



**NEWBERRY COUNTY COUNCIL  
MINUTES  
SEPTEMBER 5, 2018  
7:00 P.M.**

Newberry County Council met on Wednesday, September 5, 2018, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

**PRESENT:**    **Henry H. Livingston, III, Chairman**  
                  **Kirksey Koon, Vice Chairman**  
                  **Bill Waldrop, Councilman**  
                  **Steve Stockman, Councilman**  
                  **Scott Cain, Councilman**  
                  **Travis Reeder, Councilman**  
                  **Dr. Harriett Rucker, Councilwoman**  
                  **Wayne Adams, County Administrator**  
                  **A.J. Tothacer, County Attorney**  
                  **Debbie Cromer, Finance Director**

**ABSENT:**     **Laurie Renwick, Clerk to Council**

**MEDIA:**     **Andrew Wigger, Newberry Observer**

The meeting was duly advertised as required by law.

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

Vice Chairman Koon led the invocation followed by the Pledge of Allegiance.

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

Mr. Reeder motioned to adopt the agenda as presented; seconded by Mr. Cain. The vote was unanimous.

***2.     Personal Appearances***

- a. Nancy Barton, Director – Sistercare Update

Mrs. Barton introduced herself on behalf of Sistercare and stated that they are a private non-profit that provides services to victims and survivors of domestic violence. She said her reason for coming before council was to thank you for your years of support. Mrs. Barton shared that council has been funding Sistercare for about 25 years and it has made a significant difference along with local congregations, businesses, and families assisting Sistercare throughout Newberry County. Last year, Sistercare sheltered 6 battered women and served 358 women and their children. Mrs. Barton introduced Newberry Sistercare Facility's full-time employee Misty Lott Cooper whose husband is Ray Cooper, principal of Mid-Carolina High School. She said Mrs. Cooper has been able to provide services in the realm of support, counseling, housing, transportation and basic needs along with school supplies, Christmas gifts and Easter basket through donations from localities. She is making home visits and is court with survivors. Sistercare also has a full-time children's counselor to hopefully stem this issue. Mrs. Barton stated that they are very fortunate to have Les Hipp, George Routon, and Dr. Bob Brown, all from Newberry, on the Sistercare's Board of Directors.

Mr. Reeder thanked Sistercare for all that they do and said that he works with Misty and there is a need and encouraged them to continue to do the great job that they do.

b. Donna Lominack, Auditor – 2018/2019 Tax Levy

Mrs. Lominack presented the 2018 Tax Levy (attached and part of the official minutes) as follows:

General Fund	125.5 mills
GO Bonds	9.7
Community Services	7.0
Reserve Fund	<u>0.0</u>
TOTAL	142.2 mills

The Newberry County Board of Education has levied the following for school purposes:

General Fund	186.8 mills
GO Bonds	<u>53.0</u>
TOTAL	239.8 mills

**The total 2018 tax levy for both County and School purposes is set at 382.0 mills.**

Mrs. Lominack introduced her Deputy Auditor, Melinda Long, who has worked hard trying to get these taxes out. She thanked Mr. Adams and Mrs. Cromer for their help.

Council thanked Mrs. Lominack and her staff for all they do.

3. ***Ordinance #08-10-18:*** 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 a five hundred and ten and fifty-

seven hundredths (510.57) acres portion of a five hundred and thirty-one (531.00) acres real estate parcel designated as TMS Parcel No. 239-1 from Rural (R2) to Industrial (Ind).

Chairman Livingston declared this the public hearing.

Having received no comments from the public, Chairman Livingston declared the public hearing closed.

Mr. Waldrop motioned to approve third reading of Ordinance #08-10-18; seconded by Mr. Reeder. The vote was unanimous.

4. **Resolution #05-18:** An Inducement Resolution providing for the negotiation of a Fee In Lieu Of Tax Agreement between Newberry County and Project N; identification of the project; and other related matters.

Mr. Adams reported that under state law, counties must identify projects for fee-in-lieu of taxes (FILOT) treatment in order for their expenditures to qualify. This project, referred to as Project N, is the solar farm for which you just approved third reading for the property to be rezoned. He said the incentives themselves will be discussed in the next agenda item #5.

Mr. Koon motioned to approve Resolution #05-18; seconded by Mr. Waldrop. The vote was unanimous.

5. **Ordinance #09-14-18:** An Ordinance authorizing the execution and delivery of a Fee-In Lieu Of Ad Valorem Taxes Agreement by and between Newberry County, South Carolina and an economic development project identified for the time being as Project N to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters. (TITLE ONLY)

Mr. Adams reported that solar farm investments by nature are large and create little-to-no service users or costs with this project anticipating a \$50 million investment. He said we are proposing that the project be granted a 6% assessment ratio for 30 years; a 70% special source revenue credit (SSRC) off the taxes and in return, the project must comply with all of Newberry County's Zoning Ordinance requirements.

Mr. Waldrop motioned to approve first reading of Ordinance #09-14-18; seconded by Mr. Reeder. The vote was unanimous.

6. **Ordinance #08-11-18:** An Ordinance authorizing the sale of certain real property from Newberry County, South Carolina to Newberry Electric Cooperative, Inc.; authorizing the provision of certain grant funds to attract economic development projects; and other related matters.

Mr. Adams reported that at the direction of council, administration has been in discussions with Newberry Electric Cooperative (NEC) to finance and construct a speculative building (+/-

100,000 sq. ft.) at the Mid-Carolina Commerce Park. He said those negotiations are ongoing and we expect the final agreement to involve contributions from the county of approximately 20 acres of land and a half-million dollars in site development costs, some of which might come from grants. NEC would contract with a development company to finance and construct the building and would pay some amount annually to the development company to offset marketing/carrying costs. Mr. Adams said there will likely be a buy-guarantee on the building at the end of some term (5-7 years) and it is being proposed that NEC agree to buy the building at the end of the term if the building has not been sold or leased sooner. He said legally, counties cannot make guarantees of this kind.

Mr. Stockman motioned to approve second reading of Ordinance #08-11-18; seconded by Mr. Cain. The vote was unanimous.

7. **Ordinance #09-12-18:** An Ordinance authorizing the execution of an Equipment Lease-Purchase Agreement in an amount not exceeding \$710,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.

Mr. Adams informed council that this is the annual ordinance pertaining to the lease/purchase of heavy rolling-stock used for public works and emergency services equipment. This year, we are looking at a motor grader for public works (\$260,000), a medium-duty rescue truck for Lake Murray Rescue Squad (\$300,000), and a re-mount ambulance for Little Mountain Rescue Squad (\$150,000).

Mr. Koon motioned to approve first reading of Ordinance #09-12-18; seconded by Mr. Stockman. The vote was unanimous.

Chairman Livingston explained to the public that this is what the county must pay for protection for our county and then you wonder sometimes why taxes are where they are. He said he did not feel people realized how much this equipment cost and with a longevity of 5-7 years; the cycle repeats again.

8. **Resolution #06-18:** A Resolution declaring the intention of Newberry County, South Carolina to reimburse itself for certain expenditures with the proceeds of debt to be incurred by Newberry County, South Carolina.

Mr. Adams reported that in an item mentioned in Ordinance #09-12-18 there is an immediate need for the equipment. It pertains to the re-mount ambulance for the Little Mountain Rescue Squad as they are a high response and transport for emergency medical calls. They have been without an ambulance since May and have had at least a half-dozen attempts to repair serious mechanical problems with their current ambulance unit without any success. Staff has determined that the ambulance is not repairable, and we are looking at in-stock demo/re-mount units from several vendors to determine the most economical option available. He said to order a new unit or remount is a month-long process and we do not have the luxury of that time; we need them to be in service.

Mr. Adam said this resolution allows staff to purchase a suitable replacement with county funds on hand, and for the county to be reimbursed once the lease-purchase ordinance is funded.

Mr. Reeder motioned to approve Resolution #06-18; seconded by Mr. Stockman. The vote was unanimous.

- 9      *Ordinance #09-13-18:*** An Ordinance amending an ordinance entitled “An ordinance approving a loan from the South Carolina Public Service Authority to Newberry County, South Carolina, to finance a portion of the cost of a building for economic development purposes; authorizing the execution and delivery of an intergovernmental loan agreement between the South Carolina Public Service Authority and Newberry County and a promissory note from Newberry County to the South Carolina Public Service Authority in connection therewith; authorizing the pledge of the full faith, credit and taxing power of Newberry County, South Carolina to secure payment of the note; and other matters relating thereto” so as to provide for the adjustment of the maturity schedule authorized thereby, and other matters related thereto.

Mr. Adams said that this was part of the overall incentive package used to recruit Samsung to Newberry County. It extends, for five additional years, interest-only amortization on the spec building in the Mid-Carolina Commerce Park. He said that means principal payments will not begin until 2023 when we have some existing debt off the books. This allows us to manage levy without big jolts of increases in taxes. This is 1.2-million-dollar indebtedness issue and the building has already been transferred to SWM, a company that had to relocate in order for Samsung to come to Newberry. He noted that the indebtedness on the spec building, however, remains an obligation of Newberry County

Mr. Stockman motioned to approve first reading of Ordinance #09-13-18; seconded by Mr. Reeder. The vote was unanimous.

- 10.      *Ordinance 09-15-18:*** 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 two-seven hundredths (1.27) acres designated as TMS Parcel No. 339-1-2 from Single Family Residential (RS) to Rural (R2).

Mr. Adams reported that this ordinance and the one that follows are related. Parcel 339-1-1 (agenda item #11) already has on it a mobile home, which is a non-conforming use for the RS district. Re-zoning this parcel to R2 makes that use district-compliant. It also creates the contiguity necessary to rezone Parcel 339-1-2 to R2 to also allow a mobile home.

Mr. Cain motioned to approve first reading of Ordinance #09-15-18; seconded by Mr. Reeder. The vote was unanimous.

- 11. Ordinance # 09-16-18:** 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 eighty-seven hundredths (1.87) acres designated as TMS Parcel No. 339-1-1 from Single Family Residential (RS) to Rural (R2).

Mr. Cain motioned to approve first reading of Ordinance #09-16-18; seconded by Mr. Reeder. The vote was unanimous.

**12. Appointments**

Mr. Koon nominated Mr. James D. Freeman, Jr. to represent District 4 on the Joint Planning Commission; seconded by Mr. Cain. The vote was unanimous.

**13. Committee Reports**

- a. Public Works and Planning 8/20/18 – Mike Pisano, Public Works Director

Mr. Pisano reported that the Public Works and Planning Committee met on August 20, 2018, and the following was presented. Mr. Lorenzo Cardinaz, resident of the Pintail Pointe, Eight Point Trail and Doe Lane neighborhood, requested some help in having these roads maintained. These roads were part of a subdivision that was put in and the roads were never dedicated to the county. Mr. Adams explained the process of a special tax district as a possible option and staff was directed to do the research and find out how much it would cost to bring these roads up to standards and maintain them in the future. Mr. Pisano said that Carroll Frick approached the committee about Kelly Lane. He said currently the county maintains less than 1/2 a mile of Kelly Lane and there is a longer portion that was maintained by the county back in the 70's; however, this portion has not been maintained since then. Mr. Frick asked that the county maintain this portion again and presented some material to the committee which has been forwarded to the county attorney for review. The committee did not recommend taking any action on this item. Mr. Pisano said the committee was also updated on the CPST projects underway as well as Boyd Amick Road and Old Jollystreet Bridge reconstruction.

Mr. Cain thanked Mr. Pisano and his staff for all they do to keep the county rolling; especially in this heat.

Chairman Livingston asked Mr. Pisano how many miles of dirt roads are in the county.

Mr. Pisano responded that there are 180 miles of dirt and 90 miles of paved roads that the county maintains.

Chairman Livingston said it is a monumental task keeping all the roads taken care of and cutting road rights-of-way. He said public works has been very responsive in taking care of all the complaints he has had in his district. He thanked Mr. Pisano and his staff.

Mr. Reeder applauded public works for a great job.

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

Chairman Livingston asked Mark, Sherry and Thaddeus McEntire if they would like to comment. Mark and Thaddeus had no comments; however, Sherry McEntire spoke a couple of sentences which were undetected by our audio system.

Rev. Tim Erskine, neighbor of Mr. Parr, approached the podium and said that he and his wife recently relocated back to Newberry from Atlanta. He thanked council and encouraged them with their hearts, integrity and interest in Newberry County. He shared a story about being with Mr. Parr at a forestry meeting several years ago and there was talk about solar energy and Mr. Parr said he would like to know more about solar and Mr. Justin and his team came over and talked to us about solar energy. He said that was two years ago and tonight you just set up the process to move forward with Duke's bidding. He said to do a project of this size took a lot of help from a lot of people in Newberry County and he thanked them for the spirit here that is unusual in other parts of the states that he has worked in. Rev. Erskine thanked Council for its leadership.

Mr. Justin LaRoche passed on comments.

Mr. Bill Parr echoed what Mr. Tim said and he was looking forward to seeing this solar farm come to fruition.

Chairman Livingston commented that tonight was a great night for thank-yous and we generally do not have that many times where people come to the podium with them.

#### ***15. Executive Session (if needed)***

No executive session.

#### ***16. Comments/Request from County Administrator***

Mr. Adams said that he and Mr. Cain spent a long evening last night with the county attorney, Anne Peters, and the Board of Zoning Appeals. He thanked Jay and Anne for the training that they put in making sure the BZA members know what they are doing. He said clearly last night the BZA did some heavy lifting and did it in a professional way. He recognized all BZA member by name; Wayne Boland, Doug Hipp, Patrick Wilkes, Kay Coleman, and Larry Longshore.

#### ***17. Comments/Request from Council Members***

Dr. Rucker thanked the audience and said she appreciated their attendance.

Mr. Reeder thanked everyone for coming out tonight; every first and third Wednesday. He said all students are back and we are ready for a new year and ready to see another group graduate.

Mr. Cain applauded Nancy and Misty for their work with Sistercare and for taking with them and giving an update and bringing this serious issue to the forefront.

Mr. Stockman thanked everyone for being in attendance. He also thanked Donna Lominack and staff and Mr. Adams and staff for the hard work on the budget and it's always good to hear that there will no increase in taxes.

Mr. Koon commented that the Sheriff's Office sent out on Nixle a panic button app that reduces response time and increases feeling of safety. He said they are the first in the state to implement this program and he thanked the Sheriff's Office for doing this.

Chairman Livingston thanked everyone for coming out and supporting county government.

**18. *Future Meetings***

- a. "On the Move with Margaret" 9/10/18 @ 9:00 a.m.
- b. Personnel and Intergovernmental Relations Committee 9/10/18 @ 6:00 p.m.
- c. County Council 9/19/18 @ 7:00 p.m.
- d. Economic Development Committee 9/24/18 @ 7:00 p.m.

**19. *Adjournment***

Chairman Livingston adjourned the meeting at 7:40 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, Chairman**

**APPROVED:**

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