

# *NEWBERRY COUNTY COUNCIL*

## *MINUTES*

*July 6, 2022*

*The Newberry County Council met on Wednesday, July 6, 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. Reeder 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 Mr. Scurry. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

**2. Public Appearance:**

*Jessie Long, Director of Parks and Recreation presented an update regarding the of the potential new exercise park for Newberry. The possible grant that is available would require that the park be completed by the end of October 2022. That being such a tight timeline for fundraising, she will apply for the 2023 grant and hopefully the construction could start in the Spring of 2023.*

**3. Request approval to pay off promissory note (Santee Cooper) with funds from the sale of the Cavanaugh Tract**

*Mr. Inglese explained the promissory note from several years ago. \$1,213,800.00 is the amount of the promissory note. \$24,000 has been paid each year over last several years in interest only payments. The interest only payments will end next year, and the County will be required to make a payment of \$252,468. That will require 1.6 mills increase to the fiscal year 23-24. In hopes to avoid that it is proposed to use the proceeds from the sale of the Cavanaugh tract to satisfy that debt.*

*Mrs. Arrowood moved to approve the request, seconded by Mr. Reeder. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

**4. Request for approval of the Fee Schedule and policy for renting the Fire Training Facility.**

*Tommy Long, Emergency Services requested that Council approve the Fee Schedule for renting the Fire Training Facility. The facility rental would be handled by Mr. Long's department as to be sure that the lessee has the proper insurance in place for the lease. The majority of inquiries for leasing the property is for local businesses that need to meet fire training requirements to keep their brigades up to date for training.*

*Mr. Livingston moved to approve the request, seconded by Mr. Shealy. There being no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

**5. Request approval of an FTE position for an Emergency Services Coordinator**

*Mr. Long, Emergency Services Coordinator, requests to utilize existing funding in the Budget to fund this new position. The projected salary would be \$50,000 - \$55,000 per year. This would likely not be added to the 2<sup>nd</sup> quarter of the current Budget. This position will be supervised directly him. There would be no additional funds needed in the Budget this year however, there will be next year. The new position would be helping with the paperwork that is required when there is a fire or rescue.*

*Along with supporting the fire chiefs, assistant fire chiefs, and the squads with whatever they may need. This position has been needed for quite some time and with the increase in need of fire and rescue it is a good decision. Although, it will be a recurring cost each year it is much needed.*

*Mr. Livingston moved to approve the request, seconded by Mrs. Arrowood. There being no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

**6. Council to discuss Building Permit Fees and other fees in Fiscal Year 22-23 Budget**

***Discussion of the increase in building permits and fees.***

*Ron Powell, Department of Building and Inspection, stated that the information requested for comparison of fees has been provided to Council. After review of the comparisons, specifics of the plan reviews and what they entail were evaluated. The plan review is in place as to hopefully catch potential issues with the build before the build is complete. Should a building need to be inspected a second time the inspection fee doubles each time. Discussion of the fees and how the fees were being calculated gave an understanding as to the reason for the "sticker shock" from many that are purchasing the permits. The plan review fee has always been a part of the Ordinance but never implemented until now. Commercial properties have always required a plan review.*

***Discussion of fees associated with the public being able to access recorded documents from the County website.***

*There is no fee for viewing the indexes. However, when a document is to be copied or printed. The fee is \$5 per day or \$30 per month to be paid by whomever is accessing the documents. Currently the cost to the County is \$3541.70 per month for the software. Once the documents are uploaded for public access the monthly fee will increase \$350.00, totaling \$3891.70. If no fee is charged by the accessor, it will raise the monthly fee \$500.00, totaling \$4041.70.*

***Discussion of increase in copying fees***

*Per the budget, the copy fees have increased from 0.35 to 0.50 per page. When compared to others surrounding counties this fee seems to be in-line. The majority of the surrounding counties are the same if not more.*

- 7. Ordinance No. 05-14-2022 – An Ordinance amending portions of Chapter 34 of the Newberry County Code of Ordinances revising provisions dealing with: 1) amounts requiring Council approval; 2) State and Federal purchasing and 3) sale and transfer of surplus county property.**

- a. Public Hearing**
- b. Third and Final Reading**

*Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.*

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

- 8. Ordinance No. 05-15-2022 – An Ordinance to impose a one percent sales tax, subject to referendum, within Newberry County pursuant to the Capital Project Sales Tax Act; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum cost of the projects or facilities funded from the proceeds to be raised by the tax, subject to funding cost overruns as provided by law; to provide for a county-wide referendum and to concur in the contents of the ballot question in such referendum; to establish the priority in which the proceeds of the tax are to be expended; to authorize the issuance of General Obligation Bonds of Newberry County, subject to such referendum, to defray costs of projects and issuance costs; to provide for the conduct of such referendum; to provide for the administration of the tax; to provide for the payment of the tax; and to provide for other matters relating thereto.**

- a. Public Hearing**
- b. Third and Final Reading**

*Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.*

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

- 9. Ordinance No. 05-17-2022 – An Ordinance acting on a request to amend the official zoning map established pursuant to the 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 seven hundred and seventy-nine (.779) acres designated as TMS parcel no. 395-39 from RS – single family residential to R2 – rural.**



- a. Public Hearing**
- b. Third and Final Reading**

*Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.*

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

**10. Ordinance No. 05-18-2022 - An Ordinance authorizing the expenditure of Capital Project Sales Tax funds and matters relating thereto. (2017 CPST Bonds)**

- a. Public Hearing**
- b. Third and Final Reading**

*Mr. Johnson called for any public remarks. With no one responding the Public Hearing was closed.*

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

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

- a. First Reading**

*Mr. Powell spoke regarding the planning commission meeting that was initially held for this Ordinance. The vote was 5-3-0. 5 in favor, 3 abstained, 0 against. The 3 abstention votes were due to the need for more information and impact fees. Mr. Ingelse stated that an amendment to this Ordinance was that the Zoning Commissioner consult the school district and bring the finding to the Planning Commission.*

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

**12. 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. First Reading***

*Katie Werts stated that this Ordinance is regarding property located at 411 SC Highway 39 in the Chappells area for a potential storage facility. The Staff did vote against this request. The Planning Commission did vote to approve it. There are additional commercial buildings in the area currently. No one is opposing this request to amend the official zoning map.*

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

***13. Discussion of Public Information Campaign for CPST***

*Staff is looking to engage a consultant regarding producing public information materials pertaining to CPST. To be compliant with the SC Ethics Act which states that the county is not allowed to use its assets to promote a ballot initiative however we can educate and inform the public as to what is on the ballot. The consultant would help draft a brochure, social media content, press releases, etc., that may be released to the public. The cost would be less than \$10,000. Staff would like to have the summer months to get the information out to the public for education purposes. Council agreed that educating the public was important so that the public is not going into the voting booth blind to the matters at hand. The consultant would provide staff with the content so that it may be distributed in the proper fashion.*

*Theo DuBose spoke regarding the importance of having a consultant for a matter like this as to stay out of the “gray area” regarding anything that may be on a ballot. Educating the voters is very important.*

***14. 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**

**7:26 P.M. – 8:47 P.M.**

*Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. The vote was unanimous.*

*Mr. Livingston moved to approve the change order No. 1 on Phase 2(a) and 3 Roadway Project, project no. 17113-0036 at Mid-Carolina Commerce Park I, in the amount of \$88,894.00, seconded by Mr. Shealy. There being no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

### **15. Adoption of Consent Agenda**

- a. Newberry Economic Development Committee–Report and Minutes May 23, 2022**
- b. Newberry County Council Meeting - Minutes June 15, 2022**
- c. Newberry County Finance Committee – Report and Minutes June 24, 2022**
- d. Newberry County Public Safety Committee – Report and Minutes June 21, 2022**

*Mr. Shealy moved to adopt the consent agendas; seconded by Mr. Scurry. Mr. Johnson called for the vote. The vote was unanimous.*

### **16. Appointments**

*No appointments made.*

### **17. Public Comments**

*No public comments made.*

### **18. Comments/Request from County Administrator**

*No comments from the County Administrator.*

### **19. Comments/Request from Council Members**

*Mr. Shealy thanked everyone for their hard work and the thoughts and prayers he received during his recovery.*

Mr. Livingston asked that the family of Mr. Wyman Cook be lifted up as they grieve his passing. Mr. Cook was on County Council for 12 years.

Mrs. Arrowood hoped everyone had a great 4<sup>th</sup> of July and God Bless America.

No comments from Mr. Hipp, Mr. Reeder, Mr. Scurry or Mr. Johnson.

## **20. Future Meetings**

- |                        |           |           |
|------------------------|-----------|-----------|
| a. County Council      | 7-6-2022  | 6:00 P.M. |
| b. Executive Committee | 7-11-2022 | 6:00 P.M. |

## **21. Adjournment**

Mr. Shealy moved to adjourn the meeting, seconded by Mr. Scurry. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 8:48 p.m.

Newberry County Council

Todd Johnson

Todd Johnson, Chairman

Jackie Lawrence

Jackie Lawrence, Clerk to Council

Minutes approved.

July 20, 2022