

**NEWBERRY COUNTY COUNCIL  
MINUTES  
MAY 19, 2021**

Newberry County Council met on Wednesday, May 19, 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:**

**Council Members:**

Henry H. Livingston, III, Chairman - District 3  
Todd Johnson - District 1  
Nick Shealy - District 4  
Les Hipp - District 5  
Travis Reeder - District 6  
Johnny Mack Scurry - District 7

**Administrative Staff:**

A.J. Tothacer, Jr., County Attorney  
Susan C. Fellers, Clerk to Council  
Debbie S. Cromer, Finance Director  
Karen Brehmer, Deputy County Administrator  
Crystal Waldrop, Purchasing Director  
Katherine Cook, HR Director  
Taylor Davenport, Assistant to County Administrator

**Other County Personnel present:**

Donna Lominack, Auditor  
Rick Farmer, Economic Development Director  
Wesley Boland, Newberry County Sheriff's Office

**Absent:**

Mary Arrowood, Council Member - District 2 (illness)

Media:

Andrew Wigger, Newberry Observer

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

Mr. Hipp 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 presented; seconded by Mr. Scurry. Vote was unanimous.

- 2. 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.**

*Mr. Shealy recused himself from any discussion and/or vote pertaining to this item because of his employment with Newberry Electric Cooperative.*

**a. Public Hearing**

Mr. Livingston declared this to be the public hearing.

Mr. Hipp asked if potential funding for this project could come from the federal government’s stimulus package as it relates to fiber optic.

Keith Avery, Newberry Electric Cooperative, stated broadband would be in some areas of non-members of Newberry Electric Cooperative, and that money could possibly be used to fund broadband for those particular areas.

There being no further discussion, Mr. Livingston declared the public hearing closed.

### **b. Third Reading**

Mr. Reeder moved to adopt third reading; seconded by Mr. Scurry.. Vote was unanimous.

*Mr. Shealy returned to Council Chambers after the vote for third reading.*

- 3. Ordinance #04-12-21: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2021 and ending June 30, 2022, for the Newberry County Budget for County Ordinary purposes and for 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. Public Hearing**

Mr. Livingston declared this to be the public hearing.

There were no comments from the public.

Mr. Livingston declared the public hearing closed.

Mr. Hipp requested another work session on the budget prior to final reading so Council could go through each department's budget as to requests for the 21-22 fiscal year and what was actually spent in the 20-21 fiscal year.

After discussion, Council agreed to scheduling a budget work session on Monday, May 24, 2021, at 6:00 p.m.

- 4. Ordinance #04-13-21: An Ordinance to provide appropriations for the fiscal year beginning July 1, 2021 and ending Jun 30, 2022, for 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. Public Hearing**

Mr. Livingston declared this to be the public hearing.

There being no comments from the public, Mr. Shealy moved the public hearing come to a close; seconded by Mr. Reeder. Vote was unanimous.

Mr. Livingston declared the public hearing closed.

- 5. Ordinance #5-14-21: An Ordinance expressing the intent of Newberry County Council to declare Newberry County as a Sanctuary County for Second Amendment Rights.**

- a. Second Reading**

Mr. Hipp moved to adopt second reading; seconded by Mr. Shealy. There being no discussion, Mr. Livingston called for the vote. Voting for second reading: Council Members Livingston, Johnson, Arrowood, Hipp and Shealy. Voting against second reading: Council Members Reeder and Scurry (reasons were set forth at first reading as to their opposition).

**6. Consideration to approve Satterfield Construction for repairs to Dogwalla Road in the amount of \$92,874.00 - Crystal Waldrop, Purchasing Director.**

Mrs. Waldrop advised staff recommended approval of the \$92,874.00 bid from Satterfield Construction.

Mr. Hipp inquired as to the members of the CTC. Mrs. Cromer advised she would provide that information to them after Executive Session.

Mr. Hipp moved to approve the bid from Satterfield Construction in the amount of \$92,874.00; seconded by Mr. Shealy. Vote was unanimous.

**7. Executive Session**

Mr. Shealy moved to convene in Executive Session as follows:

- 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.
- SC Code Section 30-3-70(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 matter 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.

Motion seconded by Mr. Shealy. Vote was unanimous

*EXECUTIVE SESSION*

*6:18 P.M. - 7:35 P.M.*

Upon returning to open session, Mr. Johnson advised that Council met in Executive Session for the above stated reasons. Information was received as to the County Administrator position and no action was taken.

Mr. Johnson also stated that per the Governor's Office, masks would no longer be mandatory at Council meetings. Masks are still required during business hours in the Courthouse and the Courthouse Annex because of Court.

Mr. Johnson moved to direct the County Attorney to settle the pending lawsuit per guidelines set after receiving legal advice in Executive Session; seconded by Mr. Hipp. Vote was unanimous.

**8. Discussion and/or action regarding the County Administrator Position**

No action.

**9. Appointments**

Mr. Hipp recommended the appointment of Mr. Shealy to the Central Midlands Council of Government Board; seconded by Mr. Reeder. Vote was unanimous.

**10. Public Comments**

No comments from the public.

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

Mr. Scurry - no comments.

Mr. Reeder - The City of Newberry will celebrate the first annual Juneteenth on Saturday, June 19.

Mr. Johnson - no comments.

Mr. Hipp - It has been a pleasure to see how Council has worked together on the budget and administrative items and appreciated the opportunity to be a part of this group.

Mr. Shealy - seconded Mr. Hipp's comments.

Mr. Livingston - thanked the administrative team for their work on the budget.

### 12. Future Meetings

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|----------------------------------|---------|-----------|
| • Budget Work Session            | 5/24/21 | 6:00 p.m. |
| • County Council                 | 6/14/21 | 6:00 p.m. |
| • Economic Development Committee | 6/14/21 | 6:00 p.m. |
| • County Council                 | 6/16/21 | 6:00 p.m. |

### 13. Adjournment

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

Mr. Livingston declared the meeting adjourned at 7:40 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: \_\_\_\_\_