

**NEWBERRY COUNTY COUNCIL  
MINUTES  
AUGUST 20, 2008**

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

**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. John David Dawkins led the invocation followed by the Pledge of Allegiance.

**1. Adoption of Consent Agenda.**

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

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

Mr. Baker added a recommendation for an appointment to Agenda Item #9

Mr. Hawkins added Executive Session for discussion on an economic development issue as Agenda Item #13B.

Mr. Dawkins added a first reading rezoning change ordinance as Agenda Item #6.1.

Mr. Dawkins moved to approve additions to the Agenda; second Mr. Baker. Vote was unanimous

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

Mr. Summer announced that this was the public hearing.

Mr. Summer announced the public hearing closed.

Mr. Baker moved for approval of third reading; second by Mr. Dawkins.

Mr. Summer asked if there was any discussion.

Mr. Hawkins stated he thought it was a mistake to put off but thought there was not enough time to implement it this year. He felt if we kept putting it off we'll be in the same mess as before.

Mr. Livingston concurred with Mr. Hawkins thoughts.

Mr. Baker agreed and said we should postpone only a maximum of one year.

Mr. Dawkins stated he would like to see it done this year but said we had a new Assessor and she had a lot to do and had her hands full. He said he would vote to postpone based on her recommendation.

Mr. Summer said he felt taking your time and getting it right was very important.

Vote was unanimous

**4. 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 third reading; second by Mr. Caldwell. Vote was Unanimous

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

Mr. Adams updated Council on the fact that the current tenants have not moved out. The Historical Society will not be able to move in right now because it is still occupied by the Auction Company. He stated he felt we needed to come up with a date, such as Oct. 15<sup>th</sup> where this lease will commence. Mr. Summer stated he felt the Historical Society would work with the Auction Company.

Mr. Livingston moved to postpone third reading upon more information; second by Mr. Waldrop. Vote was unanimous.

**6. 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. Waldrop stated he wanted those in his district who were present and wanted the opportunity to speak to do so.

Mr. Larry Pensak introduced himself and stated he resided at 53 Summerset Bay Drive. He stated that there are discrepancies and undefined ambiguities in the document that they have been given to look at as far as the zoning requirements in the new ordinance. Mr. Pensak said a lot of it they like, but there are portions of it they question and asked that the third reading not take place so that the Planning Department could work with them to make sure that they totally understand it.

Mr. Waldrop stated a little history about an owner parking a mobile home on his property for 7 days under the covenants. He said this has come up because the covenants have been abused.

Mr. Pensak stated there are several sets of rules. One is a set of property covenants attached to the deeds which we all bought and agreed to and the RS-1 and it has been refined to RS-1A which we are probably interested in but feel it needs to be clarified. He asked Council for about 30 more days for clarification and defining in writing

Mr. Caldwell asked Mr. Pensak if he understood him to say they would like to be granted more time to look into the matter.

Mr. Adams suggested this issue be revisited at the mid September meeting (Sept. 17). Mr. Adams stated that the residence would not have anything to loose by postponing third reading because they are already under the pending RS-1A ordinance doctrine.

Mr. Pensak stated he wanted some things clarified such as weather it was legal under RS-1A to park a boat trailer.

Michael Markees has owned property on the lake for 14 years. His concern is definitions regarding terminology on the proposals. He feels the proposal as it is written leaves a lot of undefined terminology. Clearer interpretation of the ordinance is what he is looking for. He stated that he was aware that everyone could not be pleased with the writing of policy; however, when you write terminology it needs to be defined.

Mrs. Powers stated that the changes that were made to this ordinance were not specific to this group but would be applied countywide. She clarified the use of trailers on the properties which was of concern to some and the home occupation conditional use clause.

Mr. Adams also clarified that under the RS-1A, an RV could be parked on your property for up to 24 hours or less for loading and unloading, etc., but it could not be occupied.

Mr. Powers stated that under RS-1 RV's are allowed unrestricted use as long as it's temporary or recreational in nature. RS-1A was to limit RV use for those who did not want RV's used in their communities so they would have that option.

Mr. Adams stated that zoning districts are not customized like covenants for a neighborhood. This ordinance would apply to all areas of the county. He stated if they are looking for something customized they would have to fall back on their covenants.

Mr. Adams stated he was worried about getting caught up in an enforceability problem and said he feels the problems they are have now will just be transferred to us. Mr. Adams said it is a lot easier to monitor the one day and no occupancy than the seven day.

Mr. Waldrop stated he felt we needed to postpone a little longer.

Mr. Baker stated he did not feel it should be left up to Council to clarify this ordinance. He felt the community should meet and clarify and bring back to Council.

Mr. Dawkins moved that we postpone third reading to the second meeting in September; second by Mr. Livingston.

Mr. Summer asked if there was any discussion.

Mr. Waldrop wanted to know weather the RV portion was the sore point with this issue.

Mr. Baker asked Ms. Peters to step forward and asked her how this issue reached the zoning commission and asked was it requested.

Ms. Peter's said she believed Mr. Sperry was here to talk with Council about the use of his RV about a year ago and it was sent to the planning commission to review and it is now back.

All in favor of postponing third reading to the second meeting in September. Vote was unanimous

**6.1 Ordinance #08-27-08:** 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 three tracts containing a total of 50.1 acres designated as TMS parcel nos. 282-12, 282-12-1 and 282-29 from Basic Industrial (BS) to Rural (R2).

Mr. Dawkins shared with Council that the property in question belonged to William and Earl Dickert and was part of the old Dickert Lumber Company that had been closed for

many years. He said when the county implemented zoning they zoned this property basic industrial. This land has been recently sold for a residential home and are asking that this land and the remaining acreage be re-zoned from basic industrial to rural R-2. Mr. Dawkins informed Council that this issue had been approved by the Planning Commission

Earl Dickert said this property is right in front of the old gun club. He stated most of the residence in the area are in agreement to have the zoning changed.

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

**7. Ordinance #08-26-08** An Ordinance enacting and adopting 2008 S-5 Supplement to the Code of Ordinances for the County of Newberry, South Carolina.

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

**8. Committee Report**  
**a) Recommendations from Road Committee**

Mr. Dawkins, on behalf of Chairman Waldrop of the Road Committee, made a motion the county accept a 50' Right of Way on Lee's Way which connects Macedonia Church Road to Mr. Pilgrim Church Road from developer Marvey Dean Hawkins; Second by Mr. Waldrop. Vote was unanimous

**9. Appointments**

Mr. Baker informed Council that Mr. Tommy Workman, District 1, appointed to the Board of Rural Fire Control was resigning from his post. Mr. Baker recommended Mr. Blair Long, Chief of Station 8, to replace Mr. Workman

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

**10. Request by Councilmen**

No request by Councilmen

**11. Public Comments**

Patrick Meetze introduced himself and stated he resided at 9166 Highway 176. Mr. Meetze thought the Road Committee should set a specific width for paving roads. He felt

there were some existing county roads that had been in the road system for many years that needed to paved.

**12. Vote for Executive Session**

Mr. Hawkins moved to go into Executive Session; second by Mr. Dawkins. Vote was unanimous

**[EXECUTIVE SESSION 7:50 P.M. – 8:08 P.M.]**

**13. Executive Session**

- a) **Advice on a Legal Matter**
- b) **Discussion on an Economic Development issue**

Mr. Baker moved to go into open session; second by Mr. Waldrop. Vote was unanimous

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

Mr. Tothacer stated that County Council had met in Executive Session to receive some legal advice about a proposed economic development matter. He stated no action was taken in that session.

**15. Comments from County Administrator**

Mr. Adams stated that the state budget had suffered a 3% reduction across the board which includes the local government fund that is going to cut our revenue by \$67,000. Mr. Adams said we will be looking at an amendment to reflect that in the near future.

**16. Comments from Council Members**

Mr. Hawkins stated that he had been on a road that had been treated with millings and he said it makes a good surface and that they were doing a good job.

Mr. Dawkins stated that the Sheriff's Office helped with the traffic congestion at the new Mid-Carolina High School and commented on how smooth traffic had been running with their professional assistance.

Mr. Livingston concurred with Mr. Dawkins statements and added that the Sheriff's Office had assisted several schools and yielded a lot of service and safety for the citizens of this county.

Mr. Waldrop asked Mr. Adams how much we will receive from the state with the 3% reduction.

Mr. Adams stated 2.2 million.

- 17. Future meetings:**  
a. September 3, 2008  
b. September 17, 2008

Mr. Summer stated that he will be out of town for the Sept. 3rd meeting and will leave Mr. Waldrop, Vice-Chairman, in charge.

**18. Vote to Adjourn**

Mr. Baker moved to adjourn.

**19. Adjournment**

Mr. Summer declared the meeting adjourned at 8:15 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry B. Summer, Chairman**

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

**APPROVED:** \_\_\_\_\_