

**NEWBERRY COUNTY COUNCIL  
MINUTES  
APRIL 21, 2021**

Newberry County Council met on Monday, April 21, 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, Jr., County Attorney  
Susan C. Fellers, Clerk to Council  
Karen Brehmer, Deputy County Administrator  
Debbie S. Cromer, Finance Director  
Taylor Davenport, Assistant to the County Administrator

MEDIA: Andrew Wigger, Newberry Observer

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

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

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

agenda as presented; seconded by Mrs. Arrowood. Vote was unanimous.

**2. PUBLIC APPEARANCES**

**a. Newberry Academy Volleyball Team and Girls Basketball Team**

Mr. Tothacer read the following Resolutions into the record honoring the Volleyball and Girls Basketball Team:

Resolution #02-21: Resolution Congratulating Newberry Academy Girls Volleyball Team:

**WHEREAS**, the Newberry Academy Girls Volleyball Team posted a 17-3 record on its way to capturing the SCISA Class A State Championship; and

**WHEREAS**, this is their first state championship; and

**WHEREAS**, Newberry County wishes to recognize and commend the Newberry Academy Girls Volleyball team for this outstanding accomplishment.

**NOW, THEREFORE, BE IT RESOLVED THAT NEWBERRY COUNTY COUNCIL CONGRATULATES THE NEWBERRY ACADEMY GIRLS VOLLEYBALL TEAM AND ITS MEMBERS: Kailey Cheeks, Madison Rivers, Caroline Senn, Allison Joyner, Bethany Sawyer, Jayla Williams, Daja Taylor, London Huggins, Baylee Kinard, Cassie Gilliam, Khloe Cheeks, Jade Hughes, and Khloe Cheeks along with Coach Travis Gilliam and assistant coaches Karla Gilliam, Jenny Senn and Kate Cheeks.**

**AND BE IT FURTHER RESOLVED**, that this Resolution shall be published in the official minutes of the Newberry County Council and a framed copy presented to the team.

**AND IT IS SO RESOLVED** this 21st day of April, 2021.

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Resolution #03-21: Resolution Congratulating Newberry Academy Girls Basketball Team:

**WHEREAS**, the Newberry Academy Girls Basketball Team posted a 25-0 record on its way to capturing the SCISA Class A State Championship; and

**WHEREAS**, this is their first state championship; and

**WHEREAS**, Newberry County wishes to recognize and commend the Newberry Academy Girls Basketball team for this outstanding accomplishment.

**NOW, THEREFORE, BE IT RESOLVED THAT NEWBERRY COUNTY COUNCIL CONGRATULATES THE NEWBERRY ACADEMY GIRLS BASKETBALL**

**TEAM AND ITS MEMBERS: Kailey Cheeks, Madison Rivers, Caroline Senn, Allison Joyner, Bethany Sawyer, Jayla Williams, Daja Taylor, London Huggins, Baylee Kinard and Cassie Gilliam, along with Coach Barry Kelser and assistant coach Travis Gilliam.**

**AND BE IT FURTHER RESOLVED**, that this Resolution shall be published in the official minutes of the Newberry County Council and a framed copy presented to the team.

**AND IT IS SO RESOLVED** this 21st day of April, 2021.

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Mr. Livingston presented the framed Resolutions to the Basketball and Volleyball teams.

Representative Rick Martin and Senator Ronnie Cromer presented a House Resolution to the team.

### **3. EMPLOYEE RECOGNITION**

Mr. Livingston recognized the following employees for their years of service to Newberry County:

- **Kayla Turner, Veterans Affairs - 5 years**
- **Jackie Kennedy, Assessor's Office - 5 years**
- **Christopher Monson, Assessor's Office - 10 years**
- **Deanna Wilbanks, Sheriff's Office - 10 years**
- **Janeen Toby, Clerk of Court - 15 years**
- **Beverly Brehmer, Clerk of Court - 30 years**

With the agreement of Council, Mr. Livingston allowed persons signed up under public comments to speak at this time before any action is taken on agenda items.

**TOM POPE** serves on the Board of Newberry Opera House and requested that Council reinstate the \$25,000 in the budget for the Newberry Opera House.

Mr. Livingston advised that this would be taken as information tonight and everything would be discussed at the work session on April 26 and any amendments would be considered at second reading.

Mr. Hipp wanted to proceed with making amendments tonight.

**BEN SETZLER**, Newberry County Soil and Water Conservation District, deferred at this time but requested time after action on the agenda items.

**James Wimmer** advised he did not desire to speak.

**4. 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 MEETS PERMANENTLY.**

**a. Third Reading**

Mr. Shealy moved to approve third reading; seconded by Mr. Johnson. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

**5. 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 PROJECT SPEED RACER II, TO PROVIDE FOR THE EXTENSION OF THE INVESTMENT PERIOD THEREUNDER, THE ISSUANCE OF CERTAIN SPECIAL SOURCE REVENUE CREDITS, AND OTHER MATTERS RELATED THERETO.**

**a. Public Hearing**

Mr. Livingston declared this to be the public hearing. There being no comments from the public, Mr. Livingston declared the public hearing closed.

**b. Third Reading**

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

**6. ORDINANCE #04-11-21: AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING \$2,200,000 IN AGGREGATE PRINCIPAL AMOUNT, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BONDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BONDS, AND OTHER MATTERS RELATING THERETO.**

**a. Public Hearing**

Mr. Livingston declared this to be the public hearing.

Theo DuBose, bond counsel for Newberry County, advised this ordinance covers 2 bond issues. County bonds are issued in December and paid off the following April, which is 4 ½ months. The County presently has 4 of these outstanding.

There being no comments from the public, Mr. Livingston declared the public hearing closed.

**b. Second Reading**

Mr. Hipp moved to approve second reading; seconded by Mr. Shealy. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

- 7. ORDINANCE #04-12-21: AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 20, 2022, FOR THE NEWBERRY COUNTY BUDGET FOR COUNTY ORDINARY PURPOSES AND FOR THE OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX AND RECEIVE REVENUES; TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL PROPERTY IN NEWBERRY COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST ON OUTSTANDING INDEBTEDNESS OF NEWBERRY COUNTY PAYABLE DURING SAID FISCAL YEAR; TO PROVIDE FOR MATTERS RELATING TO NEWBERRY COUNTY; AND TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YEAR, AND TO PROVIDE FOR BORROWING IN ANTICIPATION OF TAX COLLECTIONS BY THE ISSUANCE OF ONE OR MORE TAX ANTICIPATION NOTES, IF NECESSARY.**

**a. First Reading**

Mr. Johnson asked if we were amending tonight or waiting until the work session.

Mr. Livingston said amendments should be made at the work session on Monday.

Mr. Hipp said he intended to make a motion tonight to reinstate the Soil and Water Conservation District.

Mr. Livingston said whatever Council wanted to do as far as the amendments. He just preferred that all pieces of the puzzle are there before making amendments.

Mr. Reeder moved to approve first reading; seconded by Mr. Shealy.

Mr. Hipp moved to reinstate funding in the original amount of funding in the past of \$47,000 for the Newberry County Soil and Water Conservation District;

Mr. Johnson said he would second that if Mr. Hipp would add that they are required to make quarterly reports to the Finance Committee on their progress.

Mr. Hipp added to his previous amendment that they are expected to report to the Finance Committee quarterly on their progress and use of those funds for one year until we get them back on their feet.

Mr. Johnson seconded the motion for amendment.

Mr. Livingston said the Soil and Water Conservation District does a wonderful job but as previously stated, he wants to collect all data before making that decision. He will vote against it but he is not voting against the program.

Mrs. Cromer stated there needs to be an additional amendment to that because we took out the revenue for that position. It will have to be added in as revenue of \$47,000, or whatever the amount was.

Mr. Johnson suggested including it in this one.

Mr. Hipp further amended his motion to move forward.

Mr. Johnson asked if Mr. Hipp was amending the change in revenue, as well.

Mr. Hipp acknowledged he was.

Mrs. Cromer stated she had not received the information from Mr. Setzler as to the percentage other counties paid to the Soil and Water Conservation Districts.

Mr. Hipp said the County Council had received the information. (At this point, a handout was provided to Mrs. Cromer, Mrs. Brehmer, and Mr. Tothacer, along with Council Members. A copy of this handout was NOT provided to the Clerk for the official minutes.)

Mrs. Cromer said they were also to advise if this position was full time or part time.

Mr. Hipp said the funding should be exactly the same as in the past and the County should not mandate whether their employee will be full time or part time. Let the Soil and Water Conservation District decide how to use the funds. Mrs. Brehmer disagreed with that.

Mr. Setzler said the information as to how Newberry compares to other counties, Mr. Hipp requested it and he sent it directly to Council. So there you go with that. As to the full time or part time thing, thank you so much. We would appreciate the chance to manage our own staff as we see fit. With that being said we are planning to go back to a full time position and possibly a part time. If it is not full time and only 30 hours, we don't expect benefits.

Mrs. Brehmer asked if this employee would still be on the county payroll. Mr. Setzler said that was entirely up to Council.

Mr. Hipp felt Council did not need to get into the details of how those funds are managed.

Mrs. Brehmer stated she was asking about payroll.

Mr. Hipp said that was something they could work out if the funding is approved.

Mr. Setzler said Mr. Johnson made the request that they come to the quarterly Finance Committee meeting and felt that was a great idea. If additional discussion is needed at that time, we can do so.

Mr. Reeder asked if that would take place before or after the new year. Answer was inaudible.

Mrs. Cromer advised this was set up approximately 30 years ago when the Soil and Water Conservation had a full time employee. They have been on the payroll ever since.

Mr. Hipp didn't think that needed to be a part of the amendment.

There being no further discussion, Mr. Livingston called for the vote on the amendment. Voting for the amendment: Council Members Scurry, Reeder, Johnson, Arrowood, Hipp

and Shealy. Voting against the amendment: Council Member Livingston. Amendment passed by majority vote,

Mr. Reeder moved to amend the budget by reinstating the \$25,000 for the Opera House; seconded by Mr. Scurry. Voting for this amendment were Council Members Scurry, Reeder, Johnson, Arrowood and Shealy. Voting against was Council Member Livingston. Council Member Hipp recused himself from voting because of his connection with the Opera House. Amendment passed by majority vote.

Mrs. Brehmer said the budget was balanced as of first reading, and Council has now added \$72,000 in expenditures. Staff needs to know where Council wants this additional expenditure to come from. Mr. Hipp said that would be worked out in the work session Monday. The \$17,000 was put in collections and should be transferred back to Soil and Water Conservation. There are contingency monies available, and that would not affect the balanced budget if we took the remainder from contingency.

Mrs. Brehmer said expenditures are being increased but revenues are not added. There should be an amendment to balance the budget tonight. These amendments create an unbalanced budget.

Mr. Hipp asked if it would require an amendment or could we leave as is and the budget could be balanced at the work session on Monday.

Mr. Tothacer stated the budget has to be balanced at the reading unless you choose to have an unbalanced budget. If you give first reading without allocating the revenues, you have an unbalanced budget.

Mr. Hipp asked if that was a problem until our work session. Mr. Tothacer felt it would be. The rating agencies look at the budget process, and they do not look kindly on an unbalanced budget. This will not be addressed until the first meeting in May at second reading.

Mr. Johnson moved that the \$17,000 from the Recycle Coordinator budget be reinstated to the Soil and Water Conservation District and that \$25,000 come out of contingency; seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Voting for this amendment: Council Members Scurry, Reeder, Johnson, Arrowood and Shealy. Voting against the amendment was Council Member Livingston. Mr. Hipp also recused himself on this vote. This motion passed by majority vote.



Mr. Johnson stated he would recuse himself from discussion and votes regarding WTH Technology and Lawtrack because of his association with them.

Mr. Hipp moved to approve first reading, as amended; seconded by Mr. Reeder.

There being no further discussion, Mr. Livingston called for the vote for first reading as amended.

Voting for first reading as amended: Council Members Scurry, Reeder, Johnson, Arrowood, Hipp and Shealy. Voting against: Council Member Livingston. First reading of amended ordinance passed by majority vote.

**8. ORDINANCE #04-13-21: AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 20, 2022, FOR THE NEWBERRY COUNTY LIBRARY, PIEDMONT TECHNICAL COLLEGE AND NEWBERRY AGENCY FOR DISABILITIES AND SPECIAL NEEDS; TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL ESTATE PROPERTIES IN NEWBERRY COUNTY FOR SAID PURPOSES; TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YEAR FOR SAID PURPOSES.**

**a. First Reading**

Mr. Hipp moved to approve first reading; seconded by Mrs. Arrowood. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

**9. CONSIDERATION TO APPROVE ROGERS & CALLCOTT FOR THE STORM WATER POLLUTION PREVENTION PLAN SAMPLING AND INSPECTION FOR THE NEWBERRY COUNTY AIRPORT - CRYSTAL WALDROP, PURCHASING DIRECTOR.**

Due to Mrs. Waldrop having had emergency surgery, Mike Pisano, Public Works Director, presented.

Mr. Pisano said this was put out for bid on April 2, and six bids were received. This is required by DHEC, and the money was budgeted in the current budget. Staff recommends accepting the bid from Rogers & Callcott.

Mr. Reeder moved to accept the Rogers & Callcott bid; seconded by Mr. Scurry. Vote was unanimous.

## **10. EXECUTIVE SESSION (IF NEEDED)**

Not needed.

## **11. APPOINTMENTS**

Mr. Hipp moved to appoint Randy Malloy to the Disabilities and Special Needs Board; seconded by Mr. Shealy. Vote was unanimous.

Mrs. Arrowood moved to appoint Donald Stockman to the Water and Sewer Authority Board; seconded by Mr. Hipp. Vote was unanimous.

## **12. PUBLIC COMMENTS**

**Ben Setzler** thanked Council for reinstating the funds for the Soil and Water Conservation District.

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

Mr. Shealy - no comments

Mr. Hipp - no comments

Mrs. Arrowood - no comments

Mr. Johnson said last week was the hardest week of his life, In his family's overwhelming grief, they felt overwhelming love and support from people of God. He thanked everyone for the kindness extended to his family.

Mr. Scurry felt an apology was due to Mr. Livingston because Council overstepped their boundaries by not listening to the Chairman. We now have an unbalanced budget. Council is not working together on this. We don't want to put the County in a position of spending money we don't have. Mr. Livingston assured him it would be okay.

Mr. Reeder said someone sent him an email concerning money received from the pandemic. A lot of people with legitimate businesses did not receive any money. We cannot create a job that doesn't exist just to get the money. We need to do a lot better with giving out money to people who really need it.

Mr. Livingston recognized Senator Cromer and Representative Martin and thanked them for all they do to support Newberry County.

#### **14. FUTURE MEETINGS**

- **Budget Work Session, 4/26/21, 6:00 p.m.**
- **Public Works and Planning, 5/3/21, 6:00 p.m.**
- **County Council, 5/5/21, 6:00 p.m.**

#### **15. ADJOURNMENT**

There being no further business to come before Council, Mr. Shealy moved to adjourn.

Mr. Livingston declared the meeting adjourned at 7:02 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:\_\_\_\_\_**