

**NEWBERRY COUNTY COUNCIL  
MINUTES  
OCTOBER 17, 2018**

Newberry County Council met on Wednesday, October 17, 2018, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

**PRESENT:** Henry H. Livingston, III, Chairman  
William D. Waldrop, Councilman  
Steve Stockman, Councilman  
Scott Cain, Councilman  
Travis Reeder, Councilman  
Dr. Harriett Rucker, Councilwoman  
Wayne Adams, County Administrator  
Debbie Cromer, Finance Director  
Susan C. Fellers, Clerk to Council

**ABSENT:** Kirksey Koon, Vice-Chairman (illness)  
A.J. Tothacer, County Attorney

**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.

Councilwoman Rucker led the invocation followed by the Pledge of Allegiance.

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

There being no additions or deletions to the agenda, motion by Mr. Stockman to adopt agenda; second by Mr. Reeder. Vote was unanimous.

Mr. Livingston said Kirksey Koon was out because of illness and asked that we keep him in our thoughts and prayers.

**2. Newberry County Service Awards**

Mr. Livingston presented service awards to the following County employees:

Katherine Cook, Administration/HR - 5 years  
Brady Boyd, Public Works - 5 years  
Karen Brehmer, Administration - 10 years  
Kaye Epps-Williams, Sheriff's Office - 20 years  
Douglas Harmon, Public Works - 20 years  
Mattie Shippy, Clerk of Court Office - 20 years  
Karen Lindler Smith, Treasurer - 30 years

Mr. Livingston thanked these employees for their service to Newberry County.

**3. Ordinance #09-14-18: An Ordinance authorizing the execution and delivery of a Fee-in-Lieu of Ad Valorem Taxes Agreement by and between Newberry County, South Carolina, and an economic development project identified for the time being as Project N to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters thereto.**

**A. Third Reading**

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

Mr. Adams said this ordinance allows for Project N to be granted Fee-in-Lieu treatment at 6% assessment ratio and a special source revenue credit that would result in a fee stream of \$154,000 to Newberry County per year.

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

**4. Ordinance #09-17-18: An Ordinance for the appointment and duties of the Clerk to Council in effectuation of S.C. Code of Laws Section 4-9-110.**

**A. Third Reading**

Motion to adopt third reading by Mr. Reeder; second by Dr. Rucker.

Mr. Adams stated there were no changes to this ordinance.

Mr. Cain requested that Council consider voting against this because it changes the County's infrastructure and the way the county does business.

Mr. Livingston asked if this ordinance is adopted, if we want to change it back, what would it take.

Mr. Adams said an ordinance just like this one that says the opposite of what this one says.

Mr. Cain said the county has been operating under the same form of government since 1976 and this ordinance would change administrative practices.

Mr. Livingston said he has reservations but it can be changed if not working. He said it takes away Council's responsibility for the Clerk.

Mr. Cain said putting this under Administration will not affect quality of work and the changes will be transparent. It is more principle than anything else that we are changing the structure of government.

Dr. Rucker disagreed and felt that Council would still hire the Clerk to Council. It is the other responsibilities would be assigned by the County Administrator.

Dr. Rucker moved for adoption.

There being no further discussion, Mr. Livingston called for the vote.

Voting for third reading: Council Members Livingston, Waldrop, Stockman, Reeder and Rucker. Voting against third reading: Council Member Cain.

Motion for third reading passed by majority vote of 5-1.

**5. 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. Second Reading**

Motion for second reading by Mr. Cain; second by Mr. Waldrop.

Mr. Adams said no change to this ordinance. This just allows transfer of the ownership of the Piedmont Technical College facility from Newberry County to Piedmont Technical College.

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

**6. Ordinance #09-19-18: An Ordinance to authorize the conversion of a lease agreement 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. Public Hearing**

Mr. Livingston asked Mr. Adams to explain this ordinance prior to the public hearing.

Mr. Adams stated in 1997 we moved from the old fee to the new fee statute. Under the old fee statute the County had to retain ownership of the property in order in to grant the company a fee deal. The old fee statute causes problems for the company when they want to use the property for collateral for borrowing, which gets the county needlessly involved. Fees since 1997 have not involved the County owning the property. This ordinance does not otherwise change the County's fee deal with Kiswire.

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

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

**B. Second Reading**

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

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

**7. 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. (TITLE ONLY)**

**A. First Reading**

Mr. Adams said Komatsu intends to invest \$5.5 million in building and equipment at their current location and is requesting a fee in lieu of taxes agreement. This ordinance is title only. Further details of the agreement will be made known prior to second reading.

Motion for first reading by Mr. Cain; second by Mr. Stockman.

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

**8. Resolution #08-18: A Resolution authorizing the extension of the term of the December 27, 1996 lease purchase agreement by and between Newberry County, South Carolina and Kraft Foods, Inc.**

Mr. Adams said this is a one year extension for the 1996 fee agreement with Kraft Foods. This same extension was granted last year. Rick Farmer has reached out to them to come and talk about a new fee deal. We will renew those efforts but this needs to be done before next year.

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

**9. Resolution #09-18: 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 so as to enlarge the boundaries of the park; and other related matters.**

Mr. Adams explained that multi-county agreements were put into place to encourage counties to work together to share infrastructure costs to develop industrial parks; however, over time it has evolved as a method by which counties can offer certain incentives to an industry and can determine distribution of the revenue unilaterally. You do not have to involve the school district or other taxing entities.

Newberry County's multi-county park with Fairfield County has expired. There were four remaining Newberry County projects in that park: Springfield Place, Kraft Foods (2) and Tru Cast. These projects are being moved to the multi-county park with

Greenwood County. Revenue sharing with Fairfield County was 1%. With Greenwood County we give 1/10 of 1% of the revenue from these four projects.

Fairfield County never reciprocated and put any of their projects in our multi-county park agreement. We did not seek to renew the agreement with Fairfield County when it expired.

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

**10. Consideration of bids for the Whitmire Town Hall (CPST Project) - Crystal Waldrop, Purchasing Director.**

Mrs. Waldrop received 4 bids for this project as follows:

MAR - \$836,129  
W.E. Baker and Son - \$842,853  
Spratlin and Sons - \$872,000  
Garret Construction Services - \$988,694

The base bid of MAR was \$626,207; The solicitation contained 3 add alternates consisting of repair to the garage roof, which is attached to the main structure, in the amount of \$56,102. The second add was renovation to the garage building for \$164,219. The third add was painting and new flooring on the second level in the main building, which came to \$10,407. There was a fourth alternate in reduction of the base bid of \$10,000 to remove the glass partition in clerk's office. Total of these items was \$209,921.

Mrs. Waldrop recommended acceptance of the bid from MAR for \$836,129.

Motion by Mr. Cain to accept the bid from MAR for \$836,129; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

**11. Consideration to approve the Board of Rescue Capital Outlay Request (Recommended by the Public Safety and Courts Committee on 10/1/18) - Tommy Long, Director of Public Safety.**

Mr. Long presented the request to Council.

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

**12. *Appointments.***

Mr. Stockman recommended the appointment of Daniel Boland to the Joint Planning Commission. Mr. Boland now lives in Dr. Rucker's district and Mr. Stockman received approval and permission from Dr. Rucker to appoint him. Mr. Boland has a Master's in education and is a 6th grade social studies teacher at Newberry Middle School.

Mr. Waldrop seconded the recommendation of Mr. Stockman. Vote was unanimous.

Mr. Livingston recommended the reappointment of Terry Rawls to the Water and Sewer Authority Board.

Mr. Waldrop seconded the recommendation of Mr. Livingston. Vote was unanimous.

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

No public comments.

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

No Executive Session needed.

**15. *Comments/Request from County Administrator.***

Mr. Adams requested that Ervin West present the mold assessment report on the DSS building.

Mr. West reviewed in detail the findings in the Limited Mold Assessment Report from S&ME, as well as steps outlined in the report to resolve the mold issue. (a copy of the report is attached hereto).

Kenneth McBride, Director of DSS, thanked the County for their work on this. He said DSS is looking into buying a container to put in the back for donated items. They will get all donated items out of the building. He requested a copy of the report so they could determine exactly what they needed to do on their end.

Mr. Cain and Mr. Livingston thanked everyone for their work in this matter.

**16. Comments/Request from Council Members.**

Mr. Reeder thanked the emergency management team for their work during the last tropical storm. Keep up the good work.

**17. Future Meetings.**

A. Governmental Association (Newberry County hosting) 10/29/18 @ 6:30 p.m. at the Community Hall. Mr. Adams said a group asked about doing a presentation on Best Friend Express. The County will let them have that time and the County will still host it.

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

C. Personnel & Intergovernmental Relations 11/12/18 @ 6:00 p.m.

**18. Adjournment.**

Motion to adjourn by Mr. Waldrop; second by Mr. Cain. Vote was unanimous.

Mr. Livingston declared the meeting adjourned at 7:40 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:\_\_\_\_\_**