

**NEWBERRY COUNTY COUNCIL  
MINUTES  
DECEMBER 15, 2010  
7:00 p.m.**

Newberry County Council met on Wednesday, December 15, 2010, 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

**NOT PRESENT:** John E. Caldwell, Councilman

**PRESS:** Heather Hawkins, WKDK  
Cindy Pitts, Newberry Observer

The meeting was duly advertised as required by law.

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

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

**1. Adoption of Consent Agenda**

Mr. Waldrop motioned to adopt the Consent Agenda; seconded by Mr. Hipp. The vote was unanimous.

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

Mr. Hipp motioned to adopt the Agenda as presented; seconded by Mr. Stockman. The vote was unanimous.

### 3. Newberry County Employee Service Awards

Chairman Livingston presented the following employee service awards: Ron Halfacre, Magistrate – 5 years; Gordon Johnson, Magistrate – 5 years; and Jessica Weathers, Sheriff's Office – 5 years

Chairman Livingston stated that Council is very proud to recognize the quality employees we have in Newberry County and they continue to be one of our major assets.

### 4. Personal Appearances

- a. David Enzastiga, Certified Public Accountant – Audited Financial Statements – June 30, 2010

Mr. Enzastiga introduced himself and stated that he was here to go over the audit for the year ending June 30, 2010. He reported that they issued a qualified opinion, which is different from the usual unqualified opinion, due to the irregularities at the nursing home. Mr. Enzastiga proceeded with an overview of the audit. (Audit available on Newberry County website - [www.newberrycounty.net](http://www.newberrycounty.net))

Mr. Waldrop motioned to accept the Audited Financial Statements for June 30, 2010 as information; seconded by Mr. Baker. The vote was unanimous.

### 5. **Ordinance #11-28-10: : An Ordinance to provide for the issuance and sale of a not exceeding one million nine hundred thousand dollar (\$1,900,000) General Obligation Bond Anticipation Note of Newberry County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, to provide for the issuance and sale of not exceeding fifteen million six hundred twenty five thousand dollar \$15,625,000) General Obligation Bonds of Newberry County, South Carolina, and other matters relating thereto.**

Mr. Adams reported that this ordinance will provide the funding to purchase the old Wal-Mart facility and the Bond Anticipation Note will be repaid once the bonds are issued for the CPST projects.

Mr. Koon motioned to approve third reading of Ordinance #11-28-10; seconded by Mr. Hipp. The vote was unanimous.

### 6. **Ordinance #11-27-10: An Ordinance to further provide for the appointment of Code Enforcement Officers for the enforcement of various county ordinances, and the term of their appointment.**

Mr. Adams stated that this ordinance allows Code Enforcement Officers to maintain their certification as long as they are employed in a code enforcement capacity with the County.

Mr. Hipp motioned to approve third reading of Ordinance #11-27-10; seconded by Mr. Baker. The vote was unanimous.

- 7. Ordinance #11-29-10: 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 three and twelve hundredths (3.12) acres real estate parcel, designated as TMS No. 578-1 from Basic Industrial (BI) to Rural (R2)**

Mr. Koon motioned to approve second reading of Ordinance #11-29-10; seconded by Mr. Stockman. The vote was unanimous.

- 8. Ordinance #12-30-10: An Ordinance repealing Ordinance No. 01-04-03, relating to the establishment of County Council Committees.**

Mr. Adams reported that since early 2009, Council has been operating under a new committee system. This ordinance will make the portion of the Newberry County Code of Ordinances applicable to Council Committees in step with that new system.

Mr. Hipp motioned to approve first reading of Ordinance #12-30-10; seconded by Mr. Koon. The vote was unanimous.

- 9. Consideration of acceptance of assignment option for Piedmont Technical College Foundation, Inc. – Wayne Adams, County Administrator**

Mr. Adams reported that the Piedmont Technical Foundation obtained the initial option to purchase the old Wal-Mart building. That option is assignable to the County as all CPST projects have to be owned by a CPST eligible entity which includes the County, municipalities and the Newberry County Water and Sewer Authority.

Mr. Koon motioned to approve the assignment option; seconded by Mr. Hipp. The vote was unanimous.

- 10. Consideration of executing Contracts of Sales to purchase three (3) parcels of land totaling \$26,000.00 for three (3) fire substations funded by the Capital Project Sales Tax – Wayne Adams, County Administrator**

Mr. Adams reported that these properties are different from the Wal-Mart property in that they are not considered tier one projects. These will only be undertaken after the 15.6 million in bonds are paid off. The County can be repaid this money at the time it does the work to complete the substations. It is suggested that the County go ahead and buy the properties rather than attempting to extend the options which could open us up to more price negotiations.

Mr. Waldrop motioned to approve executing the contracts; seconded by Mr. Koon.

Chairman Livingston asked if there was any discussion.

Mr. Hipp commented that we just passed up giving our employees raises because of financial uncertainties. There are uncertainties at the state level and in the amount of funding we could receive from the CPST tax. He said to make a purchase 5 years in advance on something that we do not know for certain will even happen, and removing three pieces of land from our tax base, seems kind of irresponsible to him.

Mr. Waldrop replied that he felt we needed to go ahead and purchase this land because the people in these districts want their ISO ratings reduced for insurance purposes and they need the fire protection. This is one way that we can help them with the cost of fire insurance. Mr. Waldrop said that in 3 years the price of these properties could go up.

Mr. Hipp agreed with Mr. Waldrop on the need to get insurance relief to the people in these areas but purchasing this property does not give them any relief now. He said he failed to see the urgency to purchase three pieces of rural property at this point in time. He questioned the selection of these properties and wanted to know how many landowners in each of these areas were contacted to get the best price.

Mr. Waldrop said that the Board of Rural Fire Control had already looked into this and these were the areas designated for the satellite stations.

Mr. Livingston commented that there was a lot of study about this back when the Emergency Board was active and from what he can recall there was a minimal area including the 5 mile radius based on where the current stations are located. He said he felt we should move forward with the purchase because if any of these landowners would happen to pass away, other family members may not be willing to sell. He also felt we would not harm ourselves by taking just 3 acres of agricultural property off of the tax books.

Mr. Hipp commented that we continue to eat away at our tax base. It has happened with other recent property that went into the public domain. He said he has some questions and has heard some generalities, but no firm details. There are some details that we need to know before we make a vote on this in his opinion.

Chairman Livingston said that he respected Mr. Hipp's concerns but the voters have already voted on the CPST projects and it specifically stated where these substations would be located.

Mr. Adams reported that these parcels were presented during the time the CPST Commission was deciding which projects to include and they were also presented to Council as County sponsored projects.

Mr. Hipp stated that if we are purchasing property 3-5 years before we build on it, he did not see how waiting another meeting or two would hurt and wanted to offer a motion to delay for one meeting until we get some additional details.

Mr. Waldrop stated that he would not accept that and feels these substations were a selling point to the people in these rural districts to help with fire protection and insurance ratings. He does not want to delay and preferred to go ahead and purchase the properties and be ready to build these satellite stations in the next five years or sooner, he hoped.

After receiving no further discussion, the motion to approve the purchase of the three fire substation parcels passed by a vote of 4-2 with Mr. Hipp and Mr. Stockman opposed.

**11. Appointments**

No appointments

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

No public comments

**13. Vote for Executive Session**

No vote for Executive Session

**14. Executive Session**

No Executive Session

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

No Action

**16. Comments from County Administrator**

No Comments

**17. Comments from Council Members**

Councilman Stockman wished everyone a Merry Christmas

Councilman Hipp wished everyone a Merry Christmas too. He also raised a question at a previous meeting about fire trucks traveling Main Street between Calhoun and the lower end of Main Street. He thought the committee was going to discuss its and he wanted to know what had been decided.

Mr. Koon stated that the committee had discussed this issue and it was to be relayed to the proper people. He said he did not know if it was still happening or not.

Mr. Hipp said he would really like to know the results because he read an article in the State paper where somebody was run over by a fire truck and killed just a week ago. Needless to say, they were not in a hurry to continue to the fire after that. He thinks this is a serious safety concern for the populated pedestrian area along Main Street.

Mr. Baker commented that he thought there was going to be a special called meeting to discuss suspending the Blue Laws in the County for the holiday season.

Chairman Livingston said that the Manager of Wal-Mart called him yesterday about putting it on the agenda for the holiday season and he thought it was pretty late to be calling. He said he was aware of this same issue going before a committee at a later date for discussion.

Mr. Baker stated that he thought several years ago Council suspended the Blue Laws because of a request by Tractor Supply and this was done by a single vote.

Chairman Livingston shared that it was done by Resolution but the information they have received required that it be done by Ordinance which will take three readings.

Mr. Koon wished everyone a Merry Christmas and Happy New Year.

Mr. Waldrop dittoed Mr. Koon's statement.

Chairman Livingston wished everyone a safe holiday season. He reminded members of Council to submit Mr. Adams completed evaluation form to the Clerk to Council.

Mr. Hipp asked if Council needed to fill one out for the Clerk; we have two employees so we will need another form.

**18. Future Meetings**

- a. County Council – January 5, 2011 @ 7:00 p.m.
- b. County Council – January 19, 2011 @ 7:00 p.m.

**19. Vote to Adjourn**

Mr. Hipp motioned to adjourn; seconded by Mr. Stockman. The vote was unanimous.

**20. Adjournment**

Chairman Livingston declared the meeting adjourned at 7:25 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

**APPROVED:**

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