lack of enforceability of the covenants as they currently exist. He stated it was difficult and time consuming to get people to come into compliance. He said that is what they are hoping for with the RS-1A zoning, that it will allow them to get quicker and more rapid response for violators.

Mr. Summer asked Mr. Harry Greisser to the podium.

Mr. Harry Greisser began by introducing himself as a resident of Summerset Bay and also as the Editor of the Herron. Mr. Reiser stated to Council that he was exhausted with this issue. He said Jim Smith relayed to him that Mr. Summer suggested that in some cases common sense needed to prevail and Mr. Greisser hoped that it prevails. He stated that at this point he felt that RS-1A is probably the best choice for their community. If someone has a relative that has an RV and would like to come visit for a few days, he has no trouble with that. Mr. Greisser said the goal for those who have been arguing this

issue is to keep their residential community from becoming a campground for people who do not have a house or home on their property.

Mr. Adams said that if Mr. Greisser's sentiments prevail it has to be unanimous. The provision in the ordinance says that if RV's are there for more than 24 hours they are in violation. Mr. Adams also asked if the County would suffer a backlash for the very thing they are being asked to enforce.

Mr. Greisser said he didn't think so.

Mr. Dawkins asked Mrs. Peters for clarification on the RS1 vs. RS-1A. Mrs. Peters and Teresa Powers stated that RS1, RS2, RS3, RS4, R2 rural, RG and AG zoning had unrestricted RV usage for recreational purposes and temporary in nature. RS1-A was created to maintain a residential area that would not allow RV usage. Mr. Dawkins asked those in attendance if the number of days allowed in the covenant and RS-1A were the same, which is 7 days, would meet their approval.

Mr. Adams stated that it would be hard to enforce the 7 day allowances. Mr. Adams informed those present that the issue before Council tonight was just an ordinance dealing with the map not the text of the ordinance. If Council chooses to revisit the ordinance, the RS-1A verbiage will be a separate issue and will have to go through three readings because it would have to be amended.

Mr. Waldrop asked if it could be amended tonight.

Mr. Adams advised taking some time to work on this.

Mr. Summer asked Jerry Wilson to the podium.

Mr. Wilson stated that he was in favor of RS-1A. He stated that the United States was based on majorities. He said the majority of the people in this community want the RS-1A and that should be the main criteria of the whole thing.

Mr. Summer declared the public hearing closed.

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

Mr. Summer asked if there was any discussion.

Mr. Waldrop stated that he agreed with the Administrator that this issue needed to be discussed further and to refine the ordinance. He thanked those that came out and stated he had tried his best to make sure members of his district had fair representation.

Vote was Unanimous.

8. Ordinance 07-25-08 An Ordinance to conduct an advisory, non-binding referendum in conjunction with the general election to be held in November 2008 and other matters relating thereto. (To permit video poker and allow for the reduction in property taxes from revenues generated.)

Sam Martin addressed Council with the same concerns he brought before Council at the July 16th meeting. (Tape available for verbatim account)

Mr. Baker stated that Council had listened to Mr. Martin accuse the Election Commission of voter fraud and the Republican Party of ethics violations for using Council Chambers. Mr. Baker told Mr. Martin that he gave them permission to use the room. He stated that Mr. Martin was coming in here with something that is illegal statewide and the Attorney General has stated that it is. Mr. Baker read a piece from yesterday's Greenville News: Poker machine seized; 13 people arrested; 12 machines seized in Piedmont SC. Mr. Baker recommended Mr. Martin take the petition to the state legislature to handle there.

Mr. Caldwell asked if Mr. Martin was talking about the same Voter's Right Act of 1965. and challenged him down to the meat of the coconut and asked that he not reference to the Voter's Right Act when referring to obtaining signatures from the deceased for his petition.

Mr. Waldrop stated that the only way this would work is to go in each county in this state and get the majority of the people to sign it and present it to our Legislature and then maybe something could happen.

Mr. Martin stated that under the Home Rule Act as long as you get 15 percent of registered voters signatures you have to place it on the ballot weather you like it or not.

Mr. Summer asked Barbara Miller to speak.

Mrs. Barbara Miller introduced herself and asked the residence of Newberry County to consider if this was something you really want to do. Mrs. Miller stated that our money runs the county and these gentlemen here determine how those dollars are spent and they listen to us because it is our dollars. She said so far they have done a pretty good job. Mrs. Miller stated that Council had the opportunity to stress to Mr. Martin that Video Poker is against the law and we are not having this discussion. When you have resolved it in Columbia it becomes legal, then you can come back and we'll talk about it, but for now it is against the law. Mrs. Miller stated she felt the community will support Council in that decision. It is not an easy one because you may have 4,000 people who will be mad at you, but to those 4,000 it is against the law.

Mr. Les Hipp stated he is opposed to Video Poker in Newberry. He applauded Mr. Martin's use of his rights to go out and get signatures to petition for law changes. He said this was not a county law but a state law and had been challenged by the Supreme Court of South Carolina and determined that video poker was illegal. He stated that this

was a dead issue and encouraged Council not to waste any more money or time on his issue.

Elliott Prince introduced himself and stated he felt this was not a video poker issue but the opportunity to take the vote away from the public. He said we do not have the right to pull this away from them. Mr. Prince said the good Lord gives us the right to choose and the people of his district did not like the idea that someone makes their vote for them. They want their own voice.

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

Mr. Summer asked for any discussion

Mr. Waldrop asked that our House Representative, Mr. Walt McLeod, come forward to the podium. He thanked Mr. McLeod for coming and the job he was doing in Columbia for all of us. Mr. Waldrop said he requested our representatives be here tonight but the others could not attend due to prior obligations. Mr. Waldrop asked Mr. McLeod his thoughts on how this would go over throughout the state instead of just in the county and maybe lobbying through the Association of Counties to come up with a plan to reduce property taxes through the state instead of the counties

Mr. McLeod stated that under the Home Rule Act a county allows its citizens the right of an initiated referendum to propose a county ordinance. He also stated that with the required signatures County Council does not have the discretion of whether or not to authorize that referendum. Mr. McLeod stated that the Election Committee's duties are to count the signatures presented to them and report to County Council as to whether the petitions were satisfactory or unsatisfactory and that the signatures were adequate to require a referendum in this county. Mr. McLeod stated that the orderly process of government has certain requirements under the law and we all have a duty to comply with the law.

Mr. McLeod stated that more than 50% of the members of the House are not particularly interested in what the counties' duties and responsibilities are, or that of neither the cities nor the School Boards. There has been an effort over the past few years to squeeze local government. Mr. McLeod said he has and will continue to be a strong supporter of local government and he thanked Council for their dedication and distinguished service to the citizens and local government.

Mr. Baker asked Mr. McLeod if video poker was illegal in the State of South Carolina.

Mr. McLeod stated that he voted to place video poker on the statewide ballot but the majority members of the House and Senate decided to let the citizens of our state decide.

Mr. Baker asked if video poker has been brought up in the legislature several times over the last few years and it has never made it out of committee to make it legal.

Mr. McLeod said that he was unaware of it nor had he researched it.

Mr. Caldwell asked that Mr. Martin come back up. He asked Mr. Martin how many signatures he had obtained.

Mr. Martin stated somewhere around 4-5 thousand.

Mr. Caldwell felt if the majority wanted it put on the ballot, weather it was illegal or not, as an elected official he does not have a problem putting it on there.

Mr. Livingston shared that he felt we were addressing this issue tonight because of unfunded mandates and restrictions from the state, along with the cost of living, keep forcing counties to increase taxes, slash services or look for alternative measures. He agreed with the Attorney General that gambling/video poker was illegal. Mr. Livingston feels that gambling affects the poor more than anyone. He offered a suggestion to help offset some the problems we are in. He stated in 1983, the building we are in was the Looney Dodge building and he sold cars here at that particular time. Sales tax on cars at that time was \$300.00 – 2008 sales tax is still capped at \$300.00 This has a greater impact on the poor. Mr. Livingston said that we should forgive the first 10,000 and tax the remaining at the appropriate rate and give the difference to the counties to reduce property tax. Mr. Livingston stated that Mr. McLeod and Senator Cromer had both supported to alter car taxes and have been defeated. He stated he does not agree or support video poker. He agreed on the first reading to support the opinion of the people but felt funding the county budget on gambling is too large of a gamble for us to take in this county.

Mr. Dawkins said that Mr. Martin had some legitimate concerns and he reiterated that County Council has no control over the Voter Registration Board and that it is run by the State Legislature. He did want the Administrator to address these concerns of having deceased people on the list. Mr. Dawkins spoke with the State Elections Commission and they said there was no excuse for any County in this sate to have anybody on the list that has been deceased for more than a year and every county should have good procedure in place for removing them from the list within 3 months. Mr. Dawkins stated that he has spoken with a lot of folks since the first reading and it has come down to freedom of speech or what is best for Newberry County and his vote would be not to put it on the ballot.

Mr. Summer stated he voted for the first reading because of the importance of hearing from the people. He stated that the people in his district made it very clear that they were opposed to video poker on the ballot and wanted to nip it in the bud. Mr. Summer stated he was also opposed to it and asked for the question.

All in Favor of not placing video poker on the ballot.

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

Opposed: Mr. Caldwell

9. Committee Reports

No committee reports.

10. Appointments

Mr. Dawkins recommended that all 4 at large seats on the Planning Commission: Terry Fellers, Mike Meetze, William C. Derrick, Evans Toland; and the 2 at large seats on the Board of Rescue Squad: Dr. Alan Paysinger and Carol Wicker; be re-appointed for another term.

Mr. Dawkins moved to approve appointments for another term; second by Mr. Waldrop. Vote was unanimous.

Mr. Waldrop recommended that Council re-appoint Mr. Robbie Campbell of District 6 on the Board of Rescue Squads.

Mr. Waldrop moved to approve appointment; second by Mr. Dawkins. Vote was unanimous.

11. Renewal of Recreational Contract between Town of Prosperity, YMCA, and the County of Newberry

Mrs. Gerdi Lake informed Council that the contract had not changed from last year and that no additional funds were needed.

Mr. Dawkins moved to approve Contract; seconded by Mr. Baker.

Mr. Summer asked if there was any discussion.

Mr. Livingston asked Mrs. Lake if the contract had went before the Recreation Commission.

Mrs. Lake stated that it had not been presented to them because it was already in place and she was unaware that it needed to go before the Commission again since there were no changes.

All in Favor of renewing the contract: Mr. Dawkins, Mr. Hawkins, Mr. Caldwell, Mr. Waldrop, Mr. Summer, Mr. Baker.

Opposed: Mr. Livingston because it had not gone through the Recreation Commission first.

12. Disbursement for National Guard appropriation approved July 16, 2008

Mr. Adams asked Council how the appropriation should be dispersed given the size of the appropriation. He asked should it be on a quarterly basis or based on the number of new troops as they come in, etc.

Mr. Waldrop stated that after he reviewed the agenda literature he thought we needed to go back and punt. He said that from what he could see, very few counties were paying anything like we have been doing in the past. Mr. Waldrop suggested that we contact Col. Hamrick and renegotiate our appropriation.

Mr. Dawkins stated he concurred with Mr. Adams in that the appropriation should be allocated as they complete their commitment to Newberry county by bringing these troops back in. He said he was in favor of giving a one time 50,000 commitment to the local armory because of the upgrades in the land since the Sheriff's Office was out there and because it will be used locally for our county troops and he felt this showed support.

Mr. Waldrop stated that he felt if the funds were being used on the Newberry facility that Council should be made aware of the cost associated before allocating the funds.

Mr. Summer wanted to clarify that we wanted to make sure the troop commitment was there and make certain the money is being spend on the Newberry Armory before they receive this money.

Mr. Baker shared his concern that Col Hamrick mentioned to Council at the last meeting their partnerships with some other counties but he didn't see the same monetary commitment there.

Mr. Waldrop stated that it needed to be looked at and he was even an old National Guard member.

Mr. Livingston stated that he felt we needed to invite them back for a work session to discuss this further.

Mr. Dawkins suggested that we amend to say the Administrator contact the Colonel to get answers for all these question and report back to Council

Mr. Livingston moved to approve as amended; second by Mr. Waldrop. Vote was unanimous

13. Amendment Five to Fleet Management and Maintenance Contract

Crystal Waldrop stated the contract was the same as and Amendment Five had incorporated fire truck maintenance.

Mr. Baker asked when the proposal could be bid again.

Crystal Waldrop stated when the contract was up the proposal could be bid again.

Mr. Baker moved to approve Amendment Five; second by Mr. Dawkins. Vote was unanimous.

14. Stewart Cooper Newell Architectural Contract – New Sheriff’s Office

Crystal Waldrop briefed Council on the process of awarding this contract to Stewart Cooper Newell.

Mr. Dawkins moved to approve; second by Mr. Waldrop.

Mr. Baker abstained from voting.

Mr. Summer asked if there was any discussion.

Mr. Livingston inquired if there was still a private sector party still interested in the old Wal-Mart facility.

No one was aware of any.

Crystal Waldrop stated that Jim Stewart and Mike Donkle with Stewart Cooper Newell were available to answer any question from Council.

Mr. Adams asked Mr. Stewart that this project be bid with bid alternates that will allow the County to shed costs if the total of the bid is over the budgeted amount which is 2.6 million.

Mr. Stewart stated that is the way it would be set up.

Vote was unanimous; with Mr. Baker who abstaining.

15. Community Hall Vulcan Stove/Surplus

Crystal Waldrop recommended that Council declare the Community Hall Vulcan Stove as surplus. She stated it would cost too much to repair the stove to meet codes and that the stove was not being replaced. She stated that it will be listed for sale on Gov Deals if Council approves.

Mr. Livingston moved to approve stove as surplus; second by Mr. Baker. Vote was unanimous

16. Aircraft Parking Apron Re-Surfacing Project

Tommy Whitehead briefed Council on the status of the resurfacing project at the Airport at a cost to the county of \$3,100.00.

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

Mr. Adams and Tommy Whitehead also updated Council on the status of the removal of trees that are obstacles in the flight path. There are some trees that need to be removed before the FAA will allow us open the new runway.

17. Public Works Equipment/Surplus

1982 Hyster Forklift – Model H40YL – Serial # A177B5212C
1994 F250 Ford Pickup (cab & chassis only) VIN #FthF25K5RnBo435
Sign Oven (Greco Manufacturing)

Mr. Whitehead stated that this equipment would be put on Gov Deals for sale and that it did not have to be replaced. Mr. Whitehead stated that they had sold 3 pieces of surplus equipment on Gov Deals that brought \$21,000.00 into the county's general fund.

Mr. Dawkins moved to approve as surplus; second by Mr. Livingston. Vote was unanimous.

17A Coon Hunter's Association/ Fairground Rental

Mr. Dawkins informed Council that the Coon Hunter's Association will lease the Fairgrounds for \$225.00 day for 7 days which is \$1,575.00 for the entire fairgrounds with concessions excluding the vendor booths. Mr. Dawkins asked that the County check into buying some bleachers. Mr. Dawkins asked the Administrator to draft an agreement that we can bring back to the Coon Hunter's Association. Mr. Dawkins stated that camper hook-ups are not included with the agreement and will remain on the fee schedule and be paid directly to the County.

Mr. Livingston asked that we check on the cost of purchasing 3-4 tier bleachers.

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

18. Requests by Councilmen

Mr. Livingston asked that we move forward on the NACO prescription card program that was approved by Council in November 2005.

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

No public comments. Those who signed up spoke earlier on the Agenda.

20. Vote For Executive Session, when necessary

Mr. Dawkins moved to go into Executive Session for discussion on an economic contract; second by Mr. Waldrop. Vote was unanimous

[EXECUTIVE SESSION 10:01 P.M. – 10:23 P.M.]

21. Executive Session

a) Discussion on economic development contract

Mr. Baker moved to return to open session; Second by Mr. Waldrop. Vote was unanimous

22. Necessary Action on Matters Discussed in Executive Session

Mr. Tothacer stated that Newberry County Council went into executive session to discuss an economic development contract and no action was taken in that session.

23. Comments from County Administrator.

Mr. Adams extended a special thank you to Senator Ronnie Cromer who helped with some health insurance on some employees who stood to lose coverage. Mr. Cromer talked the Budget and Control Board into extending the coverage for several more months to enable us to work out a permanent solution. Mr. Adam stated this was the second extension Senator Cromer has obtained for us on this issue.

24. Comments from Council Members.

Mr. Baker asked if we could cancel the August 14, 2008 meeting.

Mr. Caldwell stated that some SCAC Boards had expired including himself, were put before the Board and unanimously voted to remain on the SAC

25. Future Meetings

- a) August 20, 2008
- b.) September 3, 2008

26. Vote to Adjourn

Mr. Baker moved to adjourn.

Mr. Summer declared the meeting adjourned at 10:40 pm.

NEWBERRY COUNTY COUNCIL

Henry B. Summer, Chairman

Laurie N. Renwick, Clerk to Council

APPROVED: September 3, 2008