

**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA**

**July 20, 2022
6:00 P.M.**

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

1. Additions, Deletions & Adoption of the Agenda
2. Public Appearance - Senator Ronnie Cromer - Legislative Update
Charter Spectrum - Richard Lupino & Joe Prater
Debbie Peake, HR Director - Unveil the recruitment slogan
3. Request approval to move forward with the RFP for a Grant Writer Consultant - Christopher Inglese
4. Ordinance No. 05-16-2022 – An Ordinance establishing procedures and requirements for entering into development agreements in Newberry County.
 - a. Second Reading
5. Ordinance No. 06-19-2022 - 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 three and eighty-seven hundredths (3.87) acres designated as TMS No. 28-1-1-6, from R2 – Rural to GC – General Commercial.
 - a. Second Reading
6. Ordinance No. 07-20-2022 - An Ordinance for the purpose of leasing out certain county fairgrounds property.
 - a. First Reading

7. Discussion/Approval of RFP for external audit services – Crystal Waldrop

8. Executive Session

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

- (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 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.
- (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.
- (3) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

9. Adoption of Consent Agenda

- a. Newberry County Council Meeting – Minutes July 6, 2022

10. Appointments

11. Public Comments

12. Comments/Request from County Administrator

13. Comments/Requests from Council

14. Future Meetings

- a. Economic Development - August 15, 2022, at 6:00 p.m.
- b. County Council - August 17, 2022, at 6:00 p.m.

15. Adjournment

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 05-16-2022

AN ORDINANCE ESTABLISHING PROCEDURES AND REQUIREMENTS FOR ENTERING INTO DEVELOPMENT AGREEMENTS IN NEWBERRY COUNTY

WHEREAS, Newberry County Council is aware of the South Carolina Local Government Development Agreement Act (“the Act”) passed by the South Carolina General Assembly as Act No. 150 in 1993 and codified in Chapter 31 of Title 6 of the Code of Laes 1976 as amended; and

WHEREAS, that Act established requirements and authorization for local governments that wish to avail themselves of the ability to enter into development agreements in certain circumstances; and

WHEREAS, the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public; and

WHEREAS, public benefits derived from development agreements include design standards, and on and off-site infrastructure and other improvements; and

WHEREAS, development agreements will provide vesting of development rights for a specified period thereby encouraging private sector investments in Newberry County; and

WHEREAS, Newberry County Council desires to adopt the following standards and requirements to permit opportunities to enter into such agreements.

NOW, THEREFORE BE IT ORDAINED THAT:

Newberry County Council hereby adopts the following provisions and as follows:

The Newberry County Zoning Ordinance is hereby amended by inserting the following Land Development agreements ordinance as Section 153.076.

Land Development agreements

(a) — *Findings.* County Council finds that the General Assembly of the State of South Carolina has enacted legislation known as the "South Carolina Local Government Development Agreement Act", State Act codified in Section 6-31-10, et seq. of the Code of Laws of South Carolina, (Supp. 1993), which legislation authorizes, in certain circumstances, the execution of land development agreements to encourage comprehensive and capital facilities

planning, to ensure the provision of adequate public facilities for development, to encourage the efficient use of resources, and to reduce the economic cost of development. County council finds and determines that land development agreements may be useful to both the private and public sector by providing certainty in zoning, by setting forth a reasonable schedule of development and by enhancing the opportunity for comprehensive, planned development, and enacts this ordinance in furtherance of the authority evolved upon it by the South Carolina Local Development Agreement Act.

(b) *Definitions.* As used herein:

(1) *Developer* means a person, including a governmental agency, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.

(2) *Development* means the planning for or carrying out of a building activity or mining operation, the making of a material change in the use or appearance of any structure or property, or the dividing of land into three (3) or more parcels. "Development" as designated in a law or development permit includes the planning for and all other activity customarily associated with it unless otherwise specified.

(3) *Development permit* includes a building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of property.

(4) *Governing body* means the county council of Newberry County.

(5) *Land development regulations* means ordinances and regulations enacted by the governing body for the regulation of any aspect of development and includes a local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulation controlling the development of property.

(6) *Laws* means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by the governing body or its affiliate committees, boards or commissions, affecting the development of property and includes laws governing permitted use of property, governing density, and governing design, improvement and construction standards and specifications.

(7) *Property* means all real property subject to land use regulation by the governing body, and includes any improvements or structures customarily regarded as part of real property.

(8) *Person* means an individual, corporation, business or land trust, estate, partnership, association, two or more persons having a joint or common interest, state agency or any legal entity.

(9) *Public facilities* means major capital improvements including, but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

(10) *Zoning administrator* means the person charged by the governing body with overseeing the implementation and interpretation of land development regulations pertaining to the development of property.

(c) *Application.* Any person seeking a land development agreement with the county shall make application to the zoning administrator or to such other person as the governing body may designate. The application shall incorporate a statement setting forth the objectives of the development and the benefits that will inure to the public as a result. The application shall include a legal description of the property subject to the agreement, which property must contain a minimum of twenty-five (25) acres of highland (wetlands excluded), and the names of its legal

and equitable owners; the proposed duration of the agreement, which must be consistent with South Carolina Local Government Development Agreement Act Section 6-31-40; the development uses permitted on the property, including population densities and building intensities and height; a description of public facilities that will service the property, including the identity of who is to construct and/or provide the facilities, the date that any new public facilities, if needed, will be constructed, and a schedule to verify that public facilities will be available concurrent with the impacts of the development; a description, where appropriate, of any reservation or dedication of land for public purposes; any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of application; a description, where appropriate, of any provisions for the preservation and restoration of historic structures. The application shall also include the current, and if applicable requested, zoning of the property and a site analysis, prepared by a registered engineer or surveyor, showing the location of existing manmade features where major circulation systems are proposed; general topographic information from topographic maps or other suitable maps using a contour interval not exceeding two (2) feet; and the location and description of identified cultural resources. A land use plan shall be part of the application, which shall show the location, net acreage, and gross acreage for each type of residential, office or commercial development proposed for the property, open space areas, water bodies and major circulation systems and existing land uses adjacent to the property. The plan must also identify the type of dwelling units proposed, the minimum of lot size per dwelling unit, and minimum lot frontage requirements, and minimum set back requirements for principal buildings.

With the application, any fee as county council may from time to time establish must also be remitted.

The zoning administrator shall review land development agreement applications, and if necessary for a more coherent understanding of the proposed development, may request additional information.

Furthermore, the zoning administrator shall consult with the Newberry County School District and report to the Planning Commission the findings and recommendations of the school district Superintendent.

(d) *Proposed agreement.* Simultaneously, with the submission of the application, or within a reasonable time thereafter, a proposed land development agreement shall be submitted by the applicant to the zoning administrator. The zoning administrator shall review the same and consult with such other county officials or personnel he deems appropriate. Prior to the agreement being presented to the planning commission, as herein provided, said agreement must be approved as to form by the County Attorney. In the event the proposed land development agreement provides that the local governing body shall provide certain public facilities, the agreement must provide that the delivery date of such public facilities be tied to defined completion percentages or defined performance standards to be met by the developer.

(e) *Planning commission.* After the review as set forth in subsection (d), the application and proposed agreement shall be forwarded to the planning commission. Should any issues pertaining to the agreement be unresolved, such shall be identified by the zoning administrator in his/her report to the planning commission. The planning commission shall conduct a public hearing on the application, giving at least fifteen days' notice in a publication of general circulation in the county that a land development agreement is to be considered. The public notice must specify the location of the property subject to the land development agreement, the

use(s) proposed for the property and the location where a copy of the proposed land development agreement can be obtained.

At the conclusion of its public hearing, the planning commission shall make a recommendation to county council as to the propriety of the agreement. Such recommendation may include suggested amendments or modifications to the agreement. At the conclusion of its public hearing, the chairman of the planning commission shall announce the time, date, and place when county council is to consider the proposed development agreement. Nothing herein shall be construed to preclude the planning commission from deferring action on a proposed land development agreement for the purpose of receiving clarifying information.

(f) *County council.* Prior to authorizing the execution of a land development agreement, county council shall conduct a public hearing, notice of which shall be advertised in a publication of general circulation in the county at least thirty (30) days prior to the date of said hearing. No land development agreement shall be executed until it has been accepted and approved by the governing body and an ordinance authorizing the same has been ratified.

(g) *Effective date.* No land development agreement shall be effective until such time as an ordinance authorizing its execution has been ratified by county council, and the same has been executed on behalf of the county by the council chairman.

(h) *Recording.* It shall be the responsibility of the applicant, within fourteen (14) days of the land development agreement having been executed, to record the agreement with the register of mesne conveyance or clerk of court in the county where the property is located.

(i) *Effect of land development agreement.* A land development agreement must specify which laws in force at the time of the execution of the agreement shall apply for the term of the agreement. Subsequently enacted laws shall be applicable to property subject to a land development agreement, unless the agreement specifies otherwise, or unless, after a public hearing, county council determines that the application of such laws would materially alter or disrupt the development of the property as contemplated by the agreement, or as otherwise provided by the South Carolina Local Government Development Agreement Act, S. C. Code, Ann; Sec. 6-31-80(b)(1), (2), (3), (4) and (5) (Supp. 1993).

(j) *Periodic review.* During the term of a land development agreement, a periodic review of the progress made thereunder shall be had by the zoning administrator, on at least an annual basis. At such review, the parties subject to the agreement must demonstrate good faith compliance with the terms and provisions of the development agreement and must provide such information as the zoning administrator may request, and as may be otherwise provided in the agreement. If as a result of any periodic review, it appears that a person subject thereto has committed a material breach of the terms or conditions of the agreement, such circumstance shall be reported to county council by the zoning administrator. Upon receipt of such report, county council, or such committee to which the matter may be referred by council, if it concurs with the zoning administrator's report, shall serve written notice to the applicable party, setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination of breach, and providing the applicable party a reasonable time in which to cure the breach.

If such party fails to cure the material breach within the cure period, county council or the committee to which the matter has been referred, may unilaterally terminate or modify the land development agreement, provided that council or the committee, as appropriate, has first given the applicable party an opportunity to either rebut the finding and determination or to consent to

an amended development agreement to address the concerns of county council or the committee with respect to its findings and determination, and has otherwise complied with the provisions of the development agreement pertaining to a material breach.

(k) *Amendments/cancellation.* Any land development agreement may be amended or cancelled by mutual consent of the parties to the agreement, or by their successors in interest.

(l) *Burden/benefits.* All burdens of the land development agreement are binding upon, and the benefits of the land development agreement shall inure to, all successors in interest to the parties to the land development agreement.

(m) *State or federal laws or regulations.* In the event state or federal laws or regulations, enacted after a land development agreement has been executed, prevent, or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended, as necessary, to comply with the state or federal laws or regulations.

(n) *Technical codes.* Notwithstanding anything herein to the contrary, any and all building, housing, electrical, plumbing and gas codes, now in effect or hereafter adopted by county council, shall apply to any properties subject to a land development agreement.

(o) *Enabling legislation.* In the event that a court of competent jurisdiction shall determine that the state act, or any part thereof, invalid or unenforceable, or in the event that the South Carolina General Assembly shall amend or repeal the state act, in whole or in part, each development agreement shall be reviewed to determine if such change in the state act results in a substantial impairment of the rights or obligations of any of the parties to such development agreement. Any part whose rights or obligations under a development agreement have been substantially impaired by a change in the state act shall have the right to immediately terminate the agreement as to all parties thereto by written notice to the parties to the development agreement.

AND IT IS SO ORDAINED by Newberry County Council this ___ day of _____, 2022 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Todd Johnson, Chairman

Attest:

Jackie Lawrence, Clerk to Council

Reviewed and approved as to form:

1st reading:
2nd reading:
Public Hearing:
3rd reading:

County Attorney

Christopher Inglese, County Administrator

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 at 411 SC Highway 39, Chappells;

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. 28-1-1-6, totaling three and eighty-seven hundredths (3.87) acres located at 411 SC Highway 39, Chappells, 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 not 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 may 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. 28-1-1-6 totaling three and eighty-seven hundredths (3.87) 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.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Todd Johnson, Chairman

Attest:

Jackie Lawrence, Clerk to Council

1st reading: _____

2nd reading: _____

Public Hearing: _____

3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator

Exhibit A

Property

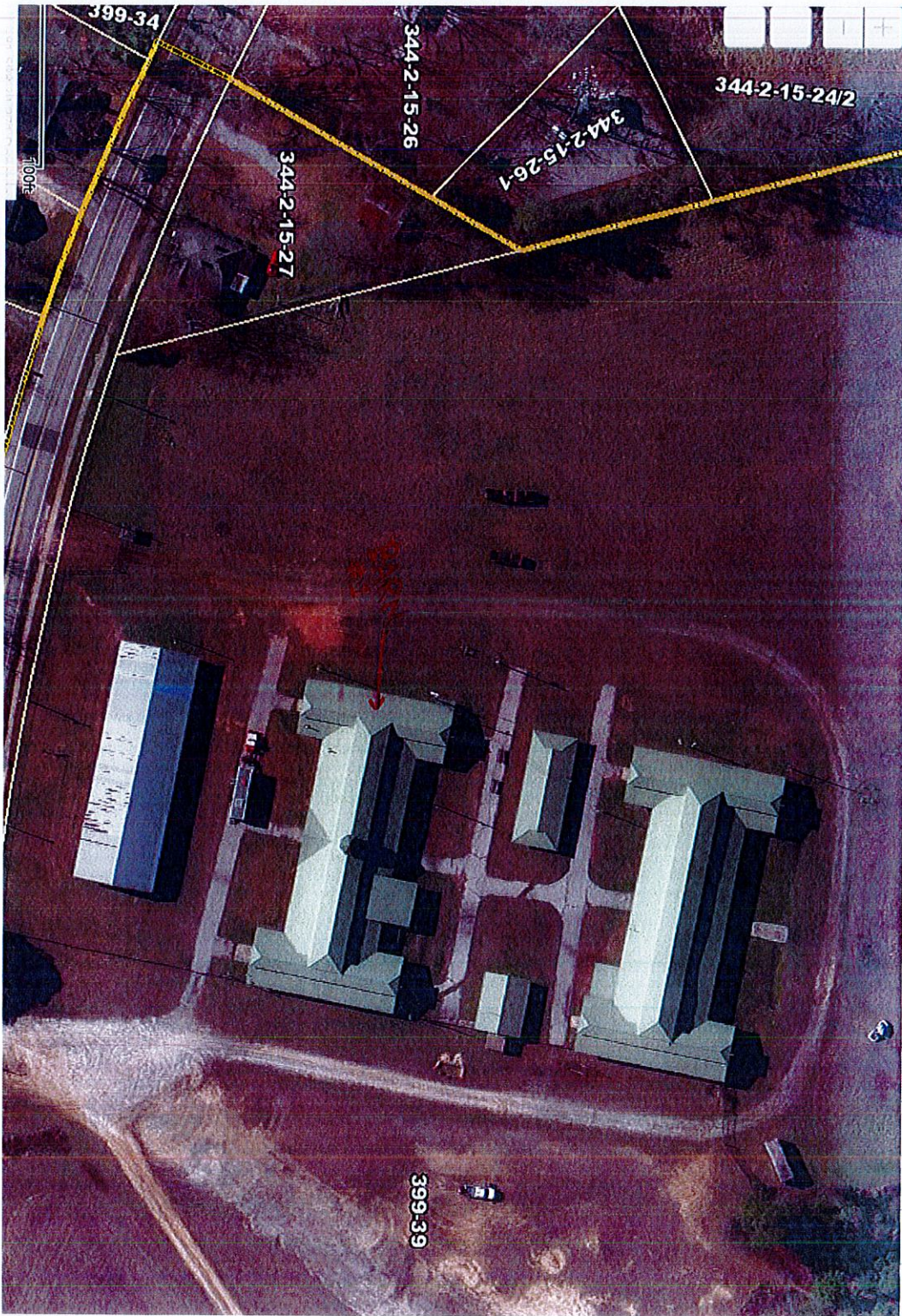


Exhibit B

Form of Lease Agreement



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Crystal Waldrop	Title: Purchasing Director
Department: Administration/Finance	Division: Procurement
Date Prepared: July 14, 2022	Meeting Date: July 20, 2022
Legal Review: n/a	Date:
Budget Review: Finance/Administrator	Date: July 11, 2022
Approved for Consideration:	Date:
Request Consideration by Committee / County Council: County Council July 20, 2022	
Subject: External Auditing Services	

STAFF'S RECOMMENDED ACTION: Staff recommends the response from Mauldin & Jenkins CPA's (M&J). Only one response was submitted for the auditing services. We solicited proposals last year, receiving two; one from Rish & Enzastiga and one from Mauldin & Jenkins. The prior year, we solicited and only received one; from Rish & Enzastiga.

FIDUCIARY: Currently, there is \$41,000.00 budgeted for auditing services in the budget; therefore, a significant shortfall. The amount of M&J cost proposal is \$65,000.00 for the first year, proposing 450 staff hours to conduct the audit.

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:

SUMMARY DISCUSSION: We solicited proposals last year, receiving two; one from Rish & Enzastiga and one from Mauldin & Jenkins. The prior year, we solicited and only received one; from Rish & Enzastiga.

ADDITIONAL COMMENTS FOR CONSIDERATION: In order for the County to be in compliance with the Governmental Accounting Standards Board (GASB), both an internal and external audit needs to be performed annually. Rish & Enzastiga, the current CPA firm will perform the internal audit prior to M&J preparing the external audit for FY 21-22.

ATTACHMENTS: Cost proposal from Mauldin & Jenkins.

of such an engagement and would also be please to provide the County with example reports of similar engagements we currently perform. Such additional services are outside the scope of a financial statement audit and thus are not included on the following cost estimates for conducting the County's annual financial statement audit.

Cost Proposal – Financial Statement Audit

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES			
FOR THE AUDIT OF THE YEAR ENDED JUNE 30, 2022			
	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Partners	40	\$235	\$ 9,400
Director/Managers	150	200	30,000
Staff Professionals	260	175	45,500
Total for Financial and Compliance Audit	<u>450</u>		<u>84,900</u>
Out-of-pocket expenses:			
Transportation			500
Mauldin & Jenkins discount from standard fees and expenses			<u>(20,400)</u>
Total all-inclusive not to exceed price for 2022 audit engagement			<u>\$ 65,000</u>

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES			
FOR THE AUDIT OF THE YEAR ENDED JUNE 30, 2023			
	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Partners	40	\$240	\$ 9,600
Director/Managers	150	205	30,750
Staff Professionals	260	180	46,800
Total for Financial and Compliance Audit	<u>450</u>		<u>87,150</u>
Out-of-pocket expenses:			
Transportation			500
Mauldin & Jenkins discount from standard fees and expenses			<u>(17,400)</u>
Total all-inclusive estimated price for 2023 audit engagement			<u>\$ 70,250</u>

NEWBERRY COUNTY COUNCIL

MINUTES

July 6, 2022

The Newberry County Council met on Wednesday, July 6, 2022, at 6:00 p.m. in Council Chamber 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, Chair (District 1)
Les Hipp, Vice-Chair (District 5)
Mary 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
Debbie S. Cromer, Finance Director
Jacquelyn R. Lawrence, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

Mr. Johnson called the meeting to order and determined a quorum to be present.

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

1. Additions, Deletions and Adoption of the Agenda

Mr. Shealy moved to adopt the agenda as written; seconded by Mr. Scurry. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

2. Public Appearance:

Jessie Long, Director of Parks and Recreation presented an update regarding the of the potential new exercise park for Newberry. The possible grant that is available would require that the park be completed by the end of October 2022. That being such a tight timeline for fundraising, she will apply for the 2023 grant and hopefully the construction could start in the Spring of 2023.

3. Request approval to pay off promissory note (Santee Cooper) with funds from the sale of the Cavanaugh Tract

Mr. Inglese explained the promissory note from several years ago. \$1,213,800.00 is the amount of the promissory note. \$24,000 has been paid each year over last several years in interest only payments. The interest only payments will end next year, and the County will be required to make a payment of \$252,468. That will require 1.6 mills increase to the fiscal year 23-24. In hopes to avoid that it is proposed to use the proceeds from the sale of the Cavanaugh tract to satisfy that debt.

Mrs. Arrowood moved to approve the request, seconded by Mr. Reeder. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

4. Request for approval of the Fee Schedule and policy for renting the Fire Training Facility.

Tommy Long, Emergency Services requested that Council approve the Fee Schedule for renting the Fire Training Facility. The facility rental would be handled by Mr. Long's department as to be sure that the lessee has the proper insurance in place for the lease. The majority of inquiries for leasing the property is for local businesses that need to meet fire training requirements to keep their brigades up to date for training.

Mr. Livingston moved to approve the request, seconded by Mr. Shealy. There being no further discussion Mr. Johnson called for the vote. The vote was unanimous.

5. Request approval of an FTE position for an Emergency Services Coordinator

Mr. Long, Emergency Services Coordinator, requests to utilize existing funding in the Budget to fund this new position. The projected salary would be \$50,000 - \$55,000 per year. This would likely not be added to the 2nd quarter of the current Budget. This position will be supervised directly him. There would be no additional funds needed in the Budget this year however, there will be next year. The new position would be helping with the paperwork that is required when there is a fire or rescue.

Along with supporting the fire chiefs, assistant fire chiefs, and the squads with whatever they may need. This position has been needed for quite some time and with the increase in need of fire and rescue it is a good decision. Although, it will be a recurring cost each year it is much needed.

Mr. Livingston moved to approve the request, seconded by Mrs. Arrowood. There being no further discussion Mr. Johnson called for the vote. The vote was unanimous.

6. Council to discuss Building Permit Fees and other fees in Fiscal Year 22-23 Budget

Discussion of the increase in building permits and fees.

Ron Powell, Department of Building and Inspection, stated that the information requested for comparison of fees has been provided to Council. After review of the comparisons, specifics of the plan reviews and what they entail were evaluated. The plan review is in place as to hopefully catch potential issues with the build before the build is complete. Should a building need to be inspected a second time the inspection fee doubles each time. Discussion of the fees and how the fees were being calculated gave an understanding as to the reason for the "sticker shock" from many that are purchasing the permits. The plan review fee has always been a part of the Ordinance but never implemented until now. Commercial properties have always required a plan review.

Discussion of fees associated with the public being able to access recorded documents from the County website.

There is no fee for viewing the indexes. However, when a document is to be copied or printed. The fee is \$5 per day or \$30 per month to be paid by whomever is accessing the documents. Currently the cost to the County is \$3541.70 per month for the software. Once the documents are uploaded for public access the monthly fee will increase \$350.00, totaling \$3891.70. If no fee is charged by the accessor, it will raise the monthly fee \$500.00, totaling \$4041.70.

Discussion of increase in copying fees

Per the budget, the copy fees have increased from 0.35 to 0.50 per page. When compared to others surrounding counties this fee seems to be in-line. The majority of the surrounding counties are the same if not more.

7. ***Ordinance No. 05-14-2022 – An Ordinance amending portions of Chapter 34 of the Newberry County Code of Ordinances revising provisions dealing with: 1) amounts requiring Council approval; 2) State and Federal purchasing and 3) sale and transfer of surplus county property.***

- a. ***Public Hearing***
- b. ***Third and Final Reading***

Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.

Mr. Hipp moved to adopt the third reading, seconded by Mr. Reeder. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

8. ***Ordinance No. 05-15-2022 – An Ordinance to impose a one percent sales tax, subject to referendum, within Newberry County pursuant to the Capital Project Sales Tax Act; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum cost of the projects or facilities funded from the proceeds to be raised by the tax, subject to funding cost overruns as provided by law; to provide for a county-wide referendum and to concur in the contents of the ballot question in such referendum; to establish the priority in which the proceeds of the tax are to be expended; to authorize the issuance of General Obligation Bonds of Newberry County, subject to such referendum, to defray costs of projects and issuance costs; to provide for the conduct of such referendum; to provide for the administration of the tax; to provide for the payment of the tax; and to provide for other matters relating thereto.***

- a. ***Public Hearing***
- b. ***Third and Final Reading***

Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.

Mr. Hipp moved to adopt the third reading, seconded by Mr. Shealy. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

9. ***Ordinance No. 05-17-2022 – An Ordinance acting on a request to amend the official zoning map established pursuant to the 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 seven hundred and seventy-nine (.779) acres designated as TMS parcel no. 395-39 from RS – single family residential to R2 – rural.***

- a. Public Hearing**
- b. Third and Final Reading**

Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.

Mr. Livingston moved to adopt the third reading, seconded by Mr. Scurry. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

10. Ordinance No. 05-18-2022 - An Ordinance authorizing the expenditure of Capital Project Sales Tax funds and matters relating thereto. (2017 CPST Bonds)

- a. Public Hearing**
- b. Third and Final Reading**

Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.

Mr. Shealy moved to adopt the third reading, seconded by Mr. Livingston. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

11. Ordinance No. 05-16-2022 – An Ordinance establishing procedures and requirements for entering into development agreements in Newberry County.

- a. First Reading**

Mr. Powell spoke regarding the planning commission meeting that was initially held for this Ordinance. The vote was 5-3-0. 5 in favor, 3 abstained, 0 against. The 3 abstention votes were due to the need for more information and impact fees. Mr. Ingelse stated that an amendment to this Ordinance was that the Zoning Commissioner consult the school district and bring the finding to the Planning Commission.

Mr. Shealy moved to adopt the first reading, seconded by Mr. Livingston. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

12. Ordinance No. 06-19-2022 - 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 three and eighty-seven hundredths (3.87) acres designated as TMS No. 28-1-1-6, from R2 – Rural to GC – General Commercial.

a. First Reading

Katie Werts stated that this Ordinance is regarding property located at 411 SC Highway 39 in the Chappells area for a potential storage facility. The Staff did vote against this request. The Planning Commission did vote to approve it. There are additional commercial buildings in the area currently. No one is opposing this request to amend the official zoning map.

Mr. Scurry moved to adopt the first reading, seconded by Mr. Hipp. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

13. Discussion of Public Information Campaign for CPST

Staff is looking to engage a consultant regarding producing public information materials pertaining to CPST. To be compliant with the SC Ethics Act which states that the county is not allowed to use its assets to promote a ballot initiative however we can educate and inform the public as to what is on the ballot. The consultant would help draft a brochure, social media content, press releases, etc., that may be released to the public. The cost would be less than \$10,000. Staff would like to have the summer months to get the information out to the public for education purposes. Council agreed that educating the public was important so that the public is not going into the voting booth blind to the matters at hand. The consultant would provide staff with the content so that it may be distributed in the proper fashion.

Theo Williams spoke regarding the importance of having a consultant for a matter like this as to stay out of the “gray area” regarding anything that may be on a ballot. Educating the voters is very important.

14. Executive Session

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

- (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 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.*
- (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.

Mr. Shealy moved to go into Executive Session to discuss the matters as set forth above; seconded by Mr. Reeder. There being no further discussion Mr. Johnson called for the vote. The vote was unanimous.

EXECUTIVE SESSION
7:26 P.M. – 8:47 P.M.

Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. The vote was unanimous.

Mr. Livingston moved to approve the change order No. 1 on Phase 2(a) and 3 Roadway Project, project no. 17113-0036 at Mid-Carolina Commerce Park I, in the amount of \$88,894.00, seconded by Mr. Shealy. There being no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

15. Adoption of Consent Agenda

- a. Newberry Economic Development Committee–Report and Minutes May 23, 2022**
- b. Newberry County Council Meeting - Minutes June 15, 2022**
- c. Newberry County Finance Committee – Report and Minutes June 24, 2022**
- d. Newberry County Public Safety Committee – Report and Minutes June 21, 2022**

Mr. Shealy moved to adopt the consent agendas; seconded by Mr. Scurry. Mr. Johnson called for the vote. The vote was unanimous.

16. Appointments

No appointments made.

17. Public Comments

No public comments made.

18. Comments/Request from County Administrator

No comments from the County Administrator.

19. Comments/Request from Council Members

Mr. Shealy thanked everyone for their hard work and the thoughts and prayers he received during his recovery.

Mr. Livingston asked that the family of Mr. Wyman Cook be lifted up as they grieve his passing. Mr. Cook was on County Council for 12 years.

Mrs. Arrowood hoped everyone had a great 4th of July and God Bless America.

No comments from Mr. Hipp, Mr. Reeder, Mr. Scurry or Mr. Johnson.

20. Future Meetings

- | | | |
|-------------------------------|------------------|------------------|
| <i>a. County Council</i> | <i>7-6-2022</i> | <i>6:00 P.M.</i> |
| <i>b. Executive Committee</i> | <i>7-11-2022</i> | <i>6:00 P.M.</i> |

21. Adjournment

Mr. Shealy moved to adjourn the meeting, seconded by Mr. Scurry. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 8:48 p.m.

Newberry County Council

Todd Johnson, Chairman

Jackie Lawrence, Clerk to Council

Minutes approved: