

**NEWBERRY COUNTY COUNCIL  
MINUTES  
SEPTEMBER 18, 2019**

Newberry County Council met on Wednesday, September 18, 2019, 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  
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  
Debbie S. Cromer, Finance Director  
Karen Brehmer, Assistant to County Administrator  
Susan C. Fellers, Clerk to Council

**ABSENT:** A.J. Tothacer, County Attorney

**MEDIA:** Andrew Wigger, Newberry Observer

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

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

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

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

**2. 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. Third 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, i.e., utilizing a series of five one-year bonds rather than a single five year amortization. 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, which also takes the form of installment debt (serial one-year notes).

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

**3. 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.**

### **A. Public Hearing**

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

Mr. Livingston declared this to be the public hearing.

Tim Mayhugh, Plant Manager of Valmont Industries, expressed appreciation and thanks for the cooperation from the County in working through the process. He stated it was a pleasure to do business in Newberry County and the State of South Carolina.

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

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

**4. Ordinance #08-12-19: An Ordinance authorizing the execution and delivery of a fee in lieu of ad valorem taxes and special source revenue 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 matters related thereto.**

**A. Second Reading.**

EXPLANATION: Project Kickoff 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, such as no children to educate, no lawbreakers, etc. 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 second reading by Dr. Rucker; second by Mr. Cain. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

**5. Ordinance #09-14-19: An Ordinance authorizing the termination of the agreement governing the Lexington-Newberry Industrial Park dated July 28, 1998, between Lexington County, South Carolina and Newberry County, South Carolina.**

**A. Second Reading**

EXPLANATION: The County's existing multi-county park agreement with Lexington County calls for a termination date of July 29, 2019, but requires an Ordinance to complete the termination process. In recent years Newberry County has placed all new multi-county park projects into its agreement with Greenwood County. The revenue sharing with Lexington County is 1% of the proceeds; with Greenwood County it is one-tenth of one per cent. Any industries covered under the Lexington County agreement with automatically transfer to the Greenwood County multi-county agreement.

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

**6. Ordinance #09-15-19: An Ordinance approving the transfer of certain property located in Newberry County; and other matters related thereto.**

**A. Second Reading**

EXPLANATION: This Ordinance transfers the 15.65 acres (two parcels) to KRA. Code Section 4-9-30(2) of the SC Code of Laws allows counties to "sell or otherwise dispose of real and personal property." Code Section 4-9-130(6) requires that a public hearing be held whenever counties "sell, lease or contract to sell or lease real property owned by the county."

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

**7. 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. First Reading**

EXPLANATION: This ordinance amends the lease purchase ordinance from FY 16-17 to appropriate unexpended lease-purchase 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 by Mr. Scurry for first reading; second by Mr. Koon. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous

#### **8. Appointments**

Mr. Livingston recommended the appointment of Leila Caldwell to the Newberry County Library Board; second by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

Mr. Livingston commented that Mrs. Caldwell will be replacing Bonnelle Yarborough after numerous years of service on the Library Board.

#### **9. Committee Reports**

No committee reports.

#### **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.**

No comments from the County Administrator.

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

Mr. Cain advised that Bush River Fire Department received a \$30,000 grant for the purchase of a battery powered extractor. Consolidated also got a grant for air packs.

Mr. Koon asked for prayers for Fred Kesler's family. He also wished his granddaughter a happy birthday.

Mr. Livingston thanked everyone for attending tonight's meeting.

**14. Future Meetings:**

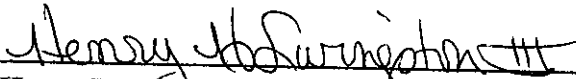
- A. Economic Development Committee - 9/23/10 @7:00 p.m.
- B. County Council - 10/2/19 @ 7:00 p.m.
- C. Public Safety and Courts - 10/7/19 @ 5:00 p.m.
- D. County Council - 10/16/19 @ 7:00 p.m.


**15. Adjournment.**

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

Mr. Livingston declared the meeting adjourned at 7:20 p.m.

**NEWBERRY COUNTY COUNCIL**

  
Henry H. Livingston, III, Chairman

  
Susan C. Fellers, Clerk to Council

Minutes Approved: 10-16-19