

**NEWBERRY COUNTY COUNCIL
MINUTES
JUNE 2, 2021**

Newberry County Council met on Wednesday, June 2, 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 (via virtual)
Mary C. Arrowood - District 2
Nick Shealy - District 4
Les Hipp - District 5
Johnny Mack Scurry - District 6
Travis Reeder - District 7

Staff:

A.J. Tothacer, Jr., County Attorney
Taylor Davenport, Assistant to County Administrator
Susan C. Fellers, Clerk to Council
Debbie S. Cromer, Finance Director
Karen Brehmer, Deputy County Administrator
Crystal Waldrop, Purchasing Director
Katherine Cook, HR Director
Beth Folk, Clerk of Court
Donna Lominack, Auditor
Wesley Boland, Sheriff's Office
Ben Chapman, Sheriff's Office

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. Johnson stated he had to travel to the low state for work and due to the rain and traffic and a wreck he ran into, he was 1 1/2 hours out from Newberry but had stopped for the meeting.

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

(NOTE: Mr. Johnson acknowledged verbally his vote on all agenda items)

1. Adoption of Consent Agenda

Mr. Scurry moved to adopt the Consent Agenda consisting of minutes of the May 5, 2021 meeting; seconded by Mr. Reeder. Vote was unanimous.

2. Additions, Deletions and Adoption of the Agenda

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

3. Public Appearances

A. Billy Morgan, Director of Workforce Development

Mr. Morgan addressed Council regarding the Upper Savannah Workforce Memorandum of Understanding between the seven counties they serve. He also explained in detail the services provided by Upper Savannah and addressed questions from Council as to the rate of unemployment and the lack of persons to fill positions.

3.1 Consideration to approve the Memorandum of Understanding with Upper Savannah Workforce Area (SC Works System).

Mr. Hipp moved to approve the Memorandum of Understanding; seconded by Mrs. Arrowood. Vote was unanimous.

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(A copy of the Memorandum of Understanding is on file in the administration office.)

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. Third Reading

Mr. Hipp moved for third reading; seconded by Mrs. Arrowood.

Mr. Livingston advised the FY 21-22 County Ordinary Budget was balanced at \$27,678,608.

The following amendments were considered and voted on:

- Mr. Johnson moved to distribute the budgeted funding of \$232,000 as a cost-of-living adjustment of 2% for all county employees; to allow staff to distribute the associated benefit costs and make the necessary line item adjustments; seconded by Mrs. Arrowood. Vote was unanimous. (This amendment will make no change in the total budget.)
- Mrs. Arrowood moved to increase the salaries for elected and appointed officials by 2%; seconded by Mr. Reeder. Vote was unanimous. (Note: this amendment does NOT apply to Council Members.)

- Mr. Hipp moved to decrease the revenue of Mid-Carolina Commerce Park FILOT from \$450,769 to \$0 (010-004-00040-00425) and to decrease the expenditure from Economic Development for the Mid-Carolina Commerce Park by \$450,769 to \$0 (010-005-09310-02092); seconded by Mrs. Arrowood. Vote was unanimous. (NOTE: This motion decreases total budget revenues and expenditure from \$27,678,608 to \$27,227,839).
- Mr. Hipp moved to authorize staff to adjust the FY21-22 budget revenues and expenditures for capital projects to reflect actual progress to date at the time of the budget's publication; seconded by Mr. Scurry. Vote was unanimous.
- Mr. Hipp moved to decrease the expenditure, Animal Control Spay and Neuter from \$75,000 to \$50,000 (010-005-06210-03145) and increase Council Contingency from \$133,923 to \$158,923; seconded by Mr. Shealy. (This would not change the total budget).

Under discussion, Mrs. Arrowood proposed that it not be cut this year but to look into this program to find out why it has gone up so much. This has come before Full Council at every reading and the public hearing.

Mr. Livingston advised if all of the funds budgeted were not spent, the funds can go back into contingency.

There being no further discussion, Mr. Livingston called for the vote.

Voting to approve this amendment: Council Members Hipp, Shealy and Reeder.

Voting against this amendment: Council Members Scurry, Arrowood, Johnson and Livingston.

Motion failed.

Mr. Livingston then called for the vote on third reading as amended. Vote was unanimous.

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. Third Reading

Mr. Livingston advised the Community Services FY 21-22 budget totals \$1,308,160.

Mrs. Arrowood moved to approve third reading; seconded by Mr. Reeder. 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. Third Reading

Mr. Hipp moved to approve third reading; seconded by Mr. Shealy.

Voting for third reading: Council Members Hipp, Shealy, Arrowood, Johnson and Livingston.

Voting against third reading: Council Members Reeder and Scurry.

Motion passed by majority vote.

Mr. Livingston advised that both Mr. Reeder and Mr. Scurry stated their objections to this Ordinance at first reading.

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7. Consideration to approve the upgrade of the network core switches for the Newberry County Sheriff's Department in the amount of \$63,712.21 - Captain Ben Chapman

Captain Chapman advised these funds are in the current budget, and no extra funds are needed.

Mr. Reeder moved to approve the upgrade; seconded by Mrs. Arrowood. Vote was unanimous.

8. Consideration to approve Vector for the County Fleet Maintenance and Management Contract - Crystal Waldrop, Purchasing Director

Mrs. Waldrop advised responses were received from First Response (\$685,000) and Vector (\$63,002). First Response bills at \$42.50 per hour. Vector's bid does not include non-target items but their hourly billing rate is \$30. Staff recommends approval of the bid from Vector in the amount of \$63,002. Evaluation criteria was used to determine the highest ranked firm.

Mr. Shealy moved to approve Vector; seconded by Mr. Reeder. Vote was unanimous.

Mr. Livingston requested that Council consider public comments prior to going into Executive Session. All Council agreed to this.

13. Public Comments

Mr. Wimmer expressed appreciation to Council regarding passage of Ordinance #05-14-21. He inquired as to the reasons for the two no votes since the public didn't have the opportunity to hear those reasons. (NOTE: Those reasons were given in open session at the first reading of this ordinance).

Mr. Reeder and Mr. Scurry both stated the second amendment to the Constitution already exists, and the Governor said he saw no need for any other amendment.

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9. Executive Session

- **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 30-4-70(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.

Mr. Shealy moved to go into Executive Session for the reasons stated above; seconded by Mrs. Arrowood. Vote was unanimous.

Mr. Livingston requested that the following persons join Council in Executive Session: Jay Tothacer (County Attorney), Katherine Cook (HR Director), and Milton Poe (Parker Poe Consulting).

EXECUTIVE SESSION

6:45 P.M. - 7:15 P.M.

Mr. Hipp moved to return to open session; seconded by Mr. Reeder. Vote was unanimous.

Mr. Tothacer reported the above items were discussed and no action was taken regarding the employment matter or the lawsuit.

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

Mr. Hipp moved to authorize the Chairman to enter into an agreement for an interim administrator; seconded by Mr. Reeder. Vote was unanimous.

Mr. Hipp moved to authorize the Chairman to enter into an agreement with Parker Poe Consulting regarding hiring of a permanent administrator; seconded by Mrs. Arrowood. Vote was unanimous.

11. Discussion and/or action to resolve a current lawsuit.

Mr. Hipp moved to authorize the County Attorney to enter into a settlement with West Hobby; seconded by Mrs. Arrowood. Vote was unanimous.

12. Appointments

Mr. Johnson recommended the appointment of Bill Braswell to the Newberry Disabilities and Special Needs Board; seconded by Mrs. Arrowood. Vote was unanimous.

Mr. Johnson recommended the appointment of Beth Bozard to the Newberry County Memorial Hospital Board; seconded by Mr. Reeder. Vote was unanimous.

Mr. Johnson recommended the appointment of George Oxner to the Newberry County Memorial Hospital Board; seconded by Mrs. Arrowood. Vote was unanimous.

Mrs. Arrowood recommended the appointment of Brian Jeffcoat to the Newberry Disabilities and Special Needs Board; seconded by Mr. Reeder. Vote was unanimous.

Mr. Livingston thanked all volunteers on the various boards for their dedication.

14. Comments/Requests from Council Members

Mr. Johnson - none.

Mr. Shealy - none.

Mr. Hipp - none.

Mrs. Arrowood - great to get the budget done.

Mr. Reeder - thanked the finance staff for all they did working on the budget.

Mr. Scurry - thanked the County Attorney, Mrs. Cromer and Mrs. Brehmer for a job well done.

Mr. Livingston - thanked the following persons for all their work on the budget: Mrs. Cromer, Mrs. Brehmer, the department heads and Council Members. In addition, he recognized Donna Lominack for attending all budget workshops and Council meetings during the budget process.

Mr. Livingston thanked Mrs. Cook for her work regarding all the personnel discussions and executive sessions.

Mr. Livingston stated that Mrs. Davenport had done a phenomenal job.

15. Future Meetings

A.	Economic Development Committee	6-14-21	6:00 pm
B.	County Council	6-16-21	6:00 pm
C.	County Council	7-7-21	6:00 pm

16. Adjournment

Mr. Shealy moved to adjourn; seconded by Mr. Scurry.

Mr. Livingston declared the meeting adjourned at 7:23 p.m.

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NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved:_____