

**NEWBERRY COUNTY COUNCIL  
MINUTES  
August 16, 2023**

Newberry County Council met on Wednesday, August 16, 2023, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, S.C., for a regular scheduled meeting.

Notice of the meeting was duly advertised, as required by law.

**PRESENT:** Todd Johnson, Chairman  
Les Hipp, Vice Chairman  
Karl Sease, Council Member  
Robert N. Shealy, Council Member  
Johnny Mack Scurry, Council Member  
Travis Reeder, Council Member  
Jeff Shacker, County Administrator  
Karen Brehmer, Deputy County Administrator  
Debbie S. Cromer, Finance Director  
Katie Werts, Director of Planning and Development Services  
Crystal Waldrop, Director of Purchasing  
Mac Bartley, Facilities Operations Manager  
Michael Pisano, Director of Public Works  
Andrew Wigger, Clerk to Council/PIO

**MEDIA:** Orion Griffin, The Newberry Observer

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

Mr. Hipp led the invocation followed by the Pledge of Allegiance.

**1. Adoption of Consent Agenda**

**a. Newberry County Council Meeting Minutes – July 19, 2023**

Mr. Hipp made the motion to accept the minutes as submitted, which was seconded by Mr. Shealy, and was approved 6-0.

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

Mr. Sease made a motion to adopt the agenda as presented, which was seconded by Mr. Reeder, and was approved 6-0.

## **3. Recognitions**

### **a. Employee Service**

- |                  |          |              |
|------------------|----------|--------------|
| i. Thomas Miller | 10 years | Sheriff      |
| ii. Doug Harmon  | 25 years | Public Works |

Mr. Shacker recognized the above employees for their service to Newberry County.

Mr. Johnson said the people who work for Newberry County make it an incredible place and they are blessed and thankful for everyone.

## **4. Presentations**

### **a. Program and Activities Update - Capital City/Lake Murray Country**

- Ms. Miriam Atria, President/CEO of Capital City/Lake Murray Country, gave an update to Newberry County Council on Capital City/Lake Murray County Regional Tourism Board and invited council to their annual meeting on Monday, August 28, 2023.
- Highlights Ms. Atria gave on Newberry County include the 16<sup>th</sup> annual Black Bass World Championship event at Dreher Island State Park (the first time this event was held in the United States); Bassmaster Elite; Bassmaster Magazine named Lake Murray the top lake in the Southeast and the fourth best lake in the United States.
- Ms. Atria said when they have tournaments, they want the competitors to eat here and stay here.

- Ms. Atria also addressed short-term rentals with data they received, she said that in our region for the last year, revenue from these rentals was \$37 million. She said that they do not pay hotel tax dollars, and there are groups looking into that. For Newberry County, she said there were 10,357 demand nights and that she could share that information with Newberry County Council. From that, she said \$2.6 million in revenue was generated in Newberry County.
- Ms. Atria also thanked Newberry County Council for the Accommodation Tax funds they have received.
- Mr. Johnson said it is truly amazing what they do at Capital City/Lake Murray Country. He also mentioned that he, along with Mr. Shacker and Rep. Joe White, have an upcoming conference call with the Airbnb South Carolina representative.

**b. Program and Activities Update - Newberry Opera House Foundation**

- Anne Pickney Smith, Executive Director of the Newberry Opera House, Susan Wessinger, Chair of the Newberry Opera House Foundation, and Keith Avery, Vice Chair of the Newberry Opera House Foundation, spoke on the economic and societal impact of the Newberry Opera House.
- The study referenced was conducted by the USC Aiken Pace Center in June 2023.
- The study found that a total of 696 jobs in Newberry County are supported each year due to the NOH operations, 496 directly, 129 indirectly, 71 induced.
- The study found that the total increase in labor income due to NOH operations in local economy is \$17.96 million annually. The NOH activities generate a total output benefit of \$48.99 million. The value-added effect of NOH operations total \$23.52 million.
- The study further shows that the Newberry Opera House contributes a total of \$3.3 million to tax revenue, with Newberry County collecting \$96,870.
- The study further found that the NOH enhances the quality of life in Newberry County.
- Ms. Smith told council that as part of the 25<sup>th</sup> year, the stage and theater have been updated to 2023 standards.

- Mr. Reeder said he appreciates everything the NOH does for all the citizens of Newberry County.
- Mr. Johnson said that he doesn't think anyone could doubt the impact of the NOH, but to see the data is eye-opening.
- Mr. Sease thanked NOH representatives for the data so he can show constituents the benefits of the NOH.

**5. Ordinance No. 07-07-2023. An Ordinance for the purpose of leasing county property located as part of the Fairgrounds Property (TMS No. 399-39-2) to the Newberry Pistol Club.**

**a. Second Reading**

Mr. Shealy made the motion to accept the second reading, which was seconded by Mr. Reeder. Due to a relationship with the Pistol Club, Mr. Sease abstained from the vote. The second reading was approved 5-0.

**6. Ordinance No. 07-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina, and *Project Viking* to provide for payment of a Fee-In-Lieu of Taxes: authorizing certain infrastructure credits and other related matters.**

**a. Public Hearing**

Mr. Johnson declared the public hearing open. With no one signing up to or standing up to speak, Mr. Johnson declared the public hearing closed.

**b. Second Reading**

Mr. Hipp made the motion to accept the second reading, which was seconded by Mr. Reeder. The second reading was approved 6-0.

**7. Presentation of Comprehensive Plan Elements (Community Facilities, Cultural Resources, Housing, Population, and Transportation) and consideration of a motion to approve.**

- Cheryl Matheny, Planning Consultant with The Matheny-Burns Group, presented the elements for Population, Housing, Cultural, Community Facilities, and Transportation for the Newberry County Comprehensive Plan.
- Mr. Hipp mentioned under the Population Element having the time frames as “on-going” and said when they get to the final approval of this document, his vote of approval will hinge on having an implementation, annual review, and clearly defined objectives so council can know that they are making progress, not just working on progress.
- Ms. Matheny said they are happy to add anything they would want to add, and they will provide an implementation plan.
- Mr. Johnson informed the public that they are approving the elements in part, starting with these five elements. They will then move to the next segment; only when the vote on the entire project will the plan become active.

Mr. Hipp made a motion to approve the elements Community Facilities, Cultural Resources, Housing, Population, and Transportation, Mr. Reeder gave a second and the motion was approved 6-0.

**8. Consideration of a motion to approve State Accommodation Tax (State A-Tax) funding recommendations of the Newberry County Accommodations Tax Advisory Committee (ATAC).**

- Ernie Shealy, ATAC Chairman, presented the recommendation from the committee as follows:
  - Promotional Related had a total of \$29,387.24 available and \$54,800 requested. The funds distributed as follows: Capital City Lake Murray \$10,000, Newberry County Chamber of Commerce \$13,224.26, Prosperity Business Association \$6,162.98.

- Tourism Related had a total of \$158,208.25 available with \$150,500 requested. The funds were distributed as follows: Keep Newberry County Beautiful Fair \$20,000, Little Mountain Reunion \$17,000, Newberry County AG Festival \$5,000, Newberry County Historical Society \$9,000, Newberry County Law Enforcement \$5,000, Newberry Opera House \$50,000, Newberry Visitors Center \$17,000, Prosperity Hoppin \$10,000, The Museum \$17,500.
- The remaining balance of \$7,708.25 will be carried forward for FY 23-24.
- Mr. Johnson thanked Mr. Shealy and the entire committee for their hard work.

Mr. Sease made a motion to approve the recommendation from ATAC, with Mr. Hipp giving the second. The motion was approved 6-0.

**9. Consideration and approval of proposals for construction management services for Capital Project Sales Tax (CPST) projects (RFP# 2023-16).**

- Ms. Waldrop presented the recommendation from the evaluation committee for the Construction Management Services 2022 CPST Projects as the highest ranked firm Clayton Construction Company.
- The construction management services will oversee the following projects listed on the CPST referendum: County Public Safety Complex, Town of Prosperity Parks, Detention Center Cell Block, Town of Little Mountain Reunion Park, Downtown Amphitheater, Old Gallman High School renovations, Town of Pomaria Community Center, and Town of Whitmire City Gym. Totaling \$27,490,570.
- Ms. Waldrop said they received five bids, and the committee (made up of Ms. Waldrop, Ms. Brehmer, and Mr. Bartley) ranked each firm individually and then conducted phone interviews with the top two firms. After the phone interviews, she said Ms. Brehmer and herself re-evaluated their rankings and Mr. Bartley did not as his top firm was already Clayton Construction Company.
- Ms. Waldrop said the committee had extensive discussions about choosing the firm for these projects and felt confident their recommendation of Clayton Construction Company will serve the county best for these CPST projects.

- Mr. Hipp asked which CPST projects were omitted from this list. Ms. Waldrop said the Newberry Recreation Complex additions, upgrades to Cannon's Creek Wastewater Treatment Plant, IT improvements at the Newberry County Courthouse, and roof replacement and HVAC improvements at the Newberry Museum.
- Mr. Johnson asked about the revisiting of the bids. Ms. Waldrop said that was a normal course of practice on occasion, she said they felt after the phone interviews that Clayton Construction would be best suited for the projects they had, and Clayton Construction had more resources in-house to do the projects.

Mr. Hipp made a motion to accept the recommendation from the committee and award the project to Clayton Construction, which was seconded by Mr. Shealy. The motion passed 6-0.

**10. Consideration of a motion authorizing the purchase of a replacement commercial chiller for the Newberry County Courthouse.**

- Mr. Pisano explained that the chiller at the courthouse was installed in 2002 and since 2021 they have put \$56,000 into the unit.
- The cost for this unit is \$152,493 (from Hoffman Mechanical Solutions). Mr. Pisano said the lead time for this is 40-52 weeks and they are concerned the current unit will fail before they get a new one.
- Mr. Shacker said this is not a budgeted expenditure and that staff proposes they move forward and jump on this chiller available with the expenditure around mid-year and book it to the Capital Line Item in the Facilities Division and monitor how the budget progresses. Mr. Shacker added that if it necessitates an adjustment, they will include it with other mid-year adjustments.
- Mr. Hipp asked how this compares to a standard procurement process, price wise. Mr. Bartley said they replaced three commercial HVAC units this year in the county and took the average per ton cost and it came around \$1,900 per ton, and this chiller came out to \$1,500 per ton. He added that they already have a contract with Hoffman Mechanical Solutions to do the maintenance.

- Mr. Johnson asked Mr. Shacker if they were asking this as an emergency purchase. Mr. Shacker answered in the affirmative and said one of the challenges they ran into was tracking down pricing for commercial chillers.
- Mr. Johnson said that for all the reasons said, and the technology in the courthouse, how they could not do without air conditioning in the courthouse and taking care of employees.

Mr. Sease made a motion to authorize the emergency purchase of the chiller, which was seconded by Mr. Shealy. The motion was approved 6-0.

**11. Consideration of a motion authorizing the County Administrator to grant an extension to Jacobs Carports Inc. to continue to occupy and utilize TMS No. 343-2-11-5 and TMS No. 343-2-11-6 through November 30, 2023.**

- Mr. Shacker said he's been in regular conversations with Mr. Jacobs and that he is making progress moving to his new location, but there have been delays. Mr. Shacker said Mr. Jacobs asked to have extended use of the building to get his personal property out of the building. Mr. Shacker requested council approve the extension to give Mr. Jacobs until the end of November to make sure they don't have to come back for another extension.
- Mr. Shacker said this will not impede the CPST project (Amphitheater).

Mr. Scurry made a motion to authorize the extension, Mr. Hipp gave the second. The motion passed 6-0.

**12. Ordinance No. 08-01-2023. 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 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts as to rezone two (2) real estate parcels totaling twelve and twenty-nine hundredths (12.29) acres designated as TMS NO. 290-16 and TMS No. 290-12 from LC-Limited Commercial To RG-General Residential.**

**a. First Reading**



- Ms. Werts said the property owner requested the rezoning for his primary residents, which is not allowed under LC.
- Ms. Werts said no one spoke for or against the rezoning during the Joint Planning Commission.
- Ms. Werts said that the owner does not look to expand or build a mobile home park.

Mr. Reeder made a motion to approve the first reading, Mr. Sease gave the second. The motion was approved 6-0.

**13. Ordinance No. 08-02-2023. 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 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts as to rezone one (1) real estate parcel totaling two (2) areas designated as TMS No. 530-13 from LC-Limited Commercial to R2-Rural.**

**a. First Reading**

- Ms. Werts said this property is split zoned; half is R2-Rural the other half is LC-Limited Commercial. The owner would like to put per permanent residence on the property.

Mr. Sease made a motion to approve the first reading with Mr. Hipp giving the second. The motion was approved 6-0.

**14. Consideration of a motion to accept a surety bond for the roadway project known as Project Sunrise and named Prosperity Park Avenue.**

- Mr. Pisano said this road is part of the Daeyoung roadway. The road was completed in March 2023. The road was inspected during construction and passed inspection. The amount of the bond is \$10,875, Mr. Pisano said this is roughly 58% of the normal \$18,750 that the county requires for a quarter mile or roadway. Mr.

Pisano said they did that because they broke this down by square yardage, it's a wide roadway but short.

Mr. Sease made a motion to accept the bond; Mr. Hipp gave the second. The motion passed 6-0.

**15. Ordinance No. 08-03-2023. An Ordinance authorizing the acceptance of Prosperity Park Avenue into the Newberry County Public Road System.**

**a. First Reading**

Mr. Hipp made a motion to approve the first reading, Mr. Shealy gave the second. The motion was approved 6-0.

**16. Consideration of a motion to accept a surety bond for the roadways within the Autumn's Cay subdivision and named Autumns Drive, Golden Way, Harvest Lane, and Red Leave Court.**

- Mr. Pisano said this subdivision is off State Park Road. He said the roads were paved in the early 2000s, and the project stalled, and the roads did deteriorate over that period.
- Mr. Pisano said he met with the developer, marked out the portion of the roadway needing repair. The developer paid for the patching on a number of areas and did a full overlay of the road.
- Mr. Pisano said the amount of this bond is \$45,539, adjusted due to the length of the roads combined.

Mr. Scurry made a motion to accept the bond; Mr. Shealy gave the second. The motion was approved 6-0.

**17. Ordinance NO. 08-04-2023. An Ordinance authorizing the acceptance of roads within Autumn's Cay Subdivision - Autmn Drive, Golden Way, Harvest Lane, and Red Leave Court - into the Newberry County Public Road System.**

**a. First Reading**

Mr. Reeder made the motion to approve the first reading; Mr. Hipp gave the second. The motion was approved 6-0.

**18. Appointments:**

- a. Mr. Sease made a motion to appoint Mr. Anthony Stanley to the Joint Planning Commission as the Town of Peak's representative, Mr. Shealy seconded the motion. The motion was approved 6-0.
- b. Mr. Sease made a motion to appoint Mr. Mike Meetze to the Joint Planning Commission as the Town of Pomaria's representative; Mr. Shealy seconded the motion. The motion was approved 6-0.
- c. Mr. Hipp made a motion to appoint Mr. Scott Cain, with the approval of Mr. Johnson as Mr. Cain lives in Mr. Johnson's district, to the Newberry County Water and Sewer Authority (this appointment must meet the approval of the Governor). Mr. Shealy gave a second and the motion was approved 6-0.

**19. Public Comments:**

- a. Mr. Jim Heilman said that the agenda packets have numbers associated with the Newberry County Council Agenda and Meeting Minutes, but after that, page numbers are not always used with the various documents. Mr. Heilman said this makes it hard to reference a "page" in a document to be sure all pages are present.
- b. Mr. Heilman then spoke of the approval process of making contract assignments, picking a bidder, Mr. Heilman said the lowest bid was accepted. However, he said in the case of the construction removal process, council voted to go with the top-ranked firm, adding that one of the things it said was ranking was more important than price.
  1. Mr. Johnson said while they normally don't go back and forth (during public comments) he wanted to explain the decision to pick a top-ranked firm. He said for certain services, like architectural services, they cannot ask the price, and the council was called out by an individual for doing so.

- c. Mr. Zachary Bowers spoke on short-term rental properties and wanted to speak as an advocate for property rights and restrictions on short-term rentals. Mr. Bowers urged council to consider nuanced collaborative solutions, including a system of registration or educational initiative for property owners on best practices. He asked for solutions that not only address concerns, but also respect the rights of property owners.

**20. Executive Session:**

Not needed

**21. Comments/Requests from County Administrator:**

- Mr. Shacker updated council on a few special initiatives. Regarding the Comprehensive Plan, Mr. Shacker said that they have three more elements that will go before the Planning Commission and five more that will be presented to council. He said the discussion has been had to have a work session to go over the future land use map and present property maintenance and nuisance codes. He said one concept would be holding this work session at 4 p.m. before the September 6 Newberry County Council meeting.
- Mr. Shacker said the county has kicked-off the Lake Greenwood Master Plan project, with Ms. Werts representing Newberry County at the meeting.
- Mr. Shacker said that regarding the Whitmire Gary Street/Subertown Road sidewalk project, the county has fallen back to the second engineering proposal because the first that was rated and ranked was not in budget. Mr. Shacker said they have asked the County Transportation Committee to consider funding the local match.
- Mr. Shacker said Mr. Eric Nieto (I.T. Director) has made progress with the “.gov” domain for email and the website. The county is now at a point to make that move. Mr. Shacker said “.net” would continue to work, but when someone replies to an email they would see “.gov.”
- Mr. Shacker said the CPST engineering cost estimated process will get moved along quickly now that the county has a construction

management company that will help evaluate the engineering proposals the county already has for projects.

- Mr. Shacker said that Mr. Rick Farmer (Director of Newberry County Economic Development) received word that the \$600,000 grant request for the Locate S.C. Site Enhancement grant, for the extension of Mawsons Way, was approved. Mr. Shacker said that amount is twice as much as the average award.
- Mr. Shacker said that Ms. Jessie Long (Director of Parks and Recreation) has several projects including the Kids in Parks initiative, the Spartan Race coming to Newberry (Nov. 18-19) which will utilize Lynch's Woods again and the Recreation Trail Program grant (\$44,398) to make improvements in Lynch's Woods has been approved.
- Mr. Shacker said as a reminder the county has a Republican Primary on September 5, 2023, for District 2, with two candidates.
- Mr. Shacker said there will be a First Responder Monument Dedication in front of Community Hall on Sept. 10 at 3 p.m.

## **22. Comments/Requests from Council**

- Mr. Reeder said he appreciated everyone attending the meeting, adding that it makes a meeting more meaningful to see people out to listen and have something to say.
- Mr. Sease also thanked everyone for coming to the meeting.
- Mr. Hipp said it had been a long and fruitful meeting. He said the Comprehensive Plan is something he is passionate about because there are a lot of people in the community with input that got together in meetings and the document is not created by one or two people, but a lot of people, and they gave their time to create that document. He said council needs to make sure that their time is recognized by following through with recommendations of the Comprehensive Plan.
- All members of council agreed to a Land Use Work Session on Sept. 6 at 4 p.m.

## **23. Future Meetings:**

- a. Finance Committee Meeting – August 21, 2023, at 6 p.m.

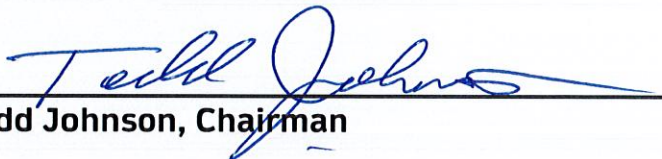
- b. Land Use Work Session – September 6, 2023, at 4 p.m.
- c. County Council Meeting – September 6, 2023, at 6 p.m.
- d. Executive Committee Meeting – September 11, 2023, at 6 p.m.
- e. Economic Development Committee Meeting – September 20, 2023, at 6 p.m.

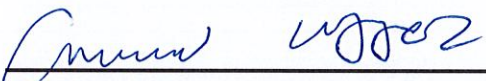
**24. Adjournment:**

There being no further business, Mr. Shealy made a motion to adjourn; seconded by Mr. Hipp. The motion was approved 6-0.

Mr. Johnson declared the meeting adjourned at 7:48 p.m.

**NEWBERRY COUNTY COUNCIL**

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

  
\_\_\_\_\_  
**Andrew Wigger, Clerk to Court**

Minutes Approved: 9-6-2023

**Public Comments Sign-In Sheet**  
**Newberry County Council**  
**August 16, 2023**  
**6:00pm**

NAME-PLEASE PRINT	NAME-PLEASE PRINT
1. <i>Tom Heilmann</i>	11.
2.	12.
3.	13.
4.	14.
5.	15.
6.	16.
7.	17.
8.	18.
9.	19.
10.	20. <i>Zachary Bowers</i>

August 16, 2023

## **Comments on July 29, 2023 Newberry County Council Meeting Minutes.**

### Item One

As noted in my previous comments, the 081623\_cc\_agenda\_packet 2.pdf, has page numbers associated with the Newberry County Council Agenda and Meeting Minutes but after that, page numbers are not always used with the various attached documents. This makes it hard to reference a “page” in a document or to be sure all pages are present. (See attached Example).

There are other pages without numbering before this one but this is the best and most obvious example.

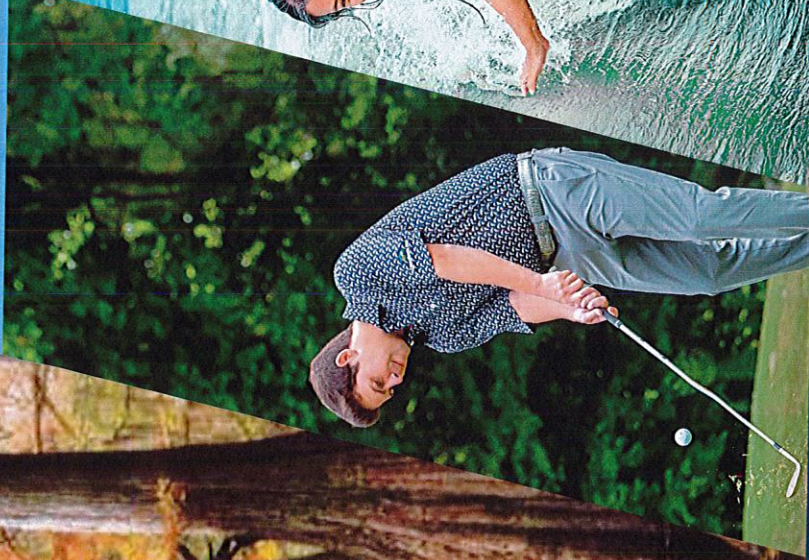
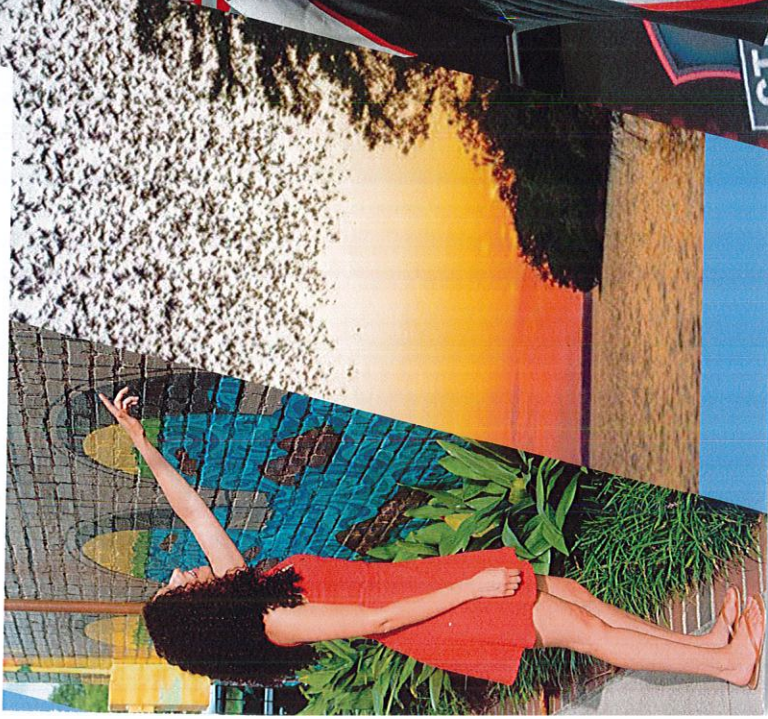
### Item Two

Page 10 of referenced document (identified as Newberry County Council July 29, 2023 Minutes, Page 6)

It is noted that on the following “approval”: **Consideration and approval of proposals for engineering services for the Subertown Road/Gary Street, Whitmire, . C . Sidewalk Project - CDBG Project #4-CE-22-09 (RFP# 2023-12)- Crystal Waldrop, Director of Purchasing.** “ the county council voted to negotiate with the top-ranked firm. However, several other times where services or “items” were to be purchased, the lowest bidder was always required to be selected. This seems to be an inconsistent application of how the best qualified “person or group” is to selected.



Capital City  
**Lake Murray**  
Country



# Annual Meeting 2023

