

**NEWBERRY COUNTY COUNCIL  
AGENDA  
March 2, 2022  
6:00 P.M.**

Call to order: Todd Johnson, Chairman  
Invocation and Pledge of Allegiance: Johnny Mack Scurry, Councilman

- 1. Adoption of the Consent Agenda**
- 2. Additions, Deletions & Adoption of the Agenda**
- 3. Public Appearance**
  - a. Voices for Pride Officers (NCDSN)- Presentation of Proclamation declaring March, 2022 as Disabilities Awareness Month in Newberry County.
- 4. Ordinance No. 03-04-22** - An ordinance amending the zoning ordinance of the County of Newberry adopted June 30, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone three (3) real estate parcel totaling thirteen and ninety-one hundredths (13.91) acres designated as TMS Parcel No. 639-8, 639-87, and 639-88 from RS-Single family residential to R2-Rural
  - a. First Reading
- 5. Ordinance No. 03-05-22** - An ordinance amending the zoning ordinance of the County of Newberry adopted June 30, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling one and forty-nine hundredths (1.49) acres designated as TMS Parcels No. 340-2-21 from RS-Single family residential to R2-Rural
  - a. First Reading

**6. Council consideration of MOUs for CPST co-sponsorship:**

- a. Amphitheater
- b. Gallman School

**7. Executive Session**

(1) Code Section §30-4-70 (a)(2): 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) Code Section §30-4-70 (a)(1): 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 that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

**8. Ordinance No. 02-03-22 – An Ordinance to declare surplus and approve the sale and transfer of a parcel of real estate property owned by Newberry County.**

- a. Second Reading

**9. Public Comments**

**10. Comments/Requests from County Administrator**

**11. Comments/Requests from Council Members**

**12. Future Meetings**

- a. Finance Committee CANCELLED 3-7-2022
- b. Special Called Meeting County Council CPST 3-7-2022
- c. County Council Regular Meeting 3-16-2022
- d. Public Safety Committee 3-28-2022

**13. Adjournment**

**Consent Agenda:**

- a. County Council Minutes – February 2, 2022





**Newberry County  
Administration**

1309 College Street  
Newberry, SC 29108  
803-321-2100

**Agenda Briefing**

Prepared By: Katie Werts	Title: Zoning Administrator
Department: Planning & Zoning	Division: N/A
Date Prepared: February 18, 2022	Meeting Date: March 2, 2022
Legal Review: Jay, County Attorney	Date: February 23, 2022
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: February 15, 2022
Request Consideration by Committee / County Council: County Council	
Subject: Ordinance # 03-04-2022	

**STAFF'S RECOMMENDED ACTION:**

This ordinance is for the rezoning of three real estate parcels totaling thirteen and ninety-one hundredths (13.91) acres located at 1420 Mt. Tabor Road, between US Highway 76 and Old Dutch Road to R2-Rural from RS – Single Family Residential. Tax Map No. 639-8, 639-87, and 639-88. The Joint Planning Commission did recommend that this real estate parcel be rezoned to R2- Rural.

**FIDUCIARY:**

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

N/A

**COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (S) OF LEGAL EXPOSURE:**

Ordinance has been reviewed by the County Attorney.



**SUMMARY DISCUSSION:**

This ordinance is for the rezoning of three real estate parcels totaling thirteen and ninety-one hundredths (13.91) acres located at 1420 Mt. Tabor Road, between US Highway 76 and Old Dutch Road to R2-Rural from RS – Single Family Residential to allow the placement of a manufactured home. This area is currently populated with manufactured homes.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

None

**ATTACHMENTS:**

Ordinance No. 03-04-2022



**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA02-02-15-22, 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 concurs 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 along this portion of Mt. Tabor Road;

**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. 639-8, 639-87, and 639-88 totaling thirteen and ninety-one hundredths (13.91) acres located at 1420 Mt. Tabor Road, as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, R2-Rural from RS – Single Family Residential:

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 TMS No. 639-8, 639-87, and 639-88 totaling thirteen and ninety-one (13.91) 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 \_\_\_\_\_, 2022 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

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

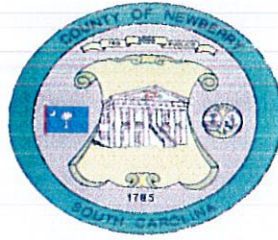
**Attest:**

\_\_\_\_\_  
Susan C. Fellers, Clerk to Council

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

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

\_\_\_\_\_  
County Administrator



**Newberry County  
Administration**

1309 College Street  
Newberry, SC 29108  
803-321-2100

**Agenda Briefing**

Prepared By: Katie Werts	Title: Zoning Administrator
Department: Planning & Zoning	Division: N/A
Date Prepared: February 18, 2022	Meeting Date: March 2, 2022
Legal Review: Jay, County Attorney	Date: February 23, 2022
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: February 15, 2022
Request Consideration by Committee / County Council: County Council	
Subject: Ordinance # 03-05-2022	

**STAFF'S RECOMMENDED ACTION:**

This ordinance is for the rezoning of one real estate parcel totaling one and forty-nine hundredths (1.49) acres located at 119 Pender Ridge Road, between Apple Orchard Lane and Grace's Lane to R2-Rural from RS – Single Family Residential. Tax Map No. 340-2-21. The Joint Planning Commission did recommend that this real estate parcel be rezoned to R2- Rural.

**FIDUCIARY:**

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

N/A

**COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:**

Ordinance has been reviewed by the County Attorney.

**SUMMARY DISCUSSION:**

This ordinance is for the rezoning of one real estate parcel totaling one and forty-nine hundredths (1.49) acres located at 119 Pender Ridge Road, between Apple Orchard Lane and Grace's Lane to R2-Rural from RS – Single Family Residential for the placement of mini-storage units. Mini-storage units are allowed in the R2-Rural zoning district as a conditional use.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

None

**ATTACHMENTS:**

Ordinance No. 03-05-2022





**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA03-02-15-22, 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 concurs 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 along this portion of Pender Ridge Road;

**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. 340-2-21 totaling one and forty-nine hundredths (1.49) acres located at 119 Pender Ridge Road, as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, R2-Rural from RS – Single Family Residential:

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 TMS No. 340-2-21 totaling one and forty-nine (1.49) 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 \_\_\_\_\_, 2022 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

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

**Attest:**

\_\_\_\_\_  
Susan C. Fellers, Clerk to Council

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

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

\_\_\_\_\_  
County Administrator

**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) is hereby entered into by the County of Newberry (“County”), the City of Newberry (“City”), and the Newberry Opera House (“NOH”), effective as of \_\_\_\_\_. City, County, and NOH are collectively referred to as “the Parties.”

**WHEREAS**, the City of Newberry and the County of Newberry are joint sponsors for CPST funds for an amphitheater which project will be voted on by referendum in November 2022;

**WHEREAS**, the City of Newberry owns a parcel of land in the City, Tax Max No. \_\_\_\_\_, which is bisected by Tench Street (“City parcel”);

**WHEREAS**, the County of Newberry intends to purchase the property as improved with a large building currently owned by Jacobs, referred to as Tax Max No. \_\_\_\_\_, (“Jacobs parcel”) which is adjacent to the aforesaid City parcel;

**WHEREAS**, the City and County are jointly sponsoring this project so that CPST funds can be utilized for a County-City amphitheater and the amphitheater project will be presented on a referendum in November 2022 pursuant to the Capital Project Sales Tax Project and the amphitheater itself would be located on the tract owned by the City, but it will include the use of the Jacobs parcel;

**FURTHER**, the Jacobs parcel referenced above is contiguous to the southern border of the City parcel and it will be available to be used for the community as well as for Newberry Opera House (“Opera House”) performances at the amphitheater;

**WHEREAS**, although this joint amphitheater project is sponsored by the County and the City, the NOH is made a party to this MOU so that the City and the County will have funds available after construction from the NOH for certain maintenance costs each of them will incur going forward after construction;

**WHEREAS**, the NOH on occasion will use the amphitheater site (including the Jacobs property) to manage outdoor performances for the enjoyment of its patrons and ticket buyers;

**WHEREAS** the City, County and NOH intend to enter into an operating agreement prior to the opening of the amphitheater further detailing operating procedures including but not limited to operating hours and cost reimbursement;

**WHEREAS**, these parties believe that this amphitheater project, if approved by the voters, will be an enormous boost for quality of life and economic development. This amphitheater will be available for public usage, civic events, church events and private events for Newberry County residents, and Opera House outdoor events;



**WHEREAS**, the County, the City, and NOH will benefit from having a clear understanding regarding the amphitheater project, assuming the referendum is adopted, as the City and County will incur certain maintenance costs, some of which will be borne by NOH;

**WHEREAS**, this Memorandum of Understanding is effective only in the event the amphitheater project is approved by the CPST referendum and construction is completed, and these parties understand that each of them will have benefits and obligations from the amphitheater and this memorandum identifies what those understandings are;

**NOW THEREFORE**, the Parties agree that their joint intentions are as follows:

1. Going forward, the County will purchase the Jacobs property with CPST funds and use that property for public events for Newberry County residents, as well as for parking and Opera House usage during outdoor concerts, including concessions, restrooms, and the like, as well as possible community development for an arts or rental space, and the County will be responsible for maintenance of the Jacobs property and building so as to make it usable for the public and for the Opera House events that will be scheduled on occasion at the amphitheater. This maintenance will include building maintenance, utilities, and grounds upkeep. The County will maintain all rights to collect rentals from use of the property.
2. The City of Newberry will agree to maintain its parcel referenced above for use as an amphitheater, such amphitheater maintenance to include grass mowing, grounds maintenance and cleaning, utilities, and maintenance of stage and electrical lights after they are installed in connection with the amphitheater.
3. It is anticipated and understood that the Opera House will be using the amphitheater site an estimated 5 to 12 times per year to generate revenue to pay both the City and the County as detailed in the operating agreement. The NOH (or its agents) will be responsible for the marketing of all outdoor shows and handling the details of those performances. All other events and usage shall be scheduled and maintained by the City and County.

The parties execute this Memorandum of Understanding on \_\_\_\_\_, 2022, in good faith, as we are fully supportive of this joint amphitheater project which will utilize properties of the County and City with benefits to all.

[signatures on following page]

\_\_\_\_\_  
County of Newberry

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
City of Newberry

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Newberry Opera House

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) is hereby entered into by the County of Newberry (“County”), the City of Newberry (“City”), and the Building Thriving Communities Foundation (“BTCF”) a 501 (c) (3) Organization, effective as of \_\_\_\_\_. City, County, and BTCF are collectively referred to as “the Parties.”

**WHEREAS**, the BTCF owns a parcel of land in the City, Tax Max No. \_\_\_\_\_, located on \_\_\_\_\_ Street (“BTCF Parcel”), which is the site of the old Gallman School;

**WHEREAS**, the City and County support and sponsor Capital Project Sales Tax (“CPST”) funds being utilized for a community center that provides social services, educational programs, and recreational, civic and cultural activities proposed by BTCF which will be presented on a referendum in November 2022 pursuant to the Capital Project Sales Tax;

**WHEREAS**, the Gallman School project will be submitted to the Capital Project Sales Tax Commission established pursuant to resolution of Newberry County Council, which has sole authority for including a particular project on the CPST ballot for the November, 2022 election;

**WHEREAS**, these parties believe that this project, if included on the CPST ballot and approved by the voters, will serve a public purpose, by enhancement of quality of life and community development. This facility will be available for public usage, civic events and church events without discrimination on the basis of race, gender, religion, etc;

**WHEREAS**, the BTCF will preserve and use the Gallman School or portions of the building improved from the use of CPST funds for recreational, cultural and civic purposes, limiting all other uses of the portions of the building improved from the use of CPST funds to less than ten (10%) per cent of the square footage of the enclosed space;

**WHEREAS**, the County, the City, and BTCF will benefit from having a clear understanding regarding the Gallman school project, assuming the referendum is adopted;

**WHEREAS**, if the Gallman school renovation project passes the CPST referendum and is implemented, these parties need to understand that each of them have benefits and obligations from the Gallman School Project and this memorandum identifies what those understandings are;

**NOW THEREFORE**, the Parties agree that their joint intentions are as follows:

1. Going forward, the County will provide assistance through the process of bidding the project and oversight of all financial reporting, recordkeeping, construction management, purchases, etc. required with expenditure of CPST funds until the time of completion of construction.

2. The City of Newberry will provide research into grants available to assist the BTCF with its activities and continue to support partnerships opportunities with BTCF.
3. The BTCF, as soon as renovation of the Gallman School is complete, will assume responsibility for the activities within the facility as well as all maintenance to maintain the facility and surrounding grounds. The BTCF will address within its incorporation documents dissolution matters to include which organization will have responsibility for the facilities if the BTCF is ever dissolved.
4. The Gallman School, if so improved, will be used solely for recreational, cultural and civic purposes, with no more than 10% of the usable square footage of the facility's portions improved by the use of CPST funds at any one time being used for any other purpose.
5. The parties agree that upon the request of the County, BTCF will, in consideration of the provision of CPST funds to it, execute and record in form satisfactory to the County restrictions as to the use of the BTCF Parcel which shall bind any successor in title thereto and which shall be enforceable by the County.

The parties execute this Memorandum of Understanding on \_\_\_\_\_, 2022, in good faith, as we are fully supportive of this joint renovation project which will utilize properties of the County and City with benefits to all.

\_\_\_\_\_  
 County of Newberry  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 City of Newberry  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 Building Thriving Communities  
 Foundation  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_  
 Date: \_\_\_\_\_



Storage; and on the West by property now or formerly of Billye L. West, property now or formerly of Raymond D. Hobby, and South Carolina Highway No. 34. DERIVATION: Deed from Verna K. Cavanaugh dated December 10, 2008 recorded in Deed Book 1400 at page 152.

**NOW, THEREFORE, BE IT ORDAINED BY NEWBERRY COUNTY**

**COUNCIL:**

That the conveyance of the One Hundred and Twelve and 18/100 (112.18) acres to South Florida Tissue Paper Company for One Million and Two Hundred and Ten Thousand and no/100 (\$1,210,000.00) Dollars of any interest of Newberry County is approved, and the Chairman of Newberry County Council is hereby authorized to execute a Limited Warranty deed releasing and conveying such interest to South Florida Tissue Paper Company, upon final approval of this Ordinance. Attached is a plat showing the actual location and metes and bounds of the parcel as prepared by Baxter Land Surveying dated September 22, 2007

**AND IT IS SO ORDAINED** by Newberry County Council this 16th day of March, 2022 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

**NEWBERRY COUNTY COUNCIL**

By: \_\_\_\_\_  
**Todd Johnson, Chairman**

**Attest:**

\_\_\_\_\_  
Susan C. Fellers, Clerk to Council

1<sup>st</sup> reading: February 16, 2022  
2<sup>nd</sup> reading: March 2, 2022  
Public Hearing: March 16, 2022  
3<sup>rd</sup> reading: March 16, 2022

Reviewed and approved as to form

\_\_\_\_\_  
A. J. Tothacer, Jr., County Attorney

\_\_\_\_\_  
Christopher S. Inglese,  
County Administrator

**NEWBERRY COUNTY COUNCIL  
FEBRUARY 2, 2022  
MINUTES**

Newberry County Council met on Wednesday, February 2, 2022, at 5:15 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)**  
**Mary Arrowood, Council Member (District 2)**  
**Robert N. Shealy, Council Member (District 4)**  
**Travis Reeder, Council Member (District 7)**  
**Christopher Inglese, County Administrator**  
**A.J. Tothacer, Jr., County Attorney**  
**Karen Brehmer, Deputy County Administrator**  
**Debbie S. Cromer, Finance Director**  
**Susan C. Fellers, Clerk to Council**

**MEDIA:** **Andrew Wigger, Newberry Observer**

**ABSENT:** **Les Hipp, Vice Chairman (District 5)**  
**Henry H. Livingston, III, Council Member (District 3)**  
**Johnny Mack Scurry, Council Member (District 6)**

**OTHERS PRESENT:** **Donna Lominack, County Auditor**

Mr. Johnson called the meeting to order at 5:15 p.m. and determined a quorum to be present.

In the absence of Mr. Scurry, Mr. Johnson led the invocation followed by the Pledge of Allegiance.



### **1. ADDITIONS, DELETIONS AND ADOPTION OF THE AGENDA**

Mr. Shealy moved to adopt the agenda, as presented; seconded by Mrs. Arrowood. Vote was unanimous.

### **2. DISCUSSION OF THE FY20-21 AUDIT - DAVID ENZASTIGA, RISH AND ENZASTIGA, CPA**

David Enzastiga with Rish and Enzastiga, CPA, presented the FY20-21 Audit for Newberry County to County Council.

A copy of the audit is on file in the County Administrator's office..

Mr. Enzastiga advised the report was an unmodified opinion, which is the best that can be given.

The County's Total Net Position as of June 30, 2021, was \$3,027,164.

Total General Fund balance as of June 30, 2021, was \$15,529,035. The County needs \$2.2 million monthly to operate, which means the county has approximately 6 months of general funds in reserve.

### **3. PUBLIC COMMENTS**

No comments from the public.

### **4. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR**

No comments from the County Administrator.

### **5. COMMENTS/REQUESTS FROM COUNCIL MEMBERS**

Mr. Reeder thanked all involved in the audit and expressed appreciation for an excellent team who works well together.

Mr. Johnson felt the audit was well presented.

Mrs. Arrowood said it's important that the County have money in reserve every year before collections begin coming in.

**6. ADJOURNMENT**

Mrs. Arrowood moved to adjourn; seconded by Mr. Shealy. Vote was unanimous.

Mr. Johnson declared the meeting adjourned at 5:35 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Susan C. Fellers, Clerk to Council**

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

**NEWBERRY COUNTY COUNCIL  
MINUTES  
FEBRUARY 2, 2022**

The Newberry County Council met on Wednesday, February 2, 2022, at 6:00 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 (District 1)  
Mary A. Arrowood, Council Member (District 2)  
Henry H. Livingston, III, Council Member (District 3)  
Robert N. Shealy, Council Member (District 4)  
Johnny Mack Scurry, Council Member (District 6)  
Travis Reeder, Council Member (District 7)  
Christopher Inglese, County Administrator  
A.J. Tothacer, Jr., County Attorney  
Karen Brehmer, Deputy County Administrator  
Debbie S. Cromer, Finance Director  
Susan C. Fellers, Clerk to Council  
Crystal Waldrop, Procurement Director

**ABSENT:** Les Hipp, Vice-Chairman (District 5)

**MEDIA:** Andrew Wigger, Newberry Observer

**OTHER STAFF:** Ben Chapman, Sheriff's Office  
Beth Folk, Clerk of Court  
Donna Lominack, Auditor  
Mike Pisano, Public Works Director

Mr. Johnson called the meeting to order at 6:00 p.m. and determined a quorum to be present.

Mrs. Arrowood had the invocation followed by the Pledge of Allegiance.

**1. ADOPTION OF CONSENT AGENDA**

Mr. Shealy moved to adopt the Consent Agenda consisting of the minutes of the January 19, 2022 Council meeting; seconded by Mr. Reeder. Vote was unanimous.

**2. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA**

Mr. Scurry moved to adopt the Agenda, as presented; seconded by Mrs. Arrowood. Vote was unanimous.

**3. CONSIDERATION FOR APPROVAL OF BID FOR REPAIRS TO THE COURTHOUSE ELEVATOR - CRYSTAL WALDROP, PROCUREMENT DIRECTOR**

Mrs. Waldrop advised 3 bids were received with MAR Construction being the most responsive. The total quote is \$234,175. Currently budgeted in FY 21-22 is \$223,350 Additional funds in the amount of \$35,829 to come from Council Contingency. Staff recommends approval of the MAR Construction bid with the balance of \$35,829 coming from Council Contingency.

Mr. Shealy moved to accept the bid from MAR Construction in the amount of \$234,175 and that the remaining \$35,829 be taken from Council Contingency; seconded by Mr. Scurry.

There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

**4. ORDINANCE #02-02-22: AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2021-22, ORDINANCE #04-22-21, TO PROVIDE FOR REVISED REVENUE AND EXPENDITURE APPROPRIATIONS RELATED TO OPERATING AND CAPITAL PURPOSES OF NEWBERRY COUNTY.**

**a. First Reading**



Mr. Inglese explained that this Ordinance includes several requests, as follows:

- Classification and Compensation Study - The last compensation study was done by Archer in 2004. Staff estimates the cost of this study to be \$60,000 and recommended moving forward with the study.
- Gasoline for all county departments - Based on 6 months of actual cost and analyzing the other, it has been determined that the county will need \$100,510 for gas and another \$7,602 for diesel for a total cost of \$108,112.
- Consideration of increase in Public Works department salaries - Public Works currently has 4 vacancies. The positions have been advertised but the applicant pool is limited. Staff recommends a 6% cost for salary and fringe at a cost of \$64,272.77. The Public Works Director proposes this increase in salary for field workers only. Staff would like to move forward in increasing the salaries for 10 pay periods at a pro rata cost of \$16,505.84. The remaining cost would be budgeted in FY22-23.
- Payroll Coordinator - Previously the HR Director processed payroll utilizing 50% of her time. This person will oversee payroll, timesheets, reports, accruals, and all detailed aspects of payroll processing. This would be an exempt employee. After receiving information from the SCAC 2022 Wage and Salary report, Staff proposes a salary range of \$39,684 to \$60,152. A pro rata cost through June 30, 2022 would cost \$25,216 including fringe benefits. The remaining cost of the full time position will be appropriated in the FY22-23 budget.
- ARPA - This is more of an accounting entry. These funds were received after the FY21-22 budget was passed. The County has already expended funds in the amount of \$599,148 for premium pay, fringe benefits cost. Staff recommends the remaining 3,134,111 to be placed into Capital Projects.
- Administrative Assistant (Executive) - This position will be an administrative assistant (executive) to the County Administrator. This employee will oversee keeping the Administrator's appointments, filing,

phone calls, letter writing, research projects, and will be an exempt employee. Staff proposes a range of \$41,156 to \$60,222. The proposed budget amendment through June 30, 2022 would be \$25,243, including fringe benefits. The remaining cost of this full time position will be appropriated in the FY22-23 budget.

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

## **5. UPDATE ON CAPITAL PROJECT SALES TAX**

Mr. Inglese has phone calls scheduled for tomorrow with the engineers to obtain proposals for several of the projects. Work is progressing on the co-sponsored projects and documents are being circulated for comments.

## **6. APPOINTMENTS**

### **a. Upper Savannah Workforce Development Board**

The Workforce Development Board has requested the appointment of Mashanda Ashton, Senior HR Business Partner for SWM International. She will replace Camila Haigler, who has now taken employment outside of the county.

Mr. Livingston moved to approve the appointment of Mashanda Ashton; seconded by Mr. Reeder. Vote was unanimous.

Mr. Livingston advised that longtime Board of Zoning Appeals member Larry Longshore has asked to step down. He thanked Mr. Longshore for his many years of service on this Board. Mr. Livingston then moved to appoint Patrick Meetze to the Board of Zoning Appeals; seconded by Mr. Shealy. Vote was unanimous.

## **7. EXECUTIVE SESSION**

**Section 30-4-70(a) 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 or legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.**

### **Cavanaugh Property**

Mr. Reeder moved to convene in Executive Session for the above-stated reasons; seconded by Mrs. Arrowood. Vote was unanimous.

#### **EXECUTIVE SESSION**

**6:20 P.M. - 6:30 P.M.**

Mrs. Arrowood moved to return to open session; seconded by Mr. Livingston. Vote was unanimous.

Upon returning to open session, Mr. Johnson advised Council met for the above-stated reasons and no action was taken in Executive Session.

Mr. Livingston moved to accept the highest bid for the Cavanaugh tract; seconded by Mr. Shealy. Vote was unanimous.

### **8. PUBLIC COMMENTS**

No comments from the public.

### **9. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR**

Mr. Inglese acknowledged the facilities staff because in his short time he has observed how hard they work. They set up for MLK day and continue to impress with the volume of their responsibility.

The State contract needs to be amended for building and inspection services.



The Covid numbers are going in the right direction. They are still high but not as high as the earlier days.

**10. COMMENTS/REQUESTS FROM COUNCIL MEMBERS**

Mr. Johnson expressed condolences to Mr. Scurry on the passing of his sister.

Mr. Livingston asked for prayers for the families of Dr. Joe Smith, Barry Dowd, Tom Crooks and Jerry Martin.

**11. FUTURE MEETINGS**

- County Council Budget Planning Session, 2-3-2022, 3:00-5:30 pm
- County Council Budget Planning Session, 2-4-2022, 9:00 -1:00 pm
- County Council CPST Presentations, 2-8-2022, 6:00 pm
- County Council CPST Presentations 2-14-2022, 6:00 pm
- County Council Meeting, 2-16-2022, 6:00 pm
- County Council CPST Presentation, 2-22-2-22, 6:00 pm (if needed)

**12. ADJOURNMENT**

Mr. Shealy moved to adjourn; seconded by Mr. Livingston. Vote was unanimous.

Mr. Johnson declared the meeting adjourned at 6:35 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Susan C. Fellers, Clerk to Council**

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