

NEWBERRY COUNTY COUNCIL

MINUTES

November 2, 2022

The Newberry County Council met on Wednesday, November 2, 2022, 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)
Henry H. Livingston, III, Council Member (District 3)
Robert N. Shealy, Council Member (District 4)
Johnny Mack Scurry, Council Member (District 6)
Travis Reeder, Council Member (District 7)
Karen Brehmer, Deputy County Administrator
Debbie S. Cromer, Finance Director
Crystal Waldrop, Purchasing Director
Jacquelyn R. Lawrence, Clerk to Council
Joanie Winters, Interim County Attorney
Christopher Inglese, County Administrator

MEDIA: Andrew Wigger, Newberry Observer

Mr. Johnson called the meeting to order and determined a quorum to be present.

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

1. Adoption of the Consent Agenda

Mr. Reeder moved to adopt the Consent Agenda, seconded by Mr. Scurry. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

2. Additions, Deletions and Adoption of the Agenda

Mrs. Arrowood moved to defer item number 7 on the agenda; seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous. Mr. Shealy moved to adopt the agenda as amended, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous

- 3. Ordinance No. 09-21-2022 An Ordinance authorizing the execution and delivery of a fee agreement by and between Newberry County, South Carolina, and Newberry PV1, LLC providing for a payment of a fee in lieu of taxes, providing special source of 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. Third and Final Reading

Mr. Hipp moved to adopt the third and final reading, seconded by Mrs. Arrowood. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

- 4. Ordinance No. 09-22-2022 An Ordinance to amend the budget ordinance for the fiscal year 22-23. Ordinance number 4-7-22, to provide for an amendment to the copying fees.**

a. Public Hearing

Mr. Johnson declared the public hearing open. With no one present to speak for or against the Ordinance, Mr. Johnson declared the public hearing closed.

b. Third and Final Reading

Mr. Scurry made a motion to adopt the third and final reading, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

5. ***Ordinance No. 09-23-2022 An Ordinance to amend the budget ordinance for the fiscal year 22-23, Ordinance number 04-07-22, to revise the fees collected by the building department.***

- a. ***Public Hearing***

Mr. Johnson declared the public hearing open. With no one present to speak for or against the Ordinance, Mr. Johnson declared the public hearing closed.

- b. ***Third and Final Reading***

Mr. Shealy made a motion to adopt the third and final reading, seconded by Mrs. Arrowood. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

6. ***Ordinance No. 11-25-2022 - Planning and Zoning Text Amendment - Solar Farms***

- a. ***First Reading***

Mr. Powell asked for this ordinance to pass to provide for a regulation to allow Solar Farms in the R-2 Zone District as a Special Exception. Without the Special Exception it would be zoned Industrial. If a Solar Farm comes in and leaves any other commercial or industrial business could move into that space.

Mr. Inglese added that The Planning Commission did unanimously recommend approval of the proposed Text Amendment.

Mrs. Arrowood moved to adopt the first reading seconded by Mr. Livingston. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

7. ***Deleted***

8. ***Resolution 12-22 to provide for a monthly stipend for Board of Zoning Appeals and Joint Planning Commission and requirements thereof.***

Mr. Powell stated that the current stipend has been paid since early 2021. The change asks that should a member not attend required meetings and meet educational requirements then the stipend be withheld.

Mr. Hipp agreed that the requirements be met before being paid.

Mr. Shealy moved to adopt the resolution, seconded by Mr. Livingston. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

9. ***Resolution 11-22 to adopt and allocate funds for an Outdoor Fitness Court® as part of the 2023 National Fitness Campaign***

Mrs. Long stated the National Fitness Campaign has relayed that Newberry is eligible for the \$30,000 grant for the Fitness Park. She is asking for a commitment from

Council to match that grant by this resolution. Parks and Recreation will be working on raising the balance of the monies needed to fund the project.

Mr. Hipp asked if Council commits to the grant and the funds are not raised what happens?

Mrs. Long stated that the project would just dissolve. No money would actually be paid until all funds are raised.

Mr. Livingston asked where the money for the grant match would be coming from?

Mr. Inglese stated that some options could be ARP funds, a budget amendment, a one-time capital contingency, or the amount could be placed into the budget for the next fiscal year. ATAX funds could be another option. Parks and Recreation would have to apply for those funds.

Mr. Livingston stated that \$30,000 is a large sum of money and when Fire and Rescue asking for funds and they are being told there are no funds, it makes it difficult to agree to something that is not budgeted. However, he does believe that the park is a great concept.

Mr. Shealy moved to adopt the resolution, seconded by Mr. Reeder. With no further the discussion Mr. Johnson called for the vote. Voting for were Mr. Johnson, Mr. Hipp, Mr. Reeder, Mr. Shealy, Mr. Scurry, and Mrs. Arrowood. Voting against was Mr. Livingston.

10. Resolution 13-22 to establish a temporary moratorium procedure on the intake of unwanted pets at the Newberry County Animal Shelter

Mrs. Jenkins asked for this resolution to help the shelter to be able to manage the number of unwanted, surrendered animals. If someone would like to surrender their animal, this resolution would allow for an additional process requiring either an email or text of the animal for surrender approval. The shelter will still answer calls regarding strays or animals that are in danger or being a nuisance. If an owner wants to surrender their animal and they go through the approval process and are denied, the shelter will have the owners contact information should the shelter find that animal to have been "dumped" on the roadside. The owner then would be in violation and ticketed.

Mr. Hipp moved to adopt the resolution, seconded by Mr. Shealy. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

11. Approval of hiring a Building Inspector

Mr. Powell presented a request for a Building Inspector to the Executive Committee. The Committee agreed on October 11, 2022, to send the request for approval to full council. The funds for this position would come from no longer needing to hire a third party to help with inspections and money from the reserve funds.

Mr. Hipp stated that in the Committee Meeting it was also presented that there is a substantial increase in inspection requests and the requests are going to continue to increase.

Mr. Livingston agreed that if there is a current need for a third party to help make the inspections happen it would only be beneficial to have a full-time employee.

Mr. Shealy moved to approve the hiring of a Building Inspector, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

12. Appointments

No appointments.

13. Public Comments

Jim Heilman made observations regarding the following:

*Ordinance 11-26-2022 - no statement made as it was deleted from the agenda
Resolution 12-22 - if you attend virtually do you still get paid. Back up document jumped from 2007 to 2022.*

Resolution 13-22 – give the shelter more money

The agenda that is published is not able to be searched. You have to look for things page by page.

14. Executive Session

Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976

- (1) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property - Pond Road. 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.*
- (2) 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 the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting names of the other employees or clients whose records are submitted for use at the hearing.*

Mr. Reeder moved to go into Executive Session to discuss the matters as set forth above; seconded by Mr. Scurry. There being no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

**EXECUTIVE SESSION
6:36 P.M. – 8:08 P.M.**

Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. Mr. Johnson called for the vote. The vote was unanimous.

Mr. Johnson reported that no action was taken during Executive Session.

15. Comments/Request from County Administrator

*201 employees have currently signed up with ADP.
Reminder of surveys for the upcoming retreat.
Early voting is open at the Voter Registration Office.*

16. Comments/Request from Council Members

No comments.

17. Future Meetings

- a. Delinquent Tax Sale - November 7, 2022, at 8:30 a.m.
- b. Council Retreat - November 14, 2022, at 8:30 a.m.
- c. County Council - November 16, 2022, at 6 p.m.
- d. County Council - December 7, 2022, at 6 p.m.
- e. County Council - December 21, 2022, at 6 p.m.

18. Adjournment

Mr. Shealy moved to adjourn the meeting, seconded by Mr. Reeder. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 8:13 p.m.

Newberry County Council

Todd Johnson, Chairman

Susan C. Fellers

Jackie Lawrence, Clerk to Council

Minutes approved: 11-16-2022