

**NEWBERRY COUNTY COUNCIL
MINUTES
MARCH 3, 2021**

Newberry County Council met on Wednesday, March 3, 2021, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., for a regular scheduled meeting.

Notice of the meeting was duly advertised as required by law.

PRESENT: Henry H. Livingston, III, Chairman, District 3
Todd Johnson, Vice Chairman, District 1
Mary Arrowood, Council Member, District 2
Nick Shealy, Council Member, District 4
Les Hipp, Council Member, District 5
Johnny Mack Scurry, Council Member, District 6
Travis Reeder, Council Member, District 7
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Karen Brehmer, Deputy County Administrator
Debbie S. Cromer, Finance Director
Taylor Davenport, Assistant to County Administrator
Susan C. Fellers, Clerk to Council - live stream

MEDIA: Andrew Wigger, Newberry Observer

Mr. Livingston called the meeting to order at 6:00 p.m. and determined all Council Members were present.

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

1. ADOPTION OF CONSENT AGENDA

Mr. Scurry moved to adopt the Consent Agenda consisting of Minutes of the January 11 and January 20, 2021 meetings; seconded by Mr. Reed. Vote was unanimous.

2. ADDITIONS, DELETIONS AND ADOPTION OF THE AGENDA

Mr. Adams requested that Agenda Item 9 be moved to Agenda Item 6(b).

Mr. Johnson moved to adopt the Agenda, as amended; seconded by Mr. Reeder. Vote was unanimous.

3. PUBLIC APPEARANCES

- **Voices for Pride Officers (NCDSN)** - Bob Jones, Director of the Newberry County Disabilities and Special Needs thanked Council for their continued support. Mr. Adams read the Proclamation declaring March 2021 as Disabilities Awareness Month in Newberry County. A copy of this Resolution is on file in the County Administration Office.

Mr. Hipp moved to adopt the Resolution; seconded by Mr. Johnson. Vote was unanimous.

- **Abigail Fuller, Newberry County Library Director** - thanked County Council for allowing her to speak tonight and introduce herself.
- **Amy Perkins, Registration and Election Commission Director** - introduced herself to Council.

4. ORDINANCE #01-02-21: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NEWBERRY COUNTY, SOUTH CAROLINA, SPECIAL SOURCE REVENUE BOND (INDUSTRIAL PARK PROJECT) IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,500,000 IN ONE OR MORE SERIES; THE APPLICATION OF THE PROCEEDS OF SAID BONDS TO DEFRAY, FOR ECONOMIC DEVELOPMENT PURPOSES, THE COSTS OF CERTAIN INFRASTRUCTURE IMPROVEMENTS AND OF ACQUIRING CERTAIN PROPERTY IN NEWBERRY COUNTY; TO REFUND OUTSTANDING AMOUNTS OF THE COUNTY'S SERIES 2006 SPECIAL SOURCE REVENUE BONDS; AND OTHER MATTERS RELATING THERETO.

a. PUBLIC HEARING

Mr. Livingston declared this to be the public hearing. The following persons signed up to speak on this item: Becky Boland and Patrick Meetze but when called up, realized they signed up for the wrong agenda item.

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

b. THIRD READING

Motion by Mr. Shealy to adopt third reading; second by Mr. Johnson.

Mr. Adams, on behalf of the County's legal counsel and the lending institution's legal counsel, requested the following amendment:

“The amendment language principally (1) provides for an updated debt service schedule, and (2) clarifies that any future debt against the County's stream of FILOT payments - new SSRBs - be issued only if certain debt service coverage thresholds are met.”

Mr. Hipp moved to amend the Ordinance to include those changes jointly requested by legal counsel for the County and legal counsel for the lending institution; seconded by Mrs. Arrowood. There being no additional discussion, Mr. Livingston called for the vote on the amendment. Vote was unanimous.

Mr. Reeder moved to adopt third reading of the Ordinance, as amended; seconded by Mrs. Arrowood. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous to adopt the Ordinance as amended.

- 5. ORDINANCE #11-24-20: AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE #06-11-16, CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, SO AS TO REZONE ONE REAL ESTATE PARCEL TOTALING FIFTY-TWO AND NINE-TENTHS (52.9) ACRES DESIGNATED AS TMS PARCEL NO. 631-12 (TRACT A)**

FROM SINGLE FAMILY RESIDENTIAL (RS) AND RURAL (R2) TO SINGLE FAMILY RESIDENTIAL (RSM).

a. THIRD READING

Mr. Hipp moved to delay third reading until March 17th as voted on at the February 17th meeting.

Mr. Livingston said the agenda was adopted as amended and Mr. Hipp should have asked for this delay before the agenda was adopted. Mr. Hipp advised this item should not have been on the agenda to begin with and felt this was an injustice.

Mr. Tothacer did not have the same recollection but if a majority wants to vote on it, someone could move to bring it forward tonight.

Mr. Johnson's recollection was the same as Mr. Hipp's.

Following discussion it was the consensus of Council to delay third reading until the March 17th meeting.

After the third reading was delayed, Becky Boland and Patrick Meetze did not speak.

- 6. ORDINANCE #03-06-21: AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA (THE "COUNTY") AND NEWBERRY ELECTRIC COOPERATIVE, INC., ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS (COLLECTIVELY, THE "COMPANY"), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE "PROJECT"); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3)**

CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO.

a. FIRST READING

Because of Mr. Shealy's employment at Newberry Electric Cooperative, he recused himself and left chambers while Agenda Items 6 and 6(b) were discussed and voted on.

Mr. Adams explained that the Newberry Electric Cooperative is seeking FILOT treatment of a 6% assessment ratio versus 10.5% assessment ratio and a 20% special source revenue credit concerning the expansion of broadband service to certain areas of the county. The Economic Development has recommended first reading consideration by full Council.

Motion by Mr. Reeder to adopt first reading; second by Mr. Hipp. Vote was unanimous with the exception of Mr. Shealy who recused himself.

6(b) RESOLUTION #01-21: A RESOLUTION COMMITTING TO NEGOTIATE AN AGREEMENT BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA (THE "COUNTY") AND NEWBERRY ELECTRIC COOPERATIVE, INC., OTHER PROJECT SPONSORS (COLLECTIVELY, THE "COMPANY" PROVIDING CERTAIN BENEFITS INCLUDING (1) A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE "PROJECT"); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO.

Code Section 12-44-40 of the SC Code of Laws requires that counties formally identify projects for which they are negotiating fee deals. This Resolution identifies the Newberry Electric Cooperative Project (Agenda Item 6 above).

Motion by Mr. Hipp to adopt the Resolution; second by Mr. Reeder. Vote was unanimous with the exception of Mr. Shealy who had recused himself.

(Mr Shealy returned to chambers after the vote was final)

7. ORDINANCE #03-07-21: AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES FOR NEWBERRY COUNTY BY ADDING LANGUAGE PERMITTING COUNCIL MEMBER PARTICIPATION IN COUNCIL MEETINGS REMOTELY THROUGH VIRTUAL/ELECTRONIC MEANS AS A PERMANENT OPTION.

a. FIRST READING

Motion by Mr. Reeder to approve first reading; second by Mr. Shealy.

An amendment was offered to add language regarding use of Zoom meetings by Council.

Mrs. Arrowood moved to approve first reading as amended; seconded by Mr. Scurry. Vote was unanimous.

8. ORDINANCE #03-08-21: AN ORDINANCE PERMITTING THE NEWBERRY COUNTY JOINT PLANNING COMMISSION AND THE NEWBERRY COUNTY BOARD OF ZONING APPEALS TO CONDUCT VIRTUAL/ELECTRONIC MEETINGS PERMANENTLY.

a. FIRST READING

Mr. Shealy moved to approve first reading; seconded by Mrs. Arrowood.

Mr. Hipp offered an amendment to add language regarding use of Zoom meetings; seconded by Mr. Reeder. Vote was unanimous on the amendment.

Motion by Mr. Hipp to approve first reading as amended; seconded by Mr. Shealy. Vote was unanimous..

9. RESOLUTION #01-21: This item was moved to 6(b).

10. APPOINTMENTS

Mr. Johnson recommended the appointment of Linda Bullard to the Newberry County Library Board; seconded by Mr. Scurry. Vote was unanimous.

Mr. Johnson recommended the appointment of Hugh Lister to the Planning Commission; seconded by Mr. Scurry. Vote was unanimous.

Mr. Johnson recommended the appointment of Lewis Lee to the Newberry County Water & Sewer Authority Board; seconded by Mr. Reeder. Vote was unanimous.

11. COMMITTEE REPORT

a. ECONOMIC DEVELOPMENT COMMITTEE 3/1/21 - RICK FARMER, ECONOMIC DEVELOPMENT DIRECTOR

Mr. Farmer updated Council on economic development.

Mr. Hipp requested that Mr. Farmer investigate potential industrial prospects as to salary. He felt industries paying low wages should not be enticed to come to Newberry County.

Mr. Farmer advised that is unknown at the time we first start talking with them.

12. EXECUTIVE SESSION (IF NEEDED)

No Executive Session needed.

13. PUBLIC COMMENTS

No public comments.

14. COMMENTS/REQUESTS FROM THE COUNTY ADMINISTRATOR

Mr. Adams thanked Ervin West and Taylor Davenport for providing the live stream of county meetings.

15. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

Mr. Shealy - thanked everyone for their hard work.

Mr. Hipp - no comments

Mrs. Arrowood - (inaudible)

Mr. Johnson - thanked everyone for the support shown to his family with the birth of his grandchildren and the long road ahead of them.

Mr. Reeder - thanked everyone for being here tonight.

Mr. Scurry - no comments

Mr. Livingston thanked all council members for being here. He also urged everyone to try and keep the roads clean.

16. FUTURE MEETINGS

- a. County Council, 3/17/21, 6:00 p.m.
- b. Finance Committee, 3/29/21, 6:00 p.m.
- c. County Council, 4/7/21, 6:00 p.m.

17. ADJOURNMENT

Motion by Mr. Reeder to adjourn; second by Mr. Scurry.

Mr. Livingston declared the meeting adjourned at 6:56 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved: _____