

**NEWBERRY COUNTY COUNCIL
MINUTES
MAY 5, 2021**

Newberry County Council met on Wednesday, May 5, 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, Vice-Chairman - District 1
Mary Arrowood, District 2
Nick Shealy, District 4
Les Hipp, District 5
Johnny Mack Scurry, District 6
Travis Reeder, District 7

Other Staff present:

A.J. Tothacer, Jr., County Attorney
Karen Brehmer, Deputy County Administrator
Katherine Cook, HR Director
Debbie S. Cromer, Finance Director
Taylor Davenport, Assistant to the County Administrator
Susan C. Fellers, Clerk to Council
Tommy Long, Emergency Services Director
Mike Pisano, Public Works Director

MEDIA: Andrew Wigger, Newberry Observer

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

Mrs. Arrowood had the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Motion by Mr. Shealy to adopt the Consent Agenda consisting of minutes of the March 17, March 29, April 7, April 12, April 21 and April 26, 2021 meetings; seconded by Mr. Johnson. Vote was unanimous.

2. Additions, Deletions and Adoption of the Agenda

Motion by Mrs. Arrowood to adopt the Agenda as presented; seconded by Mr. Scurry. Vote was unanimous.

- 3. 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. Third Reading

Mr. Hipp asked if third reading should be deferred due to equipment increases in the work session.

Mrs. Cromer advised that third reading needed to move forward by June 30. The fiscal year 21-22 will be dealt with later.

Motion by Mrs. Arrowood to approve third reading; second by Mr. Reeder. There being no further discussion Mr. Livingston called for the vote. Vote was unanimous.

- 4. 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. Second Reading

Motion by Mr. Hipp to approve second reading; second by Mr. Reeder.

Mr. Hipp then moved to rescind the amendments made at first reading of the budget on April 21, 2021 with regards to the Soil and Water Conservation and Newberry Opera House funding so that funding can be restored correctly; seconded by Mr. Shealy. Vote was unanimous.

Mr. Hipp moved that for the purpose of reinstating Soil and Water Conservation allocations to the FY 20-21 level to:

1. Increase Quarterly Payments by \$30,000 from \$0 to \$30,000;
2. Increase Keep America Beautiful Program by \$17,000 from \$0 to \$17,000;
3. Decrease collections by \$30,000 from \$40,000 to \$10,000;
4. Decrease collections by \$17,000 from \$17,000 to \$0;
5. Increase Soil and Water Conservation revenue by \$46,938 from \$0 to \$46,038;
6. Increase Soil and Water Conservation revenue by \$0 to \$46,938.

Motion seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

Mr. Hipp moved that for the purpose of reinstating the Newberry Opera House allocation to the FY 20-21 level to:

1. Increase annual allocation by \$25,000 from \$0 to \$25,000;

2. Decrease Council Contingency by \$25,000 from \$158,923 to \$133,923.

Motion seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

Mr. Hipp moved to increase the Local Government Fund revenue to equal the senate version by:

1. Increasing the Local Government Fund revenue by \$42,099 from \$1,638,663 to \$1,680,762;
2. Increasing collections by \$42,099 from \$10,000 to \$52,099.

Motion seconded by Mr. Reeder. There being no discussion Mr. Livingston called for the vote. Vote was unanimous.

There being no further discussion regarding this agenda item, Mr. Livingston called for the vote on second reading as amended. Vote was unanimous.

Mr. Johnson advised he would abstain from voting on any item in the budget dealing with WTH and Nicholson Business.

5. **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. Second Reading

Motion by Mr. Reeder to approve second reading; second by Mr. Scurry. Vote was unanimous.

6. 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. First Reading

Motion by Mr. Hipp to approve first reading; second by Mrs. Arrowood.

Mr. Johnson stated the county attorney has concerns with this ordinance; however in discussions with Mr. Wimmer and the Sheriff, he had no issues with it. The federal government will have the final say on this issue.

Mr. Reeder stated he could not vote for this because of certain circumstances and things he had seen.

Mr. Scurry said he had no problem with following the Constitution but when County Council amends it, he does have a problem.

Mr. Johnson stated he understood Mr. Reeder and Mr. Scurry's reservations.

Mr. Hipp advised he supported this ordinance with total respect for Mr. Reeder and Mr. Scurry. We all believe in the second amendment to allow people to bear arms. Even though it won't influence the federal or state governments, it sends a message to our county and the state.

Mr. Johnson said everybody supports every amendment to the Constitution but this is a time for us to stand with our citizens and he would support it.

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

7. Consideration of Annual Indexing of Elected Officials' Salaries

Newberry County Ordinance #01-01-17 provides that, "absent a successful vote to the contrary by Newberry County Council at its first meeting in May,

the county-funded salary portions for all countywide elected officials shall be increased at a rate equal to the consumer price index for all urban consumers (CPI-U), as determined by the Bureau of Labor Statistics (unadjusted) for the most recently reported 12-month period.”

Unless Council votes to the contrary at each first meeting in May, the Council will by default approve an increase for the salaries of elected officials at a rate equal to the CPI-U, unadjusted. The reported CPI-U for the last twelve months is 2.6%. The FY 21-22 operating budget currently provides for a 1.5% increase in the salary budget for general employees. Law Enforcement salaries would increase by 2.5%.

Mr. Hipp moved to increase the salary of elected officials by 1.5%, the same percentage as all other county employees; seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

Mr. Livingston stated for the record that this did not include Council members.

8. Consideration to approve the low bid in the amount of \$45,014.53 from ProPac, Inc. for the purpose of a training trailer for the Newberry Fire Training Grounds - Tommy Long, Public Safety Director.

Mr. Long said two bids were received: ProPac, Inc. for \$45,014.53 and Mobile Concepts for \$182,660.00. He advised this was a grant from DHEC for purchase of a trailer, and the grant pays 100%. Mr. Long stated there are 11 counties in the Midlands Coalition. The trailer will be housed in Newberry County and when one of those other counties need it, it will be sent to them.

Staff recommends the bid from ProPac, Inc. in the amount of \$45,014.53. Mr. Long stated the \$45,014.53 will come out of the county budget until refunded by DHEC. Mrs. Cromer added that in the past there have been no problems with DHEC refunding the County.

Motion by Mrs. Arrowood to accept the Propac, Inc. bid of \$45,014.53; second by Mr. Reeder. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

9. Executive Session

- **Code Section 30-4-70(a)(1):** Discussion of employment, appointment, compensation, promotion, 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 30-4-70(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.

Motion by Mr. Shealy to convene in Executive Session to discuss the matters as outlined above; second by Mrs. Arrowood. Vote was unanimous.

Mr. Livingston requested that Katherine Cook, HR Director, and Mr. Poe meet with Council in the first part of Executive Session.

EXECUTIVE SESSION 6:25 P.M. - 8:15 P.M.

Upon returning to open session, Mr. Johnson reported Council met in Executive Session to discuss the above matters and no action was taken.

10. Discussion and/or action regarding the County Administrator Position

No discussion.

11. Committee Report

a. Public Works and Planning – Mike Pisano, Public Works Director

Mr. Pisano reported the following items were discussed at the Public Works and Planning Committee meeting:

- Shameka Brown, who lives on Wilvant Road, appeared regarding driveway access to her home. She has recently been told that her legal access should be BS Mitchell Drive. Mr. Pisano said county maintenance only goes approximately .5 of a mile, and there is only a 4 foot easement, which is not enough to build a road. Mrs. Brown was advised to seek legal advice.
- Paula Spradley appeared regarding her property located on Raymond Finch Drive. This drainage issue was first brought up in 2013. Mr. Pisano indicated the cross line is in the wrong place. An engineering study will range in price from \$20,000 to \$70,000. The Committee directed staff to consult with an engineering company to determine a solution.

Mr. Shealy added that the Committee did receive legal advice from the county attorney relating to Mrs. Brown's issue, and it was the consensus of the committee to advise her to seek legal advice.

12. Appointments

Mr. Reeder recommended the appointment of Patrick Wilkes to the Board of Zoning Appeals; seconded by Mr. Hipp. Vote was unanimous.

13. Public Comments

No comments from the public.

14. Comments/Requests from Council Members

- Mr. Shealy expressed appreciation to the staff for all information provided to Council tonight.
- Mr. Johnson said the first couple of months were rough for us but we are operating as a team.
- Mr. Livingston felt it was a good meeting tonight and appreciated the camaraderie.

Mrs. Cromer asked what information Council wanted for the Budget Work Session.

Mr. Johnson requested information regarding the tax debt and levy. Mrs. Cromer said that had already been sent in an email to Council.

Mr. Hipp requested that prior to the public hearing the proposed budget be posted on the county's website.

Mr. Livingston requested that an executive session on the same items as set forth above be placed on the agenda for the Budget Work Session.

Mr. Hipp requested the budget by line item so they have the opportunity to see what they may or may not want a copy of. (This information was provided to Council's in their budget workbooks.)

15. Future Meetings:

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|---------------------------------|----------|-----------|
| • Budget Work Session | 05/10/21 | 6:00 p.m. |
| • Personnel & Intergovernmental | 05/17/21 | 6:00 p.m. |
| • County Council | 05/19/21 | 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 8:25 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved: _____