

**NEWBERRY COUNTY COUNCIL
SPECIAL CALLED MEETING
DECEMBER 30, 2020
MINUTES**

Newberry County Council met on Wednesday, December 30, 2020, at 9:00 a.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: Henry H. Livingston, III, Chairman (District 3)
Kirksey Koon, Vice-Chairman (District 4)
Scott Cain, Council Member (District 1)
Steve Stockman, Council Member (District 2)
Dr. Harriett Rucker, Council Member (District 5)
Johnny Mack Scurry, Council Member (District 6)
Travis Reeder, Council Member (District 7)
Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Karen Brehmer, Deputy Administrator
Debbie S. Cromer, Finance Director
Taylor Davenport, Assistant to County Administrator
Susan C. Fellers, Clerk to Council (via livestream)
Ervin West,

MEDIA: Andrew Wigger, Newberry Observer

1. CALL TO ORDER - HENRY H. LIVINGSTON, III, CHAIRMAN

Mr. Livingston called the meeting to order at 9:00 a.m.

2. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

There being no additions or deletions to the agenda, Mr. Koon moved to adopt the agenda as presented; seconded by Mr. Reeder. Vote was unanimous.

3. ORDINANCE #12-25-20: AN EMERGENCY ORDINANCE TO SUSPEND TEMPORARILY THE NORMAL OPERATING PROCEDURES APPLICABLE TO THE MEETINGS OF COUNTY COUNCIL, TO DECLARE A STATE OF EMERGENCY WITH REGARD TO COUNTY COUNCIL'S CONTINUED ABILITY TO CONDUCT NECESSARY BUSINESS OF THE COUNTY, TO PROVIDE FOR EMERGENCY PROCEDURES FOR PUBLIC MEETINGS OF COUNTY COUNCIL DURING SAID EMERGENCY, AND TO PROVIDE FOR THE CONTINUATION OF SAID PROCEDURES UPON EXTENSION OF THIS ORDINANCE BY COUNTY COUNCIL.

Mr. Koon moved to adopt the ordinance; seconded by Dr. Rucker.

Mr. Adams advised that this ordinance would only remain in effect for 60 days, and it allows County Council members to participate electronically.

Mr. West explained the process for setting up the electronic process.

Mr. Koon was concerned that this process would only be used during emergency situations. Mr. Adams said this would allow Council members to attend in person if they should have Covid and are in quarantine. Mr. Koon was still concerned that a Council member could abuse this, and Mr. Adams advised that Council would have to monitor that for 60 days.

Mr. Cain said they could do that now. Mr. Adams responded that County Council's own rules don't allow for this now. Mr. Tothacer explained that right now we only have live stream, and this would allow any Council member who is ill to actually participate in person electronically.

Mr. Cain said if we are allowing people to call in or comment by Zoom, the ordinance needs to be amended in Section 2(e). Mr. Tothacer said the intent was to say right now people must come in to comment, however, we did amend that for a few public hearings recently because of covid.

Mr. Cain to moved to amend Section 2(e) as follows:

"With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. Members of the public may **participate by electronic means** or may submit written public comments which shall be distributed to the members of the Governing Body."

Motion was seconded by Mr. Reeder. There being no further discussion on the amendment, Mr. Livingston called for the vote. Voting for the amendment: Livingston, Stockman, Cain, Koon and Reeder. Voting against the amendment: Rucker and Scurry. At this point Mr. Cain indicated he was voting against the amendment. Mr. Livingston declared the vote to be 4 for and 3 against. Motion passed.

Dr. Rucker questioned Mr. Cain as to why he voted against his own amendment. Mr. Cain then advised that he abstained from voting.

Final vote for the amendment was as follows: Voting for the amendment: Livingston, Koon, Stockman, Reeder and Scurry. Voting against the amendment: Rucker. Abstaining: Cain.

Mr. Livingston declared the motion for amendment passed.

Mr. Cain had an issue with voting on how the new Council would meet. He suggested an emergency meeting to determine how the next Council will run for 60 days. There are no written guidelines from the County for County employees. We should have been doing this a long time ago.

Mr. Livingston said the numbers will escalate after the holidays. This protects all Council members to have a vote. The State never gave a lead to the counties as to what to do. This is intended to help and not harm anyone.

Mr. Koon requested that discussion come to an end.

Mr. Livingston called for the vote on the Ordinance, as amended. Voting for the ordinance as amended: Voting to approve the ordinance: Council Members Livingston, Koon, Stockman, Cain and Reeder. Voting against approving the ordinance: Council Members Rucker and Scurry. Motion passed by majority vote.

4. PUBLIC COMMENTS (BY THOSE WHO HAVE SIGNED UP AT THE MEETING)

No comments from the public.

5. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR

Mr. Adams thanked everyone for attending this special called meeting.

6. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

Mr. Cain thanked all first responders for everything.

Mr. Stockman said 2020 has been very trying.

Mr. Koon recognized Todd Johnson, incoming District 1 Council Member.

Dr. Rucker thanked Mr. Tothacer and Mr. Adams for working so hard to come up with this ordinance. This ordinance is a great idea for incoming County Council. It is easy to criticize. She prays that the new Council will work well together with the Administrator and staff.

Mr. Stockman thanked Mr. Adams and the staff for the tremendous job during the 12 years he has served. He feels Council is in very good hands.

Mr. Livingston feels this is a step in the right direction. Only the good Lord knows the answer. He prays this will pass and that small businesses will received help as well as first responders.

7. ADJOURNMENT.

There being no further business, Dr. Rucker moved to adjourn.

Mr. Livingston declared the meeting adjourned at 9:36 a.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Approved: _____