

**NEWBERRY COUNTY COUNCIL
MINUTES
May 15, 2024**

Newberry County Council met on Wednesday, May 15, 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 N. Shealy, Vice-Chairman
Leon Fulmer Jr., Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Captain Ben Chapman, NCSO
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Lee Foster, Sheriff
Laura Kneece, Coroner
Donna Lominack, Auditor
Liz McDonald, Assessor
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
Andrew Wigger, Clerk to Council/PIO

ABSENT: Les Hipp, Council Member

MEDIA: Kelly Duncan, The Newberry Observer

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

Mr. Sease led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – May 1, 2024.
 - b. Newberry County Council Meeting – May 1, 2024.
 - c. Newberry County Economic Development Committee Meeting – May 6, 2024.
- Mr. Shealy made a motion to adopt the minutes as presented; Mr. Scurry provided the second and the motion was approved 6-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Reeder made a motion to adopt the agenda as presented; Mr. Shealy provided the second and the motion was approved 6-0.

3. Recognitions:

a. Employee Service:

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| • Laurel Keen | 10 years | Building and Zoning |
| • Virginia Atkins | 15 years | Building and Zoning |
| • Donald Leitzsey | 20 years | Public Works |
- Mr. Shacker recognized the employees listed above for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.

- Mr. Johnson said it is always a special time during the meetings to recognize the people who make Newberry County run every day, that are truly unsung heroes and council was thankful for each of them.

4. Resolution 04-24. A Resolution recognizing and honoring Sheriff Lee Foster for his outstanding career in law enforcement and congratulating him for being named the 2024 Sheriff of the Year by the South Carolina Sheriffs' Association.

- Mr. Johnson read the resolution as follows: "Whereas, Newberry County Council is pleased to learn that Newberry County Sheriff Lee Foster was selected as 2024 Sheriff of the Year by the South Carolina Sheriffs' Association; and Whereas, Sheriff Foster, who has served Newberry County as sheriff since January of 1989, was nominated by his peers for his professionalism, innovation, and community-mindedness; and Whereas, Sheriff Foster has had a long and distinguished career in law enforcement, which began in 1973 when he was hired by the Town of Prosperity as a junior police officer and part time police officer. Sheriff Lee Foster later served as chief of police for the Town of Little Mountain from 1978-1979, worked from 1979-1984 at the Newberry County Sheriff's Office, where he rose through the ranks from a deputy to captain of the Patrol Division and captain of the Investigation Division, and then joined the South Carolina Criminal Justice Academy in 1984 as a senior criminology instructor – a position he held until his election as sheriff of Newberry County in November 1988; and Whereas, Sheriff Foster has always placed great importance on education, training and professional development. He is a 1975 graduate of Mid-Carolina High School, a 1977 graduate of the University of South Carolina with an Associate's Degree in Criminal Justice with Highest Honors, and a 1979 graduate of the University of South

Carolina with a Bachelor's Degree in Applied Professional Sciences - graduating Magna Cum Laude; and Whereas, Sheriff Foster also graduated from the South Carolina Sheriff's School, the National Institute of Justice Executive Management Institute, the Federal Bureau of Investigations Executive Development Board, the Federal Bureau of Investigations Carolina Command College, and the South Carolina Criminal Justice Academy from which he received the J.P. Strom Award; and Whereas, Sheriff Foster has received many awards, honors and recognitions during his law enforcement career including the Order of the Palmetto, the United States Attorney General's Strom Thurmond Award for Excellence in Law Enforcement, the J.P Strom Award for highest academic average in his academy class, South Carolina Sheriff's Association Sheriff of the Year, South Carolina Victim's Advocates Association Sheriff of the Year and Humanitarian of the Year, Outstanding Young Man in America by the Jaycees, Civitan Citizen of the Year, the Alston Wilkes Society Law Enforcement Officer of the Year, Woodman of the World Outstanding Citizen of the Year, National Humanitarian of the Year by the National Center for Rural Law Enforcement, the Mothers Against Drunk Drivers Highway Safety Hero, and many others. Whereas, Sheriff Foster has long been recognized at the local, state, and national level as a leader in law enforcement, especially for rural areas. He has served on the United States Attorney's Law Enforcement Coordinating Committee, the United States Attorney's Task Force on Violent Crime, the Executive Committee of the Joint Terrorism Task Force, the Governor's Task Force for the Advancement of Public Safety, the Homeland Security Council, the Victim's Notification Network Advisory Council, the State Law Enforcement Division Advisory Panel, and the South Carolina Law Enforcement Training Council, and many others; and Whereas, Sheriff Foster leads by example with a hands-on approach. He is very active in every aspect of the Newberry County Sheriff's Office and its various divisions. He can be seen

doing anything from directing traffic at accident scenes to testifying before Congress and is comfortable performing any of those tasks. He is a devoted officer who is driven by his passion for law enforcement and for serving others. Whereas, Sheriff Foster has always been active in the community. He is a member of Central United Methodist Church, the Prosperity Fire Department, and numerous local organizations and has made many positive contributions to his community. Whereas, Newberry County Council takes great pleasure in saluting Sheriff Foster for his many years of public service to the citizens of Newberry County and the State of South Carolina. Now, therefore be it resolved, that Newberry County Council, by this resolution, recognize and honor Sheriff Lee Foster for his outstanding career in law enforcement and congratulate him on being named the 2024 South Carolina Sheriffs' Association Sheriff of the Year.”

- Mr. Shealy made a motion to accept the resolution; Mr. Fulmer provided the second and the motion was approved 6-0.
- Mr. Johnson said they have been through so much together and served together, their boys are a day apart and their girls are a month apart and every time he looked around he and his family have been there for him and stood with him and helped him and he is blessed beyond measure to call him his friend and brother in Christ. He added it is his honor to present this resolution.
- Sheriff Foster paraphrased Wayne and Garth from *Wayne's World*, “I'm not worthy.”

5. Proclamation honoring Peace Officers Memorial Day.

- Mr. Johnson read the proclamation as follows: “Whereas, Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day; and Whereas, the members of the Newberry County Sheriff's Office play an essential role in

safeguarding the rights and freedoms of the citizens of our community; and Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of law enforcement officers, and that law enforcement officers recognize their duty to serve the people of this community, by protecting them against violence and disorder; and Whereas, the law enforcement officers of the Newberry County Sheriff's Office provide a vital public service; Now, therefore, Newberry County Council hereby proclaim May 15, 2024, as *Peace Officers' Memorial Day* in memory of those law enforcement officers, who through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and to honor those law enforcement officers presently serving the community."

- Mr. Sease made a motion to publish the proclamation; Mr. Reeder provided the second and the motion was approved 6-0.

6. Proclamation honoring National Correctional Officer Week.

- Mr. Johnson read the proclamation as follows: "Whereas, National Correctional Officers and Employees Week was first proclaimed on May 5, 1984, by President Ronald Reagan when he signed Proclamation 5187 creating "National Correctional Officers Week," to recognize the men and women who work in jails, prisons, and community corrections across the country; Whereas, National Correctional Officers and Employees Week became the official name when in May 1986, the U.S. Senate officially changed the name from "National Correctional Officers Week"; Whereas, National Correctional Officers and Employees Week has been designated as the week of May 5 through May 11, 2024, by the U.S. Department of Justice and the Federal Bureau of Prisons; Whereas, National Correctional Officers and Employee Week honors the work of Correctional Officers and

Correctional Personnel for their service with honor, respect, and integrity; and raises the awareness of the duties, hazards, and sacrifices made by correctional employees; Whereas, National Correctional Officers and Employees Week in Newberry County recognizes correctional officers and employees for their role in safeguarding the citizens of Newberry County by providing safe, secure, and humane incarceration of offenders within their custody. Now, therefore, Newberry County Council hereby proclaims the week of May 05, 2024, through May 11, 2024, as *National Correctional Officers and Employees Week.*"

- Mr. Shealy made a motion to publish the proclamation; Mr. Scurry provided the second and the motion was approved 6-0.
- Sheriff Foster thanked council for both proclamations and said it means a lot to those who work in the jail division and in the NCSO. He added that today (May 15) was actually Law Enforcement Memorial Day, recognizing law enforcement officers killed in the line of duty. There is a monument on Judiciary Square in Washington, D.C. that commemorates the officers that were killed in the line of duty and there are several from Newberry County. Sheriff Foster said that unfortunately, he had to participate in that one time when Sgt. Larry Bragg was killed shortly after Sheriff Foster took office. Sheriff Foster said Sgt. Bragg was an excellent officer and if he had survived, there is no telling where he would have gone in this profession. He added that he was honored to have participated and put his name on the wall, a very somber moment.
- Sheriff Foster encouraged anyone, if they are ever in D.C., to visit the monument.
- Sheriff Foster said this year, they will add Lt. Michael Wood, a Newberry City police officer killed in the line of duty last year.
- He added that it is very important to recognize the day, and it is a very sacred day for law enforcement on May 15 and thanked

Newberry County Council, Administrator Jeff Shacker, and staff for doing this.

7. Ordinance No. 04-03-2024. An Ordinance regulating public nuisances and unfit dwellings within Newberry County and providing procedures for enforcement and penalties for violation and matters related thereto.

- a. Third Reading.

- Mr. Johnson said the only update was that there were some questions during the public hearing of the ordinance and those questions have been answered both to the individual and to Newberry County Council.
- Mr. Shealy made a motion to accept third reading; Mr. Sease provided the second.
- Mr. Johnson said this will be just living and breathing, the county is in new territory and if they find out something in the ordinance is not working, they will come back and fix it. He added even though this passes tonight, and he thinks this is an incredible step forward for Newberry County, he thinks it will be living, breathing and an evolving product they will keep working on. He said he knows everyone on council joins him in that thought process.
- The motion was approved 6-0.

8. Ordinance No. 05-01-2024. An Ordinance acting on a request to amend the official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling eleven and seventy hundredths (11.70) acres

designated as TMS No. 336-3 from GC-General Commercial to Ind-Industrial.

a. Public Hearing.

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

b. Second Reading.

- Mr. Shacker said this track is located on the northeastern quadrant of Highway 121, I-26 interchange, the track is about 84 acres in size and this ordinance would only be rezoning 11.7 acres of it. The closing and the subdivision of the property for the proposed asphalt plant is contingent on this rezoning. Once approved by council, the subdivision of the property would be administratively approved and the project could move forward.
- Mr. Shealy made a motion to accept second reading; Mr. Reeder provided the second and the motion was approved 6-0.

9. Ordinance No. 05-03-2024. An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, for the Newberry County budget for County Ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year,

and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.

a. Public Hearing.

- Mr. Tyler Johnson said he had three suggestions he'd like to bring forward. The first, he said, with the raise in taxes, it was suggested it was to offset the raises for the county employees getting a standard percentage raise, he'd like to suggest the county not do a percentage but a lump sum because by doing percentages, they'd be widening the pay scale for the county and making it further between the employees rather than shifting them all upward because if you do it by percentage, you have an employee making \$30,000 they are only going to get \$1,200 bump with the four percent, but a \$60,000 would get a \$2,400 bump, and that is widening that pay gap between employees. The second suggestion would be, going forward, the county looks at impact fees for development and people moving into the county to help offset future raises in taxes for the county citizens that have been here and been paying, they'd like to see something where those coming in would have to pay their fair share because the added use from those would be what the infrastructure would really be being upgraded for. The third suggestion, be conscientious of ad valorem fee-in-lieu of taxes because once those are granted they are locked in, and the county spends a fair share of the county budget that get those, and they're locked in.
- Mr. Johnson said a question he had was an explanation of the non-departmental salary adjustments in the revenue which he assumes are for the pay raises and he was just wondering because it

wasn't moved into each itemized budget and wanted clarification on that.

b. Second Reading.

- Mr. Sease made a motion to accept second reading; Mr. Scurry provided the second.
 - Mr. Johnson abstained from anything related to Nicholson Business Systems and WTH Technology but voted on the budget other than those two subservient line items down into the budget.
- The motion was approved 6-0.

10. County Council may take action(s) following executive session on matters discussed during executive session.

- There was no action taken.

11. Appointments.

- There were no appointments.

12. Public Comments.

- There were no public comments.

13. Comments/Requests from County Administrator.

- Mr. Shacker answered the question that was raised during the public hearing on the budget. He said the

practice in Newberry County has been to budget a percentage of payroll for salary increases and then council, at a later date, authorizes the distribution of the money, whatever the formula is. He said he thinks that is a good way of doing it because if there is a merit basis for the raises, performance is not going to be consistent across departments, so you are not able to, through a budget adjustment, move the money amount needed in each department to fund those increases.

14. Comments/Requests from Council.

- Mr. Sease reminded everyone of the upcoming Ag+Art Tour (May 18-19).
- Mr. Shealy thanked everyone for all they do and thanked Sheriff Foster for the many years of service and hope he continues.
- Mr. Fulmer reiterated what Mr. Shealy said, and that it was fitting that they recognized long-term employees, their accomplishments and dedication to the county, as well as law enforcement officers, correctional officers and fitting that they recognize them and dedicate a week to their service. He personally thanks each and every one of them, including employees and staff within the county.
- Mr. Johnson said their thoughts and prayers go out to Mr. Hipp who could not be at the meeting due to a virus and if it is like what he had last week, it is pretty rough.

15. Future meetings:

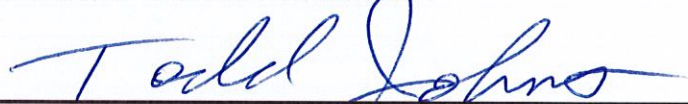
- a. Public Safety and Courts – May 20 at 6 p.m.

- Mr. Johnson is unable to attend, and Mr. Scurry will stand in for him.
- b. Memorial Day – May 27 – Offices Closed.
- c. Newberry County Council Work Session – June 5 at 5 p.m.
- d. Newberry County Council Meeting – June 5 at 6 p.m.
- e. Executive Committee – June 10 at 6 p.m.

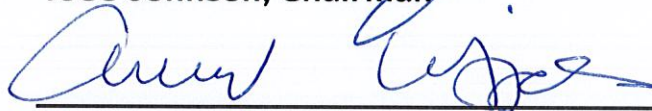
16. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Fulmer provided the second and the motion was approved 6-0.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 6-05-24