

NEWBERRY COUNTY COUNCIL

MINUTES

September 7, 2022

The Newberry County Council met on Wednesday, September 7, 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)

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 Walrop, Purchasing Director

Jacquelyn R. Lawrence, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

ABSENT: Henry H. Livingston, III, Council Member (District 3)

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

Mrs. Arrowood 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.

<i>a. Shawn Carnes</i>	<i>20 years</i>
<i>b. Casey Rembisz</i>	<i>20 years</i>
<i>c. Kirby Richardson</i>	<i>10 years</i>
<i>d. Brenda McCracken</i>	<i>10 years</i>
<i>e. Donna Lominack</i>	<i>45 years</i>
<i>f. Clayton Babb</i>	<i>25 years</i>
<i>g. Randall Abrams</i>	<i>25 years</i>
<i>h. Ben Chapman</i>	<i>25 years</i>
<i>i. Maggie Mills</i>	<i>15 years</i>
<i>j. John Cearley</i>	<i>15 years</i>
<i>k. Nicholas Gilmore</i>	<i>5 years</i>
<i>l. Susan Hanvey</i>	<i>5 years</i>
<i>m. Melissa Vanderford</i>	<i>5 years</i>

2. Public Appearances

Jimmy Smith and Sheriff Foster

They spoke regarding placing a Memorial for past and current Law Enforcement, Fire Fighters, and First Responders. He has raised the money for this monument so there will be no cost to taxpayers. Sheriff Foster spoke also, stating that he and Mr. Smith are requesting from Council permission to place the monument on County property. The site would be in front of the flagpole on the lawn at the old courthouse. A drawing of the monument and a picture of the site was provided to Council.

Mr. Johnson stated that Council had one request to add "County" to the monument. There will be a Resolution presented and approval of placement at a later date.

Donna Lominack, County Auditor

Mrs. Lominack is presenting the County Ordinary Levy and to set the County Bond Millage. She thanked the following for their help in getting this report together,

Christopher Inglese, Debbie Cromer, Karen Brehmer, Karen Smith, Melinda Long and the staff of the Auditor's Office.

Mrs. Lominack as the Newberry County Auditor, officially set the 2022 Tax Levy for all County and School Bonded Indebtedness Purposes as authorized by "Sections 4-15-150 and 59-71-150" of the 1976 Code of Laws of South Carolina. She presented the 2022 Tax Levy for School Ordinary Purposes as set by the Newberry County Board of Education per letter dated August 8, 2022, which stated in part, "the 2022 School Ordinary Tax Levy be set at 180.0 mills".

Per County of Newberry Budget Ordinance No. 04-07-22. She recommended County Council levy 121.0 mills for County Ordinary Purposes and 0.0 mills for Reserve Fund Purposes; 2022 County Lease Purchase – she is levying 3.0 mills; County General Obligation Bonds of 2020 A – she is levying 1.1 mill; County General Bonds of 2020 B – she is levying 0.5 mill; County General Obligation Bonds 2018 C – she is levying 0.5 mill. Per County of Newberry Budget Ordinance No. 04-08-22 she is recommending County Council levy 6.9 mills for Community Services: for a total 2022 for County Purposes of 133.0 mills.

For School Purposes - the Newberry County Board of Education has levied 180.0 mills for School Ordinary Purposes for the 2022-2023 Fiscal Year. For School General Obligation Bonds of 2022, she is levying 53.0 mills for a total 2022 levy for School Purposes of 233.0 mills.

The total levy for County Purposes is 133.0 mills and for School Purposes is 233.0 mills. The total 2022 Tax Levy for both County and School Purposes is 366.0 mills.

The anticipated value of one mill for 2022-2023 Fiscal Year for County Purposes is \$163,370, for School Purposes (bonds) is \$165,806, and for School Purposes (School Operating) is \$105,997.

3. Adoption of the Consent Agenda

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

4. Additions, Deletions and Adoption of the Agenda

Mrs. Arrowood 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. Proclamation - Hispanic Heritage Month

Mr. Johnson read the Proclamation into the record. A copy of the Proclamation is attached hereto and incorporated herein.

After reading the Proclamation, Mr. Johnson then presented a framed Proclamation to Liz Rivera.

Mrs. Rivera spoke thanking the County for this recognition. She also invited everyone to come celebrate different festivities that will be taking place September 15, 2022 – October 15, 2022.

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

6. Resolution 05-22 of Newberry County Council supporting the South Carolina American Revolution Sestercentennial Commission and Creating the Newberry County 250 Committee

Bill Davies, Vice Chairman of the SC250 Commission, spoke regarding this Resolution and the importance of the SC250 Committee. 2026 will be the 250th anniversary of the American Revolution. The Liberty Trail was established to promote heritage tourism by highlighting Revolutionary War historic sites across South Carolina. The designated sites are grouped into four Trail areas I through IV. Newberry County is in the area covered by Trail IV. The Liberty Trail will operate as a historic driving route similar to the South Carolina Heritage Corridor, with an AP guiding the way. Within Newberry County at least fourteen battle/skirmish sites have been identified. In addition, at least sixteen other sites related to British Lt. Col. Banestre Tarleton's movement through Newberry County enroute to the battle of Cowpens are proposed for possible inclusion in the Liberty Trail. Each County will establish an official "250 Committee" to manage grant money and coordinate efforts of their respective county.

Mr. Hipp moved to adopt the resolution, seconded by Mrs. Arrowood. With no further discussion, Mr. Johnson called for the vote. The vote was as follows, Mr. Scurry abstained, Mr. Reeder opposed, and Mr. Johnson, Mr. Hipp, Mr. Shealy, and Mrs. Arrowood all voted for the Resolution.

7. Resolution 06-22 Resolution authorizing an amendment to that certain fee agreement by and between Newberry County, South Carolina and Trucast, LLC; and other related matters

Ray Jones with Parker Poe Law Firm stated that Trucast, LLC has come to the County indicating that they plan on investing additional money and rather than entering into a new agreement they can extend their investment period under the old agreement. The investment was \$3,000,000 and would increase to \$8,000,000 with an additional five-year investment window. This Resolution would allow for this amendment to be made.

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

8. Resolution 07-22 Inducement Resolution committing to negotiate a fee in lieu of tax agreement between Newberry County and Newberry PV1, LLC; identifying the project; and other matters related thereto

Mr. Jones stated that this Resolution identifies this project for Fee in Lieu of Tax purposes. It provides that the County is going to commit to a negotiated Fee in Lieu of Tax agreement the solar farm investment. It provides some of the parameters which includes an \$80,000,000 investment commitment. It then effectively points you to number 9 on the agenda.

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

- 9. Ordinance No. 08-21-2022 An Ordinance authorizing the execution and delivery of a fee agreement by and between Newberry County, South Carolina, and Newberry PV1, 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. First Reading

Mr. Jones stated that this Ordinance does approve the full Fee in Lieu Tax Agreement. Because this is a solar project there is a fee in lieu of tax and a credit. The credit is designed to ensure that the solar provider only pays a certain amount per megawatt that they produce each year. The common arrangement is that the solar provider pays an amount no matter how many megawatts they produce. The investment will be made on a vacant property so all the new revenues that will come from this solar farm investment will be new revenues to the County.

There will be additional commitments incorporated into the document, on being that there will be a thirty-year arrangement that will allow the investment to pay a certain amount per megawatt produced with a floor. Currently the floor is somewhere around \$200,000. The additional agreements and commitments will be finalized before second reading.

Mr. Hipp moved to adopt the first reading, seconded by Mr. Shealy. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

10. Public Comments

Bob Montgomery, Newberry County Museum spoke regarding the "She Said Yes" exhibit was very successful, having over 2800 visitors and has ended. This exhibit also had over 26,000 Facebook contacts.

The next exhibit will be "Newberry Coming Home" which is about the college. It will run from September 15, 2022, through January 1, 2023.

Mr. Inglese asked that the Newberry College students and Professor Lambries be recognized for attending the County Council Meeting.

11. Appointments

Mrs. Arrowood moved to appoint Milledge Wilson to the Airport Commission, seconded by Mr. Shealy. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

12. 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 Mr. Reeder. There being no further discussion, Mr. Johnson called for the vote. The vote was unanimous.

EXECUTIVE SESSION 7:05 P.M. – 8:20 P.M.

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

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

13. Comments/Request from County Administrator

The Grant Services RFP has received 10 responses. Staff plans to have chosen 3 for Council to review on September 21, 2022.

The RFP for the Public Safety Study has been finalized.

The Comp Classification Study is still in the works and moving forward.

14. Comments/Request from Council Members

No comments.

15. Future Meetings

- a. County Council - September 7, 2022, at 6:00 p.m.
- b. Finance Committee- September 12, 2022, at 6:00 p.m.
- c. County Council - September 21, 2022, at 6:00 p.m.
- d. Public Safety Committee - September 26, 2022, at 6:00 p.m.

16. Adjournment

Mr. Shealy moved to adjourn the meeting, seconded by Mr. Reeder. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 8:28 p.m.

Newberry County Council

Todd Johnson, Chairman

Jackie Lawrence, Clerk to Council

Minutes approved: September 21, 2022