

NEWBERRY COUNTY COUNCIL

MINUTES

July 20, 2022

The Newberry County Council met on Wednesday, July 20, 2022, at 6:00 p.m. in Council Chamber 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)
Christopher Inglese, County Administrator
Debbie S. Cromer, Finance Director
Jacquelyn R. Lawrence, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

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

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

1. Additions, Deletions and Adoption of the Agenda

Mr. Shealy moved to adopt the agenda as written; seconded by Mrs. Arrowood. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.

2. **Public Appearance:**

Senator Ronnie Cromer

Senator Cromer spoke concerning the SC Compassionate Care Act, which passed in the Senate but did not pass in the House. This was the bill that was attempting to make marijuana legal. Due to the legalization of marijuana being pharmacy related Senator Cromer abstained from voting for or against the passing of the bill when it came through the Senate. When this bill passed in the Senate, they made sure that there would not be any raw form of marijuana allow. All distributions would have to be in a tablet dosage or liquid dosage form. The benefits that some people receive from medical marijuana is sometimes the only relief that they can get. Nephron Pharmaceutical Corporation in Columbia wanted to be able to do research regarding marijuana however the way that marijuana is classified currently research is not allowed. One addition to this bill that the Senate added was an amendment that stated if any County chose not to allow marijuana in their county, that county would be allowed to pass an ordinance stating so.

American Rescue Plan Act of 2021, Senate Bill 952 was passed to give the Department of Transportation about \$454,000,000. This will help with some existing projects, such as making three lanes from Orangeburg to Charleston on I-26.

\$900,000,000 was distributed to the Rural Infrastructure Authority. That could benefit the counties and the cities primarily in rural areas. This money could help with sewage repairs, small road repairs or maybe some developments for the counties.

\$400,000,000 was distributed to the Office of Regulatory Staff, the ORS. This was distributed to help increase the broadband in South Carolina. It will also help companies such as the Newberry Electric Coop to branch out further than they already are. The funds should allow for more of the poorer areas in South Carolina to be reached for internet services.

House Bill 4919 was passed regarding the new elections law. This Bill passed unanimously in both Houses.

The following items were included in the Budget:

\$12,000,000 was distributed to fully fund the local government fund.

\$10,000,000 was distributed to the Rural County Stabilization Fund.

\$2,000,000 was distributed to protect the equipment for all the statewide radio systems for the first responders.

\$240,000,000 was distributed to the Education Fund. The District Superintendents will be able to use these funds at their discretion as each sees fit. The starting salary for entry level teachers was also raised from \$36,000 to \$38,000. Those funds were given in addition to what was given to the Education Fund.

3% pay raise was given across the board for State Employees. Additionally, \$102,000,000 was put in for the increase in health insurance. The State is paying for the increase so that employees insurance premiums will change.

\$10,000,000 was given to the nonrecurring Grant Funds for the division of aeronautics that will help any county that may need to do work on their airports. With that money a county would be able to go to the Federal Government and have the money to be able to match potential grants that may be available.

Having an airport in your county makes the county much more attractive to potential large companies looking to expand their company here.

The County Transportation Acceleration Fund received \$250,000,000 from nonrecurring funds.

The CTC (County transportation Committee) received around \$3,500,000 in one-time funds was sent back to Newberry County. The normal appropriation is \$2,500,000. This year the County received both amounts. These funds will be used to help take care of the much-needed road repairs on Mawson's Way where Samsung is located.

S233 regarding the agricultural exemption. All farm buildings and agricultural structures that are owned by a producer in this state used to house livestock, poultry crops, farm equipment or farm supplies will be exempt from taxes.

The Senate also passed that the taxes on manufacturing and industry to be lowered from 10% to 6%. The Bill also states that the 4% difference would be repaid to the County by the State.

Senator Cromer thanked the Council for the opportunity to give the Legislative update.

Richard Lupino and Joe Prater - Charter Spectrum

Mr. Prater presented material regarding the RDOF, Rural Digital Opportunity Fund, Charter Spectrum was awarded a significant amount of area in the county, and they have since made some adjustments. The original area awarded was 21 CBG's (Census Block Groups) across the county that were considered unserved in the eyes of the FCC at that time. The 21 CBG's totaled 4871 locations.

During the states last State Broadband Grant Program there were some awards made in the Northern area of the county. That impacted 3 of the CBG's causing an overlap, totaling 651 FCC locations. Mr. Prater noted that the FCC locations are based on the FCC's data. The Charter RDOF reassessed and found that some of the areas that they were awarded already had providers. Charter released those areas so that they could concentrate on the areas awarded that did not have a provider. This dropped an additional 14 CBG's, 4202 FCC locations, leaving Charter with 7 CBG's, 669 FCC locations. These areas will be where Charter plans to bring the infrastructure into.

Richard Lupino spoke regarding the plans for starting construction which should be sometime mid to late 2023 as they are still in the engineering and planning

phase of the project. Once this phase is complete it should not take but a couple of months to get the build completed. This plan could change of course due to supply and demand however Charter is committed to getting this project done as quickly as possible.

Mr. Reeder asked for clarification as to why they dropped so many areas?

Mr. Lupino stated that as those areas already had a builder/servicer in those areas it would be to focus on the areas that do not have those so that they are able to help reach more of the state no matter who the builder/server may be.

Mr. Prater stated that Charter is committed to building and completing this project. Residents do not have to reach out stating that they need internet. Also, Charter offers a low-income product called Spectrum Internet Assist, which means that if a resident is getting government assistance, then they would automatically qualify for this program. The program provides 100 megabytes to the residence at a reduced cost. The resident would have to call the FCC to provide the needed information and the FCC will then pay that bill up to \$50.00 per month for the resident.

Mr. Hipp stated that Council would like to request that an area map be created showing what areas are still not being covered so that they can look into what needs to be done to get those areas service.

Mr. Shealy stated that he believed that the Coop may already have that information and he would see what they had.

Mr. Livingston stated that the ORS may have a map showing that information.

Mr. Prater agreed that the ORS has excellent maps, and he will see what he can come up with regarding that request. Once the service is built Charter Spectrum would like to work with Council on getting the word out to the public that service is available.

Debbie Peake, Director of Human Resources

Mrs. Peake stated that she received 14 Recruitment Slogan submissions that were all very good. She asked the winner, Melinda Long to come forward. Ms. Long presented her slogan, “Dreams and Teams Work Together in Newberry County”. Mrs. Peake stated that they did have to shorten the slogan a bit due to using it on the QR-Codes that are going to be distributed. The final slogan was “Dreams and Teams Together for Newberry County”. Ms. Long was presented with a Starbucks gift card and thanked.

Mr. Inglese asked to be allowed to introduce his new Administrative Assistant Saralyn Yarbrough. She comes from the Augusta area. Saralyn has a master’s degree in Public Administration, a Bachelor’s Degree in History.

3. Request approval to move forward with the RFP for a Grant Writer Consultant

Mr. Inglese requested that staff be allowed to move forward with the RFP for the Grant Writer Consultant. Stating the risks of a fulltime employee verses a consultant. There are several larger grants that will be coming available, and staff would like to get Newberry County in line to apply for those. This approval would not commit the Council to anything but allowing staff to get more information from some consultants so that Council can decide if this is the best way for the County to proceed.

Mr. Hipp moved to move forward with the RFP with the understanding that Council needs more information regarding the potential consultants, seconded by Mrs. Arrowood. Mr. Hipp reiterated that from the discussion at Executive Committee, Council needs know what experience and knowledge of a contract consultant. That the consultant will be able to produce work immediately. Also, the importance of metrics so that Council will be able to evaluate the Consultant to be sure they are providing proper service. There needs to be specific requirements in a contract of this time to protect the consultant and the county. With no further discussion Mr. Johnson called for the vote. Voting for the request, Mr. Reeder, Mr. Johnson, Mr. Hipp, Mrs. Arrowood, Mr. Shealy. Voting against the request, Mr. Scurry and Mr. Livingston. The request passed by majority.

4. Ordinance No. 05-16-2022 – An Ordinance establishing procedures and requirements for entering into development agreements in Newberry County.

a. Second Reading

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

5. Ordinance No. 06-19-2022 - 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 three and eighty-seven hundredths (3.87) acres designated as TMS No. 28-1-1-6, from R2 – Rural to GC – General Commercial.

a. Second Reading

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

6. Ordinance No. 07-20-2022 - An Ordinance for the purpose of leasing out certain county fairgrounds property.

a. First Reading

Mr. Inglese proposed an ordinance for leasing a barn that is in the old fairgrounds. There is a local industry that needs some storage space for 2 years or may be a little more. The industry has visited the site and they believe the space will work for them. The basic terms are \$4500.00 per month for 18 months plus a 6-month extension bringing in \$108,000. The improvements needed for both barns, staff has obtained a rough estimate of \$75,000. Staff would have to get actual true bids, but this is just an estimate. This lease would allow for the needed improvements with no cost to the county.

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

7. Discussion/Approval of RFP for external audit services – Crystal Waldrop

Crystal Waldrop, Procurement Director, stated staff had solicited proposals and received one proposal from Mauldin & Jenkins. This request is for an external audit. Rish & Enzastiga would continue to do the internal audit. Part of their duty would be to come in and clean up the books before the external audit is done. The amount for the internal audit is \$30,000. The budgeted amount for the external audit is \$41,000. There may be an option of scaling back the proposed hours some, but that decision cannot be made until the audit is started.

Mr. Inglese stated that the Mauldin & Jenkins proposal is for \$71,000 however, there should be some negotiating room in that price.

Mrs. Waldrop did reach out to the State contracted firms regarding getting the audit done however, those firms were unable to help this year. This audit must be done annually in order to stay in compliance with Governmental Accounting Standards Board (GASB).

Mr. Johnson asked for any comments or recommendations. Council's recommendation is to return to Mauldin & Jenkins for additional negotiations. No action was taken regarding this matter.

8. Executive Session

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

- (1) 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.

- (2) *Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, 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.*

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

EXECUTIVE SESSION
6:49 P.M. – 9:30 P.M.

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

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

9. Adoption of Consent Agenda

a. Newberry County Council Meeting – Minutes July 6, 2022

Mr. Scurry moved to adopt the consent agendas; seconded by Mrs. Arrowood. Mr. Johnson called for the vote. Mr. Hipp noted that there was a correction needed regarding a name in the minutes. The vote was unanimous based upon the correction being made.

10. Appointments

No appointments made.

11. Public Comments

No public comments made.

12. Comments/Request from County Administrator

No comments from the County Administrator.

13. Comments/Request from Council Members

No comments from Council

14. Future Meetings

- a. *Economic Development - August 15, 2022, at 6:00 p.m.*
- b. *County Council - August 17, 2022, at 6:00 p.m.*

15. Adjournment

Mr. Shealy moved to adjourn the meeting, seconded by Mrs. Arrowood. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 9:37 p.m.

Newberry County Council



Todd Johnson, Chairman



Jackie Lawrence, Clerk to Council

Minutes approved: August 17, 2022