

**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 4, 2020**

The Newberry County Council met on Wednesday, March 4 2020, at 7:00 p.m. at Piedmont Technical College Auditorium, 1922 Wilson Road, Newberry, S.C., for a regular scheduled meeting.

Notice of the meeting and change of venue were duly advertised as required by law.

PRESENT: Henry H. Livingston, III, Chairman
Kirksey Koon, Council Member
Steve Stockman, Council Member
Scott Cain, Council Member
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Johnny Mack Scurry, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, III, County Attorney
Susan C. Fellers, Clerk to Council
Debbie S. Cromer, Finance Director
Crystal Waldrop, Purchasing Director
Karen Brehmer, Deputy Administrator
Taylor Davenport, Assistant to County Administrator

MEDIA: Andrew Wigger, Newberry Observer

Mr. Livingston called the meeting to order at 7:00 p.m.

Invocation was given by Mr. Livingston, followed by the Pledge of Allegiance.

1. Additions, Deletions and Adoption of Agenda.

There being no additions or deletions to the Agenda, Dr. Rucker moved to adopt the agenda as presented; seconded by Mr. Cain. Vote was unanimous.

2. Personal Appearances.

a. Voices for Pride Officers (NCDSN) - Disabilities Awareness Day at State House.

Connie Gallman updated Council on events of the Newberry County Disabilities and Special Needs. Disabilities Awareness Day at the State House was cancelled today because of the weather. Mr. Livingston presented Ms. Gallman and other clients of the NCDSN with a Proclamation Declaring March 2020 as Disabilities Awareness Month in Newberry County.

b. Justin & Samantha Cox - Request concerning failure to file timely for agricultural special assessment. Code Section 12-43-220(3)(A) of the SC Code of Laws provides that “[t]he governing body may extend the time for filing upon a showing satisfactory to it that the person had a reasonable cause for not filing on or before the first penalty date.”

This request pertains to Tax Map Parcel Number 738-63 (5 acres), which has a 911 address of 169 Holy Cow Court, Little Mountain.

Mr. and Mrs. Cox requested an extension to file for the agricultural special assessment because of moving twice they did not receive the letter about filing. After calling the Assessor’s Office, they were advised to appear before Council and request an extension for filing.

Mr. Stockman moved to grant the extension to Mr. and Mrs. Cox, as well as any other property owners who missed the deadline; seconded by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

c. Miriam Atria, President/CEO at Capital City/Lake Murray Country Regional Tourism Board.

Ms. Atria advised that because of the growth of economic development and tourism in Newberry County, more jobs have been created and people are moving into the County. At the same time more residences are needed to accommodate the population growth. She requested Council’s favorable consideration of the proposal of American Land Holdings for a subdivision in

the Lake Murray area. This proposed subdivision will help the County's tax base and business partnerships.

- 3. Ordinance #02-13-20: An Ordinance to amend the Budget Ordinance for the FY 2019-2020, Ordinance #04-04-2019, to provide for revised revenues and appropriations.**
 - a. Second Reading.**

This proposed Ordinance amends the FY 2019-20 budget ordinance by (1) increasing both revenues and expenditures by \$825,983 for operating purposes, and (2) decreasing revenue and expenditures for capital budgets by \$20,602.

The proposed changes affect two separate operating expenditure areas: (1) Public Safety expenditures are increased by \$372,483, primarily to increase compensation levels for law enforcement officers; and (2) General Government expenditures are increased by \$453,500, of which all but \$40,000 is for the optioning, testing and engineering of property for economic development purposes.

Operating Revenue is increased as follows: (1) property taxes, \$125,000 (estimated amount of receipts); (2) balance brought forward, \$529,283; (3) Title IV-D, \$31,000; (4) prepaid legal reimbursement, \$67,000; (5) other/miscellaneous, \$73,700.

Capital budget changes reflect a reduction in revenues and expenditures of \$20,602. While the Spring Hill Road/Bridge Repair will require \$70,401 more in balance brought forward from County funding than was budgeted for the Old Jollystreet Road Bridge replacement, the budgeted amount for the latter proved to be \$151,189 short of what was actually needed. Though the County will lose \$21,003 in FEMA funding and \$70,000 in state funding by switching projects, the County's out-of-pocket cost will be reduced by \$80,788 by using the funds for the Spring Hill Road Bridge repair.

Motion by Mr. Koon for second reading; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

4. **Ordinance #02-04-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone one real estate parcel totaling one and nine hundredths and thirty-seven thousandths (1.937) acres designated as TMS Parcel No. 594-41 from General Commercial (GC) to Single Family Residential (RSM).**
 - a. **Second Reading**

5. **Ordinance #02-05-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling one hundred and fifteen thousandths (0.115) of an acre designated as TMS Parcel No. 594-26 from General Commercial (GC) to Single Family Residential (RSM).**
 - a. **Second Reading**

6. **Ordinance #02-06-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling ninety-three hundredths (0.93) of an acre designated as TMS Parcel No. 594-22 from General Commercial (GC) to Single Family Residential (RSM).**
 - a. **Second Reading**

7. **Ordinance #02-07-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling one and seventeen hundredths (1.17) acres designated as TMS Parcel No. 594-25 from General Commercial (GC) to Single Family Residential (RSM).**
 - a. **Second Reading**

8. **Ordinance #02-08-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling one hundred**

fifty-nine and eighty-eight hundredths (159.88) acres designated as TMS Parcel No. 592-8 from Rural (R-2) and Single Family Residential (RS) to Single Family Residential (RSM).

a. Second Reading

9. Ordinance #02-09-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling eight and eighty-four hundredths (8.84) acres designated as TMS Parcel No. 592-17 from Rural (R2) to Single Family Residential (RSM).

a. Second Reading

10. Ordinance #02-10-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling eight and sixty-nine hundredths (8.69) acres designated as TMS Parcel No. 592-37 from Limited Commercial (LC) to Single Family Residential (RSM).

a. Second Reading

11. Ordinance #02-11-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling one and five hundredths (1.05) acres designated as TMS Parcel No. 592-38 from General Commercial (GC) to Single Family Residential (RSM).

a. Second Reading

12. Ordinance #02-12-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances so as to rezone one real estate parcel totaling sixteen and fifty-six hundredths (16.56) acres designated as TMS Parcel No. 592-54 from Single Family Residential (RS) to Single Family Residential (RSM).

a. Second Reading

The following persons spoke regarding Agenda Items 4-12. Mr. Livingston requested that comments be limited to no more than 3 minutes each.

Harold Betty, Chairman of Plantation Pointe Homeowners Association - The HOA realizes it is inevitable that someone would develop this property. He has investigated ALH and found nothing negative about the company. ALH has done everything we have asked them to do. Taking everything into account, the HOA Board has decided it will not oppose ALH's request for rezoning based on the following.

The developer has agreed there would be no manufactured homes allowed and has agreed to deed restrictions as to manufacture homes. The Association has done a lot of work on the entrance, and ALH has agreed to deed to the HOA the portion of property we have landscaped. ALH will do wildlife and traffic studies. The HOA would like to see the sewer issues addressed.

Not everyone in the HOA agrees with our decision, and we hope they will voice their opinions tonight. The HOA's decision is based strictly on what it feels is best for our community.

Shari Wibert does not live in Plantation Pointe but across the cove. She is not opposed to construction but is concerned over increased lake activity. There is a potential for 140 docks where she just built her home on an acre lot.

Tim Williams, 66 Homewoods Lane, has lived in Newberry County for the past three years after having lived in Irmo for twenty years. He is not sure whether he is opposed or not opposed. At some point this property will be developed. The R2 zoning on Granny Hill Road and Hollands Landing Road currently does not allow manufactured homes, and lots must be at least one acre. He has no problem with ALH but is concerned that an additional 144 houses will create a problem for the roads and sewer in that area.

Celeste Parsons is a member of the Plantation Pointe HOA and does not agree with the decision of the HOA. She is against the cluster housing.

Lawrence Guise lives on Holland Landing Road. He questioned why the developer wanted to change the zoning to RSM when the majority of the property is already zoned RS or R2. He understands the RSM is to allow for

cluster housing. He would like to see the outer portion of the property remain R2 or at least a guarantee from the developer that those home sites will remain the same. Zoning can be changed for the cluster housing but leave the outside property as is.

Sondra Davis, 1087 Hollands Landing Road, said the sewage station is located on her property and has always been a problem. People have come out from the Newberry County Water and Sewer Authority and DHEC and they always say everything is okay. When she calls them back, they are ducking her calls and she cannot get in touch with them. The pump, located right outside her bedroom, is old and runs 24/7. She wants to know how this situation is going to be handled.

Bevley and Lavada Miller - no comments when names called

Paul (Pee Wee) Greene lives at 181 Paul Greene Road, which is off of Hamm's Landing Road. There are mixed conversations tonight but the residents are definitely against it. He is concerned about the wildlife, and there being too many houses. He is against the rezoning.

Cliff Hughes, 346 Granny Hill Road has a farm with horses and cattle and doesn't want any problems with continuing his business. He is against the rezoning. His concerns include trespassing and theft, which he already has a problem with and sees it only getting worse. The condition of Granny Hill Road is also a concern..

Kevin Banks stated the sewer pumps are close to the development and sewer problems have been ongoing for a long time. These problems are a health hazard to the residents.

Mike Tumm lives at 645 Hamms Landing Road. He passed out a petition with over 100 names to County Council Members along with pictures (no copies of the petition or pictures presented for the record). He felt this property should be developed responsibly and in order to protect our property the zoning for all this property should be RS.

Lynn Beasley expressed concern over there being only one entrance and one emergency exit now. There is only one exit now and people don't slow down.

This is inviting trauma and danger and is totally inadequate. Another concern is whether or not the developer will allow people to rent out houses that are built there. Most of the property owners will not be from South Carolina. He wants to see rental of the houses prohibited in this proposed subdivision. Plantation Pointe does not allow rental of homes.

Mr. Livingston recognized Brent Richardson with the Newberry County Water and Sewer Authority and asked that he comment as to the infrastructure.

Brent Richardson advised that their Board has committed to taking all necessary steps to rectify the sewer situation. \$450,000 has been allotted for public capacity in the Fairview area - not just the Plantation Pointe area. The project is underway.

Mr. Livingston asked if any representatives of American Land Holdings wished to speak.

Sheldon Bower, President and Owner of Parker Design Group, indicated the developer is aware that the sewer system is inadequate and is working closely with the Newberry County Water and Sewer Authority to address these upgrades.

Addressing the rezoning to RSM, Mr. Bower stated when the land plan was put together for this subdivision, and in order for it to work, the minimum lot sizes required RSM zoning. The developer has talked about adding a deed restriction to not allow manufactured homes and that one acre lots are not to be subdivided.

The lake activity will increase. The 110 boat slips are already in place, and the developer is working with DNR.

As to the environmental issues, this property does have a buffer to the lake, which they will abide by.

The cluster development will have one main entrance and an emergency exit will be added.

Mr. Stockman asked Council to take this very seriously. No one is against Newberry County and no one is trying to keep the County from growing. The residents don't want cluster homes.

Mr. Stockman asked Anne Peters, Zoning Administrator, how much property is now zoned RSM. Ms. Peters responded that Marina Way and quite a few coves are zoned RSM. Mr. Stockman felt that spot zoning would not be a good practice for Newberry County. Ms. Peters indicated that spot zoning involves 2 acres or less.

Mr. Stockman also expressed concern that the roads are already not adequate and have issues. The sewer system is not adequate.

At the last Council meeting the developer suggested we look at their development of a subdivision in Saluda County. Mr. Stockman went to that subdivision in Saluda and saw only dirt - no houses. He wants to see Newberry County grow but it has to be the right situation and in the right area.

Mr. Cain said ALH talked about partnering with the Newberry County Water and Sewer Authority. The offsite infrastructure to upgrade the sewer pump is \$67,770 and the offsite water line is \$31,500.

Dean Sinatra, American Land Holdings, advised they met with the residents in that area for 3 hours and presented information and answered concerns of the residents. If zoning is approved, we will sign a contract regarding the upgrades. (handouts to County Council but copies not provided for the record).

There are no protected species - no eagles.

The roads are at 10% capacity according to a study done by the SC Department of Transportation. We understand the concerns about danger and will address those issues with the Planning Commission.

Mr. Cain is all for development but not cluster housing.

Motion by Mr. Reeder to consider Agenda Items 4-12 as a group; second by Dr. Rucker. Vote was unanimous.

Motion by Mr. Reeder to give second reading to Agenda Items 4-12; second by Dr. Rucker.

Mr. Koon is willing to give second reading since he still has a chance to change his mind, if he needs to, at third reading.

There being no further discussion, Mr. Livingston called for the vote. Voting for second reading: Council Members Livingston, Koon, Reeder, Rucker and Scurry. Voting against second reading: Council Members Stockman and Cain. Motion for second reading passed by majority vote.

Mr. Livingston recognized Senator Ronnie Cromer.

Senator Ronnie Cromer said Newberry County needs growth and there is a need for residences but he is opposed to cluster housing. He has never been opposed to development in Newberry County.

13. Consideration to approve the Revised Emergency Operations Plan (Recommended by the Public Safety and Courts Committee on 2/24/2020) - Tommy Long, Public Safety Director.

Mr. Long presented the revised Emergency Operation Plan to Council for approval. This plan was presented to the Public Safety and Courts Committee on 2/24/2020.

Motion by Mr. Cain to approve the revised Emergency Operation Plan; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the vote. Vote wa unanimous. (A copy of the Emergency Operation Plan is on file in the County Administration Office).

14. Consideration to approve bid of \$163,650 (this amount includes \$9,000 for alternate road striping) from Satterfield Construction for Pineland Road paving repairs. (This project is funded by CTC) - Crystal Waldrop, Purchasing Director.

The County Transportation Committee has allocated \$192,255 for this project meaning the bid is within budget. Staff considers this a responsive bid and recommends approval by Council.

This is for 1.24 miles. The entire road will be overlaid.

Motion by Mr. Cain to approve bid of \$163,650 from Satterfield Construction; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

15. Appointments

No appointments.

16. Committee Report.

- a. Public Safety and Courts Committee 2/24/2020 - Tommy Long, Public Safety Director**

Mr. Long reported that Mr. Koon was re-elected Chairman of the Committee. The Committee discussed Old Jollystreet Road, Spring Hill Road and Pineland Road. The Board of Rescue Squads presented an update as to the Rescue Squads.

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

No other public Comments.

18. Executive Session (if needed).

No Executive Session needed.

19. Comments/Requests from County Administrator.

No comments.

20. Comments/Requests from Council Members.

No comments from Council.

21. Future Meetings

- a. County Council 3-18-2020 at 7:00 p.m.
- b. Finance Committee 3-23-2020 at 6:00 p.m.
- c. County Council 4-1-2020 at 7:00 p.m.
- d. Budget Work Session 4-6-2020 at 7:00 p.m.

22. Adjournment.

There being no further business to come before County Council, Dr. Rucker moved for adjournment; seconded by Mr. Reeder.

Mr. Livingston declared the meeting adjourned at 8:31 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

APPROVED: _____