

**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 20, 2019**

The Newberry County Council met on Wednesday, March 20, 2019, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, South Carolina, for a regular scheduled meeting.

PRESENT: **Kirksey Koon, Vice-Chairman**
 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
 Debbie Cromer, Finance Director
 Taylor Davenport, Administrative Assistant
 Karen Brehmer, Assistant to the Administrator
 Susan C. Fellers, Clerk to Council

ABSENT: **Henry H. Livingston, III, Chairman**
 A.J. Tothacer, County Attorney

MEDIA: **Andrew Wigger, Newberry Observer**

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

In the absence of the Chairman, Mr. Koon, Vice-Chairman, called the meeting to order at 7:00 p.m.

Mr. Koon led the invocation followed by the Pledge of Allegiance.

1. Additions, Deletions and Adoption of Agenda.

Motion by Mr. Cain to adopt the Agenda as presented; second by Mr. Stockman. There being no discussion, Mr. Koon called for the vote. Vote was unanimous.

2. Ordinance #03-03-19: 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 seventy-two hundredths (1.72) acres designated as TMS Parcel No. 284-1-6 from General Commercial (GC) to R2-Rural.

A. Second Reading.

This property is located at the intersection of Airport Road and Highway 76 and is currently in use for residential purposes. The current owners of the property want to rezone the property to reflect its current use. There is a pending contract to sell the property; however, the sale is contingent upon the rezoning. Property contiguous to this parcel is already zoned R2-Rural.

Motion for second reading by Mr. Stockman; second by Mr. Cain. In discussion, Mr. Koon advised that he would abstain from voting because he is kin to the realtor, Bobby Shealy, who is handling this matter. There being no further discussion, Mr. Adams called for the question. Voting for second reading: Council Members Stockman, Cain, Reeder, Rucker and Scurry. Council Member Koon abstained. Motion for second reading passed.

Mr. Adams advised that in regards to this property the notice for public hearing must run at least 15 days prior to the hearing, as required by state law. The notice for public hearing was not timely sent to the Newberry Observer to meet the 15 day requirement. Mr. Adams recommended that the public hearing and third reading be held at a special Council meeting on Monday, April 8, 2019, at 6:30 p.m. Council concurred.

Bobby Shealy, the realtor handling this matter, addressed the public hearing issue. The contract expires on April 15 and calls for the closing to be held by that date. By delaying the public hearing and third reading until April 8, there are ramifications that affects the buyer, seller and Mr. Shealy. My seller could lose out on a sale because the buyer could back out. My buyer has the possibility of her loan expiring which means she may have to reapply for a loan. The buyer could also be out of \$2,000 and she wanted to know who was going to be responsible. The 8th is still a short time frame for the 10 day due diligence period for the buyer to have any type of inspections. All of these are at the cost of the buyer and she is at risk of paying for these inspections and then if something did happen by waiting until the 8th, everything may not get done and closed by the 15th. Mr. Shealy asked if Council could have the public hearing and third reading on the 3rd to help him out. There are three parties who own property next to this piece of property that were at the Planning Commission meeting and none of them opposed it at that time. If the deal falls through Mr. Shealy and his company could be out of \$4,500. Mr. Shealy said this was no fault of his; he paid the \$100 application fee and waited for the Planning

and Zoning hearing; he attended the first reading; he is here tonight representing the buyer and seller. There are a lot of ramifications that could come out of this.

Mr. Adams explained that the 15 day period is a state law and that is not something that Council can change. If the closing is not until the 15th, Mr. Adams did not understand why the 8th would not work.

Mr. Shealy said they needed 10 business days for inspections but he was going to try to make it work. The contract says it has to close on or before April 15, and the contract says it is contingent upon being rezoned and contingent upon proper inspections, which are not to take place until after the rezoning.

Mr. Adams asked if the contract could be changed to say the inspections could begin before the rezoning. Mr. Shealy said he could but that would make the buyer nervous. If my buyer had to pay \$250 or \$280 for a home inspection, \$150 for a termite letter, \$150 for heating and air letter, all of this is coming out of her pocket. If for some reason it did not pass Council as far as rezoning, then she would have thrown that money out of the window. Mr. Shealy said he would take the 8th if he had to and go with it but he wanted Council to know that through no fault of theirs

Mr. Adams told him he was absolutely correct. It was no fault of yours. We are responsible for this. Mr. Adams offered to meet with Mr. Shealy and his client on Thursday to talk about this process. We have been through two readings where the rezoning passed unanimously and have had no objections from surrounding property owners. Mr. Shealy appreciated the offer but said they would try the 8th if that is the earliest you can possibly do it. Mr. Shealy felt the Council needed to be aware of what was going on.

Mr. Koon recognized and welcomed Newberry College students attending the meeting tonight.

3. Appointments.

No appointments.

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

Mr. Shealy signed up but was allowed to speak during discussions of agenda item 2. There were no other public comments.

5. Executive Session.

Mr. Adams stated Council needed to go into Executive Session pursuant to Section 30-4-70(a)(5) SC Code of Laws to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body. This is specifically about an economic development project called "Project Sam".

Motion by Mr. Stockman to go into Executive Session at 7:15 p.m.; second by Mr. Cain. Vote was unanimous.

Council returned to open session at 7:45 p.m.

Mr. Adams stated that Council met in Executive Session for the stated purpose and no action was taken in that session.

6. Comments/Requests from County Administrator.

Mr. Adams advised that the Economic Development Director was home from the hospital and feeling much better.

7. Comments/Requests from Council Members.

Council Members welcomed the Newberry College governmental class to the meeting.

8. Future Meetings.

- A. Finance Committee Meeting 3/25/19 @ 6:00 p.m.**
- B. County Council Meeting 4/3/19 @ 7:00 p.m.**
- C. Special Council Meeting 4/8/19 @ 6:30 p.m.**
- D. County Council Budget Work Session 4/8/19 @ 7:00 p.m.**
- E. Public Safety and Courts Committee 4/15/19 @ 5:00 p.m.**

9. Adjournment.

There being no further business, Mr. Stockman moved to adjourn.

Meeting adjourned at 7:50 p.m.

NEWBERRY COUNTY COUNCIL

Kirksey Koon, Vice-Chairman

Susan C. Fellers, Clerk to Council

APPROVED: _____