

**NEWBERRY COUNTY COUNCIL  
MINUTES  
FEBRUARY 6, 2019**

The Newberry County Council met on Wednesday, February 6, 2019, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, South Carolina, for a regular schedule meeting.

**PRESENT:**   **Henry H. Livingston, III, Chairman**  
                  **Kirksey Koon, Vice-Chairman**  
                  **Scott Cain, Council Member**  
                  **Travis Reeder, Council Member**  
                  **Johnny Mack Scurry, Council Member**  
                  **Wayne Adams, County Administrator**  
                  **A.J. Tothacer, County Attorney**  
                  **Susan C. Fellers, Clerk to Council**

**ABSENT:**    **Steve Stockman, Council Member**  
                  **Dr. Harriett Rucker, Council Member**

**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. Scurry led the invocation followed by the Pledge of Allegiance.

**1.     Adoption of Consent Agenda.**

Mr. Cain moved to adopt the Consent Agenda consisting of minutes of the January 2, 2019 and January 16, 2019 meetings; second by Mr. Reeder. Vote was unanimous.

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

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

### **3. Personal Appearances - Charlie Bedenbaugh.**

Council received a request from Mr. Charlie Bedenbaugh concerning failure to file timely for agricultural special assessment. Code Section 12-43-220(3)(A) of the S.C. Code of Laws provides that “the governing body may extend the time for filing upon a showing satisfactory to it that the person had a reasonable cause for not filing on or before the first penalty date.”

Mr. Bedenbaugh said back in 1998 his parents, Earl and Jennine formed a revocable trust to separate some of their assets. This trust is still in effect. His mother died in 2004 and during the probate process everything in the revocable trust went to survivorship. Approximately a year and a half later, approximately January of last year, they had to sell a piece of property from the trust to pay some nursing home bills for his dad.

During the title search, an error was discovered in the deed. A tax map number was a digit off. A corrective deed had to be filed and by doing that it forced documents to be re-recorded in the county system. He did not realize he had to refile for agricultural use on this land. Mr. Bedenbaugh was unable to catch this by the first due date for taxes. When he pulled the papers, he realized there was an additional \$10,000 worth of taxes to be paid. He asked Council to please consider allowing him an extension to file for agricultural use of this property.

Motion by Mr. Cain to allow Mr. Bedenbaugh five days within which to refile for the agricultural assessment; second by Mr. Reeder. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

### **4. Ordinance #12-23-18: An Ordinance amending and revising Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances.**

#### **A. Proposed Amendments:**

(1) In Section 153.231 *Definitions* - the definition of Brewpub is changed by deleting any reference to quantities, whether barrels, gallons or other references to specific quantities, and will only refer to the S.C. Code of Laws, Section 61-4-1700.

(2) In Section 153.128 *Mobile Food Truck or Trailer*, “E. Supervision” is revised to read, “The mobile food truck or trailer must be occupied by the owner or operator while it is in operation.”

(3) In Section 153.128 *Mobile Food Truck or Trailer*, “F. 12 - Conditions” is revised to read, “Mobile food trucks or trailers, when located in parking lots, shall not be parked in a manner that occupies required handicapped parking, or in any way that interferes with the flow of traffic within the parking lot.”

(4) Section 153.156 *Shooting Ranges* is deleted in its entirety and the language previously existing regarding Recreational Day Camps, Shooting and Archery Ranges remains in effect, unchanged.

(5) In Section 153.218 *Permitted Signs*, conditions for Institutional and Public Facility-type signs are eliminated.

Mr. Adams advised that these amendments have been discussed at length by Council and has been through the Planning Commission.

### **B. Public Hearing**

Mr. Livingston declared this to be the public hearing. There being no comments from the public, Mr. Livingston declared the public hearing closed.

### **C. Third Reading**

Motion by Mr. Koon offering amendments as presented; second by Mr. Reeder. There being no further discussion as to the amendments, Mr. Livingston called for the vote. Vote was unanimous to accept the amendments as presented.

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

**5. Ordinance #02-01-19: An Ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement by and between Newberry County, South Carolina and a Company or Companies known to the County at this time as Project Cumulus with respect to certain economic development property in the County, whereby such property will be subject to certain payments in Lieu of Taxes, including the provision of certain special source revenue credits; and other matters related thereto.**

### **A. First Reading.**

Mr. Adams advised that this is a solar project based on a level of investment of \$45 million. The project would received FILOT treatment, along with a special source revenue credit to levelize the fee annually at \$109,900 for 30 years.

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

**6. Resolution #03-19: A Resolution inducing and identifying a proposed investment under code name of “Project Cumulus” and other matters related thereto.**

Mr. Adams explained that under state law for an economic development project to qualify for fee in lieu of taxes treatment, Council must identify the project via an inducement resolution.

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

**7. Consideration to approve purchase of a Motor Grader for Public Works (\$213,484.71, State Contract Pricing) - Mike Pisano, Public Works Director.**

Mr. Pisano said this motor grader would replace a 1997 grader that will be taken out of service. (Inaudible)

Mr. Adams advised the budget amount was \$260,000 so it is well within the budget.

Mr. Livingston commended Mr. Pisano and his predecessors for taking care of the 1997 motor grader for it to last that long

Motion by Mr. Cain to approve purchase of motor grader; second by Mr. Reeder. There being no further discussion, Mr Livingston called for the vote. Vote was unanimous.

**8. Appointments.**

No appointments.

**9. Committee Report**

**A. Public Safety and Courts Committee - 1/28/19  
Tommy Long, Public Safety Director**

Mr. Long said the Public Safety and Courts Committee met on January 28, 2019. Mr. Koon was re-elected Chairman of the Committee. We discussed the possibility of an ordinance for having businesses install KNOX boxes in order for the fire departments to gain access to their buildings. The Committee wants more information before moving forward with that.

Chief Horne updated the Committee on budget requests that the Fire Board plans to submit in this year’s budget.

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

No comments from the public.

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

No Executive Session needed.

**12. Comments/Requests from County Administrator**

None.

**13. Comments/Requests from Council Members.**

Mr. Reeder thanked everyone for support of the MLK weekend.

Mr. Koon asked that the family of Sheriff Lee Foster be remembered in prayer due to the death of his mother, Jenny Lee Foster.

Mr. Livingston congratulated Mr. Adams on being named as one of the most influential people in South Carolina according to one of the business magazines coming out of Columbia.

**14. Future Meetings**

- A. County Council Meeting 2/20/19 @ 7:00 p.m.**
- B. Finance Committee Meeting 2/25/19 @ 6:00 p.m.**
- C. Personnel & Intergovernmental Relations Committee 3/4/19 @ 6:00 p.m.**
- D. County Council Meeting 3/6.19 @7:00 p.m.**

**15. Adjournment.**

There being no further business, Mr. Cain moved to adjourn. Meeting adjourned at 7:25 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:** \_\_\_\_\_

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