

**NEWBERRY COUNTY COUNCIL  
MINUTES  
May 3, 2023**

Newberry County Council met on Wednesday, May 3, 2023, at 6:00 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, Chair  
Les Hipp, Vice-Chair  
Travis Reeder, Council Member  
Mary Arrowood, Council Member  
Karl Sease, Council Member  
Robert N. Shealy, Council Member  
Johnny Mack Scurry, Council Member  
Jeff Shacker, County Administrator  
Karen Brehmer, Deputy County Administrator  
Joanie Winters, Interim County Attorney  
Debbie S. Cromer, Finance Director

**MEDIA:** Andrew Wigger, Newberry Observer

Mr. Johnson called the meeting to order at 6:00 p.m. and determined a quorum to be present.

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

**1. Adoption of the Consent Agenda**

Mr. Shealy made a motion to approve the consent agenda as presented; seconded by Mr. Reeder. The vote was unanimous.

## **2. Additions, Deletions & Adoption of the Agenda**

Mr. Hipp made a motion to adopt the agenda as presented; seconded by Ms. Arrowood. The motion passed unanimously.

### **3. Public Appearances:**

#### **a. Public Defender's Office**

Ms. Chelsea McNeill, 8<sup>th</sup> Judicial Circuit Public Defender and Mr. Walter Bentley, Litigation Support Specialist, 8<sup>th</sup> Circuit Court appeared before Council requesting additional funding for the Public Defender's Office.

The amount requested for FY23-24 is \$227,786 an increase of \$125,947 from FY22-23. Ms. McNeill stated the request was for an additional investigator and staffing for her office. Ms. McNeill stated that also needed additional office space.

Ms. McNeill also thanked Council for the additional funds given to them with ARPA funding.

Ms. McNeill also made the council aware of the change in law to the Circuit Public Defender Act was passed in 2007. This law breaks up the counties into judicial circuits. Newberry County is in the 8<sup>th</sup> Circuit with Greenwood, Laurens, and Abbeville. The law states that each circuit must have an administering county for payroll and benefits. In the 8<sup>th</sup> Circuit that is Greenwood.

Ms. McNeil also stated that the Public Defender assigned to Newberry County is paid by Newberry County which is in violation of the Circuit Defender law. To overcome the compliance Newberry County would need to provide the Public Defender's office with the fiscal year funding including payroll and benefits. This would be administered by Greenwood County.

Ms. McNeil stated we propose this change in funding to start with the new fiscal year effective July 1, 2023.

**b. Solicitor's Office**

Mr. David Stumbo appeared before the Council requesting additional funding for the Solicitor's Office. The amount requested for FY23-24 is \$250,000, an increase of \$128,133 from FY22-23.

Mr. Stumbo also stated Newberry County currently has 1,720 pending cases. We have two staff members, and one administrative assistant. Mr. Stumbo stated the personnel cost is \$223,180 and Newberry provides \$121,765; last increase 2014. Mr. Stumbo also thanked the Council for the additional funding from ARPA.

Mr. Stumbo stated the additional funding is for a full-time investigator and a victim's advocate.

Mr. Stumbo also suggested if the County did not use ARPA another possible funding source could be the Opioid funds.

The council took both requests as information.

- 4. ORDINANCE #04-02-2023: AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 12-24-02 AS REVISED AND AMENDED BY ZONING ORDINANCE NO 06-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHED ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE (1) REAL ESTATE PARCEL TOTALING TWO AND EIGHTY-FIVE HUNDREDTHS (2.85) ACRES DESIGNATED AS TMS No. 399-25 FROM RS-Single FAMILY RESIDENTIAL TO R2-RURAL.**

**a. Second Reading**

Mr. Johnson stated he had talked with Mr. Koon and the owners was going to install a fence around the building. This fence would be 8 ft.

Mr. Shealy requested the additional language be in writing before the Third Reading.

Mr. Scurry moved to approve third reading; seconded by Mr. Reeder. The vote was unanimous.

- 5. ORDINANCE NO. 04-05-2023. AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING \$2,000,000 IN AGGREGATE PRINCIPAL AMOUNT, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BONDS SHALL BE EXTENDED, TO PROVIDE FOR THE PAYMENT OF SAID BONDS AND OTHER MATTERS RELATING THERETO.**

- a. Second Reading**

Mr. Scurry moved to approve second reading; seconded by Mr. Sease. The vote was unanimous.

- 6. ORDINANCE #05-06-2023: AN ORDINANCE TO AUTHORIZE THE COUNTY OF NEWBERRY, BY NEWBERRY COUNTY COUNCIL, TO SELL REAL ESTATE LOCATED ON PINE HILL CIRCLE BETWEEN TMS NO. 340-1-10 AND TMS NO 340-1-15, AND DESCRIBED ON EXHIBIT "A", WHICH IS INCORPORATED WITHIN THE ORDINANCE BY REFERENCE, TO THE SUCCESSFUL BIDDER, UPON SUCH TERMS AND CONDITIONS AS DESCRIBED IN THE REQUEST FOR BID.**

- a. First Reading**

Ms. Arrowood moved to approve the first reading; seconded by Mr. Sease. Motion passed unanimously.

**7. ORDINANCE NO 05-07-2023. AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE #12-24-01 AS REVISED AND AMENDED BY ZONING ORDINANCE #06-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE TWO (2) REAL ESTATE PARCEL TOTALING THREE AND NINETY-TWO HUNDREDTHS (3.92) ACRES DESIGNATED AS TMS NO. 339-3-6-19 AND TMS NO. 339-3-6-2 FROM GC-GENERAL COMMERCIAL TO RMS-SINGLE-FAMILY RESIDENTIAL.**

**a. First Reading**

Mr. Shealy completed a recusal statement. This statement will be a part of the official minutes.

Mr. Hipp moved to approve the first reading; seconded by Mr. Sease. Motion carried unanimously,

**8. ORDINANCE #05-08-23: AN ORDINANCE TO PROVIDED APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, FOR THE NEWBERRY COUNTY BUDGET FOR COUNTY ORDINARY PURPOSES AND FOR OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX AND RECEIVE REVENUES, TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL PROPERTY IN NEWBERRY COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST ON OURSTANDING INDEBTEDNESS OF NEWBERRY COUNTY PAYABLE DURING SAID FISCAL YEAR;; TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YEAR, AND TO PROVIDE FOR BORROWING IN ANTICIPATION OF TAX**

**COLLECTIONS BY THE ISSURANE OF ONE OR MORE TAX ANTICIPATION NOTES, IF NECESSARY.**

**a. First Reading**

Mr. Shacker presented an overview of the FY 23-24 budget.

Mr. Hipp asked if the Opioid funding was part of the budget.

Mr. Shacker stated they are not, but we can present a budget amendment once we know the exact funding.

Mr. Hipp also asked about the possibility of leasing some of the vehicles.

Mr. Shacker stated staff would look into the cost of leasing.

Mr. Johnson stated it was a great first reading.

Mr. Hipp also requested that the FY23-24 budget information be posted on the website before the public hearing.

Mr. Shealy moved to approve the first reading; seconded by Mr. Reeder. There being no discussion. The vote was unanimous.

**9. ORDINANCE #05-09-23: AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR VBEGINING JULY 1, 2023, AND ENDING JUNE 30, 2024, FOR NEWBERRY COUNTY LIBRAARY, PIEDMONT TECHNICAL COLLEGE AND THE NEWBERRY AGENCY FOR DISABILIITES AND SUPCIAL NEEDS, TP PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSSONAL AND REAL ESTTE PROPERTIES IN NEWBERR COUNTYFOR SAID PURPOSES, TP PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YER.**

**a. First Reading**

Mr. Shacker stated there is no increase in millage for Community Services. The total number of mills for Community Service will remain the same at 6.9 mills.

Mr. Scurry moved to approve the first reading; seconded by Mrs. Arrowood. There being no discussion. The vote was unanimous.

**10. ORDINANCE NO 05-10-2023. AN ORDINANCE TO POSTPONE TGE IMPLEMENTATION OF REVISED VALUES RESUSLTING FROM REASSESSMENT AND EQUALIZATION.**

**a. First Reading**

Mr. Shealy stated he felt it would be wise to postpone reassessment based on the staffing situation.

Ms. Arrowood also agreed to postpone reassessment for one year.

Mr. Johnson stated he was not in favor of postponing reassessment, but he would rather for the values to be correct.

Mr. Hipp was not in favor of postponing reassessment.

Mr. Shealy made a motion this be first reading; seconded by Ms. Arrowood. The vote was 6-1 with Mr. Hipp opposing.

**11. APPOINTMENTS**

**Mr. Johnson made a motion to appoint Rodney Wicker to the Board of Rural Fire.; seconded by Mr. Shealy. The motion was unanimous.**

**12. PUBLIC COMMENTS**

No additional comments from the public.

**13. EXECUTIVE SESSION:**

**a. Personnel Matter(s):**

- i. Discussion of matters related to compensation of elected officials pursuant to SC Code of Laws Section 30-4-70(a)(1)**
- ii. Discussion of matters related to appointment and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1)**

Mr. Shealy moved to go into Executive Session for the above-stated reasons; seconded by Mr. Sease. There being no discussion, Mr. Johnson called for the vote. The vote was unanimous.

**EXECUTIVE SESSION  
6:45 PM - 7:55 PM**

Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. The vote was unanimous.

**14. COUNTY COUNCIL MAY TAKE ACTION FOLLOWING EXECUTIVE SESSION ON MATTERS DISCUSSED DURING EXECUTIVE SESSION**

Mr. Johnson said no action was needed based on the Executive Session.

**15. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR**

Mr. Shacker stated the Economic Strategic plan had been reviewed and would be presented to the council soon.

Mr. Shacker also advised the council of an upcoming meeting on the clarification of the boundaries between Newberry and Richland counties. A meeting has been planned and he will get more information for the council.



Mr. Shacker also updated the council on the compensation and classification study.

**16. COMMENTS/REQUESTS FROM COUNCIL MEMBERS**

The council thanked Jeff and the staff for a job well done.

Mr. Hipp wanted an update on the Mawson's Way project.

Mr. Sease wanted more information on the boundary meeting between Newberry and Richland. Mr. Sease stated the internet in this area is not good and would rather an in-person meeting instead of a virtual meeting.

**17. FUTURE MEETINGS:**

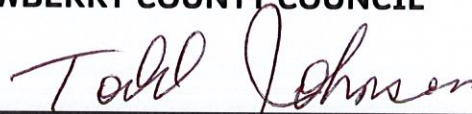
- a. Budget Work Session – May 10, 2023, 5:00 p.m.
- b. County Council Meeting - May 17, 2023, 6:00 p.m.
- c. Finance Committee Meeting – May 22, 2023, at 6:00

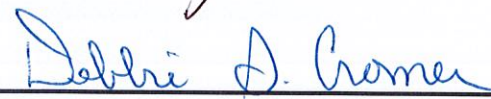
**18. ADJOURNMENT**

There being no further business, Mr. Shealy moved to adjourn; seconded by Mr. Reeder. The vote was unanimous.

Mr. Johnson declared the meeting adjourned at 8:04 p.m.

**NEWBERRY COUNTY COUNCIL**

  
\_\_\_\_\_  
Todd Johnson, Chairman

  
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Debbie S. Cromer, Finance Director

Minutes Approved: 6-7-2023

# RECUSAL STATEMENT

Member Name: ROBERT N. SHEALY

Meeting Date: MAY 3, 2023

Agenda Item: Section \_\_\_\_\_ Number: 05-07-2023

Topic: REZONE (3.92) ACRES FROM GC TO RSM at  
TAX MAP #'S 339-3-6-1, 339-3-6-2

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.*

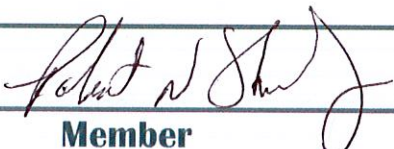
## Justification to Recuse:

\_\_\_\_\_ Professionally employed by or under contract with principal

X Owns or has vested interest in principal or property

\_\_\_\_\_ Other: \_\_\_\_\_

Date: MAY 3, 2023

  
Member

Approved by Parliamentarian: 