

**NEWBERRY COUNTY COUNCIL  
MINUTES  
December 06, 2023**

Newberry County Council met on Wednesday, December 06, 2023, at 6:05 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, Chairman  
Les Hipp, Vice Chairman  
Leon Fulmer Jr., Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Robert N. Shealy, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Karen Brehmer, Deputy County Administrator  
Eric Nieto, I.T. Director  
Katie Werts, Director of Planning and Development Services  
Major Robert Dennis, NCSO  
Captain Daniel Floyd, Newberry County Detention Center  
Rick Farmer, Economic Development Director  
Crystal Waldrop, Purchasing Director  
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 6:05 p.m.

Mr. Johnson led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – November 15, 2023.
- b. Newberry County Council Meeting Minutes – November 15, 2023.
  - Mr. Fulmer made a motion to approve the minutes as presented; Mr. Scurry provided the second and the motion was approved 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion was approved 7-0.

3. Recognitions:

a. Employee Service:

- i. Derrick Davis – 10 years – Newberry County Sheriff’s Office.
- ii. Randy Epps – 15 years – Newberry County Sheriff’s Office.

- Mr. Shacker recognized the above employees for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.
- Mr. Johnson took a moment to say Mr. Epps is one of the greatest men he has ever known. He said when he first went into law enforcement, Mr. Epps was a sergeant, and he would stay after work to ride around and teach him lessons and talk to him about being a man and being a Christian and he molded him into the man he became. He said he means more to him than he can ever put into words.

4. Ordinance No. 10-05-2023. An Ordinance to provide for the issuance and sale of not exceeding thirty-five million, two hundred fifty thousand

(\$35,250,000) general obligation bonds of Newberry County, South Carolina, the sale and issuance of general obligation bond anticipation notes in anticipation to the issuance of such bonds, and other matters relating thereto.

a. Third Reading

- Mr. Shealy made a motion to approve the third reading; Mr. Reeder provided the second and the motion was approved 7-0.

5. Ordinance No. 11-01-2023. An Ordinance regulating public nuisances and unfit dwellings within Newberry County and providing procedures for enforcement and penalties for violation and matters related thereto.

a. Public Hearing

b. Third Reading

- Mr. Johnson said that he thinks all council members have had communication with constituents and while most everyone believes the county needs to do something, the language of the current ordinance is not where they need it to be. He further said they need to go back and do more work.
- Mr. Sease made a motion to postpone the third reading; Mr. Fulmer provided the second and the motion was approved 7-0.
- Mr. Hipp said he agreed with Mr. Johnson, he added that he received several calls from people who said there is a need for some controls. He said this ordinance is designed to protect people not hurt people, but it needs to be word smithed and made clear they are not taking personal liberties, but rather protecting residents.
- Mr. Shealy said this is a needed code and this council has good intentions, but they will not always be here.
- Mr. Reeder said it needs to be done but taken care of right the first time.

6. Ordinance No. 11-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina and *Project Cavalier* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.

a. Second Reading

- Mr. Reeder made a motion to approve the second reading; Mr. Shealy provided the second and the motion was approved 7-0.

7. Ordinance No. 12-01-2023. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling one and twelve hundredths (1.12) acres designated as TMS No. 399-56 from R2-Rural to GC-General Commercial.

a. First Reading

- Ms. Werts said the property owner has made the rezoning request for a used car lot. The current land use map identifies the property as economic development classification and the rezoning is supported within the map. The Planning Commission heard the request and made the unanimous decision to send it to council with their recommendation to rezone.
- Mr. Johnson asked if any residents came to protest the rezoning and if the property was posted. Ms. Werts said no one protested the rezoning and that it was posted.

- Mr. Shealy made a motion to approve first reading; Mr. Reeder provided the second and the motion was approved 7-0.
8. Resolution No. 13-23. An Inducement Resolution committing to negotiate a Fee-In-Lieu of *Ad Valorem* Taxes agreement between Newberry County and *Project Palmetto*; identifying the project; and other matters related thereto.
- Mr. Hipp made a motion to approve the Resolution; Mr. Scurry provided the second and the motion was approved 7-0.
9. Ordinance No. 12-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina, and *Project Palmetto* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.
- a. First Reading
- Mr. Hipp made a motion to approve the first reading; Mr. Shealy provided the second and the motion was approved 7-0.
10. Consideration of a motion to accept the proposed Economic and Land Use elements of the draft Comprehensive Plan.
- Mr. Shealy made a motion to accept only the Economic portion and not the Land Use.
    - Mr. Hipp requested an amendment before they took a vote that they accept the Economic portion provided that they get clarifications and questions answered that were brought up during the Work Session.
    - Mr. Johnson suggested they postpone the Economic element as well, until they get the requested clarifications.

- Mr. Shealy withdrew his motion.
- Mr. Shealy made a motion to postpone the consideration; Mr. Sease provided the second and the motion was approved 7-0.

11. Consideration and approval of proposals for architectural and engineering services for the 2022 CPST Project for the Newberry County Detention Center (Solicitation #2023-19) – Crystal Waldrop, Director of Purchasing.

- Ms. Waldrop said they received five responses (JLA, Moseley Architect, MRB, Stewart Newell Cooper and Studio 8). The panel conducted interviews with the two top firms – Moseley Architect and Studio 8.
- The panel consisted of Mac Bartley, Robert Dennis (in conjunction with the NCSO), Daniel Floyd and Dickert Lominick (Detention Center), Josh Kale (construction manager) Sheriff Lee Foster and herself.
- Staff recommends the county approve Studio 8 (the highest ranked firm) and enter contract negotiations.
- Mr. Shealy made a motion to approve the recommendation from staff; Mr. Scurry provided the second and the motion was approved 7-0.

12. Consideration of a motion to adopt the proposed 2024 County Council Meeting Schedule.

- Mr. Sease made a motion to accept the schedule; Mr. Scurry provided the second and the motion was approved 7-0.

13. Consideration of a motion to adopt the proposed 2024 County Council Committee Meeting Schedule.

- Prior to the vote, Mr. Sease addressed a typo with dates that needed to be fixed prior to publishing.
- Mr. Shealy made a motion to accept the schedule, with the correction; Mr. Fulmer provided the second and the motion as approved 7-0.

14. Consideration of a motion to adopt the proposed 2024 County Council Budget Calendar.

- Mr. Johnson said he liked the fact that they have a couple of days to review everything prior to the first reading.
- Mr. Shealy made a motion to approve the budget calendar; Mr. Fulmer provided the second and the motion was approved 7-0.

15. Appointments.

- There were no appointments.

16. Public Comments.

- Mr. George Kinard said he appreciated that council postponed the third reading and urged council to start from scratch. He said he took the opportunity to see how sister counties address these issues. He said he agrees that something needs to be done. He said Lexington County designates different types of districts, that have different types of residential areas, with different types of rules that address these issues. He said the proposed ordinance has a tremendous amount of power and he wants to protect Newberry County and that they are consistent and have due process, which he feels is lacking in the proposed ordinance.

17. Comments/Requests from County Administrator.

- Mr. Shacker said there is a program called Jordan's Way, created by Kris Rotonda, and they picked Newberry County to help raise awareness and money. He will be in Newberry County on December 12 from 10 a.m. to 1 p.m. and the money raised will go to the Newberry County Volunteer Network. He hopes they will see a large number of adoptions from the event.

#### 18. Comments/Requests from Council.

- Mr. Fulmer said he was appreciative of his fellow council members for welcoming him to Newberry County Council, as well as the staff. He said everyone has been extremely nice and helpful and he looks forward to the future.
- Mr. Shealy said they had a lot of information today and he believes they made the right choice regarding the nuisance code, and he appreciated all the work from staff.
- Mr. Sease thanked his constituents for calling him and voicing their concerns.
- Mr. Scurry said it was good to see everyone out at the meeting.
- Mr. Reeder said this was the last meeting of 2023 and wanted to wish everyone a great Christmas and a new and prosperous new year. He said he enjoyed seeing everyone out tonight.
- Mr. Hipp said it has been a great year for Newberry County, he believes Newberry County is a wonderful place to live and they have a lot to be thankful for. He hopes next year will be an even better year and it has been wonderful working with his fellow council members with their attempt to do what is best for Newberry County.

- Mr. Johnson said everyone who called him was nice and factual and that goes a long way when you talk to someone. He said he hopes that those who called found that they will listen and try and help. He also thanked Mr. Shacker and staff for the outstanding clean-up job at the Whitmire Library and that it looks incredible.

19. Future meetings:

- a. Christmas Holidays – Offices Closed – December 22, December 25 and December 26.
- b. New Year’s Day – Offices Closed – January 1.
- c. Newberry County Council Work Session – January 3 at 5 p.m.
- d. Newberry County Council – January 3 at 6 p.m.
- e. Public Safety and Courts Committee – January 8 at 6 pm.

20. Adjournment.

- Mr. Shealy made the motion to adjourn, Mr. Hipp provided the second and the motion was approved 7-0 at 6:50 p.m.

**NEWBERRY COUNTY COUNCIL**



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**Todd Johnson, Chairman**



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**Andrew Wigger, Clerk to Council**

Minutes Approved: Jan. 3, 2024