

**NEWBERRY COUNTY COUNCIL  
MINUTES  
SEPTEMBER 1, 2021**

Newberry County Council met on Wednesday, September 1, 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:** Todd Johnson, Vice-Chairman (District 1)  
Mary Arrowood, Council Member (District 2)  
Les Hipp, Council Member (District 5)  
Travis Reeder, Council Member (District 7)  
Tony McDonald, Interim County Administrator  
A.J. Tothacer, Jr., County Attorney  
Debbie S. Cromer, Finance Director  
Karen Brehmer, Deputy Administrator  
Taylor Davenport, Assistant to County Administrator  
Susan C. Fellers, Clerk to Council  
Mike Pisano, Public Works Director  
Rick Farmer, Economic Development Director  
Donna Lominack, Auditor  
Katie Werts, Zoning Administrator  
Ron Powell, Building Inspector  
Ben Chapman, Sheriff's Office

**ABSENT:** Henry H. Livingston, III, Council Member (District 3) - out of town  
Johnny Mack Scurry, Council Member (District 6)  
Nick Shealy, Council Member (District 4) - sick

**MEDIA:** Andrew Wigger, Newberry Observer

Mr. Johnson called the meeting to order at 6:00 p.m. and determined a quorum to be present. He advised that Mr. Livingston was out of town and wifi was not good for him to zoom in. Mr. Shealy was not feeling well.

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

**1. ADOPTION OF CONSENT AGENDA**

Mr. Reeder moved to adopt the Consent Agenda consisting of the minutes of the August 18, 2021 Council meeting; seconded by Mr. Hipp. Vote was unanimous.

**2. ADDITIONS, DELETIONS AND ADOPTION OF THE AGENDA**

There being no additions or deletions to the Agenda, Mr. Reeder moved to adopt the Agenda, as presented; seconded by Mrs. Arrowood. Vote was unanimous.

**3. PUBLIC APPEARANCE**

**Donna Lominack, Auditor**, presented the 2021/2022 Tax Levy, a copy of which is on file in the County Administration Office.

The total County and School mills for 2021-2022 is 367.0, the same millage as for 2020-2021.

- 4. 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 R2-RURAL TO INDUSTRIAL.**

**a. Public Hearing**

Mr. Johnson declared this to be the public hearing.

The following persons spoke in favor of the adoption of this Ordinance:

- **Otis Taylor** asked Council if they would allow Newberry businesses and individuals to sell electricity. He listed the following as benefits of the adoption of this ordinance: new tax dollars, revenues to business, no hazardous materials other than the small amount of lead pellets; water protection through the signing of two agreements protecting over three miles of the little river; and lastly, the difficulty in finding a 1200 acre site in which the solar farm will use only 400 acres surrounded by the other 800 acres.

Mr. Hipp asked if the wetlands would be placed into a conservation easement in the future if we had an industry to come into the county. Mr. Taylor responded yes and that the process would take about a year.

- **Chris Sandifer** stated this project would not materially endanger any of the citizens of Newberry County.
- **Bill Parr** was first introduced to solar farms in 2006 when Newberry County first initiated a relationship with Hamm, Germany. Mr. Parr read an article from Germany regarding leakage. (No copy provided for the record).

Speaking against adoption of this Ordinance was:

- **James Floyd's** concerns included lack of research on the decommissioning procedure; sediment running into Broad River; and the size of the project.

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

**b. Third Reading**

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

- 5. 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. Second Reading**

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

- 6. 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. Second Reading**

Mrs. Arrowood moved to adopt second reading; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

- 7. 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. Second Reading**

Mrs. Arrowood moved to adopt second reading; seconded by Mr. Reeder. Vote was unanimous.

8. 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. Second Reading**

Mrs. Arrowood moved to adopt second reading; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

9. ORDINANCE #08-23-21: 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 FOUR AND SIXTY-FOUR HUNDREDTHS (4.64) ACRES DESIGNATE AS TMS PARCEL NO. 576-9 FROM R2-RURAL TO INDUSTRIAL.

**a. Second Reading**

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

**10.RESOLUTION #05-21: A RESOLUTION CONSENTING TO AN ASSIGNMENT OF ALL THE INTERESTS OF METAL MASTERS, INCORPORATED, AS SPONSOR, IN THE FEE-IN-LIEU OF AD VALOREM TAXES AND INCENTIVE AGREEMENT WITH NEWBERRY COUNTY, SOUTH CAROLINA, TO MAC HOLDINGS 1, LLC, AND OTHER MATTERS RELATED THERETO.**

Mr. Hipp moved to adopt the Resolution; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

**11. CONSIDERATION TO APPROVE THE LOW BID FROM EUROVIA ATLANTIC COAST D/B/A BLYTHE IN THE AMOUNT OF \$109,615.20 FOR REPAIRS ON KIRKLAKE ROAD AND WENDY LANE.**

**Mike Pisano, Public Works Director**, advised that the following two bids were received:

Eurovia Atlantic Coast d/b/a Blythe - \$109,615.20  
Satterfield Construction - \$119,680.00

Both bids are qualified and within budget. Staff recommends approval of the Eurovia Atlantic Coast d/b/a Blythe bid in the amount of \$109,615.20.

Mrs. Arrowood moved to accept the staff recommendation of the Eurovia Atlantic Coast d/b/a Blythe bid of \$109,615.20; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

**12. CONSIDERATION TO APPROVE THE LOW BID FROM SATTERFIELD CONSTRUCTION IN THE AMOUNT OF \$257,000 FOR ROAD REPAIRS FOR MAPLE KNOLL ROAD, MAPLE KNOLL COURT AND OUTBACK DRIVE. (THIS PRICE INCLUDES ALTERNATE PRICING FOR ROAD**

**STRIPING ON OUTBACK DRIVE WITH ALTERNATE PRICING TOTALING \$8,000.**

Mr. Pisano advised the following two qualifying bids were received:

Satterfield Construction - \$257,000

Eurovia Atlantic Coast d/b/a Blythe - \$265,544.95

This will be funded by the CTC. Staff recommends approval of the Satterfield Construction bid of \$257,000.

Mr. Reeder moved to accept the staff recommendation of the Satterfield Construction bid of \$257,000.

Mrs. Arrowood stated that both agenda items 11 and 12 are funded by the CTC.

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

**13. EXECUTIVE SESSION (IF NEEDED)**

No Executive Session needed.

**14. APPOINTMENTS**

No appointments.

**15. PUBLIC COMMENTS**

**Mark Bernshausen**, Interim Pastor at Fairview Baptist Church, requested that some of the federal covid funds be used to run a water line in this area of the county.

Mr. Hipp asked if the Water and Sewer Authority was going to give him an estimate. Reverend Bernshausen has contacted them but has had no response.

Mr. Johnson will follow up with a call to the Water and Sewer Authority. The County has not yet received any more information as to how the covid money can be spent. As of right now, we have no idea how that money is to be spent.

**Lauren Folk and Joseph Berry** with the Jaycees updated Council as to various state and national meetings they have attended, as well as the many projects the Jaycees sponsor/assist with. Some of the projects include Christmas in July at the lake to try to get members; OktoberFest; Camp Hope, which is their biggest fundraiser; Newberry Christmas parade; kid's shopping spree.

The fourth quarter convention will be hosted in Newberry on January 22 or February 22, with approximately 60 plus people coming in from around the State.

The Jaycees are in need of new members between the ages of 18-40. Meetings are held the 2nd and 4th Mondays of each month. If the County can help with meeting locations and particularly a location for the convention. The Community Hall was mentioned as a possible location. Mr. McDonald advised repairs have been completed and it is in a condition now to be used. Mrs. Arrowood said rental of the Community Hall had also been held off because of covid but when it can be rented, the Jaycees would be notified.

Mr. Johnson thanked the Jaycees for building our future leaders and that the County needs to foster and work with them.

#### **16.COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR**

Mr. McDonald sent an email to Council last week with regard to the Capital Sales Tax Committee. We are now at the point where we can begin to appoint members. If any Council members have suggestions or nominations, Mr. McDonald asked that they please get those names to staff so this matter can hopefully get this on the next agenda.

## 17. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

Mr. Reeder asked everybody to please be careful with the increase in covid cases. The schools have over 500 students who have been exposed. He urged everyone to wear masks.

Mr. Johnson stated his first months on Council were difficult. He had personal issues going on with his grandchildren. He was not always himself and he takes responsibility for that but looks forward to moving on.

Mr. Johnson expressed appreciation to everyone assisting Mrs. Lominack with setting the millage.

## 18. FUTURE MEETINGS

**All meetings start at 6:00 p.m.**

Personnel & Intergovernmental Committee	9/13/21
County Council	9/15/21
Economic Development Committee	9/27/21

## 19. ADJOURNMENT

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

Mr. Johnson declared the meeting adjourned at 6:53 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Vice-Chairman**

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**Susan C. Fellers, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_