



NEWBERRY COUNTY COUNCIL
July 7, 2021
6:00 P.M.
Minutes

Newberry County Council met on Wednesday, July 7, 2021, at 6:00p.m. in the 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
Todd Johnson, Vice-Chairman (ZOOM)
Les Hipp, Council Member
Mary Arrowood, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Tony McDonald, County Administrator
Karen Brehmer, Finance Department
Debbie S. Cromer, Finance Department
Taylor Davenport, Assistant to the Administrator

MEDIA: Andrew Wigger, Newberry Observer

ABSENT: Susan C. Fellers, Clerk to Council

Mr. Livingston called the meeting to order at 6:00p.m.

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

1. Adoption of Consent Agenda

Mr. Hipp requested that the spelling of a name be corrected in the June 16th Minutes.

Mr. Reeder moved to adopt the Consent Agenda with the corrections; seconded by Mr. Scurry. Vote was unanimous.

2. Additions, Deletions & Adoption of the Agenda

Mr. Hipp moved to adopt the agenda as presented; seconded by Mrs. Arrowood. Vote was unanimous.

Mr. Hipp made a request that members of the public that were here to speak on a specific ordinance get a chance to speak during the discussion period and not have to wait until public comments.

Chairman Livingston agreed that they would give the public a chance to speak during the discussion portion.

- 3. Ordinance #07-15-21** – An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of The County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling seventeen and seventy-three hundredths (17.73) acres designated as TMS parcel No. 523-46 from RS-Single Family Residential to R2-Rural.

- a. First Reading**

Katie Werts, Zoning Administrator explained to Council that the request for rezoning was submitted to the Joint Planning Commission after a manufactured home was placed on the property by the dealership. When the owner went to request power for the manufactured home, he was then notified that the current zoning regulations for the property do not allow manufactured homes. The Joint Planning Commission did vote in favor of the rezoning.

Mr. Hipp asked if there had been any postings in the area about the rezoning of the property. Mrs. Werts explained that the postings would occur when the Public Hearing is scheduled and there have not been any complaints made from the community.

Mr. Reeder motioned to approve first reading; seconded by Mr. Hipp. Vote was unanimous.

- 4. Ordinance #07-16-21** – An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone three (3) real estate parcels totaling one thousand and two hundred and sixty-nine and seventy eight hundredths (1,269.78) acres consisting of tax map parcels: TMS 109-6 containing eight hundred (800) acres and TMS 109-11 containing one hundred forty-nine (149) acres and TMS 110-2 containing three hundred and twenty and seventy-eight hundredths (320.78) acres from R2-Rural to Industrial.

- a. First Reading**

Ron Powell, Building Inspector, addressed Council on request for rezoning. He stated that in December of 2020 the rezoning request was brought to the Planning Commission to rezone the

property for a Solar Farm. The request was denied by the Planning Commission on a five to two vote. After the request was denied, the property owner requested that the Ordinance be delayed in coming to Council until this meeting. Mr. Powell explained that the opposition from the Planning Commission was based on environmental concerns and the process of the decommissioning of the solar panels.

Mr. Hipp asked if any of the adjoining or neighboring landowners were in attendance at the Joint Planning Commission Meeting back in December.

Mr. Powell explained that there were 3 to 4 family members of the community present and there was one specific family member that was representing them.

Mr. Scurry explained that several individuals in that community are still very against the solar farm.

Mr. Powell explained that Staff recommended the rezoning, and Planning Commission denied it. Staff recommendations were based on the fact that there are no traffic issues, buffers are in place, and it doesn't affect the school system. There is also a bond requirement in place in the Ordinance that addresses the issue of decommissioning of the solar panels. The panels must be decommissioned after 6 months of no power usage.

Mr. Tothacer explained to Council that the Company must provide an estimate from a registered PE in the State of South Carolina, and a minimum bond of \$50,000 for the decommissioning process. He stated there are 2 Solar Projects that have been approved in Newberry County to date.

Chairman Livingston invited the landowner, Mr. Otis Taylor, to the podium to speak.

Mr. Otis Taylor, 1938 Harrington Street – Mr. Taylor is the president of TCA Timberland, and there are several reasons why this Solar Farm would be of benefit to Newberry County. The first reason he addressed was the solar farm would generate revenue for the County without requiring any new services to be provided. The second reason is that Newberry County could join in the fight against global warming. The third reason being financially his company has given out 1.6 million dollars in grants to the citizens of Newberry County. Some of these recipients are Newberry College, The Newberry Museum, The Opera House, and the YMCA. It is his hope that in the coming years they can continue to help support the citizens of Newberry County with the earnings from the Solar Farm. He thanked Council for allowing him to speak.

Mrs. Arrowood asked Mr. Taylor what the yearly expectations might be in taxes from the solar farm to the County in taxes.

Mr. Taylor responded he wasn't sure but explained there would not be 1200 acres of panels. It would only be around 400 acres of panels.

Rick Farmer, Economic Development Director, addressed Mrs. Arrowood's question on taxes. Currently the parcels in question bring in a little under \$5000 in tax revenue each year. If the

solar farm is enacted, the taxes brought in would be \$152,000 per year for 30 years if the fee in lieu of deal stays within the parameters, previously discussed by Administrator, Wayne Adams.

Mr. Hipp explained that he felt that this was a good project for the County and good financial decision. He thinks the property seems to be the perfect piece of property for a solar farm in his opinion.

Chairman Livingston asked at this time if Mr. Karl Brehmer would like to speak at this time.

Karl Brehmer currently lives in Irmo but owns property that adjoins the parcels being considered for rezoning. He stated that the Company that is here tonight previously approached him about the opportunity to lease his property to construct a solar farm. After he was approached by the Company, Mr. Brehmer was very suspicious, and decided to do research on solar farms. He gave each Council member two articles (articles attached) that he found online. Mr. Brehmer believes that these solar panels tend to leak Cadmium. This chemical is also found in cigarettes and can cause cancer and other medical issues. The panels may not cause an issue in his lifetime but after a period it could cause issues for future generations. He is very concerned about his land that is being passed down to his children, and that it will be contaminated by the solar farm that will adjoin his property. He pleaded with Council to think about the environmental effects this will have on his family and the community. He stated that the financial benefits will be short lived but the environmental and health effects will last a lot longer.

Mr. Hipp believes DHEC would have monitoring and other regulations in effect for these types of Solar Farms. He also believes Council needs more information on what was shared by both parties tonight. He asked that Council consider passing first reading, but to then meet and gather more information from the appropriate departments.

Chairman Livingston thinks that there are a lot of questions that need to be answered and that another meeting needs to be set up for Council to have more information.

Mac Flores and Michael Fox from the Company Ecoplexus addressed Council and stated they would be happy to meet with anyone regarding their concerns with the solar farm.

Chairman Livingston asked how many acres of panels will be in place.

Mr. Fox stated that there will be 487 acres of solar panels, so roughly 1/3 of the property.

Chairman Livingston stated he is okay with proceeding with first reading but asked that Council meet again in order to answer some outlying questions.

Mr. Reeder agreed and stated that he would like for Council to meet again in order to receive information.

Motioned by Mr. Hipp; seconded by Mr. Reeder. Vote was six to one, with Mr. Scurry opposing.

Council agreed not to have second reading at the second meeting in July.

- 5. Ordinance #07-17-21** – An Ordinance authorizing the execution of an equipment lease purchase agreement in an amount not exceeding \$481,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.

- a. First Reading**

Theo Dubose stated this is the 11th in a series of annual lease purchases that have been approved by Council for Public Works and emergency equipment. The leases are entered into in December and paid off over a course of 4 years.

Motioned by Mrs. Arrowood; Seconded by Mr. Shealy. Vote was unanimous.

- 6. Council Consideration to approve funding for Coroner's Van.**

Laura Kneece, Newberry County Corner, stated that in February of 2021 Vector was completing maintenance on the Coroner's truck. Vector, after reviewing the vehicle, stated that it was no longer safe to operate. Mrs. Kneece brought this to the attention of the former County Administrator, Wayne Adams, and asked to go ahead and purchase a transport van. Mrs. Kneece stated that it was approved verbally, and they tried to purchase the Van through Santee Automotive. Ford is no longer producing vehicles due to COVID, and a truck needs to be purchased by June 30th of 2020 to close out the FY 20/21 year. Mrs. Kneece is requesting Council to approve the purchase of a vehicle in this fiscal year.

Administrator McDonald explained that there was a verbal commitment from the previous County Administrator. However, there was not a budgeted amount in the previous year for a new vehicle. He believes that there is a way to go forward properly to address the coroner's request. He has confirmed with the Finance Department that there are some emergency funds that could be used to purchase the vehicle. He does believe that they do need to do a formal Bid process and that they would bring back the information to Council for them to approve.

Mr. Hipp made a motion for the administrative staff to move forward with the bid process in order to purchase a vehicle for the Coroner's Office. Seconded by Mr. Scurry. Vote was unanimous.

- 7. Executive Session (if needed)**

No Executive Session needed.

- 8. Appointments**

Mr. Reeder made a motion to reappoint Mr. John T. Nichols to the Water & Sewer Authority Board. Seconded by Mr. Hipp. Vote was unanimous.

Mr. Reeder made a motion to appoint Mr. Chris Johnson to the Board of Rescue Squads; Seconded by Mr. Shealy. Vote was unanimous.

Mr. Scurry made a motion to reappoint Mr. John Pollard to the Board of Rural Fire; Seconded by Mrs. Arrowood. Vote was unanimous.

Mrs. Arrowood made a motion to reappoint Mr. Bobby Chapman to the Westview Behavioral Board; Seconded by Mr. Hipp. Vote was unanimous.

Mrs. Arrowood made a motion to reappoint Mr. Corey Bishop to the Board of Rescue Squads; Seconded by Mr. Hipp. Vote was unanimous.

Mrs. Arrowood made a motion to approve Rodney Bedenabaugh to the Board of Rural Fire; Seconded by Mr. Shealy. Vote was unanimous.

Mr. Hipp made a motion to reappoint Mr. Steve “Byrd” Smith to the Airport Commission; Seconded by Mr. Reeder. Vote was unanimous.

Mr. Hipp made a motion to appoint Mr. Gary Palmer to the Hospital Board; Seconded by Mr. Reeder. Vote was unanimous.

Mr. Hipp made a motion to reappoint Dr. Alan Paysinger to the Hospital Board; Seconded by Mr. Shealy. Vote was unanimous.

Mr. Hipp made a motion to reappoint Mr. Victor Terrana to the Joint Planning Commission. Seconded by Mr. Reeder. Vote was unanimous.

Mr. Hipp made a motion to reappoint Mr. Ty Ransdell to the Board of Zoning Appeals; Seconded by Mrs. Arrowood; Vote was unanimous.

9. Public Comments

No public comments.

10. Comments/Requests from County Administrator

Mr. McDonald wanted to make Council aware of a few items that would be coming up in the near future. The Recovery Act Money would be coming in soon and that Council would have until the August to come up with a plan on how that money would be spent. The CPST will be coming up in 2022 on the ballot. Staff has begun to discuss the process and will bring more information in the coming weeks. The redistricting will be coming up when the final census numbers are released and that the State offers help at no cost to the County in this process.

Mr. Hipp requested that there be a possible work session regarding the Recovery Act Money.

11. Comments/Requests from Council Members

Mr. Johnson had no comments.

Mr. Shealy had no comments.

Mr. Hipp had no comments.

Mrs. Arrowood had no comments.

Mr. Scurry had no comments.

Mr. Reeder wanted to recognize the passing of Mr. Dale Wilks. Mr. Wilks was a Pro Football Player and Wrestler from Newberry.

Chairman Livingston stated that he thinks there are several items that Council may need to have a Work Session on.

12. Future Meetings

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| a. Public Safety & Courts | 07/12/21 | 6:00 p.m |
| b. County Council | 07/21/21 | 6:00 p.m. |
| c. Public Works & Planning | 08/16/21 | 6:00 p.m. |

13. Adjournment

Mr. Shealy made a motion to adjourn; Seconded by Mrs. Arrowood. Vote was unanimous.