

NEWBERRY COUNTY COUNCIL

MINUTES

NOVEMBER 16, 2022

The Newberry County Council met on Wednesday, November 16, 2022, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

PRESENT: Todd Johnson, Chairman (District 1)
Les Hipp, Vice-Chairman (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
Joanie Winters, Interim County Attorney
Karen Brehmer, Deputy County Administrator
Debbie S. Cromer, Finance Director
Crystal Waldrop, Purchasing Director
Susan C. Fellers, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

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

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

Mr. Hipp had the Invocation followed by the Pledge of Allegiance.

1. Public Appearances:

a. Joe Goeckner, President-Elect of Loblolly Neighborhood Association

Mr. Goeckner spoke on behalf of the property owners of Loblolly neighborhood regarding cryptocurrency mining. There are 4 of these cryptocurrency mining units currently located behind

Newberry Electric Cooperative. Loblolly Neighborhood Association feels this is the wrong place for these units to be located as it is in the middle of Newberry and potential development. Also, the fans in these units make considerable noise. Loblolly and the company have reached an agreement whereby the company will abate the sound; however, Mr. Goeckner did not feel they would be able to achieve that. The agreement is structured to protect the Loblolly neighborhood and surrounding areas, as well as residents on the other side of Highway 76.

Mr. Goeckner requested that Newberry County look at its zoning ordinance and noise ordinance as they might relate to cryptocurrency mining.

2. Adoption of Consent Agenda:

a. Public Safety Minutes – October 24, 2022

b. Newberry County Council Minutes – November 2, 2022

Mr. Shealy moved to adopt the Minutes, as presented; seconded by Mr. Reeder. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

3. Additions, Deletions and Adoption of Agenda

Mrs. Arrowood moved to adopt the Agenda, as presented; seconded by Mr. Scurry. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

4. Ordinance #11-25-2022: An Ordinance to amend the Zoning Ordinance to permit solar farms as a special exception in the Rural (R2) Zoning District.

a. Second Reading

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

5. Acceptance of vendor for “Closed Landfill Monitoring and Testing” – Crystal Waldrop and Mike Pisano

Mrs. Waldrop advised the following 5 cost proposals for this Request for Qualification were received:

Rogers & Callcott	\$55,000.00
Alliance Consulting Engineers	\$52,500.00
Synterra	\$73,800.00
Smith Gardner	\$35,836.00
S&ME	\$58,000.00

After evaluation of all bids, the committee recommends acceptance of the bid from Rogers & Callcott. All of the above firms are qualified.

Council inquired as to why the approximately \$20,000 difference in price of two of the bidders. Mrs. Waldrop advised that all bids were for the same services and normally on any request for qualification, prices are not a part of the bid. She also stated this was the same RFQ she has used for the past several years. It is a 3 year contract with the option to extend the contract for an additional 2 years.

Mr. Hipp inquired as to why the lowest bid was not selected. Mrs. Waldrop stated selection is based on performance and price has never come up before.

Evaluations by the committee are based on the following criteria:

Related experience	15 points
Past performance	30 points
Ability to meet budget	25 points
Understanding the scope of the work	20 points
Proximity to Newberry County	10 points

Alliance Consulting Engineers is currently doing the work and has had the contract since 2016. Mr. Hipp inquired as to the quality of services from Alliance, and Mr. Pisano advised their services were adequate.

Mr. Livingston asked if we were not out of compliance currently and how far out of compliance were we. Mrs. Waldrop stated we now 3 months behind, and DHEC will work with the County to get us back into compliance with the new contractor. The deadline for reporting was November 15.

Mr. Reeder moved to accept Rogers & Callcott; seconded by Mr. Scurry. There being no discussion, Mr. Johnson called for the vote. Voting for the motion: Council Members Reeder and Scurry. Voting against the motion: Council Members Johnson, Hipp, Arrowood, Livingston and Shealy. Motion failed.

Mr. Hipp then moved for the Purchasing Director to come before Council another time with some more explanation of why we have a low bidder, who has done acceptable work, we have not selected that bidder but the committee selected a higher bidder and why before there had been no cost estimates to compare. Mr. Hipp stated he was not pleased with the entire process.

Mrs. Waldrop advised it would probably be January or February before she could come back before Council since she would be out with surgery. She also reminded them that the current contract expired in June and that Council did not have to accept the committee's recommendation.

There was no second to Mr. Hipp's motion.

Mr. Hipp stated we have in place a contractor whose work is acceptable, and this contractor had the second lowest bid, and we are past the contract expiration date. Mr. Hipp moved that we

contract Alliance Consulting Engineers for another year and that prior to next year's contract expiration we have a more in-depth discussion; seconded by Mrs. Arrowood.

Mr. Johnson felt it would be easier for Alliance to catch us up. Mrs. Arrowood felt Alliance would be the fastest to catch us up.

There being no further discussion, Mr. Johnson called for the vote. Voting for the motion to accept Alliance Consulting Engineers: Council Members Johnson, Hipp, Arrowood, Livingston and Shealy. Voting against the motion: Council Members Reeder and Scurry. Motion passed by majority vote.

Mrs. Waldrop asked for clarification purposes if the contract with Alliance was to be extended through the end of this fiscal year. Mr. Johnson indicated her understanding was correct.

6. Appointments

No appointments.

7. Public Comments

No comments from the public.

8. 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.

Mr. Reeder moved to go into Executive Session for the above-stated reasons; seconded by Mrs. Arrowood. Vote was unanimous.

EXECUTIVE SESSION

(6:30 P.M. – 9:00 P.M.)

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

Mr. Johnson reported that Council met in Executive Session for the reasons as stated above and no action was taken.

9. Comments/Requests from County Administrator

Mr. Inglese commented as follows:

1. All appointments have been made to the Airport Commission, and they have a meeting scheduled for November 29 at 5 p.m.
2. “I would just like to say thank you to Newberry County Council, for personal reasons discussed in Executive Session, I will need to resign to attend to some personal things. It’s been an extraordinary honor serving Newberry County, meeting Council and staff and community. I appreciate Council’s willingness to let them me resign immediately so I can attend to those things. I would like to be as helpful as I can and will do anything I can to help Newberry County. It is an extraordinary privilege to hold that seat and to be in such a wonderful community. We’ve enjoyed our time here and just cannot thank you enough.”

Mr. Johnson said many of the Council members share in how much we think of you and like you and what a great visionary you are. You will be missed by this county and wish you the best.

Mr. Shealy said it was an honor and privilege to get to know you.

Mr. Reeder said continue your visions and continue to do all that you have been doing in the past. We look forward to a continued relationship. If there is anything we can do for you, do not hesitate to ask us.

Mr. Scurry said love goes with you wherever you go.

Mrs. Arrowood said thank you for a lot of the things you did that were looking ahead for Newberry County and helping us grow, You are a great visionary in planning for the future. Wish you and your family continued success and well wishes.

Mr. Hipp said thank you for all you have done. When I look back and go through the list of accomplishments in the past 8 months, we are significantly further along than we were 8 months ago. Thank you so much.

Mr. Livingston said thank you for your service to this county. Your visionary aspect of your career is second to none. You and I are going out together.

10. Comments/Requests from Council

Mr. Livingston asked that we keep Rick Farmer and his family in prayer due to the loss of his mother-in-law.

11. Future Meetings:

- a. **Newberry County Council – December 7, 2022**
- b. **Newberry County Council – December 21, 2022** **This meeting has been cancelled but will be rescheduled. if needed.**

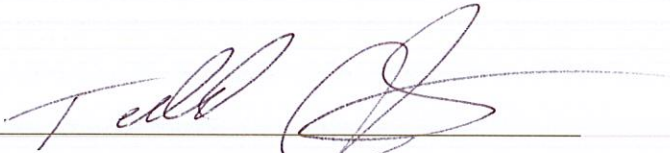
12. Adjournment

There being no further matters to come before Council, Mr. Shealy moved to adjourn; seconded by Mrs. Arrowood. Vote was unanimous.

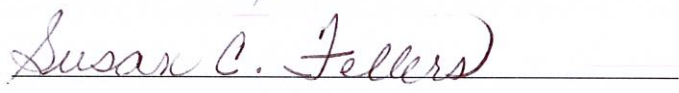
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Mr. Johnson declared the meeting adjourned at 9:02 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Susan C. Fellers, Clerk to Council

Minutes Approved: Dec. 7, 2022