

**NEWBERRY COUNTY COUNCIL  
MINUTES  
AUGUST 19, 2009**

Newberry County Council met on Wednesday, August 19, 2009, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

**PRESENT:** Henry H. Livingston, III, Chairman  
William D. Waldrop, Vice Chairman  
Kirksey Koon, Councilman  
John E. Caldwell, Councilman  
Edgar Baker, Councilman  
Leslie (Les) Hipp, Councilman  
Steven C. Stockman, Councilman  
Wayne Adams, County Administrator  
A.J. Tothacer, County Attorney  
Laurie Renwick, Clerk to Council  
Debbie Cromer, Finance Director

**PRESS:** Cindy Pitts, Newberry Observer  
Heather Hawkins, WKDK

The meeting was duly advertised as required by law.

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

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

**1. Adoption of Consent Agenda**

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

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

Mr. Adams stated we have a staff requested Executive Session on two matters. He noted that the agenda seemed to be light and we could wait until the scheduled time for Agenda Item #10, but if Council thinks the other matters may be of length, you may want to move up the Executive Session. Frank Smith, legal counsel on one of the Executive Session issues, is an hourly employee of Carpenter Richardson Plowden.

Mr. Hipp asked if we had any people signed up for the Public Hearing on Agenda Item #4 and stated if no one had signed up, the meeting should go quickly.

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

### **3. Presentation of Newberry County Service Awards**

Chairman Livingston presented the following service awards: Rosemary Baker Floyd, Sheriff's Office – 5 years; Christopher Irons, Sheriff's Office – 5 years; Marvin Miller, Magistrate's Office – 5 years; Charles Verner, Public Defender – 5 years; Janice Allen, Clerk of Court's Office – 10 years; Ezra Arnold, Sheriff's Office – 10 years; Jackie Haltiwanger, Treasurer's Office – 10 years; and George Palmore, Sheriff's Office – 10 years.

Chairman Livingston thanked the employees for their continued service to the County and that it was appreciated.

### **4. 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).**

Chairman Livingston declared this the Public Hearing.

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

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

### **5. Appointments**

Chairman Livingston stated there were several appointments to the Grievance Committee and that process is done through a drawing selecting from among County employees to serve.

Chairman Livingston nominated the reappointment of Melony Fellers for another term commencing July 1, 2009 and ending June 30, 2012.

Mr. Waldrop moved to approve the reappointment of Melony Fellers to the Grievance Committee; second by Mr. Koon. Vote was unanimous.

Chairman Livingston nominated the appointment of Crystal Gee for a term commencing July 1, 2009 and ending June 30, 2012.

Mr. Caldwell moved to approve the appointment of Crystal Gee to the Grievance Committee; second by Mr. Baker. Vote was unanimous.

**6. Consideration of acceptance of transitional assistance for Veteran's Affairs Office not to exceed \$1,200.00 (Recommended by the Finance Committee) – David Parnell, Veteran's Affairs Director.**

Mr. Adams stated that the statute does not provide for an overlap between the outgoing and incoming VA Officers. There is a need for the two to discuss some pending cases and the processes of the office. The staff in the office is relatively new and could benefit from this assistance.

Mr. Parnell, newly hired Veteran Affairs Director, stated that the most senior person in the office has been there for one year and the other staff member has six months experience. He said he knew quiet a bit with his background, but has never done Veteran Affairs type information. He would like to have Ms. Marie Harmon come back to give him some one on one. He is requesting a transition period up to four weeks with Ms. Marie working 20 hours a week.

Chairman Livingston shared that the Finance Committee met on Monday, August 10, 2009 and discussed this issue. They felt the wisdom she is taking away is worth bringing back at \$25.00 per hour for a total not to exceed \$1,200.00. The recommendation of the Finance Committee was to proceed with this request.

Mr. Waldrop moved to approve the transitional assistance request for the Veteran's Affairs Office; second by Mr. Baker. Vote was unanimous.

**7. Committee Reports**

**a. Finance Committee, August 10, 2009**

Mr. Adams reported that the Finance Committee met on August 10, 2009 and the following was discussed:

- The committee asked the Emergency Preparedness Director to report to Council at its first meeting in September on alternatives to leasing the Duke Net Communications tower on Little Mountain. The company is currently requesting an annual increase in rental payments from \$2,100.00 to \$3,600.00.
- The committee recommended the procurement of an internal auditing service, not to exceed \$25,000.00, to assist the committee, Council and staff in efforts to continually improve accounting and budgeting procedures on an as needed basis.
- The committee recommended several capital projects including repairs to the Clemson Extension building, Community Hall, Animal Control Shelter, Whitmire Library, the Detention Center and to begin the exploration of a site location for the new Public Works building.

**b. Personnel and Intergovernmental Relations Committee, August 17, 2009**

Mr. Adams reported that the Personnel and Intergovernmental Relations Committee met on August, 17, 2009 and also considered the capital building and repair items considered by the Finance Committee. They added computer hardware costs of approximately \$70,000.00 and repairs to the EMS station in Whitmire to the list of things to be considered.

Chairman Livingston asked if there were any comments from committee members on any of these items.

Mr. Hipp stated that, as part of the Finance Committee and as a Councilman present at the Personnel and Intergovernmental Relations Committee, all of the capital projects that were discussed were previously considered in our budget and was part of the budget that was approved for 2009-2010. We did have one time capital cost in dollars factored into our budget, although it was not allocated to any specific project. Mr. Hipp wanted it to be clear that these cost were not in additional to what has already been budgeted.

Chairman Livingston said that some of these issues are dealing with water damage and leakages and the problems will only increase and cost more in the future if we do not maintain them now and proceed forward.

**8. Public Comments**

Chairman Livingston asked if there were any comments from the public.

Mr. Aaron Bell, Transportation Planner with the Central Midlands Council of Governments introduced himself and stated he was here to talk about the transportation meeting that will be held in this room tomorrow from 12:00 noon to 2:00 p.m. They are in the process of updating the 2035 Rural Long Range Transportation Plan and are holding meetings throughout the region asking residents of the County to give them their major transportation concerns. It could be as simple as the road that you travel on has too many trucks and you would like to have the trucks rerouted somewhere else. You may want more rail development, sidewalks, or off street trails in your community. This is the time to give feedback so they will know how they can help in the future. Mr. Bell encouraged residents to stop by and talk transportation.

Mr. Hipp asked if rail development was included in the long range plans. There has been talk about having rail service from Newberry to Columbia, from Kershaw to Columbia, and from Batesburg-Leesville to Columbia.

Mr. Bell stated that they will not address that specifically; however, the more public comments they get towards that subject, the more possible funding they will have. They are collecting comments to develop the plan, and out of the plan will come those kinds of projects.

Mr. Caldwell stated that this might be a premature but asked what the estimated cost of this would be.

Mr. Bell said they do not know right now, but at the second round of meetings they should be able to discuss more about cost.

Mr. Koon asked if this would include road improvements.

Mr. Bell stated that it did.

Mr. Koon asked where the financing would be coming from.

Mr. Bell said the federal government would be financing the projects.

Mr. Waldrop shared that this plan was through the year 2035 and that he serves as Council's representative on Central Midlands COG Board and is looking forward to working with them.

Mr. Hipp asked how often they conducted these long range transportation meetings.

Mr. Bell said that the last plan was updated in 2004, so they come back every 5 years to do a series of long range plans. With respect to this particular plan, this is the first round of meetings and they should be back sometime in November for a second round of meetings. The first round is to gather public input and the second round is to present their recommendations and at that time can go more into detail about cost.

Mr. Waldrop said if he was not mistaken, the City of Newberry was receiving some grant money now for the Oakland Mill Project through the CMCOG.

Mr. Hipp commented that for those not able to be in attendance tomorrow, he asked Mrs. Renwick to email Council members Mr. Bell's contact information so they could respond with their input.

Chairman Livingston asked Mr. Bell how quick will the long range planning start to implement short range plans.

Mr. Bell said that everything has a process and some of this just takes a little time. He said we could be looking at 3-4 years for funding for a particular project. Normally, for road widening it takes 7 years from the time of engineering to completion.

## **9. Vote for Executive Session, when necessary**

Chairman Livingston stated there was a need for Executive Session.

Mr. Adams reported that staff requested a motion for Executive Session under SC Code Section 30-4-70A2 to receive legal advice on two issues. One is the pending litigation

concerning the building on Hwy. 219 that formerly served as the Sheriff's Office Headquarters and the other is a proposed contract with SCANA regarding emergency preparedness issues associated with the VC Summer Nuclear Station.

Chairman Livingston asked which item they wanted to address first.

Mr. Adams suggested Mr. Smith, legal council for the Hwy. 219 building, go first due to his being paid by the hour.

Mr. Caldwell moved to go into Executive Session; second by Mr. Waldrop. Vote was unanimous.

**10. Executive Session [7:25 p.m. – 8:35 p.m.]**

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

Chairman Livingston asked Mr. Adams if he would be kind enough to report out.

Mr. Adams reported that Council received legal advice on two matters. One was the pending litigation on the Hwy. 219 building, formerly the Sheriff's Office Headquarters, and no action was taken on that matter. The other matter involved a proposed contract with SCANA regarding emergency preparedness issues associated with VC Summer Nuclear Station and no action was taken on that portion of Executive Session either.

**12. Comments from County Administrator**

Mr. Adams said they were expecting Jean Toal, Chief Justice of the Supreme Court, to join them at the second meeting in September to discuss a case management system that the Judicial Department is trying to implement statewide. This will also be discussed at the Public Safety and Court Committee meeting on Monday night.

**13. Comments from Council Members**

Mr. Koon said, "God Bless Newberry and God Bless America".

**14. Future Meetings**

- a. County Council Meeting – September 2, 2009
- b. County Council Meeting – September 16, 2009
- c. Public Safety and Courts Committee Meeting – August 24, 2009
- d. Public Works and Planning Committee Meeting – September 14, 2009
- e. Economic Development Committee Meeting – September 21, 2009

**15. Vote to Adjourn**

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

**16. Adjournment**

Chairman Livingston declared the meeting adjourned at 8:40 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**