



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
Newberry Courthouse Annex  
1309 College Street, Newberry, SC 29108  
September 4, 2024  
6:00 P.M.**

Call to Order: Todd Johnson, Chairman  
Invocation and Pledge of Allegiance: Karl Sease, Council Member

1. Adoption of Consent Agenda:
  - a. Newberry County Council Work Session – August 21, 2024.
  - b. Newberry County Council Meeting – August 21, 2024.
  
2. Additions, Deletions & Adoption of the Agenda.
  
  
3. Public Appearances:
  - a. Newberry County Auditor Donna Lominack – Setting of 2024-25 Tax Levy.
  
  
4. Resolution No 05-24. A Resolution Recognizing and Honoring K9 Coba for His Ultimate Sacrifice During the Pursuit of Justice in Newberry County.
  
  
5. Resolution No 07-24. A Resolution Committing the County of Newberry to Providing a Local Cash Match for a Community Development Block Grant to Fund Streetscape Improvements within the Whitmire Community.

6. Ordinance No. 08-01-2024. An Ordinance authorizing the County of Newberry to sell real property identified as TMS 290-11 and described in Invitation for Bid No. 2024-4.
  - a. Third Reading
7. Consideration of a motion to approve State Accommodations Tax (State A-Tax) funding recommendations of the Newberry County Accommodations Tax Advisory Committee (ATAC) – Ernie Shealy, ATAC Chairman
8. County Council may take action(s) on matters discussed during the 5:00 pm meeting.
9. Appointments.
10. Public Comments.
11. Comments/Requests from County Administrator.
12. Comments/Requests from Council.
13. Future meetings:
  - a. Newberry County Council Work Session – September 18 at 5 p.m.
  - b. Newberry County Council – September 18 at 6 p.m.
  - c. Newberry County Executive Committee – September 23 at 6 p.m.
  - d. Newberry County Council Work Session – October 2 at 5 p.m.
  - e. Newberry County Council Meeting – October 2 at 6 p.m.
  - f. Newberry County Public Safety and Courts Committee – October 7 at 6 p.m.
14. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION  
MINUTES  
August 21, 2024**

Newberry County Council met on Wednesday, August 21, 2024, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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

PRESENT: Todd Johnson, Chairman  
Robert Shealy, Vice-Chairman  
Leon Fulmer, Council Member  
Les Hipp, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Debbie Cromer, Finance Director  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 5:00 p.m.

1. Executive Session:
  - a. Personnel Matter(s):
    - i. Discussion of matters related to the employment and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1)

- Mr. Shealy made a motion to go into Executive Session; Mr. Fulmer provided the second and the motion carried 7-0.
- Newberry County Council went into Executive Session at 5:00 p.m.
- Mr. Shealy made a motion to come out of Executive Session; Mr. Sease provided the second and the motion carried 7-0 at 5:59 p.m.

2. Adjournment.

- Mr. Hipp made a motion to adjourn; Mr. Reeder provided the second and the motion carried 7-0 at 5:59 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

**NEWBERRY COUNTY COUNCIL  
MINUTES  
August 21, 2024**

Newberry County Council met on Wednesday, August 21, 2024, 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, Chairman  
Robert Shealy, Vice-Chairman  
Leon Fulmer Jr., Council Member  
Les Hipp, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Beverly Brehmer, Deputy Clerk to Court  
Karen Brehmer, Deputy County Administrator  
Captain Ben Chapman, NCSO  
Debbie Cromer, Finance Director  
Clerk to Court Beth Folk  
Eric Nieto, I.T. Director  
Crystal Waldrop, Purchasing Director  
Andrew Wigger, Clerk to Council/PIO

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

Mr. Scurry led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – August 7, 2024.
- b. Newberry County Council Meeting – August 7, 2024.

- Mr. Sease made a motion to accept the minutes as presented; Mr. Shealy provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Scurry made a motion to accept the agenda as published; Mr. Hipp provided the second and the motion carried 7-0.

3. Recognitions:

a. Employee Service

- Shanta Samuel 10 years Sheriff's Office
- Brian Smith 10 years Sheriff's Office
- Janice Allen 25 years Clerk to Court

- Mr. Shacker recognized the employees listed above for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.

4. Resolution No 06-24. A Resolution endorsing Newberry County's application for funding through a Safe Streets and Roads for All (SS4A) Grant Program.

- Mr. Shealy made a motion to adopt the Resolution; Mr. Hipp provided the second and the motion carried 7-0.

5. Ordinance No. 08-01-2024. An Ordinance authorizing the County of Newberry to sell real property identified as TMS 290-11 and described in Invitation for Bid No. 2024-4.

a. Public Hearing

- Mr. Johnson declared the Public Hearing open. With no one signing up or standing to speak, Mr. Johnson declared the Public Hearing closed.

b. Second Reading

- Mr. Sease made a motion to accept Second Reading; Mr. Reeder provided the second and the motion carried 7-0.

6. Consideration and Approval of a Proposal for the Court House Network Cabling, a 2022 CPST Project (RFP Number 2024-3).

- Mr. Shacker said in 2022, the voters reauthorized the Capital Projects Sales Tax, with IT and security upgrades to the Newberry County Courthouse being one of the projects. Related to those upgrades was the need for a new backbone, a component of which is cabling. Mr. Nieto has identified a need for enhanced cabling – Cat 6A ethernet cable.
- A solicitation was issued for the cabling with 11 responses, all of which had a chance to meet with Mr. Nieto and look in the Newberry County Courthouse.
- The highest ranked proposal (Lewis Communications, LLC) was also the lowest cost option.
- Mr. Nieto is confident in all of the companies, including the recommended firm, in doing the job.

- Mr. Hipp made a motion to accept the recommendation of Lewis Communications LLC for the Courthouse Network Cabling; Mr. Fulmer provided the second and the motion carried 7-0.

7. County Council may take action(s) on matters discussed during the 5:00 pm meeting.

- No action was taken.

8. Appointments.

a. Board of Zoning Appeals – District 6.

- Mr. Scurry made a motion to appoint Ms. Ida Werts to the Board of Zoning Appeals; Mr. Shealy provided the second and the motion carried 7-0.

b. Building, Fire and Nuisance Codes Board of Appeals – Districts 1, 2, 3, 4, 5, 6, 7.

- Mr. Johnson said as this is a new board, and each council member had a nomination, he spoke with the county attorney and each member of council and it is his understanding that they could do this as a slate, as opposed to taking each one individually.
- Mr. Johnson listed the nominations as follows: District 1, Councilman Todd Johnson to appoint Mr. Alan Jenkins. District 2, Councilman Leon Fulmer to appoint Mr. Leonard “Mac” McCullough. District 3, Councilman Karl Sease to appoint Mr. Aubrey Horne. District 4, Councilman Nick Shealy to appoint Mr. Ben Dukes. District 5. Councilman Les Hipp to



appoint Mr. Gordon Johnson. District 6. Councilman Johnny Mack Scurry to appoint Ms. Brandy West. District 7, Councilman Travis Reeder to appoint Mr. Joe Palmer.

- Mr. Hipp made a motion to approve the nominations as a slate; Mr. Sease provided the second, and the motion carried 7-0.

#### 9. Public Comments.

- Mr. Asa Porter works in Public Affairs and is the Public Affairs Manager for Georgia Pacific. He said they have a philosophy at Georgia Pacific called good profit where the point of a company is to make money, but to do it in a way that supports your local community and enriches the people that work with and for you. He said they are looking to get more involved in the county and the area and he wants to be that liaison between the mill and local government. He said anything they can do for the local area he can take it to the mill and assess it.

#### 10. Comments/Requests from County Administrator.

- Mr. Shacker said they recently had two good meetings related to Capital Project Sales Tax, the first was the follow up meeting with project architects on the amphitheater, with City of Newberry representatives present, as well as members of staff and county representatives. He said he thinks they were pretty satisfied, he said they are not at the end of the design process, but they are well underway, and he thinks it is headed

in a great direction. The second meeting was with the same firm and was regarding the roof for the museum and they have some challenges related to the roof and drainage of the roof and he thinks they have established a strategy for a permanent solution.

#### 11. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming out and thanked the Lord above for blessing him with another day to serve the great citizens of Newberry County.
- Mr. Hipp said it is always good to see citizens come and be a part of county government, even if it is a brief meeting.
- Mr. Shealy echoed those comments and said great seeing everyone and thanked Mr. Porter for all Georgia Pacific does for Newberry County, and he looks forward to working with them down the road.
- Mr. Sease echoed the same comments and said it is always great to have citizens involved in the governmental process. He also thanked Mr. Shacker for the Work Session, and that it was very informative.
- Mr. Reeder said it is good to see when businesses come before council to introduce themselves and that means they are doing something well. He also reminded everyone to be careful as COVID is still out there, and it is spreading. He said he had it last week and it was the worst one he had.
- Mr. Scurry introduced council to Mr. and Mrs. Richardson, who are active members of the community.

12. Future meetings:

- a. Newberry County Finance Committee – August 26 at 6 p.m.  
(Postponed pending audit.)
- b. Labor Day – September 2 – Offices Closed
- c. Newberry County Council Work Session – September 4 at 5 p.m.
- d. Newberry County Council – September 4 at 6 p.m.
- e. Newberry County Council Work Session – September 18 at 5 p.m.
- f. Newberry County Council – September 18 at 6 p.m.

13. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion carried 7-0 at 6:19 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

**RESOLUTION 05-24  
HONORING K9 COBA OF THE  
S.C. LAW ENFORCEMENT DIVISION**

**A RESOLUTION RECOGNIZING AND HONORING K9 COBA FOR HIS ULTIMATE  
SACRIFICE DURING THE PURSUIT OF JUSTICE IN NEWBERRY COUNTY.**

**WHEREAS**, Newberry County Council wishes to honor the service and ultimate sacrifice of K9 Cobra, who served with the South Carolina Law Enforcement Division; and

**WHEREAS**, Cobra was a four-year-old Belgian Malinois mix who joined the South Carolina Law Enforcement Division in 2001, serving on both the SWAT Team and Tracking Team; and

**WHEREAS**, Cobra participated in numerous trainings and apprehensions that kept communities, SLED’s law enforcement partners, and his SLED SWAT Team safe; and

**WHEREAS**, K9 Cobra served the citizens of South Carolina alongside Special Agent Richard “Cole” Powell and lived with Powell’s family; and

**WHEREAS**, on June 11, 2024, Cobra was killed in the line of duty while Newberry County Sheriff’s deputies and SLED agents attempted to serve a fugitive felony warrant in Prosperity; and

**WHEREAS**, Newberry County Council wishes to recognize Cobra for his sacrifice and express its sincere gratitude and deepest sympathies to the South Carolina Law Enforcement Division and Special Agent Powell and his family.

**NOW, THEREFORE BE IT RESOLVED** that Newberry County Council, by this resolution, recognizes and honors K9 Cobra for his ultimate sacrifice during the pursuit of justice in Newberry County.

**AND IT IS SO RESOLVED** this 4<sup>th</sup> day of September 2024.

**NEWBERRY COUNTY COUNCIL**

(SEAL)

**BY:** \_\_\_\_\_  
**Todd Johnson, Chairman**

**Attest:**

\_\_\_\_\_  
**Andrew Wigger, Clerk to Council**

STATE OF SOUTH CAROLINA    )  
                                                  )  
COUNTY OF NEWBERRY         )

**RESOLUTION 07-24**

**MATCH RESOLUTION COMMITTING NEWBERRY COUNTY TO PROVIDE A  
LOCAL CASH MATCH FOR A COMMUNITY DEVELOPMENT BLOCK GRANT  
FROM THE SOUTH CAROLINA DEPARTMENT OF COMMERCE TO IMPLEMENT  
THE WHITMIRE STREETScape IMPROVEMENT PROJECT**

**WHEREAS,** Newberry County participates in the Community Development Block Grant Program, funded by the US Department of Housing and Urban Development, and administered through the South Carolina Department of Commerce, Division of Grants Administration;

**WHEREAS,** Newberry County intends to submit an application for Community Development Block Grant funding from the Department of Commerce to implement streetscaping improvements in the Central Business District of the Town of Whitmire;

**WHEREAS,** under the requirements of the Community Development Block Grant Program, Newberry County will be required to provide a 10% local cash match for the project if awarded;

**WHEREAS,** through the above referenced Community Development Block Grant application, Newberry County intends to request a total of \$750,000 to implement the proposed project; of which the required 10% local match commitment will be \$75,311; and the total estimated project cost will be \$825,311;

**WHEREAS,** Newberry County understands that any cost savings from the competitive bidding process will be shared with SCDOC, Office of Grants Administration;

**NOW, THEREFORE, BE IT RESOLVED BY NEWBERRY COUNTY COUNCIL**  
**THAT,** if the above referenced Community Development Block Grant project is awarded by the South Carolina Department of Commerce, Newberry County hereby commits to pay the required local 10% match of \$75,311.

**ADOPTED** by the Newberry County Council in a meeting duly assembled on the 4<sup>th</sup> Day of September 2024, at which a quorum was present and voting.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

**BY:** \_\_\_\_\_  
**Todd Johnson, Chairman**

**Attest:**

\_\_\_\_\_  
**Andrew Wigger, Clerk to Council**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

**ORDINANCE NO. 08-01-2024**

**AN ORDINANCE AUTHORIZING THE COUNTY OF NEWBERRY, BY NEWBERRY COUNTY COUNCIL, TO SELL REAL PROPERTY IDENTIFIED AS TAX MAP NUMBER 290-11 AND DESCRIBED IN INVITATION FOR BID NUMBER 2024-4 UPON SUCH TERMS AND CONDITIONS AS DESCRIBED IN THE INVITATION FOR BID AND THROUGH AN AGREEMENT OF PURCHASE**

**WHEREAS**, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

**WHEREAS**, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

**WHEREAS**, the Council is vested with the authority to sell and dispose of real property owned by the County pursuant to Section 4-9-30 of the South Carolina Code of Laws, 1976, as amended; and

**WHEREAS**, the County is the owner of that certain parcel of real property, 46 +/- acres in size, located near the City of Newberry on South Carolina Highway 121 By-Pass and identified as Tax Map Number 290-11 (the “Property”); and

**WHEREAS**, the Council determined, as a fact and after appropriate investigation, that the Property is no longer needed for county purposes and would be of better and higher use and benefit to the County if owned by an individual or entity other than the County, and that as such the Property constitutes surplus property; and

**WHEREAS**, the County solicited sealed bids for the disposition of the Property and issued the Invitation for Bid via advertisement on May 29, 2024; and

**WHEREAS**, on July 2, 2024, the bids were received, accepted and opened, and the highest bid was presented to the Council at its July 17, 2024 meeting for consideration and award, which the Council by motion and vote approved; and

**WHEREAS**, Section 4-9-130 of the South Carolina Code of Laws, 1976, as amended requires the use of an ordinance to sell or dispose of real property owned by the County and that the Council conduct a public hearing prior to passage of such an ordinance; and

**WHEREAS**, the Council now desires to undertake the legislative process required by South Carolina law to approve the sale of the Property.

**NOW, THEREFORE BE IT ORDAINED** by the County Council of the County of Newberry, in Council duly assembled this 4<sup>th</sup> day of September 2024 that:

The Council does hereby authorize the sale of the Property, described in Invitation for Bid Number 2024-4, which is attached as Exhibit “A”, to the highest bidder as awarded by Council at its meeting on July 17, 2024, and upon such terms and conditions described in the advertised Invitation for Bid and through an Agreement of Purchase, which is attached as Exhibit “B”. Both Exhibits are incorporated herein by reference. This Ordinance shall be effective upon adoption by the Council on the date of final reading approval.

**BY:** \_\_\_\_\_  
**Todd Johnson, Chairman**

**(SEAL)**

**ATTEST:** \_\_\_\_\_  
**Andrew Wigger, Clerk to Council**

**Approved as to form:**

\_\_\_\_\_  
**Joanie Winters, Interim County Attorney**

\_\_\_\_\_  
**Jeff Shacker, County Administrator**

**1<sup>st</sup> Reading: August 7, 2024**  
**2<sup>nd</sup> Reading: August 21, 2024**  
**Public Hearing: August 21, 2024**  
**3<sup>rd</sup> Reading: September 4, 2024**



**Newberry County  
Administration**

1309 College Street  
P.O. Box 156  
Newberry, SC 29108  
803-321-2100



**Agenda Item Briefing**

**Subject:** Accommodations Tax Advisory Board (ATAC) Recommendation

**Prepared By:** Andrew Wigger

**Title:** Clerk to Council/PIO

**Department/Division:** County Council

**Date Prepared:** 8/30/2024

**Legal Review:** NA

**Date:** Click or tap to enter a date.

**Finance Review:** YES

**Date:** 8/19/2024

**Administrator Review:** YES

**Date:** 8/19/2024

**Requested meeting:**  Committee  County Council

**Meeting Date:** Wednesday, September 4, 2024

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?

Yes

No

If NO, is a budget amendment necessary?

Yes

No

**STAFF’S RECOMMENDED ACTION:** Staff is recommending that Newberry County Council approve the recommendation from the Newberry County Accommodations Tax Advisory Committee (ATAC).

**SUMMARY DISCUSSION:** The County’s ATAC is responsible for making recommendations to Newberry County Council on the expenditure of state accommodations tax (State A-Tax) collected by the State from within Newberry County and remitted to the County, as required by state law. The seven-member committee is composed of two individuals from the hospitality industry, two from the lodging industry, two at-large, and one from the cultural industry. By law, the first \$25,000 of the State A-Tax, remitted to the County, is deposited in General Fund. Of the remaining collections, 5% goes to General Fund, 30% is allocated to a promotional fund, and the remaining 65% goes to a tourism fund. The ATAC, by law, is responsible for recommending the distribution of promotional funding and tourism funding to Council.

This year, the ATAC has \$27,720 to allocate from within the promotional fund and \$67,768.25 within the tourism fund to work with.

The ATAC met on Monday, August 19, 2024, where they received presentations from the applicants who were present. Following the presentations, the ATAC unanimously approved the attached recommendation.

**ATTACHMENTS:** Please find a summary of the ATAC’s recommendation attached.

## Accommodations Tax Advisory Board Recommendation

### Promotional Fund

Funds Available \$27,720 (total allocated)

Total Requested \$56,000

	<b>Request</b>	<b>Recommendation</b>
Capital City Lake Murray	\$20,000	\$11,088
NC Chamber of Commerce	\$26,500	\$12,474
Prosperity Business Assoc.	\$9,500	\$4,158

### Tourism Fund

Funds Available \$67,768.25 (total allocated)

Total Requested \$140,625

	<b>Request</b>	<b>Recommendation</b>
Little Mountain Reunion	\$17,000	\$8,500
Newberry Community Players	\$4,100	\$600
4 <sup>th</sup> of July Fireworks	\$5,000	\$2,500
Newberry Opera House	\$35,000	\$17,500

	<b>Request</b>	<b>Recommendation</b>
County of Newberry Parks and Rec.	\$12,000	\$5,855.25
Visitors Center	\$21,800	\$10,900
I2I Yard Sale	\$2,500	\$300
SC Bottle and Whitmire Museum	\$8,225	\$4,113
Prosperity Hoppin'	\$10,000	\$5,000
Shoppers' Walk	\$7,000	\$3,500
The Newberry Museum	\$18,000	\$9,000