

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 5, 2020**

The Newberry County Council met on Wednesday, February 5, 2020, at 7:00 p.m. at Piedmont Technical College Auditorium, 1922 Wilson Road, Newberry, SC, 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
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
A.J. Tothacer, Jr., County Attorney
Susan C. Fellers, Clerk to Council
Debbie Cromer, Finance Director
Karen Brehmer, Deputy Administrator
Taylor Davenport, Assistant to County Administrator

MEDIA: Andrew Wigger, Newberry Observer

Because of the change of venue, Mr. Livingston allowed extra time for anyone from the public to arrive. The meeting was called to order at 7:15 p.m.

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

1. Additions, Deletions and Adoption of Agenda.

Mr. Cain requested that Agenda Item #14 be moved up on the Agenda to Item 4(b). There being no further changes to the Agenda, Mr. Cain moved to adopt the Agenda as amended; seconded by Mr. Reeder. Vote was unanimous.

2. Public Appearances.

A. Citizen & Employee Recognition - Jason Hentz, Newberry County EMS Director.

Brandon Ouzts, Citizen

Shyreion Thompson, Citizen

William (Rocky) Perry, EMS Employee

Bridget Derrick, EMS Employee

Alexandria Sligh, EMS Employee

On December 30 Steven Eskridge suffered cardiac arrest at his home. Brandon Ouzts and Shyreion Thompson performed CPR until the EMS arrived on the scene. EMS performs the same medical procedures as the ER in the first 15 minutes and the EMS employees were recognized for their rapid response.

Mr. Koon presented a plaque to Mr. Hentz recognizing EMS for their rapid response.

3. Ordinance #01-01-20: An Ordinance to create the Mountain View Subdivision Special Tax District.

A. Second Reading

On December 17, 2019, by a margin of 16-2, voters residing in the Mountain View Subdivision approved the creation of a special tax district for the purpose of maintaining the unpaved roadways of their subdivision. The approved referendum calls for a not-to-exceed \$150 annual uniform service fee to offset expenses incurred by the County in providing this service.

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

4. Ordinance #01-03-20: An Ordinance authorizing the execution and delivery of an agreement providing a grant to (Project Shot); and other related matters.

A. Second Reading

This ordinance provides for a \$25,000 grant from Newberry County to a small Samsung supplier, whose investment is not large enough to qualify for a Fee in Lieu of Taxes.

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

4(b). Consideration to approve Operating and Lease Agreements for Flight School at the Newberry County Airport - Mike Pisano, Public Works Director.

At its meeting on Monday, February 3, the Public Works and Planning Committee voted to forward the proposed operating and lease agreement for a flight school at the Newberry County Airport to Council for approval. The flight school would be required to pay for a hangar space and provide the appropriate insurances and other credentials to operate a flight school.

Taj Troy, owner of Propel Aviation Center, explained the flight school would train both domestic and international pilots. There is a checklist before TSA even allows entry into our country.

Motion by Mr. Cain to approve the Operating and Lease Agreement; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the question. Vote was unanimous

Agenda Items 5-13.

5. Ordinance #02-04-20: 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 nine hundredths and thirty-seven thousandths (1.937) acres designated as TMS Parcel No. 594-41 from General Commercial (GC) to Single Family Residential (RSM).

A. First Reading

6. Ordinance #02-05-20: 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 hundred and fifteen thousandths (0.115) of an acre designated as TMS Parcel No. 594-26 from General Commercial (GC) to Single Family Residential (RSM).

A. First Reading

7. Ordinance #02-06-20: 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 ninety-three hundredths (0.93) of an acre designated as TMS Parcel No. 594-22 from General Commercial (GC) to Single Family Residential (RSM).

A. First Reading

8. Ordinance #02-07-20: 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 seventeen hundredths (1.17) acres designated as TMS Parcel No. 594-25 from General Commercial (GC) to Single Family Residential (RSM).

A. First Reading

9. Ordinance #02-08-20: 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 hundred fifty-nine and eighty-eight hundredths (159.88) acres designated as TMS Parcel No. 592-8 from Rural (R-2) and Single Family Residential (RS) to Single Family Residential (RSM).

A. First Reading

10. Ordinance #02-09-20: 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 eight and eighty-four hundredths

(8.84) acres designated as TMS Parcel No. 592-17 from Rural (R2) to Single Family Residential (RSM).

A. First Reading

11. Ordinance #02-10-20: 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 eight and sixty-nine hundredths (8.69) acres designated as TMS Parcel No. 592-37 from Limited Commercial (LC) to Single Family Residential (RSM).

A. First Reading

12. Ordinance #02-11-20: 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 five hundredths (1.05) acres designated as TMS Parcel No. 592-38 from General Commercial (GC) to Single Family Residential (RSM).

A. First Reading

13. Ordinance #02-12-20: 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 sixteen and fifty-six hundredths (16.56) acres designated as TMS Parcel No. 592-54 from Single Family Residential (RS) to Single Family Residential (RSM).

A. First Reading

Anne Peters, Zoning Administrator, said the property consists of nine adjoining lots, totaling approximately 200 acres. The tracts are bounded by Hollands Landing Road, Granny Hill Road, Circle H Woods Road and Peninsula Drive. The parcels are now zoned General Commercial, Limited Commercial, R2 (Rural) or Single Family Residential (RS). This request is to rezone all nine parcels to Single Family Residential (RSM). Access to this land is through Club Drive. All roads in this particular area funnel into Macedonia Church Road.

Ms. Peters and Mr. Adams explained the differences of RS versus RSM (found in Sections 153.068 and 153.172 of the Newberry County Code of Ordinances.)

Cluster development has been requested because it allows half of the minimum 15,000 sf lot, which would make the lot size 7,500 sf (which equates to 17/100 of an acre).

Dean Sinatra, developer with American Land Holdings (ALH), explained their company only develops recreational property and waterfront property. They have no interest in manufactured homes in the development.

ALH has a development in Saluda County (Palmetto Pointe) and has sold 86 of the 96 lots. All lots in this development should be sold by spring,

The company is environmentally sensitive.

The majority of the people average 45-60 years old and are buying these lots for a retirement home.

ALH is financially viable and pays cash for the projects.

The code allows cottage/cluster housing. There will be a common space for social and recreational advantages for the cluster subdivision, including a clubhouse, park area, boat storage, ponds, boat docks.

This will be a high quality community with homes selling from \$300,000 to possibly over \$500,000. The lots are priced at \$80,000; waterfront lots from \$175,000 to \$200,000.

ALH is working on an agreement with Sovereign Development (formerly Mungo Homes) as to building the houses once the lots are sold.

Mr. Stockman asked about the size of the cluster homes. Mr. Sinatra said the minimum size would be 1400 to 1500 sf up to 2200 sf or 2300 sf.

Mr. Scurry asked how many units would be in the cluster development. Mr. Sinatra said there would be 130 units in the cluster subdivision.

Sheldon Bower said the approximate 114 acres zoned R2 allow a 1 acre minimum lot size and allows manufactured homes. The RS zoned property

(approximately 70 acres) allows 1/2 acre lots. Then there are 14-15 acres zoned GC. One hundred and ten (110) boat slips already exist.

As shown on the attached composite drawing, the property in the yellow zone will be 1-2 acre lots. The property in the green zone will be 2-5 acre lots. Ninety-seven (97) acres will be 3/4 of an acre lots. The company is proposing a total of 167 lots on 200 acres. Fifty per cent will be open space.

Amenities will include boat parking, clubhouse, walking trails, gathering place and the 110 boat slips already in place. There will be a study of the wildlife to determine if there are any endangered species. Infrastructure upgrades will have to be made, and the developer will pay for those upgrades. A buffer of 50-100 feet will be provided along the entire property line. Maximum setback will be 50 feet. Studies will be done as far as the roads and traffic, and any improvements required will be done.

Michael Turner, 651 Hamms Landing Road. The drinking water is less than 1/2 mile away from this proposed subdivision. Lake Murray Association does water testing. The sediment will be much more. The property will be clear cut destroying the eagles's habitat. This will have an impact on the wildlife, the drinking water and the roads.

Harold Beaty, chairman of the Plantation Pointe Homeowners Association, expressed concern that the residents had not seen or heard anything about the plans. Now that the residents are aware of the plans, they will discuss any issues with the board of the homeowners association. He expressed an interest in the residents being able to meet with the developer for further information. The residents are definitely opposed to mobile homes in this area.

Lynn Beasley, 61 Drayton Court, Prosperity, built his house in 1986. This portion of the county generates a large big tax base for the county. He urged the developer to set up an informational gathering for their community so all residents might feel more comfortable with this proposed development. The residents want to be active participants in order to protect the integrity of their community while also being supportive of a well planned development.

Pee Wee Green, 181 Paul Green Road, Prosperity, moved here in the late 1940s. One hundred and fifty (150) houses are too many for that small area of the lake. The schools will be overcrowded. A lot of these people bought and built here because there was not a lot of traffic in the area.

Kevin Banks, 1245 Hollands Landing Road, expressed concern over the infrastructure in that area, and particularly the two sewer lift stations because they both frequently overflow now. With the addition of this proposed development the situation will only be worsened. He requested that the current design and all downstream components be evaluated by a third independent engineering firm. He also asked who would bear the costs for all of this.

Wilson Fairey, 112 Peninsula Drive, stated there was a cove with 110 boat slips, which are not now in use. The congestion in the cove is going to be great and will create safety concerns. He urged that no more boat slips be permitted.

Duane Twining, 573 Hamms Landing Road, has lived there since 2010, and feels the cluster development is a bit excessive. The roads are already congested and not in good shape. The area is lacking in good telecommunication and infrastructure. He felt a lot of these homes will be recreational homes and was concerned as to what the property owners would do with the recreational homes when they go back to their primary residence. He requested that zoning be consistent with the neighborhood.

Glenda Lawson - thought this was a sign in sheet.

Wayne Lawson - thought this was a sign in sheet.

Ken and Robin Kroger - thought this was a sign in sheet.

Happy Laymon - thought this was a sign in sheet.

Susan Martin - someone from the audience stated she was not present but had sent a letter to be read. Mr. Livingston advised that she needed to be present.

Mr. Adams explained these rezoning ordinances as follows:

On January 21, the Joint Planning Commission voted to send the following Agenda Items 5-13 to County Council for rezoning. The nine adjoining parcels are bounded by Hollands Landing Road, Granny Hill Road, Circle H Woods Road and Peninsula Drive in Prosperity. Currently, the various parcels are zoned General Commercial, Limited Commercial, R2 Rural or Single Family Residential (RS). This request is to rezone all nine parcels to Single Family Residential (RSM) to support residential use and smaller lot sizes (7,500 sf) that are desired for a proposed Cluster Development.

Council Members requested that the developer consider setting up a meeting with the residents in that area to answer any questions regarding the proposed subdivision.

Mr. Stockman said the cluster development did not sit well with him at all. Some other type of subdivision on a different standard might be okay but the cluster development is going to create problems. He won't support changing the zoning on this property at this time.

Dr. Rucker wants the developers to be more specific with numbers. All questions need to be answered first.

Mr. Cain was concerned about all infrastructure, and particularly the roads going in and out of a cluster subdivision. He recommended postponing any vote on these Ordinances until the developer set up an informational meeting with the residents of this area.

Mr. Livingston and Mr. Adams explained that if all, or any, of the ordinance(s) were voted down, it would be a year before the ordinance(s) could be placed on another Council agenda. If the ordinances are tabled, they would appear on the next regular Council agenda.

Mr. Tothacer advised that under Robert's Rules of Order, a motion to postpone it would cause it to be placed on the agenda for the next regular meeting of Council.

Mr. Livingston read **Agenda Item 5** for first reading. Dr. Rucker moved for first reading; seconded by Mr. Reeder, who offered an amendment that these ordinances not be placed on a Council Agenda until the March 5 Council meeting in order to allow the developer time to meet with the residents. There being no further discussion, Mr. Livingston called for the question. Voting for first reading: Council Members Livingston, Koon, Reeder, Rucker and Scurry. Voting against first reading: Council Members: Stockman and Cain. Motion for first reading passed for majority vote.

Council inquired of the County Attorney if these items could be voted on as a whole instead of voting individually on each one. Mr. Tothacer said if the developer consented, Council could amend the agenda to vote on them as a whole. Mr. Sinatra agreed.

Dr. Rucker moved to amend the agenda to consider items 6-13 as a whole; seconded by Mr. Reeder. There being no discussion on this, Mr. Livingston called for the vote: Council Members: Livingston, Koon, Cain, Reeder, Rucker and Scurry. Voting against the motion: Council Member Stockman. Motion passed by majority vote.

Dr. Rucker moved for first reading of **agenda items 6-13** and requested that these ordinances not be placed on the agenda for second reading until the March 5th Council meeting in order to allow the developer time to set up a meeting with the residents of that area; seconded by Mr. Reeder. There being no further discussion, Mr. Livingston called for the question. Voting for first reading of items 6-13: Council Members Livingston, Koon, Reeder, Rucker and Scurry. Voting against first reading of items 6-13: Council Members Stockman and Cain.

14. See Agenda Item 4(b)

15. Appointments.

No appointments.

16. Committee Reports - Public Works and Planning Committee 2/3/2020 - Mike Pisano, Public Works Director.

Mr. Pisano reported the Public Works and Planning Committee met on February 3, 2020. Mr. Cain was re-elected Chairman for 2020. There were three items on the agenda that were discussed: Operating Agreement for flight school, Old Jolly Street Bridge and the rezoning of the property referenced in agenda items 5-13.

Bids received on November 26 for the Old Jolly Street Bridge were \$469,291 and \$679,815. This bridge has been out since the flood in 2015. FEMA will pay \$233,00 toward the repair with the balance being the County's responsibility.

Stan Shealy 4241, Old Jolly Street Road, owns 35-40 acres of land on each side of the bridge. The Highway 219 side has older residents, who get medicine from Prosperity, and they have complained about the bridge being out. He has problems with people parking - a lovers' lane, and cocaine dealings. If the County is not going to fix the bridge, Mr. Shealy said he would give the County enough land to build a turn around on the Jolly Street side of the bridge, and he would put a gate across and maintain everything behind the gate.

Mr. Adams advised that could be workable, and he would be glad to discuss it further with him.

Patrick Meetze, 9166 US Highway 76, wanted to know if the money received from FEMA is not used to install or update the bridge, what will the County use this money on. Mr. Adams advised that any projects would have to be approved by FEMA. Ms. Cromer, Finance Director, advised that the County has not received the money from FEMA yet.

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

No other public comments.

18. Executive Session (if needed).

No Executive Session needed.

19. Comments/Requests from County Administrator.

No comments.

20. Comments/Requests from Council Members.

Mr. Scurry advised that Plum Nelly Road Bridge in Chappells has been out for 10 years.

Dr. Rucker had no comments.

Mr. Reeder thanked everyone for helping to make the Martin Luther King celebration a success.

Mr. Cain had no comments.

Mr. Stockman had no comments.

Mr. Koon said five weeks ago he had heart surgery and thanked everyone for the prayers, calls and visits.

Mr. Livingston requested that everyone be remembered in prayer in the next 24 hours with the weather conditions.

21. Future Meetings:

- A. County Council 2-19-2020 at 7:00 p.m.
- B. Public Safety and Courts 2-24-2020 at 5:00 p.m.
- C. Economic Development 3-2-2020 at 7:00 p.m.
- D. County Council 3-4-2020 at 7:00 p.m.

22. Adjournment.

There being no further business to come before Council, Mr. Stockman moved to adjourn; seconded by Mr. Reeder.

Mr. Livingston declared the meeting adjourned at 9:30 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

APPROVED: _____