

**NEWBERRY COUNTY COUNCIL
MINUTES
OCTOBER 01, 2008**

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

PRESS: Heather Hawkins, WKDK
Cindy Pitts, Newberry Observer

The meeting was duly advertised as required by law.

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

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

1. Personal Appearances.

a) Mr. Fred Owens, Executive Director of the Newberry County Disabilities and Special Needs Board

Mr. Fred Owens, Executive Director of the Newberry County Disabilities and Special Needs Board (NCDSNB), introduced himself and some agency representatives that were present: Ms. Connie Coleman, receptionist for the NCDSNB, Mr. Bill Floyd, Chairman of the NCDSNB, and Mrs. Kathy Buchanan, Treasurer of the NCDSNB. Mr. Owens shared with Council that in addition to her receptionist duties, Ms. Coleman is the first advocate to hold the position as Chairperson of the Governor's Developmental Disabilities Council. She also serves on the NCDSND Self-Advocacy Committee, the Statewide Self-Advocacy Committee, and is on the Board of Directors of the Ruth S. Pugh Foundation. Mr. Owens thanked Council for always supporting their requests to the Department of Transportation for the 80/20 Grants. He stated they had purchased 9 vehicles through these grants. Mr. Owens said that the County continued to support them financially, and during these uncertain times, they were greatly appreciative. Mr. Owens thanked Council for appointing tremendous volunteers to serve on the Board of Directors. He stated that because of Council's ongoing support, they had nominated Newberry County Council for the South Carolina Department of Disabilities and Special Needs Golden Palmetto Award, which they received a few years back. Chairman Summer

received a letter from SCDDSN stating that another County received the award this year, but stated this in no way diminishes the pride they have and support they receive from Council.

Mr. Owens introduced Mr. John King, SCDDSN District 1 Director, to make a presentation to Council. Mr. King introduced himself and stated it was a pleasure, on behalf of the SC Commission on Disabilities and Special Needs, to recognize Newberry County Council for the support they give to citizens with disabilities every year. He stated that Newberry County was a wonderful County that provides a great service to a lot of people. Mr. King presented Council with a plaque of appreciation.

Mr. Summer stated, on behalf of County Council and the citizens of Newberry County, we are thankful for this honor and appreciate all the hard work of the Newberry County Disabilities and Special Needs Board.

Mr. Waldrop thanked Mrs. Buchanan for serving from District 6 on the Board of Directors of the NCDSNB.

**b) Mrs. Emily Cope, Assistant Director of Special Projects and National Affairs,
SC Department of Natural Resources – Belfast Property Acquisition**

Mrs. Cope introduced herself and said she was a proud resident of Prosperity, SC. She thanked Council for having them tonight. She understood there were some questions regarding a project they were working on and wanted to inform Council where they are with the project, where they plan to go, and the programs they intend to provide to the citizens of Newberry County and surrounding areas. She said the project is known as the Belfast Project. Originally, the property was about a 17,000 acre tract owned by Champion Paper and subsequently International Paper. In 2004, International Paper split the property and sold it to several different groups, one of which was Belfast Plantation, LLC, who purchased approximately 4,664 acres. This is the acreage they are looking to acquire in partnership with the Conservation Fund, a non-profit organization based out of Arlington, Virginia. The Department of Natural Resources is planning to purchase 2,228 acres of the northern half of the property and of that, 941 acres is located in Laurens County. The remaining 1,287 acres is in Newberry County. She stated that the Conservation Fund will hold title to the remaining portion and all of it will be placed in the DNR Wildlife Management Program so that it can be open for public use. She said other partners include: The SC Conservation Bank, the National Wildlife Turkey Federation, and Bass Pro-Shop. Mrs. Cope stated that DNR was hoping to use this acquisition as an opportunity to build partnerships with the upstate industry. She said the property included the Historic Belfast Plantation Home located in Laurens County. DNR is working with the Old Ninety-Six Historic District to see what partnerships and opportunities can be provided to local groups to learn more about the history of the Piedmont and to insure the Plantation Home is preserved in the manor in which it should be. Mrs. Cope stated that she understood the primary concern from County Council had been regarding the property taxes. She said that for the 3,723 acres located in Newberry County, last year's property taxes were \$11,730.00. If you break that it out by Phase 1

(1,287 acres), on a per acre dollar figure, comes to approximately \$4,054.00. She stated that the Conservation Fund did pay property taxes on land that they hold. She wanted Council to be aware of the programs that would be offered on the property. She stated they will emphasize hunting and fishing activities. In addition, they would like to expand on the Belfast property. Mr. Cope stated DNR has a long history of providing hunts and activities for the mobility impaired and youth recruitment activities. They would like to promote shooting sports, including archery, and believe this property would be a good central location for continued boater and hunter education classes and hands on activities for those classes. She stated that Little River, which goes through the property, will provide opportunities for canoeing and kayaking. The property will provide opportunities for nature walking, hiking, as well as wildlife photography and observation. DNR would like to put in biking and fitness trails. Mrs. Cope said they want a large emphasis on youth activities. She stated that by putting in a fitness trail with fitness stations that relate physical activity to something a wild animal would do (i.e. talking about frogs and their muscles, how they jump, where they live, and having children jump from lily pad to lily pad), you are getting children outside and involved in physical activity and they are taught about natural resources at the same time. Mrs. Cope said they want to provide some self-guided natural resource interpretation opportunities where people can learn about nature on their own and provide hands on educational classes and outdoor activities the local schools. One example Mrs. Cope used was the National Archery in schools program that is going on at Mid-Carolina High School. They would like to expand that program to all of Newberry County Schools and possibly partner with the Archery Trade Association who has expressed interest in building archery ranges. Putting an archery range on the Belfast Property would provide a competition area for the local schools to have practice or a county-wide competition in an outdoor setting. It could serve as a base site for regional competitions as well as promoting the Archeries in Schools Program. Mr. Cope stated they currently have a partnership with the SC Department of Education at Palmetto Middle School in Anderson County. This is the first time they have partnered with the SC Department of Education to get natural resource curriculum in the classroom and meet state curriculum standards in Math, Science and Physical Education. One of the next steps in this program is to take these children outdoors onto properties such as Belfast. Once this pilot project gets rolling, the Superintendent of Education is committed to expanding the program and he is excited about the Belfast property and Newberry County could be one of the next areas that they expand this effort to. Having a place to bring the children outdoors is critical to the success of the program. One of the main restrictions for children going on field trips is the cost of fuel and school buses. She felt confident they would get some grant funding through outdoor industry to pay for fuel. They would like to focus on getting families outdoors. She said we are seeing more children with Attention Deficit Disorder and obesity everyday. Approx. 3-7 percent of school age children have been diagnosed with ADD and children with ADD tend to display higher rates of family conflict, poor academic performance, poor peer relationship, low self-esteem, anxiety, and depression. In addition, as many as 30% of children nationwide are over weight. She stated that less than 25% of children participate in daily physical activity. If they can get children outdoors by working with the local schools, and if they can provide opportunities to get families outdoors, this provides for good quality family time. She said children learn

better in the outdoors. Studies have shown participation in green activities and natural settings reduce the symptoms of ADD and provide more beneficial outcomes than many medications which are prescribed. Children are more physically active when they are outdoors and exhibit stronger sense of problem solving abilities, creativity, and higher self-esteem. Studies have also shown that children and adults benefit from contact with nature and that land conservation is beginning to be viewed as real public health strategy. All of these described programs are activities they want to use and provide on the Belfast property. She stated that the property will be open for public access. Mrs. Cope said that land conservation and ecology drive economics and attract industry. If you asked BMW why they located in SC they will tell you it was because of the quality of life and the natural resources. People also choose their residential location based on the quality of life the area provides. Finally, she stated the Belfast project fits within the Mission of the Chamber of Commerce to promote economic development by developing leadership, improving education, and marketing Newberry's strategic assets. It also fits the mission of Newberry County...committed to providing efficient and quality services by working in partnership to enhance the quality of life and create a healthy, vibrant community in which to live, work and visit. She said she would be happy to answer and questions or address any concerns that Council may have.

Mr. Waldrop stated that he had been very upset and disappointed about the way this transaction was handled. He asked Mrs. Cope how they derived at the property value of this property.

Mrs. Cope stated that the acquisition price was much less than what the landowner was originally asking. He was asking between \$4,500-\$5,000 per acre. The land acquisition price was based on an appraisal that has been approved on a federal level by the US Forestry Service. Appraisals have to meet a federal standard when using funds through the US Forest Service.

Mr. Waldrop asked who the appraiser was.

Mrs. Cope stated that Tom McCollum out of Aiken was the appraiser.

Mr. Waldrop asked if Mr. McCollum was affiliated with Mr. Baton who owned the property.

Mrs. Cope said that Mr. McCollum did not know him before the acquisition. He did get information from him such as previous deeds and copies of leases, but there was no affiliation or relationship.

Mr. Waldrop asked if Mr. McCollum came to our Assessor's Office to see what Mr. Baton and his associates paid for this property 4 years ago.

Mrs. Cope said that he did all of the research for previous deeds, previous sales, and looked at all comparable sales.

Mr. Waldrop asked Mrs. Cope if she was a tree person.

She sated she was a wildlife biologist.

Mr. Waldrop asked if she knew how long it would take for a pine tree to grow to make up the difference in the price DNR paid and what it was purchased for four years ago.

Mrs. Cope stated that the growth of trees was not the only factor that drove the increase in value although there is a good bit of saw timber on the property that needs to be thinned as soon as they close. Increases in bare land value had a major contribution to the value as well.

Mr. Waldrop said that he lives in the same district where this property is located and he has not seen where land values have increased in the four year period.

Mrs. Cope stated that when it was acquired four years ago it was part of a larger deal, where the 12,000 acres were negotiated together, so they would have gotten a better deal. In addition, in talking with the appraiser, because of the historic home on the property and the quality of timber, the tract is superior to anything he could find in the nearby area. He expanded out the market area and looked at other comparable tracts so that he could have some that were superior as well as inferior. She stated she was not an appraiser but hired people she knew were qualified.

Mr. Waldrop asked if they hired one individual, or two, or three to do the appraisal

Mrs. Cope stated they hired one individual.

Mr. Waldrop asked if they just took his word for what the timber was worth.

Mrs. Cope stated that Mr. McCollum contracted with a Forestry Consultant Company to get the actual timber numbers.

Mr. Waldrop stated that the only people that could afford to buy it at \$1,500-\$1,600 were lawyers. He stated his disappointment that 4 years later his Representatives, Senator Cromer and Mr. Duncan, signed off on this deal

Mr. Waldrop asked if the Governor, Senator and members of the Budget and Control Board went with them to look at the property to see if it was worth this kind of money.

Mr. Cope stated that they submitted the appraisal to the Office of State Budget and they reviewed it as well as the environmental assessment and their project description and they provide that information to the Budget and Control Board.

Mr. Waldrop asked again if they have looked at the property.

Mrs. Cope said they did not.

Mr. Waldrop asked if she had been hunting on the property.

She stated she had not hunted on the property but had been on the property numerous times showing it to partners, just as anyone would when they are trying to build partnerships and get help with an acquisition.

Mr. Waldrop said he felt like throwing up. He had been representing that District for 22 years and felt this was the biggest fleece he has seen in the County and was disappointed in his Senator for not letting him know about it.

Mr. Hawkins wanted clarification that the Conservation Fund did pay property taxes.

Mrs. Cope said that it did.

Mr. Hawkins stated that he had been told that this was a done deal.

Mrs. Cope confirmed that they have a contract on the property that is signed.

Mr. Waldrop said that this was a disgrace.

Mr. Livingston felt this was a great opportunity for Newberry County. Anytime you can buy an educational opportunity such as this, for only \$150,000 of the taxpayers' money, was a great investment. The Mid Carolina Archery Team went to Kentucky to compete in the National Competition after they won the State Competition. He was proud of them and the opportunity for them to participate. Mr. Livingston said that travel arrangements can be made between Laurens and Newberry County. He said that at the Career Center, Ag Education is becoming a big thing and this site location would be great for some of these kids to get out and study wildlife outside of the city limits.

Mr. Waldrop stated that we have Lynches Woods that we have been working on for years for educational purposes. He questioned whether we needed another 3,000 acres. Mr. Waldrop noted all of the land that was bought back during the depression between his and Mr. Baker's District that has been taken out to the County tax base.

Mr. Livingston stated that Blue Sky purchased most of the land for \$1,400 to \$1,500 per acre and sold it off for less than market value. The comparison study is not relative to what it was bought for versus what it was sold for.

Mr. Waldrop said that land value is worth whatever you will pay for it. This is public land that we are taking out of the County that was paying \$11,000 in taxes.

Mr. Hawkins wanted to clarify that only \$150,000 of taxpayers' money was going into the property.

Mrs. Cope stated that DNR was putting \$150,000 of timber revenue into the project. They are putting around 4 million dollars of their Heritage Land Trust Funds toward the property. These are funds they get from documentary stamps that go into land acquisitions. No state appropriated dollars are going into the project.

Mr. Livingston stated that land acquisitions are the only thing Heritage Funds can be used for.

Mr. Cope said Heritage Funds can be used for the management of the Heritage Preserves as well.

Mr. Waldrop asked where the money was derived for the Heritage Fund.

Mr. Cope stated Heritage Land Trust Funds are a percentage of the documentary stamps tax. Anytime a real estate transaction occurs, there is a documentary stamp fee based on the amount of the transaction.

Mr. Waldrop stated he thought the Department of Natural Resources made sure he had a fishing license and made sure he didn't have too many crappies in his boat. He questioned them getting in the land business.

Mrs. Cope stated that DNR had been in the land business since 1941.

Mr. Waldrop asked how they got in the land business.

Mrs. Cope stated that in 1941 they purchased The Webb Center consisting of 5,855 acres in Hampton County for \$50,000 by Pitman Robertson Funds which came from federal excise tax on firearms and ammunition.

Mr. Hawkins asked if the 4 million was generated by documentary stamps from people who purchased property. This is a fee the State has put on someone when they buy or sell land. Mr. Hawkins stated that the public is putting more than \$150,000 into this. He stated it was a fee not a tax, but generated by the General Assembly and this is something that we have to do.

Mr. Baker asked that once this land was put into conserve ship, they do pay taxes on it.

Mr. Cope said that DNR does not pay property taxes but the Conservation Fund will pay property taxes on the amount they own.

Mr. Baker asked what were the variations of the properties owned.

Mr. Cope said that DNR will own 1,287 of the 3,723 that is in Newberry County. The remaining 2,436 acres will be owned by the Conservation Fund.

Mr. Baker asked if the County will receive any revenue from timber sales in the future.

Mr. Cope said that DNR is not legislatively set up to do a payment in lieu of taxes as the County has received from the US Forest Service. She wanted Council to know that they plan to actively manage the timber, wildlife openings, burnings, and roads on the property and will strive to spend tremendous money in the local community. In all their wildlife management areas, DNR Biologists are encouraged to put back money into the local community.

Mr. Baker said that the property had been leased for many years for hunting.

Mr. Waldrop questioned if the public will have access to property.

Mrs. Cope stated that their properties were open to the public free of charge. The Webb Center in Hampton County is open 7 days a week, 365 days a year.

Mr. Baker wanted the public to be aware that Council was not aware of this transaction until last week. It was a done deal and no one told us a thing, which is one reason why everyone is flying hot on it.

Mrs. Cope apologized that they could not come to them when they were in contract negotiations. Many times the landowner will not let you discuss the deal, and this was one of those cases.

Mr. Hawkins said that if it was a done deal and there was nothing for Council to vote on, why would they have consulted us?

Mr. Waldrop stated that he represented the district in which this property was located and someone should have at least had the courtesy to call him about it and let him know what was going on.

Mr. Hawkins said he shared Mr. Waldrop's concern about it being taken out of production. He is not as optimistic as Mrs. Cope that it will be actively managed from the timber aspect and we know what happens when the government gets a hold of land. That just doesn't happen. He stated he was not offended that we did not know about it but wanted to make the point that the 4 million dollars is coming from money that we all have to pay when we purchase property and we no choice in it. It is something we have to do.

Mr. Livingston asked Mr. Adams is any local tax dollars were going into the project.

Mr. Adams said that no property tax dollars were going into the project.

Mr. Livingston stated he was thankful the State was choosing to spend it in Newberry County instead of somewhere else in the state.

Mr. Summer stated that it sounded like a good project but his concern was the 60,000 acres in Newberry County that you can't do anything with because it belongs to the Sumter National Forest. Anytime you see more land permanently taken out, you have concerns.

Mr. Summer asked Mr. Tom Henderson to the podium.

Mr. Henderson apologized to Council because he did not have all the details he would otherwise have because he did not hear about this meeting until late this afternoon. Mr. Henderson has stated his opposition to the Conservation Bank from the beginning. He said it originated to purchase unique property such as wetlands and historically significant property. He stated it is at the point where it is just a land grab by DNR to acquire property. The Belfast property is an intensively managed pine plantation and is not unique in anyway. There were big plantation properties all over this County at one time. He said it is just a sales pitch the Conservation Bank has been using since they began. He has argued with Mr. Frampton, Director of DNR and Mr. McShain at the Soil and Water Conservation Conference about this very thing. He asked some questions that as of today had not been answered. Mr. Henderson stated he would like to know how many acres DNR and the Conservation Bank think we need to set aside in green space. No one has been able to answer that. He felt that he could not accomplish anything tonight because apparently the deal was already done. Mr. Henderson suggested that Council let the Governor and the DNR board know that they do not support this. Mr. Henderson stated that the US Forest Service owned 629,000 acres, DNR has about 200,000 acres and the Forestry Commission has about 92,000 acres and these are just rough figures that he acquired in a day. He stated that the Conservation Bank has easements on or own out right 157,000 acres. Add these up and you get 1.1 million acres and that does not include the buildings, and forest nurseries. This is about 8.5% of the total forest land in South Carolina and he thought that that was plenty for people to recreate on without acquiring anymore land. He said we have the Palmetto Trail and Lynches Woods which are right here and available for recreational purposes. Mr. Henderson said that if the US Forest Service managed the property they would return 25% of revenue generated from the sale of timber to the County. We could pour that 25% into our school district and help improve the educational opportunities in this County. The Forestry Commission is better prepared and has more people who are capable of managing the land then DNR. DNR does not have the staff to manage the acreage that they have now. Mr. Henderson asked Mr. Mabry with DNR what they were doing with the land they were buying and Mr. Mabry said hey had done some timber harvesting and thinning. Mr. Henderson asked about the 33 to 40 thousand acres at Jocasee in the upstate that is just sitting there. A former State forester in the area told Mr. Henderson that up until last year the gates had been locked so your only access is to walk onto the property. Mr. Henderson stated that he would like to see a timeline on the Belfast property. When the access roads are going to be put in, when the archery range is going to be put in, whether it will take 5 years or 10 years to complete. Mr. Henderson said that on the state level and during current times with budgets adversely affected, he doubted that funds would be available anytime in the near future to accomplish this. He stated that if they did have the funds, then our state taxes will be more. Mr. Henderson

stated he was tired of paying taxes and people going out and wasting the money. He said he did not have a problem with acquisitions that preserve such as wetlands or a Carolina Bay but does have a problem with acquiring pine plantations and intensively managed tracts of timber and trying to preserve them. Mr. Henderson stated that you cannot preserve timberland. He said that timber is a dynamic system and constantly changing and is not static. What it looks like today is not what it will look like 10 years from now. Mr. Henderson stated he did not have a problem with conservation; in fact he was a strong conservationist and has a vested interest in seeing that land is being productive in this County and in the State. Mr. Henderson stated that we needed to urge Senator Cromer and Representative McLeod to have the Forestry Commission managing the land so that the County will receive 25% of the timber revenues. You have to look at the potential for loss in the future. In twenty-five years there may be a big industry that is looking for a site on Hwy. 56 where this tract is located. You will not be able to develop it or receive taxes from it because DNR will have it and control it. Mr. Henderson stated that the highest and best use of this land right now is timber production and recreation but he does not agree that 50-100 years from now that will be the case. The County will suffer because we will not be able to capitalize on the taxes derived from the property for it to be developed industrially.

Mr. Waldrop questioned who would benefit if gold or oil was found on the property.

Mr. Henderson said that DNR would get to make the call on that.

Mr. Henderson stated that he did not agree with this and the citizens of the State needed to wake up before the State is owned primarily by government entities. Mr. Henderson said the land will not be managed like he thinks it should. He stated that the Conservation Bank started purchasing property to prevent it from being developed. He would like to know what the projected development would be and when it would occur. He would like to know what the ultimate cost to the County would be in the event that development was potential for that tract. The property taxes on an industrial site could be a significant impact for the County. He stated he would like to know the returns that have been demonstrated from the properties that DNR have already acquired. He stated that the legislature should be looking at this and do some audits to see what we are paying, what is being generated over time, and is it a good investment for the citizens of this State. He stated that the legislature should also insure that the property is managed properly. Mr. Henderson thanked Council for listening and urged them to get involved and let their representatives know where they stand on this issue because this train needed to be slowed down. He challenged Senator Cromer and Representative McLeod to insure that the County gets some of the timber sale revenues back since they are taking land from us. These revenues need to come back to the County for our school system.

Mr. Livingston asked Mr. Henderson if he was suggesting that the County purchase the property for economic development for 50-100 years down the road.

Mr. Henderson said no, this deal was already done. You need to think about what happens as a result of acquisitions by governmental agencies and also conservation

easements where you take the development rights away. You are making decisions today that are going to be in effect many years down the road and maybe forever. Mr. Henderson stated that he would not make a decision today that was going to impact a piece of property after his death. It is not right and it is wrong for the government to do it

Mr. Summer called Senator Cromer to the podium.

Senator Cromer thanked the Chairman and stated he had come tonight to hear what was going to be said at County Council. There had been some good questions asked and there were some that were a bit more hostile towards some of the folks that came here tonight to give some answers, and for that he is in regret but this should be conducted as a business meeting. Senator Cromer said that he was open to answer any questions and why he made the decision he did to sign the paper from DNR 2-3 weeks ago.

Mr. Waldrop stated that he was disappointed in Senator Cromer for thinking that he was a hostile person. He stated that he and Senator Cromer had been friends for many years and he didn't understand why Senator Cromer did not get on the phone and call him and tell him what he was fixing to do.

Senator Cromer stated that he was notified about 3 weeks ago by DNR that they had completed the work they had done on the Belfast property. He was not aware that they were trying to acquire it until 3 weeks ago. Senator Cromer said that when he spoke with Mrs. Cope he asked questions just like the folks here tonight. How much land was there, how much tax base are we going to loose in Newberry County, the dollars we are going to loose. He also approached John Frampton, the Director of DNR, and shared with him that the Forestry Commission divided up the timber harvest and pine straw collection and that some of that comes back to the County. Mr. Cromer stated that while he agrees with Mr. Henderson basically on this; Newberry County did not have anything exactly like this and he thought it would be good for the County. Senator Cromer told Council that the reason he did not call was because when he got the letter from Mrs. Cope he immediately called the Chairman of the Newberry Co. Delegation, Representative McLeod, and told him what he had in his hand. Senator Cromer stated that it was customary for them to forward stuff through to Rep. McLeod. Rep. McLeod stated to Senator Cromer that he had some questions that he wanted answers too and wanted to discuss it with Council. Senator Cromer stated that is why he did not call because he knew Rep. McLeod was going to be getting in touch with Council on behalf of the Newberry County Delegation of which he is Chairman. Senator Cromer said that he had some of the same questions; that it sounds like a pretty high price for an acre of land, somewhere around \$3,600 an acre but he was going on what General Mabry, Attorney for DNR, and Mrs. Cope who is the Asst. Director told him. He trusted them to go out with due diligence and felt comfortable with what they came back with. Senator Cromer stated that if he wanted to be a concerned citizen tonight, he would ask was the property on Hwy. 773 worth what the County paid for it to take it out of the County tax base. He said he knew there was a little bit different use between the two because Hwy. 773 was in an area that can be developed. Senator Cromer's assumption was that the Belfast Property was in an area that would not be developed in our lifetime.

Mr. Waldrop stated that on the Hwy. 773 property, along with the same 7 council members, he argued about paying \$14,0000 an acre for that land; but after they all agreed to it, he stuck with them because we have got to make it work and we will make it work.

Mr. Dawkins commented that his concern was the fact that we do have 60,000 acres of US Forestry Land. In District 2, they have Dreher Island State Park which has hosted some national tournaments but does not have the parking capability as Lake Murray Marina in our neighboring County. We are competing with Lexington and Richland Counties to try and keep tourism and the tournaments at Dreher Island. He asked what it would take to get 75 more parking spaces at Billy Dreher. Mr. Dawkins stated he is trying to negotiate with SCEETA on a three year contract, which held their tournament at Dreher Island this year and brought in 400 boats and 800 participants. He is trying to work with the State to get some of these things in order for them to come back next year and it's been pretty hard. Mr. Dawkins stated he thinks what Mrs. Cope said sounds great but we have Billy Dreher and Lynches Woods and he believes that state dollars or tax dollars will implement the programs on the Belfast Property. Mr. Dawkins shared he opinion that the Federal government balances their budget on the backs of the State and t the State balances their budget on the backs of the Counties. He shared that Council pledged \$50,000 to repair the roof on the National Guard Armory because the State cannot fund their own National Guard Armory. Mr. Dawkins stated we need to implement programs on the existing land and parks in Newberry County. He did not feel there was anything unique about the Belfast Property. He stated he is not against the programs but he is concerned where the funding will come from.

Mr. Cromer stated he would like to respond to those comments directed at the State level. Mr. Cromer stated that those fund would come from PRT not DNR and asked if we had ever requested the funds and asked specifically for 75 parking spaces at Dreher Island. Mr. Cromer stated that most of the funds used on the lower end of the lake came from the Lake Murray Capital City Tourism Association.

Mr. Dawkins stated that we help fund this Association and Mr. Cromer said yes we did help fund them.

Mr. Cromer said that the Lake Murray Capital City Tourism Association was not a State agency; they have their own board. The State does not have any say in where the fishing tournaments are held.

Mr. Dawkins clarified that he did not insinuate that the state had anything to do with the tournaments. He stated that we are competing with the other counties. He stated that the Dreher Island facility would not park as many cars and did not have as many temporary floating docks as the Lake Murray Marina. He never indicated that the state decided where these tournaments were held.

Mr. Cromer said that he had talked with the Martins and a lot the stuff had been approved with help from the locals and he hoped that we could keep the tournament in the County.

Mr. Dawkins asked if there would be a timetable on the project programs and how will they be funded.

Mr. Cromer stated that Mrs. Cope would have to answer that.

Mrs. Cope stated that the Heritage Trust Fund has funding to manage Heritage Fund Property and they received federal funds that are delegated to the State Wildlife Management Activities, but the primary funding will be through private industry. She reiterated that Bass Pro Shop is committed to this project and the Archery trade Associated is excited about building archery ranges on places they see benefit Archery Companies by getting children involved.

Mr. Waldrop asked who would be managing the property; were game wardens going to cut the grass and put out fertilizer?

Mrs. Cope said that they have biologist and technicians on staff in their Wildlife Management Section that are in charge of managing properties. Certain activities such as prescribed burning they are leaning towards contracting it out with consulting foresters.

Mr. Cromer wanted to address the concern of Mr. Henderson in regards to the Forestry Commission managing property and sending back 25% of the revenues collected. He stated that Bob Showalter told him that they can possibly work out an agreement but it would have to be approved by DNR and also the Forestry Commission where as they would be the managers of this property. Mr. Cromer stated that he did not know if it could be done but he will go back and talk with DNR and Forestry Commission to see if there is anyway we can get together to make this happen. Mr. Cromer also stated that he would like to see if our local forestry consultants can be included in this. Mr. Cromer did state that he hated seeing a lot of land taken out of the timber industry in SC and Mr. Henderson had pointed out to him before that some of this forestry is not managed as well as it should be. In closing, Mr. Cromer stated that none of this was done to try to hurt Newberry County and he felt like he was brow beat a little tonight on this one issue but he stated he was working for all of the citizen of Newberry County trying to save money and to seeing that the County does not end up on the lower end of the totem pole.

Mr. Waldrop offered an apology to Senator Cromer on the way he expressed his emotions towards him.

Mr. Adams stated that every ten years under State law, South Carolina Counties have to produce a comprehensive plan and a major part of that plan is the land use element. He said that we are putting together the plan right now, and this would be the time we should be getting input from agencies such as DNR about what they intend to do in the future which would make for good planning. Mr. Adams stated that one thing we probably all agree on is that government is asked to react to the development of property with the extension of services and infrastructure and that is why we are involved in the planning process. He stated that the property is a resource choice and every resource choice made

is accompanied by an infinite set of opportunity costs. Mr. Adams noted that land resources are fierce enough that we should be taking these planning processes seriously.

Mr. Livingston wanted to confirm that part of the revenue from the timber will go back into the enhancement and development of that piece of property.

Mr. Summer asked Representative McLeod to the podium.

Mr. McLeod thanked the Chairman, members of Council, County Administrator and County Attorney and stressed his pleasure being here tonight. He also wanted to thank Mrs. Cope for her presentation and is proud of her career at the Dept. of Natural Resources. Mr. McLeod stated that there were references that this was a done deal. He felt if it were a done deal that Mrs. Cope and Mr. Mabry would not be here asking for Council's support. Mr. McLeod said that he had been a strong supporter of conservation and environmental protection measures for the past 40 years. There are only 6 people that have a 100% rating on conservation issues in the State and he is one of those people. Rep. McLeod said he had written Council a letter to inform them of what was taking place. He stated he was surprised that County government would have no knowledge of any kind of a transaction involving an enormous amount of acres being removed from the tax roles of the County. Mr. McLeod asked Council to look at the map of Newberry County that he had attached to his letter. Mr. McLeod made reference to the area that made up the Sumter National Forest in Newberry County. He said that acreage wise; it was more than 1/5 and less than 1/4 of the acreage in Newberry County which is nearly 60,000 acres which are not on the tax roles. He made reference to the Belfast property in that it consisted of approx 37,000 acres which belonged to Champion International and was located between Chapells and Kinards and could possibly be one vast tract of land owned by entities that do not pay property taxes. Rep. McLeod stated that he was simply an instrument and wanted Council to tell him what would be of the best interest for the citizens of the County. Mr. McLeod stated he did not sign the document and had a duty to keep Council informed with that was going on with the real estate in this County, specifically the Belfast Tract Phase 1 and Phase 2. Mr. McLeod asked Council what they wanted the public policy of the County to be. He stated if the County wanted an increasing amount of acreage removed and placed in non-taxed that was a matter within their discretion. Mr. McLeod commended Mrs. Cope on the noble and objective goals she stated earlier and that he supported educational endeavors. Mr. McLeod stated his interest was in the County's real estate. He said that if Sumter National Forest was not in Newberry he would not think twice about this. He mentioned McCormick County as well as Whitmire and the negative effects of too much government owned land. He asked Council to share with him what they thought was in the best interest of Newberry County but keep in mind who will be paying the bill for this.

Mr. Waldrop thanked Mr. McLeod for sending Council the information.

Mr. Waldrop asked Mr. Mabry, DNR's Attorney, to come forward.

Mr. Waldrop stated that he wanted to see the County prosper. He told Mr. Mabry that he hoped DNR would manage this property the way it should be managed.

Mr. Mabry stated that he will share with the Director of DNR Council's sentiments as well as those of Mr. Henderson and Senator Cromer. He stated that he hoped Council and others would see that DNR does take management of its property very seriously and John Frampton, current Director of DNR, is dedicated to managing timber property as a working forest.

Mr. Waldrop wanted to make a motion that Council go on record opposing this project at this time; Second by Mr. Baker

Mr. Summer asked if there was anymore discussion.

Mr. Hawkins asked if this was just a sense that Council is sending a message somewhere.

Mr. Livingston stated that in this County there are an extreme number of kids who are not fortunate enough to have parents or grandparents who own land that they will ever have the opportunity to hunt on. He has seen first hand the number of kids coming from free and reduced homes where there is little money for them to ever be able to rent land and this will be an opportunity we can give them.

All in favor of opposing the Belfast Property acquisition: Mr. Summer, Mr. Waldrop, Mr. Baker.

All in favor of the Belfast Property acquisition: Mr. Hawkins, Mr. Livingston, Mr. Dawkins

Abstained: Mr. Caldwell

c) Mrs. Deborah Smith, Opera House - Request for County's participation in an Economic Impact Study concerning the Newberry Opera House

Mrs. Deborah Smith thanked Council and noted that Council had an Impact Study that was done in 1999. She stated the Opera House paid for that study and it is now ten years old. It has been used for publicity as well as drawing tourism and has been a very useful document. It shows how good this County is and how much has changed over the past ten years. Mrs. Smith said that Harry Miley, Economic Analyst, had agreed to do the study for \$7500 dollars and the Opera House was asking Council to support this study by contributing 1/3 or \$2,500. Mrs. Smith said that the City of Newberry will be asked for 1/3 and the Opera House will pay for remaining 1/3 of the study.

Mr. Dawkins asked the County Administrator if the tourism money could be used for this study.

Mr. Adams stated that the committee would have to vote to do this.

Mr. Summer asked if the Administrator felt this should come out of contingency.

Mr. Adams stated that he felt it should come out of contingency.

Mr. Dawkins stated he realized that Council would have to make a recommendation to the committee that \$2500 be allotted for this project, but felt the money should come from the tourism funds instead of property tax money.

Mr. Baker asked Mrs. Smith if she was aware of the study the City was going to do,

Mr. Smith said that Eric Budds, City Manager, had looked at the proposal and recommended she go before City Council for approval.

Mr. Hawkins moved that if the City approved their portion that the County match it; second by Waldrop

Mr. Summer stated that the funds come from tourism money if possible; if not it will come from contingency.

Mr. Livingston stated he would vote for this only if it came out of tourism funds.

Voting in favor of \$2,500 appropriation to Opera House Impact Study: Mr. Summer, Mr. Waldrop, Mr. Caldwell, Mr. Baker, Mr. Dawkins, and Mr. Hawkins.

Voting in favor only if coming out of tourism funds: Mr. Livingston

2. Adoption of Consent Agenda

Mr. Waldrop moved to approve Consent Agenda; second by Mr. Hawkins. Vote was unanimous

3. Additions, Deletions, and Adoption of Agenda

- Mr. Summer asked that item #10, Resolution 14-08 Honoring Deborah Smith for her leadership at the Opera House, be moved to item # 3a.

Mr. Waldrop moved to adopt Agenda as Amended; second by Mr. Livingston. Vote was unanimous

3a Resolution 14-08: A Resolution Honoring Deborah Smith for her leadership in guiding the Newberry Opera House to the 2008 Outstanding Historic Theater Award, as presented by the League of Historic American Theatres.

Mr. Caldwell moved to approve the Resolution; second by Mr. Livingston. Vote was Unanimous.

4. **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. Summer declared the Public Hearing Open

Having received no comments, Mr. Summer declared the Public Hearing Closed

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

5. **Ordinance #09-29-08:** An Ordinance amending §153.148 of the Newberry County Code of Ordinances to allow for the limited use of recreational vehicles in the RS1-A Zoning District, and to make such other amendments to chapter 153 of the Code of Ordinances, commonly known as the “Zoning Ordinance”, as may be necessary to incorporate such new regulations

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

6. **Ordinance #09-30-08:** 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 a two (2) acres portion of a tract containing a total of 8.34 acres designated as TMS Parcel No. 335-24, from limited commercial (LC) to light industrial (LI).

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

7. **Ordinance #09-31-08:** 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 a two (2) acres portion of a tract containing a total of five (5) acres designated as TMS Parcel No. 617-3, from rural (R2) to limited commercial (LC).

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

8. **Ordinance #09-32-08:** An ordinance amending section 91.33 of the Newberry County Code of Ordinances, commonly known as the criteria for acceptance of new roads into the County road system.

Mr. Summer asked Mr. Adams to update Council on this Ordinance.

Mr. Adams stated that the intent of this Ordinance is to allow certain roads constructed between 2004-2007 that meet specifications at that time as gravel roads to be accepted

into the County road system. The County took in gravel roads in 2004 and changed that to only accept paved roads in 2007.

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

Mr. Summer asked if there was any discussion.

Mr. Waldrop stated that he would like to do some research to find out how many more roads would be grandfathered in with this ordinance. He said we could be opening a can of worms and this would not be fair to the taxpayers.

Mr. Baker stated that Council worked long and hard in 2007 to get the ordinance put into place and he was not in favor of resending that ordinance to re-write it.

Mr. Hawkins concurred with Mr. Baker in that some people worked long and hard to get the ordinance passed in 2007 but he never voted for it the first time. Mr. Hawkins said that by requiring roads be paved before the County will accept them is causing the price of lots to go out of reach for a lot of citizens. He felt that if a road was built to County specifications and had a good base that we should accept them, and he is in favor of grandfathering those individuals in.

Mr. Dawkins stated that since the inception of the road ordinance as long as a road was built to County specifications that gravel roads were accepted up until 2007. He stated that Glade Springs Road, the next agenda item, the developer of this road went to the County Planning and Zoning and the Public Works Director, Ron Lily, gave the developer the specs on how to build the road. He stated that this road did have a 66 ft. right of way and a proper cul-de-sac and that the developer even had the zoning regulations statutes on the plat.

Mr. Adams recommended that perhaps Council might want to put some restrictions on the exclusions to address the possibility of abuse. Mr. Adams stated that Mr. Waldrop and Mr. Baker's point is that the County does not know their liability on this issue.

All in favor of approving first reading: Mr. Summer, Mr. Waldrop, Mr. Caldwell, Mr. Livingston, Mr. Hawkins, and Mr. Dawkins

Opposed to first reading: Mr. Baker

9. **Ordinances #09-33-08:** An Ordinance to accept Glade Springs Road into the County Public Road System, to be maintained as are all other county maintained roads, and matters relating thereto.

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

Mr. Summer asked if there was any discussion.

Mr. Baker inquired about the deed and plat for Glade Springs Road.

Mr. Adams stated that the Clerk would provide to Council members before the second reading.

All in favor of first reading: Mr. Summer, Mr. Waldrop, Mr. Caldwell, Mr. Livingston, Mr. Dawkins, and Mr. Hawkins.

Abstaining: Mr. Baker until he viewed the paperwork.

10. Resolution 14-08 - See 3a, Page 17

11. Committee Reports:

No Committee Reports

12. Appointments:

No Appointments

13. Request by Councilmen:

Mr. Hawkins asked if Council had received their invitation to the announcement on Tuesday, October 7, 2008.

14. Public Comments:

Mr. Summer stated that Mr. Johnson had some comments but had to leave the meeting.

15. Vote for Executive Session, When Necessary

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

16. [Executive Session 9:27 p.m. – 9:50 p.m.]

Mr. Dawkins moved to return to Open Session; second by Mr. Waldrop. Vote was unanimous.

17. Necessary Action on Matters Discussed in Executive Session:

Mr. Tothacer stated that Council went into Executive Session for discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending,

threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. No action was taken in the session

18. Comments from County Administrator:

No Comments

19. Comments from Council Members:

Mr. Hawkins stated that a few weeks back he had requested clarification from the County Attorney concerning appointments to boards and commissions. He felt that this might need to be looked into so that the rules are consistent among the boards and commissions. He went on the state that appointees may be selected from outside a Council Members district only after receiving consent from the Council Member in which the proposed appointee resides. Mr. Hawkins stated that he was not sure he was going to act upon it tonight, but it could affect a recent appointment.

20. Future Meetings:

- a. **October 15, 2008 @ 7:00 p.m.**
- b. **November 5, 2008 @ 7:00 p.m.**

Mr. Summer said that Council had a conflict on the next meeting on October 15, 2008, at 7:00 p.m. He asked Council if they would like to reschedule the meeting to 4:00 p.m.

Mr. Baker asked if we could possibly have it on Oct. 14th or 16th.

Mr. Hawkins asked if we had Public Hearings already scheduled for the 15h.

It was decided that the meeting would stay on the 15th at the regular time.

21. Vote to Adjourn.

Mr. Summer made a motion to adjourn.

22. Adjournment:

The meeting adjourned at 10:00 pm.

NEWBERRY COUNTY COUNCIL

Henry B. Summer, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

