

**NEWBERRY COUNTY COUNCIL
MINUTES
OCTOBER 2, 2019**

Newberry County Council met on Wednesday, October 2, 2019, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, South Carolina, for a regular scheduled meeting.

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
Debbie S. Cromer, Finance Director
Susan C. Fellers, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

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

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

1. Adoption of Consent Agenda.

Motion by Dr. Rucker to adopt the Consent Agenda consisting of the minutes of the August 21, 2019 Council Meeting; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. 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. Cain. Vote was unanimous.

3. Ordinance #08-12-19: An Ordinance authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and Special Source Revenue Credit Agreement by and between Newberry County, South Carolina, and Hecate Energy West Newberry, LLC to provide for payment of a fee-in-lieu of taxes; authorizing the inclusion of a project site in a multi-county business park; authorizing certain special source revenue credits; and other related matters.

A. Public Hearing

Motion for public hearing by Mr. Scurry; second by Mr. Stockman. Vote was unanimous.

Mr. Livingston declared this to be the public hearing.

Preston Schultz with Hecate Energy thanked Newberry County for working with them on this project.

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

B. Third Reading

EXPLANATION: This project is a \$5 Million solar energy project. As with all solar projects, the argument for pushing incentives higher is the fact that solar panels don't bring with them any service costs. The County would offer a 30 year Fee-in-Lieu of Taxes agreement, a 6% assessment ratio, a locked taxation rate of 382 mills, and certain Special Source Revenue Credits. In this case, the Special Source Revenue Credits would reduce fee payments by 75% for the entire life of the agreement.

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

4. Ordinance #08-13-19: An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance #06-11-16, Codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a two and five hundredths (2.05) acre portion of a real estate parcel totaling thirty-nine and eighty-eight hundredths (39.88) acres designated as TMS Parcel No. 690-23 from R2 Rural to General Commercial (GC).

A. Public Hearing

Motion for public hearing by Mr. Reeder; second by Mr. Cain. Vote was unanimous.

Mr. Livingston declared this to be the public hearing.

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

B. Third Reading

EXPLANATION: This property is located on Highway 176 just outside the Pomaria Town Limits and near the intersection of SC Highway 202. The purpose of the rezoning is to locate a Dollar General on this property, which is next to the Pomaria Post Office. No member of the public expressed opposition when the matter was considered by the Planning Commission.

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

5. Ordinance #09-16-19: An Ordinance amending an Ordinance entitled "An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$710,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto" in order to provide for the acquisition of additional equipment pursuant to the lease-purchase agreement authorized by such ordinance, and other matters relating thereto.

A. Second Reading

EXPLANATION: This ordinance amends the lease purchase ordinance from FY 16-17 to appropriate unexpended lease-purchasing funding to buy a compact utility tractor (John Deere 30-32E) for use by the Public Works Department. The total remaining in this lease-purchase account is \$27,621. Public Works will transfer the remainder of the \$30,000 cost (\$2,379) from line items in the current budget.

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

6. Consideration of Disbursement of Promotional and Tourism Funding as Recommended by the Accommodations Tax Committee - Ernest Shealy, Chairman.

Mr. Shealy requested approval of funding as follows:

Promotion-related funding totaling \$12,230.55:

- Capital City Lake Murray - \$5,503.75 (45%)
- Newberry County Chamber - \$4,892.22 (40%)
- Prosperity Business Association - \$1,834.58 (15%)

Tourism-related funding totaling \$26,499.52:

- Little Mountain Reunion - \$2,000.00 (7.5%)
- Newberry Museum - \$1,000.00 (3.8%)
- Newberry Community Players - \$500.00 (1.9%)
- Newberry Visitors Center - \$5,999.52 (22.6%)
- Old Pomaria School - \$500.00 (1.9%)
- Party in the Pines - \$1,000.00 (3.8%)
- Whitmire 121 Yard Sale - \$500.00 (1.9%)
- Prosperity Hoppin with Arts and Crafts - \$500.00 (1.9%)
- Newberry Historical and Museum Society - \$2,700.00 (10.2%)
- Newberry County Law Enforcement - \$1,000.00 (3.8%)
- Newberry Opera House - \$10,000.00 (37.7%)
- SC Bottle and Whitmire Museum - \$800.00 (3.0%)

Motion by Dr. Rucker to approve disbursements as recommended by the Accommodations Tax Committee; second by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

7. Consideration to approve Central SC Alliance FY 19-20 1st and 2nd Quarter invoices totaling \$36,000. (Recommended by Economic Development Committee 9/23/2019)

Motion by Mr. Cain to approve payment of two invoices totaling \$36,000 to Central SC Alliance; second by Mr. Stockman.

Mr. Koon stated in the past Council had asked these be approved on a quarterly basis and that someone from Central SC Alliance address Council as to what services they were providing for the County.

Mr. Farmer responded they are to be approved quarterly but sometimes the Economic Development Committee meeting does not fall at the right time with billing from Central SC Alliance. We hope to get back on schedule with that. Someone from Central SC Alliance comes once a year and gives a report.

Mr. Livingston stated we are required by Commerce to be a part of the Alliance.

There being no further discussion, Mr. Livingston called for the vote. Voting for approval: Council Members Livingston, Stockman, Cain, Reeder, Rucker and Scurry. Voting against approval: Council Member Koon. Motion passed by majority vote.

8. Consideration to approve the low bid for firefighters' physicals - Crystal Waldrop, Procurement Director.

Ms. Waldrop advised that OSHA requires annual physicals for firefighters and other first responders who wear air packs. Two bids were received: North Greenville Fitness at \$235 per physical and Newberry County Memorial Hospital at \$250 per physical. North Greenville Fitness is the current provider for this service, as well as the low bidder. The term of the contract is 3 years. There are approximately 145 firefighters and members of the Haz-Mat team.

Mr. Cain asked about the rule of paying 7% over the low bid for a local contract as opposed to non local. Mr. Adams and Ms. Waldrop said that only applied to construction contracts.

The North Greenville Fitness comes to the site to perform the physicals. If the hospital provides the physicals, they would have to go to the hospital.

Motion by Mr. Reeder to accept bid from North Greenville Fitness at \$235 per physical; second by Mr. Stockman. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. Consideration to approve the low bid for water point contracts - Crystal Waldrop, Procurement Director.

Ms. Waldrop said bids were solicited in September and seven responses were received. There were 9 water points but funding only provides for the construction of 5. The low bidder was McClam and Associates, which is a Newberry County construction/site work company, with a

bid of \$730,499 for 5 underground water storage tanks. These water points will be used for fire protection in the Consolidated Fire District.

Todd Griffith with Consolidated Fire Department thanked Council. Consolidated consists of 84 square miles with no water in that area. By placing these tanks it gives our community more security and gives us a better chance of saving property for our citizens. There will be about \$70,000 left over and if the Council could find any money, he would like to see at least 2 other sites with these tanks.

Dr. Rucker asked how much each site costs? Mr. Griffith said approximately \$150,000 for the construction only.

Mr. Cain wanted to look at doing the other 2 sites.

Mr. Koon recommended taking care of this tonight and have the Public Safety Committee address any others.

Motion by Mr. Cain to approve bid of \$730,499 from McClam and Associates; second by Dr. Rucker. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

10. Consideration to approve Architectural/Engineering Services for IDC (Indefinite Delivery Contract) - Crystal Waldrop, Procurement Director.

Ms. Waldrop solicited qualification statements on July 18 and received 17 responses. This prequalifies architectural/engineering firms to handle smaller projects that arise periodically. When needed, we can request responses from the three firms we recommend. The top three firms are Carlisle Associates, Pond Services, and Stevens and Wilkinson, all of which are full service firms.

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

11. Appointments.

Mr. Reeder recommended the re-appointment of Ernest Shealy to the Accommodations Board; second by Mr. Cain. Vote was unanimous.

Mr. Koon recommended the re-appointment of Sharon Graham to the Accommodations Board; second by Mr. Cain. Vote was unanimous.

12. Committee Reports

A. Economic Development Committee 9/23/2019 Rick Farmer Economic Development Director

Mr. Farmer updated Council on numerous economic development projects. Four projects have been completed so far this year. Lack of product still impedes some of our responses.

KRA has it's management team in place and will start hiring in December.

New sign has been installed at Newberry Industrial Park.

Spec Building is under construction at Mid Carolina Commerce Park.

Mr. Farmer will be traveling to Korea later in October and will be meeting with numerous Korean prospects.

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

Larry DeHardt addressed the health issues he has dealt with over the past 7 months. Last week he had a nuclear scan and went back on Monday, and was told there was no sign of cancer at all. He thanked Council for welcoming him back to the meetings a couple of months ago and for the phone calls and prayers.

Carlton Kinard invited Council to the NAACP Freedom Fund Banquet on October 19 at 6 p.m. at Newberry Middle School gymnasium. Funds are used toward a scholarship for a local Newberry County Senior. The speaker will be Congresswoman Brenda Lawrence from Detroit, Michigan. He thanked Mr. Farmer for arranging a tour of Samsung for her.

Leila Caldwell requested Council elaborate more on the matters coming before Council during each meeting. Mr. Adams reviewed some of the issues covered tonight to give Ms. Caldwell a clearer understanding.

14. Executive Session (if needed)

No Executive Session needed.

15. Comments/Requests from County Administrator.

Mr. Adams welcomed Larry DeHardt back.

16. Comments/Requests from Council Members.

Dr. Rucker reported on the Governmental Association Meeting. Newberry County will be hosting the meeting in August. She also welcomed Larry back.

Mr. Reeder looks forward to seeing everybody at Oktoberfest Saturday and at the NAACP Banquet.

Mr. Cain welcomed Larry back and congratulated him on the great news.

Mr. Stockman thanked Rick and Wayne for all they do for economic development and welcomed Larry back.

Mr. Koon congratulated Larry on the good report. He thanked law enforcement for the manner in which the hostage situation was handled today.

Mr. Livingston thanked Preston Schultz for choosing Newberry County. He congratulated Larry on his success story. Mr. Livingston also thanked law enforcement for all they do, especially during the hostage situation today.

17. Future Meetings

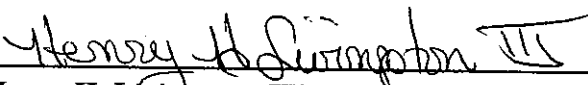
- A. Public Safety and Courts Committee - 10/07/19 @ 5:00 p.m.
- B. Public Works and Planning Committee - 10/14/19 @ 7:00 p.m.
- C. County Council - 10/16/19 @ 7:00 p.m.
- D. County Council - 11/06/19 @ 7:00 p.m.

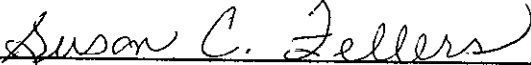
18. Adjournment.

There being no further business, Dr. Rucker moved to adjourn.

Mr. Livingston declared the meeting adjourned at 8:00 p.m.

NEWBERRY COUNTY COUNCIL


Henry H. Livingston, III, Chairman


Susan C. Fellers, Clerk to Council

Minutes Approved: 10-16-19