



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
January 18, 2023
6:00 P.M.**

Call to order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Les Hipp, Vice-Chairman

1. Public Appearances
 - a. Abigail Fuller, Director of Newberry County Library System - Library Update
 - b. Doug Heydt - Newberry Soil and Water Conservation District - Update of Programs
2. Adoption of Consent Agenda
 - a. Newberry County Council Special Called Meeting Minutes - January 4, 2023
 - b. Newberry County Council Regular Meeting Minutes - January 4, 2023
3. Additions, Deletions & Adoption of the Agenda
4. Proclamation - National Coroners/Medical Examiners Week, January 27 - February 2, 2023
5. Resolution No. 02-23 - A Resolution declaring intent to reimburse expenditures for certain capital projects with the proceeds of not to exceed \$35,250,000 general obligation bonds.
6. Appointments
7. Public Comments
8. Executive Session

Code Section §30-4-70 (a)(2) of the Code of Laws of SC, as amended, 1976

 - (1) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property. The receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary

situations involving the assertion against the agency of a claim.

- (2) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting names of the other employees or clients whose records are submitted for use at the hearing.

9. Comments/Requests from Acting County Administrator

10. Comments/Requests from Council

11. Future Meetings

- a. Korean-American Day in Newberry - January 21, 2023, 5:00 p.m. to 7:00 p.m., Center for Teacher Education at Newberry College
- b. Public Safety Committee - January 30, 2023, at 6:00 p.m.
- c. Newberry County Council - February 1, 2023, at 6:00 p.m.
- d. Newberry County Council - February 15, 2023, at 6:00 p.m.
- e. Executive Committee - February 27, 2023, at 6:00 p.m.

12. Adjournment

**NEWBERRY COUNTY COUNCIL
SPECIAL CALLED MEETING
MINUTES
JANUARY 4, 2023**

The Newberry County Council met on Wednesday, January 4, 2023, at 5:30 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a special called meeting.

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

PRESENT: Todd Johnson, Chairman (District 1)
Les Hipp, Vice-Chairman (District 5)
Mary Arrowood, Council Member (District 2)
Karl Sease, Council Member (District 3)
Robert N. Shealy, Council Member (District 4)
Johnny Mack Scurry, Council Member (District 6)
Travis Reeder, Council Member (District 7)
Karen Brehmer, Acting County Administrator
Debbie S. Cromer, Finance Director
Crystal Waldrop, Procurement Director
Susan C. Fellers, Clerk to Council
Joanie Winters, Interim County Attorney (via ZOOM)

MEDIA: Andrew Wigger, Newberry Observer

Mr. Johnson welcomed all visitors to the Oath of Office Ceremony.

The Honorable Eugene C. Griffith, Jr. administered the oath of office to each of the following Council Members:

Karl Sease – District 3
Johnny Mack Scurry – District 6
Travis Reeder – District 7

Mr. Johnson thanked Judge Griffith for participating in the Oath of Office Ceremony and welcomed new Council Member, Karl Sease, as well as returning Council Members, Johnny Mack Scurry and Travis Reeder.

Mr. Johnson then called the Special Called Meeting to order. Mr. Hipp had the invocation followed by the Pledge of Allegiance.

Mr. Johnson then turned the meeting over to the Interim County Attorney, Joanie Winters, who joined via Zoom.

1. Election of Chair for 2023

Mrs. Winters opened the floor for nominations for Chair for 2023.

Mr. Shealy nominated Les Hipp to serve as Chair for 2023.

Mrs. Arrowood nominated Todd Johnson to continue serving since he had only served one year and Council has a lot of things to continue doing. She felt it would be beneficial for him to continue as Chair in 2023.

Mr. Scurry moved that nominations come to a close.

Mrs. Winters polled Council as follows:

Mr. Scurry cast his vote for Mr. Johnson

Mr. Reeder cast his vote for Mr. Johnson

Based on what Mr. Hipp has heard, Mr. Johnson will continue as Chair. Mr. Johnson has done a great job and he would like to see Council unanimously support Mr. Johnson for Chair. Accordingly, Mr. Hipp thanked Mr. Shealy for the nomination but respectfully declined his nomination as Chair.

Thereafter, Mrs. Winters called for the vote for Todd Johnson as Chair for 2023. Vote was unanimous. Mrs. Winters declared Mr. Johnson as Chair for 2023.

2. Election of Vice-Chair for 2023

Mrs. Winters opened the floor for nominations for Vice-Chair for 2023.

Mrs. Arrowood nominated Les Hipp to continue serving as Vice-Chair for 2023.

Mr. Scurry moved the nominations come to a close.

Mrs. Winters called for the vote for Les Hipp as Vice-Chair for 2023. Vote was unanimous. Mrs. Winters declared Mr. Hipp as Vice-Chair for 2023.

Mr. Johnson thanked Council for its support of him. He hoped to continue the unity as in this past year. He was humbled and doesn't take lightly the trust placed in him.

Mr. Hipp thanked Council for its support and for the confidence placed in him as Vice Chair. He will do everything to make sure that confidence is well placed.

3. Adjournment

There being no further business during this Special Called Meeting, Mr. Sease moved to adjourn; seconded by Mr. Shealy. Vote was unanimous.

Mr. Johnson declared the meeting adjourned at 5:45 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 4, 2023**

The Newberry County Council met on Wednesday, January 4, 2023, at 6:00 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: Todd Johnson, Chair (District 1)
Les Hipp, Vice-Chair (District 5)
Mary Arrowood, Council Member (District 2)
Karl Sease, Council Member (District 3)
Robert N. Shealy, Council Member (District 4)
Johnny Mack Scurry, Council Member (District 6)
Travis Reeder, Council Member (District 7)
Karen Brehmer, Acting County Administrator
Debbie S. Cromer, Finance Director
Crystal Waldrop, Procurement Director
Susan C. Fellers, Clerk to Council
Joanie Winters, Interim County Attorney (via ZOOM)

MEDIA: Andrew Wigger, Newberry Observer

Mr. Johnson called the meeting to order at 6:00 p.m. and determined a quorum to be present. He welcomed all visitors. Mr. Johnson also recognized former Council Member, Scott Cain, and his wife.

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

1. Public Appearances:

a. Representative Joe White

Representative White addressed Council regarding his concerns with crime, law enforcement and the judicial system. In summary, Representative White requested Council to consider taking the following actions:

- i. Assist Senator Ronnie Cromer with replacing Magistrate Gordon Johnson upon his retirement in June by giving names of persons who will be a good Magistrate to the Governor for consideration.
- ii. Work with the Governor by sending a letter of support as to bail bond reform.

- iii. Make every bail bondsmen in Newberry County abide by every law, rule and regulation.
- iv. Challenge Magistrates and Judges when you feel they made a bad decision.
- v. Work with the Solicitor by providing additional funding to his office for extra personnel and specifically for a full time investigator for Newberry County.

2. Adoption of Consent Agenda:

- a. Newberry County Council Special Called Meeting – December 7, 2022**
- b. Newberry County Council Meeting – December 7, 2022**

Without objection, Mr. Johnson requested that these two items be considered in one motion.

Mr. Shealy moved to adopt the Consent Agenda, as presented; seconded by Mr. Scurry. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

3. Additions, Deletions and Adoption of the Agenda

Mr. Scurry moved to adopt the agenda, as presented; seconded by Mr. Sease. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

4. Resolution #01-23: A Resolution to endorse USC Supportive Housing Services' application to provide Housing Opportunities for People With Aids (HOPWA) services to residents of Newberry County.

Mr. Reeder moved to adopt the Resolution; seconded by Mr. Scurry. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

5. Consideration of creating a Capital Fund and an Economic Development Fund using FILOT Revenues – Rick Farmer

Mr. Farmer requested that Council consider creating an Economic Development Fund and a Capital Projects Fund using FILOT monies. This would require an amendment to the Master Agreement Governing the Greenwood-Newberry Industrial Park.

The original agreement provides that Newberry County can designate 30% of FILOT funds to a Capital Projects Fund and 15% of FILOT funds to an Economic Development Fund.

Mr. Johnson felt that public safety and infrastructure issues should be addressed before any final decision.

It was the consensus of Council that in addition to studying the proposed amendment to the Master Agreement, additional information would be necessary from the committee.

Mrs. Arrowood inquired if this proposed funding would start with new industries. Mr. Farmer replied that it would start with all industries in Mid-Carolina Commerce Park since 2016.

6. Update on ambulance remounts and consideration of additional funding – Tommy Long and Crystal Waldrop

Additional funds are needed for (1) the EMS ambulance remount in the amount of \$21,320.03 and (2) the Rescue ambulance remount in the amount of \$48,900.90. Accordingly, Mr. Long requested additional funding of \$70,220.93.

After considerable discussion regarding purchase orders and the increase in prices after the issuance of a purchase order, Council asked for Mrs. Winters's opinion. Mrs. Winters's opinion was that a purchase order is a binding contract and to renege on it is a breach. She requested copies of the purchase orders for review.

The additional funding can be taken from the ARPA funds.

Mr. Shealy moved to take the additional \$70,220.93 from ARPA funds; seconded by Mrs. Arrowood. There being no further discussion, Mr. Johnson called for the vote. Vote was unanimous.

7. Consideration of funding a local cash match for Community Development Block Grant (CDBG) to construct a sidewalk along Subertown Road and Gary Street in the Town of Whitmire

Resolution #10-22 passed by County Council on October 5, 2022, committed Newberry County to provide a local cash match for a Community Development Block Grant from the South Carolina Department of Commerce to construct a sidewalk along Subertown Road and Gary Street in the Town of Whitmire. The approved expenditure for this project was \$47,500, which funds will be taken from County Council Contingency code number 010-005-15000-02011.

Mr. Shealy moved to approve the expenditure of \$47,500 from Council Contingency as the local cash match for this project; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

8. Appointments

No appointments.

9. Public Comments

No public comments.

10. Executive Session:

Code Section 30-4-70(a)(2) of the Code of Laws of SC, as amended, 1976:

- (1) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.**

Mr. Shealy moved to go into Executive Session for the above-stated reasons; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

EXECUTIVE SESSION (6:45 P.M. – 8:15 P.M.)

Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

Mrs. Arrowood moved to give the County Administrator the authority to disperse grant funds for the ATT economic development; seconded by Mr. Sease. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

11. Comments/Requests from Acting County Administrator

Mrs. Brehmer reported as follows:

- a. The Compensation and Classification Plan market survey is completed. Overall the County is lagging behind in the market, and adjustments are anticipated. Questionnaires were completed by 108 employees for 99 positions. They are now aging the marketing data to be integrated with employment cost index for public administration, consumer price index and social security costs. Some information is still being requested (excel spreadsheet on all employees). Their staff will review and have a full scope with projected costs to the County by the end of January. We hope to have this ready for Council at the second meeting in February.
- b. ARPA funds available, including funds that came from the tribal funds, are \$5,379,172.00. These are funds that have not been committed. Funds have been committed for fire engines, brush trucks, ambulance remounts and EMS life pack. \$70,000 has been committed to the Public Defender.
- c. The Newberry County Comprehensive Plan is in various stages of element review, such as population, cultural, and housing. The transportation element is under staff review. Drafts are in progress for economic development and land use. A work session will be scheduled with County Council later.

- d. There is an issue with a dump truck for Public Works that we can't get our hands on. This money was in lease/purchase but we can't get the truck.

12. Comments/Requests from Council

Mr. Shealy – no comments

Mr. Sease looks forward to working with everyone.

Mrs. Arrowood said it's a new year and this is our first meeting of the new year. We have a lot of work ahead for this year.

Mr. Scurry reminded Council that all purchases will be going up. We need to prepare to go forward in a good way.

Mr. Reeder felt Newberry County would soon be faced with homeless issues and felt Council needs to start planning for this. The Covid numbers are up, and Newberry County is one of the highest in the State. We need to be careful and possibly think about going back to masks.

Martin Luther King day celebrations are as follows: Parade on January 15th at 2:30 p.m. and the march and program on January 16th starting at 9:30. The march will go from Miller Chapel to Bethlehem with the program at Bethlehem at 10:00.

He started on line law school today and missed his first class.

Mr. Hipp said we have a lot of challenges this year. We are already challenged with how much money we are going to have to come up with.

Mr. Johnson stated it would be a difficult budget process.

13. Future Meetings:

- a. **Newberry County Council Work Session – January 18, 2023 @ 5:00 p.m.**
- b. **Newberry County Council – January 18, 2023 @ 6:00 p.m.**
- c. **Public Safety Committee – January 30, 2023 @ 6:00 p.m.**

14. Adjournment

There being no further business, Mr. Shealy moved to adjourn; seconded by Mrs. Arrowood. Vote was unanimous.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chair

Susan C. Fellers, Clerk to Council

Minutes Approved: _____

COUNTY OF NEWBERRY)
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STATE OF SOUTH CAROLINA)

**PROCLAMATION OF RECOGNITION
AND APPRECIATION NATIONAL
CORONERS/MEDICAL EXAMINERS WEEK
JANUARY 27- FEBRUARY 2, 2023**

WHEREAS, the Newberry County Coroner’s Office and its dedicated staff are committed to Newberry County; and

WHEREAS, Newberry County Council wishes to extend our appreciation for the work that the Newberry County Coroner’s Office does to thoroughly investigate causes and manners of death as well as serve the families of Newberry County; and

WHEREAS, Newberry County Council does hereby proclaim the week of January 27 – February 2, 2023 as National Coroners/Medical Examiners Recognition with the focus day beginning January 29th.

DONE at the **Newberry, SC** this 18th day of January, 2023.

SEAL

NEWBERRY COUNTY COUNCIL

BY: _____
Todd Johnson, Chairman

ATTEST:

Susan Fellers, Clerk of Council

STATE OF SOUTH CAROLINA) RESOLUTION NO: 02-23
) DECLARATION OF OFFICIAL INTENT TO REIMBURSE
) EXPENDITURES FOR CERTAIN CAPITAL PROJECTS
COUNTY OF NEWBERRY) WITH THE PROCEEDS OF NOT TO EXCEED \$35,250,000
) GENERAL OBLIGATION BONDS

WHEREAS, the County Council of the County of Newberry, South Carolina (the “County Council”), the governing body Newberry County, South Carolina (the “County”), plans to fund certain improvements located throughout the County and approved by referendum held in the County on November 8, 2022 (the “Referendum”), as further shown on Exhibit A hereto (together the “Improvements”), which may be financed with the proceeds of federally tax-exempt obligations; and

WHEREAS, the issuance of not exceeding \$35,250,000; general obligation bonds of the County for the financing of the Improvements (the “Bonds”) was also approved by the Referendum; and

WHEREAS, the County Council has determined that the total borrowing for the financing of the Improvements by way of the Bonds is not expected to exceed in the aggregate \$35,250,000; and

WHEREAS, various factors, including of the assessment of the impact of recent cost inflation and the completion of final plans for various of the Improvements will determine the timing of the issuance of the Bonds in relation to the time when expenditures for the Improvements will first be made; and

WHEREAS, the County Council is mindful of the fact that, in order for the use of federally tax-exempt obligation proceeds to be considered “expended” for purposes of United States Treasury Department Internal Revenue Service Regulation 1.150-2 (“Reg. 1.150-2”) when used to reimburse expenditures made prior to the issuance of the obligations, certain conditions including the making of a declaration of intent to reimburse such expenditures must be met;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF THE NEWBERRY COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

That, pursuant to United States Treasury Department, Internal Revenue Service Regulation 1.150-2, Newberry County, South Carolina, reasonably expects and intends that certain expenditures made on or after the date of the date hereof for the purpose of defraying the cost of the Improvements shown on Exhibit A hereto will be reimbursed from the proceeds of federally tax-exempt obligations of the County, to be issued as general obligation bonds in an amount not currently expected to exceed \$35,250,000.

A copy of this declaration of intent shall be maintained in the files and records of the County Council.

DONE IN MEETING DULY ASSEMBLED THIS 18TH DAY OF JANUARY, 2023.

NEWBERRY COUNTY, SOUTH CAROLINA

Chairman, Newberry County Council

[SEAL]

ATTEST:

Clerk to Council

EXHIBIT A**IMPROVEMENTS**

<u>Item</u>	<u>Project Description</u>	<u>Cost</u>
1	Newberry County Public Safety Complex, including facilities for Emergency Services, a relocated Friendly Fire Department and a relocated Newberry Rescue Squad.	\$7,750,000
2	Improvements to City of Newberry Recreation Complex, including splash pad expansion, Miracle Field, skate park, sidewalk and paved walking trail, shade structures, additional restrooms, and maintenance access drive and maintenance building.	3,295,000
3	Improvements to Town of Prosperity parks, including Langford St. Park, Town Center Park, North Main St. Park and Town Center Football-Soccer Field.	3,150,000
4	New cell block building and upgrades to support facilities at Newberry County Detention Center.	8,000,000
5	Improvements to Town of Little Mountain Reunion Park, including park entrance upgrade, walking trail, shelter renovations with stage conversion, renovation of smokehouse/picnic shelter including bathrooms.	2,015,825
6	Downtown Newberry amphitheater and pavilion/support building.	3,650,000
7	Upgrade and Expansion of Newberry County Water and Sewer Authority's Cannon's Creek Wastewater Treatment Plant.	5,154,560
8	Renovation of Old Gallman High School for use as community center by Building Thriving Communities Foundation.	1,450,000
9	IT/Network/Security Improvements at Newberry County Courthouse.	295,000
10	Roof replacement and HVAC improvements at The Newberry Museum.	815,000
11	Improvements to Town of Pomaria's Old Pomaria School community center.	671,745
12	Improvements to Town of Whitmire City Gym.	800,000