

**NEWBERRY COUNTY COUNCIL
MINUTES
NOVEMBER 19, 2008**

PRESENT: Henry B. Summer, Chairman
William D. 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
Laurie N. Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: A.J. Tothacer, County Attorney

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

1. Personal Appearances:
a. Ms. Mary Ellis – Helena Community Center

Mr. Adams stated that Ms. Ellis would not be in attendance tonight but wanted Council's permission to distribute donated clothing to the needy public at the Helena Community Center free of any facility rental charges. This would be a one time use of the building. She is scheduled to attend the December meeting of the Involved Citizens of the Helena Community to also request their permission. The staff has no objection to this request.

Mr. Waldrop moved to approve Ms. Ellis the use of the facility; second by Mr. Hawkins. Vote was unanimous.

2. Adoption of Consent Agenda

Mr. Caldwell moved to adopt Consent Agenda; second by Mr. Livingston. Vote was unanimous.

3. Additions, Deletions and Adoption of Agenda

Mr. Summer stated that staff had recommended that Agenda Item #10 be postponed until the next meeting on December 3, 2008.

Mr. Summer asked for an Executive Session to evaluate the County Administrator.

Mr. Adams stated that if Council's desire was to have Public Hearings on Agenda Items #4 and #5, the soonest that can be done is during the December 17, 2008 meeting. The Public Hearings were originally advertised for the November 5, 2008 meeting but they were not conducted at that time. At that meeting, Council voted to postpone these items until tonight but does not leave sufficient time for the 15 day Public Hearing Notice.

Mr. Hawkins moved to postpone Agenda Items #4 and #5 until January; second by Mr. Baker.

Those in favor of postponing Agenda Items #4 and #5 until January were Mr. Summer, Mr. Waldrop, Mr. Caldwell, Mr. Baker, Mr. Livingston, and Mr. Hawkins.

Opposed to postponing Agenda Items #4 and #5 until January was Mr. Dawkins.

Mr. Livingston moved to approved amended Agenda; second by Mr. Baker. Vote was unanimous.

Mr. Dawkins confirmed with Chairman Summer that this was the annual evaluation of the County Administrator and wanted the public to know this was not something that just came up.

4. Ordinance #09-32-08: 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.

Postponed until January

5. Ordinance #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.

Postponed until January

6. Ordinance #11-34-08: 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 2 parcels containing a total of two and twenty-three hundredths (2.23) acres and designated as TMS Parcel Nos. 289-8 and 289-14, from Rural (R2) to Limited Commercial (LC).

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

7. Ordinance #11-35-08: 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 thirty-two hundredths (0.32) acre tract designated as TMS Parcel No. 399-117, from Rural (R2) to General Commercial (GC).

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

8. Committee Reports

No committee reports

9. Appointments

No appointments

**10. Discussion of Location for Proposed Household Waste/Recycling Site
Tom Nix, Alliance Engineering and Ervin West, Carter Goble Lee**

Postponed until next meeting on December 3, 2008.

11. Determination of Christmas Holiday Schedule for County Employees

Mr. Summer stated that almost annually the issue is raised at both the state and local level granting three paid holidays instead of two for the Christmas Season. The County's Personnel Handbook recognizes Christmas Day and the day after as holidays. These days fall on Thursday and Friday. The question is whether we want to grant Wednesday, Christmas Eve, as County Holiday.

Mr. Dawkins said usually we follow suite with the State and asked if the State had decided yet.

Mr. Adams replied that the State had not yet decided.

Mr. Hawkins moved that we approve the extra paid holiday for County employees; second by Mr. Livingston. Vote was unanimous.

12. Request by Councilmen

No request

13. Public Comments

Mr. Summer asked Mr. Patrick Meetze who had signed up to comment to the podium.

Mr. Meetze stated that Council had already addressed his issue which was concerning Agenda Items #4 and #5.

Mr. Summer asked Mr. Les Hipp who had signed up to comment to the podium.

Mr. Les Hipp stated his comments were concerning Agenda Items #4 and #5 as well.

14. Vote for Executive Session

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

Mr. Summer said the Human Resources Director was available to assist Council if they needed her.

Mr. Hawkins asked if the County Administrator evaluation was the only personnel matter on the agenda.

Mr. Summer said that it was.

Mr. Hawkins asked to address another personnel matter in Executive Session.

Mr. Les Hipp asked if the three newly elected Council Members could attend the Executive Session.

Chairman Summer replied, "No".

Mr. Hipp said he would like an explanation as to why they could not attend because the Ordinance states that for those people, in addition to Council, that can add or get something from the Executive Session should be allowed. He stated you have three newly elected Councilmen that would greatly benefit from an orderly transition by being allowed to attend this meeting.

Mr. Baker stated he was allowed to sit in on all Executive Sessions until he was sworn in.

Mr. Baker moved to allow Mr. Hipp, Mr. Stockman, and Mr. Koon to sit in on the Executive Session; second by Mr. Hawkins.

Mr. Caldwell said he did not have a problem with them sitting in but thought according to Parliamentary Procedure, until you were sworn in, they were excluded.

Mr. Dawkins said if the Executive Session was pertaining to an Economic Development issue, he would not have a problem with it at all. The personnel matter tonight is to do the annual evaluation of the County Administrator and he felt only those currently sitting on County Council can do the evaluation.

Mr. Hipp stated he agreed with Mr. Dawkins but reiterated that they did not want to participate, but merely observe. We are not asking for a vote or to give input.

All in favor of allowing the newly elected Council Members to attend Executive Session were Mr. Waldrop, Mr. Livingston, Mr. Baker, and Mr. Hawkins.

Opposed to allowing the newly elected Council Member to attend Executive Session were Mr. Dawkins, Mr. Caldwell, and Mr. Summer.

With a vote of 4 to 3, newly elected Council Members were allowed to attend.

15. [Executive Session 7:10 p.m. – 8:05 p.m.]

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

16. Necessary Action on Matters Discussed in Executive Session.

Mr. Summer stated Council had evaluated the County Administrator. The evaluation forms have been gathered and the scores will be tallied by the Human Resource Director, Mrs. Hill. Council will have another Executive Session at the next Council meeting to discuss the results.

17. Comments from the Administrator

No Comments

18. Comments from Council Members

Mr. Livingston wanted to wish everyone a Happy Thanksgiving.

Mr. Caldwell asked that we back up so that he could make an appointment. He recommended to Council that Mr. Allen Cox be appointed as the Friendly Fire Department's representative on the Board of Rural Fire Control.

Mr. Waldrop moved to approve the appointment of Mr. Cox; second by Mr. Livingston. Vote was unanimous.

Mr. Waldrop said he noticed Teresa Powers, Economic Development Director, was in attendance tonight and wanted to know how her trip went.

Ms. Powers commented but could not be picked up

Mr. Waldrop said he was glad to have her back and wished everyone a Happy Thanksgiving.

19. Future Meetings

- a. December 3, 2008
- b. December 17, 2008
- c. Nursing Home Committee Meeting tomorrow at JF Hawkins at 4:00 p.m.

20. Motion to adjourn

Mr. Livingston moved to adjourn meeting.

21. Adjournment

Meeting was adjourned at 8:05 p.m.

NEWBERRY COUNTY COUNCIL

Henry B. Summer, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council