

**NEWBERRY COUNTY COUNCIL
MINUTES
NOVEMBER 18, 2009**

Newberry County Council met on Wednesday, November 18, 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
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

ABSENT: John E. Caldwell, Councilman
(Attending the GLEAMNS Retreat)

PRESS: Heather Hawkins, WKDK

The meeting was duly advertised as required by law.

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

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

Chairman Livingston shared that Councilman Caldwell was not in attendance tonight due to his attending the GLEAMNS Retreat.

1. Presentation of Newberry County Service Awards

Chairman Livingston asked the following employees to step forward to receive their service awards: Amberlyn Silver, Sheriff's Office – 5 years; Rosemarie Dickert, Sheriff's Office – 10 years; Natasha Hill, Sheriff's Office – 10 years; and Nancy Sanchez, Sheriff's Office – 10 years.

Chairman Livingston stated that the four people recognized tonight have a total of 35 years of service. He said it is really nice seeing people staying with the County and hopefully the County is doing a better job finding and retaining people.

2. Adoption of Consent Agenda

Mr. Baker motioned to adopt the Consent Agenda; seconded by Mr. Stockman. The vote was unanimous.

3. Additions, Deletions, and Adoption of Agenda

Chairman Livingston requested moving agenda item 14 to agenda item 4c.

Mr. Waldrop motioned to adopt the agenda as amended; seconded by Mr. Hipp. The vote was unanimous.

4. Personal Appearances

a. Bill Grisby, Director of EMS – Relocation of ambulance to Silverstreet

Mr. Grisby stated at last month's meeting he was asked to come back to update Council on the relocation of an ambulance to Silverstreet. He informed Council that they met and looked at the location but it will take too much money to upgrade it to accommodate sleeping quarters for male and female and with the other upgrades to accommodate a 24 hour service. They wanted to test it first without it costing that kind of money. They agreed to do a trial run (running a 12 hour day shift), if agreeable with Council. The cost for this would be minimal and they would like to start on January 1, 2010.

Mr. Waldrop felt this was a great idea to try for awhile and see how it works.

Mr. Waldrop motioned to move ahead with a 12 hour shift to begin on January 1, 2010 in Silverstreet; seconded by Mr. Koon. The vote was unanimous.

b. Newberry County Historical and Museum Society – Old Library Recommended Use Study Update

Chairman Livingston asked Ms. Connie Rinehart to the podium to speak on behalf of the Historical and Museum Society.

Ms. Rinehart distributed a handout to members of Council and proceeded with her presentation. She stated that in February of this year Council authorized the Newberry County Historical and Museum Society to prepare a recommendation for the use of the Old Library/Post Office Building. Their recommendation is that the building be a one-stop, tourism, commerce, and history center. The Old Library represents Newberry as it was, as it is, and as it can be. They strongly recommend that the center house the Newberry County Historical and Museum Society, the Newberry County Chamber of Commerce, local historical archives, a business promotion mall, and storage for museum quality historical artifacts. They are asking for Council's approval of this recommendation and to further authorize the Society to proceed to the next Phase of the

project, working in tandem with the County, to make this Economic Development Tourism and History Center a reality.

Chairman Livingston thanked Ms. Rinehart and said she did a great job with the presentation.

Mr. Koon motioned that we take this as information at this time; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Hipp encouraged Council to come back and be prepared at our next Council meeting to make a decision. They are looking at submitting this as a project to be considered under the Capital Project Sales Tax and need to move quickly. If that does not work and if we still have an option to move forward with this concept, there is an option of seeking grant money. He stated that unfortunately under their timetable, they did not have an opportunity to bring this to the Economic Development Committee. He said he understood the desire to digest the information and stated members of the Society would be available to answer any questions they may have. Mr. Hipp asked for those that had a part in producing this or that were here in support of this to please stand.

Chairman Livingston thanked them for their efforts and the information provided.

Having received no other discussion, the vote was unanimous to take this as information.

c. Proclamation declaring November National Health Care Month & National Hospice Month

Mr. Adams read the Proclamation.

Chairman Livingston presented Maggie Wills, Community Educator for the Newberry Office, a copy of the Proclamation.

Ms. Wills spoke on behalf of Hospice Care Tri-County and thanked Council for recognizing November as National Home Care and Hospice Month. She stated Council helped her reach her goal to communicate to the resident of Newberry County what Hospice is about; helping patients and their families facing a terminal illness by providing a nurse, a nurse's assistant, social worker, Chaplin and a volunteer to visit, with the focus being not only for their physical well being but their spiritual and emotional well being.

Chairman Livingston thanked Mrs. Wills and for the services that hospice provides and stated this is a valuable resource at this time in a person's life. He said he could personally attest to that and thanked Mrs. Wills again.

5. Ordinance #10-20-09: An Ordinance to amend the budget ordinance for the 2009-2010 fiscal year, Ordinance Number 04-08-09, to provide for revised revenues and appropriations related to the operations of the County and to approve the administrative transfer of certain funds.

Mr. Adams said this Ordinance has the following impact on the FY09-10 budget:

- Reduces state aid to subdivision payment to Newberry Co. by \$55,658.00 for the current fiscal year
- It appropriates \$34, 938.00 for the relocation and housing of the Voter Registration & Election Commissions Offices.
- Adds \$9,404.00 to Council's contingency line item
- Eliminates the Sheriff's Building escrow account by \$100,000.00

Chairman Livingston declared this the Public Hearing for Ordinance #10-20-09

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

Mr. Baker motioned to approve third reading of Ordinance #10-20-09; seconded by Mr. Hipp. The vote was unanimous.

6. Ordinance #04-11-09: An Ordinance adopting a revised Solid Waste Management Plan pursuant to §44-96-80 of the 1976 S.C. Code of Laws.

Mr. Adams informed Council that since second reading, the Ordinance has been updated to reflect gender neutral references as requested by Council.

Chairman Livingston declared this the Public Hearing for Ordinance #04-11-09.

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

Mr. Baker motioned to approve third reading of Ordinance #04-11-09; seconded by Mr. Hipp. The vote was unanimous.

7. Ordinance #07-17-09: An Ordinance amending Chapter 91 of the Newberry County Code of Ordinances to modify standards for the inclusion, maintenance, and removal of roads within the Newberry County road system.

Chairman Livingston declared this the Public Hearing for Ordinance #07-17-09.

Chairman Livingston invited Mr. Patrick Meetze to the podium to speak.

Mr. Meetze thanked County Council for the opportunity to speak. He had some concerns about the state and federal roads coming in under the new Ordinance and if they would be

required to meet the same criteria. He asked the Public Works Director to clarify this portion of the new Ordinance.

Mr. Nash stated that this ordinance states that the County may accept into its road system roads that have been maintained for at least 3 years by a federal or state agency that meet the criteria as outlined in item #2.

Mr. Meetze wanted to know what kind of state or federal road we were referring to. He asked if they were forestry roads.

Mr. Adams said that this Ordinance addresses general policy not specific roads that Council may have in mind. He said neither he nor Council can predict what road might be brought before Council for acceptance into the system.

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

Mr. Koon motioned to approve third reading of Ordinance #07-17-09; seconded by Mr. Waldrop. The vote was unanimous.

8. Ordinance #10-21-09: An Ordinance amending Chapter 153 of the Newberry County Code of Ordinances amending special exceptions requirements for the location of commercial campgrounds, and for other matters related thereto. (NOT recommended by Public Works and Planning Committee)

Mr. Adams said we don't normally bring before Council ordinances not recommended by the Committee, but in the case of planning ordinances it is required by statute. This ordinance, which was initiated by the Planning Commission, seeks to reduce setbacks from 500 feet to 150 feet for commercial RV campgrounds in the R2 rural zoning district.

Mr. Waldrop motioned to accept the recommendation of the Public Works and Planning Committee to not approve Ordinance #10-21-09; seconded by Mr. Baker.

Chairman Livingston asked if there was any discussion.

Mr. Baker said basically what this was going to do is create campgrounds specifically for the nuclear station. Those people coming from out of town to live in a campground will bring no taxes or income to the County.

Mr. Koon noted that Council had denied this once before.

Chairman Livingston said that while the property in which the campground is situated would be converted from ag use to commercial use, the RV's would be registered in other states and counties.

Having received no further discussion, the vote was unanimous to deny approval of Ordinance #10-21-09.

9. **Ordinance #10-22-09:** An Ordinance to amend the Budget Ordinance for the 2009-2010 fiscal year, Ordinance Number 04-08-09, to provide for revised revenues. (Recommended by Public Works and Planning Committee)

Mr. Nash reported that this ordinance addresses the dumping of commercial clearing and yard debris at the Transfer Station. The amount of space available was designed to accommodate what residence of the County would bring in a pick-up truck. They have seen an increased number of commercial dump trucks bringing clearing debris and also tree services bringing in their cuttings from trees that quickly fills up this area. Mr. Nash reminded Council that the County pays to have the clearing debris ground into mulch which carries an expense. The Public Works and Planning Committee recommends establishing a \$25 per ton fee of commercial dumping of clearing and yard debris.

Mr. Hipp asked how Mr. Nash was going to define commercial dumping.

Mr. Nash stated that anything larger than a pick-up truck or trailer that you would pull behind a vehicle. Those that will be charged are the dump trucks with the company name on the side. With the separation of the traffic flow; one area accommodating residential customers and the other for commercial customers, will allow us to easily differentiate between them.

Mr. Koon stressed that this only involves commercial loads and does not affect residents of the County or municipalities.

Chairman Livingston gave Mr. Dehart an opportunity to speak.

Mr. Dehart was concerned about what the County would do if we happened to have a hurricane or tornado come through. He said the commercial people will be the ones hauling the debris in there and would they be charged in this case.

Chairman Livingston stated that Council would use a common sense policy if something like that were to occur.

Mr. Waldrop motioned to approve first reading of Ordinance #10-22-09; seconded by Mr. Hipp.

Chairman Livingston stated that there are two more readings before this if final. If anyone has any thoughts about this between now and third reading, Council will be more than happy to address them.

Mr. Hipp said he felt we needed to be flexible. There is no way to foresee every possible scenario in every ordinance and Council will need to use common sense in their implementation, especially in a disaster situation.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance #10-22-09.

10. Ordinance #10-23-09: An Ordinance to limit truck traffic on Lumberyard Road. (Recommended by Public Works and Planning Committee)

Mr. Nash said this ordinance refers to Lumberyard Road which is a connector road between US Hwy. 76 and Old Whitmire Hwy. The Old Whitmire Hwy. side of this road is currently posted with SCDOT signs that prohibit trucks with eight tires or more. Lumberyard Road is a triple treat tar and gravel road that was recently resurfaced up the railroad tracks by the County this past summer, and that type road surface is not designed for heavy logging truck traffic.

Mr. Waldrop motioned to approve first reading of Ordinance #10-23-09; seconded by Mr. Baker. The vote was unanimous.

11. Ordinance #10-24-09: An Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Newberry County, South Carolina, and Loblolly Green Power, LLC, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$125,000,000. (Recommended by Economic Development Committee)

Mr. Adams reported that the Loblolly Roll Cast project will generate bio-mass renewable energy from logging residue and other small wood waste debris. The project investment was announced at \$170 million dollars. Of that amount, \$125 million will be taxable and the remainder is pollution control equipment which is exempt from taxation. The County is offering a 6% fee in lieu of taxes, multi-county park designation, and a half million dollar reduction in property taxes each of the first 4 years. Net taxes to the County including the school system in years 1-4 are projected at \$761,082.00; years 5-20 all levies are projected at 1.3 million dollars. This project will create 25-30 new jobs with average wages exceeding \$50,000.00.

Mr. Waldrop motioned to approve first reading of Ordinance #10-24-09; seconded by Mr. Hipp.

Chairman Livingston asked if there was any discussion.

Mr. Hipp stated that we need the industry to broaden our tax base. With the current property taxes in the County, our enticement for industry to locate here are the incentives (fee in lieu) we can offer.

Chairman Livingston said in talking with some of the loggers and some of the land owners, they are very much in favor of this.

Mr. Baker said that this will also help the debris situation out at the recycle center. He commended Mr. Adams and Ms. Powers for working this out with this company. They will be a big asset to the County.

Having received no further discussion, the vote was unanimous to approve first reading of Ordinance \$10-24-09.

12. Resolution #12-09: A Resolution to establish that Newberry County shall petition to close Cannon Swamp Road Bridge pursuant to Section 57-9-10 of the Code of Laws of South Carolina, 1976 as amended. (Recommended by Public Works and Planning Committee)

Mr. Adams stated that this resolution authorizes staff to pursue through Clerk of Court the formal closure of Cannon Swamp Road Bridge that has effectively been closed for about six years. It will require the creation of two cul-de-sacs on either side of the existing bridge with the property and survey for this purpose being donated by the landowner. The County will remove the bridge at the County's expense and the property surrounding will be devolved onto the single effected landowner.

Mr. Baker said that when this was discussed earlier, the consensus at that time was that the owner was going to petition the court. This resolution states that the County is going to petition. He asked if there was a problem with the owner.

Mr. Adams stated that the owner was making some trade offs here by offering the property for the cul-de-sacs and paying for the survey. Even the new ordinance allows Council to pursue these closures if they feel there is a County interest in the matter.

Mr. Koon said even if the bridge were to be repaired as is, it is still not suitable for certain traffic such as fire, rescue, ambulances, or school buses.

Mr. Waldrop said the cost to replace that bridge will be expensive with the prefab type cement structure needed to replace the wooden structure.

Mr. Koon motioned to approve Resolution#12-09; seconded by Mr. Waldrop. The vote was unanimous.

13. Resolution #13-09: Identifying a certain economic development project to be located and constructed in Newberry County, South Carolina by Loblolly Green Power, LLC, a limited liability company organized and existing under the laws of the State of Delaware, and authorizing a fee agreement by and between Loblolly Green Power, LLC and Newberry County, South Carolina whereby, under certain conditions, Newberry County will provide certain economic development incentives to Loblolly Green Power, LLC to induce Loblolly Green Power, LLC to locate a wholesale renewable power

generation facility in Newberry County, South Carolina. (Recommended by Economic Development Committee)

Mr. Koon motioned to approve Resolution #13-09; seconded by Mr. Hipp. The vote was unanimous.

**14. Proclamation declaring the month of November as:
“National Home Care Month and National Hospice Month”**

Moved to agenda item 4c.

15. Appointments

Mr. Stockman recommended Mr. Johnny James for an appointment to the Community Hall Commission. He resides at 1383 Peninsula Dr., Prosperity, SC. He is a retired professional and would do an excellent job for the Commission.

Mr. Waldrop motioned to approve the appointment of Mr. Johnny James to the Community Hall Commission; seconded by Mr. Hipp. The vote was unanimous.

16. Consideration of proposed rate increase at JF Hawkins/Springfield Place – Glenn Wicker, CFO at JF Hawkins/Springfield Place

Mr. Wicker distributed handouts to members of Council. He said he had appeared before the Finance Committee to request an across the board rate increase for JF Hawkins private rooms. They received word that the Medicaid rate was going to increase to \$158.13 per day. Currently their private pay is lower than that and an increase is needed so they do not lose approximately \$87,000.00. He asked Mr. Schmoyer, partner with Schmoyer & Co, to come forward to explain to Council that this is a normal procedure for nursing homes.

Mr. Schmoyer stated he was in attendance at the Finance Committee meeting. He said Medicaid rates are issued and they are effective October 1st. Currently the rate JF Hawkins is charging for a semi-private room is less, and if they do not charge the same as Medicaid would pay, they will not reimburse them the additional amount. They are requesting a 5% increase in all private and semi-private rooms because of the increased Medicaid rate of 4.3. They surveyed some of the surrounding facilities and even with the increase will keep them right below what other facilities are charging so you will not have any competition issues.

Chairman Livingston said he felt we didn't have a choice if we are going to be reimbursed and to keep our facilities operationally viable.

Mr. Waldrop stated that he attended the Finance meeting and he said we are competitive with other nursing homes even with the increase.

Mr. Koon motioned to approve the 5% rate increase at JF Hawkins; seconded by Mr. Baker. The vote was unanimous.

17. Consideration of proposed \$50 gift card for employees – Debbie Cromer, Finance Director

Mr. Adams said a \$25 gift card has traditionally been the County's Holiday gift to its employees. The Finance Committee recommended a \$50 card this year recognizing that the employees did not receive a merit raise this year. The total amount of \$12,250.00 would come out of the subsistence and council contingency line items.

Chairman Livingston said the thoughts of the Finance Committee were to increase the gift card to \$50 as a token of appreciation considering that the employees received no pay increase this year. It is looking like the preliminary audit will show that the departments have done an excellent job in managing their budgets and the efforts they have made to cut corners has resulted in a nice revenue windfall for the County.

Mr. Hipp asked that Council be excluded from this and wanted to amend it to exclude employees making greater than \$80,000.00 per year.

After several failed motions, there was much discussion on whether to include giving the gift card to employees with a salary in excess of \$80,000.00.

Mr. Waldrop motioned to give all employees a \$50 gift card (excluding County Council) to which Mr. Koon amended stating that employees could decide if they wanted the gift card or not; seconded by Mr. Baker. The vote passed 5-1; with Mr. Hipp abstaining from the vote.

18. Committee Report
a. Public Works and Planning Committee – November 9, 2009

Mr. Nash said the Public Works and Planning Committee met on November 9, 2009, and discussed the following:

- Issues from Newberry County residents Dan Hoskins and Jerad Kennel.
- Ordinance #10-21-09, Ordinance #10-22-09, and Ordinance #10-23-09
- Considered and approved proposal for the procurement of scale software, construction of two test wells, and construction of six passive gas vents
- Update on the proposed layout of the new Public Works facility on Hwy. 34
- Resolution #12-09
- Recommended a new timber estimate on the Hwy. 34 property
- Judge Abraham addressed the committee with the overcrowding of Central Court Parking. Staff will look into this and see if we can provide some additional parking capacity.

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

Mr. Meetze shared his concerns with Council on the closing of Cannon Swap Road Bridge.

20. Vote for Executive Session

Mr. Baker motioned to go into Executive Session; seconded by Mr. Waldrop. The vote was unanimous.

21. Executive Session [8:19 p.m. – 8:48 p.m.]

22. Necessary Action on Matter Discussed in Executive Session

Mr. Adams stated that Council met in Executive Session to discuss a contractual matter and no action was taken in that session.

Mr. Waldrop motioned to allow the County Administrator to begin negotiations with the property on Harrington Street and executed the lease for Clemson Extension to move there for a period of one year; seconded by Mr. Baker. The vote was unanimous.

23. Comments from County Administrator

No Comments.

24. Comments from Council Members

Mr. Hipp wanted everyone to know that his comments during the discussions of the gift card were not directed to any one specific but felt it was directed at policy in that upper level management not be included in every areas of gifting. He said he respected the opinions of his fellow Council members and he was sorry for the distraction it caused.

Mr. Baker said that Council was invited to the new Hardees for their ribbon cutting tomorrow and he was planning on being in attendance.

Mr. Koon said that the higher paid employees and other elected officials have a decision to make on whether they will accept the \$50 gift card.

Mr. Waldrop wished everyone a Happy Thanksgiving.

25. Future Meetings

- a. County Council – December 2, 2009 @ 7:00 p.m.
- b. County Council – December 16, 2009 @ 7:00 p.m.
- c. Public Safety and Courts Committee – November 23, 2009 @ 6:00 p.m.

- d. “On the Move with Margaret” – December 14, 2009 @ 9:30 a.m.
WKDK
- e. Finance Committee – December 14, 2009 @ 6:00 p.m.
- f. Economic Development Committee – December 21, 2009 @ 6:00 p.m.

26. Vote to Adjourn

Mr. Baker motioned to adjourn; seconded by Mr. Waldrop. The vote was unanimous.

27. Adjournment

Chairman Livingston declared the meeting adjourned @ 8:55 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council