



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
January 3, 2024  
6:00 P.M.**

Call to order: Todd Johnson, Chairman  
Invocation and Pledge of Allegiance: Travis Reeder, Council Member

1. Election of Chair for 2024.
2. Election of Vice-Chair for 2024.
3. Adoption of Consent Agenda:
  - a. Newberry County Council Economic Development Committee Minutes – December 4, 2023.
  - b. Newberry County Council Work Session Minutes – December 6, 2023.
  - c. Newberry County Council Meeting Minutes – December 6, 2023.
4. Additions, Deletions & Adoption of the Agenda.
5. Ordinance No. 11-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina and *Project Cavalier* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.
  - a. Public Hearing
  - b. Third Reading
6. Ordinance No. 12-01-2023. 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. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling one

and twelve hundredths (1.12) acres designated as TMS No. 399-56 from R2-Rural to GC-General Commercial.

- a. Public Hearing
- b. Second Reading

7. Ordinance No. 12-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina, and *Project Palmetto* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.

- a. Public Hearing
- b. Second Reading

8. Consideration of a motion to accept the proposed Economic and Land Use elements of the draft Comprehensive Plan.

9. Appointments.

10. Public Comments.

11. Comments/Requests from County Administrator.

12. Comments/Requests from Council.

13. Future meetings:

- a. Public Safety and Courts Committee – January 8 at 6 pm.
- b. Martin Luther King, Jr. Holiday – Offices Closed – January 15.
- c. Newberry County Council Work Session – January 17 at 5 p.m.
- d. Newberry County Council – January 17 at 6 p.m.

14. Adjournment.

**NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE  
MINUTES  
December 4, 2023**

The Newberry County Council Economic Development Committee met on Monday, December 4, 2023, at 6:06 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular meeting.

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

**PRESENT:** Leslie “Les” Hipp, Committee Chair  
Robert N. Shealy, Committee Member  
Jeff Shacker, County Administrator  
Rick Farmer, Economic Development Director  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

**Absent:** Travis Reeder, Committee Member

**1. Call to Order**

- Mr. Hipp called the meeting to order at 6:06 p.m. and determined a quorum to be present.

**2. Additions, Deletions and Adoption of the Agenda**

- Mr. Farmer requested that the committee remove from the agenda Mawsons Way Extension and MCCP II Restrictive Covenants, listed under Product Development. He said both items will be discussed during executive session Wednesday night (during the Newberry County Council Work Session).
- Mr. Hipp asked Mr. Shacker if that was still his feelings regarding Mawsons Way, to which Mr. Shacker answered in the affirmative.

- Mr. Shealy made a motion to remove items One and Three from section B (Product Development) from the agenda. Mr. Hipp provided the second and the motion passed 2-0.

### **3. Public Comments**

- There were no public comments.

### **4. Staff Report**

#### **a. Project Activity**

##### **i. Updates**

- Mr. Farmer said project activity remains steady and that they had four new projects come through since the last committee meeting.
- Mr. Farmer said projects moving forward in Newberry County Council include Project Cavalier and Project Palmetto – both solar projects.
- Mr. Farmer said they are working on two expansion projects that should be coming to Newberry County Council in the next month or so.

#### **b. Project Development**

##### **i. Boyd's Crossing Rail Site**

- Mr. Farmer said this site is 80 acres on US 76 south, just off Boyd's Crossing Road. Mr. Farmer said they have suspected contamination issues with the site, as it was once used to dry lumber. He said MCOG has agreed to cover Phase One ESA at their expense and that should begin soon.

#### **c. Prospect Development.**

##### **i. ECONOMIX – Atlanta, Nov. 28-30**

- Mr. Farmer attended the EXONOMIX in Atlanta last week, a site selectors consultants forum. Mr. Farmer said he would take this over a trade show any day because they get to hear the site selectors say what the prospects want.

#### **d. Other**

##### **i. Korean American Day**

- Mr. Farmer announced that the Korean American Day celebration is scheduled for January 20, 2024. He said they have already had a brief conversation about the event, but the first planning committee meeting will be held on December 5, 2023. He said the hope was to pull off a celebration as good as the previous year.
- Mr. Farmer said the location of the event has been changed to MacLean Gymnasium at Newberry College, due to the size of the crowd last year.
- Mr. Farmer said the planning committee consists of himself, Mr. Wigger, Mayor Foster Senn and representatives from Korean industries in Newberry County.

#### **5. Comments by and discussion items from the Committee Members**

- No comments.

#### **6. Executive Session**

§30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Artemis, Cardinal, Cavalier, Palmetto, Aspen and other projects.

- Mr. Shealy made a motion to go into executive session at 6:14 p.m., Mr. Hipp provided the second and the motion was approved 2-0.

- At 6:53 p.m., Mr. Shealy made a motion to come out of executive session; Mr. Hipp provided the second and the motion was approved 2-0.
- Mr. Hipp said no action was taken in executive session and no votes were taken.

## **7. Adjourn**

- With there being no further business, Mr. Shealy made a motion at 6:54 p.m. to adjourn; Mr. Hipp provided the second and the motion was approved 2-0.

### **NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE**

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**Leslie Hipp, Committee Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

**NEWBERRY COUNTY COUNCIL WORK SESSION  
MINUTES  
December 6, 2023**

Newberry County Council met on Wednesday, December 6, 2023, at 5:05 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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

PRESENT: Todd Johnson, Chairman  
Les Hipp, Vice Chairman  
Leon Fulmer, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Robert N. Shealy, Council Member  
Jeff Shacker, County Administrator  
Eric Nieto, I.T. Director  
Rick Farmer, Economic Development Director  
Katie Werts, Director of Planning and Development Services  
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 5:05 p.m.

1. Presentation of the proposed Economic and Land Use elements of the draft Comprehensive Plan - Cheryl Matheny, Planning Consultant, The Matheny-Burns Group.
  - Ms. Matheny presented a PowerPoint presentation, as attached in the minutes, detailing the two mentioned elements.
  - Regarding the Economic Development element, Ms. Matheny covered Economic Base, Ten Largest Taxpayers, Existing Industrial and Commercial Land Use, Economic Base – Capital Investment, New Capital Investments, Major Employers,

Unemployment Trends, Wages, Earnings and Unemployment by Education, County Employment by Sector, Commuters, Economic Development, Economic Resiliency.

- Ms. Matheny said Mr. Farmer reviewed the Economic Development Element and provided his edits and additions. She additionally said they used the Economic Development Strategic Plan for background information.
- Mr. Hipp addressed the slide that states, “there was \$12.4 million in assessed property value in manufacturers and utilities.” He said that seems awfully low when you consider Samsung, MM Technics, Kiswire, Kraft Heinz, all the manufacturers. He asked if all of that is not greater than \$12.4 million?
  - Ms. Matheny said that is the data they were given.
  - Mr. Farmer said you are talking about the difference between assessed value and fair market value and assessed value is always lower. However, he said that those numbers still seem low to him. He added that the Samsung building had a market value of \$17 million when purchased in 2017.
- Mr. Hipp asked where the actual number came from.
  - Ms. Matheny said she believes they received the number from the county’s information.
- Mr. Hipp said it seems low for all the manufacturers they have in Newberry.
- Ms. Matheny said if the county had more accurate data, they’d be happy to replace it.
- Mr. Sease asked where the admissions tax collections are collected. Ms. Matheny said that would be money collected and venues like the Newberry Opera House. Mr. Sease then asked about the accommodations tax and Ms. Matheny said that would be like hotels and motels.
- Under Major Employers, Ms. Matheny said this list has not taken into account that Kraft Heinz has downsized and that number is now lower.



- Regarding Land Use, Ms. Matheny requested council look at the Land Use Map and tell her what they think and if they would like any additional changes.
  - Mr. Johnson said he wanted to talk about some of the things that are there, like some of the farms being marked as Transitional. Mr. Johnson requested getting the original map back to review and rectify that change.
  - Mr. Johnson said he thinks they can discuss this in another session.
  - Ms. Matheny said to keep in mind that if something is Transitional, it doesn't mean it has to change.
  - Mr. Johnson said he wants to make sure they look out for their farmers.

## 2. Executive Session:

### a. Personnel Matter(s):

- i. Discussion of matters related to appointment and compensation of Public Works Director pursuant to SC Code of Laws Section 30-4-70(a)(1).

### b. Real Estate Matter(s):

- i. Discussion of matters related to MCCP II pursuant to SC Code of Laws Section 30-4-70(a)(2)
- ii. Discussion of matters related to Newberry County Industrial Park pursuant to SC Code of Laws Section 30-4-70(a)(2).

### c. Economic Development Matter(s):

- i. Discussion of matters related to Project Palmetto pursuant to SC Code of Laws Section 30-4-70(a)(5).

- Mr. Sease made a motion to go into executive session at 5:23 p.m., Mr. Shealy gave a second and the motion was approved 7-0.
- At 6:09 p.m., Mr. Sease made a motion to come out of executive session; Mr. Shealy gave the second and the motion was approved 7-0.
- Mr. Johnson said they met in executive session for the aforementioned reasons and no action was taken.

3. Adjournment

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second. The motion was approved 7-0.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

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# **Newberry County Comprehensive Plan**

**Economic Development and Land  
Use Elements for County Council  
Review and Adoption**

December 6, 2023

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# The Comprehensive Plan

## Introduction

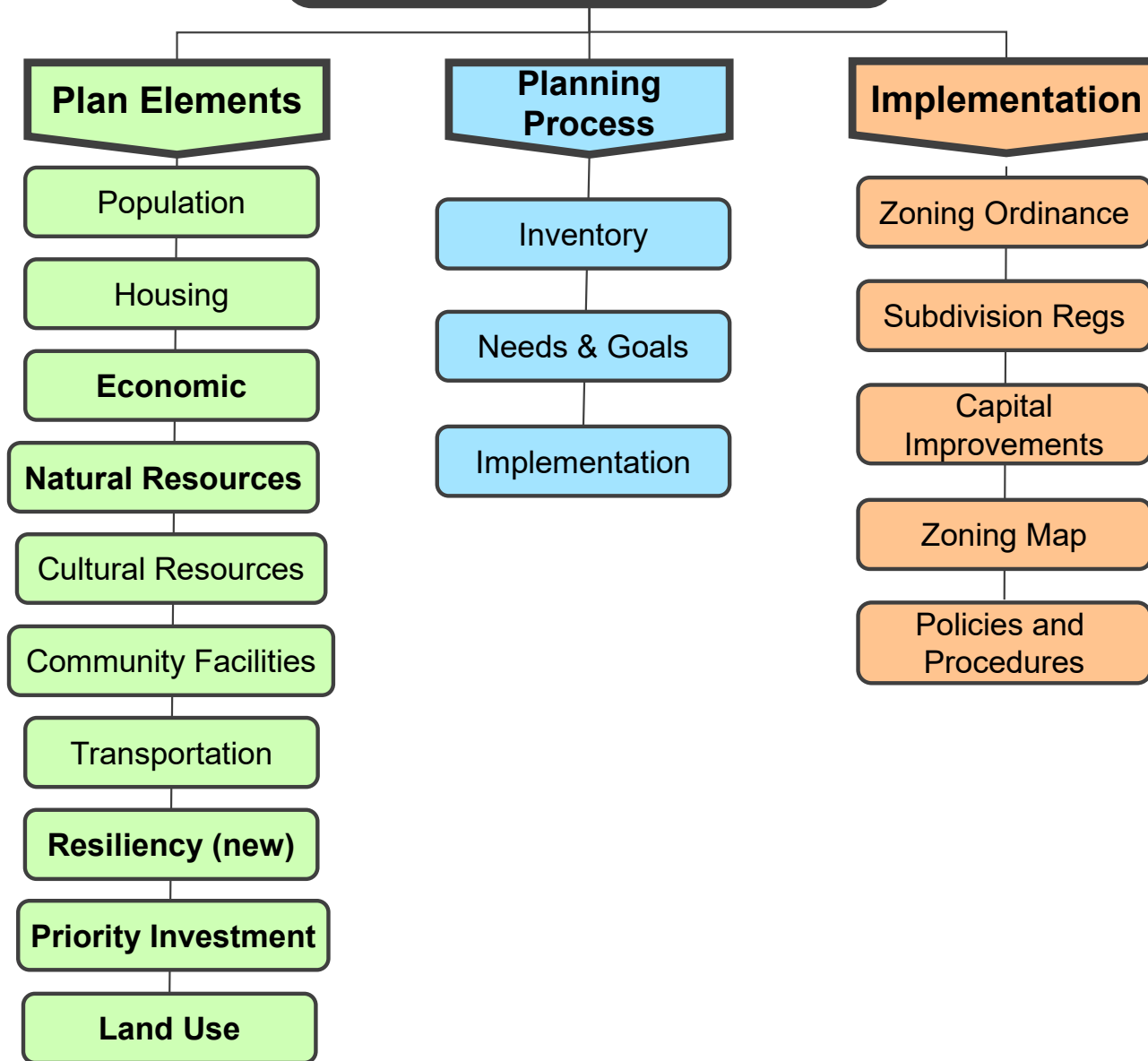
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# What is our Role in the Plan?

- Review and discuss element drafts
  - Provide any edits needed to Katie in writing
  - Discuss any major edits as needed
  - Consider Planning Commission recommendation, review entire document and make changes as needed
  - May approve individual elements
  - Vote to adopt entire Plan by ordinance
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# Comprehensive Plan



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# What is Required for each Element?

- Inventory of existing conditions
  - Statement of needs and goals
  - Implementation strategies with timeframes
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# Economic Development Element





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# What is the Economic Element?

- Provides an assessment of the components of the economy in Newberry County, its municipalities, and the surrounding region:
    - ❑ Labor force characteristics
    - ❑ Commuting patterns
    - ❑ Educational attainment
    - ❑ Occupational outlook
    - ❑ Economic base and diversity
    - ❑ Economic recruitment strategies
    - ❑ Income and wealth characteristics
    - ❑ Existing business and industry
    - ❑ Market forces
    - ❑ Recommendations for a healthy economic climate
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# What is the Economic Element?

- Provides a platform for local officials to identify the types of employment desired and the general location where such opportunities should be directed
  - Ensures the distribution of economic benefits to residents throughout the County
  - Examines the role of the County and its municipalities within the context of the State and regional economy
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# Economic Base

- County's total assessed property value was \$171,722,637 in 2022 – of which \$12.4 million was from manufacturers and utilities
  - County had nearly \$431 million in total retail sales in 2017, of which \$270 million was in the City of Newberry
  - Countywide admissions tax collections totaled \$17,723 in FY 2022
  - County accommodations tax collections totaled \$285,068, of which \$158,402 was in the City
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# Ten Largest Taxpayers

<b>PROPERTY OWNER</b>	<b>TAXABLE ASSESSED VALUE</b>	<b>TOTAL TAX LEVIED</b>
Kraft Foods	\$7,478,878	\$2,268,015
Dominion Energy	\$5,823,860	\$2,137,357
Newberry Electric Cooperative	\$4,621,850	\$1,696,219
Kiswire	\$3,293,894	\$1,208,859
Duke Energy Carolinas	\$2,979,400	\$1,093,440
Georgia Pacific Wood Products	\$3,657,720	\$1,091,671
West Fraser	\$2,985,905	\$1,070,427
Samsung	\$2,724,796	\$1,000,000
AT&T Mobility	\$1,095,390	\$ 402,008
Pioneer Frozen Foods	\$1,068,493	\$ 392,137

# Existing Industrial and Commercial Land Use

EXISTING LAND USE	ACRES	PERCENTAGE OF AREA
Commercial	3,035.8	0.8%
Industrial	1,329.7	0.3%
Vacant Land	11,575.2	3.0%
All Other Land Uses	374,610.5	95.9%
Total of all Uses	390,551.2	100.0%

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# Economic Base – Capital Investment

- New industrial employers brought 1,399 jobs and more than \$506.2 million in new capital investment to the County between 2013 and 2022
  - 356 jobs were added and \$157.5 million in additional investments were made by existing employers over the decade
  - Largest economic impact was by Samsung in 2017, with capital investment of \$380 million and 950 new jobs
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# New Capital Investments

YEAR	EMPLOYER	JOBS CREATED	CAPITAL INVESTMENT	PRODUCT
2013	Kiswire (E)	30	\$13,000,000	Steel Cord
2014	West Fraser (E)	0	\$27,700,000	Lumber and Wood Products
2014	Metal Masters (E)	20	\$ 3,000,000	Metal Products
2014	Kiswire (E)	45	\$30,000,000	Bead Wire
2015	Sea Pro Boats (N)	238	\$ 5,500,000	Boats
2016	Falcon Boats (N)	35	\$ 1,500,000	Boats
2016	West Fraser, Inc. (E)	0	\$33,000,000	Lumber and Wood Products
2016	MM Technics (N)	65	\$12,600,000	Metal Stamping
2016	ThermaFlo (N)	20	<i>Undisclosed</i>	Industrial Steam and Fluid Systems
2017	Samsung Electronics (N)	950	\$380,000,000	Home Appliances
2017	Trucast (E)	10	\$ 3,000,000	High-precision Alloy Components
2018	Pioneer Frozen Foods (E)	0	\$ 6,000,000	Dough Products
2019	Big Gun Robotics (E)	16	\$ 3,600,000	Robotic Welding
2019	MM Technics (E)	35	\$ 6,000,000	Metal Stamping
2019	Hecate (N)	0	\$ 5,000,000	Solar
2019	Metal Masters (E)	20	\$ 2,000,000	Metal Products
2020	KRA Operations (N)	57	\$ 11,500,000	Home Appliance Washer Parts
2020	American Appliance (N)	34	\$ 1,100,000	Components for Home Appliances
2021	Sea Pro Boats (E)	50	\$ 3,700,000	Boats
2021	KRA Operations (E)	120	\$ 23,500,000	Home Appliance Washer Parts
2022	Ecoplexus (N)	0	\$ 89,000,000	Photovoltaic Solar Farm
2022	Trucast	10	\$ 3,000,000	High-precision Alloy Components

# Major Employers

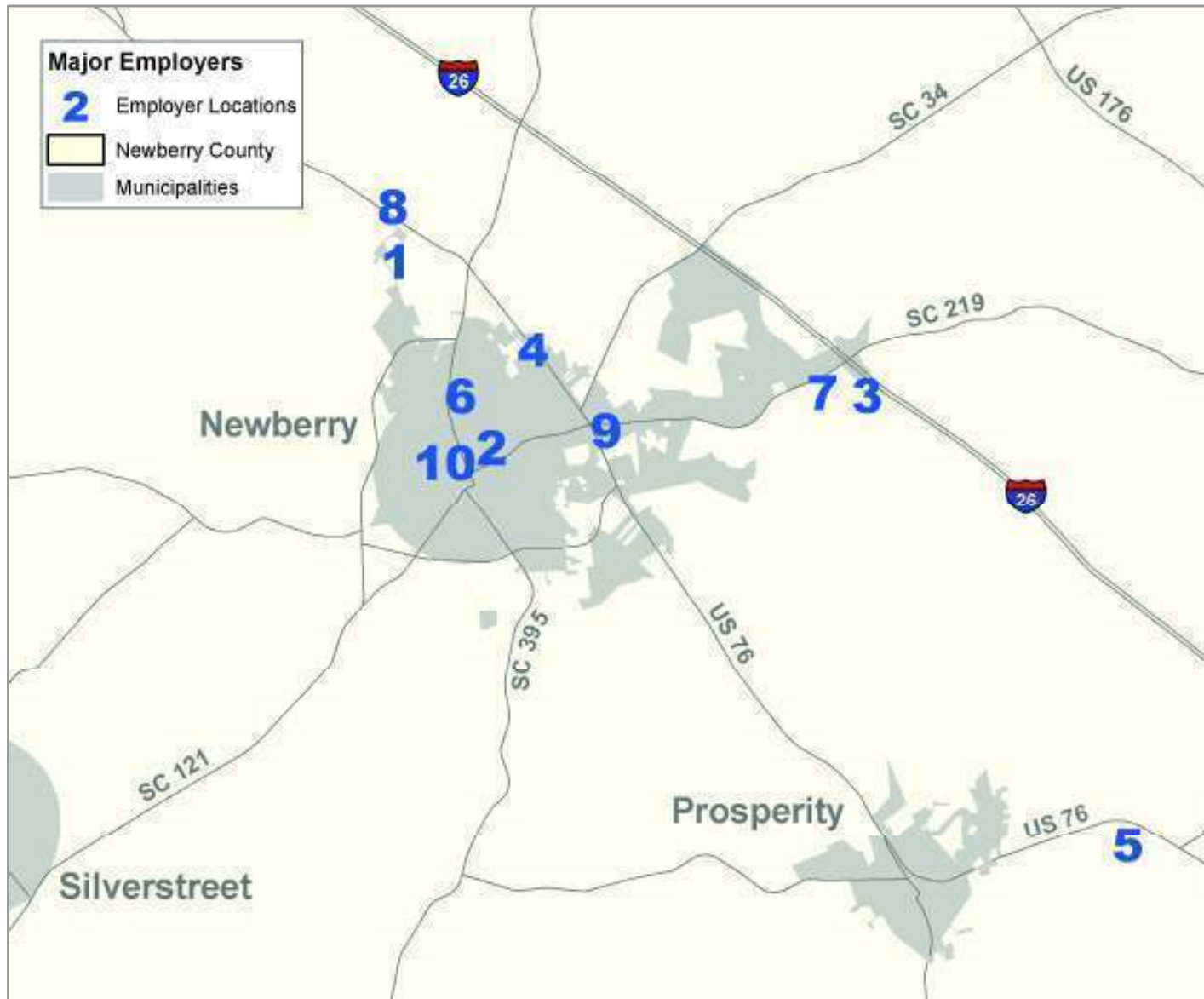
RANK	EMPLOYER	EMPLOYED	EMPLOYER TYPE
1	Kraft Heinz Foods	1,330	Manufacturing
2	Newberry County School District	924	Public - K-12 Education
3	Samsung	650	Manufacturing
4	Newberry County Memorial Hospital	447	Public - Health Care
5	Georgia Pacific	295	Manufacturing
6	Newberry College	237	Private – Higher Ed
7	Komatsu	225	Manufacturing
8	Valmont Composite Structures	200	Manufacturing
9	Walmart	187	Retail
10	County of Newberry	180	Public - Government

Note: Kraft Heinz Foods recently reduced their County labor force to approximately 900

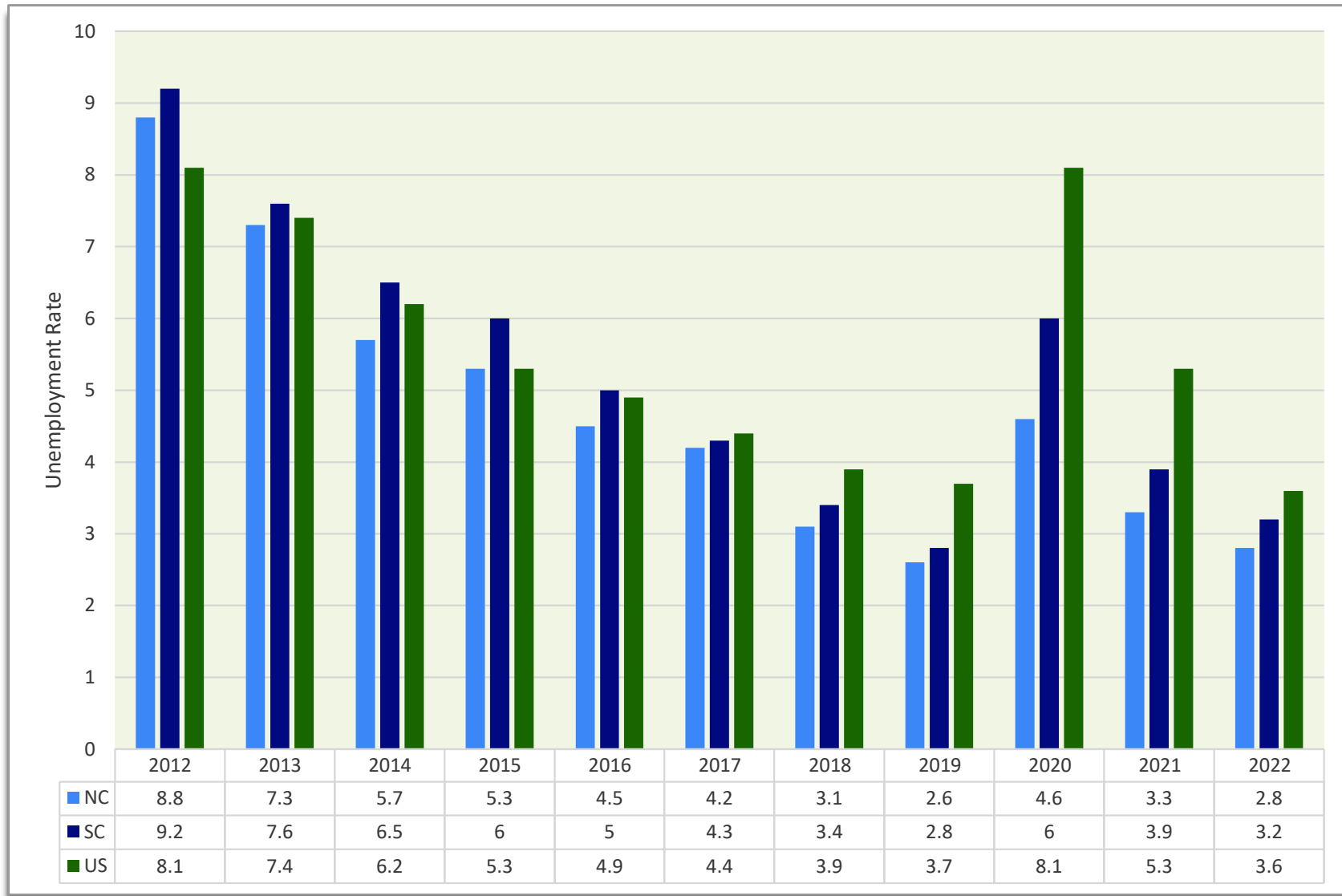
Sources: City of Newberry CAFR, 2022; Newberry County Economic Development, 2023



# Major Employers



# Unemployment Trends

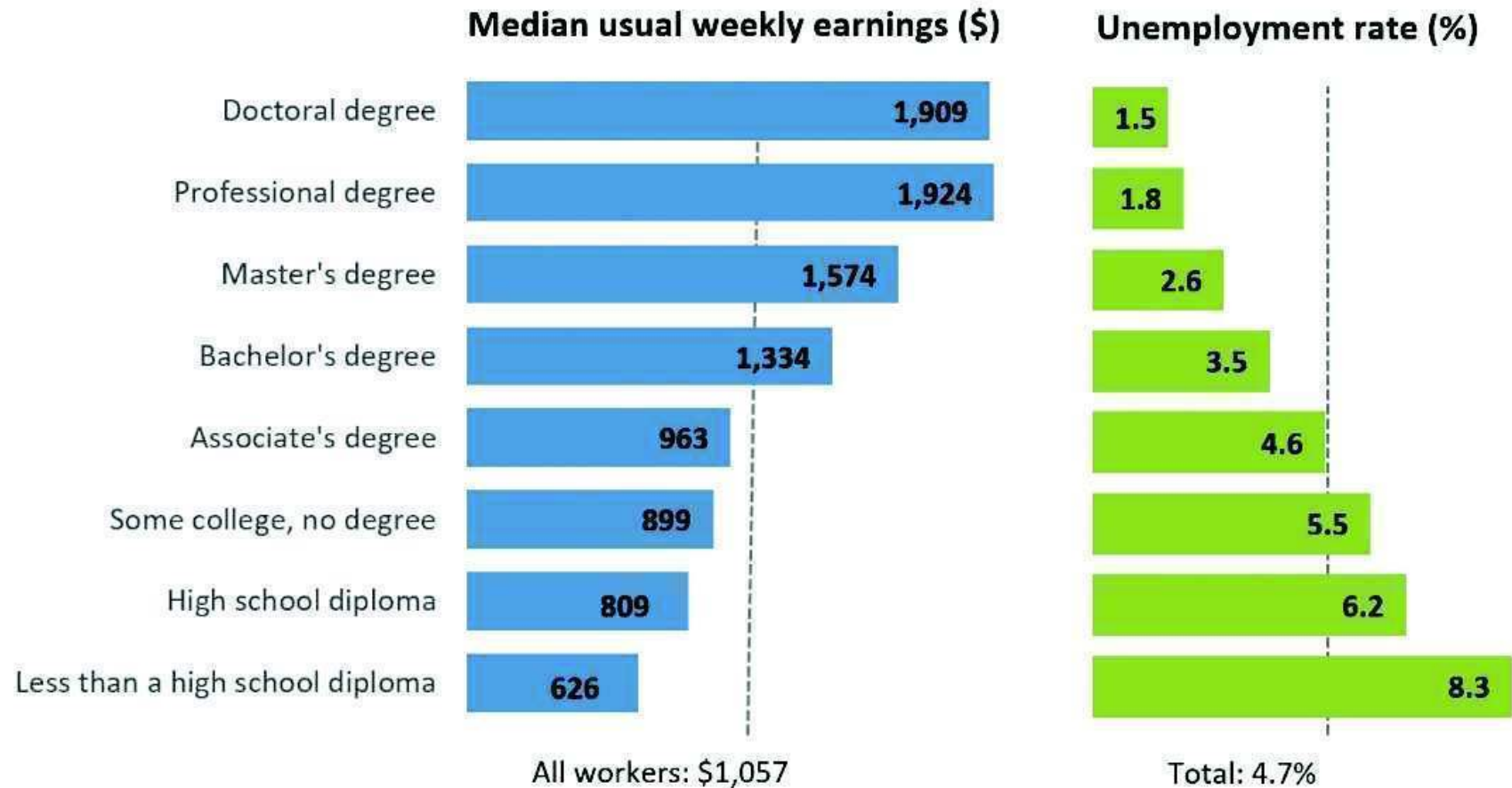


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# Wages

- Highest average private sector annual wages in County are generated by the Wholesale Trade (\$72,592) and Manufacturing (\$57,720)
  - Average Accommodation and Food Services sector job in Newberry County (\$17,992) offers only 31% of average weekly wage of a Manufacturing sector job
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# Earnings and Unemployment by Education



Note: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.

# County Employment by Sector

ECONOMIC INDUSTRY SECTOR	PERCENT OF TOTAL EMPLOYMENT		
	NEWBERRY COUNTY	SOUTH CAROLINA	UNITED STATES
Agriculture, Forestry, Fishing, Hunting, and Mining	1.6%	0.9%	1.6%
Construction	5.9%	7.0%	6.9%
Manufacturing	23.3%	13.5%	10.1%
Wholesale Trade	3.6%	2.1%	2.3%
Retail Trade	10.0%	11.4%	11.1%
Transportation, Warehousing and Utilities	4.4%	5.5%	5.9%
Information	0.9%	1.5%	1.9%
Finance and Insurance, Real Estate and Rental and Leasing	3.0%	6.2%	6.8%
Professional, Scientific and Technical Services	5.7%	11.4%	12.4%
Educational Services, Health Care and Social Assistance	22.6%	22.1%	23.5%
Arts, Entertainment & Recreation, Accommodations & Food Services	5.2%	8.9%	8.2%
Other Services except Public Administration	6.9%	4.9%	4.6%
Public Administration	6.8%	4.6%	4.8%

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# Commuters

- More than 5,345 workers from Newberry County commute to jobs outside the County and more than 4,800 workers from surrounding counties travel to Newberry employers
  - County population decreases by 2.4%, or 925 persons, during the daytime due to an outflow of workers to neighboring communities – higher than statewide at only one percent
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# Economic Development

- County has 10 available industrial sites totaling 1,300 acres – three are S.C. certified
  - County is marketing one industrial building (currently leased by Samsung) and five retail/office/residential buildings
  - Additional infill and reuse opportunities are in downtown Newberry and commercial corridors along Wilson Road and C.R. Koon Highway
  - County seeks to build a vibrant and diversified economy by focusing on industry targets in the Automotive, Materials, Transportation and Logistics, and Food, Beverage and Agricultural sectors
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# Economic Resiliency

- While County unemployment rates have fared better than national average, per capita income measures indicate continued vulnerability to economic stress
  - County Economic Development Strategic Plan (2022) prioritizes economic diversification and cultivation of businesses that offer quality, higher-wage jobs and strengthen the tax base
  - Diversity of industrial clusters in County helped stabilize the local economy and quickened the rebound after the COVID-19 pandemic
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# Land Use



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# What is the Land Use Element?

- Considers existing and future land use by categories
  - Influenced and guided by the other eight required Comprehensive Plan elements
  - Recognizes current and historical trends while providing an opportunity to reflect on strengths, challenges and opportunities
  - Represents a culmination of the issues, information, analyses, goals and objectives of the other eight required elements
  - Local governments must adopt a land use element before adopting a zoning ordinance
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# Existing Land Use - Methodology

- Inventory of existing land uses developed through extensive geographic information system (GIS) analysis of digital mapping data
  - Mapping of existing land uses integrated land use category definitions and County Assessor tax parcel data, as well as staff knowledge
  - Roadways and railroad transportation rights-of-way are not assigned land use classifications and are not included in land use calculations
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# Existing Land Use Categories

- **Agricultural/Forestry** – land used primarily for agriculture and forestry, including residences for owners/workers and storage. Includes properties 10+ acres and taxed as agriculture, also adjoining multiple properties 10+ acres and under same ownership.
  - **Commercial** – land used to conduct businesses, trade, administration, professional activities or services, or personal services
  - *Industrial* – land used to manufacture, assemble, process, or fabricate goods and/or to warehouse or transport goods
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# Existing Land Use Categories

- **Single-Family Residential** – land used for residential structures including single-family dwellings, duplexes, manufactured homes on single lots, and manufactured home subdivisions. Includes properties <10 acres and taxed as agriculture if there are improvements.
  - **Multi-Family Residential** – land used for residential structures other than those included in single-family residential, including structures with 3+ dwelling units, zero lot line developments, patio homes, condominiums, townhouses, and manufactured home parks
  - **Sumter National Forest** – federally owned and managed land within the Sumter National Forest
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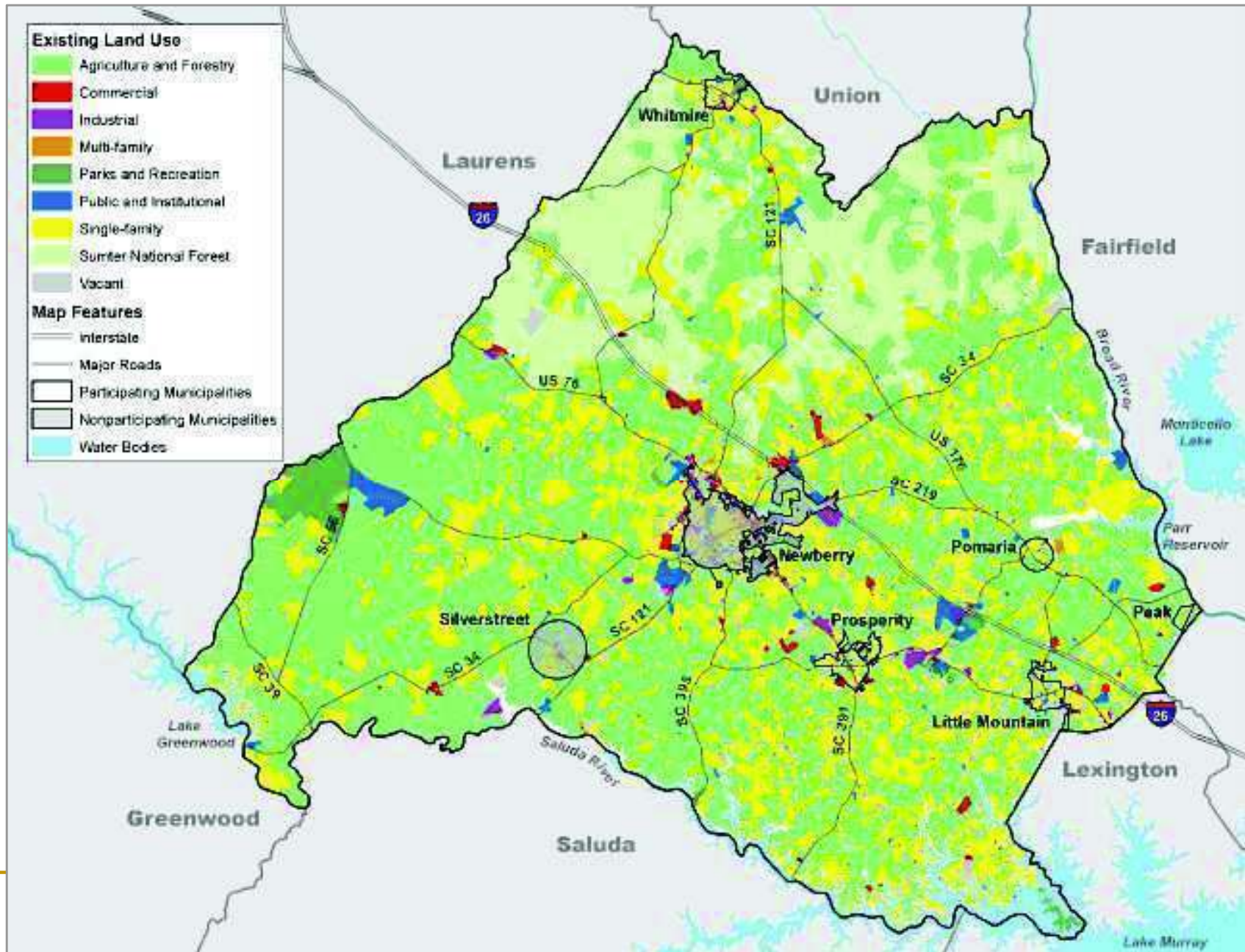
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# Existing Land Use Categories

- **Parks and Recreation** – land used for public active and passive recreation or to preserve open space, including local and state parks, ball fields, playgrounds, nature preserves, wildlife management areas, and Dominion recreation sites
  - **Public and Institutional** – land used primarily for private, public, quasi-public, religious, philanthropic, or other activity undertaken for providing for the social, cultural, educational, health or physical betterment of the community and public governance
  - **Vacant Land** – land area not developed for a specific use or assigned a land use classification. Includes properties <10 acres and taxed as agriculture with no improvements.
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# Existing Land Use Map

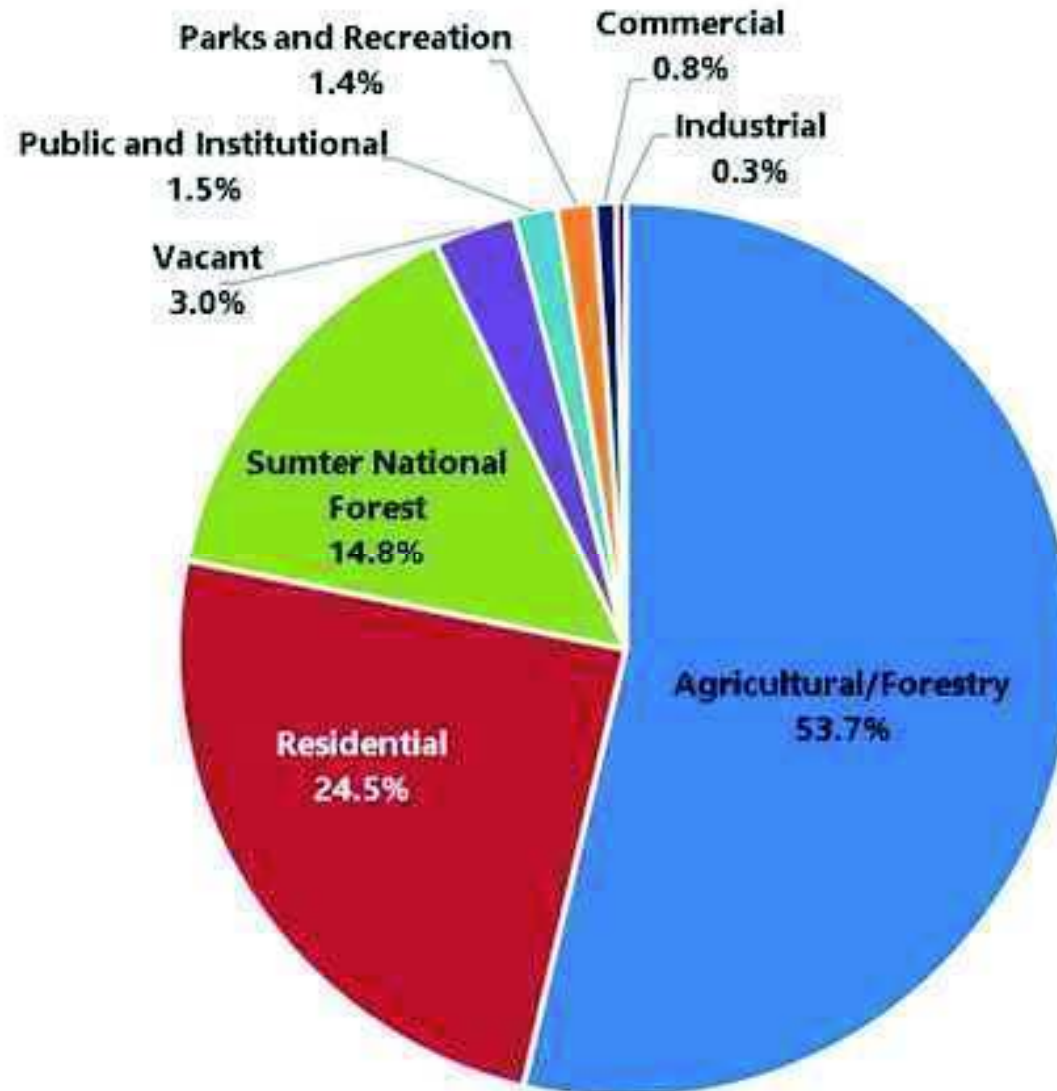


# Existing Land Use by Area

EXISTING LAND USE	CITY OF NEWBERRY		NOT INCLUDING CITY OF NEWBERRY		NEWBERRY COUNTY TOTAL	
	ACRES	%	ACRES	%	ACRES	%
Agricultural and Forestry	1,195.3	23.2%	208,486.7	54.1%	209,682.0	53.7%
Single-family	1,491.1	28.9%	93,564.8	24.3%	95,055.9	24.3%
Sumter National Forest	0.0	0.0%	57,991.4	15.0%	57,991.4	14.8%
Vacant	503.4	9.8%	11,071.8	2.9%	11,575.2	3.0%
Public and Institutional	740.6	14.4%	5,274.3	1.4%	6,014.9	1.5%
Parks and Recreation	557.2	10.8%	4,721.7	1.2%	5,279.0	1.4%
Commercial	449.1	8.7%	2,588.0	0.7%	3,037.1	0.8%
Industrial	45.3	0.9%	1,284.4	0.3%	1,329.7	0.3%
Multi-family	178.1	3.5%	407.9	0.1%	586.0	0.2%
<b>TOTAL</b>	<b>5,160.1</b>	<b>100.0%</b>	<b>385,391.1</b>	<b>100.0%</b>	<b>390,551.2</b>	<b>100.0%</b>



# Existing Land Use



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# Future Land Use

- The Future Land Use map is a blueprint for the physical development of the County
  - Sets the context and provides the vision of future growth and development
  - Implementation of the map will be accomplished through the County's Zoning Ordinance and Subdivision Regulations
  - Anchored by existing land uses and supplemented by staff knowledge of current development trends and potential future development areas
  - Includes all participating municipalities, does not include the City of Newberry and Town of Silverstreet
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# Future Land Use Categories

- **Development** – land areas that include more intensive uses such as commercial, industrial, public & institutional, service, and higher density residential as well as related infrastructure. Includes existing and potential economic development centers with proximity to major transportation corridors and existing water and sewer.
  - **Lake Development** – land areas in close proximity to Lake Murray and Lake Greenwood, principally used for residential structures, but may include other complementary and associated uses. Where adequate road access is available, may also include more intense uses such as marinas, commercial activities and personal services.
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# Future Land Use Categories

- **Parks and Recreation** – land used for active and passive public recreation or open space preservation such as ball fields, golf courses, etc. Designated within municipalities and also includes Dreher Island State Park and Belfast Wildlife Management Area.
  - **Public and Institutional** – land used primarily for private, public, quasi-public, religious, philanthropic, or other activities undertaken for providing for the social, cultural, educational, health, or physical betterment of the community and public governance. Designated within municipalities.
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# Future Land Use Categories

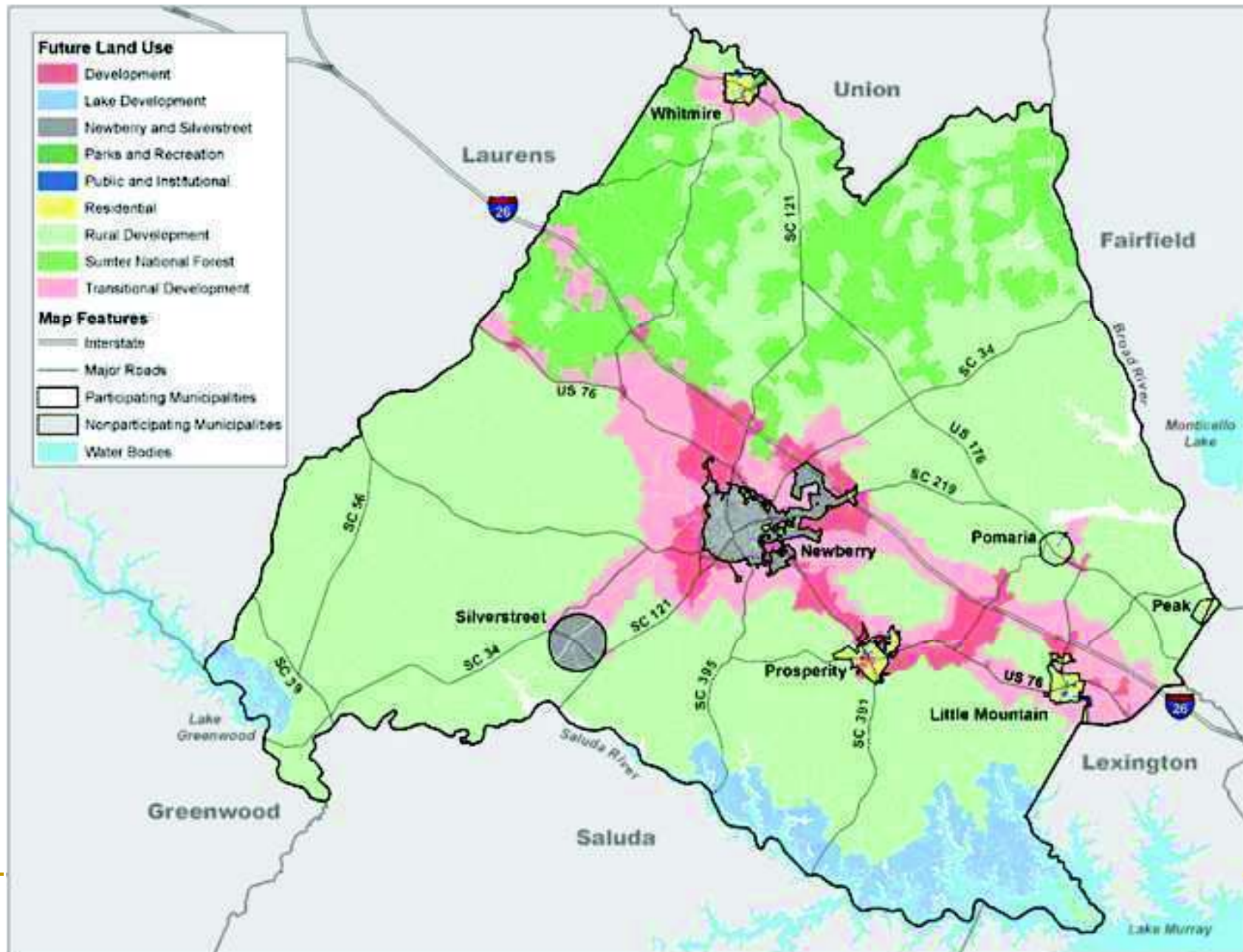
- **Residential** – land used for residential structures including single-family, duplex, triplex, and multi-family housing; zero lot-line/patio homes; townhouses/condominiums; manufactured homes on single lots and in subdivisions; and manufactured home parks. Designated within municipalities.
  - **Rural Development** – lands in rural areas primarily used for low density residential, agriculture, or forestry, but may include other complementary and associated uses. May also include appropriate higher intensity uses on properties that are separated appropriately from residential and with adequate road access.
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# Future Land Use Categories

- **Transitional (new)** – Land undergoing, or with the potential to undergo, a transition from one major use to another, primarily from rural or residential to commercial or office uses. Existing residential in these areas will provide options to shorten the distance between work and home. Could be attractive for a range of uses as appropriate and compatible with adjacent uses, including light commercial, office, public & institutional uses, and higher density residential.
  - **Sumter National Forest** – federally owned and managed land within the Sumter National Forest.
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# Future Land Use Map





# Future Land Use by Area

<b>FUTURE LAND USE*</b>	<b>ACRES</b>	<b>PERCENTAGE</b>
Rural Development	248,872.2	64.92%
Sumter National Forest	57,991.4	15.13%
Transitional	41,904.2	10.93%
Development	16,576.0	4.32%
Lake Development	15,810.5	4.12%
Residential	1,801.5	0.47%
Public and Institutional	268.4	0.07%
Parks and Recreation	131.0	0.03%
<b>TOTAL</b>	<b>383,355.10</b>	<b>100.00 %</b>

\* Does not include the City of Newberry and Town of Silverstreet



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# Land Use Opportunities

- Strategic location on the I-26 corridor is attractive to prospective businesses and industries
  - Location draws potential residents seeking a more rural or smaller town lifestyle within an easy drive of Columbia area employment centers
  - Need for higher educational attainment and specialized job skills to meet the needs of higher wage industries and businesses is addressed through job training programs and facilities at Newberry campus of Piedmont Technical College and Newberry College
-

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# Land Use Opportunities

- Desirability as a place to live, work and play enhanced by:
    - ❑ An abundance of cultural, recreational and natural resources
    - ❑ Quality access to higher education at Newberry College and Piedmont Technical College
    - ❑ Availability of quality health care at the Newberry County Memorial Hospital
  - Most important to the County's future is the proven capability of residents and elected officials to set ambitious goals and employ creative strategies and partnerships to accomplish significant outcomes
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# Land Use Challenges

- Maintaining a balance between honoring the character, culture, and history of the area by preserving and protecting its rich resources while encouraging the residential, commercial, and industrial growth needed to maintain a vibrant and sustainable economy.
  - Limited availability of water and sewer service poses a challenge to growth and development in key areas of the County
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# Land Use Challenges

- Housing choice is limited, particularly for middle income residents – a wider range of housing is needed to enable residents to “age in place”
  - A highly rated, public K-12 educational system that can compete with top-ranked school districts in neighboring counties is needed to attract and retain young families
-

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# Future Land Use Focus Issues

- Affordable, safe housing options are needed for a range of residents. Includes the need to ensure that new residential development preserves and enhances the character, scale, and safety of the community and surrounding areas.
  - Continued economic stability and growth – maintain a diverse and resilient economic base, strengthen the workforce, increase college and career readiness, retain workers, increase availability of quality buildings and sites for prospective industries, maintain quality of life.
-

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# Future Land Use Focus Issues

- Provide transportation options including:
    - ❑ Preservation and enhancement of major transportation corridors from I-26
    - ❑ Provide sidewalks and bike lanes
    - ❑ Public transportation
  - Plan for public infrastructure and facilities:
    - ❑ Continue the CPST process
    - ❑ Update the County's Master Space and Facilities Plan
    - ❑ Coordinate with municipalities, adjacent jurisdictions, and relevant agencies in planning for capital improvements
-

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# Future Land Use Focus Issues

- Protection and preservation of land and water resources:
    - ❑ Protect agriculture and forestry
    - ❑ Provide and maintain access to natural areas and open spaces, including support for bike and pedestrian plans
    - ❑ Continue to expand sewer systems to reduce dependence on septic systems
    - ❑ Continue to mitigate the impact of new development, regulation of stormwater runoff and retention, protection of flood hazard areas
    - ❑ Protect and expand public access to County's lakes and rivers
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# The Comprehensive Plan

Goals, Objectives, and  
Implementation Strategies

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# Goals and Objectives

- **Goals** – broad based ideals which are intended to guide the future of the community
  - **Objectives** – more specific elaboration of the goals which provide a sense of direction
  - Goals and objectives together to outline the framework for the Comprehensive Plan
  - Basis for detailed **implementation strategies**
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# The Comprehensive Plan

What is the Next Step in the Process?

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# Review and Adoption

- Review elements
  - Provide any questions and/or edits to Katie
  - Approve elements individually or as a group
  - Hold a public hearing on Comprehensive Plan as a whole when entire draft is completed
  - Review and request edits per feedback from public hearing as needed
  - Adopt Comprehensive Plan by ordinance
-

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# Contacts

- Questions about any of the Elements?
    - Cheryl Matheny
    - 803-356-9475
    - [cmatheny@sc.rr.com](mailto:cmatheny@sc.rr.com)
  - Please send all edits to Katie Werts
    - [kwerts@newberrycounty.net](mailto:kwerts@newberrycounty.net)
    - 803-321-2166
-

**NEWBERRY COUNTY COUNCIL  
MINUTES  
December 06, 2023**

Newberry County Council met on Wednesday, December 06, 2023, at 6:05 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Todd Johnson, Chairman  
Les Hipp, Vice Chairman  
Leon Fulmer Jr., Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Robert N. Shealy, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Karen Brehmer, Deputy County Administrator  
Eric Nieto, I.T. Director  
Katie Werts, Director of Planning and Development Services  
Major Robert Dennis, NCSO  
Captain Daniel Floyd, Newberry County Detention Center  
Rick Farmer, Economic Development Director  
Crystal Waldrop, Purchasing Director  
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 6:05 p.m.

Mr. Johnson led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – November 15, 2023.
- b. Newberry County Council Meeting Minutes – November 15, 2023.
  - Mr. Fulmer made a motion to approve the minutes as presented; Mr. Scurry provided the second and the motion was approved 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion was approved 7-0.

3. Recognitions:

a. Employee Service:

- i. Derrick Davis – 10 years – Newberry County Sheriff’s Office.
- ii. Randy Epps – 15 years – Newberry County Sheriff’s Office.

- Mr. Shacker recognized the above employees for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.
- Mr. Johnson took a moment to say Mr. Epps is one of the greatest men he has ever known. He said when he first went into law enforcement, Mr. Epps was a sergeant, and he would stay after work to ride around and teach him lessons and talk to him about being a man and being a Christian and he molded him into the man he became. He said he means more to him than he can ever put into words.

4. Ordinance No. 10-05-2023. An Ordinance to provide for the issuance and sale of not exceeding thirty-five million, two hundred fifty thousand

(\$35,250,000) general obligation bonds of Newberry County, South Carolina, the sale and issuance of general obligation bond anticipation notes in anticipation to the issuance of such bonds, and other matters relating thereto.

a. Third Reading

- Mr. Shealy made a motion to approve the third reading; Mr. Reeder provided the second and the motion was approved 7-0.

5. Ordinance No. 11-01-2023. An Ordinance regulating public nuisances and unfit dwellings within Newberry County and providing procedures for enforcement and penalties for violation and matters related thereto.

a. Public Hearing

b. Third Reading

- Mr. Johnson said that he thinks all council members have had communication with constituents and while most everyone believes the county needs to do something, the language of the current ordinance is not where they need it to be. He further said they need to go back and do more work.
- Mr. Sease made a motion to postpone the third reading; Mr. Fulmer provided the second and the motion was approved 7-0.
- Mr. Hipp said he agreed with Mr. Johnson, he added that he received several calls from people who said there is a need for some controls. He said this ordinance is designed to protect people not hurt people, but it needs to be word smithed and made clear they are not taking personal liberties, but rather protecting residents.
- Mr. Shealy said this is a needed code and this council has good intentions, but they will not always be here.
- Mr. Reeder said it needs to be done but taken care of right the first time.

6. Ordinance No. 11-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina and *Project Cavalier* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.

a. Second Reading

- Mr. Reeder made a motion to approve the second reading; Mr. Shealy provided the second and the motion was approved 7-0.

7. Ordinance No. 12-01-2023. 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. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling one and twelve hundredths (1.12) acres designated as TMS No. 399-56 from R2-Rural to GC-General Commercial.

a. First Reading

- Ms. Werts said the property owner has made the rezoning request for a used car lot. The current land use map identifies the property as economic development classification and the rezoning is supported within the map. The Planning Commission heard the request and made the unanimous decision to send it to council with their recommendation to rezone.
- Mr. Johnson asked if any residents came to protest the rezoning and if the property was posted. Ms. Werts said no one protested the rezoning and that it was posted.



- Mr. Shealy made a motion to approve first reading; Mr. Reeder provided the second and the motion was approved 7-0.
8. Resolution No. 13-23. An Inducement Resolution committing to negotiate a Fee-In-Lieu of *Ad Valorem* Taxes agreement between Newberry County and *Project Palmetto*; identifying the project; and other matters related thereto.
- Mr. Hipp made a motion to approve the Resolution; Mr. Scurry provided the second and the motion was approved 7-0.
9. Ordinance No. 12-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina, and *Project Palmetto* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.
- a. First Reading
- Mr. Hipp made a motion to approve the first reading; Mr. Shealy provided the second and the motion was approved 7-0.
10. Consideration of a motion to accept the proposed Economic and Land Use elements of the draft Comprehensive Plan.
- Mr. Shealy made a motion to accept only the Economic portion and not the Land Use.
    - Mr. Hipp requested an amendment before they took a vote that they accept the Economic portion provided that they get clarifications and questions answered that were brought up during the Work Session.
    - Mr. Johnson suggested they postpone the Economic element as well, until they get the requested clarifications.

- Mr. Shealy withdrew his motion.
- Mr. Shealy made a motion to postpone the consideration; Mr. Sease provided the second and the motion was approved 7-0.

11. Consideration and approval of proposals for architectural and engineering services for the 2022 CPST Project for the Newberry County Detention Center (Solicitation #2023-19) – Crystal Waldrop, Director of Purchasing.

- Ms. Waldrop said they received five responses (JLA, Moseley Architect, MRB, Stewart Newell Cooper and Studio 8). The panel conducted interviews with the two top firms – Moseley Architect and Studio 8.
- The panel consisted of Mac Bartley, Robert Dennis (in conjunction with the NCSO), Daniel Floyd and Dickert Lominick (Detention Center), Josh Kale (construction manager) Sheriff Lee Foster and herself.
- Staff recommends the county approve Studio 8 (the highest ranked firm) and enter contract negotiations.
- Mr. Shealy made a motion to approve the recommendation from staff; Mr. Scurry provided the second and the motion was approved 7-0.

12. Consideration of a motion to adopt the proposed 2024 County Council Meeting Schedule.

- Mr. Sease made a motion to accept the schedule; Mr. Scurry provided the second and the motion was approved 7-0.

13. Consideration of a motion to adopt the proposed 2024 County Council Committee Meeting Schedule.

- Prior to the vote, Mr. Sease addressed a typo with dates that needed to be fixed prior to publishing.
- Mr. Shealy made a motion to accept the schedule, with the correction; Mr. Fulmer provided the second and the motion as approved 7-0.

14. Consideration of a motion to adopt the proposed 2024 County Council Budget Calendar.

- Mr. Johnson said he liked the fact that they have a couple of days to review everything prior to the first reading.
- Mr. Shealy made a motion to approve the budget calendar; Mr. Fulmer provided the second and the motion was approved 7-0.

15. Appointments.

- There were no appointments.

16. Public Comments.

- Mr. George Kinard said he appreciated that council postponed the third reading and urged council to start from scratch. He said he took the opportunity to see how sister counties address these issues. He said he agrees that something needs to be done. He said Lexington County designates different types of districts, that have different types of residential areas, with different types of rules that address these issues. He said the proposed ordinance has a tremendous amount of power and he wants to protect Newberry County and that they are consistent and have due process, which he feels is lacking in the proposed ordinance.

17. Comments/Requests from County Administrator.

- Mr. Shacker said there is a program called Jordan's Way, created by Kris Rotonda, and they picked Newberry County to help raise awareness and money. He will be in Newberry County on December 12 from 10 a.m. to 1 p.m. and the money raised will go to the Newberry County Volunteer Network. He hopes they will see a large number of adoptions from the event.

#### 18. Comments/Requests from Council.

- Mr. Fulmer said he was appreciative of his fellow council members for welcoming him to Newberry County Council, as well as the staff. He said everyone has been extremely nice and helpful and he looks forward to the future.
- Mr. Shealy said they had a lot of information today and he believes they made the right choice regarding the nuisance code, and he appreciated all the work from staff.
- Mr. Sease thanked his constituents for calling him and voicing their concerns.
- Mr. Scurry said it was good to see everyone out at the meeting.
- Mr. Reeder said this was the last meeting of 2023 and wanted to wish everyone a great Christmas and a new and prosperous new year. He said he enjoyed seeing everyone out tonight.
- Mr. Hipp said it has been a great year for Newberry County, he believes Newberry County is a wonderful place to live and they have a lot to be thankful for. He hopes next year will be an even better year and it has been wonderful working with his fellow council members with their attempt to do what is best for Newberry County.

- Mr. Johnson said everyone who called him was nice and factual and that goes a long way when you talk to someone. He said he hopes that those who called found that they will listen and try and help. He also thanked Mr. Shacker and staff for the outstanding clean-up job at the Whitmire Library and that it looks incredible.

19. Future meetings:

- a. Christmas Holidays – Offices Closed – December 22, December 25 and December 26.
- b. New Year’s Day – Offices Closed – January 1.
- c. Newberry County Council Work Session – January 3 at 5 p.m.
- d. Newberry County Council – January 3 at 6 p.m.
- e. Public Safety and Courts Committee – January 8 at 6 pm.

20. Adjournment.

- Mr. Shealy made the motion to adjourn, Mr. Hipp provided the second and the motion was approved 7-0 at 6:50 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR NEWBERRY COUNTY  
ORDINANCE NO. 11-02-2023**

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND AMONG NEWBERRY COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND BOWERS ROAD SOLAR, LLC, A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT CAVALIER, ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS (COLLECTIVELY, THE “COMPANY”), PURSUANT TO WHICH THE COMPANY SHALL BE ENTITLED TO CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT OF CERTAIN FACILITIES IN THE COUNTY (THE “PROJECT”); (2) THE ADDITION OF THE PROJECT TO A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK; AND (3) OTHER MATTERS RELATING THERETO.

WHEREAS, Newberry County, South Carolina (“County”), acting by and through its County Council (“Council”) is authorized pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (“Code”), and particularly Title 12, Chapter 44 of the Code (“Negotiated FILOT Act”), as well as Title 4, Chapter 1 of the Code together with Article VIII, Section 13 of the South Carolina Constitution (collectively, “Multi-County Park Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with one or more investors to (i) accept certain fee in lieu of *ad valorem* tax (“FILOT”) payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; (ii) permit investors to claim special source revenue credits against their FILOT payments (“Special Source Credits”) to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County (“Special Source Improvements”); and (iii) create, in conjunction with one or more other counties, a multi-county industrial or business park (“Park”) in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits; and

WHEREAS, Bowers Road Solar, LLC, a South Carolina limited liability company previously identified as Project Cavalier, acting for itself, one or more affiliates, and/or other project sponsors (collectively, the “Company”), is considering the establishment and/or expansion of certain facilities at one or more locations in the County (the “Project”); and

WHEREAS, the Company anticipates that, should its plans proceed as expected, it will invest, or cause to be invested, at least \$55,000,000, in the aggregate, in the Project; and

WHEREAS, on the basis of the information supplied to it by the Company, the County has determined, *inter alia*, that the Project would subserve the purposes of the Negotiated FILOT Act and has made certain findings pertaining thereto in accordance with the Negotiated FILOT Act; and

WHEREAS, in accordance with such findings and determinations and in order to induce the Company to locate the Project in the County, the Council adopted Resolution No. 12-23 on November 15, 2023 (the “Inducement Resolution”), whereby the County agreed to provide the benefits of a negotiated FILOT, a multi-county industrial or business park, and Special Source Credits with respect to the Project; and

WHEREAS, the County and the Company have agreed to the specific terms and conditions of such arrangements as set forth herein and in a Fee in Lieu of Tax and Incentive Agreement by and between the County and the Company with respect to the Project the form of which is attached hereto as Exhibit A (the “Incentive Agreement”) to be dated as of January 3, 2024, or such other date as the parties thereto may agree; and

WHEREAS, it appears that the Incentive Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the Council, as follows:

Section 1. As contemplated by Section 12-44-40(I) of the Negotiated FILOT Act, the findings and determinations set forth in the Inducement Resolution are hereby ratified and confirmed. In the event of any disparity or ambiguity between the terms and provisions of the Inducement Resolution and the terms and provisions of this Ordinance and the Incentive Agreement, the terms and provisions of this Ordinance and the Incentive Agreement shall control. Capitalized terms used and not otherwise defined herein shall have the meanings ascribed thereto in the Incentive Agreement. Additionally, based on information provided to the County by the Company with respect to the Project, the County makes the following findings and determinations:

(a) The Project will constitute a “project” within the meaning of the Negotiated FILOT Act; and

(b) The Project, and the County’s actions herein, will subserve the purposes of the Negotiated FILOT Act; and

(c) The Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; and

(d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and

(e) The purposes to be accomplished by the Project are proper governmental and public purposes; and

- (f) The benefits of the Project are greater than the costs.

Section 2. The County hereby agrees to enter into the Incentive Agreement with the Company, which agreement shall be in the form of a fee agreement, pursuant to the Negotiated FILOT Act, and whereby the Company will agree to satisfy, or cause to be satisfied, certain investment requirements with respect to the Project within certain prescribed time periods in accordance with the Negotiated FILOT Act and the County, under certain conditions set forth in the Incentive Agreement, will agree to accept certain negotiated fee in lieu of *ad valorem* tax (“Negotiated FILOT”) payments with respect to the Project, all in accordance with the terms of the Incentive Agreement.

Section 3. The County agrees to designate the Project and the Land as part of a multi-county industrial or business park pursuant to the provisions of the Multi-County Park Act and Article VIII, Section 13(D) of the State Constitution, if not already so designated, and agrees to maintain the Project and the Land within the boundaries of such a multi-county industrial or business park on terms, and for a duration, which facilitate provision by the County, and receipt by the Company, of the Special Source Credits set forth in Section 4 hereof, all in accordance with the terms of the Incentive Agreement.

Section 4. As an additional incentive to induce the Company to locate the Project in the County, and as reimbursement for investment in Special Source Improvements, and subject to the requirements of the Special Source Act, the County does hereby agree that the Company shall be entitled to receive, and the County shall provide, Special Source Credits against each FILOT Payment due from the Company with respect to the Project for the entire Negotiated FILOT payment period as more fully set forth in the Incentive Agreement.

Section 5. The form, provisions, terms, and conditions of the Incentive Agreement presented to this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Incentive Agreement was set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute the Incentive Agreement in the name and on behalf of the County; the Clerk to the Council is hereby authorized, empowered and directed to attest the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Incentive Agreement to the Company. The Incentive Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the official or officials of the County executing the same, upon the advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Incentive Agreement now before this meeting.

Section 6. The Chairman of the Council, the County Administrator of the County, and the Clerk to the Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to Incentive Agreement.

Section 7. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent



jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 8. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its passage and approval.

[End of Ordinance]

Enacted and approved, in meeting duly assembled, this 3<sup>rd</sup> day of January, 2024.

**NEWBERRY COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_

Chairman, County Council

Newberry County, South Carolina

[SEAL]

ATTEST:

\_\_\_\_\_

Andrew Wigger, Clerk to County Council

Newberry County, South Carolina

First Reading: November 15, 2023

Second Reading: December 6, 2023

Public Hearing: January 3, 2024

Third Reading: January 3, 2024



# Newberry County

## Planning Commission Staff Report

**Request:** Rezoning request MA01-10-17-23 by property owner Antonio Alvarez. This request is to rezone one (1) property totaling one and twelve hundredths (1.12) acres located off Wise Street Newberry, from R2-Rural to GC- General Commercial.

**Application Number:** MA01-10-17-23

**Applicant/Property Owner:** Antonio Alvarez

**Location Address:** Off Wise Street

**Tax Map Number(s):** 399-56

**Lot Size:** 1.12 acres

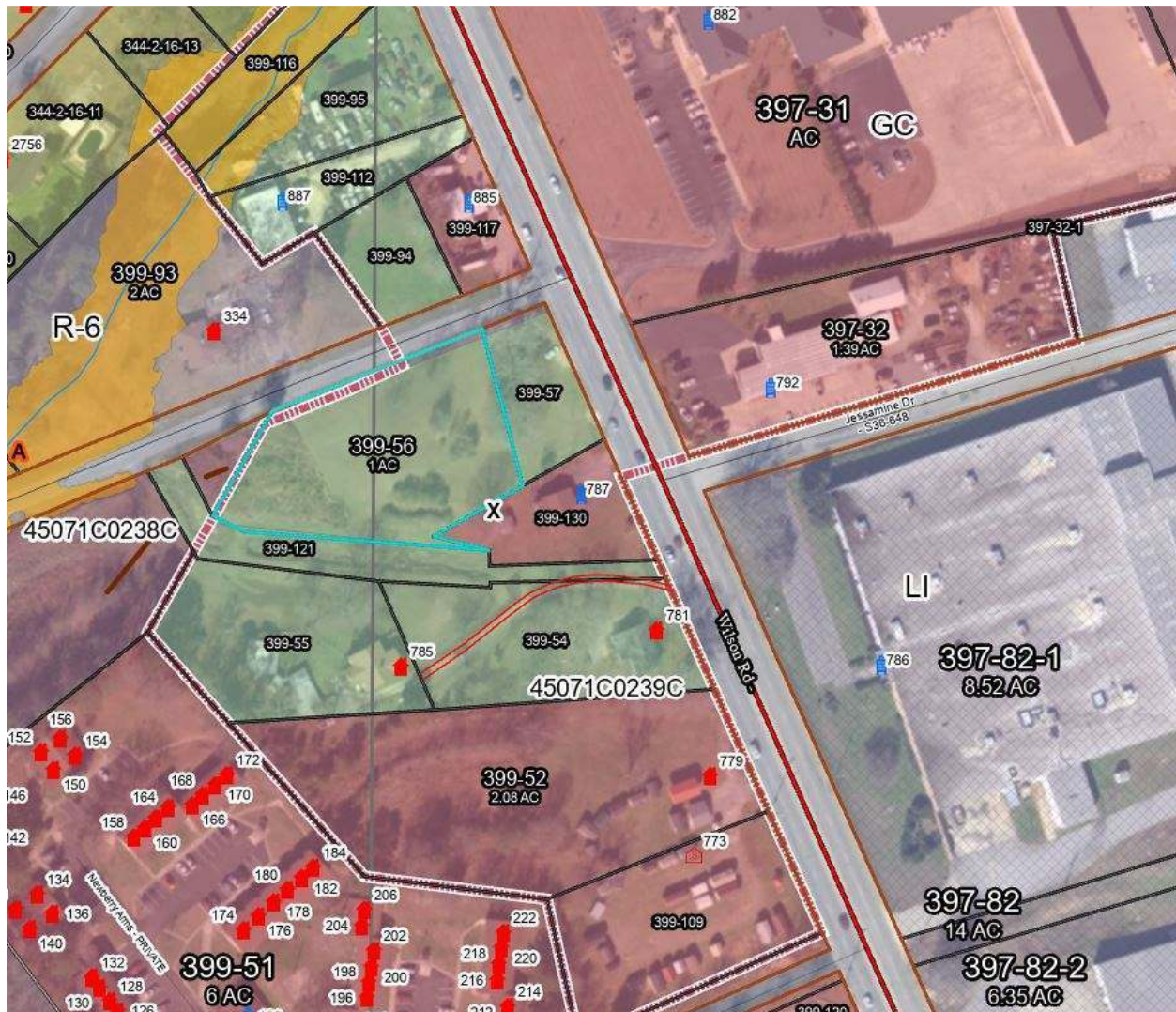
**Current Land Use:** Vacant Lot

**Proposed Land Use:** Auto Sales

**Current Zoning District:** R2-Rural

**Proposed Zoning District:** GC-General Commercial

**Comprehensive Plan Designation:** Economic Development

**Zoning Map:****Current Zoning District**

R2-Rural: The R2-Rural district is intended to be rural in nature, allowing low density residential uses including manufactured housing on individual properties, as well as home occupations, family day care, agriculture, forestry, hunting, and religious uses, but also accommodating complementary and associated uses such as recreation, government services, and appropriate service, commercial and industrial uses.

**Proposed Zoning District**

GC – General Commercial: The GC district is intended to accommodate a variety of general commercial and non-residential uses characterized primarily by retail, including shopping centers; wholesale; offices; educational institutions; healthcare, including hospitals; arts and entertainment; and service establishments in commercially-oriented areas.

**Future Land Use Map:****Future Land Use Definition**

Economic Development – Land areas that either are or have the potential to be economic development centers and include uses such as commercial, industrial, higher density residential, public and institutional, and related infrastructure. Commercial uses include businesses, trade activities, administrative activities, professional activities or services, or personal services. Industrial uses include the manufacturing, assembly, processing, fabrication, storage (warehousing), and transportation of goods. Public and institutional uses include city, county, state and federal offices; schools; churches; hospitals; congregate care facilities (nursing homes); utility offices and facilities; postsecondary institutions; communication towers; community non-profit organizations; cemeteries; and libraries.

**Analysis:**

This is a request by property owner Antonio Alvarez to rezone one (1) parcel of land totaling one and twelve hundredths (1.12) acres located off Wise Street, Newberry, from R2-Rural to GC-General Commercial. The proposed use of this property is for auto sales.

The Comprehensive Plan identifies this property and the surrounding area as Economic Development.

When considering a rezoning, per Title 6, Chapter 29 of the Code of Laws of South Carolina, the decision of the Planning Commission serves as a recommendation and is forwarded to County Council for review and approval.

**Recommendations:**

**Staff:** Staff recommends the rezoning to GC-General Commercial.

**Planning Commission:**



STATE OF SOUTH CAROLINA )  
 )  
NEWBERRY COUNTY )

**ORDINANCE NO. 12-01-2023**

**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. 6-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE (1) REAL ESTATE PARCEL TOTALING ONE AND TWELVE HUNDREDTHS (1.12) ACRES DESIGNATED AS TMS NO. 399-56 FROM R2-RURAL TO GC-GENERAL COMMERCIAL.**

**WHEREAS**, Zoning Ordinance, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

**WHEREAS**, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

**WHEREAS**, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling one and twelve hundredths (1.12) acres located off Wise Street, Newberry, to GC-General Commercial from R2-Rural. Tax Map No. 399-45 is currently vacant property. The Comprehensive Plan shows the future land use for this area to be within the economic development projected area. The Planning Staff does recommend that this real estate parcel be rezoned to GC-General Commercial.

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA01-10-17-23, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property. The Joint Planning

Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

**WHEREAS**, Newberry County Council is familiar with the site and the existing uses of the properties located off Wise Street, Newberry.

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 399-56 totaling one and twelve hundredths (1.12) acre located off Wise Street, Newberry, as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, GC-General Commercial from R2-Rural.

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

**NOW, THEREFORE, BE IT ORDAINED that:**

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 399-56, totaling one and twelve hundredths (1.12) acres real estate parcel as acted on by the Planning Commission, be:



\_\_\_\_\_ disapproved;  
\_\_\_\_\_ approved; or  
\_\_\_\_\_ approved with the following modifications: \_\_\_\_\_

\_\_\_\_\_.

**AND IT IS SO ORDAINED** by Newberry County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

**By:** \_\_\_\_\_  
Chairman

**Attest:**

\_\_\_\_\_  
Andrew Wigger, Clerk to Council

1<sup>st</sup> reading: December 6, 2023  
2<sup>nd</sup> reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
3<sup>rd</sup> reading: \_\_\_\_\_

Reviewed and approved as to form:  
\_\_\_\_\_  
Attorney  
  
\_\_\_\_\_  
County Administrator



provide additional employment and investment opportunities within said County and Greenwood County, desires to enlarge the boundaries of the Park to include therein certain property, as described in greater detail on the attached **Exhibit A** located in Newberry County; and

WHEREAS, pursuant to an Inducement Resolution dated as of December 6, 2023, the County authorized the negotiation of an agreement providing for fee in lieu of tax payments; and

WHEREAS, the Company has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company (the “Fee Agreement”), which provides for fee in lieu of tax payments utilizing a 6% assessment ratio for a period of 30 years for the Project or each component thereof placed in service during the initial investment period and any investment period extension to which the County and the Company agree and the issuance special source revenue credits as further described therein; and

WHEREAS, it appears that the Fee Agreement, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council in a meeting duly assembled as follows:

Section 1. In order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State of South Carolina by assisting the Company to expand or locate an industrial facility in the State of South Carolina, the Fee Agreement is hereby authorized, ratified, and approved.

Section 2. Based solely on information supplied by the Company, it is hereby found, determined, and declared by the County Council, as follows:

- (a) The Project will constitute a “project” as said term is referred to and defined in the Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.
- (b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County.
- (c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

- (e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes.
- (f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.
- (g) The benefits of the Project to the public will be greater than the costs.

Section 3. The form, terms, and provisions of the Fee Agreement presented to this meeting are hereby approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and/or the County Administrator are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of Counsel to the County, such official's execution thereof to constitute conclusive evidence of such official's approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 4. The enlargement of the boundaries of the Park, and the granting of an extended period of time for inclusion of the property as described in **Exhibit A** in the Park, is hereby authorized and approved. The Chair, the acting County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the agreement governing the Park ("Park Agreement"), the expansion of the Park's boundaries and the amendment to the Park Agreement is complete on adoption of this Ordinance by County Council and delivery of this Ordinance to the Clerk to County Council of Greenwood County, South Carolina.

Section 5. The Chairman of the County Council and/or the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 6. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 7. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.



**EXHIBIT A**  
**DESCRIPTION OF PROPERTY**

[To come]