

**NEWBERRY COUNTY COUNCIL  
MINUTES  
DECEMBER 18, 2019**

The Newberry County Council met on Wednesday, December 18, 2019, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

The meeting was duly advertised as required by law.

**PRESENT:** Henry H. Livingston, III, Chairman  
Kirksey Koon, Vice-Chairman  
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, County Attorney  
Debbie Cromer, Finance Director  
Taylor Davenport, Administrative Assistant  
Susan C. Fellers, Clerk to Council

**ABSENT:** Steve Stockman, Council Member

**MEDIA:** Andrew Wigger, Newberry Observer

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

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

**1. Adoption of Consent Agenda.**

Motion by Mr. Cain to adopt the Consent Agenda consisting of Council Minutes of November 6, 2019; November 20, 2019; and December 4, 2019; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

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

Deletion of Personal Appearance by Mr. Lee Tant (Item 4(a)). Mr. Tant was unable to attend due to a family emergency.

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

**3. Service Awards.**

On behalf of Council, Mr. Livingston presented the following employee service awards:

Richard Carter, Clerk of Court - 5 years  
Ronald Powell, Building Inspector - 5 years  
Janeyatte Gary, Sheriff's Department - 5 years

**4. Personal Appearances.**

**A. Lee Tant**

This item was deleted from the agenda.

**5. Ordinance #12-20-19: An Ordinance amending and revising Section 153.168 of the Newberry County Code of Ordinances to establish the process to determine an average calculation for the minimum lake shore setback when only one abutting real estate parcel is developed.**

**A. Second Reading**

The following persons signed up to speak in support of the text amendment:

Lori Leslie  
Patti Bailey  
Jennifer Shackelford  
Tyler Shackelford  
John Shackelford

Mr. Livingston asked Mr. Shackelford what their HOA regulations were regarding setbacks. From the audience, Harold Beatty, Interim President of the HOA, said their building pads conform to the County's 50 foot setback.

Alyssa Wedaman expressed concern over the attitude of the Planning Commission at its meeting last night.

James Atkison

A Petition signed by 52 homeowners in the area was presented to Council stating "We, the undersigned, are concerned citizens who urge the Newberry County Joint Planning Commission to act now for a text amendment of ordinance 153.168."

Georgia and Bruce Barton are in the process of building a home in Middleton Place and sent a letter in support of the text amendment, which Ms. Leslie read. (copy not provided for the record).

**EXPLANATION:** The Planning Commission met last evening and reversed itself on their earlier recommendation which is embodied in Ordinance #12-20-19. The Planning Commission now recommends unanimously that a single standard of 50 feet from the applicable contour line be adopted for Setbacks from the Lake Shore, eliminating *any* future setback calculations by staff. Staff concurs in the Planning Commission's new position, which rejects not only Ordinance #12-20-19, but also the existing lake setback regulations (in place only since 2016).

Mr. Cain moved for second reading but stated he was not in favor as written now and would vote against it; second by Mr Reeder. Mr. Koon felt there needed to be additional research.

There being no further discussion, Mr. Livingston called for the vote. Voting for second reading: No votes. Voting against second reading: Council Members Livingston, Koon, Cain, Reeder, Rucker and Scurry. Second reading failed.

**Ordinance #12-21-19: An Ordinance modifying the makeup of the Joint Planning Commission and certain responsibilities as established by Ordinance #185 and the amendments thereto.**

**A. Second Reading**

Motion for second reading by Mr. Reeder; second by Dr. Rucker.

EXPLANATION: This ordinance will reduce the number of seats on the Planning Commission, which will help ensure a regular quorum. The Council-appointed seats for the Planning Commission would be reduced from 12 to 7, with the five at-large appointments being eliminated. Representation from Whitmire and Silverstreet would be deleted, since neither of these municipalities either has its own zoning regulations or utilizes the zoning regulations adopted by Newberry County.

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

**7. Ordinance #12-22-19: 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 Project Tiger Shark; to provide for payment of a fee-in-lieu of taxes; authorizing certain special source revenue credits; and other related matters.**

**A. Public Hearing**

Motion by Mr. Cain for the public hearing; second by Mr. Scurry. 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**

Motion by Mr. Cain for third reading; second by Mr. Reeder.

EXPLANATION: Project Tiger Shark is a \$9 Million expansion of an existing industry. The County would offer a 20 year FILOT agreement coupled with a 25% SSRC for the first 10 years. The project would be placed in a multi-county industrial park, which allows the County to determine the distribution of the revenues. For the first 7 years staff recommends a non-pro *rata* split of the revenues with the County receiving 95% and the School District receiving 5%. The purpose of this arrangement is to recoup costs associated with a recent grant received by the School District to employ 4 new school resource officers. The grant does not pay for cars, uniforms, weapons and certain unexpected expenses of the County.

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

**8. Resolution #14-19: A Resolution amending the Newberry County Employee Handbook.**

EXPLANATION: This resolution makes two changes to the employee handbook: 1) prohibits tobacco and simulated tobacco products both on all county property and in all county vehicles; 2) raises the upper limits of the salary scale for all pay bands by 4%.

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

**9. Consideration to approve Central SC Alliance FY19/20 3rd quarter invoice totaling \$18,000. (Recommended by the Economic Development Committee on 12/9/19).**

Motion by Dr. Rucker to approve payment of the 3rd quarter invoice to Central SC Alliance in the amount of \$18,000; second by Mr. Scurry. There being no discussion, Mr. Livingston called for the vote. Voting to approve payment: Council Members Livingston, Cain, Reeder, Rucker and Scurry. Voting against payment: Council Member Koon. Motion passed by majority vote.

**10. Appointments.**

No appointments.

**11. Committee Reports**

**A. Economic Development Committee - Rick Farmer, Economic Development Director.**

Mr. Farmer reported on economic development during the last quarter, as discussed in the Economic Development Committee meeting on December 9, 2019.

In October, he traveled to Korea with the State Delegation and met with 13 companies. They hosted a seminar about doing business in the United States.

Mr. Livingston reported that he and Mr. Farmer, while in Washington, met with Ralph Norman, Representative Duncan and Senators Graham and Scott. We talked about the need for infrastructure and any possible monies available to Newberry County.

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

Other than the persons who signed up and were allowed to speak during consideration of Agenda Item 5, no one else from the public signed up to speak.

**13. Executive Session (if needed)**

No Executive Session needed.

**14. Comments/Requests from County Administrator.**

No comments.

**15. Comments/Requests from Council Members.**

Mr. Cain congratulated the Museum on its grand opening over the past weekend.

Council wished everyone safe holidays.

**16. Future Meetings.**

**A. Public Safety and Courts Committee on 1/13/2020 at 5:00 p.m.**

**B. County Council on 1/15/2020 at 7:00 p.m.**

**C. County Council on 02/05/2020 at 7:00 p.m.**

**17. Adjournment**

There being no further business to come before Council, Dr. Rucker moved to adjourn.

Mr. Livingston declared the meeting adjourned at 7:50 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

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**Susan C. Fellers, Clerk to Council**

**APPROVED:\_\_\_\_\_**