

**NEWBERRY COUNTY COUNCIL  
MINUTES  
AUGUST 18, 2021**

Newberry County Council met on Wednesday, August 18, 2021, at 6:00 p.m., in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., 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  
Les Hipp, Council Member - District 5  
Johnny Mack Scurry, Council Member - District 6  
Travis Reeder, Council Member - District 7  
Tony McDonald, Interim County Administrator  
A.J. Tothacer, Jr., County Attorney  
Karen Brehmer, Deputy County Administrator  
Debbie S. Cromer, Finance Director  
Taylor Davenport, Assistant to County Administrator  
Susan C. Fellers, Clerk to Council  
Crystal Waldrop, Purchasing Director  
Mike Pisano, Public Works Director  
Katie Werts, Zoning Administrator

**MEDIA:** Andrew Wigger, Newberry Observer

**ABSENT:** Nick Shealy, Council Member - District 4 (business trip out of town relating to his work)

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

In the absence of Mr. Shealy, Mr. Hipp had the invocation followed by the Pledge of Allegiance.

In light of the carjacking and officer involved shooting which occurred earlier this week, Mr. Livingston expressed thanks and gratitude to Newberry County Law Enforcement and especially the two deputies who put their lives in danger to keep others safe.

**1. Adoption of Consent Agenda**

Mr. Scurry moved to adopt the Consent Agenda consisting of minutes of July 7, July 21, and August 8, 2021; seconded by Mr. Reeder.

Mr. Hipp requested the correction of the spelling of Karl Brehmer's name in the July 7, 2021 minutes. (Spelled Carl instead of Karl).

Mr. Livingston called for the vote on the Consent Agenda as amended. 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. Employee Recognition**

Mr. Livingston recognized and thanked the following employees for years of service:

- Grallin Bullard, Public Works - 15 years
- John Fulmer, Sheriff's Office - 15 years
- Amelia Shields, Probate Court - 20 years
- Crystal Waldrop, Purchasing Director - 20 years

**4. Public Appearance**

**A. Laura Kneece, Newberry County Coroner - discussion of transport vehicle**

Mrs. Kneece advised when this was put out for bid, no bids were received, and we are now back at square one with purchasing a transport vehicle.

After meeting with Mr. McDonald and Mrs. Waldrop, Mrs. Kneece requested that County Council grant permission to seek outside the state vendor requirements to find a vehicle with a cap of \$32,000.

Mr. McDonald advised Council many discussions have been held about this. This vehicle is hard to find, and it cannot be obtained on state contract. The proposal to County Council is to give authorization to purchase off state contract if it becomes available from another vendor prior to state contract, and that permission be granted to negotiate directly with that vendor. The cap purchase price is \$32,000.

Mr. Reeder moved to grant the request with a cap of \$32,000 as the purchase price; seconded by Mrs. Arrowood. Vote was unanimous.

**5. Ordinance #07-15-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling seventeen and seventy-three hundredths (17.73) acres designated as TMS Parcel No. 523-46 from RS-Single Family Residential to R2-Rural.**

**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**

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

6. **Ordinance #07-16-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone three (3) real estate parcels totaling one thousand two hundred sixty-nine and seventy-eight hundredths (1,269.78) acres consisting of tax map parcels: TMS 109-6 containing eight hundred (800) acres and TMS 109-11 containing one hundred forty-nine (149) acres and TMS 110-2 containing three hundred twenty and seventy-eight hundredths (320.78) acres from RS-Rural to Industrial.**

**A. Second Reading**

Mr. Hipp moved to approve second reading; seconded by Mr. Reeder.

Mr. Livingston advised several people had signed up to speak regarding this agenda item and with permission of Council, they will be allowed to speak before any action is taken. Council concurred.

**Bill Parr, Belfast Road** - Solar energy is in our future. This is a technology that works well with no dangerous nuclear energy afterwards. Solar energy will happen, whether it is Newberry County or somewhere else. The solar farm will take up approximately 400 acres of the 1,000. He requested that Council think about the future of Newberry County.

**Patrick Meetze, US Highway 176** - He handed out a copy of the August 1, 2018 County Council minutes with certain highlighted sections (a copy is on file in the County Administration Office). He also asked how rezoning this property would affect it in the years to come. He requested that Council find out why the solar farm discussed in the August 2018 minutes did not go through the process even though first reading was approved by Council.

**Karl Brehmer** - He initially asked Council not to do this because of environmental concerns. At the work session experts admitted the following:

- Solar panels contain hazardous waste
- There is no defined disposal plan

- If panels are fractured, they could leak into the soil, which is right next to a water supply

He felt it would be reckless on the part of Council if approved.

Ecoplexus is not the one asking for this. What is the economic viability? Can this project sustain itself without government subsidies?

What is the harm in delaying this project for 3-4 years to see if the solar panels are improve and by then maybe a disposal plan will be in place.

If Council approves this, it is acting irresponsibly by exposing the citizens of the county for the gain of a few. He requested that Council deny the rezoning because there is no valid basis for approving and the risk is too great. In the alternative, at least consider deferring for several years.

**Chris Sandifer, Spring Hook, North Carolina** - Mr. Sandifer is a licensed professional engineer, licensed contractor, serves on the Nash County Planning Board, a farmer and a landowner. He had 100 acres of panels put on his land in 2015.

He is appearing on behalf of the applicant. He checked with the manufacturer and obtained the following information:

- There is no cadmium in these panels
- The panels contain only 3 grams of lead, which is used to make the connection
- Panels are safely and securely sealed
- No liquid is in the panels
- The panels have passed intensive testing

Mr. Sandifer has been in this business for 12 years, and this is the future. In his professional opinion with no hesitation if panels are installed as designed, they will not endanger the safety of Newberry County.

Mrs. Arrowood asked if there were any gasses in the panels. Mr. Sandifer responded there were not; that it was a solid state.

Mr. Scurry asked if he was saying there were no hazardous materials. Mr. Sandifer responded only the minute amount of lead for the connector between the glass, plastic and frame.

Mr. Scurry asked if there were any hazardous chemicals at all. Mr. Sandifer responded that these panels are severely tested and passed the leakage test.

Mr. Scurry asked if there would be danger to the water supply. Mr. Sandifer responded there would be no danger to the water supply.

Mr. Scurry asked if there were disposal facilities available now. Mr. Sandifer said there was a facility in Ohio and that the components could become economically viable.

Mr. Scurry asked if the panels were safe for Newberry County. Mr. Sandifer responded yes and that North Carolina now has 7,000 megawatts installed.

**Mac Flores** - Waived his time.

Mr. Livingston said even if there is a government subsidiary, it would not be Newberry County, per se. The old big screen computer monitors had more waste than these solar panels. Liability would be shared by the owner. We are seeking the best decision for Newberry County. They are only using 400 acres of the 1,000 but will rezoning the entire acreage give them authority to develop the remaining acreage. He also asked about rollback taxes.

Mrs. Arrowood responded that if this is done through economic development, there would be no rollback taxes.

Mr. Livingston asked if the size could be limited.

Mrs. Arrowood said the oldest solar farm in South Carolina is 28 years old and there have been no problems.

Mr. Hipp stated Council received opinions from unbiased experts, and they said there were no leakable elements in these panels. With the current buffer and it

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not being an eyesore, he felt we were not dealing with a hazardous material that would be harmful to Newberry County.

Mr. Johnson advised the hardest part of County Council was having vision for the next 15-20 years. He felt nobody on this Council would allow anyone to put out hazardous material in this county.

There being no further discussion, Mr. Livingston called for the vote. Voting to adopt second reading: Council Members Reeder, Livingston, Johnson, Arrowood and Hipp. Voting against second reading: Council Member Scurry. Second reading was approved by majority vote.

**7. Ordinance # 07-17-21: An Ordinance authorizing the execution of an equipment lease purchase agreement in an amount not exceeding \$481,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.**

**A. Third Reading**

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

**8. Ordinance #08-18-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling one and eighty-two hundredths (1.82) acres, designated as TMS Parcel No. 404-48 from Industrial to R2-Rural.**

**A. First Reading**

Katie Werts, Zoning Administrator, explained this property is located at 243 Boyd Crossing Road, between C.R. Koon Highway and Fox Briar Road. The Planning Staff and Joint Planning Commission recommend that this parcel be rezoned to R2-Rural.

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

**9. Ordinance #08-19-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling two (2) acres designated as TMS Parcel No. 298-37 from Limited Commercial to R2-Rural.**

**A. First Reading**

Mrs. Werts explained that the landowner wants to use this land again for residential. The shop is out of business and the owner would like to have the property rezoned in order to move his residence there. The property is located on Quaker Road. His plans are to move a manufactured home onto the property to live in. All property around this is zoned R2-Rural. The Planning Staff and Joint Planning Commission recommend that this parcel be rezoned to R2-Rural.

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

**10. Ordinance #08-20-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling thirteen and one hundred sixty-five hundredths (13.0165) acres designated as TMS Parcel No. 342-1 from R2-Rural to General Commercial.**

**A. First Reading**

Mrs. Werts said this property is located at 206 Pender Ridge Road, between Wilson Road and Kinard Street. The Planning Staff recommends the real estate  
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parcel be rezoned to General Commercial. The Joint Planning Commission does not recommend that this parcel be rezoned to General Commercial.

Mrs. Werts advised the owners are requesting rezoning for future commercial property sales. There is commercial property on two sides of this parcel. If this property gets rezoned to commercial, the owners are allowed to stay residential until vacated out. Once this property is zoned commercial, it cannot go back into residential zoning. Across Pender Ridge is residential but the back side is commercial.

The Planning Commission's decision was that until a seller had been confirmed, it could not commit to rezoning.

Several persons signed up to speak on this agenda item and were allowed to speak at this time prior to any Council action.

**Freida and Craig Kesler** own the property at 206 Pender Ridge Road and are asking that it be rezoned. They do not have anyone interested because they can't put it up for sale as commercial unless it is rezoned commercial. Mrs. Kesler said everything can't stay the same if we want Newberry County to grow. They felt it should be rezoned as commercial for economic development growth. Approximately  $\frac{2}{3}$  of their property already juts up to commercial property. Mrs. Kesler concluded that making this property commercial would be a good change for Newberry County.

**Edward Knowles** owns property adjacent to this tract. He feels their reason for requesting rezoning is strictly based on speculation and to get more money when sold. We don't know what business might go into this property and don't know that it will benefit the county. No one is opposed to economic development with a clear picture of what is to come. Mr Knowles requested that Council not rezone this property strictly for a speculative sale. It can be rezoned in the future with a clearer idea of what is going in there.

**Jennifer Dowd Nichols** said her family owns property in this area. They are not opposed to economic development but would like more information as to what is going in there. She reviewed the zoning ordinance as to what is allowed if rezoned to commercial. Infrastructure is not supported by the County and is  
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needed first. In her research, there are approximately 100 acres along Wilson Road available for commercial use. She requested that Council obtain more information and details of what will be there before rezoning.

**Robert Dowd** said his daughter covered it and he did not need to speak.

**Carol Kunkle** has lived here all her life and would like to see our county develop in a positive and concise method. She owns 80 acres across the street from this property. There is property available on Wilson Road for development consisting of 25 vacant properties for rent within a mile of this property. Newberry County obviously needs residences. She is not against economic development in Newberry County.

Mr. Scurry moved to approve first reading; Mr. Hipp agreed to second the motion to allow for additional information. Mr. Hipp made it clear that by his second, he was not agreeing to support the rezoning throughout the process. Mrs. Arrowood concurred with Mr. Hipp.

Mr. Livingston does not like to change the zoning of property unless he knows what is going in there. He would love to see Piedmont Technical College expand. The road on the back side does not fit with ingress and egress and he would like more information.

Mr. Reeder agreed. He is not willing to vote in favor of this without additional information.

Mr. Johnson felt the same way. If we know what is going in there and if it fits with the development, then rezoning could be considered.

Mr. Hipp stated if we turn down this ordinance, the owners will not be allowed to bring it back up for one year. If they consequently find that Piedmont Technical College would like to buy the property, they could not do that for a year. Maybe we should give them the opportunity to come back with something other than a blank check. We could always allow it to be postponed at second reading because we don't want to close the door on an acceptable potential buyer.

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There being no further discussion, Mr. Livingston called for the vote. Vote to approve first reading was unanimous.

NOTE: Later in the meeting Mrs. Werts advised Council there was the possibility of annexing this property into the City of Newberry.

**11. Ordinance #08-21-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling one and fifty-one hundredths (1.51) acres designated as TMS Parcel No. 687-1-2-11 from RS-Single Family Residential to R2-Rural.**

**A. First Reading**

Mrs. Werts advised this property is located at 4943 SC Highway 773/St. Paul Church Road between US Highway 176 and Wedaman Road. The RS-Single Family Residential does not allow for manufactured homes and the owner wants to put a manufactured home on the property. The Planning Staff and Joint Planning Commission recommend that this real estate parcel be rezoned to R2-Rural.

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

**12. Ordinance #08-22-21: An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling sixteen and forty-three hundredths (16.43) acres designated as TMS Parcel No. 576-8 from R2-Rural to Industrial.**

**A. First Reading**

Mrs. Werts that this ordinance and the next ordinance are for two pieces of property the County purchased for industrial use. This property is located on SC Highway 773 between Cy Schumpert Road and the I-26 interchange. The Planning Staff and Joint Planning Commission recommend that this parcel be rezoned to industrial.

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

**13. An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the official zoning map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling four and sixty-four hundredths (4.64) acres designated as TMS Parcel No. 576-9 from R2-Rural to Industrial.**

**A First Reading**

This is the same scenario as the prior agenda item. There is currently a house on the property, which will be vacated on December 31, and it will no longer be used as a residence.

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

**14. Resolution #04-21: A Resolution creating a commission for the review and selection of projects to be funded by the reimposition of a Capital Project Sales Tax in Newberry County and other matters related thereto.**

Mr. Reeder moved to adopt the resolution; seconded by Mr. Hipp.

For the record, Mr. Hipp stated this will not be an additional tax. The current capital project sales tax will be ending. This commission will only make recommendations for Council's approval but the voters have the final say so in the November election.

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

**15. Consideration to approve the low bid from Palmetto Landscaping and Lawn Care in the amount of \$30,000 for landscape maintenance for the 219 interchange and entrance to the Industrial Park - Crystal Waldrop, Purchasing Director.**

Mrs. Waldrop advised three bids were received with Palmetto Landscaping and Lawn Care out of Clinton submitting the low bid at \$30,000. Staff recommends approval of this bid.

Mr. Hipp moved to approve the bid of \$30,000 from Palmetto Landscaping and Lawn Care; seconded by Mrs. Arrowood.

Mr. Hipp has heard a lot of negative comments about that interchange and littering. Someone from the County needs to be in charge of whoever gets the contract to be sure they are doing their job. He would like to see a non-performance clause.

Mrs. Waldrop said all of that would be covered in the contract with Palmetto Landscaping and Lawn Care.

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

**16. Council Consideration to approve the Triangle Gun Club Lease for 2021 - Jay Tothacer, County Attorney**

Mr. Tothacer explained the County revised the lease agreement with Al Morrison in 2009. Mr. Morrison made improvements to the property over the years for which he paid out of pocket.

Mr. Morrison died in 2020 and there was no assignment of the lease. His wife has requested that the lease be assigned to her. Mr. Tothacer saw no reason the County would deny this request.

Mr. Hipp moved to assign the lease to Mrs. Morrison; seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

**17. Committee Report**

**A. Public Works and Planning Committee  
Mike Pisano, Public Works Director**

Mr. Pisano reported the committee met on August 16 with Mr. Hipp and Mr. Shealy present and constituting a quorum. The items on the agenda were the Thunder Road Bridge and the Gun Club Lease. The committee requested that Council consider approving the rebuilding of Thunder Road Bridge.

The assignment of Gun Club Lease has been approved tonight.

Mr. Hipp stated the rebuilding of the bridge is already in the budget and the materials have been ordered.

Mr. Tothacer advised it would be of benefit to Mr. Pisano for Council to vote for him to move forward

Mr. Hipp moved to authorize the Public Works Department to move forward with rebuilding Thunder Road Bridge; seconded by Mr. Reeder. There being no further discussion, Mr. Livingston called for the vote. Vote was unanimous.

**18. Executive Session (if needed)**

No Executive Session needed.

**19. Appointments**

Mr. Hipp recommended the appointment of Jeremy King to the Library Board; seconded by Mr. Reeder. Vote was unanimous.

**20. Public Comments**

All public comments were presented earlier in the meeting.

**21. Comments/Requests from County Administrator**

Mr. McDonald had no comments.

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

Mr. Hipp - nothing

Mrs. Arrowood said Covid has picked up. She has a friend who lost two family members within 4 days from Covid. They didn't believe in the vaccine, and I believe in making this your own choice. Just try to stay safe and distance.

Mr. Johnson said the situation in the County Sunday was terrible. His hat is off to law enforcement and prayers to the officer who had to use deadly support. He is grateful to everybody who serves the County in any capacity.

Mr. Reeder has great respect for all individuals doing things for Newberry County. We have a difficult time coming with this virus. He has visited every school in Newberry County and didn't see many masks and is very concerned about that. We have lost over 10,000 lives in South Carolina to this virus. The Mayor of Columbia has mandated that everyone has to wear masks. Both the University of South Carolina and Clemson University are mandating masks. Something needs to be sent to the Governor's Office.

Mr. Scurry urged everyone to try to stay safe.

Mr. McDonald did ask to speak at this time. We are starting to see recurrences of viruses. The staff along with our attorney will review the County's protocol. We may be seeking advice as to how to handle certain situations. We are tracking it very closely.

Mr. Livingston thanked the Council for allowing people to speak before the end of the meeting. He also thanked law enforcement.

**23. Future Meetings (all meetings begin at 6:00 p.m.)**

- A. County Council on 9/1/21**
- B. Personnel & Intergovernmental on 9/13/21**
- C. County Council on 9/15/21 (Mr. Livingston advised this meeting would include an Executive Session for a report on the search for a county administrator)**

**24. Adjournment**

Mr. Reeder moved to adjourn; seconded by Mr. Johnson.

Mr. Livingston declared the meeting adjourned at 7:45 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:\_\_\_\_\_**