



**NEWBERRY COUNTY COUNCIL
MINUTES
AUGUST 16, 2017**

Newberry County Council met on Wednesday, August 16, 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
Steve Stockman, Councilman
Scott Cain, Councilman
Dr. Harriett Rucker, Councilwoman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council
Debbie Cromer, Finance Director

ABSENT: Kirksey Koon, Vice Chairman
Bill Waldrop, Councilman
Travis Reeder, 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.

Chairman Livingston led the invocation followed by the Pledge of Allegiance.

Chairman Livingston noted that Mr. Reeder was moving his daughter to college, Mr. Koon is at Urgent Care, and Mr. Waldrop is on the coast; however, there are four remaining council members which constitutes a quorum.

1. Additions, Deletions and Adoption of Agenda

Mr. Cain motioned to adopt the agenda; seconded by Dr. Rucker. The vote was unanimous.

2. *Newberry County Service Awards*

Chairman Livingston recognized the following employees with Service Awards: James McDonald, Clerk of Court's Office – 5 years; Tammy Claytor, Sheriff's Office – 10 years (absent), Gene Shealy, II, Assessor's Office - 10 years (absent), Laura Lane, Clerk of Court's Office – 20 years, and George Palmore, Sheriff's Office – 20 years.

3. *Personal Appearances*

a. *Donna Lominack, Auditor – 2017/2018 Tax Levy*

Mrs. Lominack presented the 2017 Tax Levy (attached and part of the official minutes) as follows:

General Fund	125.0 mills
GO Bonds	10.2
Community Services	7.0
Reserve Fund	<u>0.0</u>
TOTAL	142.2 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 2017 tax levy for both County and School purposes is set at 382.0 mills.

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).*

Chairman Livingston declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

Mr. Cain motioned to approve third reading of Ordinance #07-15-17; seconded by Mr. Stockman. 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).***

Chairman Livingston declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

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

6. ***Ordinance #07-18-17: An Ordinance approving the acquisition of certain property located in Newberry County; authorizing the transfer of certain real property; authorizing the execution and delivery of one or more license or lease agreements; authorizing the provision of a county grant and administration of a state grant; and other matters related thereto. .***

Chairman Livingston declared this the Public Hearing.

Having received no comments from the public, Chairman Livingston declared the Public Hearing closed.

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

7. ***Ordinance #08-20-17: An Ordinance authorizing the expansion of the boundaries of the Greenwood-Newberry Industrial Park for the benefit of the Samsung Project to include certain property located in Newberry County in the park; and other matters related thereto. (TITLE ONLY)***

Mr. Adams reported that this places into a Multi-County Industrial Park (MCIP) that property that relates to the Samsung project. It is necessary to achieving certain incentive-related purposes under SC law providing Special Source Revenue Credits that further discounts against the fee stream that results from a Fee In Lieu Of Taxes (FILOT) agreement. This is a tool of flexibility used in extending economic development incentives and this MCIP is between Newberry and Greenwood counties. Statute requires that member counties within an MCIP share, on some basis, the revenues generated within the park. This particular MCIP is set up to distribute only one-tenth of one percent of the total revenue generated by the project to Greenwood County, an

arrangement reciprocated when Greenwood County projects are placed in this same MCIP.

Mr. Cain motioned to approve first reading of Ordinance #08-20-17; seconded by Dr. Rucker. The vote was unanimous.

8. ***Ordinance #08-19-17: An Ordinance enacting and adopting 2017 S-13 Supplement to the Code of Ordinances for the County of Newberry, South Carolina.***

Mr. Cain motioned to approve first reading of Ordinance #08-19-17; seconded by Mr. Stockman. The vote was unanimous.

9. ***Resolution #07-17: A Resolution providing preliminary approval for certain incentives to induce one or more investors collectively identified for the time being as Project Simonton I, each acting for itself, one or more current or future affiliates and other project sponsors (collectively, "Company") to establish facilities in Newberry County, South Carolina ("County"), including (1) negotiated Fee In Lieu Of Ad Valorem Tax arrangements; (2) Special Source Revenue Credits; (3) Multi-County Industrial or Business Park arrangements; and (4) other related matters.***

Rick Farmer, Economic Development Director, reported that the quest for alternative energy marches on with the most realistic being solar energy. There are some elements dealing with solar energy that are out of counties and companies hands so what happens tonight is not necessarily an announcement of the project, just another step in the process.

Mr. Farmer introduced Mr. William Moore with Adger Solar and he approached the podium to speak.

Mr. Moore said this is just the beginning of the due process the county wanted to take to evaluate our proposed solar project. He noted that these larger scale solar projects are being built throughout South Carolina and we are the only company to have a 75-megawatt project under construction in Jasper County. Each of these facilities costs about 100 million dollars and we will be making FILOT payments of roughly \$350,000.00 per project. These two projects will generate enough power to meet the average annual electricity requirements of about 15,000 homes each. These low-profile projects (less than 8 feet tall and hidden behind a vegetative screen) will largely be invisible to their neighbors. We would like to think these projects will be a win for the county and its taxpayers by our introduction of a very large investment into the county's tax base and the important contribution to the energy future of South Carolina.

Mr. Adams asked Mr. Moore if he knew when the final decision will be made on these projects.

Mr. Moore responded that he does not. He said Duke Energy of SC has invited them to finalize the agreement under which we will sell power from these two facilities. He hoped they will be completed this fall and these two Inducement Resolutions help indicate to the utility that we have a good level of support. These agreements could take 2-3 month to complete and with Councils' support, they would like move ahead and negotiate the terms of the fee agreement and also look into the rezoning process.

Mr. Adams stated that there have been discussions about the zoning requirements for this project; issues with setbacks and buffers; and also putting up money for decommissioning once the panels are no longer in use.

Dr. Rucker thanked Mr. Moore for his thorough explanation of the process of these projects.

Mr. Cain motioned to approve Resolution #07-17; seconded by Mr. Stockman. The vote was unanimous.

10. Resolution #08-17: A Resolution providing preliminary approval for certain incentives to induce one or more investors collectively identified for the time being as Project Simonton II, each acting for itself, one or more current or future affiliates and other project sponsors (collectively, "Company") to establish facilities in Newberry County, South Carolina ("County"), including (1) negotiated Fee In Lieu Of Ad Valorem Tax arrangements; (2) Special Source Revenue Credits; (3) Multi-County Industrial or Business Park arrangements; and (4) other related matters.

Dr. Rucker motioned to approve Resolution #08-17; seconded by Mr. Cain. The vote was unanimous.

11. Resolution #09-17: Freedom of Information (FOIA) Policy

Mr. Adams reported that this resolution will update the county's FOIA policy to reflect some statutory changes. FOIA requests and the responses to those requests are grouped into two categories based on the age of the documents being requested. Documents 2 years old or newer, we have 10 business days to answer if we will produce; once that answer is given there are 30 calendar days to produce the documents. If the documents are older, the timeframe goes to 20 days to answer and 35 calendar days to produce. The new law also requires that we look at prevailing market rates for what we charge for copies and staff has determined that we will charge 15 cents per page for black and white and 50 cents per page for color copies.

Mr. Cain motioned to approve Resolution #09-17; seconded by Mr. Stockman. The vote was unanimous.

12. Consideration of bid for Paul Long Road Repairs – Crystal Waldrop, Purchasing Director

Mrs. Waldrop reported that staff solicited bids and received one bid on August 2, 2017, from Satterfield Construction in the amount of \$48,900.00. The County Transportation Committee will be funding this project and staff recommends the bid from Satterfield Construction.

Mr. Cain motioned to approve bid from Satterfield Construction in the amount of \$48,900.00 for Paul Long Road repairs; seconded by Mr. Stockman. The vote was unanimous.

Chairman Livingston noted that Council has had discussions about having only one bid from time to time. We cannot make people bid but if you know someone who would like to bid on projects, please let them know there is a process and their bids are welcome.

13. Consideration of bid for Brannon Road Repairs – Crystal Waldrop, Purchasing Director

Mrs. Waldrop reported that staff solicited bids and received one bid on August 2, 2017, from Satterfield Construction in the amount of \$127,600.00. The County Transportation Committee will be funding this project and staff recommends the bid from Satterfield Construction.

Mr. Stockman said without having several bids to look at, is this a reasonable price based on your experience.

Mike Pisano, Public Works Director, confirmed that the price was reasonable.

Mr. Cain motioned to approve bid from Satterfield Construction in the amount of \$127,600.00 for Brannon Road repairs; seconded by Mr. Stockman. The vote was unanimous.

14. Appointments

Mr. Stockman expressed appreciation to Rick Richardson who has served on the Disabilities and Special Needs Board for quite some time and has done an excellent job and he thanked him for his service.

Mr. Stockman nominated Bryon Jeffcoat for an appointment to the Disabilities and Special Needs Board (replacing Rick Richardson); seconded by Mr. Cain. The vote was unanimous.

15. Committee Reports

Public Works and Planning 8/7/17 – Mike Pisano, Public Works Director

Mr. Pisano reported that the Public Works and Planning Committee met on August 7, 2017, and the following was discussed.

- Update on bridge replacement on Old Jolly Street Road
This project is funded by FEMA and will only cover replacement of a one lane concrete bridge.
- Purchase of bush cutter from Blanchard in the amount of \$97,240.00 included in current budget cycle.
- Citizens from Tweety Trail requested their road to revert to private. No action was taken by the committee.
- Sam Ziady discussed having night friendly skies included in the zoning ordinance.

Mr. Cain thanked Mr. Pisano and all of his crew for the work they do especially in the heat and humidity we have had this summer.

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

No public comments.

17. Executive Session (if needed)

No executive session.

18. Comments/Request from County Administrator

Mr. Adams reported that county offices will close at noon for non-essential staff on August 21st for the Solar Eclipse.

19. Comments/Request from Council Members

Mr. Cain commented that there will be a lot of folks in Newberry for the eclipse and it could get quite crowded; be safe.

20. Future Meetings

- a. County Council 9/6/17 @ 7:00 p.m.
- b. Personnel and Intergovernmental Relations Committee – 9/11/17 @ 6:00 p.m.
- c. On the Move with Margaret 9/18/17 @ 9:00 a.m.
- d. County Council 9/20/17 @ 7:00 p.m.
- e. Economic Development Committee 9/25/17 @ 7:00 p.m.

21. Adjournment

Chairman Livingston declared the meeting adjourned at 7:42 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council