

**NEWBERRY COUNTY COUNCIL
MINUTES
AUGUST 21, 2019**

Newberry County Council met on Wednesday, August 21, 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, County Attorney
Debbie S. Cromer, Finance Director
Karen Brehmer, Assistant to County Administrator
Susan C. Fellers, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

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

Mr. Livingston led the invocation and the Pledge of Allegiance.

1. Adoption of Consent Agenda.

A. Minutes.

- i) May 13, 2019 Budget Work Session**
- ii) June 19, 2019 County Council**
- iii) July 3, 2019 County Council**
- iv) July 17, 2019 County Council**

Motion by Mr. Scurry to adopt the Consent Agenda as presented; second by Mr. Cain. Vote was unanimous.

2. Additions, Deletions and Adoption of Agenda.

There being no additions or deletions to the Agenda, Mr. Cain moved to adopt the Agenda as presented; seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

3. Newberry County Service Awards.

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

Shanta S. Samuel, Sheriff's Department - 5 years
Brian B. Smith, Sheriff's Department - 5 years
Leslie Parnell, Veteran's Affairs - 10 years
Charles Verner, Public Defender - 15 years
Janice Allen, Clerk of Court - 20 years

4. Personal Appearances.

A. Aimee Talbot, Newberry Downtown Development President - funding request for Fast Trac Initiative.

Ms. Talbot requested funding from Newberry County in the amount of \$1,000 to be used toward the Fast Trac Initiative. Motion by Mr. Cain to approve funding of \$1,000 from the County's contingency account; second by Dr. Rucker.

Mr. Livingston requested that next year Ms. Talbot submit this funding request during the County's budget process.

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

B. Laura Kneece, Newberry County Coroner - Presentation of the International Association Accreditation Award to the Newberry County Coroner's Office.

Laura Kneece, Coroner Gary Watts, Dr. Kelly Rose and Dr. King Garvin spoke as to the procedure which the Newberry County Coroner's Office went through to be presented with the International Association Accreditation Award. Newberry Coroner's office is one of seven in the state and about one out of thirty-four agencies in the country that are accredited. Ms. Kneece Council for the extra funding last year to get this done.

Coroner Gary Watts presented Ms. Kneece with the International Association Accreditation Award.

Council thanked and congratulated Laura Kneece and the Newberry County Coroner's Office.

5. Ordinance #07-09-19: An Ordinance authorizing (1) the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and among Newberry County, South Carolina (the "County"), a company identified for the time being as Project Sam Operating Company, and a company identified for the time being as Project Sam Real Property Owner, each acting for itself, one or more affiliates, and/or other project sponsors (collectively, the "Companies"), pursuant to which the Companies 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 a 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. Second Reading

EXPLANATION: Project Sam is a top-tier Samsung supplier, the first to locate in South Carolina. This project is committing to the creation of at least 57 jobs and the investment of at least \$11.5 Million. In turn, the County would agree to a 30 year Fee in Lieu of taxes schedule, a 6% assessment ratio, a locked taxation rate of 382 mills and certain Special Source Revenue Credits. These Special Source Revenue Credits would reduce scheduled fee payments by 100% in the first year, by 66% in year two, and by 40% for the remainder of the agreement term; except that, if investment reaches \$12.5 Million, the reduction for each year in the remainder of the term would be 50%. Additionally, the County is providing approximately 15 acres of property and a site grant of \$450,000, which is budgeted in the current fiscal year. Total site development costs are approximately \$1.5 Million. Construction investment is currently estimated at \$10 Million.

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

6. Ordinance #08-10-19: An Ordinance authorizing the execution of an Equipment Lease-Purchase Agreement in an amount not exceeding \$965,000 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

EXPLANATION: Since 2010, Newberry County has purchased heavy rolling stock and other big ticket items for emergency services and public works utilizing the lease-purchase method. This method provides considerable fiscal benefit in that 1) it avoids the use of general operating millage, which is subject to millage limitations under Act 388; 2) it minimizes impact on the County's statutory borrowing capacity by limiting each year's debt issue to one-fifth of the purchase price. The items budgeted for purchase by this method in the current fiscal year are as follows: one pumper-tanker fire truck (\$325,000), one backhoe (\$98,604), three pick-up trucks (\$98,853), two ambulances (\$350,000), and two heart monitors (\$90,000). The total cost of these purchases is \$962,457. This same ordinance also includes indebtedness on the County's public works facility.

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

7. Ordinance #08-11-19: An Ordinance authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Newberry County, South Carolina and Valmont Industries, Inc. to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters. (Title Only)

A. First Reading

EXPLANATION: Valmont Industries is an existing company in Newberry County that is pledging new investment of \$13.75 Million and the creation of 50 additional jobs. The company is forecasting an average hourly wage of \$23.17. For incentive purposes, the County would offer a 20 year Fee in Lieu of Taxes schedule, a 6% assessment ratio, a locked taxation rate of 382 mills, and certain Special Source Revenue Credits. These Special Source Revenue Credits would reduce scheduled fee payments by 40% for each of the first 10 years.

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 #10-19: A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Newberry County, South Carolina and Valmont Industries, Inc., identifying the project; and other related matters.

EXPLANATION: South Carolina law requires the adoption of an inducement resolution formally identifying any project to which a Fee in Lieu of Taxes will pertain. This resolution identifies Valmont Industries for this purpose.

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

9. 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 Project Kickoff to provide for payment of a fee-in-lieu of taxes; authorizing certain special source revenue credits; and other related matters. (Title Only)

A. First Reading.

EXPLANATION: Project Kickoff is a \$3 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. While this reading is by title only, it is expected that the County will 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 first reading by title only by Mr. Reeder; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

10. Resolution #11-19: A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Newberry County, South Carolina and Project Kickoff, and other matters related thereto.

EXPLANATION: South Carolina law requires the adoption of an inducement resolution formally identifying any project to which a Fee in Lieu of Taxes will pertain. This resolution identifies Project Kickoff for this purpose.

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

11. 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 Ordinance, so as to rezone a two and five hundredths (2.05) acre portion of one real estate parcel thirty-nine and eighty-eight hundredths (39.88) acres designated as TMS Parcel No. 690-23 from R2 Rural (R2) to General Commercial (GC).

A. First Reading

Anne Peters, Zoning Administrator, identified this property as being located on Highway 176 just outside the Pomaria town limits and near the intersection of S.C. Highway 202. The purpose of this 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 for first reading by Mr. Koon; second by Dr. Rucker. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

12. Appointments.

No appointments.

13. Committee Reports.

A. Public Works and Planning Committee 8/19/19 - Mike Pisano, Public Works Director.

Mr. Pisano reported the following actions of the Public Works and Planning Committee at its meeting on Monday, August 19, 2019:

1. Request to reduce speed limit to 20 mph on Union School Road. The Committee recommended no action be taken on that request. The current speed limit is 25 mph.

2. Lynn Stockman, Director of Newberry County Council on Aging, presented a transportation update. That was followed by a presentation by John _____, Executive Director of the Central Midlands RTA. There was discussion about funding one over the other; if the RTA were to get funding from DOT, it could possibly draw away from the Council on Aging. Staff was directed to meet with both parties and the DOT and report back to the Committee with recommendations.

3. There was a gentleman who presented a proposal to open a flight school at the county airport. The Committee advised there currently was not a solicitation for this and it would have to be done through a Request for Proposal.

4. We discussed a sticker program to use at recycle centers. After discussion, no recommendation was made for action on that item.

5. Discussion of making Boyd Amick Road one way for safety purposes. There were several residents in attendance and did not have opposition to making it one way. The Committee directed staff to have an engineering study done on the road before taking any action to make it one way.

Mr. Cain thanked Mr. Pisano and his department for all they do.

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

No comments from the public.

15. Executive Session (if needed).

No Executive Session needed.

16. Comments/Requests from County Administrator.

Mr. Adams congratulated the Coroner and her staff on the accreditation.

Mr. Adams recognized Larry DeHart and welcomed him back.

17. Comments/Requests from Council Members.

Council congratulated Ms. Kneece on the Award and thanked her for the great work her department is doing.

Mr. Livingston congratulated Taylor Davenport on the birth of her baby.

18. Future Meetings.

A. County Council 9/04/19 @ 7:00 p.m.

- B. Personnel and Intergovernmental Relations Committee 9/09/19 @ 6:00 p.m.**
- C. County Council 9/18/19 @ 7:00 p.m.**
- D. Economic Development Committee 9/23/19 @ 7:00 p.m.**

18. Adjournment.

There being no further business to come before the County Council, Dr. Rucker moved to adjourn; seconded by Mr. Cain. Vote was unanimous.

Mr. Livingston declared the meeting adjourned at 7:45 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved: 10-2-19