

**NEWBERRY COUNTY COUNCIL
MINUTES
OCTOBER 7, 2020**

Newberry County Council met on Wednesday, October 7, 2020, at 7:00 p.m.in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., for a regular scheduled meeting.

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

PRESENT: Henry H. Livingston, III, Chairman
Kirksey Koon, Vice Chairman
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Johnny Mack Scurry, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Debbie S. Cromer, Finance Director

WATCHING LIVE STREAM: Susan C. Fellers, Clerk to Council

ABSENT: Scott Cain, Council Member
Steve Stockman, Council Member

MEDIA: Andrew Wigger, Newberry Observer

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

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

1. ADOPTION OF CONSENT AGENDA

Motion by Mr. Koon to adopt the Consent Agenda consisting of minutes of the September 2, 2020 meeting; second by Mr. Scurry. Vote was unanimous.

2. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

There being no additions or deletions to the Agenda, Mr. Reeder moved to adopt the Agenda as presented; seconded by Mr. Scurry. Vote was unanimous.

3. PERSONAL APPEARANCES

Sheriff Foster updated Council on staffing in his department as follows:

- About a year ago the Sheriff's Department was losing deputies after training and giving them experience at the taxpayers' expense. Other counties would recruit them with offers of higher pay and better incentives. We did not pay enough or offer incentive packages to keep deputies once trained.
- We also had to fight the notion that law enforcement is a disgraced profession.
- County Council raised salaries after studying the issue.. Salary increases did not include the Sheriff or senior staff.
- Today we are fully staffed, morale is high among the officers, pay is competitive with surrounding counties and we are now able to hire certified officers.
- We have only lost deputies to retirement recently.

Sheriff Foster thanked County Council, the Public Safety Committee and the administrative staff.

Council thanked the Sheriff and his department for all they do for the county.

Sheriff Foster requested that we all keep Larry DeHart in our prayers as his health is not good.

4. ORDINANCE #08-21-20: AN ORDINANCE TO DECLARE SURPLUS AND APPROVE THE SALE AND TRANSFER OF A PORTION OF CERTAIN REAL ESTATE PROPERTY OWNED BY NEWBERRY COUNTY.

a. Public Hearing

Motion by Mr. Reeder to hold the public hearing; second by Mr. Scurry. Vote was unanimous. Mr. Livingston declared this to be the public hearing.

There being no comments from the public, Mr. Livingston declared the public hearing closed.

b. Third Reading

This ordinance contemplates the sale of approximately five (5) acres of County property to the owners of Wilson Tractor, a business located on Wilson Road in Newberry. This property is located directly across Wilson Road from Wilson Tractor and is a portion of Tax Map Parcel #399-39. The negotiated selling price is \$20,000, The two parts of the property to be conveyed are intervened by a small roadside park believed to have been constructed by the Civilian Conservation Corps. The County would retain this portion of the property.

As part of the consideration for this transaction, the prospective buyers have optioned to the County for purchase of 192.45 acres of property under their ownership. This property is comprised of Tax Map Parcel Numbers 345-14 and 345-3 and is located along Hwy 34 bypass. The County is marketing this property as an industrial site. We have already begun due diligence testing on this property, and it has been made a part of a Duke Energy site readiness program. Duke Energy will pay for most of the due diligence testing - about \$60,000.

Motion by Mr. Koon to approve third reading; second by Mr. Scurry. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

5. ORDINANCE #10-22-20: AN ORDINANCE GTO DECLARE SURPLUS AND APPROVE THE TRANSFER OF A PORTION OF CERTAIN REAL ESTATE OWNED BY NEWBERRY COUNTY.

a. First Reading

This ordinance contemplates conveying to the Town of Prosperity at no cost or nominal cost a property that is approximately 0.03 of an acre (1,400 square feet) in size and which lies partially within the railroad right of way. The location is near the intersection of McNeary and Dewalt streets in Prosperity and is marked by the presence of a very small building owned by Bedenbaugh, who has a ground lease with Newberry County. Bedenbaugh wants to give the building to the Town of Prosperity. Deeding the underlying property to the Town of Prosperity would unify ownership of the land and the building situated on it. This property is of no practical use to Newberry County.

Motion by Mr. Koon to approve first reading; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

6. CONSIDERATION OF GROCERY STORE INVESTMENT INCENTIVES POLICY.

This policy, authored by Dr Rucker, Mr. Reeder and Mr. Livingston, offers credits against property tax liability to companies making investments that expand full service grocery shopping in Newberry County. There are 3 tiers of the credit, respectively by expenditures of \$1 million, \$2.5 million and \$4 million. Each category qualifies for a 60% reduction of property taxes due (all levies) for 20 years, except that, the credit is 100% for each of the first three years for an expenditure of at least \$2.5 million, and 100% for the first five years for an expenditure of at least \$4 million.

The policy was approved unanimously by the Economic Development Committee at its meeting on September 28.

Motion by Dr. Rucker to adopt the Grocery Store Investment Incentive Policy; second by Mr. Reeder.

Dr. Rucker stated it would be of great interest to the community to get the combined incentive from both the City of Newberry and Newberry County.

There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

7. CONSIDERATION OF ATTENDANCE PAY FOR PLANNING COMMISSION MEMBERS AND BZA MEMBERS.

Despite Council's recent action reducing the size of the Planning Commission, that entity has not been able to generate a quorum in 4 months. The inability of the Planning Commission to consider business items impacts private-sector and homeowner investment in Newberry County, making the commission members' attendance worthy of Council's further attention. Staff proposes that members of the Planning Commission, along with members of the Board of Zoning Appeals, receive a per-meeting attendance payment as a means of further encouraging regular participation. It should be noted that the BZA currently generates a monthly quorum on a regular basis).

This is not without precedent, The County pays \$60 per meeting to members of the Board of Assessment Appeals, and \$75 per meeting to its chair. Staff feels that this same level of remuneration would be fair compensation for members of the Planning Commission and the BZA. These 2 boards are also required to have annual training of 3 hours.

The cost of this expenditure for the remainder of the fiscal year, which would come from Council's contingency line item, is \$9,990.

Motion by Mr. Koon to pass attendance pay for the Planning Commission and BZA members; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

8. CONSIDERATION TO APPROVE CENTRAL SC ALLIANCE FY 20/21 1ST AND 2ND QUARTER INVOICES IN THE AMOUNT OF \$36,000. (RECOMMENDED BY THE ECONOMIC DEVELOPMENT COMMITTEE 9/28/20.

Motion by Dr. Rucker to approve payment of invoices in the amount of \$36,000; second by Mr. Reeder.

Mr. Koon stated in the past he has always voted against funding of these invoices but recently there has been a change and wants to give Central SC Alliance a chance to do what has not been done in the past.

There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. APPOINTMENTS

No appointments.

10.COMMITTEE REPORTS

a. Economic Development 09/28/20 - Rick Farmer, Economic Development Director

- The Committee voted to present the Grocery Store Incentives to full Council for consideration.
- Keller Kissam, Chairman, Central SC Alliance, and Tracy McMillin, Interim President & CEO, updated the committee on changes in Central SC Alliance.
- 61% of projects are moving forward.
- Project Kickoff will be up and running by March 2021.
- Expansion of Mid-Carolina Commerce Park is scheduled to proceed.
- Approval by Committee to present the 2 Central SC Alliance invoices to full Council for consideration.

b. Public Safety & Courts 10/05/20 - Wayne Adams, County Administrator.

The only item of business before the Committee was recommendation to full Council of a resolution expressing Council's support for the Second Amendment to the United States Constitution. The Committee approved that motion unanimously, and the resolution will appear on the October 21 agenda.

11.EXECUTIVE SESSION

Motion by Dr. Rucker to go into Executive Session for the following reasons:

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

Second by Mr. Reeder. Vote was unanimous.

The purpose of the executive session is to make Council aware of a private party's interest in purchasing property under the County's ownership. Discussion includes the name of the company and a proposed selling price for Council to consider. At this stage of negotiations, the confidentiality of this information is protected.

(EXECUTIVE SESSION 7:50 P.M. - 8:25 P.M.)

Upon returning to open session, Mr. Adams advised no action was taken in Executive Session.

12.PUBLIC COMMENTS

Thomas White requested the County to take over maintenance and repairs on Charlie FreeWay in Pomaria.

Mr. Adams advised this issue will be taken up on October 19 at the Public Works Committee meeting.

R.J. _____ (inaudible) said the post office won't deliver packages and the kids have to walk to the paved road to get on the bus.

They have signatures from every landowner on the road.

Mr. Adams said the engineering costs for this road will be considerable and will be difficult to deal with. Discussions will be held at the committee meeting regarding this and the possibility of creating a special tax district.

13.COMMENTS/REQUESTS FROM THE COUNTY ADMINISTRATOR

No comments.

14.COMMENTS/REQUESTS FROM COUNCIL MEMBERS

Mr. Koon requested prayers for the Elizabeth Dawkins Adams family.

Mr. Livingston wants to see which members of the Planning Commission attend and how many times they attend. It is embarrassing to have citizens come to the Planning Commission meeting and with no quorum business cannot be taken care of.

15.FUTURE MEETINGS:

- a. Public Works & Planning, 10/19/20 at 7:00 pm**
- b. County Council, 10/21/20 at 7:00 pm**
- c. County Council, 11/04/20 at 7:00 pm**

16.ADJOURNMENT

There being no further business, Dr. Rucker moved to adjourn. Mr. Livingston declared the meeting adjourned at 8:28 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

MINUTES APPROVED: _____