

NEWBERRY COUNTY COUNCIL
MINUTES
DECEMBER 19, 2018

Newberry County Council met on Wednesday, December 19, 2018, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., for a regular scheduled meeting.

PRESENT: **Henry H. Livingston, III, Chairman**
Kirksey Koon, Vice-Chairman
William D. Waldrop, Council Member
Steve Stockman, Council Member
Scott Cain, Council Member
Travis Reeder, Council Member
Dr. Harriett Rucker, Council Member
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Debbie Cromer, Finance Director
Crystal Waldrop, Purchasing Director
Taylor Davenport, Administrative Assistant
Karen Brehmer, Assistant to County Administrator
Susan C. Fellers, Clerk to Council

MEDIA: **Andrew Wigger, Newberry Observer**

The meeting was duly advertised as required by law.

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

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

1. Adoption of Consent Agenda.

Motion by Mr. Cain to approve Consent Agenda consisting of minutes of the November 7, 2018 and November 21, 2018 County Council meetings; second by Mr. Stockman. Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda.

There being no additions or deletions to the agenda, Dr. Rucker moved to adopt the agenda as presented; second by Mr. Reeder. Vote was unanimous.

3. Newberry County Service Awards

Mr. Livingston presented service awards as follows:

Derrick Davis, Sheriff's Office, for 5 years of service
Kacee Fallaw, Sheriff's Office, for 5 years of service
Randy Epps, Sheriff's Office, for 10 years of service

4. Ordinance #11-22-18: An Ordinance authorizing (1) the execution and delivery of a Fee in Lieu of Tax and Incentive Agreement by and between Newberry County, South Carolina (The "County") and Samsung Electronics Home Appliances America, LLC, acting for itself, one or more affiliates, and/or other project sponsors (collectively, "The Company"), pursuant to which the company shall be entitled to certain negotiated Fees in Lieu of *Ad Valorem* taxes with respect to the establishment of certain facilities in the county (The "Project"); (2) the addition of the project to the Multi-County Industrial or Business Park; (3) the provision of certain special source revenue credits in connection with the project; and (4) other matters relating thereto.

A. Third Reading

Mr. Adams said Samsung is committing to a minimum capital investment of \$350 million and the creation of at least 954 jobs. Newberry County in turn offers super fee, which is a 4% assessment ratio reserved statutorily for large projects and two separate special source revenue credits. The first of these credits occurs in the initial ten years, and it is variable so as to limit annual property taxes to \$1 million. In the subsequent twenty years, Samsung will receive a 70% credit/discount against the fee stream. The Ordinance does provide for a clawback formula, which would require retroactive reimbursement and prospective credit reductions for any failure to meet the job and investment commitments.

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

5. Ordinance #12-23-18: An Ordinance amending and revising Zoning Ordinance #12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances.

A. First Reading

Mr. Adams stated this is an omnibus zoning revision and listed some of the major items involved.

1. Updates North American Industrial Classification System (NAICS) codes. The ordinance uses these codes to describe which land uses are permitted, not permitted, permitted as conditional uses, or permitted as special exceptions in the various zoning districts.
2. Designates which zoning districts allow mobile food trucks and under what conditions. These would be allowed as a temporary conditional use on private property or for approved special events in the R2, LC, GC and IND districts.
3. Defines and regulates brew pubs. (Limits to 2,000 barrels or 62,000 gallons per year the sale of beer on premises; must be connected to a tavern, public house, hotel, or restaurant).
4. Allows wedding/event venues as a conditional use in the R2 zoning district.
5. Defines and specifies locations and other requirements of shooting ranges, including buffer, screening, and setbacks. (Allowed only by special exception and only in an industrial zoning district).
6. Clarifies setback measurement for principal and accessory structures on lakefront properties on Lake Murray (50 feet from the 360 degree contour line, per 1929 National Geodetic Vertical Datum).
7. Revises the maximum size for monument signs from 20 square feet to 32 square feet, with the largest dimension not to exceed 8 feet.
8. Addresses restrictions for electronic signage/billboards, including location, size, illumination, and transition times for changing messages/displays. (Changing displays for billboards would require static periods of at least 8 seconds with 2-second transition times in between; electronic billboards would be dark between 11 p.m. and sunrise).
9. Rooftop signage. Permitted only on buildings visible from the interstate that are also in an industrial zone. Sign cannot be taller than 30 feet above roofline - total height limitation of 110 feet, total area limitation of 675 square feet.

We do expect that to be exercised, if it is approved.

Motion by Mr. Koon for first reading; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

6. Consideration of Bids for Pomaria Recreation Center Renovations (Funded by CPST) - Crystal Waldrop, Purchasing Director

Ms. Waldrop presented the following bids solicited on November 27 for renovations to the Pomaria Recreation Center:

W.E. Baker & Son - \$540,000
MAR - \$634,193
Solid Structures - \$633,929
Garrett Construction - \$910,000
AOS - \$826,629
Lyb-Rich - \$601,210

Ms. Waldrop recommended the low bid from W.E. Baker & Son, which is both responsive to the solicitation and within budget.

Motion by Mr. Waldrop for accept bid of \$540,000 from W.E. Baker & Son; second by Mr. Koon. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

7. Consideration to approve Central SC Alliance FY 18/19 3rd Quarter Invoice totaling \$18,000.00. (Recommended by Economic Development Committee on 12/10/18).

Motion to approve invoice by Dr. Rucker; second by Mr. Waldrop. There being no discussion, Mr. Livingston called for the vote. Voting for approval: Council Members Livingston, Waldrop, Stockman, Cain, Reeder and Rucker. Voting against approval: Council Member Koon. Motion passed by majority vote.

8. Consideration of 2019 County Council Meeting Schedule.

Motion by Mr. Stockman to approve 2019 County Council Meeting Schedule; second by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. Consideration of 2019 County Council Committee Meeting Schedule.

Motion by Mr. Reeder to approve 2019 County Council Committee Meeting Schedule; second by Mr. Stockman. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

10. Consideration of FY 2019/2020 Budget Calendar.

Motion by Mr. Cain to approve FY 2019//2020 Budget Calendar; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

11. Appointments.

No appointments.

12. Committee Report.

A. Economic Development Committee 12/10/18 - Rick Farmer, Economic Development Director

Mr. Farmer reported as follows:

1. Project activity is average to slow right now. The State Department of Commerce says it is not just here, it is everywhere. It is not dramatically slow but just a little bit off.
2. Seven new projects came through our office in the last quarter. A few were small but a larger project we got cut because of some contamination issues on a site.
3. Product development - Mid-Carolina Commerce Park certification is overdue but it is almost done.
4. Newberry County spec building was delayed for a couple of months as we were working with a specific project. We were going to take our spec concept and tailor it for that. It doesn't appear that is going to happen now so we are full speed ahead on the spec building now.
5. The spec building analysis done by the South Carolina Department of Commerce a couple of months ago highlights the importance of spec buildings. There are approximately 70

spec buildings in the State right now that are under one stage of development or another or complete. Our spec building is planned for 105,000 square feet.

6. In terms of prospect development, we had a great meeting in Korea in October.

7. A couple of weeks thereafter, I went to Sweden for the Swedish Auto Suppliers Group meeting, and it was a good conference. The State of South Carolina recently landed its first bona fide Volvo supplier. This project landed in Orangeburg County.

8. I am continuing to follow up with companies and trying to arrange the contact between (inaudible) and BMW.

8. Samsung is building a warehouse to go along with everything else. It is public record that we have been trying to close Cannons Creek Court and believe this issue is resolved.

9. We have a half million dollar Komatsu expansion recently passed through County Council. SWM plans to be out of the property beside Samsung by the end of December. (inaudible)

10. Mr. Cain gave a presentation about Newberry Workforce Development.

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/Requests from County Administrator.

16. Comments/Requests from Council Members

All Council members expressed appreciation to Bill Waldrop for his service on Council and to Newberry County.

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Mr. Waldrop thanked Council for the kind comments and the people he represented all these years on County Council

Mr. Livingston presented Mr. Waldrop with a plaque from Newberry County for his service from 1986 to 2018 in special recognition and appreciation for his dedication and service to the citizens of Newberry County.

17. Future Meetings

- A. County Council Meeting 1/2/19 @ 7:00 p.m.
- B. County Council Meeting 1/16/19 @ 7:00 p.m.
- C. County Council Retreat 1/26/19 and 1/27/19
- D. Public Safety and Courts Committee Meeting 1/29/19 @ 5:00 p.m.

18. Adjournment.

There being no further business, Mr. Stockman moved to adjourn. Meeting adjourned at 7:30 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

APPROVED: