

**NEWBERRY COUNTY COUNCIL
MINUTES
FEBRUARY 3, 2021**

The Newberry County Council met on Wednesday, February 3, 2021, 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: Henry H. Livingston, III, Chairman (District #3)
Todd Johnson, Vice Chairman (District #1)
Mary Arrowood, Council Member (District #2)
Nick Shealy, Council Member (District #4)
Les Hipp, Council Member (District #5)
Johnny Mack Scurry, Council Member (District #6)
Travis Reeder, Council Member (District #7)

STAFF: Wayne Adams, County Administrator
A.J. Tothacer, Jr., County Attorney
Karen Brehmer, Deputy County Administrator
Debbie S. Cromer, Finance Director
Taylor Davenport, Assistant to County Administrator
Susan C. Fellers, Clerk to Council

MEDIA: Andrew Wigger, Newberry Observer

Mr Livingston called the meeting to order at 6:00 p.m.

Mr. Hipp had the invocation followed by the pledge of allegiance.

1. ADOPTION OF CONSENT AGENDA

Mr. Reeder moved to adopt the Consent Agenda, as presented; seconded by Mr. Scurry. Vote was unanimous.

2. ADDITIONS, DELETIONS AND ADOPTION OF THE AGENDA

Mr. Scurry moved to adopt the Agenda, as presented; seconded by Mrs. Arrowood. Vote was unanimous.

3. ORDINANCE #01-01-21: AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR FISCAL YEAR 2020-2021, ORDINANCE NUMBER 04-14-20, TO PROVIDE FOR REVISED REVENUE AND EXPENDITURE APPROPRIATIONS RELATING TO OPERATING AND CAPITAL PURPOSES OF NEWBERRY COUNTY.

a. Public Hearing

Mr. Livingston declared this to be the public hearing. There being no comments from the public, Mr. Livingston declared the public hearing closed.

b. Third Reading

Mrs. Arrowood moved to approve third reading; seconded by Mr. Shealy.

Mr. Hipp had no objection to the ordinance but with four independent considerations here, he felt in the future there should be separate ordinances. With this you agree to all or agree to none.

There being no further comments, Mr. Livingston called for the vote. Vote was unanimous

4. ORDINANCE #11-23-20: 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 ONE REAL ESTATE PARCEL TOTALING TWO AND FIVE-TENTHS (2.5) ACRES DESIGNATED AS TMS PARCEL NO. 523-85 FROM INDUSTRIAL (IND) TO R2-RURAL.

a. Public Hearing

Mr. Livingston declared this to be the public hearing. There being no comments from the public, Mr. Livingston declared the public hearing closed.

b. Third Reading

Mr. Shealy moved to approve third reading; seconded by Mr. Reeder. There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

- 5. ORDINANCE #01-02-21: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NEWBERRY COUNTY, SOUTH CAROLINA, SPECIAL SOURCE REVENUE BOND (INDUSTRIAL PARK PROJECT) IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,500,000 IN ONE OR MORE SERIES; THE APPLICATION OF THE PROCEEDS OF SAID BONDS TO DEFRAY, FOR ECONOMIC DEVELOPMENT PURPOSES, THE COSTS OF CERTAIN INFRASTRUCTURE IMPROVEMENTS AND OF ACQUIRING CERTAIN PROPERTY IN NEWBERRY COUNTY; TO REFUND OUTSTANDING AMOUNTS OF THE COUNTY'S SERIES 2006 SPECIAL SOURCE REVENUE BONDS; AND OTHER MATTERS RELATING THERETO.**

a. Second Reading

Mrs. Arrowood moved to approve second reading; seconded by Mr. Shealy.

Mr. Adams advised the State Fiscal Affairs Authority voted yesterday to allow Newberry County to issue these Special Source Revenue Bonds.

There being no discussion, Mr. Livingston called for the vote. Vote was unanimous.

- 6. ORDINANCE #02-03-21: AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO AN EXISTING FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (THE "FEE AGREEMENT") BY AND AMONG NEWBERRY COUNTY, SOUTH CAROLINA (THE "COUNTY"), AND COMPANIES COLLECTIVELY**

IDENTIFIED FOR THE TIME BEING AS PROJECT SAM II, TO PROVIDE FOR (A) THE EXTENSION OF THE APPLICABLE INVESTMENT PERIOD SET FORTH IN THE FEE AGREEMENT AND (B) CERTAIN ADDITIONAL SPECIAL SOURCE REVENUE CREDITS BOTH IN CONNECTION WITH ADDITIONAL INVESTMENT IN CERTAIN MANUFACTURING AND RELATED FACILITIES IN THE COUNTY; AND (2) OTHER MATTERS RELATING THERETO. (TITLE ONLY)

a. First Reading

Mr. Reeder moved to approve first reading; seconded by Mrs. Arrowood.

Mr. Johnson has asked that no further ordinances by title only be placed on County agendas. Mr. Adams advised this request would be honored.

Voting for first reading: Council Members Livingston, Johnson, Arrowood, Reeder, Scurry and Shealy. Voting against first reading: Council Member Hipp. Motion passed by majority vote, 6-1.

7. APPOINTMENTS

Mrs. Arrowood recommended the appointment of Susan Epting to the Library Board; seconded by Mr. Hipp. Vote was unanimous.

8. COMMITTEE REPORTS:

a. Public Safety & Courts 1/25/21 - Tommy Long, Emergency Services Director

Mr. Long reported this committee met on January 25, and Todd Johnson was elected Chairman of the committee.

Seven departments presented in depth powerpoint presentations to the committee as to accomplishments during 2020 and presented goals for 2021. All of these are on file in the County Administration office.

b. Public Works & Planning 2/1/21 - Mike Pisano, Public Works Director

Mr. Pisano reported on this committee's meeting of February 1, 2021. Mr. Scurry was elected Chairman of the committee.

Mr. Pisano requested the purchase of a mini excavator from the 2018-2019 budget. No action was taken by the committee and he was withdrawing the request at this time.

- 9. EXECUTIVE SESSION - Staff requests an Executive Session under Code Section 30-4-70(a) of the Code of Laws of SC, as amended, 1976, for (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 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 legal claim.**

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

**EXECUTIVE SESSION
6:15 P.M. - 6:50 P.M.**

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

Mr. Adams reported no action was taken in executive session.

10. PUBLIC COMMENTS

No comments from the public.

11. COMMENTS/REQUESTS FROM THE COUNTY ADMINISTRATOR

Mr. Adams advised that staff was working on an ordinance to permit virtual participation for members of the Planning Commission. This Ordinance would be a single read and would remain in effect for 60 days from approval.

Mr. Hipp requested a special meeting on Friday, February 5, at 2:00 p.m. for the purpose of approving this single read ordinance for the Planning Commission. Consensus of Council was to hold this special meeting.

12. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

Mr. Shealy thanked the staff for their work on the airport.

Mr. Hipp said he talked with his two representatives on the hospital board regarding allowing a family member to visit with their loved ones. He urged the other council members to contact their representatives on the hospital board.

Mrs. Arrowood thanked the council and staff for their work.

Mr. Johnson also thanked staff and Mr. Adams.

Mr. Scurry thanked the council, Mr. Adams, Mr. Tothacer and other staff for their dedication and working together for the good of Newberry County.

Mr. Reeder also thanked everyone. We have one mission and that is to make Newberry County a better place for citizens. Everybody pays taxes and everybody should have an opinion.

Mr. Livingston thanked everyone for input and for making Newberry County a better place.

13. FUTURE MEETINGS:

- a. Special Called Council Meeting on 2/5/2021 at 2:00 p.m.
- b. County Council on 2/17/21 at 6:00 p.m.
- c. Personnel and Intergovernmental 2//22/21 at 6:00 p.m.
- d. Economic Development 3/1/21 at 6:00 p.m.

14. ADJOURNMENT

There being no further business, Mr. Hipp moved to adjourn; seconded by Mrs. Arrowood.

Mr. Livingston declared the meeting adjourned at 7:03 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

Susan C. Fellers, Clerk to Council

Approved: _____