

NEWBERRY COUNTY COUNCIL

MINUTES

MAY 18, 2022

The Newberry County Council met on Wednesday, May 18, 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) via Zoom

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)

Travis Reeder, Council Member (District 7)

Christopher Inglese, County Administrator

A.J. Tothacer, Jr., County Attorney

Debbie S. Cromer, Finance Director

Jacquelyn R. Lawrence, Clerk to Council

ABSENT: Johnny Mack Scurry, Council Member (District 6) – (out of town)

MEDIA: Andrew Wigger, Newberry Observer

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

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

1. Additions, Deletions and Adoption of the Agenda

Mr. Livingston made a motion to eliminate the Economic Development Task Force listed under Appointments on the Agenda. There has been a good turn out of names, etc. for that particular task force. To give everyone a chance there needs to be a work session or executive session, because it is similar to personnel, so that each person could be discussed to be sure the right combination is put together. The Motion was seconded by Mr. Reeder. Vote was unanimous.

Mr. Livingston moved to adopt the Agenda as amended; seconded by Mr. Shealy. Vote was unanimous.

2. Public Appearance:

a. Introduction of new Department Directors

John Glasgow, Chairman of Voter Registration, introduced the new Director of Voter Registration, Ms. Intra Williams.

Brian Franklin, Director of Human Resources, introduced the new Clerk to Council, Mrs. Jacquelyn Lawrence and the new Director of Human Resources, Mrs. Debbie Peake.

3. Consideration of Newberry Cooperative request for \$92,000 as a 50/50 matching grant to expand broadband.

Mr. Shealy recused himself from this matter due to his employment with the Newberry Electric Cooperative and left Council Chambers.

Keith Avery and Stephanie Sullivan spoke regarding Item #3. The request for a 50% match from the American Rescue Plan Act of 2021 to construct service to 3 unserved non-member areas that fall within the qualifying census clocks of the Last Mile areas presented by the Office of Regulatory Staff. This construction will provide high speed internet service availability to an additional 50 premises within Newberry County. These areas are commonly known as “Donut Holes”. The specific areas for this grant are Key Island Road, Bedford Way, and Vinge Road. The estimated cost for the construction for the areas is \$184,000.00. This request is contingent upon the acceptance and approval from ORS. This project would have a mandatory completion date of October 21, 2022.

Mr. Reeder commented that was a great need for students to be able to get their education.

Mr. Livingston asked if the school district has received any funds that could be applied to this project. He stated that maybe everyone could pool together to get a larger area covered. The children are a priority, and we should certainly help them, but we do not want to take all our money for this if there are others that can contribute.

Mr. Avery stated that he did not have an answer, but he would certainly reach out to the Superintendent and see what may be available. This project came about from the Cares 2 Act. That is a tight timeline and the timeline being as tight as it is we are concerned as to whether we can even get it done due to supply chain issues, etc.

Mr. Reeder believes there are monies available.

Mr. Hipp asked if the monies are available would it come from this year’s budget? Do we have enough contingency money rather than go into our budget for next year?

Mr. Ingles stated that Council could vote to spend the ARPA money by Resolution or vote of Council.

Mr. Hipp stated that money would be independent of our budget money.

Mr. Johnson asked how many houses would this serve and how many of the unserved student population would serve?

Mr. Avery stated that the ORS handled the survey itself and that they do not have an actual number. Ms. Sullivan stated that the grant would allow service for cumulatively 50 plus premises and it would be for whomever filled out the survey online. The area was chosen by the list given from ORS that the Coop believes they can potentially meet the deadline of construction.

Mrs. Arrowood stated to use all the grant money that we can.

Mr. Reeder asked how soon the money was needed.

Mrs. Sullivan responded that there had to be a commitment by the end of May 2022.

Mr. Hipp suggested that the Council approve it with the contingency that the Coop would reach out to the School District regarding additional funds. If we vote on the \$92,000.00 and funds come in from another source, it does not mean that the Council is still responsible for the entire \$92,000.00?

Mr. Avery agreed and stated that if they are unable to complete the project by the deadline of October 21, 2022, the money will not have to be paid anyway.

Mr. Hipp asked if there was a motion?

Mrs. Arrowood moved to make a Motion that it be approved but at the same time the Coop continue to reach out to other sources to see if they can get more to go with the approved funds. The Motion was seconded by Mr. Reeder.

Mr. Hipp asked if there was any further discussion by council or others.

Mr. Inglese asked that it be noted that the vote be contingent on the school district being contacted and the ORS awarding the grant.

Mrs. Arrowood accepted those changes to her Motion.

Mr. Livingston asked if Mr. Inglese had any recommendations regarding this matter?

Mr. Inglese stated that the staff is neutral on this particular issue. The ARPA funds are there and that he is not in a hurry to spend a lot of ARPA funds when the Detention Center and the Public Safety Complex are kind of hanging in the wind depending on the referendum. It has been the hope that those funds could be held in reserve knowing those large capital projects destiny is uncertain at this point. \$92,000.00 is not going to affect that too much but we have done some piece meal spending of the ARPA funds which is not something he supports continuing. He would like to put a plan together once budget season is over. With CPST unknown it probably would be best to wait until November to put a spending plan together.

Mr. Livingston asked if the original map that was presented that had the amount of \$3,158,000.00 would cover basically everybody in Newberry County?

Mr. Avery stated that it would cover many but not all. It would not include Whitmire and parts of Pomaria.

Mr. Livingston stated that the \$3,158,000.00 would service 987 people which is \$3,240 per household.

Mr. Johnson stated that he does not like a piece meal approach and that a comprehensive approach would be preferred but that this is a good start. We are unsure of how many students this would benefit.

Mr. Avery stated that this money of \$92,000.00 was just recently discovered and the opportunity to get those funds from ORS and we are trying to maximize the amounts we can get from the different entities.

Mr. Livingston asked who made the decision on the location of the funding?

Mr. Avery stated that ORS put the survey out and identified the Donut Holes and based on the ability of what we feel that we can get equipment wise and the size of the areas, we narrowed it down to those 3. We had to chose areas that we could hopefully meet the tight timeline because otherwise we do not get a dime.

Mr. Livingston has received many calls regarding Carolina Connect and wants everyone to understand that we are not making the decision as to where it goes. Someone else makes that decision.

Mr. Hipp stated that we cannot wait to make a plan on the ARPA funds. We will need to move forward at least for this part of it and support it or not because we will not have another opportunity.

With no more discussion Mr. Hipp called for the vote. The vote was unanimous with the exception of Mr. Shealy who recused himself.

After the vote Mr. Shealy returned to Council Chambers.

4. Proclamation National Police Week May 11-17, 2022

Mr. Hipp read the Proclamation into the record. A copy of the Proclamation is attached hereto and incorporated herein.

After reading the Proclamation, Mr. Hipp then presented a framed Proclamation to the Sheriff's Department in attendance.

5. Ordinance No. 5-10-2022 – 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. Second Reading

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

6. Ordinance No. 5-11-2022 – 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. Second Reading

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

7. Ordinance No. 5-12-2022 – An Ordinance amending Ordinances No. 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. Second Reading

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

8. 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. First Reading

Mr. Tothacer reviewed and explained the proposed amendments to the purchasing procedures with Council.

Mr. Livingston requested more information regarding surplus property.

Mr. Shealy moved to adopt the first reading, seconded by Mr. Reeder. There being no discussion, Mr. Hipp called for the vote. Vote was unanimous.

9. 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. First Reading

Mr. Livingston moved for first reading; seconded by Mrs. Arrowood.

Mr. Inglese gave a detailed reason as to why this should be Title only and preferably not deferred as there is a tight timeline. Mr. Johnson is not in favor of the Title only as this is not our list of projects but a county wide list of projects, but he would go with this Title only due to the time constraints. Mrs. Arrowood clarified this is not a new tax, but a renewal of the current tax. Mr. Livingston added that much of the money comes from outside the taxpayers.

Mr. Livingston then amended his motion to be Title only. Mrs. Arrowood seconded the motion.

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

10. Ordinance No. 5-16-2022 – An Ordinance to allow County Council to enter into land developments agreements as authorized by SC Code of Laws Section 6-31-10 et.seq.

a. First Reading

Mr. Hipp stated that he understood that this matter was presented May 17, 2022, at the Planning Commission Meeting. Mr. Inglese agreed and stated that they deferred to the next meeting as to give the time for Council to hear and review. State statutes authorizes local government to enter into development agreements under certain conditions. The biggest condition being that it must be a minimum of 25 acres. This ordinance mirrors the state statute of what will have to be presented to County Council before entering into negotiations for land development. Mr. Inglese suggested to let the Planning Commission finish their deliberation which will not be until the second County Council meeting in June.

Mr. Johnson moved to defer this matter to June 1, 2022, or sometime after, seconded by Mrs. Arrowood. There being no further discussion, Mr. Hipp called for the vote. Vote was unanimous.

11. Council consideration of proposals for the Compensation and Classification Study – Christopher Inglese, County Administrator

Mr. Inglese presented regarding the Classification and Compensation Study Services. The staff recommends the Management Advisory Group International, Inc. (MAG). The proposal amount cost was \$27,500. The Evaluation Committee consisted of the County Administrator, Christopher Inglese, the Purchasing Director, Crystal Waldrop and the Interim Human Resource Director, Brian Franklin.

Mr. Shealy moved to accept the proposal as proposed by staff, seconded by Mr. Reeder. There being no further discussion, Mr. Hipp called for the vote. Vote was unanimous.

12. Council consideration to proposals for the Economic Development Strategic Plan – Rick Farmer, Economic Development Director

Mr. Farmer requested acceptance of proposal for Economic Strategic Plan. The staff recommends accepting the highest ranked firm Creative Economic Development Counseling. The proposed amount is \$52,615.00. The Evaluation Committee consisted of Christopher Inglese, County Administrator, Rick Farmer, Economic Development Director and Crystal Waldrop, Purchasing Director.

Mr. Livingston moved to accept the proposal presented, seconded by Mrs. Arrowood. There being no further discussion, Mr. Hipp called for the vote. Vote was unanimous.

13. Consideration to approve the purchase of a second brush truck utilizing bid already received conditional on final approval of FY 23 Budget – Tommy Long, Emergency Services Director

Mr. Long requested a Purchase Order Number to be able to finalize the purchase of a Brush Truck utilizing the bid already received for \$140,109.00.

Mr. Reeder moved to approve the purchase, seconded by Mr. Shealy. There being no further discussion Mr. Hipp called for the vote. Vote was unanimous.

14. Consideration to approve the purchase of a second ambulance remount utilizing bid already received conditional on final approval of FY 23 Budget – Tommy Long, Emergency Services Director

Mr. Long requested a Purchase Order Number to finalize the Remount of Ambulance. This request was already in the budget and came in under budget. \$224,631.54.

Mr. Livingston moved to approve the purchase, seconded by Mrs. Arrowood. There being no further discussion, Mr. Hipp called for the vote. Vote was unanimous.

15. 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.

Mr. Shealy moved to go into Executive Session to discuss the matters as set forth above; seconded by Mrs. Arrowood. Vote was unanimous.

EXECUTIVE SESSION
7:20 P.M. – 8:13 P.M.

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

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

16. Adoption of Consent Agenda

- a. County Council meeting – April 20, 2022
- b. Budget Work Session – April 20, 2022
- c. Budget Work Session - April 26, 2022
- d. County Council meeting – May 4, 2022

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

17. Appointments

- a. Economic Development Task Force – Eliminated for this meeting
- b. Fire Board – Mr. Scurry - Terry Russell - Deferred
- c. Rescue Board – Mr. Scurry - Roy Roe – Deferred

18. Public Comments

No Public Comments were made.

19. Comments/Request from County Administrator

Mr. Inglese stated that Senator Cromer is responsible for appointing the Veteran's Affairs Director. With Mr. Parnell's retirement, that will be vacant this summer so if anyone know someone interested, we are working on getting that posted and doing some recruitment. Senator Cromer is open to referrals or nominations.

He is happy to welcome the new staff.

He thanked Gary from Facilities for cleaning the carpets in the Chambers, hallways and administrative offices. He will be doing more in the rest of the building.

20. Comments/Request from Council Members

Mr. Shealy had no comment.

Mr. Livingston reiterated that it is National Law Enforcement Week and that they keep our County safe.

Mrs. Arrowood welcomed the new staff.

Mr. Reeder thanked the staff for work on the budget. He thanked everyone for the cares and concerns during his absence.

Mr. Johnson is very grateful for our Law Enforcement and the new chairs that made it just in time for the meeting he was unable to attend.

Mr. Hipp thanked Debbie Cromer and Karen Brehmer for all the hard work and different hats they have worn while they have been short staffed. WKDK meeting will be the third Thursday starting in June.

Mr. Livingston asked that everyone remember Karen Brehmer's family as her mother-in-law passed away.

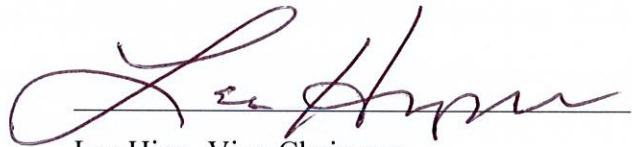
21. Future Meetings

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| a. Economic Development | 5-23-2022 | 6:00 P.M. |
| b. County Council Meeting. | 6-1-2022 | 6:00 P.M. |
| c. Finance Committee | 6-6-2022 | 6:00 P.M. |
| d. Public Safety | 6-13-2022 | 6:00 P.M. |
| e. County Council Meeting | 6-15-2022 | 6:00 P.M. |

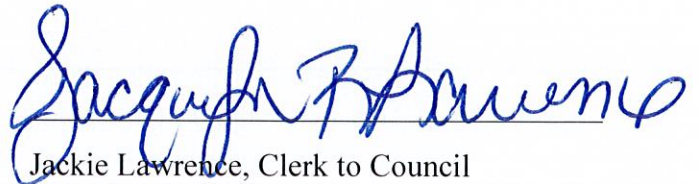
22. Adjournment

Mr. Reeder moved to adjourn the meeting, seconded by Mrs. Arrowood. Mr. Hipp called for the vote. Vote was unanimous. The meeting ended at 8:21 p.m.

Newberry County Council



Les Hipp, Vice-Chairman



Jackie Lawrence, Clerk to Council

Minutes approved:

