



**NEWBERRY COUNTY COUNCIL
MINUTES
JULY 19, 2017**

Newberry County Council met on Wednesday, July 19, 2017, 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
Kirksey Koon, Vice Chairman
Bill Waldrop, Councilman
Steve Stockman, Councilman
Travis Reeder, Councilman
Dr. Harriett Rucker, Councilwoman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: Scott Cain, Councilman

MEDIA: Andrew Wigger, Newberry Observer

The meeting was duly advertised as required by law.

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

Vice Chairman Koon led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Mr. Waldrop motioned to adopt consent agenda; seconded by Mr. Reeder. The vote was unanimous.

2. Additions, Deletions and Adoption of Agenda

Vice Chairman Koon and Chairman Livingston noted that staff evaluations under executive session will be deleted due to Mr. Cain's absence.

Mr. Stockman motioned to adopt the agenda as amended; seconded by Vice Chairman Koon. The vote was unanimous.

3. *Personal Appearances*

a. Anne Pickney Smith – Community Christmas Tree

Ms. Smith reported on the upgraded lights and Christmas displays over the past five years and plans to extend the garland down the street and purchase the 20 ft. Christmas Tree. She was excited to report that this year's funding donors' names will not be on the presents under the tree like in past years but will adorn the 12 Christmas Trees that line Memorial Park. She asked that Council continue to fund the Christmas Tree and the maintenance of the current decorations at a cost of \$1,000.00 for the tree and \$500 for new bulbs, bows and garland. Ms. Smith asked the county to consider sponsoring at the \$1,500.00 level. At this time, she entertained any questions from Council.

Vice Chairman Koon asked where this funding will come from.

Mr. Adams responded that funding will come from Council contingency.

Vice Chairman Koon stated that if the funding were coming from hospitality tax he would not have a problem but felt property taxes should not be spent on such things. He recommended that the money come from hospitality tax.

Dr. Rucker motioned that we approve \$1,500.00 for the Christmas Tree Sponsorship; seconded by Mr. Reeder. The motion passed by vote of 5-1; with Vice Chairman Koon opposed.

4. *Ordinance #07-15-17: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, as revised and amended by Zoning Ordinance No. 06-11-16, to be codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a real estate parcel totaling seven and two hundredths (7.02) acres designated as TMS Parcel No. 461-25 from Single Family Residential (RS) to Rural (R2).*

Mr. Waldrop motioned to approve second reading of Ordinance #07-15-17; seconded by Mr. Reeder. The vote was unanimous.

5. ***Ordinance #07-16-17: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, as revised and amended by Zoning Ordinance No. 06-11-16 to be codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a real estate parcel totaling one (1.0) acre designated as TMS Parcel No. 339-3-4 from General Commercial (GC) to Single Family Residential (RS).***

Mr. Reeder motioned to approve second reading of Ordinance #07-16-17; seconded by Dr. Rucker. The vote was unanimous.

6. ***Ordinance #07-17-17: An Ordinance authorizing the execution and delivery of a Fee-In-Lieu and Ad Valorem Taxes and Incentive Agreement; authorizing certain infrastructure credits; authorizing the execution and delivery of a Lease Agreement for certain real property; and other related matters. (TITLE ONLY)***

Mr. Adams reported that this ordinance provides for the following incentives concerning Project A (Samsung):

- Fee in Lieu of Taxes (FILOT)
30-year fee agreement, fixed millage rate, 4% assessment ratio
- Infrastructure Credit
Property taxes capped at \$1 million per year for years 1 through 10; 70% credit (discount from fee stream) for years 11 through 30
- County Grant
\$3.5 million to purchase, up-fit, and perform site work on property for the project
- Lease
Newberry County will acquire property for the project and lease it to the company (Samsung) until the company has invested \$30 million to up-fit the building. Thereafter, the property will be deed to Samsung.

Mr. Reeder motioned to approve first reading of Ordinance #07-17-17; seconded by Mr. Stockman. The vote was unanimous.

7. ***Ordinance #07-18-17: An Ordinance approving the acquisition of certain property located in Newberry County; and other matters related thereto. (TITLE ONLY)***

Mr. Adams reported that this ordinance authorizes the county to acquire the Caterpillar building and contiguous property for use by Project A (Samsung) and related parties, and to lease such properties to the company/companies as necessary.

Mr. Reeder motioned to approve first reading of Ordinance #07-18-17; seconded by Mr. Stockman. The vote was unanimous.

8. *Appointments*

Dr. Rucker nominated Bob Burch for reappointment to the Newberry County Memorial Hospital Board; seconded by Mr. Reeder. The vote was unanimous.

Dr. Rucker nominated Ty Ransdell for reappointment to the Board of Zoning Appeals; seconded by Vice Chairman Koon. The vote was unanimous.

Dr. Rucker nominated Jeff Smith for reappointment to the Library Board; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Stockman nominated Milledge Wilson for reappointment to the Airport Commission; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Stockman nominated Betty Dominick for reappointment to the Accommodations Tax Commission; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Stockman nominated Sharon Graham for reappointment to the Accommodations Tax Commission; seconded by Vice Chairman Koon. The vote was unanimous.

Mr. Stockman nominated Carol Wicker for reappointment to the Board of Rescue Squads Tax Commission (At large); seconded by Mr. Waldrop. The vote was unanimous.

Mr. Stockman nominated Kenneth McBride for reappointment to the Joint Planning Commission; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Stockman nominated Wayne Boland for reappointment to the Board of Zoning Appeals; seconded by Mr. Waldrop. The vote was unanimous.

Mr. Stockman nominated David Koon (At large) for reappointment to the Joint Planning Commission; seconded by Mr. Reeder. The vote was unanimous.

Mr. Stockman nominated Evans Toland (At large) for reappointment to the Joint Planning Commission; seconded by Mr. Reeder. The vote was unanimous.

Mr. Stockman nominated John W. Pugh for reappointment to the Newberry County Memorial Hospital Board; seconded by Vice Chairman Koon. The vote was unanimous.

Mr. Stockman nominated Glenn L. Hamm, Jr. for reappointment to the Newberry County Memorial Hospital Board; seconded by Vice Chairman Koon. The vote was unanimous.

Mr. Stockman nominated Bobby Chapman for reappointment to the Westview Behavioral Board; seconded by Mr. Reeder. The vote was unanimous.

Mr. Stockman nominated Julie McLeod for reappointment to the Library Board; seconded by Mr. Waldrop. The vote was unanimous.

9. Committee Reports

Public Safety and Courts 7/17/17 – Tommy Long, Emergency Services Coordinator

Mr. Long reported that the Public Safety and Courts Committee met on July 17, 2017 @ 5:00 p.m. and discussed Consolidated Fire Department's request to demolish its old building; however, part of it is sitting on the fire department's land and part on county owned land. The committee recommended that members take back to their department and consider deeding over its property to the county before moving forward and bring back before the committee.

Mr. Reeder and Mr. Long touched briefly on the upcoming Solar Eclipse Event the City of Newberry was coordinating. Mr. Long said he will share updated information on the eclipse with County Council and emergency responders as he receives it.

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

No public comments.

11. Executive Session

- a. Under Section 30-4-70 (a)(1) of the Code, to discuss matters related to the "employment" of the clerk to council and the county administrator, more specifically, to discuss the annual performance evaluations of these employees; **DELETED FROM AGENDA; See agenda #2.**
- b. Under Section 30-4-70 (a)(2) of the Code, to discuss "matters covered by the attorney-client privilege," more specifically, to discuss Judge Russo's Order of July 7, 2017, and the ramifications therefrom for Newberry County

Mr. Adams reported that staff requests an executive session under Section 30-4-70(a)(2) of the Code of Laws to discuss matters covered by the attorney-client privilege, more specifically, to discuss Judge Russo's Order of July 7, 2017, and the ramifications therefrom for Newberry County.

Mr. Stockman motioned to go into executive session; seconded by Mr. Reeder. The vote was unanimous.

EXECUTIVE SESSION [7:27 p.m. – 8:18 p.m.]

Mr. Adams reported that County Council met in executive session for the purpose stated above and no action was taken in that session.

Dr. Rucker motioned to proceed with legal counsel’s recommendation; seconded by Mr. Reeder. The vote was unanimous.

12. Comments/Request from County Administrator

No comments.

13. Comments/Request from Council Members

Mr. Stockman, along with Vice Chairman Koon, extended condolences to the family of Mark Bowers who passed away this week.

14. Future Meetings

- a. County Council 8/2/17 – NO MEETING
- b. Public Works and Planning Committee – 8/7/17 @ 7:00 p.m.
- c. County Council 8/16/17 @ 7:00 p.m.

15. Adjournment

Chairman Livingston declared the meeting adjourned at 8:22 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council