

*NEWBERRY COUNTY COUNCIL*

*MINUTES*

*September 21, 2022*

*The Newberry County Council met on Wednesday, September 21, 2022, 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 (District 1)*  
*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)*  
*Johnny Mack Scurry, Council Member (District 6)*  
*Travis Reeder, Council Member (District 7)*  
*Christopher Inglese, County Administrator*  
*Karen Brehmer, Deputy County Administrator*  
*Debbie S. Cromer, Finance Director*  
*Crystal Waldrop, Purchasing Director*  
*Jacquelyn R. Lawrence, Clerk to Council*  
*Joanie Winters, Interim County Attorney*

*MEDIA: Andrew Wigger, Newberry Observer*

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

*Mr. Hipp had the invocation followed by the Pledge of Allegiance.*

## **1. Employee Recognition**

*Mr. Johnson recognized the employees listed below for their service to Newberry County with a certificate and pin.*

- a. Samantha Navarette                      5 years*
- b. Joshua Graham                            5 years*
- c. Jessica Attaway                          10 years*

## **2. Public Appearances**

### ***The Palmetto Trail – Furman Miller, Regional Coordinator for the Palmetto Trail***

*Mr. Miller stated the Palmetto Trail was established in 1994 with the vision of having an across state hiking and biking trail. He presented a promotional video showing the Palmetto Trail that included Lynches Woods Park and the work being done.*

*The Palmetto Trail is a 500-mile passage that stretches from Awendaw on the coast to the mountains of Walhalla. Currently 400 miles of the 500 is open. The trail was created in a series of passages. The passages vary from 2 miles to 48 miles. Newberry County has 4 passages. Newberry has become a common place for bikers and hikers to have a “zero” day.*

*The Palmetto Trail part of Lynches Woods Park is now 4.5-mile loop. Additional work is being done including a new bridge.*

*Mr. Miller thanked the county for allowing them to do this work to improve these areas to help bring in more money to the county.*

*Additionally, there is availability for scholarships through the programs that they bring to the county.*

*The Peak to Prosperity passage has a bridge that 75,000 people passed over last year.*

*Mr. Livingston asked if there were still any issues as to local landowners to be able to get in to harvest timber when it involves crossing the Trail?*

*Mr. Miller stated that the issue had been through Federal Court and had been taken care of. The Trail is responsible for leaving a 100-foot boundary on either side of the railroad. The railroad has the right to come back in at any time and resume operation.*

### ***Toni Warren – Newberry Soil and Water Conservation, Commissioner/Treasurer***

*Mrs. Warren presented information regarding events and projects that have been taking place with the district.*

*In May 2022 NSWC partnered with DNR, Quail Forever, SCFC, and RCS. A field day was held at Belfast Plantation, where landowners learned about managing their forest land.*

*In June 2022 Camp Conservation was held. 37 students participated in a weeklong camp to learn about nature, wildlife, soil, and they toured the water treatment facility. This was held at Wilson Farm in Silverstreet.*

*In August 2022, the Keep Newberry Beautiful Summer Fair was held. The fair lasted 4 days with approximately 10,000 in attendance.*

*In September 2022, the 4<sup>th</sup> Annual Lakeside Litter Sweep was held at Dreher Island State Park. Approximately 300 volunteers came to help clean three islands and land around Lake Murray. Dive teams brought in 900 pounds at Dreher Island Park. 29 volunteers collected 1140 pounds of litter and 30 pounds of recyclables.*

*The feral hog program with USDA monitors damage caused by hogs in the county. 580 hogs have been removed from 9561 acres in the county. There are only 25 owners in the county participating in this program. This program will last through September of 2023. Additional participants are welcome to join the program.*

*The Annual Banquet will be held November 17, 2022, at the Newberry Country Club. Invitations will be mailed very soon.*

*Mr. Hipp thanked NSWC for the great job with the Keep Newberry Beautiful Summer Fair.*

### **3. Adoption of the Consent Agenda**

*Mr. Shealy moved to adopt the Consent Agenda, seconded by Mr. Scurry. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

### **4. Additions, Deletions and Adoption of the Agenda**

*Mr. Reeder moved to adopt the agenda as written; seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

### **5. Ordinance No. 07-20-2022 - An Ordinance for the purpose of leasing out certain county fairgrounds property.**

*Mr. Johnson shared a concern brought to him regarding the one cent sales tax placement of the fire station and additional costs to taxpayers. Mr. Johnson clarified through the County Administrator that allowing this would not affect the construction and/or placement of the fire station.*

#### **a. Public Hearing**

*Mr. Johnson declared the public hearing open. With no one present to speak for or against the Ordinance, Mr. Johnson declared the public hearing closed.*

***b. Third and Final Reading***

*Mr. Hipp moved to adopt the third and final reading, seconded by Mr. Reeder.*

*Mr. Shealy asked if it was possible to defer this matter until the County Administrator has had the meeting with the Fire Commission.*

*Mr. Inglese responded that MM Technics had requested a move in date of October 1<sup>st</sup> but if Council wishes to wait then that can be arranged.*

*Mr. Hipp stated that MM Technics agreed to move into one building and utilize the other building at a later date.*

*Mr. Inglese stated that the lease states that they would have access to the center and back wing of the front barn. Additionally, there is a wing on the back barn that can be made available to make up for the currently occupied space in the front of the front barn. The request from MM Technics has been October 1<sup>st</sup> all along. The electricians have been working and what needed to be cleaned out has been done.*

*Mr. Shealy asked if there was a Fair Ground Committee?*

*Staff responded that the Fair Grounds Committee is no longer in place.*

*Mr. Shealy stated that he would withdraw his request to defer.*

*With no further discussion, Mr. Johnson called for the vote. Voting for Third and Final Reading, Mr. Johnson, Mr. Hipp, Mrs. Arrowood, Mr. Livingston, Mr. Reeder, and Mr. Scurry. Voting against Third and Final Reading, Mr. Shealy*

- 6. Ordinance No. 09-21-2022 An Ordinance authorizing the execution and delivery of a fee agreement by and between Newberry County, South Carolina, and Newberry PVI, LLC providing for a payment of a fee in lieu of taxes, providing special source of revenue credits, and authorizing an amendment to the master agreement governing the Greenwood-Newberry Industrial Park to provide for the addition of property and other matters related thereto.***

***a. Second Reading***

*Mr. Shealy moved to adopt the second reading, seconded by Mrs. Arrowood.*

*Mr. Jones provided information regarding the changes to the Ordinance. The community benefits portion of the Ordinance needs to be reviewed again. There has also been a minimum payment placed into the Ordinance that would come from the company. It has also been requested that the auditor be notified each year of the number of megawatts used so that the billing will be correct.*

*With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

7. *Ordinance No. 09-22-2022 An Ordinance to amend the budget ordinance for the fiscal year 22-23. Ordinance number 4-7-22, to provide for an amendment to the copying fees at the Courthouse.*

*a. First Reading*

*Mr. Reeder moved to adopt the first reading, seconded by Mr. Hipp.*

*Mr. Scurry asked why is there a change?*

*Mr. Inglese stated that this matter was brought to Finance Committee. Staff recommended no change; however, Committee requested the change to be brought before full Council.*

*Mr. Hipp reminded Council that the initial increase was due to the court documents being available online. Anyone that needed to have access could and the copy fee would not apply if the person was accessing anything online. The online program has had some issues and it has not gone live yet so people are still having to come into the Courthouse to get their copies.*

*Mr. Livingston stated that he did not agree with the increase from the beginning and that it was too high. \$.35 per copy seemed reasonable.*

*Mr. Hipp also stated that the Clerk of Court has done the research showing that Newberry County is in line with the surrounding counties. The surrounding counties being Saluda, Lexington, Greenwood, and Laurens.*

*Beth Folk, Clerk of Court, asked to speak regarding the delay in getting the documents online. The vendor that is handling this for the county has had some issues with transferring the documents and making them compatible with the needed software. This was an unforeseen issue that has delayed the "live" date. The vendor is hoping to have the issues resolved by the middle of October. Also, as far as the new fees that were put into place as of July 1<sup>st</sup> no one has complained to her office.*

*With no further discussion, Mr. Johnson called for the vote. Voting for first reading, Mr. Scurry, Mr. Johnson, Mr. Hipp, Mrs. Arrowood, Mr. Livingston, and Mr. Shealy. Voting against first reading, Mr. Reeder.*

8. *Ordinance No. 09-23-2022 An Ordinance to amend the budget ordinance for the fiscal year 22-23, Ordinance number 04-07-22, to revise the fees collected by the building department.*

*a. First Reading*

*Mr. Hipp moved to adopt the first reading, seconded by Mrs. Arrowood.*

*Mr. Hipp stated that is ordinance comes from the recent Finance Committee meeting. The current ICC, \$148 per square foot, standard is being used and this would allow a builder to bring a signed contract in and the permit fee be based on the contract, which may be less than the ICC standard. Additionally, the plan fee that has always been a part of the Ordinance but has just recently been implemented, should be reduced from 50% of the permit fee to 25% of the permit fee. Also, when a new home construction has heated and unheated square footage, the unheated should not be charged at the same rate as the heated. Finance Committee proposes that the unheated value be reduced to one half of the heated value.*

*Mr. Livingston stated that these changes make the permit fees much fairer for most new homeowners.*

*Mr. Johnson asked if the new Ordinance would have anything that would allow it to be retroactive to July 1, 2022?*

*With no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

**9. Resolution No. 08-22 Resolution adopting criteria to be used in determining premium pay and authorizing payment pursuant to the American Rescue Plan Act of 2021.**

*Mr. Livingston moved to adopt the Resolution, seconded by Mr. Shealy. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

**10. Resolution No. 09-22 For the location and dedication of the memorial honoring all first responders in Newberry County.**

*Mr. Livingston moved to adopt the Resolution, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

**11. Appointments**

*No appointments.*

**12. Discussion/Approval of RFQ for Grant Writer Services**

*Crystal Waldrop, 10 responses have been received regarding the services. The Committee consisted of the County Administrator, the Administrator's Assistant, Public Safety Director, and herself. 4 firms were chosen to contact for additional information. Based on the additional information staff recommends 2 firms being, Thomas and Hutton and GPFF. Each firm offers substantial services that would be beneficial to the County. Thomas and Hutton specialize in, but not limited to, infrastructure, economic development, roads and bridges, and public safety. The fee on an annual basis would be not to exceed, \$83,200. This fee would be billed in hours worked for Newberry County. GPFF focuses more Community Service, Technology and Parks and Recreation. There fee is based on an hourly rate at \$125 per hour.*

*Mr. Hipp stated based on the numbers given the Administrator's Office would need to monitor the hours used as to not exceed the budgeted amount of \$96,000.*

*Mr. Inglese agreed with that statement. Thomas and Hutton would probably start with most of the work.*

*Mrs. Waldrop stated that at this time the companies would only have a one-year contract.*

*Mr. Inglese stated that once this is approved the company will give rubric as to a plan for where the county should start. The planning work will take about 90 days. Staff would like to get started as there are many grant deadlines coming up.*

*Mr. Livingston asked as to where "community service" falls under?*

*Mrs. Waldrop stated that GPF can focus on grants for poverty areas, parks grants, or an afterschool program that could help within the community.*

*Thomas and Hutton would be focused on the larger grants to include Fire and Rescue that needs new equipment.*

*Being that the county is already 3 months into the fiscal year the \$83,200 would be for an annual contract so there should be funds leftover from this amount.*

*Mr. Livingston did not intend for this to be the direction for the county to go in from the budget voted on earlier in the year. However, as it has been presented, he is willing to go along for now.*

*Mr. Reeder would like to make sure that the original budgeted amount will not be exceeded.*

*Mr. Shealy mad a motion to approve the request, seconded by Mr. Hipp. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

### **13. Consideration of extending grocery store recruitment incentives policy.**

*Mr. Farmer presented that the previous policy had a sunset clause attached that has now expired. Staff is asking that the policy be extended so that they can continue to try to recruit a new grocery store.*

*The policy allows a grocery store an avenue to qualify for the Special Source Revenue Credits. It is a way that the county can work with a partner industry to reduce their tax burden over time. For example, if an industry invested \$1,000,000 the policy could reduce their taxes in half over the term of the agreement. This policy would only apply to the grocery store structure, physical property, and machinery equipment. There is a minimum of 10,000 square feet and a minimum \$1,000,000 investment.*

*The County of Newberry is working very hard with the City of Newberry to bring in a new grocery store investor.*

*Mr. Livingston moved to extend this policy, seconded by Mrs. Arrowood. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

### **14. Public Comments**

*No public comments.*

### **15. 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.*

- (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.*
- (3) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.*

*Mr. Shealy moved to go into Executive Session to discuss the matters as set forth above; seconded by Mrs. Arrowood. There being no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

**EXECUTIVE SESSION**  
**7:10 P.M. – 9:11 P.M.**

*Mr. Hipp moved to return to open session; seconded by Mr. Scurry. Mr. Johnson called for the vote. The vote was unanimous.*

*Mr. Johnson stated that no action was taken during Executive Session.*

**16. Comments/Request from County Administrator**

114 employees have signed up for the ADP paperless paystubs.

**17. Comments/Request from Council Members**

*Mr. Livingston would like to clarify that the Premium Pay will go to volunteers on October 21, 2022, and to regular staff on November 4, 2022. No other comments from Council.*

**18. Future Meetings**

- a. Public Safety Committee - TBD
- b. County Council - October 5, 2022, at 6 p.m.
- c. Economic Development - October 10, 2022, at 6 p.m.
- d. Executive Committee - October 10, 2022, at 6 p.m.

- e. Work Session w/ Joint Planning and Zoning - October 12, 2022, at 5 p.m.
- f. Work Session County Council - October 12, 2022, at 6 p.m.
- g. County Council - October 19, 2022, at 6 p.m.

**19. Adjournment**

*Mr. Shealy moved to adjourn the meeting, seconded by Mr. Livingston. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 9:13 p.m.*

Newberry County Council

*Todd Johnson*

Todd Johnson, Chairman

*Jackie Lawrence*

Jackie Lawrence, Clerk to Council

Minutes approved: *October 19, 2022*