

**NEWBERRY COUNTY COUNCIL  
MINUTES  
SEPTEMBER 3, 2008**

The Newberry County Council met on Wednesday, September 3, 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 :**        **William D. Waldrop, Vice-Chairman**  
                      **John E. Caldwell, Councilman**  
                      **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:**         **Henry B. Summer, Chairman**

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

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

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

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

**1.        Personal Appearances.**

**a. Nancy Owen, Auditor – 2008-2009 Tax Levy**

Mrs. Owen said this was a very special night for her. She stated this was the 42<sup>nd</sup> time she had set a levy for the citizens of Newberry County. She thanked the citizens of the county for the privilege and honor of serving them in this capacity. Mrs. Owen thanked each Council Member, the County Administrator, the County Attorney, Mrs. Judy Floyd, and others for all they do everyday because what they contribute makes a difference and if we don't make a difference in but one life, we have served greatly the citizens of Newberry County.

See attached verbatim statement and tax levy provided by Mrs. Owen.

Mr. Livingston moved to accept the 2008-2009 Tax Levy as recommended by Mrs. Owen; second by Mr. Hawkins. Vote was unanimous.

Mrs. Owen wanted to leave the Council with a few more words. She said a wise man had told her that if you want to test a persons character give them power and that power usually meant an elected office. She stated that this Council here tonight had made some very difficult decisions over the last 4 years. She thanked them for the courage they have exhibited and felt they were making the right decisions for the citizens they represent. She stated that in public service, it is not how many years you serve as an elected official, but its how much you have given towards your fellow man in that service that counts. Mrs. Owen said her hat went off to Mr. Hawkins for his service. She said that many years down the road the people in Newberry County will look up to him for the economic development that he started in this county. She hoped that he would continue to be a part of economic development because of his leadership we have made a big step forward. Mrs. Owens thanked each Council member and, Mr. Adams for their leadership and dedication.

Mr. Waldrop thanked Mrs. Owen and Mrs. Floyd from the bottom of his heart for what they have done for Newberry County over the years.

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

Mr. Livingston moved to adopt consent agenda; second by Mr. Dawkins. Vote was unanimous.

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

Mr. Baker asked that we make the second #3 on the Agenda #3a.

Mr. Baker moved to adopt the agenda as amended; second by Mr. Livingston, Vote was unanimous.

### **3a. Ordinance #08-26-08: An Ordinance enacting and adopting 2008 Supplement S-5 to the Code of Ordinances for the County of Newberry, South Carolina.**

Mr. Waldrop declared the public hearing open. Having received no comments from the public, Mr. Waldrop declared the public hearing closed.

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

### **4. 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. Caldwell moved to approve second reading; second by Mr. Dawkins.

Mr. Livingston inquired when the public hearing would be. Mr. Adams stated it would be on third reading.

Having received no further discussion, Vote was unanimous

5. **Ordinance #08-28-08:** An Ordinance authorizing the issuance of not exceeding \$1,100,000 aggregate principal amount of Hospital Revenue Bonds (Newberry County Memorial Hospital) Series 2008; authorizing the execution and delivery of a loan agreement and an indenture of trust; and other matters incidental thereto. – Robert Galloway, Esq.

Mr. Waldrop asked Mr. Robert Galloway to come forward.

Mr. Galloway introduced himself as bond council for the Newberry County Memorial Hospital proposed bond issue and stated he was from Haynsworth Sinkler Boyd in Greenville. He said that this particular ordinance and the next item, Resolution #12-08, pertain to the issuance by the County Hospital Revenue Bonds not to exceeding \$1,100,000.00 to benefit the hospital. Proceeds of the borrowing would be used to acquire an existing building that will be used for general hospital purposes. The Hospital Revenue Bond Act requires that bonds of this nature be issued by the county, payable only by the hospital and only from the hospital's revenues. The full faith and credit of the county are not pledged. He suspects that the bonds will be sold to a Commercial Bank in the form of a loan that is payable by the hospital. He stated this was the first reading on the ordinance.

Mr. Galloway also stated that Item # 6, Resolution 12-08 authorizing a petition requesting the state Budget and Control Board to approve the bond issue under this statute.

Mr. Livingston asked if the bond was for \$1,100,000.00.

Mr. Galloway stated that was correct.

Mr. Livingston asked Mr. Galloway to explain section 6, sentence 1, where it states it will not exceed 10,000,000.00. Mr. Galloway said that what that section was saying is that Newberry County as a whole, not just NCMH, is not expected in the aggregate to issue more the 10,000,000.00 this year. It is a factual estimate not an authorization to borrow any money.

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

6. **Resolution #12-08** A Resolution making application to the State Budget And Control Board of South Carolina for approval of the issuance by Newberry County, South Carolina, Of Hospital Revenue Bonds (Newberry County Memorial Hospital) Series 2008, In an aggregate principal amount of not exceeding \$1,100,000, Pursuant to the provisions of Title 44, Chapter 7, Article 11, Code of Laws of South Carolina, 1976, AS **AMENDED**.

Mr. Hawkins moved to approve the Resolution #12-08; second by Mr. Dawkins. Vote was unanimous.

7. **Resolution #13-08** A Resolution authorizing the execution of a corrective deed and granting of an easement from Newberry County, South Carolina, and Newberry County Hospital Board of Trustees, to Newberry Atrium Professional Center, LLC (The "LLC") for the purpose of constructing a medical office building; and other matters relating thereto and the acquisition by Newberry County Hospital Board of Trustees (The "Board") of Apartment Unit 1 from the LLC.

Mr. Dawkins moved to approve the Resolution #13-08; second by Mr. Baker. Vote was unanimous.

8. **Resolution #11-08** A Resolution authorizing an equipment lease/purchase agreement in the principal amount of not exceeding \$1,622,500 relating to the financing of various equipment for public purposes; authorizing the execution and delivery of various documents including an equipment/lease agreement; and other matters relating thereto. (This pertains to equipment lease purchase approved in the FY 08-09 budget.)

Mr. Hawkins moved to approve the Resolution #11-08; second by Mr. Dawkins.

Mr. Hawkins stated that this was a general county lease/purchase agreement.

Mr. Livingston stated for further clarification that this is to help with communication, board of rescue, board of fire, and a quicker way to communicate with emergency services.

Mr. Adams stated that it was to improve communications among all those services.

Mr. Livingston said all of this had been prior approved in the 08-09 budget.

Having no more discussion; Vote was unanimous.

## 9. **Committee Reports**

Mr. Adams stated that a number of county and city agency departments and school system personnel attended a briefing by Sheriff Foster to discuss the possible landfall locations of Hurricane Hannah. Mr. Adams said that reports have said the hurricane has shifted east and will actually make landfall north of S.C. He stated that all county emergency personnel are committed to being prepared.

Mr. Livingston stated the Nursing Home Committee had met and he encouraged everyone to go look at the improvements being made at JF Hawkins. He said the new

carpet and paint are welcome additions to making it look more like home to the residence.

Mr. Baker stated that the new runway was now open and ready to go

Mr. Waldrop inquired as to when the new library would be open.

Mr. Adams said that the furniture would be delivered in mid-November and the target open date is around Jan. 1 of 2009. He also stated that it was coming in around \$350,000.00 under budget.

**10. Appointments.**

No appointments at this time.

Mr. Hawkins asked when we appointed people in the middle of a term, were we appointing that person to finish the unexpired term or were we appointing that person to a 4 year term. Mr. Hawkins thought the County Attorney needed to look at this and see if there needed to be some clarification. Mr. Hawkins also stated that as a courtesy, if you intended to appoint someone who lives in a district that is represented by another Councilman that you should consult with them. He thought that maybe by the next meeting they could have a report back as the County Attorney's interpretation of these two parts of our rules and procedure.

**11. Bid # 2008-14 – Purchase of fifty-five (55) eight cu. yard front-load containers -Crystal Waldrop, Purchasing Director**

<u>Vendor:</u>	<u>Amount</u>
NuLife Environmental	\$56,378.30
Baker's Waste	\$57,035.00
WasteEquip	\$59,732.75

  

<b>Funding:</b>	SC DHEC Grant	\$40,000.00
	Lease Purchase	\$16,378.30 (Budget Acct. #070-005-08111-00071)

Crystal Waldrop stated that we received 3 bids for fifty-five (55) eight cu.yard front-load containers and funding is through a DHEC grant as well as allocated in a lease purchase for the fiscal year 089-09. Mrs. Waldrop recommended that Council approve low bid of \$ 56,378.30.

Mr. Caldwell moved to approve low bid from NuLife Environmental; second by Mr. Hawkins. Vote was unanimous

**12. Request by Councilmen**

Mr. Dawkins asked that Mr. Waldrop, Chairman of the Road Committee Meeting, schedule a Road Committee Meeting for the next Wednesday, Sept. 10<sup>th</sup>, at 3:00 pm.

**13. Public Comments**

No Public Comments

**14. Vote for Executive Session, When Necessary**

Mr. Hawkins moved to go into Executive Session for a briefing on economic development; second by Mr. Livingston. Vote was unanimous.

**15. [EXECUTIVE SESSION 7:34 p.m. – 7:55 p.m.]**

Mr. Hawkins moved to return to Open Session; second by Mr. Baker. Vote was unanimous.

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

Mr. Tothacer thanked the Chairman and stated that no action was taken in Executive Session on the economic development matter.

**17. Comments from County Administrator**

Mr. Adams stated that he wanted to break the news that the county had won the lawsuit concerning the Pomaria Landfill but The Observer's Ace Reporter, Cindy Pitts, had already jumped on that. Mr. Adams stated that if a landfill wanted to locate in Pomaria it had several big hills to climb.

**18. Comments from Council**

No Comments

**19. Future Meetings**

a. September 17, 2008 @ 7:00 p.m.

b. October 1, 2008 @ 7:00 p.m.

**20. Vote to Adjourn**

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

**21. Adjournment.**

The meeting adjourned at 8:00 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry B. Summer, Chairman**

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

**APPROVED:**