

NEWBERRY COUNTY COUNCIL COUNTY COUNCIL AGENDA

July 6, 2022
6:00 P.M.

Call to order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Travis Reeder, Councilman

1. Additions, Deletions & Adoption of the Agenda
2. Public Appearance
 - The Honorable Ronnie Cromer- Legislative update
 - Jessie Long, Director of Parks & Recreation- update on Fitness Court and fundraising timeline
3. Request approval to pay off promissory note (Santee Cooper) with funds from the sale of the Cavanaugh Tract
4. Request for approval of the Fee Schedule and policy for renting the Fire Training Facility.
5. Request approval of an FTE position for an Emergency Services Coordinator
6. Council to discuss Building Permit Fees and other fees in Fiscal Year 22-23 Budget
7. Ordinance No. 05-14-2022 – An Ordinance amending portions of Chapter 34 of the Newberry County Code of Ordinances revising provisions dealing with: 1) amounts requiring Council approval; 2) State and Federal purchasing and 3) sale and transfer of surplus county property.
 - a. Public Hearing
 - b. Third and Final Reading
8. Ordinance No. 05-15-2022 – An Ordinance to impose a one percent sales tax, subject to referendum, within Newberry County pursuant to the Capital Project Sales Tax Act; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum cost of the projects or facilities funded from the proceeds to be raised by the tax, subject to funding cost overruns as provided by law; to provide for a county-wide referendum and to concur in the contents of the ballot question in such referendum; to establish the priority in which the proceeds of the tax are to be expended; to authorize the issuance of General Obligation Bonds of Newberry

County, subject to such referendum, to defray costs of projects and issuance costs; to provide for the conduct of such referendum; to provide for the administration of the tax; to provide for the payment of the tax; and to provide for other matters relating thereto.

- a. Public Hearing
- b. Third and Final Reading

9. Ordinance No. 05-17-2022 – An Ordinance acting on a request to amend the official zoning map established pursuant to the zoning Ordinance No. 12-24-01 as revised and amended by zoning Ordinance No. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling seven hundred and seventy-nine (.779) acres designated as TMS parcel no. 395-39 from RS – single family residential to R2 – rural.

- a. Public Hearing
- b. Third and Final Reading

10. Ordinance No. 05-18-2022 - An Ordinance authorizing the expenditure of Capital Project Sales Tax funds and matters relating thereto. (2017 CPST Bonds)

- a. Public Hearing
- b. Third and Final Reading

11. Ordinance No. 05-16-2022 – An Ordinance establishing procedures and requirements for entering into development agreements in Newberry County.

- a. First Reading

12. Ordinance No. 06-19-2022 - An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling three and eighty-seven hundredths (3.87) acres designated as TMS No. 28-1-1-6, from R2 – Rural to GC – General Commercial.

- a. First Reading

13. Discussion of Public Information Campaign for CPST

14. Executive Session

Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Jessie Long	Title: Director of Parks & Recreation
Department: Parks & Recreation	Division:
Date Prepared: 6-29-22	Meeting Date: July 6, 2022
Legal Review:	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Fitness Court Update	

STAFF'S RECOMMENDED ACTION:

Apply for the National Fitness Campaign 2023 grant and begin working to secure and/or raise funds to cover the remaining cost of the fitness court.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes	<input checked="" type="radio"/> No
If no, is a budget amendment necessary?		Yes	<input checked="" type="radio"/> No

SUMMARY DISCUSSION:

With concerns of a tight timeline to raise the funds in the 2022 calendar year (by end of October 2022 based on estimated installation period due to weather), the decision was made to wait to apply for the National Fitness Campaign (NFC) grant in the 2023 grant cycle to allow ample time to secure/raise the remaining funds for installation of the fitness court. The NFC is predicting a 15% increase in cost for the project in 2023; however, without currently having funds designated and such a rigid timeline it is more feasible to wait. Estimated installation would now be Spring 2023.

ADDITIONAL COMMENTS FOR CONSIDERATION: Expected funding sources:

Fitness Court Grant	\$30,000
County match	\$30,000
Spartan races revenue	\$20,000
Corporate sponsorships/donations	\$80,000
Total= \$160,000	

DONOR CONTRIBUTION

Business Name:

Mailing Address:

Contact Person:

Phone Numbers:

E-Mail:

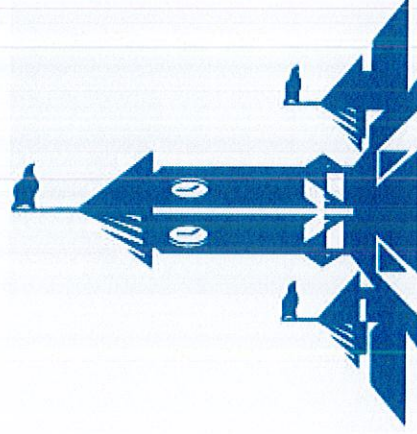
Donor Level:

- ◇ Platinum = \$20,000+
- ◇ Diamond = \$15,000 - \$19,999
- ◇ Gold = \$10,000 - \$14,999
- ◇ Silver = \$5,000 - \$9,999
- ◇ Bronze = \$2,500 - \$4,999
- ◇ Patron = \$1,000 - \$2,499

Remit to:
Newberry County
PO Box 156, Newberry, SC 29108



Newberry County
Recreation
Outdoor Fitness
Court®



Newberry County Parks & Recreation

PO Box 156
Newberry, SC 29108

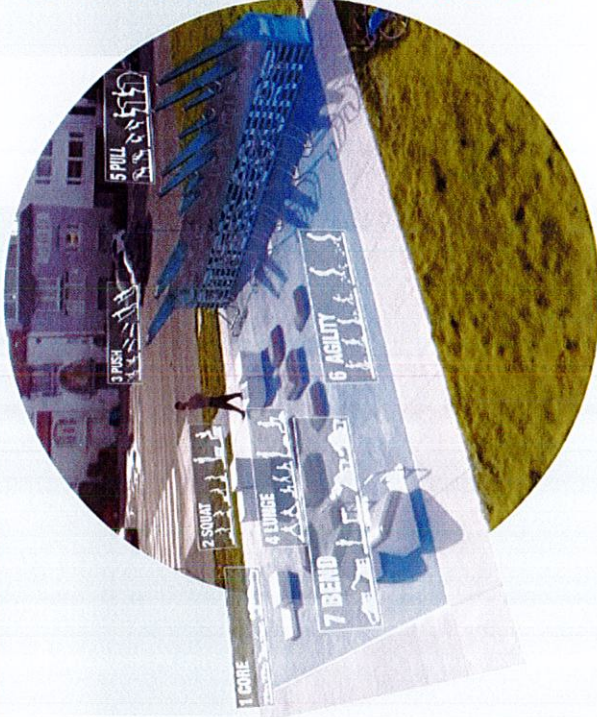
Phone: 803-924-8328
Email: recreation@newberrycounty.net

*Striving to provide accessible health
and wellness opportunities for our
community.*

FITNESS COURT®

The Fitness Court® is an innovative outdoor bodyweight circuit training center designed to improve the quality of life in cities, schools, parks and trails across America. The

Fitness Court® is designed to provide a full body workout in only seven minutes. There's no wrong way to use the Fitness Court®. Each element can be used for hundreds of exercise variations, providing opportunities for those beginning their fitness journey to elite athletes, and for every user in between.



The World's Best Outdoor Gym

**EFFICIENT AND
EFFECTIVE BY DESIGN**
MADE IN THE USA



DONOR LEVELS

DONOR WALL

- * Platinum = \$20,000+
- * Diamond = \$15,000 - \$19,999
- * Gold = \$10,000 - \$14,999

DONOR PLAQUE

- * Silver = \$5,000 - \$9,999
- * Bronze = \$2,500 - \$4,999
- * Patron = \$1,000 - \$2,499

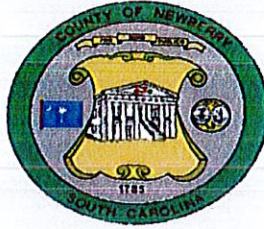
All donors will be provided recognition via local media and social media, an appreciation letter, and an invitation to the grand opening/ribbon cutting ceremony.



DONOR WALL

FITNESS COURT MADE POSSIBLE BY THESE LOCAL SPONSORS:





Newberry County
 Administration
 1309 College Street
 Newberry, SC 29108
 803-321-2100

Agenda Briefing

Prepared By: Debbie Cromer	Title: Finance Director
Department: Finance	Division: NA
Date Prepared: 6-30-2022	Meeting Date: 7-6-2022
Legal Review:	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration:	
Subject: Pay out of Santee Cooper Promissory Note	

STAFF'S RECOMMENDED ACTION: A copy of the promissory note is attached. Staff has contacted Santee Cooper (Dominion); the payoff of this note is \$1,190,000 and an interest payment of \$24,000 for a total of \$1,213,800. Staff recommends the funds received from the sale of the Cavanaugh tract be used to payoff this debt. Total amount received from the sale of the Cavanaugh tract is \$1,210,000. Staff contacted, Donna Lominack, County Auditor, the interest can be paid from the debt service levy.

FIDUCIARY: N/A

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

If this note is not paid off, the debt service levy with increase from \$23,800 to \$252,468.40 or 1.6 mills in fiscal year FY23-24.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

If approved the attorneys with Dominion will do all the legal work.

SUMMARY DISCUSSION:

ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENT: Promissory note and debt service payment schedule

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

PROMISSORY NOTE TO SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

NEWBERRY COUNTY, SOUTH CAROLINA
(GENERAL OBLIGATION BOND, SERIES 2013A)

FOR VALUE RECEIVED, Newberry County, South Carolina (the "County") promises to pay to the order of the South Carolina Public Service Authority (the "Authority") the principal sum owing from time to time by the County pursuant to, and in accordance with, the Intergovernmental Loan Agreement (the "Loan Agreement"), the terms of which are incorporated herein by reference, between the Authority and the County dated August 23, 2013, the principal sum, rate of interest and due dates of payments thereunder being set forth in Exhibit A to the Loan Agreement. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months and compounded annually.

The County may prepay the outstanding principal balance of this Note in whole or in part, together with any accrued interest thereon, at any time without penalty or premium; all such prepayments shall be applied against principal installments due on this Note in the inverse order of the maturity dates thereof.

All payments of principal and interest shall be made in money of the United States at the office of the Authority in Moncks Corner, South Carolina, or at such place as the Authority may designate in writing, and shall be made in funds immediately available in Moncks Corner, South Carolina.

This Note is being issued pursuant to the provisions of Ordinance No. 11-22-12 enacted by the County Council of Newberry County (the "County Council") on February 20, 2013, to evidence the County's obligation to repay the loan made by the Authority to the County under the Loan Agreement.

For the payment of the principal of and interest on this Note as the same shall fall due, there is hereby pledged the full faith, credit and taxing power of the County.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of South Carolina to exist, be performed or happen precedent to or in the issuance of this Note, exist, have been performed and have happened, that the amount of this Note, together with all other indebtedness of the County, does not exceed any limit prescribed by such Constitution or Statutes, and that provision has been made for the allocation of sufficient tax revenues to provide for the punctual payment of the principal of and interest on this Note at the maturity hereof.

IN WITNESS WHEREOF, the County Council of Newberry County, has caused this Note to be signed by the manual signature of the Chairman and its corporate seal to be hereunto impressed and attested to by the manual signature of the Clerk to Council of Newberry County.

NEWBERRY COUNTY, SOUTH CAROLINA

[SEAL]

James H. Livingston III
Chairman, County Council of Newberry
County

Attest:

Laurie Renwick
Clerk, County Council of Newberry County

SPECIMEN

APPENDIX A

Debt Service Schedule for \$1,200,000 General Obligation
 Bond (Promissory Note to South Carolina Public Service Authority),
 Series 2013A, of Newberry County, South Carolina
 Effective Date: August 23, 2013

<u>Due August 23 of Year</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Interest</u>	<u>Total*</u>
2014			\$24,000.00	\$24,000.00
2015			24,000.00	24,000.00
2016			24,000.00	24,000.00
2017			24,000.00	24,000.00
2018	\$10,000.00	2.00%	24,000.00	34,000.00
2019	228,668.49	2.00%	23,800.00	252,468.49
2020	233,241.86	2.00%	19,226.63	252,468.49
2021	237,906.70	2.00%	14,561.79	252,468.49
2022	242,664.83	2.00%	9,803.66	252,468.49
2023	247,518.12	2.00%	4,950.37	252,468.49
	\$1,200,000.00		\$192,342.45	\$1,392,342.45

*The interest rate applicable to principal payments in years 2019 to 2023 is subject to adjustment as of August 23, 2018 to a rate equal to the five year United States Treasury Bond then obtaining. In the event of such adjustment, the principal and interest payments shown shall be adjusted to produce equal amortized installments of principal and interest through final maturity.



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Tommy Long	Title: Emergency Services Director
Department: Emergency Management	Division:
Date Prepared: 6-15-22	Meeting Date: 7-6-20
Legal Review: NA	Date:
Budget Review: NA	Date:
Approved for Consideration: Yes	Date: 6-13-22
Request Consideration by Committee / County Council	Public Safety Committee 6-13-22
Subject: Fire Training Facility & Prop Fee Schedule	

STAFF'S RECOMMENDED ACTION: **Request Full Council approval to proceed with Fee Schedule.**

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: **NA**

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (S) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION: **Anyone utilizing the facility would be required to carry the County's required workers comp and have Newberry County added as an additional insured.**

ADDITIONAL COMMENTS FOR CONSIDERATION:

ATTACHMENTS: **Document attached.**



Newberry County Emergency Services

Thomas Long, Emergency Management Director
540 Wilson Road • Newberry, SC 29108
(803) 321-2135 • Fax (803) 321-2173



Fire Training Facility & Prop Fee Schedule

Usage Fee

Agencies requesting use of the facility shall be invoiced before the requested date. Checks or payment vouchers must be delivered by the scheduled date of usage. All drill ground rentals shall be invoiced for a minimum of (3) hours. Unless otherwise indicated, rentals that last beyond the initial minimum hours shall be invoiced for additional usage for each additional hour. Payment can be made by check or purchase order, made payable to Newberry County Emergency Services, 540 Wilson Road, Newberry, South Carolina 29108.

***No alcohol or illegal drugs permitted on property.**

Cancellations

Cancellations shall be received 48 hours before the scheduled use date. If the scheduled user does not notify the Emergency Management Director before that time, fails to use the reserved use date, then the user shall be billed for that date. Any request for a waiver from this procedure shall be directed to the Newberry County Emergency Management Director and all decisions shall be final.

Fees

Due to changing costs in materials, fees may be subjected to change without notice.

Classroom

4 Hours	\$200.00
8 Hours	\$350.00

Structural Burn Building Use (1st, 2nd & 3rd Story Residential with Attic)

Live Burn	\$400.00/3 Hours Each Additional Hour- \$60.00
Non-Live Burn	250.00/3 Hours

Drill Tower

Hose Stretching, Ladders, SAR	\$100.00/3 Hours
Ropes, Bailouts	\$200.00/3 Hours Each Additional Hour- \$25.00

Roof Simulator

Peaked Roof (1-10 students)	\$100.00/3 Hours
Flat Roof (1-10 students)	\$100.00/3 Hours

For Emergencies Call 9• 1• 1



Newberry County Emergency Services

Thomas Long, Emergency Management Director
540 Wilson Road • Newberry, SC 29108
(803) 321-2135 • Fax (803) 321-2173



Technical Rescue Area

Confined Space Area \$100.00/3 Hours
Each Additional Hour- \$50.00

Industrial Training Prop

\$400.00/3 Hours

Flammable Liquid Pitt**

\$300.00/3 Hours

Vehicle Training Pad

1 Car \$300.00/3 Hours

Equipment Usage (To be used in conjunction with rental of the drill ground)

Plywood \$50.00 per sheet
Sheetrock \$20.00 per sheet
Firefighting Foam \$150.00/5 Gallons
Propane tank refill Consumer Rate @ Filling

Flammable Gas Fire/Car Fire Prop ** \$250.00

Hazardous Materials Training Area ** \$125.00

Pump Training Area ** \$125.00

**** Future planned props.**



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Tommy Long	Title: Emergency Services Director
Department: Emergency Management	Division: Emergency Management
Date Prepared: 6-21-22	Meeting Date: 7-6-22
Legal Review: NA	Date:
Budget Review: Yes	Date: 6-13-22
Approved for Consideration:	Date: 6-13-22
Request Consideration by Committee / County Council	Committee approved 6-13-22
Subject: New Position Emergency Services Coordinator	

STAFF'S RECOMMENDED ACTION: Staff and Committee recommends utilizing existing funding in Budget to fund position.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: This position will be funded by the removal of the shared position with City of Newberry. \$40,000.00 and the canceling of service contract with Motorola of \$ 19,506.28 due to renew July 1st and paid for through Contracted Maintenance in the Fire Budget 07500. The projected salary will be 50-55 per year and will most likely not be added until 2nd quarter of Budget. This should give us enough funding to start the position after first quarter after fringe is figured in. With a 55,000 salary the total with Fringe would be 83,446.70. The position could be added later in Budget year to meet funds available late October early November.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE: NA

SUMMARY DISCUSSION:

ADDITIONAL COMMENTS FOR CONSIDERATION:

ATTACHMENTS: **Job Description**

PAYROLL INFORMATION

NAME	GRADE	TITLE	HIRE DATE	ANNUAL SALARY	Budget Number
Vacant		EMERGENCY SERVICES COORDINATOR		55,000.00	7370
Salaries				55,000.00	
Fringe Benefits					
SC RET	0.1765		9,707.50		
SOC SEC	0.0765		4,207.50	55,000.00	5,230.50
Health Ins.			9,301.20	0.00	0.00
W/C			5,230.50	55,000.00	
Total Fringe			28,446.70		5,230.50
7100 - Public Safety					
Total Salaries & Fringe					83,446.70
Budgeted					
Recruitment Officer					
Reduce Contracted Maint					
Total Available Funds					59,506

County of Newberry

Position Description

Position Band: Professional 2 Department: Emergency Services
FLSA: Exempt Reports to: Emergency Services Director
Internal Title: Emergency Services Coordinator
Full-time/Part-time:

THIS POSITION DESCRIPTION DOES NOT CONSTITUTE, AND IS NOT MEANT TO IMPLY, A CONTRACTUAL RELATIONSHIP BETWEEN THE EMPLOYEE AND THE COUNTY.

Job Summary:

The Emergency Services Coordinator reports directly to the Emergency Services Director, and acts on behalf of the Emergency Services Director, when so directed, in emergency services matters within the purview of the Emergency Services Director. Areas of emphases include, but are not limited to, volunteer fire and rescue services, emergency preparedness exercises, emergency services communication systems, grant administration, and budgeting for the regular replacement of rolling stock such as fire engines, rescue trucks, and ambulances.

1. Major Tasks and Responsibilities:

- Drafts and administers departmental budgets, including, but not limited to, those for operating, capital, and rolling stock replacement.
- In conjunction with the board of rescue squads, the board of rural fire control, local law enforcement, the public works department, and the County's contracted emergency medical services provider, recommends emergency response policies, procedures, and preparedness.

- Prepares agenda for, and reports to full Council on, the business of Council's Public Safety and Courts Committee; prepares Committee's minutes.
- Develops plans in 5-year increments for replacing major rolling stock pertaining to volunteer rescue squads and fire departments, as well the County's contracted emergency medical services (EMS); fulfills this role within prescribed fiscal limitations.
- Makes routine departmental budget expenditure decisions.
- Ensures departmental compliance (including that from volunteer fire departments and rescue squads) with safety standards, including but not limited to those standards prescribed by OSHA.
- Works in accordance with the County's procurement personnel and policies, and within budget limitations, to source materials and professional assistance for those areas within his purview.
- Monitors weather conditions; communicates timely to local agencies the need for caution, special preparation, etc., concerning existing and impending weather conditions.
- Develops and implements planning and policies related to the handling and storage of hazardous materials, and the cleanup of hazardous materials-related incidents.
- Oversees Emergency Training Center and implements County's response in times of emergency or disaster.
- Does not execute contracts on the County's behalf.
- Effectively and accurately summarizes and reports on all Emergency Services-related matters, as requested by the Emergency Services Director.
- Performs other duties as assigned by the Emergency Services Director.

2. Skills, Knowledge, Experience, and Other Qualifications:

(Desired levels of formal education, professional qualifications, training, experience)

One or more of the following:

- Four-year degree from a sufficiently accredited academic institution, with coursework in such areas as business management, public administration, planning, communications, psychology, and political science.
- Budgetary experience in an agency or private sector business.
- Five years of experience as an Emergency Services Coordinator or Deputy Emergency Services Coordinator for a jurisdiction of comparable or greater size and service delivery complexity.
- Combination of skills, knowledge, experience, and qualifications that is Justifiably similar to the above.
- Preferably trained to Firefighter 1.
- Trained or willing to be trained as an EMT.

Each of the following:

- Ability to read, understand, and draft documents used for emergency response planning.
- Ability to understand technical manuals pertaining to emergency response-related equipment and machinery.
- Expert-level proficiency in Microsoft Excel, Microsoft Word, and Microsoft Power Point.
- Excellent written and verbal communication skills.
- Experience with service delivery and planning in a work environment that requires the cooperation of volunteers.
- A valid South Carolina driver's license in good standing

Classifications and number of positions directly supervised:

	<u>Position Band</u>	<u>Number of Positions</u>
1.	Service Delivery - 1	1
2.	Service Delivery - 2	
3.	Professional - 1	

Describe the level of independence and discretion is used in the position in the performance of the assigned job tasks:

The incumbent has the maximum levels of independence and discretion allowed to staff, except where explicitly constrained, and is correspondingly responsible for actions taken in the exercise of these freedoms. The Emergency Services Coordinator may expend significant resources within the restrictions/amounts and policies determined by County Council and may establish departmental procedures. The Emergency Services Coordinator makes recommendations to the Emergency Services Director concerning policies related to emergency responses by fire, medical, rescue, and law enforcement; he oversees and enforces such policies with relative independence.

Describe the physical requirements of the position:

(Degree of standing, walking, climbing, lifting, etc.)

- Requires sitting desk work of two or more hours at a time.
- Requires standing for two or more hours at a time.
- Must be able to climb at least three consecutive standard flights of stairs.
- Must be able to lift and carry items weighing up to 50 pounds.
- Requires extensive keyboarding dexterity and endurance.
- Requires intensive concentration for two or more hours at a time.

Employee Signature

Supervisor Signature

Date

BSTATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 05-14-2022

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 34 OF THE NEWBERRY COUNTY CODE OF ORDINANCES REVISING PROVISIONS DEALING WITH AMOUNTS REQUIRING COUNCIL APPROVAL AND STATE AND FEDERAL PURCHASING AND SALE AND TREANSFER OF SURPLUS COUNTY PROPERTY.

WHEREAS, Newberry County Council through passage of Ordinance 01-02-04 established purchasing procedures and structure for Newberry County; and

WHEREAS, Newberry County Council has received requested modifications that certain changes be made; and

WHEREAS, Newberry County Council desires to adopt these modified versions and also provisions addressing administrative policies or procedures.

NOW, THEREFORE BE IT ORDAINED THAT:

Newberry County Council hereby adopts the following changes to dollar award amounts requiring County Council approval as follows:

§34.16 **Award of Contract** is modified in sections (D) and (E) with the following language

- (D) "Bids of \$25,000 or less and bids not exceeding \$50,000 established in the current budget year shall be subject to review and approval by the Administrator or his or her designee."
- (E) "Bids exceeding \$25,000 and not included in the current budget year or bids exceeding \$50,000 as shown in the current budget year shall be subject to review and approval by County Council; provided that these amounts may be increased or decreased by appropriate provision in the annual budget ordinances, or by resolution of Council."
- (F) (1) It is the intent of this chapter that County Council shall have an oversight role in the selection of successful bids in excess of \$25,000 if not included in the current budget year or \$50,000 if included in the current budget year, and that County Council shall evaluate and approve the ultimate selection publicly,
- (F) (2 and3) remain unchanged.

§34.38 Request for Qualifications; Professional Services; Public Announcement and Selection Process in section (B) with the following language

(B) "Selection Process. A selection committee composed of a minimum of 3 members, including the Purchasing Director, the Administrator, or designee and the head of the using agency in need of the architect-engineer or land surveying services, or other professional services shall conduct discussions with 3 or more firms, whenever possible, regarding the proposed contract and the relative utility alternative methods of approach for furnishing the required services and shall select from among no less than 2 of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the selection committee. Provided, however, in the event that the County of Newberry has an ongoing professional relationship with a provider of those services required by the county, the County Administrator, in his or her discretion, may negotiate with the provider for the provision of the required services. Provided further, the County Administrator may select the provider of professional services in any event if the anticipated cost is \$25,000 or less and not included with the current budget year or \$50,000 or less if the amount is included in the current budget year. For services in excess of \$25,000 when not included in the current budget year or greater than \$50,000 included in the current budget year, the County Council shall select the provider of the services.

AND BE IT FURTHER ORDAINED THAT:

Newberry County Council hereby adopts the following changes to purchasing other than through bids or requests as follows:

§34.43 **State and Federal Purchasing and other Cooperative Purchasing** is modified in sections (A) and (C) with the following language

- (A) As an alternative to the procedures described in this section, the Purchasing Director may purchase any supplies, materials, equipment, or contractual services through the State Purchasing Office of the Division of General Service, GSA or the Houston-Galveston Area Council (H-GAC) cooperative purchasing program provided, however, that any such purchases estimated to cost in excess of \$5,000 up to \$25,000 in the current budget year or not exceeding \$50,000 if budgeted in the current budget year shall be approved by the County Administrator or his or her designee, and any such purchase estimated to cost in the aggregate in excess of \$25,000 (unbudgeted) or \$50,000 (budgeted) in the current budget year shall be approved by County Council. Provided, however, items for which a specific appropriation has been made are deemed to be approved by County Council, and the County Administrator is authorized to purchase from State Purchasing, GSA or H-GAC. Multiple vehicle purchases are to be considered in the aggregate amount of all the vehicles so purchased by a using agency.
- (B) remains unchanged

(C) Likewise, the Emergency Preparedness Director or other county agencies may be eligible to purchase items from programs administered by the GSA or other federal agency, H-GAC, and in the event, if the price is advantageous to the county, the purchase may be made, subject to approval by the County Administrator or his or her designee, provided, however, that the purchasing county agency shall first obtain a purchase order, purchased order number or direct payment number, as is necessary, from the Purchasing Director and the check for the purchase will be issued through the office of the county's Finance Director, so that the county will have current and accurate Purchasing Director records of the expenditures.

AND BE IT FURTHER ORDAINED THAT:

Newberry County Council hereby adopts the following changes to sale or transfer or surplus property as follows:

§34.47 Sale or Transfer of Surplus County Property

(A) Any items of personal or real property belonging to the county, which are declared by the County Administrator to be obsolete or surplus, may be sold to the highest responsible bidder by advertising for sealed bids or by public auction. Surplus property, in the discretion of the Administrator may be transferred to other county agencies or transferred to or loaned to entities supported by county funds, in addition, at the discretion of the County Administrator, surplus property may also be traded in or exchanged for other property needed by the county. In connection with the sale of surplus property, the Purchasing Director shall ensure that the procedures described in this section are followed, according to the estimated dollar salvage value of the goods to be sold. Vehicle or heavy equipment trade-ins must be approved by County Council, or its designee

(B) remains unchanged

(C) The County Administrator is authorized to investigate the advantages to the county of selling any of its surplus equipment and property (personal and real) via an appropriately competitive internet sales mechanism, and he or she is authorized to enter into preliminary contracts for the sale of select surplus property, so that he or she can investigate the efficacy of such methods of selling surplus property, including surplus heavy equipment, and report on same to Council. If such methods prove to be advantageous to the county, then further sales via the Internet may be authorized by Council.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 05-15-2022

AN ORDINANCE TO IMPOSE A ONE PERCENT SALES TAX, SUBJECT TO REFERENDUM, WITHIN NEWBERRY COUNTY PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM COST OF THE PROJECTS OR FACILITIES FUNDED FROM THE PROCEEDS TO BE RAISED BY THE TAX, SUBJECT TO FUNDING COST OVERRUNS AS PROVIDED BY LAW; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM AND TO CONCUR IN THE CONTENTS OF THE BALLOT QUESTION IN SUCH REFERENDUM; TO ESTABLISH THE PRIORITY IN WHICH THE PROCEEDS OF THE TAX ARE TO BE EXPENDED; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEWBERRY COUNTY, SUBJECT TO SUCH REFERENDUM, TO DEFRAY COSTS OF PROJECTS AND ISSUANCE COSTS; TO PROVIDE FOR THE CONDUCT OF SUCH REFERENDUM; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX; TO PROVIDE FOR THE PAYMENT OF THE TAX; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ENACTED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Findings. As an incident to the adoption of this ordinance, the County Council of Newberry County (the “Council”), the governing body of Newberry County, South Carolina (the “County”), has made the following findings:

- (a) Pursuant to the Capital Project Sales Tax Act, codified as §4-10-300 *et. seq.*, Code of Laws of South Carolina, 1976, as amended (the “Act”) the Council may impose a one percent sales and use tax (the “Tax”), subject to a referendum, within the County for specific purposes and for a limited amount of time to collect a limited amount of money.
- (b) The Council is authorized pursuant to §4-10-320 of the Act to create a commission for the purpose of considering proposals for funding capital projects within the County and formulating a referendum question to appear on the ballot. Pursuant to Resolution 06-21 duly adopted by the Council, the Newberry County Capital Project Sales Tax Commission (the “Commission”) was ordered created for the purpose of considering proposals for funding capital projects and the formulation of a referendum question. Members of the Commission were appointed in accordance with the provisions of §4-10-320 of the Act.
- (c) The Commission has considered proposals for funding capital projects within the County and has approved and delivered to the Council a referendum question to appear on the ballot (the “Ballot”) for a referendum to be held in the County on November 8, 2022 (the “Referendum”), which Ballot is attached to this Ordinance as

Exhibit “A”. The Ballot sets forth certain projects and facilities (the “Projects”) and the estimated costs of the Projects; sets forth the maximum time for which the Tax shall be imposed; and provides that, subject to approval by the Referendum, general obligation bonds of the County (the “Bonds”) shall be issued to defray the costs of the Projects, all pursuant to §4-10-330(D) of the Act.

- (d) The Council finds that the imposition of the Tax will serve a public purpose, provide funding for the design, engineering construction and improvement of the Projects, as well as facilitate economic development, promote public health and safety, promote desirable living conditions, and meet present and future needs of the County and its citizens.
- (e) The Council has determined to order the holding of the Referendum for the purpose of submitting to the qualified electors of the County the question of the imposition of the Tax and the issuance of the Bonds.
- (f) There is presently imposed in the County a sales and use tax pursuant to the Act and a referendum held in the County on November 8, 2016 (the “Prior Tax”). The Tax may not be imposed in the County until such time as imposition of the Prior Tax has terminated in accordance with the Act. The general obligation bonds of the County authorized in the referendum of November 8, 2016 and payable from the Prior Tax have been defeased and are no longer payable from the Prior Tax. Proceeds of the Prior Tax, except as provided by ordinance enacted prior to the Referendum or required to complete projects approved in the referendum of November 8, 2016, shall be applied to defray the costs of the Projects or to pay debt service on the Bonds.

Section 2. Adoption of Defined Terms. All terms defined by capitalization in Section 1 of this Ordinance shall have the meanings so provided throughout the remainder of this Ordinance.

Section 3. Receipt of Referendum Question. The referendum question adopted and forwarded by the Commission has been received and is acknowledged by the Council. This referendum question has been included in the Ballot appearing at Exhibit “A” attached hereto.

Section 4. Imposition of Tax: Projects; Priority of Funding.

4.1 The Tax, as authorized by the Act, is hereby imposed in the County, subject to a favorable vote of the qualified electors voting in the Referendum.

4.2 The Tax, if approved by the Referendum, shall be imposed immediately upon the termination of the Prior Tax, and shall continue for seven years from the date of such termination in accordance with §4-10-340(A) of the Code.

4.3 The Board of Voter Registration and Elections of Newberry County (the “Election Authority”) shall certify not later than November 30, 2022 the results of the Referendum to the Council and, if such results are favorable to the imposition of the Tax, to the South Carolina Department of Revenue. The Council shall, by resolution, declare the results thereof.

4.4 The maximum principal amount of the Bonds, excluding such premium, if any, named by the purchaser of the Bonds as a portion of the purchase price thereof, to be applied to the cost of the Projects, including cost overruns, and issuance costs shall not exceed \$35,250,000. In addition, it is estimated that unexpended proceeds of the Prior Bonds and Prior Tax (together “Available Proceeds”) in the aggregate amount of \$5,100,000 will be available to apply to Project costs.

4.5 The proceeds of the Tax shall be pledged to payment of the Bonds; provided however:

(a) as further set forth in Sections 4.7, 4.8 and 4.9 herein, if, as of any May 2 or November 2, collected proceeds of the Tax then held by the Newberry County Treasurer exceeds the debt service on the Bonds falling due in the next following 12 months, such excess amount may be transferred if so determined by the County Administrator in his discretion for the purposes stated in Sections 4.7, 4.8 and 4.9 herein, and amounts so transferred shall not be deemed pledged to the payment of the Bonds;

(b) earnings derived from the investment of the proceeds of the Tax, if any, shall not be so pledged and may be applied as determined by the County Administrator in his discretion to defray the costs of Projects or to pay debt service on the Bonds; and

(c) earnings derived from the investment of proceeds of the Bonds shall not be so pledged, and may be applied as determined by the County Administrator in his discretion to defray the costs of Projects or to pay debt service on the Bonds.

Application of all such investment earnings shall be subject to the obligation of the County as issuer of the Bonds to rebate certain of such investment earnings to the United States Treasury pursuant to the provisions of §148(f) of the Internal Revenue Code of 1986, as amended, and the regulations pertaining thereto.

4.6 The maximum cost of the Projects to be funded from proceeds of the Bonds will not exceed \$35,250,000, plus investment earnings, if any, on Bond proceeds applied to Project costs. The maximum cost of all Projects will not exceed \$37,047,130, except as to cost overruns, which may be funded as authorized by §4-10-340(C)(1) of the Code and Sections 4.7, 4.8, and 4.9 herein. The maximum amount of proceeds of the Tax expected to be used to pay debt service on an initial issuance of Bonds, (projected to be in the principal amount of \$31,515,000) to pay costs of Projects as shown on the Ballot, will be \$37,800,000; however, the Council recognizes that this amount is an estimate and is subject to fluctuations in interest rates. In addition, should additional Bonds be issued to meet Project costs, including cost overruns, additional debt service will be required. If all Bonds subject to approval in the Referendum are issued, the Council estimates that total debt service would be \$42,137,000, subject to fluctuations in interest rates.

4.7 So that the construction of many of the Projects can be commenced as soon as possible and in order to achieve the most economic and efficient use of proceeds of the Tax, the Commission, with the concurrence of Council, has determined that the Bonds should be issued to defray Project costs. The Projects, except as provided below, shall be funded in the order of priority shown below, it being the intent of Council that as many of the Projects as may be prudent, as determined by the County Administrator, based upon expected Tax receipts, adequate sinking fund balances, and bond interest rates, should be funded simultaneously with the proceeds of the Bonds and Available Proceeds. The County Administrator shall consult bond counsel and financial advisory professionals in making such determinations.

<u>Priority</u>	<u>Project Description</u>	<u>Cost</u>
1	Newberry County Public Safety Complex, including facilities for Emergency Services, a relocated Friendly Fire Department and a relocated Newberry Rescue Squad.	\$7,750,000
2	Improvements to City of Newberry Recreation Complex, including splash pad expansion, Miracle Field, skate park, sidewalk and paved walking trail , shade structures, additional restrooms, and maintenance access drive and maintenance building.	3,295,000
3	Improvements to Town of Prosperity parks, including Langford St. Park, Town Center Park, North Main St. Park and Town Center Football-Soccer Field.	3,150,000
4	New cell block building and upgrades to support facilities at Newberry County Detention Center.	8,000,000
5	Improvements to Town of Little Mountain Reunion Park, including park entrance upgrade, walking trail, shelter renovations with stage conversion, renovation of smokehouse/picnic shelter including bathrooms.	2,015,825
6	Downtown Newberry amphitheater and pavilion/support building.	3,650,000
7	Upgrade and Expansion of Newberry County Water and Sewer Authority's Cannon's Creek Wastewater Treatment Plant.	5,154,560
8	Renovation of Old Gallman High School for use as community center by Building Thriving Communities Foundation.	1,450,000
9	IT/Network/Security Improvements at Newberry County Courthouse.	295,000
10	Roof replacement and HVAC improvements at The Newberry Museum.	815,000
11	Improvements to Town of Pomaria's Old Pomaria School community center.	671,745
12	Improvements to Town of Whitmire City Gym.	800,000

Projects not initially funded with proceeds of the Bonds and Available Proceeds shall be funded in the priority listed above as funds become available therefor, such funds including (a) Tax proceeds on hand in excess of that required to pay debt service within the next following 12 months as further described in Section 4.5, (b) earnings on investment of Bond proceeds, (c) earnings on investment of Tax proceeds, and (d) any Tax proceeds which remain available after sufficient funds for the

payment of all then-remaining principal of and interest on the Bonds has been collected and set aside for such purpose. Notwithstanding any other provision of this ordinance, however, the Council expressly reserves the right by ordinance supplemental hereto to re-order the priority of Projects to lower the priority of any Project the construction of which has not commenced by the second anniversary of the issuance of Bonds issued to defray the cost of such Project.

4.8 The County may elect to cash fund any of those Projects (or portion thereof) to be owned by the County in order to save on interest costs related to the Bonds. In such event, once all other Projects have been funded at the cost shown on the Ballot, the County may apply (a) Tax proceeds collected in excess of that required to pay debt service within 12 months as further described in Section 4.5, (b) earnings on investment of Bond proceeds, and (c) earnings on investment of Tax proceeds to reimburse the County up to the cost shown on the Ballot for such cash-funded Project. Any cost overruns for cash-funded Projects shall be addressed as provided in Section 4.9.

4.9 All Projects shall be funded at the respective costs therefore shown on the Ballot before any amounts of Tax proceeds or Bond proceeds are allocated for cost overruns. As provided in §4-10-340(C)(1) of the Code, Tax proceeds collected in excess of those amounts necessary to pay debt service on the Bonds and defray the cost of Projects at the amounts shown on the Ballot must be first applied, if necessary, to complete a Project for which the Tax was imposed, that is, to pay cost overruns on Projects. Accordingly, Tax proceeds collected in excess of that required to pay debt service within 12 months as further described in Section 4.5(a) shall be distributed to meet cost overruns and complete Projects in the order of priority shown in Section 4.7, except as such priority is adjusted by the Council pursuant to Section 4.7. Likewise, earnings on investment of Bond proceeds, and earnings on investment of Tax proceeds may be distributed to meet cost overruns to

complete Projects, subject to the first sentence of this Section 4.9, but only in the order of priority shown above in Section 4.7, subject to adjustment of priority by the Council.

Section 5. Referendum.

5.1 The Ballot to be submitted to the electors of the County in the Referendum shall be as provided in Exhibit "A" hereto.

5.2 The Election Authority shall conduct the Referendum and publish notice of the Referendum in accordance with the Act. The form of the Notice of the Referendum shall be substantially in the form as attached to this Ordinance as Exhibit "B", together with such changes as may be approved by the Election Authority to comply with the law of the State. The Election Authority is authorized to change any of the locations of precincts or polling places for the Referendum in accordance with the law of the State as deemed necessary or advisable. Appropriate changes are to be made to the Notice of the Referendum.

Section 6. Ordinance Forwarded to Election Authority. An executed copy of this Ordinance shall be forwarded to the Election Authority. The Election Authority is hereby requested:

- (a) To join in the action of the County in providing for the Notice of the Referendum in substantially the form contained herein;
- (b) To acknowledge and adopt the form of the Ballot;
- (c) To arrange for polling places for each precinct within the County;
- (d) To appoint Managers of Elections;
- (e) To provide a sufficient number of ballots or voting machines, as the case may be, for the Referendum;
- (f) To conduct the Referendum, receive the returns thereof, canvass such returns, declare the results thereof, and certify such results to the Council; and
- (g) To take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Referendum.

Section 7. Severability. If any provision of this Ordinance is held contrary to law, then such provision or provisions shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall be effective upon third and final reading hereof.

ENACTED THIS _____ DAY OF _____, 2022

COUNTY COUNCIL OF NEWBERRY COUNTY,
SOUTH CAROLINA

BY: _____
Todd Johnson, Chairman

[SEAL]

Attest:

Jackie Lawrence, Clerk to Council

First Reading: May 18, 2022
Second Reading: June 1, 2022
Public Hearing: June 15, 2022
Third Reading: June 15, 2022

FORM OF BALLOT

**OFFICIAL BALLOT, REFERENDUM
ONE PERCENT SALES AND USE TAX AND
\$ _____ GENERAL OBLIGATION BONDS
NEWBERRY COUNTY, SOUTH CAROLINA
November 8, 2022**

Precinct No. _____

Initials of Issuing Officer _____

**OFFICIAL BALLOT, REFERENDUM
ONE PERCENT SALES AND USE TAX AND
\$ _____ GENERAL OBLIGATION BONDS
NEWBERRY COUNTY, SOUTH CAROLINA
November 8, 2022**

Question

Must a special one percent sales and use tax be imposed in Newberry County for not more than seven years to raise the amounts specified for the following purposes:

<u>Item</u>	<u>Project Description</u>	<u>Cost</u>
1	Newberry County Public Safety Complex, including facilities for Emergency Services, a relocated Friendly Fire Department and a relocated Newberry Rescue Squad.	\$7,750,000
2	Improvements to City of Newberry Recreation Complex, including splash pad expansion, Miracle Field, skate park, sidewalk and paved walking trail , shade structures, additional restrooms, and maintenance access drive and maintenance building.	3,295,000
3	Improvements to Town of Prosperity parks, including Langford St. Park, Town Center Park, North Main St. Park and Town Center Football-Soccer Field.	3,150,000
4	New cell block building and upgrades to support facilities at Newberry County Detention Center.	8,000,000
5	Improvements to Town of Little Mountain Reunion Park, including park entrance upgrade, walking trail, shelter renovations with stage conversion, renovation of smokehouse/picnic shelter including bathrooms.	2,015,825

6	Downtown Newberry amphitheater and pavilion/support building.	3,650,000
7	Upgrade and Expansion of Newberry County Water and Sewer Authority's Cannon's Creek Wastewater Treatment Plant.	5,154,560
8	Renovation of Old Gallman High School for use as community center by Building Thriving Communities Foundation.	1,450,000
9	IT/Network/Security Improvements at Newberry County Courthouse.	295,000
10	Roof replacement and HVAC improvements at The Newberry Museum.	815,000
11	Improvements to Town of Pomaria's Old Pomaria School community center.	671,745
12	Improvements to Town of Whitmire City Gym.	800,000

and must the County Council of Newberry County be authorized to issue not exceeding \$35,250,000 principal amount of general obligation bonds of Newberry County as a single issue or several issues, provided that the proceeds of such bonds shall be applied to defray the costs of the foregoing purposes, including costs overruns, and issuance costs, and provided further that in the event the sales and use tax to be imposed as stated herein is inadequate for the payment of such bonds, such bonds shall be payable from an ad valorem tax imposed on all taxable property in Newberry County?

Yes []

No []

INSTRUCTIONS TO VOTERS: If you are in favor of the question, touch the screen next to the word "Yes"; if you are opposed to the question, touch the screen next to the word "No."

[Alternative Instructions for absentee/paper ballots to be provided by Board of Voter Registration and Elections of Newberry County.]

* * * *

EXHIBIT “B”

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

NOTICE OF REFERENDUM
TO BE HELD ON TUESDAY
NOVEMBER 8, 2022

NOTICE IS HEREBY GIVEN that a Referendum will be held in Newberry County, South Carolina (the “County”), on November 8, 2022, for the purpose of submitting to all persons qualified to vote in the County, under the Constitution and laws of the State of South Carolina the following question:

Question

Must a special one percent sales and use tax be imposed in Newberry County for not more than seven years to raise the amounts specified for the following purposes:

<u>Item</u>	<u>Project Description</u>	<u>Cost</u>
1	Newberry County Public Safety Complex, including facilities for Emergency Services, a relocated Friendly Fire Department and a relocated Newberry Rescue Squad.	\$7,750,000
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10	Roof replacement and HVAC improvements at The Newberry Museum.	815,000
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12	Improvements to Town of Whitmire City Gym.	800,000

and must the County Council of Newberry County be authorized to issue not exceeding \$35,250,000 principal amount of general obligation bonds of Newberry County as a single issue or several issues, provided that the proceeds of such bonds shall be applied to defray the costs of the foregoing purposes, including costs overruns, and issuance costs, and provided further that in the event the sales and use tax to be imposed as stated herein is inadequate for the payment of such bonds, such bonds shall be payable from an ad valorem tax imposed on all taxable property in Newberry County?

The question is being submitted pursuant Title 4, Chapter 10, Article 3, Code of Laws of South Carolina, 1976 as amended, and an ordinance of the County Council of Newberry County enacted on July ____, 2022. The referendum question includes both the imposition of a sales and use tax and the issuance of general obligation bonds in order to provide for the capital projects listed above. If a majority of the qualified electors of the County voting in the Referendum vote in favor of the question, a one percent sales and use tax will be imposed in Newberry County for seven years immediately upon termination of a sales and use tax now imposed in the County pursuant to a referendum held on November 8, 2016, and the County Council of Newberry County will be authorized to issue not exceeding \$35,250,000 principal amount of general obligation bonds of Newberry County to defray the costs of the projects listed above, cost overruns, and issuance costs. The principal receipts from the sales and use tax will be applied to pay the debt service on such bonds, provided that amounts not required within 12 months for such purposes, along with investment earnings, may be applied to defray the costs of those projects set forth in the ballot question.

Every person offering to vote in this referendum must be at least eighteen (18) years of age, must reside in the School District and must be duly registered on the books of registration for Lancaster County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum, and must produce, upon presenting himself or herself to

vote, a valid and current: (1) South Carolina driver's license, (2) other form of identification containing a photograph issued by the South Carolina Department of Motor Vehicles, (3) passport, (4) military identification containing a photograph issued by the federal government, or (5) South Carolina voter registration card containing a photograph of the voter. Persons who do not or cannot present valid and current identification as provided herein may cast a provisional ballot in accordance with Section 7-13-710, Code of Laws of South Carolina, 1976, as amended.

Any persons wishing to register to vote in the Referendum, if registering by mail, must have such registration postmarked not later than October 9, 2022, to the Newberry County Registration and Election Commission, P. O. Box 147, Newberry, South Carolina 29108-0147, telephone (803) 321-2121, or, if registering to vote in person, must do so by no later than _____ p.m. on October ____, 2022.

Any such registered elector who has moved his or her place of residence within the County after the date on which said books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote in his or her previous precinct of residence in the Referendum; provided, however, in case any registered elector shall have moved from one precinct in the County to another precinct in the County within thirty days prior to November 8, 2022, and shall have surrendered his registration certificate and has received a new certificate, such elector may vote in the precinct provided for by such new certificate. Persons who become of age during the 30-day period preceding the Referendum shall be entitled to register before the closing of the books if otherwise qualified.

Any person eligible to register to vote in the Referendum who has been discharged or separated from service in the Armed Forces of the United States prior to November 8, 2022, and has returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the Referendum after the discharge or separation from service, up to 5:00 p.m. on the day of the Referendum. This application for registration must be made at the office of the Board of Voter Registration and Elections of Newberry County, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct.

The polls shall be open from 7:00 a.m. until 7:00 p.m. at the polling places designated below and shall be open during these hours without intermission or adjournment. Appropriate vote recorders will be provided at the polling places for the casting of ballots on the aforesaid question. Managers of Election will be appointed by the Board of Voter Registration and Elections of Newberry County. The Managers of Election shall see that each person offering to vote takes the oath that he is qualified to vote at this election according to the Constitution of this State, and that he has not voted before in this election. The precincts within the County and locations of the several polling places for such Referendum are as follows:

<u>Precinct No.</u>	<u>Precinct Name</u>	<u>Polling Place</u>
001	Newberry Ward 1	Courthouse Annex, 1309 College St
002	Newberry Ward 2	Bethlehem Baptist Church, 1501 College St.
003	Newberry Ward 3	Hal Kohn Memorial Library, 1100 Friend St
004	Newberry Ward 4	St. Mark's Catholic Church, 928 Boundary Street
005	Newberry Ward 5	West View Baptist Church, 620 Main St
006	Newberry Ward 6	New Covenant Church, 2304 Johnstone Street
010	Beth-Eden	Woodmen of the World Building, 1420 Civitan Rd
011	Bush River	Bush River School, 9725 Bush River Rd
013	Chappells	Chappells Fire Station, 3218 SC 39
015	Fairview	Fairview Fire Station, 149 Seibert Rd.
017	Hartford	Hartford Community Center, 6771 SC 395
018	Helena	Helena Community Center, 902 Giff St
019	Kinards-Jalapa	Bush River Fire Station, 5627 Bush River Rd
020	Johnstone	Metropolitan Baptist Church, 715 Shrine Club Rd
023	Little Mountain	FD/Rescue Center, 219 N. Boundary St, Little Mountain
025	Maybinton	Fire Substation, 296 Tyger River Rd
027	Mt Bethel Garmany	New Natl. Guard Armory, 275 Gen. Henderson Rd
028	Consolidated #5	Fire Station, 3464 SC Hwy 34, Pomaria, 29126
030	O'Neal	O'Neal Fire Station, 1350 Ira Kinard Rd
031	Oakland	Newberry Housing Authority, 3589 Grant Ave
034	Peak	Town Hall/FD Complex 56 River St, Peak
035	Pomaria	Pomaria Recreation Center, 138 Folk St.
036	Prosperity City	Prosperity Train Depot, 117 Grace St
	Prosperity Outside	Antioch Baptist Church, 236 Rikard School Road
039	Silverstreet	Silverstreet Community Ctr, 1233 Main St
040	Stoney Hill	Stoney Hill Substation, 89 Harmon Quarters Rd
042	St.Phillips/Jollystreet	St Phillips Fire Station, 166 Mud Creek Rd
048	Wheeland	Community Ctr, 1128 Wheeland School Rd
049	Whitmire City	Whitmire Fire Station, 199 Gilliam St
050	Whitmire Outside	Whitmire Fire Station, 199 Gilliam St

Voters who are blind, who are otherwise physically handicapped, or who are unable to read or write are entitled to assistance in casting their ballot. This assistance may be given by anyone the voter chooses except his employer, an agent of his employer, or an officer or agent of his union. The Managers of Election must be notified if assistance is needed. Voters who are unable to enter their polling place due to physical

handicap or age may vote in the vehicle in which they drove, or were driven to the polls. When notified, the Managers will help voters effectuate this curbside voting provision. Registered voters may be eligible to vote by absentee ballot. Persons wishing more information concerning absentee balloting should contact the Board of Voter Registration and Elections of Newberry County at (803) 321-2121. The process of examining the return-addressed envelopes containing absentee ballots will begin at 2:00 p.m. on November 8, 2022.

The Board of Voter Registration and Elections of Newberry County shall hold a hearing on Ballots challenged in the election on Thursday, November 10, 2022 at ____:00 a.m., at _____, Newberry, South Carolina

Chairman, Newberry County Council

Chair, Board of Voter Registration and Elections of Newberry County

* * * *

Commission determined that it does not concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties located at 35 Oak Hollow Road, Newberry;

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 395-39, totaling seven hundred and seventy-nine hundredths (.779) acres located at 35 Oak Hollow Road, Newberry, as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, R2-Rural from RS-Single Family Residential:

A. That the proposed map amendment does not promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood may be adversely affected by the change in zoning.

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for TMS No. 395-39 totaling seven hundred and seventy-nine hundredths (.779) acres real estate parcel as acted on by the Planning Commission, be:

_____ disapproved;

_____ approved; or

_____ approved with the following modifications: _____

_____.

AND IT IS SO ORDAINED by Newberry County Council this _____ day of _____, 2022 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Todd Johnson, Chairman

Attest:

Jackie Lawrence, Clerk to Council

1st reading: June 1, 2022
2nd reading: June 15, 2022
Public Hearing: July 6, 2022
3rd reading: July 6, 2022

Reviewed and approved as to form:

County Attorney

Christopher Inglese, County Administrator

ORDINANCE NO. 05-18-2022

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF CAPITAL PROJECT SALES TAX FUNDS AND MATTERS RELATING THERETO.

BE IT ORDAINED by the County Council of Newberry County, South Carolina, in meeting duly assembled:

ARTICLE I

FINDINGS OF FACT

The County Council of Newberry County, South Carolina (the "Council"), the governing body of Newberry County, South Carolina (the "County"), has made the following findings of fact:

Section 1.01 Findings.

Pursuant to South Carolina Code Ann. §§4-10-300 *et seq.* (1976, as amended) (the "CPST Act") and a referendum held in the County on November 8, 2016 (the "Referendum"), there is presently imposed within the County a one percent sales tax on the sale of certain items specified in the CPST Act (the "Tax"). Proceeds of the Tax have been applied to the payment of debt service on the County's \$19,125,000 General Obligation Bonds, Series 2017 (the "CPST Bonds"). Proceeds of the CPST Bonds have been applied to defray the cost of capital improvements listed on the Referendum ballot.

The Council is advised that the CPST Bonds have been defeased in full and are no longer outstanding. All cost overruns of projects listed on the Referendum ballot have been met or funds allocated therefor. While the Council presently intends to continue the Tax pursuant to the CPST Act beyond its scheduled termination, the reimposition of the Tax requires approval subsequent referendum, which will be held November 8, 2022, if so ordained by Council (the "2022 Referendum"). The Council is further advised that, inasmuch as the CPST Bonds have been defeased and the Tax has not yet been reimposed, the Council is authorized by South Carolina Code Ann. §4-10-340(3) to direct the expenditure of remaining Tax proceeds to capital projects as described in South Carolina Code Ann. §4-10-330(A)(1).

Listed as Item 7 on the Referendum ballot was "Town Hall/Police Department Remodel/Upgrades -\$1,000,000" for the Town of Whitmire (the "Town"). The Town has been advised since the holding of the Referendum that the remodeling and upgrading of a garage which is a component of its existing Police Department facility is impractical as a consequence of the condition of the garage structure. The Town has requested that the Council approve the use of a portion of the remaining proceeds of the Tax to construct a structure in lieu of the remodeling and upgrading of the existing garage (the "Revised Project"). The Council finds that such use is consistent with the purpose of the Tax and has determined so authorize the use of Tax proceeds.

* * * *

ARTICLE II

AUTHORIZATION

Section 2.01 Approval of Application of Tax Proceeds.

The Council hereby approves the application of in the amount of not exceeding \$155,000 to the Revised Project. All other proceeds of the Tax will be applied to capital improvements appearing on the ballot for the 2022 Referendum, interest on bonds issued pursuant to the 2022 Referendum, or, if the Tax is not reimposed, in the manner provided in South Carolina Code Ann. §4-10-340(3).

Section 2.02 Effective Date of Ordinance.

This Ordinance shall become effective upon the third and final reading thereof.

* * * *

ENACTED this ___ day of _____, 2022.

(SEAL)

COUNTY COUNCIL OF
NEWBERRY COUNTY, SOUTH CAROLINA

Todd Johnson, Chairman, County Council
of Newberry County, South Carolina

Attest:

Jackie Lawrence, Clerk to Council

First Reading: June 1, 2022

Second Reading: June 15, 2022

Third Reading: _____, 2022

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct and verbatim copy of an Ordinance enacted by the County Council of Newberry County on _____, 2022, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2022. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2022, it was given its second reading, and at the regular meeting of the County Council held on _____, 2022, it was give third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), being the Freedom of Information Act, a copy of the agenda of each of the meetings of the County Council referenced in the preceding paragraph (showing the date, time and place of the meeting), was, at least 24 hours prior to each such meeting, posted on a designated bulletin board in the administrative offices of the County, posted on the County's public website, and provided to news media and others requesting such information. The agenda for each of the meetings listed in the preceding paragraphs included as an item the reading of the aforesaid Ordinance and was made publicly available in accordance with the preceding sentence.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County Council this _____ day of _____, 2022.

(SEAL)

Jackie Lawrence, Clerk to Council

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct and verbatim copy of an Ordinance enacted by the County Council of Newberry County on _____, 2022, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2022. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2022, it was given its second reading, and at the regular meeting of the County Council held on _____, 2022, it was give third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), being the Freedom of Information Act, a copy of the agenda of each of the meetings of the County Council referenced in the preceding paragraph (showing the date, time and place of the meeting), was, at least 24 hours prior to each such meeting, posted on a designated bulletin board in the administrative offices of the County, posted on the County's public website, and provided to news media and others requesting such information. The agenda for each of the meetings listed in the preceding paragraphs included as an item the reading of the aforesaid Ordinance and was made publicly available in accordance with the preceding sentence.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County Council this _____ day of _____, 2022.

(SEAL)

Jackie Lawrence, Clerk to Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 05-16-2022

AN ORDINANCE ESTABLISHING PROCEDURES AND REQUIREMENTS FOR ENTERING INTO DEVELOPMENT AGREEMENTS IN NEWBERRY COUNTY

WHEREAS, Newberry County Council is aware of the South Carolina Local Government Development Agreement Act (“the Act”) passed by the South Carolina General Assembly as Act No. 150 in 1993 and codified in Chapter 31 of Title 6 of the Code of Laes 1976 as amended; and

WHEREAS, that Act established requirements and authorization for local governments that wish to avail themselves of the ability to enter into development agreements in certain circumstances; and

WHEREAS, the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public; and

WHEREAS, public benefits derived from development agreements include design standards, and on and off-site infrastructure and other improvements; and

WHEREAS, development agreements will provide vesting of development rights for a specified period thereby encouraging private sector investments in Newberry County; and

WHEREAS, Newberry County Council desires to adopt the following standards and requirements to permit opportunities to enter into such agreements.

NOW, THEREFORE BE IT ORDAINED THAT:

Newberry County Council hereby adopts the following provisions and as follows:

The Newberry County Zoning Ordinance is hereby amended by inserting the following Land Development agreements ordinance as Section 153.076.

Land Development agreements

(a) *Findings.* County Council finds that the General Assembly of the State of South Carolina has enacted legislation known as the "South Carolina Local Government Development Agreement Act", State Act codified in Section 6-31-10, et seq. of the Code of Laws of South Carolina, (Supp. 1993), which legislation authorizes, in certain circumstances, the execution of land development agreements to encourage comprehensive and capital facilities

planning, to ensure the provision of adequate public facilities for development, to encourage the efficient use of resources, and to reduce the economic cost of development. County council finds and determines that land development agreements may be useful to both the private and public sector by providing certainty in zoning, by setting forth a reasonable schedule of development and by enhancing the opportunity for comprehensive, planned development, and enacts this ordinance in furtherance of the authority evolved upon it by the South Carolina Local Development Agreement Act.

(b) *Definitions.* As used herein:

(1) *Developer* means a person, including a governmental agency, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.

(2) *Development* means the planning for or carrying out of a building activity or mining operation, the making of a material change in the use or appearance of any structure or property, or the dividing of land into three (3) or more parcels. "Development" as designated in a law or development permit includes the planning for and all other activity customarily associated with it unless otherwise specified.

(3) *Development permit* includes a building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of property.

(4) *Governing body* means the county council of Newberry County.

(5) *Land development regulations* means ordinances and regulations enacted by the governing body for the regulation of any aspect of development and includes a local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulation controlling the development of property.

(6) *Laws* means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by the governing body or its affiliate committees, boards or commissions, affecting the development of property and includes laws governing permitted use of property, governing density, and governing design, improvement and construction standards and specifications.

(7) *Property* means all real property subject to land use regulation by the governing body, and includes any improvements or structures customarily regarded as part of real property.

(8) *Person* means an individual, corporation, business or land trust, estate, partnership, association, two or more persons having a joint or common interest, state agency or any legal entity.

(9) *Public facilities* means major capital improvements including, but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

(10) *Zoning administrator* means the person charged by the governing body with overseeing the implementation and interpretation of land development regulations pertaining to the development of property.

(c) *Application.* Any person seeking a land development agreement with the county shall make application to the zoning administrator or to such other person as the governing body may designate. The application shall incorporate a statement setting forth the objectives of the development and the benefits that will inure to the public as a result. The application shall include a legal description of the property subject to the agreement, which property must contain a minimum of twenty-five (25) acres of highland (wetlands excluded), and the names of its legal

and equitable owners; the proposed duration of the agreement, which must be consistent with South Carolina Local Government Development Agreement Act Section 6-31-40; the development uses permitted on the property, including population densities and building intensities and height; a description of public facilities that will service the property, including the identity of who is to construct and/or provide the facilities, the date that any new public facilities, if needed, will be constructed, and a schedule to verify that public facilities will be available concurrent with the impacts of the development; a description, where appropriate, of any reservation or dedication of land for public purposes; any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of application; a description, where appropriate, of any provisions for the preservation and restoration of historic structures. The application shall also include the current, and if applicable requested, zoning of the property and a site analysis, prepared by a registered engineer or surveyor, showing the location of existing manmade features where major circulation systems are proposed; general topographic information from topographic maps or other suitable maps using a contour interval not exceeding two (2) feet; and the location and description of identified cultural resources. A land use plan shall be part of the application, which shall show the location, net acreage, and gross acreage for each type of residential, office or commercial development proposed for the property, open space areas, water bodies and major circulation systems and existing land uses adjacent to the property. The plan must also identify the type of dwelling units proposed, the minimum of lot size per dwelling unit, and minimum lot frontage requirements, and minimum set back requirements for principal buildings.

With the application, any fee as county council may from time to time establish must also be remitted.

The zoning administrator shall review land development agreement applications, and if necessary for a more coherent understanding of the proposed development, may request additional information.

Furthermore, the zoning administrator shall consult with the Newberry County School District and report to the Planning Commission the findings and recommendations of the school district Superintendent.

(d) *Proposed agreement.* Simultaneously, with the submission of the application, or within a reasonable time thereafter, a proposed land development agreement shall be submitted by the applicant to the zoning administrator. The zoning administrator shall review the same and consult with such other county officials or personnel he deems appropriate. Prior to the agreement being presented to the planning commission, as herein provided, said agreement must be approved as to form by the County Attorney. In the event the proposed land development agreement provides that the local governing body shall provide certain public facilities, the agreement must provide that the delivery date of such public facilities be tied to defined completion percentages or defined performance standards to be met by the developer.

(e) *Planning commission.* After the review as set forth in subsection (d), the application and proposed agreement shall be forwarded to the planning commission. Should any issues pertaining to the agreement be unresolved, such shall be identified by the zoning administrator in his/her report to the planning commission. The planning commission shall conduct a public hearing on the application, giving at least fifteen days' notice in a publication of general circulation in the county that a land development agreement is to be considered. The public notice must specify the location of the property subject to the land development agreement, the

use(s) proposed for the property and the location where a copy of the proposed land development agreement can be obtained.

At the conclusion of its public hearing, the planning commission shall make a recommendation to county council as to the propriety of the agreement. Such recommendation may include suggested amendments or modifications to the agreement. At the conclusion of its public hearing, the chairman of the planning commission shall announce the time, date, and place when county council is to consider the proposed development agreement. Nothing herein shall be construed to preclude the planning commission from deferring action on a proposed land development agreement for the purpose of receiving clarifying information.

(f) *County council.* Prior to authorizing the execution of a land development agreement, county council shall conduct a public hearing, notice of which shall be advertised in a publication of general circulation in the county at least thirty (30) days prior to the date of said hearing. No land development agreement shall be executed until it has been accepted and approved by the governing body and an ordinance authorizing the same has been ratified.

(g) *Effective date.* No land development agreement shall be effective until such time as an ordinance authorizing its execution has been ratified by county council, and the same has been executed on behalf of the county by the council chairman.

(h) *Recording.* It shall be the responsibility of the applicant, within fourteen (14) days of the land development agreement having been executed, to record the agreement with the register of mesne conveyance or clerk of court in the county where the property is located.

(i) *Effect of land development agreement.* A land development agreement must specify which laws in force at the time of the execution of the agreement shall apply for the term of the agreement. Subsequently enacted laws shall be applicable to property subject to a land development agreement, unless the agreement specifies otherwise, or unless, after a public hearing, county council determines that the application of such laws would materially alter or disrupt the development of the property as contemplated by the agreement, or as otherwise provided by the South Carolina Local Government Development Agreement Act, S. C. Code, Ann; Sec. 6-31-80(b)(1), (2), (3), (4) and (5) (Supp. 1993).

(j) *Periodic review.* During the term of a land development agreement, a periodic review of the progress made thereunder shall be had by the zoning administrator, on at least an annual basis. At such review, the parties subject to the agreement must demonstrate good faith compliance with the terms and provisions of the development agreement and must provide such information as the zoning administrator may request, and as may be otherwise provided in the agreement. If as a result of any periodic review, it appears that a person subject thereto has committed a material breach of the terms or conditions of the agreement, such circumstance shall be reported to county council by the zoning administrator. Upon receipt of such report, county council, or such committee to which the matter may be referred by council, if it concurs with the zoning administrator's report, shall serve written notice to the applicable party, setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination of breach, and providing the applicable party a reasonable time in which to cure the breach.

If such party fails to cure the material breach within the cure period, county council or the committee to which the matter has been referred, may unilaterally terminate or modify the land development agreement, provided that council or the committee, as appropriate, has first given the applicable party an opportunity to either rebut the finding and determination or to consent to

an amended development agreement to address the concerns of county council or the committee with respect to its findings and determination, and has otherwise complied with the provisions of the development agreement pertaining to a material breach.

(k) *Amendments/cancellation.* Any land development agreement may be amended or cancelled by mutual consent of the parties to the agreement, or by their successors in interest.

(l) *Burden/benefits.* All burdens of the land development agreement are binding upon, and the benefits of the land development agreement shall inure to, all successors in interest to the parties to the land development agreement.

(m) *State or federal laws or regulations.* In the event state or federal laws or regulations, enacted after a land development agreement has been executed, prevent, or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended, as necessary, to comply with the state or federal laws or regulations.

(n) *Technical codes.* Notwithstanding anything herein to the contrary, any and all building, housing, electrical, plumbing and gas codes, now in effect or hereafter adopted by county council, shall apply to any properties subject to a land development agreement.

(o) *Enabling legislation.* In the event that a court of competent jurisdiction shall determine that the state act, or any part thereof, invalid or unenforceable, or in the event that the South Carolina General Assembly shall amend or repeal the state act, in whole or in part, each development agreement shall be reviewed to determine if such change in the state act results in a substantial impairment of the rights or obligations of any of the parties to such development agreement. Any part whose rights or obligations under a development agreement have been substantially impaired by a change in the state act shall have the right to immediately terminate the agreement as to all parties thereto by written notice to the parties to the development agreement.

AND IT IS SO ORDAINED by Newberry County Council this ___ day of _____, 2022 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Todd Johnson, Chairman

Attest:

Jackie Lawrence, Clerk to Council

Reviewed and approved as to form:

1st reading:
2nd reading:
Public Hearing:
3rd reading:

County Attorney

Christopher Inglese, County Administrator



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Katie Werts	Title: Zoning Administrator
Department: Planning & Zoning	Division: N/A
Date Prepared: June 28, 2022	Meeting Date: July 6, 2022
Legal Review: Jay, County Attorney	Date: June 27, 2022
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: June 21, 2022
Request Consideration by Committee / County Council: County Council	
Subject: Ordinance #	

STAFF'S RECOMMENDED ACTION:

This ordinance is for the rezoning of one (1) property totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, Chappells from R2-Rural to GC-General Commercial, tax map No. 28-1-1-6. Applicant has asked to rezone to GC-General Commercial from R2-Rural for a potential storage facility. The future land use map of the comprehensive plan has identified this property to be within the rural development overlay. The rezoning to GC-General Commercial does not fit within the definition of the rural development overlay. The Planning staff does not recommend this rezoning, however the Joint Planning Commission voted to approve the rezoning.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

Ordinance has been reviewed by the County Attorney.

SUMMARY DISCUSSION:

This ordinance is for the rezoning of one (1) property totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, Chappells from R2-Rural to GC-General Commercial, tax map No. 28-1-1-6. Applicant has asked to rezone to GC-General Commercial from R2-Rural for a potential storage facility.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Planning Commission Staff Report

Ordinance No.



Newberry County

Planning Commission Staff Report

Request: Rezoning request MA02-06-21-22 by Joel Quinn Jr. This request is to rezone one (1) property totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, Chappells from R2-Rural to GC-General Commercial.

Application Number: MA02-06-21-22

Applicant: Joel Quinn Jr.

Property Owner(s): Joel Quinn Jr.

Location Address: 411 SC Highway 39, Chappells, SC 29037

Tax Map Number(s): 28-1-1-6

Lot Size: 3.87 acres

Current Land Use: Residential/Commercial

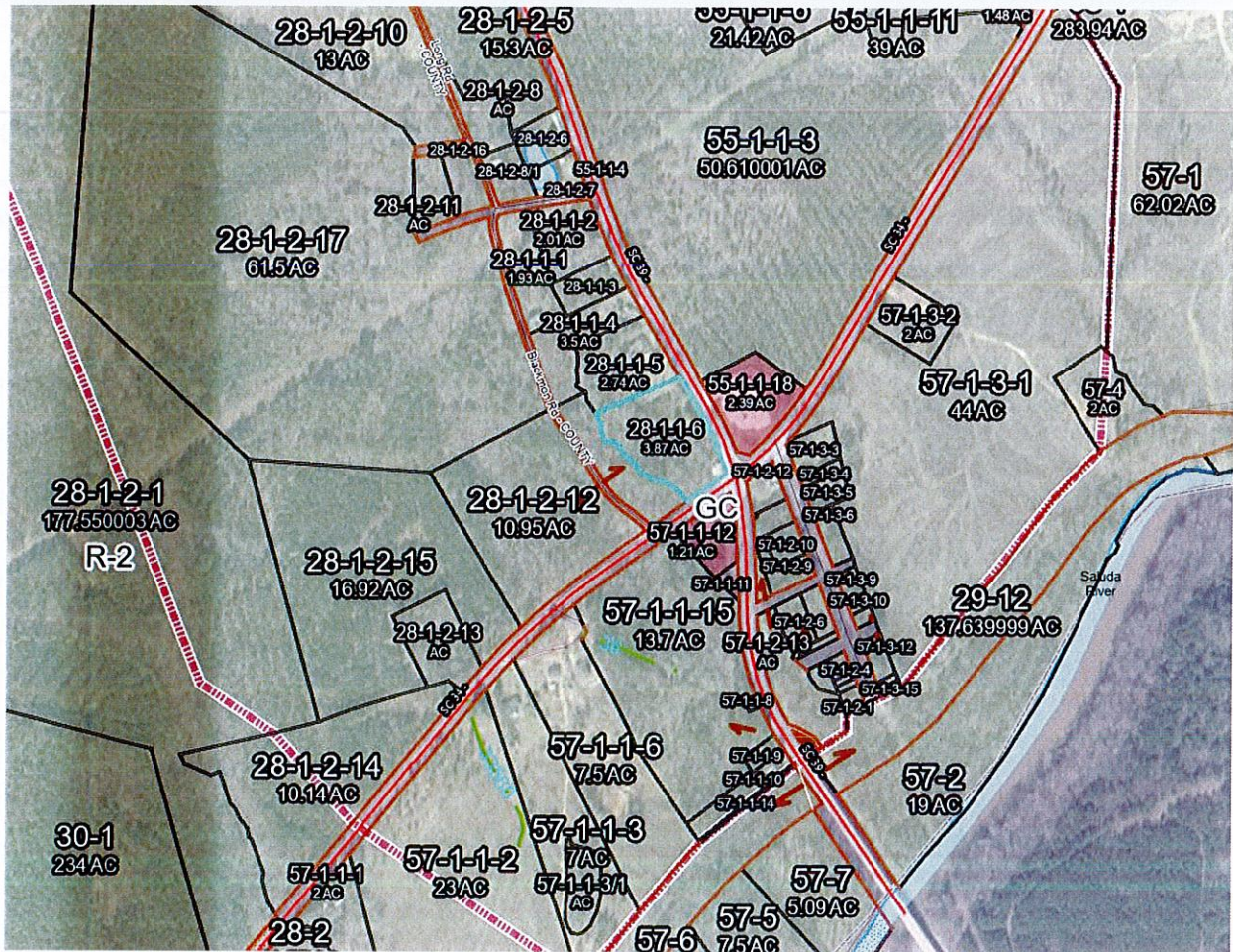
Proposed Land Use: Commercial

Current Zoning District: R2- Rural

Proposed Zoning District: GC – General Commercial

Comprehensive Plan Designation: Rural Development

Zoning Map:



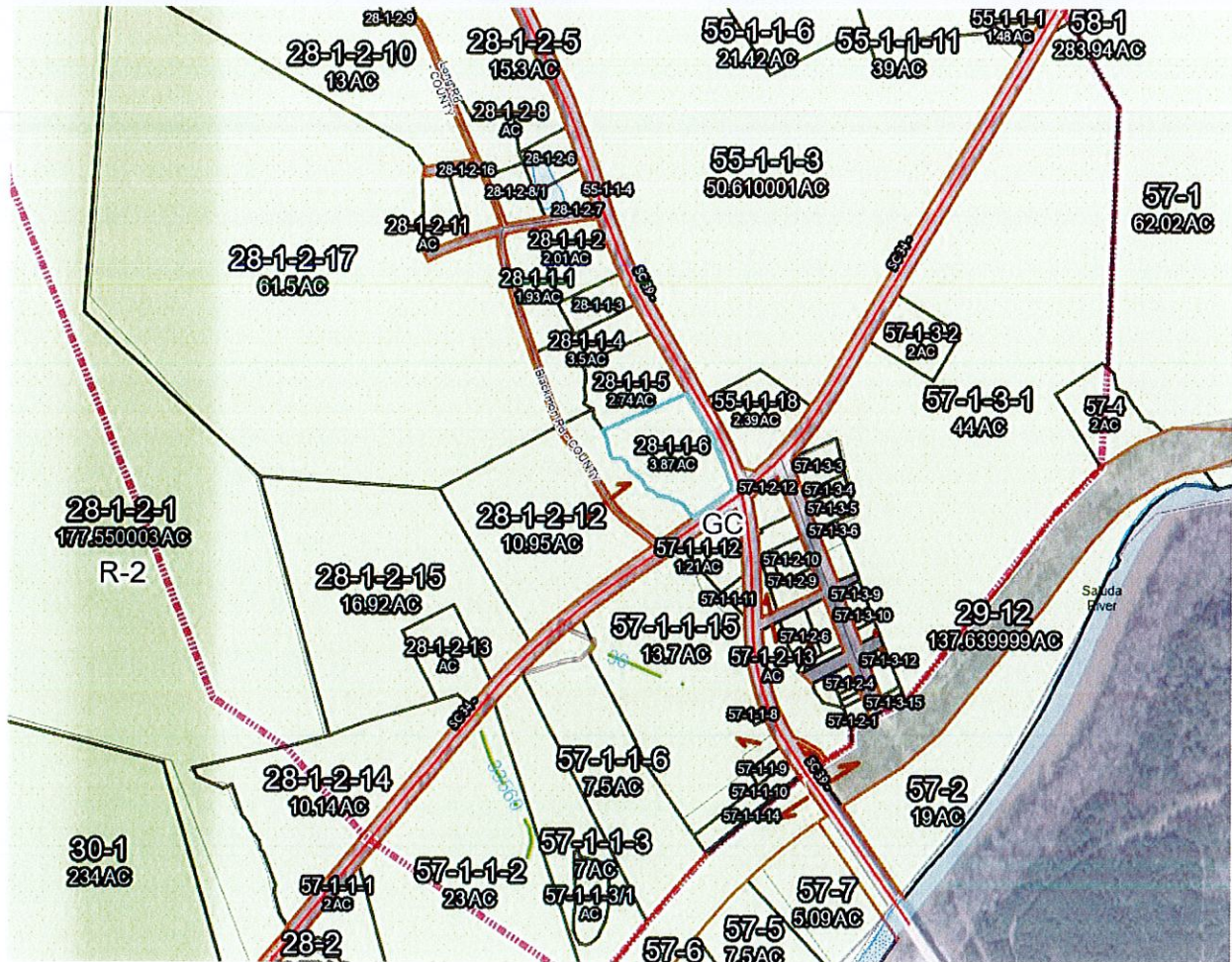
Current Zoning District

R2-Rural: The R2-Rural district is intended to be rural in nature, allowing low density residential uses including manufactured housing on individual properties, as well as home occupations, family day care, agriculture, forestry, hunting, and religious uses, but also accommodating complementary and associated uses such as recreation, government services, and appropriate service, commercial and industrial uses.

Proposed Zoning District

GC – General Commercial: The GC district is intended to accommodate a variety of general commercial and non-residential uses characterized primarily by retail, including shopping centers; wholesale; offices; educational institutions; healthcare, including hospitals; arts and entertainment; and service establishments in commercially-oriented areas.

Future Land Use Map:



Future Land Use Definition

Rural Development: Land in the rural areas of the County primarily used for low density residential, agricultural and forestry, but may include other complementary and associated uses. Land in Rural Development may also include higher intensity uses on properties that are separated appropriately from residential uses and that have adequate road access.

Analysis:

This is a request by Joel Quinn Jr. to rezone one (1) parcel of land totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, SC from R2-Rural to GC – General Commercial. Currently there is a site built residential unit on the property and an existing commercial building.

Surrounding land uses include single-family residences, and commercial uses such as the Dollar General and gas station.

The Comprehensive Plan identifies this property and the surrounding area as Rural Development. Rural development is intended to be land in the rural areas of the County primarily used for low density residential, agricultural and forestry.

When considering a rezoning, per Title 6, Chapter 29 of the Code of Laws of South Carolina, the decision of the Planning Commission serves as a recommendation and is forwarded to County Council for review and approval.

Recommendations:

Staff: Recommends denial of the request from R2-Rural to GC – General Commercial as it is not supported by the Comprehensive Plan.

Planning Commission:**County Council:**

Warehousing and Storage

R2-Rural/General Commercial

Warehousing and Storage facilities are conditional uses in both the R2-Rural and General Commercial zoning districts.

In the R2-Rural zoning district, the following conditions would have to be met:

153.089 RURAL DISTRICT CONDITIONAL USES.

In addition to single-family residential and agricultural uses, certain light commercial and industrial and substantially similar uses including uses in the healthcare, government, information, professional/office, transportation, and utilities use categories are considered to be appropriate for a rural area and as such may be allowed in the R2 district as listed in § 153.073(D) - Zoning District Table of Permitted Uses, provided the following conditions are met. These conditions do not apply to single-family residential and agricultural uses.

(A) Such uses may be associated with, but secondary to, a single-family residential use on the same property.

(B) Such uses must comply with conditions associated with the use, as provided in §§ 153.088 *et seq.* - Conditional Uses and any applicable performance or other requirement as provided in this chapter, in addition to the following conditions. Where requirements differ, the more restrictive requirement shall apply.

(C) If the single structure or combination of structures to be included in the proposed non-residential, non-agricultural use exceeds 3,000 square feet in gross floor area, it must be permitted by special exception as provided in § 153.137 - R2 Rural District Special Exceptions.

(D) Where permitted, such uses shall meet the following conditions:

(1) A buffer of at least 100 feet shall be required from adjoining property lines of existing single-family residential uses and adjacent residentially zoned properties. Such buffer shall comply with the applicable requirements for buffers provided in § 153.182. If a different buffer width is required for an individual use the larger buffer shall apply. For uses requiring a special exception permit, the Board of Zoning Appeals may require a larger buffer after finding that potential offsite impacts warrant the increase.

(2) Maneuvering of associated vehicles of any size must be accommodated by and occur on the associated property.

(3) No uncovered open storage of waste materials shall be permitted in public view.

(4) Any manufacturing process shall be completely contained inside the permitted structure(s).

(5) *Performance standards.* Such uses must comply with the following performance standards:

(a) *Light.* As required by § 153.034 - Light and Glare.

(b) *Glare.* As required by § 153.034 - Light and Glare.

(c) *Odor.* There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.

(d) *Vibration.* A person may not cause or permit, beyond the property line of a source, vibration of sufficient intensity to cause another person to be aware of the vibration by such direct means as sensation of touch or visual observation of moving objects. The observer shall be located at or within the property line of the receiving property when vibration determinations are made.

(e) *Noise*. As required by §§ 90.01 through 90.99 - Noise of the Newberry County Code of Ordinances.

(6) *Exceptions to performance standards*. The following are exempted from the performance requirements of this division.

(a) Any exemptions provided by other regulations cited in this chapter.

(b) Vibration emanating from construction activities between the hours of 7:00 a.m. and 9:00 p.m. pursuant to a current building permit issued by Newberry County.

In the General Commercial zoning district, the following conditions would have to be met:

153.110 WAREHOUSING AND STORAGE.

Warehousing and storage facilities shall meet the following requirements where conditionally permitted.

(A) All structures shall be setback a minimum of 100 feet from any adjacent property with an existing residential use or adjacent residentially zoned property.

(B) Site design shall ensure safe, predictable vehicular parking, access and movement onto and off of the site.

Applicant is asking to rezone to General Commercial because the storage facility he is wanting to build will be more than the allowed 3,000 sq. ft. in gross floor area allowed in the R2-Rural zoning district. Applicant owns and operates a heating and air conditioner company and is needing the additional storage space for his business.

STATE OF SOUTH CAROLINA)
)
NEWBERRY COUNTY)

ORDINANCE NO. 06-19-2022

AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 12-24-01 AS REVISED AND AMENDED BY ZONING ORDINANCE NO. 6-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE (1) REAL ESTATE PARCEL TOTALING THREE AND EIGHTY-SEVEN HUNDREDTHS (3.87) ACRES DESIGNATED AS TMS NO. 28-1-1-6, FROM R2-RURAL TO GC-GENERAL COMMERCIAL.

WHEREAS, Zoning Ordinance, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

WHEREAS, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, Chappells, to GC-General Commercial from R2-Rural. Tax Map No. 28-1-1-6 currently has two structures on the property. The Comprehensive Plan shows the future land use for this area to be within the rural development projected area. The Planning Staff does not recommend that this real estate parcel be rezoned to GC-General Commercial.

WHEREAS, the Newberry County Joint Planning Commission, in case number MA02-06-21-22, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property. The Joint Planning Commission determined that it does not concur with the recommendation of the Planning

Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties located at 411 SC Highway 39, Chappells;

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 28-1-1-6, totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, Chappells, as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, GC-General Commercial from R2-Rural:

A. That the proposed map amendment does not promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood may be adversely affected by the change in zoning.

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for TMS No. 28-1-1-6 totaling three and eighty-seven hundredths (3.87) acres real estate parcel as acted on by the Planning Commission, be:

_____ disapproved;

_____ approved; or

_____ approved with the following modifications: _____

AND IT IS SO ORDAINED by Newberry County Council this _____ day of _____, 2022 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____

Todd Johnson, Chairman

Attest:

Jackie Lawrence, Clerk to Council

1st reading: _____

2nd reading: _____

Public Hearing: _____

3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Rick Farmer	Title: Director
Department: Economic Development	Division:
Date Prepared: 6/29/22	Meeting Date: 7/6/22
Legal Review	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Economic Development Committee Meeting Report	

The Newberry County Economic Development Committee met on May 23, 2022. Please see the attached agenda and minutes from that meeting for context.

FIDUCIARY: There are no costs to this item.

Are Funds allocated in the department's current fiscal year budget?		Yes	X	No
If no, is a budget amendment necessary?		Yes	X	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE: N/A

SUMMARY DISCUSSION: The meeting was duly advertised and held on May 23, 2022. Mr. Reeder and Mr. Livingston in attendance, but Mr. Shealy did not attend due to medical reasons. Please see the agenda and minutes for additional context.

ADDITIONAL COMMENTS FOR CONSIDERATION: N/A

ATTACHMENTS: Economic Development Committee Meeting Agenda for May 23, 2022, and Draft Minutes from that meeting.

Newberry County Council Economic Development Committee

**Monday, May 23, 2022
Council Chambers, 6 PM**

1. Call to Order – Buddy Livingston, Committee Chair
2. Additions, Deletion, & Adoption of the Agenda
3. Public Comments
4. Staff Report
 - a. Project Activity
 - b. Product Development
 - i. Mid-Carolina Commerce Park Expansion Update
 - ii. Mid-Carolina Commerce Park II Update
 - iii. Mawsons Way Repairs/Resurfacing and Mawsons Way Extension
 - c. Prospect Development
 - i. Discussion of grocery store recruitment
 - ii. Web site update
 - d. Other
 - i. Economic Development Strategic Planning
 - ii. Central SC Invoice – April 1, 2022
 - iii. Discussion of Capital Fund
 - iv. Recent Existing Industry contacts with Metal Masters, Kiswire, Samsung, Big Gun Robotics, MacLean Power Systems, Creative Liquid Coatings, Komatsu, etc.
5. Comments by and discussion items from the Committee Members
6. Executive Session

§30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Eco, Peru, Ram, Voltage, Nona, Benefit, Uncle Sam, Green, Viking, PB&J and others.
7. Adjourn

NEWBERRY COUNTY COUNCIL
ECONOMIC DEVELOPMENT COMMITTEE
MINUTES
May 23, 2022

The Newberry County Council Economic Development Committee met on Monday, May 23, 2022, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for its regularly scheduled meeting.

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

PRESENT: Henry H. Livingston, III, Committee Chair
Travis Reeder, Council Member
Rick Farmer, Economic Development Director
Christopher Inglese, County Administrator (6:20 p.m.)
Jackie Lawrence, Clerk to Council
Susan Fellers

ABSENT: Robert N. Shealy, Council Member

1. Call to Order

Mr. Livingston called the meeting to order at 6:08 p.m. and determined a quorum to be present.

2. Additions, Deletions and Adoption of Agenda

Mr. Reeder moved to adopt the Agenda, as presented; seconded by Mr. Livingston. Vote was unanimous.

3. Public Comments

Mr. Mac Flores introduced himself as working for Ecoplexus and that he is grateful for having already had a couple of presentations in Chambers and looking forward to more. He ultimately just wanted to show his face and to let the Council and Committee know that they are very excited about bringing the project forward to the County and getting everything passed by working with Rick and the rest of the County. He was not to present at this meeting but wanted to make their presence known.

4. Staff Report

a. Project activity

Mr. Farmer stated that the Project Activity is high. He had 6 RFI's last quarter as well as the previous quarter. There are several expansions in the works. Activity is fairly robust.

b. Product Development

- i. Mr. Farmer updated the Mid-Carolina Commerce Park Expansion. This is the road extension project in the original Mid-Carolina Commerce Park that commenced last summer. Construction continues although with some delays. Most notably by the weather but there have been delays with materials. The completion date will be pushed back a couple of months. It will probably be complete by late summer. This does open about eight (8) new sites for development in the backside of Mid-Carolina Commerce Park. The largest picture is the skeleton of the bottomless culvert. Instead of building a bridge, this is a more cost-effective way to do it. However, having said that it is still a very expensive proposition.
- ii. Mr. Farmer stated that Daeyoung construction continues in Mid-Carolina Commerce Park II. He, the Administrator, the Fire Marshall, and the Building Official have been onsite and have toured the construction site and discussed some schedules

for completion. It is a very, very tight project. It has lost a couple of months due to weather delays, but it is still moving forward.

- iii. Mr. Farmer addressed the Mawsons Way Repairs, Resurfacing and Extension project. These were two projects submitted in the Capital Project Sales Tax. Both projects were cut by the Capital Project Sales Tax Commission, so we are back to square one on both. The need to fix the road was first identified back in 2017 during the recruitment of Samsung. A study was commissioned in 2019 to evaluate the road. The recommendation from the study was a full depth reclamation and overlay. The 2022 estimate for the repair is \$1,600,000.00. Currently there is no identified source for funding for this project. The Extension would add a second entrance to the park, making the park safer having two points of ingress and egress instead of one. The total cost to build this road is \$2,800,000.00. We have a verbal commitment from the coordinating council for a \$2,500,000.00 grant. Samsung needs to announce that it has invested much more and created more jobs than they originally promised to open that grant. Newberry County would need to come up with the remaining \$300,000.00. He has applied for \$167,000 from the Newberry Electric Cooperative for the utility tax credits. That decision is currently pending but the hope is to apply those funds to the Newberry County's portion. Mr. Livingston asked that with the credit then Newberry County would only be responsible for roughly \$135,000.00? Mr. Reeder stated that this project did not include the resurfacing project. Mr. Farmer affirmed that the extension project and the resurfacing project were independent of one another.

c. Prospect Development

- i. Staff is working actively with the City of Newberry on grocery store recruitment. There have been numerous meetings over the last several weeks. Marketing materials are being updated to show new growth and jobs coming to make a compelling case with grocers and developers. There is a promising new lead from North Carolina. Once the marketing information is updated there will be a meeting set. Two things that grocers look for is income and residential growth. Newberry is making progress in both of those areas.
 - ii. Staff has asked the company that built and hosts the website to make some recommendations for changes and improvements in effort to not need a complete overhaul which would cost \$15,000.00 to \$30,000.00
- d. Other
- i. Council accepted on May 18, 2022, a proposal for Creative Economic Development Strategic Planning to facilitate and create the plan for \$52,615.00. That firm has been contacted and notified that their proposal has been accepted. A meeting should take place soon to start laying the groundwork. The time frame for this is about 7 months. There were 24 applications received for the 10 spots to be filled for Economic Development Strategic Plan Task Force.
 - ii. Staff requested approval for payment of the quarterly invoice for Central SC in the amount of \$18,000.00.
Mr. Reeder moved to send the invoice to full Council for approval, seconded by Mr. Livingston. Mr. Livingston called for the vote. Vote was unanimous.
Staff made a request of the Committee that since Council approves payment of these invoices when it passes the annual budget that it be allowed to dispense with quarterly reviews and

approvals. Invoices would go straight to the Administrator for payment.

Mr. Reeder moved that the invoice be approved one time through the budget. Mr. Livingston agreed.

- iii. Mr. Inglese stated the public safety needs for the County have evolved over the last several years as industry has come to Newberry. There has been a good deal of growth and we have not grown our Public Safety investment, we have not grown our Parks & Rec. investment, our Public Works has been stagnant as well. Industry and job creation has an impact on Public Safety, more calls for fire alarms, more accidents on our roads, more garbage at the transfer station and more people looking for recreational opportunities. During the budget process Staff pitched the idea for a special fund for Parks & Recreation partially funding Parks & Rec. from FILOT fees. That died. It did not win favor with Council, but a good discussion came from that which was how do we fund Capital Equipment Purchases in the future. Do we really want to rely on FILOT fees ongoing, recurring operational expenses, which we are already doing but should we continue? Those discussion points lead to ask questions of our Economic Development Attorneys, If Council want to direct funds specifically to Public Safety, i.e., create a fund for purchasing fire trucks, ambulances, and equipment that are constantly being updated, approved, and need to continuously be purchased to stay up to date. The response was positive one. The suggestion was that Council has the option at the time a MCIP is created or even later if you want to do an Industrial Park Agreement to divert funds in any way that you want to. For Example, if a new MCIP was going to be created and an industry was going to invest in that park and create jobs there, put in a building, make investments in the real estate, bring millions of dollars in equipment that would be taxed, that new revenue source could be diverted by Council. Council could direct 50% of the new revenue from this new

park to go to capital purchases for Public Safety, 25% to go to capital purchases for Parks & Recreation or to help cover equipment costs at the transfer station. Over the last several years we have learned where the impact is from the new industries. Through an Ordinance process Council would divert funds in a particular way. He wanted to bring it to the Committees attention so that they are aware that this option is available.

Mr. Reeder believes this will be easier than trying to create Bonds and pay it back later if we already had a fund available. This would be something we would put in on a yearly basis.

Mr. Inglese stated that the fund could be started at the time MCIP is created. The revenue could be diverted at that time.

Mr. Livingston stated that the disadvantage is that those funds that were once going into the General Fund could offset taxes for our citizens would be going into another fund. However, eventually the citizens are going to have to pay for the rolling stock or whatever any way, so it is a wash.

Mr. Inglese added that it is a wash on the dollars as we must get the dollars and the equipment, but it is a mitigation of risk benefit because we are not relying on it for operations but diverting it to capital and we save on the interest for not having a lease purchase on large purchases.

Mr. Livingston stated that the need for also diverting ten or fifteen percent over into Economic Development, whether it be for road improvement, etc. that we need now and where is the money coming from.

Mr. Inglese stated that at the MCIP is being created, the revenue would be divided to the needed places.

- iv. Staff has had recent, existing industry contact. The goal is to visit each industry, even if nothing is going on, to visit once a year. Some of the industries the visitation is much more common. There is an extensive list of existing industries visited in the last several months to include Georgia-Pacific, MacLean, West Frazer, Big Gun Robotics, Komatsu, KRA, MM Technics, Pioneer, Kiswire, Comfort Care, Creative Liquid Coatings, SMW, Metal Masters, Samsung, etc.

5. Comments by and discussion items from Committee Members.

No comments or discussion from Council

6. Executive Session

30-4-70(a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Eco, Peru, Ram, Voltage, Nona, Benefit, Uncle Sam, Green, Viking, PB&J, and others.

Mr. Reeder moved to go into Executive Session for the above stated reasons; seconded by Mr. Livingston. Vote was unanimous.

EXECUTIVE SESSION

6:20 P.M. – 6:52 P.M.

Mr. Reeder moved to come out of Executive Session.

Mr. Reeder stated that the Sheriff brought to his attention that the salaries for Law Enforcement continues to go up in the surrounding counties.

Mr. Inglese stated that the Comp Class Study should be complete in four months and then maybe it can be revisited for budget.

Mr. Reeder moved to adjourn the meeting, seconded by Mr. Livingston. Vote was unanimous.

Mr. Livingston declared the meeting adjourned at 7:08 p.m.

Newberry County Council
Economic Development Committee

Henry H. Livingston - Chairman

Jackie Lawrence, Clerk to Council

Minutes approved: _____



**Newberry County
Administration**

1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Debbie Cromer	Title: Finance Director
Department: Finance	Division: NA
Date Prepared: 6-24-2022	Meeting Date: 7-6-2022
Legal Review: n/A	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration	
Subject: Finance Meeting held 6-6-2022	

STAFF'S RECOMMENDED ACTION: A copy of the agenda and the minutes are attached for your consideration.

Items sent to full Council:

\$88,000 charge order for Lindler Construction was on the 6-15-2022 agenda

Ordinance establishing and implementing a program to charge mitigation rates for the development of emergency and non-emergency services by the fire or rescue department for services provided/rendered for the Newberry County Emergency Services. This Ordinance will be on July 6, 2022, agenda.

Discussion of Public Information Campaign for CPST. Committee voted to send to full Council.

Other items discussed:

MCIP/FILOT revenue diverted to Capital Purchases. A work session will be setup to discuss this proposal.

Discussion of grant writer consultant services. Mr. Ingles updated the committee on this position.

FIDUCIARY: N/A

Are Funds allocated in the department's current fiscal year budget?	X	Yes		No
If no, is a budget amendment necessary?	X	Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

None

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

n/a

SUMMARY DISCUSSION:

ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENTS:

Finance committee agenda 6-6-2022

Finance committee minutes 6-6-2022



**NEWBERRY COUNTY COUNCIL
FINANCE COMMITTEE AGENDA**

June 6, 2022

6:00 P.M.

Call to order:

Mary Arrowood, Chairman

Invocation and Pledge of Allegiance:

Henry H. Livingston, Council person

1. Call to Order
2. Additions, Deletions & Adoption of the Agenda
3. An Ordinance establishing and implementing a program to charge mitigation rates for the development of emergency and non-emergency services by the fire or rescue department for services provided/rendered for the Newberry County Emergency Services.
 - a. Discussion
4. Discussion of Public Information Campaign for CPST
5. MCIP/FILOT revenue diverted to Capital Purchases
6. Discussion of Grant Writer Consultant Services
7. \$88,000 change order request – Alliance Engineering/Lindler Construction
8. Executive Session
 - Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976
 - (1) 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.
 - (2) Discussion of matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

9. Adoption of Consent Agenda
 - a. Finance Committee Minutes 4-5-2021

10. Public Comments

11. Adjournment

NEWBERRY COUNTY COUNCIL
FINANCE COMMITTEE MINUTES

JUNE 6, 2022

The Newberry County Council Finance Committee met on Monday, June 6, 2022, at 6:00 p.m. in Council Chamber at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Mary Arrowood, Council Committee Member
Henry H. Livingston, III, Council Committee Member
Christopher Inglese, County Administrator
Karen Brehmer, Deputy County Administrator
Jacquelyn R. Lawrence, Clerk to Council

ABSENT : Debbie S. Cromer, Finance Director
Les Hipp, Vice-Chair (District 5)

Mrs. Arrowood called the meeting to order and determined a quorum to be present.

Mr. Livingston had the invocation followed by the Pledge of Allegiance.

Additions, Deletions & Adoption of the Agenda

Mrs. Arrowood stated that number seven (7) on the Agenda needed to be made number two A (2a). Without objection the proposed change was accepted, and the amended Agenda was adopted.

2 a. \$88,000 change order request – Alliance Engineering/Lindler Construction

Kyle Clampitt, Alliance Engineering spoke regarding a change order request for an additional \$88,894 for MCCPI road extension and unforeseen retaining wall repairs. The current budget has \$304,000 remaining. The requested funds will come from that amount. Mr. Clampitt also stated that construction is currently on hold until this matter can be resolved. Committee members stated that is proposal should go before the full Council on June 15, 2022.

An Ordinance establishing and implementing a program to charge mitigation rates for the development of emergency and non-emergency services by the fire or rescue department for services provided/rendered for the Newberry County Emergency Services.

Mr. Long explained the proposed ordinance to allow for fire and/or rescue to bill an insurance company for reimbursement for services rendered to incidents occurring in Newberry County. It
Newberry County Finance Committee
Minutes – June 6, 2022

is believed that this will not impact the Newberry County taxpayers. Laurens County is currently implementing this billing system as well as HAZMAT. To manage this system a billing service vendor will need to be acquired. The billing service would be an RFP. This matter should be heard before the Public Safety Committee June 13, 2022.

Discussion of Public Information Campaign for CPST

Christopher Inglese stated that the County has an option regarding engaging in a Public Information Campaign for CPST. The County is not able to spend county resources to advocate for a referendum or any vote that appears on the ballot. However, counties can engage in factual, public information. There are companies that will provide materials that can be used for press releases, brochures, social media content, or letter writing campaigns. The companies would put together information that is compliant with the South Carolina Code of Ethics on this issue of advocating verses educating. Getting the materials together would be less than \$10,000. This would allow for a comfortable distribution of material.

Mrs. Arrowood stated that she would like to see plaques placed on all the passed projects that have been paid for by the CPST funds. The Committee would like more information regarding this matter.

Karen Brehmer added that the County had a link to the electronic booklet published on the website at one time.

Mr. Livingston suggested it be taken to full Council.

MCIP/FILOT revenue diverted to Capital Purchases

Christopher Inglese informed the Committee of possible ways to divert some of the revenues from a new MCP so that they can be allocated to specific areas in need. This would have to be decided at the start of a new MCP with percentages named as to where they would be going. These amounts would be able to be amended as needed later.

Mrs. Livingston stated that it would not be allowed to be reoccurring funds. The funds that are out there now would be frozen. Only the new projects would be available for this possible change.

Mr. Inglese stated that since the revenues from the current MCCPII has not come out that the diversion plan can still be amended. That would allow for a significant source for seeding a capital fund.

Mr. Livingston asked for the percentage amount.

Mr. Inglese state that the recommendation would be 75% to the capital fund.

Mr. Livingston would like a more detailed report of what the FILOTs are currently, when they fall off, etc.

Mr. Inglese and Mr. Farmer will prepare the information and have a possible work session with the committee regarding this matter to educate everyone with more information and see what the best plan will be.

Discussion of Grant Writer Consultant Services

Mr. Inglese updated the committee regarding the possibility of hiring a full-time grant writer. Two different consulting firms have been contacted as possibilities. One firm is out of Washington DC. They have an office in Charleston, so they are familiar with South Carolina law. One firm currently works with Greenwood. The firms do not work on commission as it is not legal for them to do so. One fee schedule requires an \$8000.00 a month retainer where they would be always working to find grant monies from their DC contacts. The other fee schedule is based off how many hours their team has worked to get the possible grants. An example would be \$119.00 per hour for a 16-hour work week. Both offers come out to roughly \$96,000.00 per year. This amount is what is already in the works for the coming years budget. The firms also offer compliance review. The specific details of the contracts would still need to be worked out during the bidding process. The budgeted amount would have to be the amount worked with. There should not be any additional funds requested.

Executive Session

Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976

- (1) 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.**
- (2) Discussion of matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.**

Mrs. Arrowood moved to go into Executive Session to discuss the matters as set forth above; seconded by Mr. Livingston. Vote was unanimous.

Executive Session

7:02 P.M. -7:56 P.M.

The committee returned from Executive Session stating no action was taken.

Adoption of Consent Agenda

a. Finance Committee Minutes 4-5-2021

Mr. Livingston moved to adopt the consent agenda, seconded by Mrs. Arrowood.

Public Comments

No Public Comments were made.

Adjournment

Mr. Livingston moved to adjourn the meeting, seconded by Mrs. Arrowood.

Newberry County Council

Mary Arrowood, Chairwoman

Jackie Lawrence, Clerk to Council

Minutes approved: _____

NEWBERRY COUNTY COUNCIL

MINUTES

June 15, 2022

The Newberry County Council met on Wednesday, June 15, 2022, at 6:00 p.m. in Council Chamber at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Todd Johnson, Chair (District 1)
Les Hipp, Vice-Chair (District 5)
Mary Arrowood, Council Member (District 2)
Henry H. Livingston, III, Council Member (District 3)
Robert N. Shealy, Council Member (District 4)
Johnny Mack Scurry, Council Member (District 6)
Travis Reeder, Council Member (District 7)
A.J. Tothacer, Jr., County Attorney
Christopher Inglese, County Administrator
Debbie S. Cromer, Finance Director
Jacquelyn R. Lawrence, Clerk to Council

ABSENT: Robert N. Shealy, Council Member (District 4)– (surgery)
Karen Brehmer – Deputy County Administrator – (vacation)

MEDIA: Andy Husk, Newberry Observer

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

Mr. Livingston had the invocation followed by the Pledge of Allegiance.

1. Additions, Deletions and Adoption of the Agenda.

Mr. Hipp moved to adopt the Agenda as written; seconded by Mr. Livingston. Vote was unanimous.

2. Public Appearance:

Andy Husk from the Newberry Observer presented Mr. Johnson with an award for Best Local Politician.

Jessie Long, Director of Parks and Recreation presented a video and slides regarding a potential new exercise park for Newberry. The possible location would be in the Piedmont Tech area. The cost of the full project ranges from \$127,000 to \$157,000. There are grants available potentially. This project is only in the discussion phase currently. Council agrees that it is a great concept however, more information is needed.

Brenda Williams from Newberry County Memorial Hospital and Dr. Jerry Alewine from Newberry College presented a video regarding the Nursing BSN program and their partnership to hopefully have many of the students that graduate from the College to then be hired by the hospital.

3. Proclamation – Declaring June 19, 2022, as Juneteenth in recognition of the abolition of slavery in the United States of America.

Mr. Johnson read the Proclamation into the record. A copy of the Proclamation is attached hereto and incorporated herein.

After reading the Proclamation, Mr. Johnson then presented a framed Proclamation to the Juneteenth Committee.

Jackie Holmes, Committee Chairwoman, spoke regarding their thanks for Proclamation and invited everyone to attend the Juneteenth celebration on June 18, 2022 in Newberry.

4. Council to approve recommendations from the Accommodations Tax Committee – Tourism related and Promotional related

Mr. Reeder moved to approve the recommendation, seconded by Mr. Hipp. There being no discussion Mr. Johnson called for the vote. Vote was unanimous.

5. Ordinance No. 04-07-2022 - An Ordinance to provide appropriations for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for the Newberry county budget for county ordinary purposes and for other county purposes for which the county may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry county for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry county payable during said fiscal year; to provide for matters relating to Newberry

county; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.

a. Third and Final Reading

Mr. Hipp move to adopt the third and final reading, seconded by Mr. Scurry. Mr. Johnson called for discussion amongst Council.

Mr. Reeder asked if anything had changed.

Mr. Livingston answered that nothing has changed within the budget but that there were somethings unforeseen that are of concern. The building permit procedure is something that has come to surface. For example, there is an increase in permits showing that a permit that was once a \$1000.00 will now be estimated to be \$3200.00. All permits based on the value of the build to now being based on the square footage.

Mr. Hipp asked to hear from the Building Department Director for further clarification.

Ron Powell spoke stating that the proposed increase is based upon the square footage at \$148 a square foot which the ICC (International Code Council) recommends. The hope is to come up with a number that will balance across the board. The Building Department is trying to come up with a standardized method to calculate permit fees. The Plan Review for residential housing also has a fee that is currently in an Ordinance but has not been put into action. That fee will need to start being paid when a permit is requested.

Mr. Johnson stated that this current budget should be passed and later an amendment can be done regarding these fees once more information has been presented.

Mr. Johnson stated that the additional change to the budget is that the copying fee is going up county wide from \$.35 to \$.50. As of July 1, 2022, all courthouse records will be on-line.

Mr. Johnson called for further discussion. With no further discussion the vote was called. Vote was unanimous.

Mr. Johnson abstained from portions of the budget regarding Law Track and WTH Technologies.

6. Ordinance No. 04-08-2022 - An Ordinance to provide appropriations for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for Newberry County Library, Piedmont Technical College and the Newberry Agency for Disabilities and Special Needs; to provide for the levy of taxes on all taxable personal and real estate properties in Newberry County for said purposes; to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year for said purposes.

a. Third and Final Reading

Mr. Livingston moved to adopt the Third and Final reading, seconded by Mr. Hipp. With no further discussion Mr. Johnson called for the vote. Vote was unanimous.

7. Ordinance No. 05-17-2022 – An Ordinance acting on a request to amend the official zoning map established pursuant to the zoning Ordinance No. 12-24-01 as revised and amended by zoning Ordinance No. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling seven hundred and seventy-nine hundredths (.779) acres designated as TMS parcel no. 395-39 from RS – single family residential to R2 – rural.

- a. Second Reading

Mr. Reeder moved to adopt the Second Reading, seconded by Mr. Livingston. Mr. Johnson called for the vote. Vote was unanimous.

8. Ordinance No. 05-18-2022 - An Ordinance authorizing the expenditure of Capital Project Sales Tax funds and matters relating thereto. (2017 CPST Bonds)

- a. Second Reading

Mrs. Arrowood moved to adopt the Second Reading, seconded by Mr. Livingston. Mr. Johnson called for the vote. Vote was unanimous.

9. Consideration to accept bid from Satterfield Construction for road repairs of Scurry Island Road and Doc Hollow Way, in the Chappells area of Newberry County. Base bid is \$439,412.60.

Mike Pisano stating that bid pavement of the said roads. One bid was received for the paving. Typically, there would be more than one bid, however the current bidder has only changed minimally in their costs and presented a fair bid for the project. This project is financed by the CTC. The approval from SCDOT has already been received.

Mr. Livingston asked how does one know the difference between a State or County road?

Mr. Pisano stated that when a road goes from State to County, there should be sign that states “End of State Maintenance”. Each State Road should have route number sign.

Mr. Johnson asked for any further discussion. With no further discussion, Mr. Surry moved to accept the bid, seconded by Mrs. Arrowood. Mr. Johnson called for the vote. Vote was unanimous.

10. \$88,894 change order request for MCCPI – Road Extension – Alliance Engineering/Lindler Construction

Mr. Johnson stated that no action would be taken regarding this matter until after Executive Session. However, Council would hear from Kyle Clampitt from Alliance Engineering.

Kyle Clampitt, Alliance Engineering spoke regarding a change order request for an additional \$88,894 for MCCPI road extension and unforeseen retaining wall repairs. The current budget has \$304,000 remaining. The requested funds will come from that amount. Mr. Clampitt also stated that construction is currently on hold until this matter can be resolved.

11. Executive Session

Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976

- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting names of the other employees or clients whose records are submitted for use at the hearing.
- (2) 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.
- (3) Discussion of matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

Mr. Hipp moved to go into Executive Session to discuss the matters as set forth above; seconded by Mr. Reeder. Vote was unanimous.

EXECUTIVE SESSION
7:12 P.M. – 8:12 P.M.

Mrs. Arrowood moved to return to open session; seconded by Mr. Scurry. Vote was unanimous.

Mr. Johnson advised that Council went into Executive Session for the above stated purposes and no action was taken.

12. Adoption of Consent Agenda

a. Newberry County Council Minutes – June 1, 2022

Mr. Reeder moved to adopt the Consent Agenda; seconded by Mrs. Arrowood. Mr. Johnson called for the vote. Voting for the Adoption of the Consent Agenda Mr. Reeder, Mrs. Arrowood, Mr. Johnson, Mr. Scurry, Mr. Livingston. Mr. Hipp abstained due to his absence from the June 1, 2022, County Council Meeting.

13. Appointments

a. Economic Development Task Force –

1. Mr. Livingston nominated Jennifer Birochak, seconded by Mrs. Arrowood. Vote was unanimous.
2. Mrs. Arrowood nominated Buddy Johnson, seconded by Mr. Livingston. Vote was unanimous.
3. Mr. Hipp nominated Michelle Long, seconded by Mr. Reeder. Vote was unanimous.
4. Mr. Johnson nominated Blake Roach, seconded by Mrs. Arrowood. Vote was unanimous.
5. Mr. Reeder nominated Jeff Wicker, seconded by Mr. Livingston. Vote was unanimous.
6. Mr. Scurry nominated Boyd Parr, seconded by Mr. Hipp. Vote was unanimous.
7. Due to Mr. Shealy's absence, Mr. Reeder gave the nomination for Kara Cannon, seconded by Mr. Livingston. Vote was unanimous.

b. Joint Planning Commission – Todd Johnson to appoint Tomekia Means

Mr. Johnson nominated Tomekia Means, seconded by Mr. Reeder. Vote was unanimous.

14. Public Comments

1. Joey Werts from 7034 St. Lukes Church Road, spoke regarding the fiberoptic services in his area. REA is 180 yards from the end of his driveway. The electricity is supplied by Duke power. The logistics of how the service could be

supplied is unknown but not having internet in the area causes many people issues. There is no ability to get services from AT&T or Verizon.

Mr. Inglese offered his card so that everyone takes his card so that he may direct them to the ORS website that uses a survey to see where the needs are.

2. Jane Hyman from Clara Brown Road spoke regarding the lack of internet service in the area. Being a schoolteacher, she must stay later at school to get her work done instead of being able to do the work from home where she could be with her family.
3. Madison Hyman from Clara Brown Road spoke regarding the difficulties of being a college student and not having internet. To download or turn in assignments she must drive to someone else's house so that the requirements can be turned in.
4. Jason Long from Colony Church Road reiterated what a struggle it is to not have internet access being a schoolteacher especially on the days when they are required to teach from home.
5. Grayson Long is a college student that is struggling to get his work done for school as well. Having to drive elsewhere to get internet access is time consuming and it takes much longer to get done what needs to be done.
6. Joe Steets spoke regarding the road safety issues on Bethel Church Road. Because the road is so narrow it makes it very difficult to maneuver the road especially when there is a vehicle coming from the opposite direction. He asked that this issue be investigated before someone gets hurt.
7. Randy Turner asked why the County Council gave money for internet to one area but did not allow money for any other areas.

Mr. Johnson explained that the area chosen was by the provider not from the Council and once the provider chooses another area the Council will help that area also. The concern is understood, and the Council will do all it can to advocate for service wherever a provider can install.

8. Myron Cantrell with MC Builders spoke regarding the increase in fees for building permits. Newberry County is one of the best counties to have to pull a permit. Ron Powell is a terrific inspector and is highly valued. The building department needs help. The contractors understand that there must be increases but such a large amount at one time is very difficult to handle. Comparing one square foot house to another square foot house is not really the fair way to increase. It would be much translucent to have the builder bring in the contract signed by the builder and the purchaser so that there is no question of how much the house is being built for. Also, the money from the permits is being put into the general fund. Those monies need to be going back to the Building Department so that they have the funds to get the help they need. Everyone understands increases but we just want to see it done in a fair way.

15. Comments/Request from County Administrator

Mr. Inglese stated that he hoped that everyone with the concern of the internet or lack there of will go onto the ORS website and fill out the survey so that needs are documented. The state is collecting the data by address and prioritizing based upon need. The data will help when the next round of grants come out.

Spartan Races will be coming to Newberry County July 30 – 31, 2022. It will be a 5k and 10k race. The races should bring in about 6000 – 8000 people to town. The races will include a neat obstacle course. It puts a fun spin on regular running races.

Lastly, thank you to Jay Tothacer for his 14 years of service to Newberry County. He has over 40 years of experience and he will be very difficult to replace. He will be retiring June 30, 2022.

16. Comments/Request from Council Members

Mr. Scurry thanked everyone for coming out. Thank you, Mr. Tothacer, for your service. Please keep Mr. Nick Shealy in your prayers.

Mr. Reeder congratulated Mr. Tothacer on his retirement. Thank you to everyone who put in work for the budget. Please come out and enjoy the Juneteenth Celebration.

Mrs. Arrowood thank all the work that has been put into the budget. The goal is to have fair budget and to hopefully keep taxes from being raised. Please keep Nick Shealy in your prayers. Congratulations to Jay on you're the retirement.

Mr. Livingston thanked Ron Powell for his department and the hard work. Putting impact fees on the track builders and let's see what we can do to help the builders with fees. Regarding the internet or lack thereof, please complete the survey so that the needs are documented. Keep Nick in your prayers. Good luck to Mr. Tothacer on the retirement.

Mr. Hipp agrees with what has been said but he reiterated thanks for all the budget work from everyone involved. Good luck to Mr. Tothacer with his retirement.

Mr. Johnson thanked the Auditor, Clerk of Court and the Assessor for their hard work. Good luck to Mr. Tothacer with his retirement. The budget is the most important act that the County does.

17. Future Meetings

18. County Council	7-6-2022	6:00 P.M.
19. Executive Committee	7-11-2022	6:00 P.M.
20. County Council Meeting	7-20-2022	6:00 P.M.

21. Adjournment

Mrs. Arrowood moved to adjourn the meeting, seconded by Mr. Hipp. Mr. Johnson called for the vote. Vote was unanimous. The meeting ended at 8:54 p.m.

Newberry County Council

Todd Johnson, Chairman

Jackie Lawrence, Clerk to Council

Minutes approved: _____



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Committee Briefing Recap

Prepared By: Tommy Long	Title: Emergency Services Director
Department: Emergency Services	Division: Emergency Management
Date Prepared: 6-21-22	Meeting Date: 6-13-22
Legal Review: NA	Date:
Budget Review: NA	Date:
Approved for Consideration: NA	Date:
Request Consideration by Committee / County Council	
Subject: Committee Meeting Recap	

Committee meeting Recap:

- An Ordinance establishing and implementing a program to charge mitigation rates for the development of emergency and non-emergency services by the fire or rescue department for services provided/rendered for the Newberry County Emergency Services. **Committee Moved to proceed with Ordinance to Full Council.**
- Discussion of Rolling stock for Fire and Rescue presented as information. Staff is looking for alternate ways to help fund and update rolling Stock.
- Mr. Inglese discussed ways to divert funding from MCIP/FILOT to help offset to specific areas of need.
- Mr. Inglese discussed the Grant writer position and advised the consideration of utilizing a consulting firm. This would fit in to the current funding proposed in the Budget for a Full-time position, but this may be more beneficial as the firm offers a lot of expertise in different areas.
- Discussion of a public safety fee on vehicle and boat tax bill from 3 to 5 dollars to help fund needs in Emergency services for Salaries, Equipment etc.. Depending on current legislation being approved this may be presented to Council once that takes place.
- Proposal for renting the training facility to outside industries or entities to complete training. **A Fee schedule was presented, and Council recommended to be presented to Full Council for approval.**

- Discussion of possible new position for Emergency Services to add a coordinator position. The funding would come from withdrawing from the combined position with City and additional funding within the Fire Budget that would be repurposed for the position. With increased workload in the department this position is needed to maintain current and new duties for the department. **A Job Description was provided, and Committee recommends to go to full Council.**

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: NA

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION:

ADDITIONAL COMMENTS FOR CONSIDERATION:

ATTACHMENTS: Agenda and Minutes from Meeting.

Newberry County Council
Public Safety Committee Agenda
Monday, June 13, 2022, 6:00 p.m.
Courthouse Annex Council Chambers
1309 College Street
Newberry SC 29108

1. Call to Order – Todd Johnson, Chairman
2. Election of Committee Chairman for 2022
3. Additions, Deletions, and Adoption of Agenda
4. Approval of October 4, 2021, Minutes
5. An Ordinance establishing and implementing a program to charge mitigation rates for the development of emergency and non-emergency services by the fire or rescue department for services provided/rendered for the Newberry County Emergency Services.
 - a. Discussion
6. Discussion of rolling stock
7. Discussion of diverting funds from MCIP/FILOT for a capital fund
8. Discussion of grants consultant meetings
9. Discussion of \$3 public safety fee on vehicle and boat tax bill
10. Proposal for renting the training facility
11. Discussion of possible new position for Public Safety Training Coordinator
12. Public Comments
13. Comments/Requests from Committee
14. Adjournment

NEWBERRY COUNTY COUNCIL
PUBLIC SAFETY COMMITTEE MINUTES

JUNE 13, 2022

The Newberry County Council Public Safety Committee met on Monday, June 13, 2022, at 6:00 p.m. in Council Chamber at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Todd Johnson, Council Committee Member
Johnny Mack Scurry, Committee Member
Christopher Inglese, County Administrator
Tommy Long, Public Safety Director
Jackie Lawrence, Clerk to Council

ABSENT: Mary Arrowood, Council Committee Member

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

Additions, Deletions & Adoption of the Agenda

Mr. Johnson asked if there were any changes to the Agenda. No changes being offered Mr. Scurry moved to adopt the Agenda, seconded by Mr. Johnson. Mr. Johnson called for the vote. The vote was unanimous.

Approval of October 4, 2021, Minutes

Mr. Scurry moved to approve the minutes, seconded by Mr. Johnson. Mr. Johnson called for the vote. Vote was unanimous.

An Ordinance establishing and implementing a program to charge mitigation rates for the development of emergency and non-emergency services by the fire or rescue department for services provided/rendered for the Newberry County Emergency Services.

Mr. Long explained the proposed ordinance to allow for fire and/or rescue to bill an insurance company for reimbursement for services rendered to incidents occurring in Newberry County. It is believed that this will not impact the Newberry County taxpayers. Laurens County is currently implementing this billing system as well as HAZMAT. To manage this system a billing service vendor will need to be acquired. The billing service would be an RFP. If the ordinance is passed the monies received would be deposited into the general fund as of now. There would need to be an amendment to allow those funds to be allocated to Public Safety.

Mr. Scurry moved to send the Ordinance to full Council, seconded by Mr. Johnson. Mr. Johnson called for the vote. Vote was unanimous.

Discussion of rolling stock

Mr. Long presented that the county is very far behind regarding the fire apparatus. Fire and Rescue are trying to find additional funding to help alleviate this issue.

Mr. Inglese stated that collectively, Fire and Rescue have about 112 vehicles of some type. The current stock needs to be decreased and some need to be upgraded. The department is currently working on removing vehicles that are no longer working or needed and will continue to work on fixing and upgrading where they are able. Being able decrease this number will be beneficial to the county with less insurance, maintenance, etc. This will be done in a manner that will not sacrifice service to the communities in any way.

MCIP/FILOT revenue diverted to Capital Purchases

Christopher Inglese informed the Committee of possible ways to divert some of the revenues from a new MCP so that they can be allocated to specific areas in need. This would have to be decided at the start of a new MCP with percentages named as to where they would be going. These amounts would be able to be amended as needed later. Since the revenues from the current MCCPII has not come out that the diversion plan can still be amended. That would allow for a significant source for seeding a capital fund. The initial thought is that the recommended amount to be diverted from a MCP would be 75% to be committed to a Capital Fund.

Discussion of Grant Writer Consultant Services

Mr. Inglese updated the committee regarding the possibility of hiring a full-time grant writer. Three different consulting firms have been contacted as possibilities. One firm is out of Washington DC. They have an office in Charleston, so they are familiar with South Carolina law. One firm currently works with Greenwood. The firms do not work on commission as it is not legal for them to do so. One fee schedule requires an \$8000.00 a month retainer where they would be always working to find grant monies from their DC contacts. The other fee schedule is based off how many hours their team has worked to get the possible grants. An example would be \$119.00 per hour for a 16-hour work week. Both offers come out to roughly \$96,000.00 per year. This amount is what is already in the works for the coming years budget. The firms also offer compliance review. The specific details of the contracts would still need to be worked out during the bidding process. The budgeted amount would have to be the amount worked with. There should not be any additional funds requested. The third contact was an individual person that owns a consulting firm, and the fee would be \$50 - \$125 per hour. There are several risks in hiring a full-time employee for this position so it is believed that a consultant will be the better route. Staff will bring this back to the Committee once the budget has passed.

Discussion of \$3 public safety fee on vehicle and boat tax bill

Mr. Long stated that if the County implements the \$3 fee it could bring in some extra funds. Based off last fiscal year's number, there were 40,206 vehicles and 3,424 boats registered in the county. These funds could potentially secure to position that are desperately needed in Public Safety, a Coordinator, and a Fire Marshall.

Mr. Inglese stated that the only hesitation right now regarding this fee is the recent SC Supreme Court case out of Greenville that changes the legality of a fee that is charged by a county. Once the bill is passed to resolve that issue this fee could be attached to the tax bill.

Mr. Johnson stated that he is against all fees generally as it affects everyone. However, \$3 does seem reasonable. The people of the county must be kept in mind when attempting to add any fees.

Proposal for renting the training facility

Mr. Long has been approached by a company that would like to rent the training facility for their individual training purposes. If the Committee is willing to allow the renting of the facility it should help bring in additional funds to help fund projects and needs for Public Safety.

Mr. Johnson stated that the agreement needed verbiage regarding "no alcohol consumption allowed".

Mr. Scurry moved to send the proposal to full Council, seconded by Mr. Johnson. Mr. Johnson called for the vote. Vote was unanimous.

Discussion of possible new position for Public Safety Training Coordinator

Mr. Long proposed that this would be a position for an Emergencies Service Coordinator. The person would work under Mr. Long. As the transition happens in trying to accomplish many of the items discussed in the current meeting, an extra person is needed to accomplish all of it. This position could be paid for from two other positions that have vacated. Those two positions would free up about \$40,000. In addition, there is a service agreement that is not being renewed which will free up another \$20,000. This would allow for the salary to be covered by what is already requested in the budget.

Mr. Inglese is in complete support of the new position.

Mr. Johnson stated that this was a great idea.

Mr. Scurry moved to carry this to full Council, seconded by Mr. Johnson. Mr. Johnson called for the vote. Vote was unanimous.

Public Comments

No Public Comments were made.

Comments/Requests from Committee

Mr. Scurry stated for everyone to be safe out there.

Adjournment

Mr. Scurry moved to adjourn the meeting, seconded by Mr. Johnson. Meeting adjourned at 6:35.

Newberry County Council

Todd Johnson, Chairman

Jackie Lawrence, Clerk to Council

Minutes approved: _____