

NEWBERRY COUNTY COUNCIL
MINUTES
NOVEMBER 7, 2018

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

PRESENT: Henry H. Livingston, III, Chairman
Kirksey Koon, Vice-Chairman
William D. Waldrop, Councilman
Steve Stockman, Councilman
Scott Cain, Councilman
Travis Reeder, Councilman
Dr. Harriett Rucker, Council Woman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Debbie Cromer, Finance Director
Susan C. Fellers, 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.
Councilman Steve Stockman led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda.

Consent Agenda consists of minutes of September 19, 2018; October 3, 2018; and October 17, 2018.

Motion to adopt Consent Agenda by Mr. Reeder; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

2. Additions, Deletions, and Adoption of Agenda.

There being no additions or deletions to the Agenda, motion to adopt Agenda by Mr. Koon; second by Mr. Cain. Vote was unanimous.

3. Ordinance #09-18-18: An ordinance to authorize the transfer of the Piedmont Technical College Facility located in the former Newberry Square Shopping Center as anticipated by the 2010 capital projects sales tax.

A. Public Hearing

Motion for public hearing by Mr. Reeder; second by Mr. Cain. Mr. Livingston declared this to be the public hearing.

Chad _____ with Piedmont Technical College thanked Mr. Adams and County Council.

Mr. Reeder and Mr. Livingston thanked Piedmont Technical College for all they do for the County.

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

B. Third Reading

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

4. Ordinance #09-29-28: An Ordinance to authorize the conversion of a lease arrangement for Fee-in-Lieu of tax payments between Newberry County and Kiswire, Inc. under Title 4, Chapter 12, South Carolina Code of Laws, 1976, as amended, to a fee agreement under Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended; and matters relating thereto.

A. Third Reading

Motion for third reading by Mr. Cain; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

5. Ordinance #10-20-18: An Ordinance authorizing the execution and delivery of a Fee Agreement by and between Newberry County, South Carolina and

Komatsu America Corp. providing for a payment of a Fee in Lieu of taxes and other matters related thereto.

A. Second Reading

Mr. Adams stated Komatsu is planning to make a \$5.5 million investment at their current location and is seeking a fee in lieu of taxes for their investment. This Ordinance would grant them that 6% assessment ratio.

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

6. Ordinance #11-21-18: An Ordinance authorizing the execution and delivery of a Fee-in-Lieu of *Ad Valorem* Taxes and Incentive Agreement by and between Newberry County, South Carolina and Schweitzer-Mauduit International, Inc. to provide for payment of a Fee-in-Lieu of taxes; authorizing certain special source revenue credits; and other matters related thereto.

A. First Reading

Mr. Adams stated that in order to get Samsung here, we had to convince Schweitzer-Mauduit to move from their current location in the highway 219 industrial park to its new location in the Mid-Carolina Commerce Park on highway 773. This Ordinance authorizes the transfer of their equipment and machinery and grant FILOT treatment in the form of a special source revenue credit. Any new investment will be granted FILOT treatment and a 35% special source revenue credit. New investment is expected to be \$4 million.

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

7. Ordinance #11-22-18: An Ordinance authorizing (1) the execution and delivery of a Fee-in-Lieu of Tax and Incentive Agreement by and between Newberry County, South Carolina (The "County") and Samsung Electronics Home Appliances American, LLC, acting for itself, one or more affiliates, and/or other project sponsors (Collectively, the "Company"), pursuant to which the company shall be entitled to certain negotiated Fees-in-Lieu of *Ad Valorem* Taxes with respect to the establishment of certain facilities in the county (the "Project"); (2) the addition of the project to a Multi-County Industrial or Business Park; (3) the

provision of certain special source revenue credits in connection with the project; and (4) other matters relating thereto, (TITLE ONLY)

A. First Reading

Mr. Adams said the substance of this ordinance will be added at second reading. Samsung's property tax liability will be limited to a total of \$1 million annually for 10 years. This includes all land, buildings, machinery and equipment. The incentive package takes the form of a FILOT agreement with special source revenue credit.

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

8. Resolution 10-18: A Resolution committing to negotiate a Fee-in-Lieu of Tax and Incentive Agreement by and between Newberry County and Samsung Electronics Home Appliances America, LLC; identifying the project; and other matters related thereto.

Mr. Adams said that under Code Section 12-44-30 the county has to identify a project for the project to qualify for FILOT.

Motion to adopt Resolution by Dr. Rucker; second by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. Resolution 11-18: A Resolution authorizing an amendment to the Master Agreement governing the Greenwood-Newberry Industrial Park dated December 31, 2012, between Greenwood County, South Carolina and Newberry County, South Carolina to enlarge the boundaries of the park; and other related matters.

Mr. Adams stated the park agreement with Lexington will expire on July 28, 2019. The Newberry County projects located in that park will then transfer to the Greenwood-Newberry Multi-County Industrial Park.

Motion to adopt Resolution by Mr. Cain; second by Mr. Stockman. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

10. Resolution #12-18: A Resolution committing to negotiate a Fee In Lieu of Ad Valorem Taxes Agreement between Newberry County, South Carolina and

Schweitzer-Mauduit International, Inc; identifying the project; and other matters related thereto.

Mr. Adams said this was an inducement resolution under Code Section 12-44-30.

Motion to adopt Resolution by Mr. Cain; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

11. Proclamation: A Proclamation Honoring the Gallman High School Class of 1958. (Requested by Councilman Travis Reeder).

Mr. Adams read the Proclamation into the record, a copy of which is attached. Any discussion is usually of a congratulatory nature.

Motion to adopt Proclamation by Mr. Koon; second by Mr. Waldrop. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

12. Appointments.

Mr. Koon recommended the re-appointment of Jerry Koon to the Newberry County Water and Sewer Authority Board; second by Mr. Waldrop. Vote was unanimous.

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

No comments from the public.

14. Executive Session (if needed)

No Executive Session needed.

15. Comments/Request from County Administrator.

Mr. Adams congratulated Johnny Mack Scurry on his election to County Council and also the Council members who were overwhelmingly re-elected.

Mr. Adams requested that Council consider dates for a Council Retreat and topics to be covered in that Retreat. After discussion, it was the consensus of Council to schedule a Retreat in January 2019.

16. Comments/Request from Council Members.

Mr. Reeder thanked those who voted yesterday. He also expressed appreciation to the Veterans and homage to Janelle Ruff, who passed away on October 15.

Mr. Cain also expressed appreciation and thanks to the Veterans and their families.

Mr. Waldrop congratulated Mr. Scurry on his election to represent the people of District 6. He thanked the people of his district for supporting him over the years he served on Council from District 6.

Mr. Koon reminded everyone of the Veterans Day parade on Saturday. A meal will be furnished and he requested that if you are not a Veteran, that you consider making a small donation. The Veterans' meals will be free.

Mr. Koon also expressed appreciation for what Samsung is doing.

Mr. Livingston agreed with all comments made by Council Members regarding the Veterans.

Mr. Livingston said he looked forward to working with Johnny Mack Scurry and thanked the constituents who supported him and re-elected him again.

17. Future Meetings

**A. Personnel & Intergovernmental Relations Committee Meeting
11/12/18 @ 6:00 p.m.**

B. Joint Planning Commission 11/20/18 @ 6:00 p.m.

C. County Council Meeting 11/21/18 @ 7:00 p.m.

D. Finance Committee Meeting 11/26/18 @ 7:00 p.m.

18. Adjournment

There being no further business, motion by Mr. Waldrop to adjourn; second by Mr. Stockman. Vote was unanimous.

Meeting adjourned at 7:20 p.m.

NEWBERRY COUNTY COUNCIL

HENRY H. LIVINGSTON, III, CHAIRMAN

**SUSAN C. FELLERS
CLERK TO COUNCIL**

APPROVED: