

NEWBERRY COUNTY COUNCIL

MINUTES

June 1, 2022

The Newberry County Council met on Wednesday, June 1, 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)
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)
A.J. Tothacer, Jr., County Attorney
Karen Brehmer – Deputy County Administrator
Debbie S. Cromer, Finance Director
Jacquelyn R. Lawrence, Clerk to Council

ABSENT: Les Hipp, Vice-Chair (District 5)– (out of town)
Christopher Inglese, County Administrator

MEDIA: Andy Husk, Newberry Observer

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

Mr. Johnson 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. Vote was unanimous.

2. Public Appearance:

Richard Lupino, Charter Communications – This matter will be rescheduled as Mr. Lupino was unable to attend.

3. Request for approval - Memorandum of Understanding for the Upper Savannah Workforce Area

Mr. Livingston moved to approve the memorandum; seconded by Mr. Shealy. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

4. Ordinance No. 04-06-2022 – 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 nineteen and seventy-two hundredths (19.72) acres designated as TMS No. 653-61 from RS – Single Family Residential to R2 – Rural.

a. Public Hearing

Mr. Johnson declared the public hearing open. Mr. Robin Harper spoke regarding the property that he and his family bought the land in September of 2021. They plan to build a home, have a few horses and some chickens. After hearing from the public Mr. Johnson asked if there was a Motion to third reading. Motion made by Mr. Shealy; seconded by Mr. Livingston. With no further discussion, Mr. Johnson called for the vote. Vote was unanimous.

5. Ordinance No. 04-09-2022 - An Ordinance establishing minimum rules and regulations to regulate the disposal of garbage, refuse and other trash in Newberry County and providing penalties for violation of this Ordinance.

a. Public Hearing

Mr. Johnson declared the public hearing open. There being no public comments, Mr. Johnson declared the public hearing closed.

b. Third Reading

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

6. Ordinance No. 05-10-2022 – An Ordinance to adopt a false fire alarm ordinance for the County of Newberry. This Ordinance is to encourage businesses and homeowners to maintain alarm systems properly and to provide penalties for violation of this Ordinance

- a. Public Hearing

Mr. Johnson declared the public hearing open. There being no public comments, Mr. Johnson declared the public hearing closed.

- b. Third and Final Reading

Mr. Reeder moved to adopt the third reading; seconded by Mrs. Arrowood.

Mr. Shealy clarified that is regarding a nuisance alarm.

Mr. Johnson stated that the report numbers showed 21 false alarms at on place and that is a tremendous drain on taxpayers and resources. It is just right that people that continue to cause that must pay some part of that.

Mrs. Arrowood stated that this is typically not a home but a commercial building.

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

7. Ordinance No. 05-11-2022 – An Ordinance to amend the budget ordinance for the fiscal year 2021-2022, Ordinance Number 4-12-21, to provide for revised revenue and expenditure appropriations related to operating and capital purposes to provide for unanticipated cost of the purchase of a fire truck previously approved by Council.

- a. Public Hearing

Mr. Johnson declared the public hearing open. There being no public comments, Mr. Johnson declared the public hearing closed.

- b. Third and Final Reading

Mr. Livingston moved to adopt the third reading; seconded by Mr. Scurry.

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

8. Ordinance No. 05-12-2022 – An Ordinance amending Ordinance Nos. 10-7-19 and 05-16-20 of Newberry County to amend the use of a portion of the proceeds of the General Obligation Bond of Newberry County authorized thereby.

- a. Public Hearing

Mr. Johnson declared the public hearing open. There being no public comments, Mr. Johnson declared the public hearing closed.

- b. Third and Final Reading

Mr. Arrowood moved to adopt the third reading; seconded by Mr. Scurry. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

9. 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. Second Reading

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

10. 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. Second Reading

Mrs. Arrowood moved to adopt second reading; seconded by Mr. Reeder.

Mr. Livingston stated that this Ordinance is a continuation tax and not an extra penny tax. Newberry receive a lot of money from outside sources with this tax.

Mrs. Arrowood stated that Piedmont Tech, the Library, the newer fire departments were all funded with the one (1) cent sales tax. Everyone that comes through our county that buys anything helps pay for those things. It does not all come off the citizen's backs. They have gone through great depth to pick out this committee chooses where the money goes and there is a need for this tax.

Mr. Livingston stated that while in communication with someone from the Charleston region, they have a placard at each one of their locations that shows that it was a part of the Capitol Project Sales Tax.

Mr. Arrowood stated the tax runs for seven (7) years, and it has to be reinstated if it is going to continue to be used.

Mr. Johnson stated the projects are specific by what can and cannot be done and without this tax many things would be cost prohibitive otherwise.

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

11. 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 hundredths (.779) acres designated as TMS parcel no. 395-39 from RS – single family residential to R2 – rural.

- a. First Reading

Katie Werts from Planning and Zoning spoke regarding the request stating that Planning staff recommends the denial of this request as it is not supported by the comp plan. The Planning Commission with a vote of seven (7) to one (1) did recommend this request.

Mr. Johnson asked what are the parcels around the listed property.

Ms. Werts stated everyone else in the subdivision is RS and behind the property is all R2.

Mr. Reeder asked if there had been any complaints regarding this request.

Ms. Werts stated no.

Mrs. Arrowood asked what type of housing are on the other parcels?

Ms. Werts stated that there are site built and manufactured.

Mr. Johnson asked if the request is inconsistent with the area or inconsistent with planning?

Ms. Werts stated that the request is inconsistent with the Comprehensive Plan.

Mr. Reeder moved to adopt first reading, seconded by Mr. Shealy. With no further discussion Mr. Johnson called for the vote. Voting for First Reading, Mr. Johnson, Mr. Scurry, Mr. Reeder, Mr. Shealy, and Mrs. Arrowood.

Voting against First Reading, Mr. Livingston. Motion passed by majority vote.

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

a. First Reading

Theo DuBose spoke regarding this Ordinance being a change in scope of a project in Whitmire where rehab of a garage next to the Police Station, but it turns out that it is recommended to tear it down and rebuild. The cost is about one hundred twenty-two thousand dollars (\$122,000) additional to complete the renovations needed. The funds are currently available.

Mr. Reeder asked what the building was being utilized for?

Mrs. Brehmer stated that the building is used by the Whitmire Town Hall and Police Department.

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

13. Ordinance No. 04-07-2022 - An Ordinance to provide appropriations for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for the Newberry County Budget for County Ordinary purposes and for other county purposes for which the County may levy a taxes on all taxable and personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and provide for the expenditure of said taxes and other revenues received by the County during said fiscal year, and to provide for borrowing an anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.

a. Public Hearing

Mr. Johnson declared the public hearing open.

Ms. Janelle Frick from the Newberry County Humane Society spoke regarding the changes to the Animal Services portion of the budget. The current fees, adoption and redemption have been raised. With the understanding that everything is going up, raising the fees makes it more likely that an animal will not be adopted or reunited with its family. Our goal is to keep the animals in there home and out of the shelter. Hours of operation are also a concern for adoption and redemption. The spay and neuter program is a great asset to the shelter, and they hope it continues.

Mr. Johnson asked for any other comments. With no further comments the public hearing was closed.

14. Ordinance No. 04-08-2022 - An Ordinance to provide appropriations for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for Newberry County Library, Piedmont Technical College and the Newberry Agency for Disabilities and Special Needs; to provide for the levy of taxes on all taxable personal and real estate properties in Newberry County for said purposes; to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year for said purposes.

a. Public Hearing

Mr. Johnson declared the public hearing open. With no public comments the public hearing was closed.

15. Economic Development Committee recommended to eliminate the requirement of approval for payment of the quarterly statements from Central/SC so long as they have been approved in the budget process.

Mr. Farmer requested approval for payment of the quarterly invoice for Central SC in the amount of \$18,000.00. Along with a request of the Council that since Council approves payment of these invoices when it passes the annual budget that it be allowed to dispense with quarterly reviews and approvals. Invoices would go straight to the Administrator for payment. Mr. Livingston moved to approve the request, seconded by Mr. Reeder. With no further discussion Mr. Johnson called for the vote. Vote was unanimous.

16. 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, 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 matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.
- (3) 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. Shealy moved to go into Executive Session to discuss the matters as set forth above; seconded by Mr. Scurry. Vote was unanimous.

EXECUTIVE SESSION
6:34 P.M. – 7:42 P.M.

Mrs. Arrowood moved to return to open session; seconded by Mr. Livingston. Vote was unanimous.

Mr. Johnson advised that Council went into Executive Session for the above stated purposes and no action was taken.

17. Adoption of Consent Agenda

- a. Minutes - Special Meeting – April 12, 2022
- b. Minutes - County Council Meeting - May 18, 2022
- c. Approval for Quarterly Central/SC invoice - \$18,000

Mr. Shealy moved to adopt the Consent Agenda; seconded by Mr. Reeder. Mr. Johnson called for the vote. Vote was unanimous.

18. Appointments

- a. Economic Development Task Force –
Deferred to June 15, 2022, under Executive Session
- b. Fire Board – Mr. Scurry - Terry Russell
Mr. Scurry moved for the nomination of Terry Russell for appointment.
Seconded by Mr. Livingston. Mr. Johnson called for the vote. Vote was unanimous.
- c. Rescue Board – Mr. Scurry - Roy Roe
Mr. Scurry moved for the nomination of Roy Roe for appointment, seconded by Mr. Livingston. Mr. Johnson called for the vote. Vote was unanimous.
- d. Newberry County Memorial Hospital Board – Candice Frick
Mrs. Arrowood moved to reappoint Candice Frick to the hospital board, seconded by Mr. Livingston. Mr. Johnson called for the vote. Vote was unanimous.

19. Public Comments

No Public Comments were made.

20. Comments/Request from County Administrator

No comments were made.

21. Comments/Request from Council Members

Mr. Scurry thanked everyone for being together.

Mr. Reeder stated that in the last couple of weeks with the shootings in Newberry, please talk to your children.

Mrs. Arrowood asked that we keep all the families in our prayers.

Mr. Livingston would like to thank everyone that is willing to serve on the boards.

Thank you to law enforcement and fire and rescue squads. Thank you to the staff for all the work they put in.

Mr. Shealy also thanked the staff and stated we need to pray for our county.

Mr. Johnson stated he was thankful for the first responders and their hard work and the services that all agencies provide to us.


22. Future Meetings


23. Finance Committee	6-6-2022	6:00 P.M.
24. Public Safety	6-13-2022	6:00 P.M.
25. County Council Meeting	6-15-2022	6:00 P.M.

26. Adjournment

Mr. Arrowood moved to adjourn the meeting, seconded by Mrs. Reeder. Mr. Johnson called for the vote. Vote was unanimous. The meeting ended at 7:49 p.m.

Newberry County Council


Todd Johnson, Chairman


Jackie Lawrence, Clerk to Council

Minutes approved:

