

**NEWBERRY COUNTY COUNCIL  
MINUTES  
MARCH 17, 2021**

Newberry County Council met on Wednesday, March 17, 2021, 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:** Henry H. Livingston, III, Chairman - District 3  
Todd Johnson, Vice Chairman - District 1  
Mary Arrowood, Council Member - District 2  
Nick Shealy, Council Member - District 4  
Les Hipp, Council Member - District 5  
Johnny Mack Scurry, Council Member - District 6  
Travis Reeder, Council Member - District 7  
A.J. Tothacer, III, County Attorney  
Susan C. Fellers, Clerk to Council - live stream  
Karen Brehmer, Deputy County Administrator  
Debbie Cromer, Finance Director  
Taylor Davenport, Assistant to County Administrator

**ABSENT:** Wayne Adams, County Administrator

**MEDIA:** Andrew Wigger, Newberry Observer

Mr. Livingston called the meeting to order at 6:00 p.m.

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

**1. Additions, Deletions and Adoption of Agenda**

Mr. Hipp requested that public comments be moved to agenda item 1(a) to allow the persons signed up to speak prior to action on agenda item 2.

Mr. Johnson recommended moving agenda item 2 to agenda item 12(b).

After further discussion, Mr. Johnson moved to amend the agenda by moving item 2 to item 12(b); seconded by Mr. Scurry. Vote was unanimous.

Mr. Hipp then moved to adopt the agenda as amended; seconded by Mr. Shealy. Vote was unanimous.

**2. Ordinance #11-24-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone one real estate parcel totaling Fifty-two and nine-tenths (52.9) acres designated as TMS Parcel No. 631-12 (Tract A) from Single Family Residential (RS) and Rural (R2) to Single Family Residential (RSM).**

**a. Third Reading**

See Agenda Item 12(b).

**3. Ordinance #02-03-21: An Ordinance authorizing (1) the execution and delivery of a first amendment to an existing fee in lieu of tax and incentive agreement (the "Fee Agreement") by and among Newberry County, South Carolina (the "County"), and companies collectively identified for the time being as Project Sam II, to provide for (A) the extension of the applicable investment period set forth in the Fee Agreement and (B) certain additional special source revenue credits, both in connection with additional investment in certain manufacturing and related facilities in the County; and (2) other matters relating thereto.**

**A. Second Reading**

Mr. Johnson moved to approve second reading; seconded by Mr. Reeder. Vote was unanimous.

**4. Ordinance #03-06-21: An Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement by**

and between Newberry County, South Carolina (the “County”) and Newberry Electric Cooperative, Inc., acting for itself, one or more affiliates, and/or other project sponsors (collectively, the “Company”), pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the establishment and/or expansion of certain facilities in the county (the “Project”); (2) the benefits of a multi-county industrial or business park to be made available to the Company and the Project; (3) certain special source revenue credits in connection with the project; and (4) other matters relating thereto.

**A. Second Reading**

Mr. Shealy recused himself from discussion and voting and left Council Chambers.

Mr. Reeder moved to approve second reading; seconded by Mr. Johnson. Vote was unanimous with the exception of Mr. Shealy who recused himself.

Mr. Shealy returned to Council Chambers after the vote.

**5. Ordinance #03-07-21: An Ordinance amending Chapter 31 of the Code of Ordinances for Newberry County by adding language permitting Council Member participation in council meetings remotely through virtual/electronic means as a permanent option.**

**A. Second Reading**

Mr. Hipp requested the following language be added to this Ordinance:

“Any member that will be unable to attend a meeting in person who wishes to attend virtually shall give advance notice to either the Chairman or the County Administrator stating the reasons they are unable to attend in person. Once they are appearing virtually in the meeting, they shall also preface any action by stating for the public record the reason they are unable to attend in person.”

Mr. Shealy moved for second reading as amended; seconded by Mr. Johnson. Vote was unanimous.

**6. Ordinance #03-08-21: An Ordinance permitting the Newberry County Joint Planning Commission and the Newberry County Board of Zoning Appeals to conduct virtual/electronic meetings permanently.**

**A. Second Reading**

Mr. Hipp requested the following language be added to this Ordinance:

“Any member that will be unable to attend a meeting in person who wishes to attend virtually shall give advance notice to either the Chairman or the County Zoning Administrator stating the reasons they are unable to attend in person. Once they are appearing virtually in the meeting, they shall also preface any action by stating for the public record the reason they are unable to attend in person.”

Mrs. Arrowood moved to adopt second reading as amended; seconded by Mr. Shealy. Vote was unanimous.

**7. Ordinance #03-09-21: An Ordinance authorizing the execution and delivery of a First Amendment to the Fee in Lieu of Tax Agreement by and among Newberry County, South Carolina and Sea Pro Boats, LLC, to provide for the extension of the investment period thereunder, the issuance of certain special source revenue credits, and other matters related thereto.**

**A. First Reading**

Mr. Johnson moved to adopt first reading; seconded by Mr. Reeder. Vote was unanimous.

**8. Ordinance #03-10-21: An Emergency Ordinance to suspend temporarily the normal operating procedures applicable to the meetings of The Newberry County Joint Planning Commission and The Newberry County Board of Zoning Appeals, to declare a State of**

**Emergency with regard to their continued ability to conduct necessary business of the County, to provide for emergency procedures for public meetings of the Joint Planning Commission and the Board of Zoning Appeals during said emergency, and to provide for the continuation of said procedures upon extension of this Ordinance by County Council.**

Mr. Johnson moved to approve this emergency ordinance; seconded by Mr. Reeder. Vote was unanimous.

**9. Consideration to approve Central SC Alliance FY 20-21 third and fourth quarter invoices totaling \$36,000. (Recommended by the Economic Development Committee 3/1/21).**

Mr. Reeder moved to approve payment of the third and fourth quarter invoices totaling \$36,000 to Central SC Alliance; seconded by Mr. Johnson. Vote as unanimous.

#### **10. Appointments**

Mrs. Arrowood recommended the appointment of Wayne Boland to the Board of Zoning Appeals; seconded by Mr. Johnson. Vote was unanimous.

Mr. Scurry recommended the appointment of Akka K. Coleman to the Board of Zoning Appeals; seconded by Mr. Hipp. Vote was unanimous.

**11. Executive Session - Code Section 3-4-70(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. This executive session concerns the lawsuit filed by West-Hobby against Newberry County.**

Mr. Shealy moved to go into Executive Session for the above stated reasons; seconded by Mr. Johnson. Vote as unanimous.

## **EXECUTIVE SESSION 6:18 PM - 7:16 PM**

Upon returning to open session, Mr. Tothacer reported no action was taken in Executive Session.

Mr. Johnson moved to authorize the attorney representing Newberry County in this matter to enter into ramifications as discussed in Executive Session; seconded by Mr. Hipp. Vote was unanimous.

### **12. Public Comments**

The following persons spoke in opposition to Agenda Item 12(b):

- Becky Boland
- Cale Boland
- Ronnie Kinard
- Patrick Meetze
- Kyle Kneece
- Jimmy Scott
- Sherre Richardson

Mike Satterfield with Great Southern Homes thanked Council for working with them on this matter. He felt Great Southern Homes had tried to their part to make this work. He handed out proposed restrictions on this property to Council. (Copy on file with the County Administration Office)

**12 (b)Ordinance #11-24-20: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone one real estate parcel totaling Fifty-two and nine-tenths (52.9) acres designated as TMS Parcel No. 631-12 (Tract A) from Single Family Residential (RS) and Rural (R2) to Single Family Residential (RSM).**

### **A. Third Reading**

Mr. Reeder moved to adopt third reading; seconded by Mr. Johnson.

Mr. Johnson stated Council was not deaf to the community's concerns. The only way we can build a community is to get more people in. The builder has made concessions.

Mr. Livingston stated prior to some of you coming before Council you were made aware of what was going on. Several meetings have been held.

Mr. Shealy advised the public meeting between the builder and members of the community was advertised properly.

Mr. Hipp stated it was not an illegal meeting; there were only 2 members of the community present and 2 Council members. This public meeting was not a Public Works and Planning Committee meeting.

There being no further discussion, Mr. Livingston called for the vote. Voting for third reading: Council Members Livingston, Johnson, Reeder, Scurry and Arrowood. Voting against third reading: Council Members Hipp and Shealy.

### **13. Comments/Requests from the County Administrator**

Item skipped.

### **14. Comments/Requests from Council Members**

Mr. Shealy (inaudible)

Mr. Hipp felt Council should have a work session as to how to handle advertising for a County Administrator.

Mrs. Arrowood suggested starting with the SCAC to post the job in addition to posting on the County's website.

Mr. Johnson concurred with Mrs. Arrowood.

### **15. Future Meetings**

- A. Work Session, 3/29/2021, 5:00 p.m.
- B. Finance Committee, 3/29/2021, 6:00 p.m.
- C. County Council, 4/7/2021, 6:00 p.m.
- D. Public Safety and Courts Committee, 4/19/2021, 6:00 p.m.

**16. Adjournment**

There being no further business to come before Council, Mr. Shealy moved to adjourn; seconded by Mrs. Arrowood.

Mr. Livingston declared the meeting adjourned at 7:52 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Henry H. Livingston, III, Chairman**

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

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