

**NEWBERRY COUNTY COUNCIL
MINUTES
November 3, 2021 6 p.m.**

The Newberry County Council met on Wednesday, November 3, 2021, at 6:00 p.m. for a regular scheduled meeting in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC 29108

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

PRESENT: Buddy Livingston, Chairman
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Mary Arrowood, Council Member – zoomed
Nick Shealy, Council Member
Les Hipp, Council Member
A J. Tothacer, Jr., County Attorney
Karen M. Brehmer, Deputy Administrator
Tony McDonald, Interim County Administrator
Debbie S. Cromer, Finance Director
Ben Chapman, Sheriff Dept
Katie Werts, Zoning Department
Katherine Cook, Human Resources
Brent Richardson
Daniel Quattlebaum
Wesley Boland

Recorder – Andrew

MEDIA: Andrew Wigger, Newberry Observer

Mr. Livingston called the meeting to order at 6 p.m.

Mr. Reeder had the invocation followed by the Pledge of Allegiance.

1. Additions, Deletions and Adoption of Agenda

Mr. Reeder made a motion to adopt the agenda as present; seconded by Mr. Scurry

Mr. Johnson requested that public comments be moved to agenda item 10C before the executive sessions. Mr. Johnson made a motion to adopt the agenda as amended; seconded by Mr. Hipp. Vote was unanimous.

- 2. Ordinance #10-24-21 – An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 30, 2016, so as to amend the zoning map acting on a request to amend the Official Zoning Map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone one (1) real estate parcel totaling eight and ninety-nine hundredths (8.99) acres designated as TMS Parcel No. 523-18 from RS-Single Family Residential to R2-Rural.**

- a. Public Hearing**

Mr. Shealy made a motion for the public hearing seconded by Ms. Arrowood.

Mr. Livingston asked Ms. Werts to give the location of the above referenced ordinance. Ms. Werts stated this was on Counts Road.

Mr. Livingston asked if anyone from the public was here to speak on this matter.

Mr. Chris Carter stated he just wanted to thank council for approving his request.

- b. Third Reading**

Mr. Shealy made a motion to approve this ordinance for third reading seconded by Ms. Arrowood. Vote was unanimous.

- 3. Ordinance #10-25-21 – An Ordinance amending the Zoning Ordinance of the County of Newberry adopted June 20, 2016, so as to amend the zoning map acting on a request to amend the Official Zoning Map established, codified in Chapter 153 of the County of Newberry Code of Ordinances, so as to rezone two (2) real estate parcels totaling thirteen and thirty-eight hundredths (13.78) acres designated as TMS Parcel No 27-13-44 and 27-13-47 from RS-Single Family Residential to R2 Rural.**

- a. Public Hearing**

Mr. Shealy made a motion to approve seconded reading, seconded by Mr. Scurry. Vote was unanimous.

Mr. Livingston asked Ms. Werts if she had any additional information.

Ms. Werts stated that administration had forwarded a letter from the property owner, and she had some additional information to give to Council. Ms. Werts stated that in her letter she referred she had talked with the sheriff's office and animal control, and they would not be issuing any violations. However, Ms. Werts wanted Council to know that if she put cattle on the property and the zoning department was made aware of this, zoning would talk to her and give her 30 days to correct; if not corrected they would move forward with a summons for court.

Mr. Livingston stated that we have several people to sign up for public comments. Did Council want them to speak before the vote. It was the consensus of council to allow those signed up to speak.

Those signed up to speak were Dan Swenson and Danielle Himsey and Mike Perillo. All were opposed to the rezoning.

Mr. Livingston declared the public hearing closed.

b. Third Reading

Mr. Hipp made a motion to approve third reading seconded by Ms. Arrowood.

Ms. Arrowood stated this was a part of a subdivision and she was not in favor of changing to allow other uses.

Mr. Johnson stated he did feel that the change was contagious with the area,

Mr. Scurry stated he had several calls, and all were opposed to the rezoning change

Mr. Livingston called for the question.

Third reading failed. All council voted to oppose the rezoning.

4. Ordinance #10-26-21 – An Ordinance approving the transfer of certain property located in Newberry County, South Carolina.

a. Public Hearing

Mr. Shealy made a motion this be the public hearing; seconded by Mr. Reeder.

Mr. Livingston declared the public hearing closed.

b. Third Reading

Mr. Hipp made a motion this be the third reading; seconded by Ms. Arrowood. Vote was unanimous.

5. Ordinance #10-27-21 – An Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement by and among Newberry County, South Carolina (the “County”) and a company identified for the time being as Project Sun Rise operating company and a company identified for the time being as Project Sun Rise Real Property Owner, each acting for itself, one or more affiliates, and/or other project sponsors (collectively, the “Companies”), pursuant to which the companies shall be entitled to certain negotiated fees in lieu of ad valorem taxes with respect to the establishment of certain facilities in the County (the “Project”); (2) the addition of the project to a multi-county industrial park; (3) the provision of certain special source revenue credits in connection with the Project; and (4) other matters relating thereto.

a. Second Reading

Mr. Shealy made a motion to approve second reading seconded by Ms. Arrowood. Vote was unanimous.

Mr. Hipp stated that at the request Council some revisions should have been made. Council will need to see them before third reading.

6. Ordinance #11-28-21 – An ordinance to amend the budget ordinance for the fiscal year 2021-22, Ordinance number 4-12-21, to provide for revised revenue and expenditure appropriations related to capital purposes of Newberry County.

a. First Reading

Ms. Arrowood made a motion to approve first reading; seconded by Mr. Reeder.

Mr. McDonald stated that this amendment was regarding Project Sunrise.

Vote was unanimous.

7. Council consideration of road name change – recommended by Planning Commission.

Ms. Werts stated the family had requested the name change.

Mr. Hipp made a motion this change be approved; seconded by Ms. Arrowood. Vote was unanimous.

8. Consideration to accept proposal for the E911 recording and logging system at the Sheriff's Office.

Ms. Waldrop stated we received two responses. Carolina Recording Systems and Equature. Equature did not meet the specifications. The committee reviewing the responses were Ben Chapman, Wesley Boland, and Crystal Waldrop. The Committee recommended approving Carolina Recording in the amount of \$93,039. Ms. Waldrop stated the funds to purchase this equipment is through lease purchase.

Mr. Hipp requested information regarding Equature.

Mr. Hipp made the motion to accept Carolina Recording in the amount of \$93,039; seconded by Ms. Arrowood. Vote was unanimous.

9. Consideration to accept the bid for the Structural Fire Fighting Gear from Hamm Hardware in the amount of \$1,739.69, per set, allowing the department to purchase twenty-two sets.

Ms. Waldrop stated that we received four responses. Two of those responding did not included the bid bond and the other vendor did not meet specifications. Staff is requesting council approve the bid to Hamm Hardware in the amount of \$1,739.69 per set.

Mr. Hipp asked if this firefighting gear would be replacing?

Ms. Waldrop stated she would have to defer to Tommy Long.

Mr. Long stated the firefighting gear some would replace and would give some to new volunteers.

Mr. Hipp stated he had been told that the some of the volunteers did not have the equipment.

Mr. Long stated this would give the new volunteers the gear. The fire fighting gear has a lifetime of about 10 years. I am not saying we will not need some next year.

Mr. Hipp made a motion to approve the purchase of the firefighting gear to Hamm Hardware; seconded by Ms. Arrowood. Vote was unanimous.

10. Committee Reports

a. Personnel and Intergovernmental Relations – Katherine Cook, HR Director

Ms. Cook stated the personnel and intergovernmental relations committee met on November 1, 2021, at 6:00 pm. Ms. Arrowood was elected chairman. The minutes for the November 9, 2020, were approved. The committee approved the holiday schedule. We will not have an employee dinner and the Christmas gift card will be \$100 from Food Lion. Ms. Waldrop presented information for review regarding Resolution #02-12 “A Resolution establishing use charges and policies for certain county owned properties. This item will be place on the council agenda for November 17, 2021.

b. Public Works - Mike Pisano, Public Works Director

Mr. Pisano stated it was only one item on the agenda regarding a drainage issue on 46 Raymond Finch Road. Members of the committee will set up a time to have a site visit.

10C. Public Comments

Randy and Mary Mills spoke regarding the sewer plant on Boimest Road. This has been an ongoing concern and they have contacted the Water and Sewer, DHEC and Rick Martin and Ronnie Cromer. They are unable to do any outdoor events. They wanted Council to be aware of the situation.

Mr. Brent Richardson, Newberry County Water and Sewer stated they have been working on a solution, but it will take several weeks to determine if the fix they had told would work. Mr. Richardson asked Randy and Mary Mills to come to the NCWS meetings.

Mr. Daniel Quattlebaum. NCWS was also present but do not wish to speak.

Mr. Travis Grimsley also had signed up to speak but did not wish to speak.

11. Executive Session – part I

Code Section §30-4-70 (a)(2): 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. Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the

provision of services encouraging location or expansion of industries or other business in the area served by the public body.

Mr. Reeder made the motion to go into executive session for the above referenced code section; seconded by Mr. Arrowood. Vote was unanimous.

At 8:20 p.m., Mr. Tothacer stated no action was taken in executive session.

Executive Session – part II

Code Section §30-4-70 (a)(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 that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

Mr. Shealy made a motion to go into executive session for Code Section §30-4-70 (a)(1); seconded by Mr. Arrowood. Executive session at 7:18 pm.

Back into open session at 8:55

Mr. Hipp reported that Council had went into executive session for Code Section §30-4-70 (a)(1); no action was taken.

12. Appointments

No appointments

13. Public Comments

Item was moved to 10C.

14. Committee/Requests from County Administrator

No comments from County Administrator

15. Comments/Request from Council Members

No comments from council members

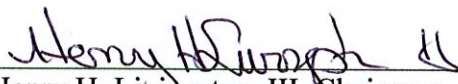
16. Future Meetings

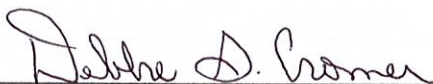
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| a. C/C CPST Project Priorities | 11-8-2021 | 6:00 p.m. |
| b. Finance | 11-15-2021 | POSTPONED |
| c. County Council | 11-17-2021 | 6:00 p.m. |
| d. C/P CPST Project Priorities | 11-22-2021 | 6:00 p.m. |

17. Adjournment

Motion to adjourn by Mr. Johnson; seconded by Mr. Reeder.

NEWBERRY COUNTY COUNCIL


Henry H. Livingston, III, Chairman


Debbie S. Cromer, Finance Director

Approved: 12-1-2021