



**NEWBERRY COUNTY COUNCIL
MINUTES
SEPTEMBER 7, 2016**

Newberry County Council met on Wednesday, September 7, 2016, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

PRESENT: **Henry H. Livingston, III, Chairman**
 Scott Cain, Vice Chairman
 Bill Waldrop, Councilman
 Leslie (Les) Hipp, Councilman
 Steve Stockman, Councilman
 Kirksey Koon, Councilman
 Travis Reeder, Councilman
 Wayne Adams, County Administrator
 A.J. Tothacer, County Attorney
 Laurie Renwick, Clerk to Council

MEDIA: **Andrew Wigger, Newberry Observer**

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

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

1. *Additions, Deletions and Adoption of Agenda*

Mr. Hipp motioned to adopt the agenda as presented; seconded by Vice Chairman Cain. The vote was unanimous.

2. *Personal Appearances*

**a. *Robert M. Hitt, III, SC Secretary of Commerce – Economic
Development Readiness***

Chairman Livingston turned the introductory remarks over to Les Hipp, Economic Development Committee Chairman.

Mr. Hipp stated that we are honored to have Secretary Hitt with us this evening. Mr. Hitt, the number one economic developer in South Carolina, has been largely responsible for BMW locating in SC as well as Boeing and Volvo. His contribution to this state cannot be overstated. His economic influence has brought industry in our state and helped South Carolina become the industrial state it is now and we hope to continue.

Secretary Hitt addressed Council and shared that economic development is a local event, not just a Columbia event and their job is to support local communities and help them put their best foot forward for development in our state. Newberry County is equipped with good leadership and has come a great distance with growth that you can see and feel in the community. We have an excellent team in the Palmetto State; Team SC, which consist of the commerce department, 46 partner counties and the alliances that help us focus and Newberry County is an excellent member of our team. The secret is that none of us can pull this off alone; we need partners and that is what Team SC is all about with members in both the private and public sectors such as Duke Energy, The Power Team, and the Department of Commerce. Mr. Hitt shared that SC is leading the southeast in terms of growth in manufacturing jobs. We are doing a good job competing with North Carolina and Georgia and continue to hold our own considering they are 2.3 multiplier times our size in terms of people and budgets. The leadership in Newberry County is doing the right things to cultivate an environment for industrial success. Since he joined Governor Haley's team, they have announced 50 million in new investments in Newberry and about 350 jobs to include Falcon Boats, SeaPro Boats and Kiswire. Newberry has also been the beneficiary of grants through the CDBG for rural infrastructure and continues to participate well. There are always challenges like the decision by Caterpillar which did not have anything to do with Newberry. He said we will help them until they finish their operation and then we will roll up our sleeves and go after that site and see what comes next. The challenge in the industrial business is; the tide comes in and the tide goes out and you have to be ready for both. We have to work as hard as we can to make sure that the people affected by it are protected and new opportunities are present. We are continuing to work on product and inventory. Not just ample land but prepared sites with water, sewer, and other infrastructure available. We are in a fierce competition with our neighboring states; however, SC leads all 50 states in foreign direct investment on a per capita basis. On an aggregate basis, we are number four out of the 50 states. We export more cars than any other state in the United States. We are the happening place in the southeast and we need to continue with our product development so we will have something to show when the customers come. We have to be ready, a little bit lucky, and then the most difficult; being patient. The large tracts in Newberry with all the elements of sewer and infrastructure are hard to find. We have a team that works with Mr. Adams and Mr. Tothacer on the different pieces that we can support and how the private sector can help support as well. The Newberry Mega-Site is a great example of that but the state has to have multiple sites. The Mid-Carolina Commerce Park and existing spec building are also great assets. We need to dress for success as a town just as we do as people. Mr. Hitt shared that 25 years ago when BMW came, we were what he referred to

as the three “T” state; we specialized in tobacco, tourism, and textiles. Now, 25 years later, the strongest element is tourism; we still have tobacco and textiles but not to the level that they once were. Things change; we are now in the aerospace and automotive setting. He said he stands on the shoulders of a lot of people, including people in this room, who prepared us for this and put him in a situation to lead a team that has had this success. We have changed this state in 25 years from the little state that always said “why not us” to the state that said “hell yes us”. He thanked Council for the opportunity to come sell Newberry.

Mr. Hipp thanked Mr. Hitt for coming and sharing his insight on the state and local preparation for industrial development.

Chairman Livingston reported that Council request an Executive Session under§30-4-70(a)(5) of the SC Code of Laws for discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

Mr. Hipp motioned to go into Executive Session; seconded by Mr. Stockman. The vote was unanimous.

Executive Session [7:25 p.m. – 7:45 p.m.]

Mr. Adams reported that Council met with Secretary Hitt in Executive Session to discuss matters pertaining to SC Code Section 30-4-70(a)(5) and no action was taken in that session.

b. Donna Lominack, Auditor – 2016/2017 Tax Levy

Mrs. Lominack presented the 2016 Tax Levy as follows:

General Fund	125.0 mills
GO Bonds	9.3
Community Services	6.9
Reserve Fund	<u>0.0</u>
TOTAL	141.2 mills

The Newberry County Board of Education has levied the following for school purposes:

General Fund	186.8 mills
GO Bonds	<u>53.0</u>
TOTAL	239.8 mills

The total 2016 tax levy for both County and School purposes is set at 381.0 mills.

Mr. Waldrop motioned to accept the 2016/2017 tax levy as recommended; seconded by Mr. Reeder. The vote was unanimous.

Mr. Adams commented that we have the finest Auditor in the state. Mrs. Lominack does an excellent job managing the tax base, knowing what it will produce, and setting these levies.

Chairman Livingston noted that since FY 08/09, the total number of mills levied by County Council has declined from 159 to 141.2; a total reduction of 17.8 mills or 11.2%. He said in times when things have gone up so much, we have maintained services and cut taxes and he thanked fellow Council members, the administrative team and department heads for making this happen for the residents of our county.

c. Miriam Atria, CEO – Capital City/Lake Murray Tourism Update

Ms. Atria reported that the Capital City/Lake Murray Tourism organization is one of eleven in the State of South Carolina and they just celebrated their 35th Anniversary. She said the organization is promoting tourism everyday; 365 days a year. She thanked Council for the financial support through the accommodations tax and gave an overview of the marketing and tourism campaign for the past year and all the exciting events planned for the upcoming year.

Chairman Livingston noted that he is an ex officio member on the board and there is no one with more enthusiasm for supporting and boasting the counties they represent than Capital City/Lake Murray Tourism. We get a lot of bang for our buck; a great value for what we put into it.

3. Ordinance #06-11-16: An Ordinance amending and revising Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances.

Chairman Livingston acknowledged the presence of those in attendance from Lake Greenwood that brought some discrepancies in the proposed new zoning ordinance to the attention of Council. He said Council will postpone third reading of this ordinance and give the residents of this community the opportunity to comment and share their concerns.

Chairman Livingston invited Mr. Frank Mitchell to the podium.

Mr. Mitchell introduced himself and stated that he resides at 1966 Summerset Bay Drive. He said he was here along with many of his neighbors from the Waters Edge, Windmill Estates and Summerset Bay subdivisions. He apologized for coming so late in the process but he was not aware of this change until yesterday afternoon when he contacted staff doing some research on a vacant lot adjacent to his property that is being developed. He shared his interpretation of the existing zoning versus the proposed zoning code as it relates to the minimum setback from lake shore. The current zonings intent was to protect the view of existing homes and has served them well. The proposed new zoning would allow the construction of homes that will block the view of existing homes and

this will not work for our subdivision. He said the ordinance we have now has worked and he applauded Council for modifying the 15 year old ordinance but we need to maintain the lakefront setback or have an overlay district to protect our subdivisions. He said he did not know why the current language has to be taken out and urged Council to reconsider including the language back into the proposed zoning ordinance.

Mr. Waldrop commented that he represents them on County Council and motioned to delay third reading; seconded by Mr. Cain. The vote was unanimous.

Chairman Livingston shared that there is a list of about 25 people that potentially want to speak on this issue and asked if there was anyone who would like to add to what Mr. Mitchell has said.

Ed LaRoche commented that he lives in Summerset Bay and the only thing he would like to add is that they have covenants that control setbacks. Those covenants specify for two of our three areas a 75 ft. setback from the lake and one unique property was written with a 50 ft. setback. The county's original zoning ordinance matches that perfectly because if you take two 75 ft. setbacks, the new property will be 75 ft. so you are not in any conflict with the covenants that we have. You are simply saying that the new person does not get an advantage that may put another at a financial or view disability.

Gene Tynes stated that he has lived in the Summerset Bay subdivision since 2000. Because of the covenants as mentioned by the previous speaker, our houses are setback 50 ft. or more and there is a great uniformity among all houses. He said he has a vacant lot on each side of his property and his house is probably 75 ft from the lake and he does not desire to have someone build 20 ft. from the lake where he cannot see it. He felt if the people at Lake Murray knew about this you would not be able to get them in this room and questioned how we can keep track of the ongoing developments regarding this ordinance.

Mr. Adams responded that once Council decides to have third reading which was postponed tonight; it will have to be on a published agenda. The agendas are published on our website at www.newberrycounty.net. If the feelings are unified, we will be happy to meet with a representative to establish an amendment for consideration. Ted Scott and Frank Mitchell agreed to meet with staff.

Mr. Waldrop shared his phone number with his constituents and said he was available day or night if they have any concerns.

Karen Richardson introduced herself and stated that she lives in Waters Edge; Lot 55. She said Mr. Mitchell has expressed the sentiments of all of us; however, we have not addressed the environmental issue. We have a silt problem on the lake right now and building 20 ft. from the water's edge will put more silt in the water. The setback that we have today seems appropriate but new construction at 20 ft. from the water's edge will only add to this environmental issue.

Hans Berger asked what the reasoning was for changing this at all.

Mr. Adams said the best description would be that it was inadvertent.

Mr. Berger said that the word covenant has come up a number of times and they are in a HOA community. He asked the delineation between covenants of an HOA's authority versus the county's ordinance.

Mr. Adams responded that the county does not enforce covenants; they are not a part of the county's ordinance. The county will only enforce what is in the ordinance itself.

Chairman Livingston thanked everyone for coming out and taking part in county government and said it is hard to get everything out to everybody unless someone is looking at our website.

Mr. Waldrop motioned to postpone third reading of Zoning Ordinance; seconded by Vice Chairman Cain. The vote was unanimous.

4. ***Ordinance #08-16-16: An Ordinance to repeal Newberry County Code Section 34.45 "Petty Cash Expenditures Revolving Fund" and to revise and restate the section to address affirmative action.***

Mr. Hipp motioned to approve second reading of Ordinance #08-16-16; seconded by Vice Chairman Cain. The vote was unanimous.

5. ***Ordinance #09-17-16: An Ordinance authorizing the execution and delivery of an amendment to the Fee In Lieu Of Tax Agreement and to the Infrastructure Finance Agreement by and between Newberry County, South Carolina and West Fraser, Inc. with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and West Fraser, Inc. will receive certain infrastructure credits in respect of investment in related infrastructure; and other matters related thereto.***

Mr. Hipp motioned to approve first reading of Ordinance #09-17-16; seconded by Mr. Waldrop.

Mr. Adams reported that this ordinance amends an existing 20 year FIOLT that is now three years old. West Frasier is committed to investing an additional 33 million dollars. The property tax credit includes now a 15% infrastructure for 10 years and an investment window of 10 years. Over the next 17 years, this is projected to yield the county about 3.4 million dollars.

Mr. Jeremy Cook, West Frasier's legal council, reported that this is an extension of the deal that was worked out in 2014 and will allow the company to continue making investments. The company has 15 other facilities around the country so it says a lot about how they value this facility and expanding operations here.

Having received no further comments, the vote was unanimous to approve first reading of Ordinance #09-17-16.

6. Proclamation declaring September, 2016 Recovery Month in Newberry County.

Mr. Adams read the Proclamation into the record:

“WHEREAS, behavioral health is an essential part of health and one’s overall wellness; and

WHEREAS, the prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, and estimated 2,500 people in Newberry, South Carolina are affected by these conditions; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and Westview Behavioral Health Services (WBHS) invite all residents of Newberry, South Carolina to participate in National Recovery Month;

NOW THEREFORE, Newberry County Council, does hereby proclaim the month of September 2016 as

RECOVERY MONTH IN NEWBERRY COUNTY

And call upon the people of Newberry to observe this month with appropriate programs, activities, and ceremonies to support this year’s Recovery Month and join the voices for recovery: Our Families, Our Stories, Our Recovery!

Adopted by Newberry County Council in meeting duly assembled in Newberry, South Carolina, this 7th day of September, 2016.”

Mr. Koon motioned to approve Proclamation declaring September, 2016 Recovery Month in Newberry County; seconded by Mr. Hipp. The vote was unanimous.

Mr. Hugh Gray, Director of Westview, thanked Council for helping to make the issue of alcohol and drug abuse more visible in the community by approving this Proclamation.

7. Consideration to approve bid from Charles K. Doolittle, Inc. in the amount of \$169,000.00 for Timber Harvest at Mid-Carolina Commerce Park

Mr. Adams reported that the county solicited bids for 30 acres to be clear cut at the Mid-Carolina Commerce Park with the balance of the acreage being thinned. The bid amount of \$169,000.00 represents the extension of per ton prices for the various products specified. The 30 acre clear cut must be completed by November 1, 2016 to make it pad ready and therefore more attractive to industry and the buyer has until March 2017 to complete the thinning.

Mr. Hipp commented that this 1.25 million dollar project to get the 30 acre pad ready is funded in part by the SC Department of Commerce, the Newberry Electric Coop., and the SC Power Team. The county's contribution was going to be limited to \$125,000.00 and as a result of clearing this land and getting \$169,000.00 we will have this pad ready for an industry without any cost to the taxpayers.

Paul Major, consulting forester on this project, shared that this is just an extension of per unit prices and said he anticipated the total yield to be greater than that.

Mr. Koon motioned to approve bid from Charles K. Doolittle in the amount of \$169,000.00; seconded by Mr. Hipp. The vote was unanimous.

8. *Committee Reports*

a. Public Works and Planning - 8/22/16

Mike Pisano, Public Works Director, reported that the committee met on 8/22/16 and the following items were discussed:

- Jollystreet Bridge Update
- Salt Shed Bids
- Foxbriar Subdivision Road Improvements
- Residents from Goggins Rd. and Fawn Court expressed concerns about having their roads paved
- Ervin West presented a facilities update on the fire stations and the IT Department.

9. *Appointments*

No appointments.

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

No comments.

11. *Executive Session*

No Executive Session.

12. Comments/Request from County Administrator

Mr. Adams reported that the penny sales tax catalog of projects is now on the county's website. He encouraged anyone who is interested in information on these projects to view the website.

13. Comments/Request from Council Members

Mr. Reeder commented that this is an election season and asked folks to leave the campaign signs alone regardless of how you feel about a candidate.

Mr. Koon recognized Mrs. Betty Accord, a volunteer for many years at Newberry County Memorial Hospital, who passed away on July 22, 2016. He said she was a fine lady and used to be his mother-in-law.

Mr. Hipp thanked everyone in attendance at the meeting.

Chairman Livingston dittoed Mr. Hipp's comment and thanked the media for the job they do reporting county news.

14. Future Meetings

- a. Personnel and Intergovernmental Relations Committee - 9/12/16 @ 6:00 p.m.
- b. "On the Move with Margaret"- 9/19/16 @ 9:00 a.m.
- c. County Council - 9/21/16 @ 7:00 p.m.
- d. Economic Development Committee on 9/26/16 **has been rescheduled - 10/24/16 @ 7:00 p.m.**

15. Adjournment

Chairman Livingston declared the meeting adjourned at 8:55 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council