

NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 5, 2023

Newberry County Council met on Wednesday, April 5, 2023, 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: Todd Johnson, Chair (District 1)
Les Hipp, Vice-Chair (District 5)
Mary Arrowood, Council Member (District 2)
Karl Sease, Council Member (District 3)
Johnny Mack Scurry, Council Member (District 6)
Travis Reeder, Council Member (District 7)
Jeff Shacker, County Administrator
Karen Brehmer, Deputy County Administrator
Joanie Winters, Interim County Attorney
Debbie S. Cromer, Finance Director
Susan C. Fellers, Clerk to Council

ABSENT: Robert N. Shealy, Council Member (District 4)

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 welcomed all visitors to the meeting.

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

1. ADOPTION OF CONSENT AGENDA:

a. Newberry County Council Meeting Minutes – March 15, 2023

Mr. Hipp moved to adopt the Consent Agenda consisting of the March 15, 2023 Minutes, as presented; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

2. ADDITIONS, DELETION AND ADOPTION OF THE AGENDA

Mr. Johnson asked if someone on Council would consider making a motion to make an addition to the agenda for a matter concerning the opioid settlement that is coming up. There is a time frame coming up which requires action on our part tonight. Mrs. Arrowood so moved; seconded by Mr. Sease. Mr. Johnson stated it would also need to be added to Executive Session. Mrs. Arrowood amended her motion to include this matter in Executive Session and as Item 6(a) on the agenda; Mr. Sease amended his second accordingly. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

Mrs. Arrowood commented that this has been going on for a while and there is now a specific time frame that has to be met.

Mr. Hipp moved to adopt the Agenda, as amended; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

3. RESOLUTION #04-23: DESIGNATION OF THE MONTH OF APRIL 2023 AS FAIR HOUSING MONTH WITHIN THE COUNTY OF NEWBERRY.

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

4. DISCUSSION OF REALLOCATION OF FEDERAL AND STATE GRANT FUNDS AND PREVIOUSLY APPROPRIATED LOCAL MATCH FUNDS FOR THE NEWBERRY COUNTY AIRPORT AND A REQUEST FOR AUTHORIZATION TO PROCEED WITH THE DESIGN AND ENGINEERING OF THE REHABILITATION OF THE TAXIWAY PAVEMENT – MIKE PISANO, PUBLIC WORKS DIRECTOR.

Mr. Pisano stated that \$280,000 had been budgeted for an airport layout plan. After the money was approved in the budget and after discussions with the FAA, they asked us to move forward with a taxiway rehabilitation design. This was based on a pavement study conducted by South Carolina Aeronautics. This bumps the airport layout plan back a year. The total for this project is \$195,700 with Newberry County's share being \$9,785. This change is being made at the recommendation of the FAA. Funds are already allocated. This is the design phase only.

Mr. Hipp asked if Newberry County now had the documented number of planes in our airport to get an allotment. Mr. Pisano advised we did and the County was in good standing with that. We have had more than is required since 2019.

Mr. Hipp moved to shift the funds currently budgeted for the airport layout plan over to the taxiway rehabilitation design and engineering; seconded by Mrs. Arrowood. There being no further discussion, Mr. Johnson called for the vote. Vote was unanimous.

5. EXECUTIVE SESSION:

- a. Legal Matter(s): Discussion of proposed legal settlement relating to the construction of Mid-Carolina Park Expansion Phases IIA and III of the Mid-Carolina Commerce Park pursuant to SC Code of Laws, Section 30-4-70(a)(2).**
- b. Economic Development Matter(s):**
 - i. Discussion of matters related to Project N pursuant to SC Code of Laws, Section 30-4-70(a)(5)**
 - ii. Discussion of matters related to Project Cavalier pursuant to SC Code of Laws, Section 30-4-70(a)(5)**
- c. Legal Matter(s): Discussion of pending opioid settlement.**

Mr. Sease moved to go into Executive Session for the above-stated reasons; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

EXECUTIVE SESSION 6:12 P.M. – 6:57 P.M.

Mr. Sease moved to return to open session; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

6. COUNTY COUNCIL MAY TAKE ACTION FOLLOWING EXECUTIVE SESSION ON MATTERS DISCUSSED DURING EXECUTIVE SESSION.

Mr. Hipp moved that pursuant to the proposed legal settlement relating to the construction of Mid-Carolina Park Expansion, Phases IIA and III, that the County Administrator be authorized to approve and make that final settlement; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

6(a).PENDING OPIOID SETTLEMENT

Due to five new participants in the opioid legal issue affecting the County, Mr. Hipp moved to authorize the County Administrator to sign the legal documentation necessary to include Newberry County in the settlement; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

Mr. Hipp commented that after action is taken in open session as a result of discussions during Executive Session, it is always public information. Eventually everything will be very clear.

7. ORDINANCE #03-01-23: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND PROJECT N PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES, PROVIDING SPECIAL SOURCE REVENUE CREDITS, AND AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE GREENWOOD-NEWBERRY INDUSTRIAL PARK TO PROVIDE FOR THE ADDITION OF PROPERTY AND OTHER MATTERS RELATED THERETO.

a. Second Reading

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

Mr. Hipp requested that due to discussions with our legal advisor on this, if not adequately included in the current wording on that, that we include performance bonding and the ability to re-evaluate the cost of decommissioning to make sure that the County and/or any individual is covered through those concerns of decommissioning costs. He requested that Ms. Winters put that wording in the document.

Mr. Johnson responded we want to protect the County and the property owner.

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

8. RESOLUTION #05-23: A RESOLUTION TO NEGOTIATE A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN NEWBERRY COUNTY AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT CAVALIER; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO.

Mr. Johnson stated that this item was not ready to be considered based on the Board of Zoning Appeals meeting.

9. APPOINTMENTS

Due to the resignation of Bryon Jeffcoat from the Newberry County Disabilities and Special Needs Board, Mrs. Arrowood nominated Debra Kelly to finish out this term which will expire on June 30, 2025; seconded by Mr. Sease. Vote was unanimous.

10. PUBLIC COMMENTS

Steven Knapp, Newberry County Museum, updated Council on events at the museum:

- Next month he will have been with the Newberry County Museum for a full year.
- In 2022, there were two temporary exhibits: “She Said Yes” (wedding exhibit) and “Coming Home to Newberry” (about Newberry College).
- 4,260 visitors during 2022, which is a 45% increase in visitors to the Museum since 2021.
- Of that total, there were 800 visitors from Newberry County; 850 visitors from other South Carolina Counties, 2,083 visitors from other states, which shows the word is getting out about the Newberry County Museum, and visitors from 13 foreign countries.
- The Museum is currently working on an exhibit of all of the Masonic lodges in the county. Plans are for it to open next week.
- He is working with different county organizations to help preserve Newberry County history.

Jim Heilman addressed Council regarding the following issues:

- Economic Development and what it means to Newberry County.
- Infrastructure.
- Lineman Training Program.
- What is best for Newberry County - solar farms or P\protection of the trees and vegetation.

11. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR

Mr. Shacker reported as follows:

- He thanked Council for the opportunity to serve everyone in the almost one month he has been here.
- The budget process is underway with Debbie Cromer, Karen Brehmer, and department heads working with him. We should be able to maintain the schedule adopted by Council the first of the year. The first budget work session is next week.
- Last Wednesday an informative public meeting was held at the Joanna Elementary School about the Laurens/Newberry County line. Once the decision is final a 60 day appeal time will begin. After the 60 day appeal time expires, the boundary will be certified. Then at

the next Legislative Session, they will adopt it in terms of a new description of current boundaries.

- The class and comp study process is underway. Preliminary data is being reviewed. Meetings are being conducted with all department heads to make sure the analysis is as thorough as possible. The consultant will join us in a few weeks to meet with department heads.
- He is in the process of reviewing the Economic Development study in between budget and other matters.

Mr. Johnson added that the county line meeting was a great history lesson. The change will cost Newberry County about a \$21,000 loss in property taxes. We are losing several residences in Mr. Scurry's district, one from his district, and we are picking up more national forest land.

Mr. Shacker advised that 16 properties will be moved from Newberry County to Laurens County. Newberry County will pick up 5 parcels owned by the US Government, consisting of about 278 acres.

12. COMMENTS/REQUESTS FROM COUNCIL

Mr. Sease attended the county line meeting. They went into great detail explaining how they came up with this and proved why it needed to be moved.

Mrs. Arrowood was familiar with the geo survey, and there is a problem in that area.

Mr. Scurry (inaudible).

Mr. Reeder expressed appreciation to everybody for what they are doing and looked forward to the end of budget season. He wished everyone a happy Resurrection day.

Mr. Hipp thanked both Mr. Knapp for the museum update and Mr. Heilman for his comments. The budget work session begins at 6:00 p.m. on April 12 and felt it might need to be a little earlier depending on how lengthy that meeting could be. After discussion, it was the consensus of Council to begin that meeting at 5:00 p.m.

Mr. Johnson stated that Mr. Shealy was absent tonight because of work commitments with his employer, Newberry Electric Cooperative.

13. FUTURE MEETINGS:

- a. Budget Work Session-April 12, 2023 @ 5:00 p.m.
- b. County Council Meeting-April 19, 2023 @ 6:00 p.m.
- c. Public Safety Committee-April 24, 2023 @ 6:00 p.m.

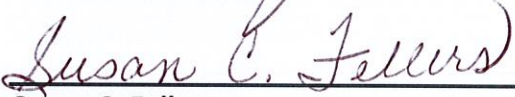
14. ADJOURNMENT

There being no further business, Mr. Sease moved to adjourn; seconded by Mr. Reeder. Vote was unanimous.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chair



Susan C. Fellers
Clerk to Council

Minutes Approved: 4-19-2023