



COUNTY OF NEWBERRY
OFFICE OF THE COUNTY COUNCIL
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March 16, 2022

VIA HAND DELIVERY

Karen Brehmer
Newberry County Annex Building 1309
College Street
Newberry, SC 29108

RE: CPST-Amphitheater Project Dear Ms.

Brehmer:

This letter is submitted by the sponsoring parties for the above CPST Project, The City of Newberry and the County of Newberry.

As sponsoring entities, this letter is to confirm that the county and the city will:

1. Own the project during the life of the Capital Project Sales Tax;
2. Pursuant to the terms of the MOU signed by the county and city (copy attached) the sponsoring parties will complete the project within the allotted estimate of \$3,650,000.00. If during construction the cost of the project escalates, the sponsoring parties agree to reduce the scope of the project to the amount of \$3,650,000.00 or we will agree to pursue alternate funding to fully complete the project beyond that amount.
3. The sponsoring parties will fund the ongoing operating and maintenance costs of the project after its completion pursuant to the terms of the MOU and funds generated by other fees and concert fees.

Sincerely,

City of Newberry

By: Foster Sem

Its: Mayor

County of Newberry

By: Christopher Inglese

Its: County Administrator

Capital Project Sales Tax Commission

AMPHITHEATER PROJECT

Project Proposal Submission Form
for Joint Project by
County of Newberry and City of Newberry

-March 2022-

2022

Capital Project Sales Tax Commission

Project Proposal Submission Form for Joint Project
by County of Newberry and City of Newberry

- Amphitheater Project-

Only statutorily qualified entities may request funding through the Capital Project Sales Tax. Qualified entities include county and municipal governments, special purpose districts, and, in conjunction with another qualified entity, school districts.

Entities requesting Capital Project Sales Tax funding bear the responsibility of providing reliable cost estimates and other critical information concerning their project proposals. This Project Proposal Submission Form, completed to include all requested information, must accompany each project proposal submission to the CPST Commission. Additionally, the sponsoring qualified entity must submit a letter confirming that it will: (1) own the project during the life of the Capital Project Sales Tax; (2) fund any cost overruns beyond balloted amounts, identifying specifically the source of this funding; and, (3) fund ongoing operating and maintenance costs of the project after its completion, describing the entity's capacity to absorb such costs.

RESPONSE: This submission will address below all matters on this jointly sponsored amphitheater project. Attached herewith one letter from the sponsoring entities with the information requested above.

Project proposal submissions must respond to all matters addressed in the sections and subsections below.

1. Project Description

(A) In general terms, describe the intent of the project, including the program(s) to be associated with it, population(s) to be served by it, and its intended geographic location.

RESPONSE: The project is intended to have an outdoor venue (amphitheater) available for the citizens of Newberry County and the City of Newberry to provide civic and cultural outdoor opportunities such as: civic events (holiday celebrations, debates, art shows, weddings, children's events and shows, a venue for activities such as yoga, road races, religious gatherings, and the like), plus serve as a music venue for organizations such as the Newberry Opera House. The capacity of the area of the amphitheater would serve up to 3,000 people.

The geographic location is 3 ½ to 4 blocks from Main Street, within 500 feet of City Hall, and 150 feet from the County Administrative Building.

The population to be served by this amphitheater will be diverse as it will be inclusive for the entire population of Newberry County.

The project was inspired by the fabulous successes experienced by other South Carolina counties and municipalities that have amphitheaters. Various Newberry officeholders, officials, and citizens have in the last year visited amphitheaters in the Towns of Lexington, Travelers Rest, Simpsonville, and in 2017 the amphitheater in Gainesville, Georgia. The location of the project – in the dead center of the County of Newberry – makes it ideal. The project is jointly sponsored by the County and the City, which is historically important and demonstrates that it has broad support.

The project is shown on the attached PowerPoint (Ex. 2) and the project work-up by Alliance Engineering (Ex. 1). See also the Memorandum of Understanding between the City, the County, and Newberry Opera House (Ex. 3).

(B) Cite the specific portion of Code Section 4-10-330 (A)(1) of the South Carolina Code of Laws under which the project qualifies for CPST funding.

RESPONSE: The project qualifies for CPST funding under SC Code Section 4-10-330(A)(1) because that code section provides that sales and use tax proceeds include being used for projects located within the boundaries of both the City and County for cultural and recreational facilities, coliseums, or any combination of the projects listed in this code section. It is also a jointly sponsored and operated project pursuant to subsection "H" of this code provision.

2. Site Acquisition and Preparation Budgeting

(A) Provide plats and/or tax maps of all property involved. Include a preliminary engineered drawing indicating the proposed locations of all structures associated with the project, including buildings, interior roadways, turning lanes, parking lots, utilities, etc.

RESPONSE: Attached herewith are the tax maps of all property involved: Tax Map 343-2-10-1 (2 acre) is owned by the City of Newberry and Tax Map 343-2-11-5 and 343-2-11-6 (.89 acre) is adjacent to the City parcel and will be owned by the County of Newberry and paid for by CPST funds. These tax maps reflect the building, interior roadways, lanes, parking lots and utilities on said parcels. (Ex. 4)

(B) Who owns the property required to undertake the project? Indicate the property owner's willingness to sell and terms of sale, including purchase price, for providing the property for this project. If the property is not owned by the sponsoring entity, provide a suitable purchase option that will guarantee the property's purchase price and availability for the project. Purchase options must also include a due diligence period to assess any geotechnical or environmental concerns.

RESPONSE: The City owns the parcel referenced above. The County parcel is currently owned by Eugene H. Jacobs and he has entered into an Option Agreement with the County to sell said parcel to the County. If the referendum is adopted by the voters, the County will exercise the option and purchase the property within a reasonable time after the CPST referendum is adopted by majority vote of the citizens in November 2022. A copy of the Option Agreement (Ex. 5) between Mr. Jacobs and the County of Newberry is attached herewith.

(C) Demonstrate all access points to be used by the public in utilizing the project. Will vehicular access by the public require encroachment permits, turning lanes, etc.? If so, demonstrate approval by the appropriate agency, e.g., County, SCDOT.

RESPONSE: All access points are reflected on the rendering of Alliance Engineering which is attached to this submission. Approval for these access points is given by the City of Newberry and the County of Newberry.

(D) List all utilities, i.e., water, sanitary sewer, electricity, natural gas, storm sewerage etc., needed to serve the project. Verify through utility providers sufficient capacity and willingness to serve the project. What costs will the project incur in connecting to the required utilities?

RESPONSE: This project is served by water, electric, and sewer service (including storm sewer services) by the City of Newberry; natural gas is available from CNGA; and, no encroachment permits will be needed for vehicular access.

The cost for connecting the required utilities is estimated by Alliance Engineering to be \$88,500.

(E) Demonstrate the topography of the property and provide cost estimates for all clearing, grading, drainage, permits and other site preparation expenses associated with the project.

RESPONSE: Topography of the project slopes south to north, toward where the stage is located. The assessment of Alliance Engineering is that the costs for cleaning, grading, drainage, and site preparation on this project are as follows:

• site stripping	\$7,000
• construction entrance	\$20,000
• excavation, backfill, compaction	\$40,000
• storm damage structures	\$60,000
• 18-inch RCP storm damage drainage piping (roadway culverts)	\$37,500
• 24-inch RCP storm drainage piping (site drainage)	\$37,500
• storm drainage structures	\$60,000
• Rip Rap (outlet protection)	\$50,000
<hr/>	
Total:	\$322,000

(F) Has a Phase One Environmental Site Assessment been completed for the property/project? (The CPST Commission highly recommends investment in a Phase One assessment.) If so, please list any environmental costs associated with developing the property for this project, and indicate what source(s) of funding will pay for these items. Does the submitting qualified entity acknowledge that it will be responsible for any cost overruns related to expenses of this kind?

RESPONSE: The environmental site assessment will be part of the "Engineering Design and Permitting Services" noted as a line item in the Alliance cost opinion. Alliance expects this assessment will be approximately \$3,500, which is included in the "Engineering Design and Permitting Services" estimate of \$175,000.

(G) Is the land use associated with the proposed project allowed under current land use/zoning restrictions? Do any existing covenants, easements, setbacks, or other restrictions prevent the proposed use? What provisions are being made to overcome any prohibitions in this regard? Describe the prevailing land uses in the general area and on adjacent parcels. Would the proposed use create any negative spillover effects, such as light, noise, traffic, parking, etc.?

RESPONSE: This project is allowed under current land use/zoning restrictions. There are no known covenants, easements, setbacks, or other restrictions which prevent the proposed use as an amphitheater.

There are no expected "negative spillover" effects from the proposed project. On June 20, 2021, there was a music concert ("Swinging Medallions") hosted by the Newberry Opera House on the "field" which is the proposed amphitheater site – for the purpose of gauging interest in the community (the concert was a success; over 600 people attended despite rain which ended just prior to the event). The consistent feedback from those in attendance was: "Ticket prices were low and made the event affordable for many." Persons attending that event reported no problems with noise, light, traffic or parking. It is estimated that within a 750-yard radius of the amphitheater site there are parking spaces for at least 1,000 cars (street parking downtown; four parking lots downtown; parking at City Hall and on county property; Newberry Opera House parking lot; Lindsay Furniture and at Pope Parker Jenkins parking lot; and, at Newberry College). The prevailing land uses in the area include governmental, business, and residential. None of the neighboring property owners have complained about the project.

(H) Estimate the number of persons and the number of vehicles that will be on or in the general vicinity of the property at times of peak usage.

RESPONSE: At times of peak usage of the amphitheater (a music concert), there would likely be 1,500-2,000 people in attendance. Some of these patrons would walk to the concert, but if 1,500 drove and needed parking, it would require approximately 700 parking spaces. It should be noted that at nearby Setzler Field of Newberry College there are regularly an excess of 3,000 people at football games (without significant parking problems).

The typical expected non-peak usage would be smaller events – less than 100 people with parking expected to be 75 parking spaces for smaller events.

(I) Describe the capacity of the property to accommodate future expansions of the intended use.

RESPONSE: This project, if approved, will provide for seating for approximately 1,400 patrons, but future expansion of this by creating an additional terrace or two would expand the use of the project to a seated capacity of 3,000. The sponsors agreed to reduce the scope of this project by over \$1 million from the original estimate, by reducing the capacity and streamlining other features. The now-revised project is lean but purposeful and it can be expanded in the future.

3. Construction Planning and Budgeting

(A) Describe the structures to be built/renovated on the property, construction type, estimated cost per square foot, and total construction cost.

RESPONSE: There is currently a 12,000 sq. ft. building on the County portion of the project site, which will be repurposed as a "Community Building" for cultural, arts, and recreational uses by the public and will also be retrofitted for space for concessions and restroom areas (capacity of up to 1,000 persons' usage per event by Alliance) for events at the building and on the amphitheater property.

A stage will be constructed (40' x 60') for public events, including concerts (Opera House is expected to use this facility up to 10-15 times per year) for the public, religious events, patriotic events, cultural events, weddings, and the like.

These construction costs estimated by Alliance are:

- | | |
|--|-----------|
| 1. Upfit of community building
(Enclosed areas) Cost per SF
is \$36.66 | \$440,000 |
| 2. Stage (40' x 60') Cost per SF
is \$150 | \$360,000 |

Note that there are also costs identified by Alliance for open area improvements such as commute pathways and terracing and walls.

(B) Estimate costs for engineering/design and construction management.

RESPONSE: Engineering/design and construction management costs are estimated by Alliance to be:

- | | |
|---|-----------|
| • Engineering design and permitting | \$200,000 |
| • Construction administration and observation | \$110,000 |
| • Topographic survey | \$6,000 |

(C) Provide cost estimates for exterior lighting, fencing, security systems, utility connections, fiber/connectivity, landscaping, and any other similar services that may apply.

RESPONSE: Cost estimates by Alliance for exterior lighting, fencing, security regulations, utility connections, fiber, landscaping, and similar services are:

• traffic control	\$6,000
• site stripping	\$7,000
• silt fence	\$6,400
• domestic water lines to restroom and concessions (2" PVC)	\$43,500
• gravity wastewater lines to restroom and concessions (4" PVC)	\$45,000
• connection to existing water main	\$5,000
• connection to existing wastewater line	\$5,000
• storm drainage structures	\$60,000
• site lighting	\$150,000
• 6 ft. decorative fence (With brick column at 10 ft. on center)	\$50,000
• erosion control matting (biodegradable)	\$2,000
• sod and irrigation	\$38,000
• grassing	<u>\$3,500</u>
Total:	\$421,400

(D) Provide cost estimates for furnishings, computers, equipment, appliances, etc.

RESPONSE: None.

(E) If the voters approve the CPST referendum and funding is made available, when do you anticipate design work for this project beginning, and how long will it take to complete the design work? When would construction commence, and how long will it take to complete construction?

RESPONSE: We anticipate design work would commence approximately four months after approved by CPST referendum and funding is made available. Design work is anticipated to be completed within four months after it commences. Construction would begin two months after the design work. We expect construction can be completed eight months after commencement.

4. **Project Cost Summary**

- **Site Acquisition** \$190,000

- **Clearing/Grading/Drainage/
Site Prep (Total \$221,400)**
 - site stripping \$7,000
 - silt fence \$6,400
 - construction entrance \$20,000
 - earthwork (excavation,
backfill, compaction) \$40,000
 - storm drainage piping
(Roadway culverts) \$37,500
 - storm drainage piping
(site drainage) \$37,500
 - storm drainage structures \$60,000
 - inlet protection \$6,000
 - rip rap (outlet protection) \$5,000
 - erosion control matting \$2,000

- **Paving (Total \$262,000)**
 - paving and sidewalks \$13,000
 - 8-inch graded aggregate base
course (concrete areas) \$54,000
 - 4-inch concrete for plaza areas \$195,000

- **Construction/Renovation (Total \$1,522,500)**
 - stage \$360,000
 - community building upfit \$440,000
 - exterior upfit of community building
and surrounding area of same for
public usage \$600,000
 - stage retaining wall \$17,500
 - retaining walls for each tier
of amphitheater \$105,000

- **Engineering Design and Construction Management (Total \$917,600)**
 - mobilization bonds \$135,000
 - construction administration and observation \$100,000
 - Engineering design and permitting \$175,000
 - bidding and award \$6,500
 - record drawings/project close-out/notice of termination \$10,000
 - contingency/finishes/fixtures/equipment \$477,600
 - design level geotechnical subsurface exploration \$6,000
 - wetlands determination and USACE verification \$7,500

- **Testing/Geotechnical (Total \$81,000)**
 - construction materials testing \$75,000
 - topographic survey \$6,000

- **Phase One Environmental Testing**
The environmental site assessment will be part of the "Engineering Design and Permitting Services" noted as a line item in the Alliance cost opinion. Alliance expects this assessment will be approximately \$3,500, which is included in the "Engineering Design and Permitting Services" estimate of \$175,000.

- **Environmental- Related Development Costs**
None other than referenced above. \$0

- **Utility Connections (Total \$98,500)**
 - water lines \$43,500
 - wastewater lines \$45,000
 - connection to existing water main \$5,000
 - connection to existing wastewater line \$5,000

- **Permits (see engineering design and permits above: \$200,000)**

- **Landscaping (Total \$41,500)**
 - sod and irrigation \$38,000
 - grassing \$3,500

• Fencing (fence with brick columns)	\$50,000
• Exterior Lighting (Total \$200,000)	
○ exterior	\$150,000
○ stage lighting and equipment	\$50,000
• Fiber/Connectivity	\$0
• Security Systems (traffic control)	\$6,000
• Furnishings/Equipment/Computers	\$0
• Other (Total \$59,500)	
○ sound equipment	\$50,000
○ stripping and signage	\$2,000
○ flared end sections	\$5,000
○ PVC cleanouts	\$2,500

Project Cost Summary Total: \$3,650,000

Attached herewith is the Cost opinion of Alliance Engineering reflecting a total cost of \$3,650,000 (See Ex. 1).

Please note that questions and answers from the above-narrative sections of this submittal contain overlapping information resulting in potentially redundant reporting of some expenses. As such, the cost opinion of Alliance Engineering (Ex. 1) is the primary and overriding document for total project costs, which are \$3,650,000.

5. Statement of Project Submission and Support:

Additionally, the sponsoring qualified entity must submit a letter confirming that it will: 1) own the project during the life of the capital project sales tax; 2) fund any cost overruns beyond balloted amounts, identifying specifically the source of this funding; and 3) fund ongoing operating and maintenance costs of the project after its completion, describing the entity's capacity to absorb such costs.

6. Project Proposal Submission Deadline

Completed project proposal submissions must be delivered to the CPST Commission no later than 5:00PM on March 18, 2022. Proposals may be submitted by U.S. Mail, by courier, or hand-delivered to Karen Brehmer at the Newberry County Annex Building. The Annex is located at 1309 College Street in Newberry. The mailing address is PO Box 156, Newberry, South Carolina, 29108.

Submitted by:

**City of Newberry
and
County of Newberry**

INDEX

-Amphitheater Project-

Joint-Sponsored CPST Submission by City of Newberry & County of Newberry

- Exhibit 1:** Preliminary Cost Opinion by Alliance Consulting Engineers dated March 16, 2022 – Amphitheatre Project (with site drawings)
- Exhibit 2:** Memorandum of Understanding Between the City of Newberry, County of Newberry, and the Newberry Opera House Foundation regarding the Amphitheatre
- Exhibit 3:** PowerPoint of Amphitheater Project
- Exhibit 4:** Tax Maps of City/County of Newberry Properties to be Used for the Amphitheatre Project
- Exhibit 5:** Option Agreement Between Mr. Eugene H. Jacobs and the County of Newberry to Purchase Property which is a part of the Amphitheatre Project

Preliminary Cost Opinion
Downtown Amphitheater along Scott Creek
Newberry County, South Carolina

3,433 Capacity Amphitheater, Community Building Renovation, and 40-FT X 60-FT Stage					
No.	Quantity	Unit	Item Description	Unit Price	Total
1	1	LS	Mobilization/Bonds	\$ 135,000	\$ 135,000
2	1	LS	Traffic Control	\$ 6,000	\$ 6,000
3	2	AC	Site Stripping	\$ 3,500	\$ 7,000
4	1,600	LF	Silt Fence	\$ 4	\$ 6,400
5	2	EA	Construction Entrance	\$ 10,000	\$ 20,000
6	10,000	CY	Earthwork (Excavation / Backfill / Compaction)	\$ 4	\$ 40,000
7	1,450	LF	2-inch PVC Domestic Water Lines to Restrooms and Concessions	\$ 30	\$ 43,500
8	1,000	LF	4-inch PVC Gravity Wastewater Line to Restrooms and Concessions	\$ 45	\$ 45,000
9	5	EA	PVC Cleanouts	\$ 500	\$ 2,500
10	1	LS	Connection to Existing Water Main	\$ 5,000	\$ 5,000
11	1	LS	Connection to Existing Wastewater Line	\$ 5,000	\$ 5,000
12	3,000	SY	8-Inch Graded Aggregate Base Course (Concrete and Asphalt Areas)	\$ 18	\$ 54,000
13	3,000	SY	4-Inch Concrete for Plaza Area	\$ 65	\$ 195,000
14	200	SY	Light Duty Concrete Paving and Sidewalks	\$ 65	\$ 13,000
15	500	LF	18-Inch RCP Storm Drainage Piping (Roadway Culverts)	\$ 75	\$ 37,500
16	500	LF	24-Inch RCP Storm Drainage Piping (Site Drainage)	\$ 75	\$ 37,500
17	350	SF	Stage Retaining Wall (42-inch Height)	\$ 50	\$ 17,500
18	2,100	SF	Retaining Walls for Each Tier of Amphitheater (30-inch Height)	\$ 50	\$ 105,000
19	8	EA	Storm Drainage Structures	\$ 7,500	\$ 60,000
20	1	EA	Flared End Sections	\$ 5,000	\$ 5,000
21	8	EA	Inlet Protection	\$ 750	\$ 6,000
22	2,400	SF	Stage (40-FT x 60-FT)	\$ 150	\$ 360,000
23	2,200	SF	Upfit of Proposed Community Building (Enclosed Areas)	\$ 200	\$ 440,000
24	8,000	SF	Upfit of Proposed Community Building (Exterior Improvements and Open Area)	\$ 75	\$ 600,000
25	20	EA	Site Lighting	\$ 7,500	\$ 150,000
26	1,000	LF	6-foot Decorative Fence with Brick Columns at 10-foot on center	\$ 50	\$ 50,000
27	100	CY	Rip Rap (Outlet Protection)	\$ 50	\$ 5,000
28	500	SY	Biodegradable Erosion Control Matting	\$ 4	\$ 2,000
29	1	LS	Striping & Signage	\$ 2,000	\$ 2,000
30	19,000	SF	Sod and Irrigation	\$ 2	\$ 38,000
31	1	AC	Grassing	\$ 3,500	\$ 3,500
				Subtotal:	\$ 2,496,400
				Contingency/Finishes/Fixtures/Equipment:	\$ 477,600
				Existing Building Purchase:	\$ 190,000
				Stage Lighting and Equipment:	\$ 50,000
				Sound Equipment:	\$ 50,000
				Topographic Survey:	\$ 6,000
				Design Level Geotechnical Subsurface Exploration:	\$ 6,000
				Wetlands Determination and USACE Verification	\$ 7,500
				Engineering Design and Permitting Services:	\$ 175,000
				Bidding and Award:	\$ 6,500
				Construction Administration and Observation:	\$ 100,000
				Construction Materials Testing:	\$ 75,000
				Record Drawings/Project Close-Out/Notice of Termination (NOT)	\$ 10,000
				Site Improvements Total:	\$ 3,650,000

Notes:

1. Alliance Consulting Engineers, Inc. does not guarantee the accuracy of probable costs. Such probable costs represent only Alliance Consulting Engineers, Inc.'s judgment as a professional opinion and are supplied for general guidance for the Downtown Amphitheater based on the *Conceptual Site Plan for Downtown Amphitheater and the Conceptual Floor Plan for Community Building in Newberry County, South Carolina* dated March 4, 2022.
2. Unit Prices and quantities are subject to variation upon final design.
3. Preliminary Cost Opinion assumes on-site soils are suitable to meet compaction criteria.
4. Cost of Materials are based on rate of \$108/barrell on crude oil and recent bid climate in the area.
5. Preliminary Cost Opinion does not include any permitting, review or impact fees associated with SCDOT, SCDHEC, City of Newberry, or Newberry County.
6. Preliminary Cost Opinion does not include the acquisition of additional Right of Way.
7. Preliminary Cost Opinion does not include any allowances for Drainage Easements
8. Preliminary Cost Opinion assumes typical project scope for similar development in the Newberry County area.
9. Preliminary Cost Opinion assumes Pavement sections to be verified based on Geotechnical Subsurface Exploration.
10. Building Pad Cost and Construction materials Testing Services have been provided for budgetary purposes and should be verified upon completion of construction plans.

PRELIMINARY



