



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
February 7, 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 Minutes – January 17, 2024.
 - b. Newberry County Council Meeting Minutes – January 17, 2024.
2. Additions, Deletions & Adoption of the Agenda.
3. Public Appearance:
 - a. Newberry Soil and Water Conservation District – Mark Kiser, Secretary.
 - b. Newberry County Family YMCA – Scott Sandor, Executive Director.
4. Consideration and approval of proposals for Financial Software System for General Ledger (RFP# 2023-17).
5. Ordinance No. 01-01-2024. An Ordinance to provide for the determination of salaries for county appointed officials other than those appointed by County Council or the County Administrator, and to provide for the regular evaluation of salaries for such officials.
 - a. Public Hearing
 - b. Second Reading
6. Ordinance No. 02-01-2024. An Ordinance to adopt the Newberry County 2023-2033 Comprehensive Plan as mandated by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended; and to provide for the repeal of all prior Comprehensive Plans and Ordinances.

a. First Reading

7. Consideration of a motion to authorize the County Administrator to execute an agreement with the City of Newberry providing for the disbursement of capital project sales tax proceeds to reimburse the City of Newberry for incurred eligible project expenditures and/or for direct payment of eligible project costs upon the availability of bond proceeds and/or sales tax proceeds.
8. Consideration of a motion to authorize the County Administrator to execute a Memorandum of Agreement with Newberry Electric Cooperative, Inc. granting access to property for the purposes of inspection and due diligence.
9. Appointments.
 - a. Newberry County Board of Rural Fire Control – Chief Michael Parker, Silverstreet.
10. Public Comments.
11. Comments/Requests from County Administrator.
12. Comments/Requests from Council.
13. Future meetings:
 - a. Economic Development Committee – February 12 at 6 p.m.
 - b. Presidents' Day Holiday – Offices Closed – February 19.
 - c. Newberry County Council Work Session – February 21 at 5 p.m.
 - d. Newberry County Council – February 21 at 6 p.m.
 - e. Executive Committee – February 26 at 6 p.m.
14. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
January 17, 2024**

Newberry County Council met on Wednesday, January 17, 2024, at 5:02 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 N. 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
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
Andrew Wigger, Clerk to Council/PIO

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 5:02 p.m.

1. Review and discussion of the revised Property Maintenance and Nuisance Codes.

- Mr. Shacker said Ms. Werts and he worked on revising the draft nuisance ordinance, working from the third reading. He further explained that they pared the ordinance down to identify some of the lowest common denominators of conditions and activities that the county wants to try and address.

- Mr. Shacker further explained that they focused on dilapidated structures that are not safe for human occupation and excessive accumulation of rubbish.
- Under Section 157.002, Definitions, the following were struck out: Abandoned/Junk Vehicle, Junk Vehicle, Vegetation, Vehicle. Under the definition of Outdoor Storage, the terms “disassembled, inoperable, or unlicensed vehicles,” and “or vegetable” were removed.
- Under Section 157.003, Public Nuisance Identified, the following subsections were removed, revised or added:
 - Subsection A, addressing abandoned vehicles, was completely removed.
 - Subsection F, addressing noxious and excessive accumulation, had the following removed, “or vegetable” and “farm implements.”
 - Subsection G, addressing materials causing odorous gases, was completely removed.
 - Subsection H, dealing with dead, damaged, diseased trees or limbs, was completely removed.
 - Subsection I, dealing with weeds and overgrowth, was completely removed.
 - Mr. Reeder said, if someone has a house with overgrowth, that is a nuisance to him. Mr. Shacker said if that is something council wants to put back in, they can.
 - Subsection K, dealing with manufactured items, had the term “building materials” removed.
 - Subsection L, addressing lumber and building supplies, was completely removed.
 - Subsection O, addressing swimming pools, was completely removed.
 - Mr. Johnson asked about stagnant water, which is addressed in subsection N, saying a lot of people have some kind of stagnant water due to the recent weather and is there a time limit? Mr.

Shacker said they can work on that and get a little bit more creative with the wording or may strike it completely.

- Mr. Sease asked if the drainage has not been cleaned out by DOT or county and if it is causing a backup, who is at fault then? Mr. Shacker said they would identify that through the process and the homeowner would not be held at fault.
- Subsection P is an addition that addresses structures needing working electrical, water and sewer/septic services. If utilities are not present or are in working order, a structure will be classified as unsafe and uninhabitable.
 - Mr. Sease said he thinks this was needed as he has been to some properties that didn't have working utilities and it was not good for people living around them.
- Under Section 157.004, General Requirements, under Subsection A, the following terms were removed, "grass, weeds, undergrowth" and "stagnant water."
- Mr. Shacker said what they did in total was shaving the ordinance down based on Newberry County Council's feedback and the public's feedback. He said this is an ordinance that could be a work in progress in the future.
- Mr. Fulmer addressed Section 157.005, Exceptions, Subsection A, which deals with agriculture purposes. He said he would like to go further and include "activities" to the exceptions. He said one of the most common complaints is the spreading of manure, which is more environmentally friendly, but is a common complaint.
- Mr. Fulmer said his major concern was how does the county implement this ordinance. He said these structures are probably owned by individuals who probably don't have the funds to do anything with those structures. He said if they are

taking the stance to levy fines, these individuals may not have the ability to pay the fines.

- Mr. Shacker said one of their goals was to use the provision in the ordinance for correction agreements to meet with residents and come up with a plan to address the major issues and concerns to bring the property up to minimum standards.
- Mr. Reeder said he knew they talked about pursuing grants to take care of the issues themselves. Mr. Shacker said he believes that may be an option.
- Mr. Shacker further explained that sometimes you do hit brick walls, and a violation becomes a summons that goes to court with fines associated.
- Ms. Werts said if a structure is being lived in with utilities, that is on them, but this ordinance was more for structures being used for drug activities. She said if residents are living there with active utilities, those properties would not be a focus of staff.
- Mr. Fulmer said he knows three locations that he gets calls on a lot, where the power is on one week off the next and all kinds of trash on the properties. He said he questions if they did levy a fine against them for that trash and debris, that when they get a bill in the mail it'll just go on top of the pile. He said he understands the need to eliminate these types of issues, but how are they going to do it.
- Mr. Shacker said the only penalties that could be added to the ordinance is the standard summary court penalty of 30 days in jail. However, that was taken out at the direction of council.
- Mr. Shacker said he thinks the current draft of the ordinance is a good starting point and later, if council wishes to add further requirements, they can.
- Mr. Johnson said in the previous ordinance they had something to address the historic value of the property

as well, and wanted to confirm that was addressed. Ms. Werts said that was still in the ordinance.

- Mr. Johnson said while he thinks the ordinance needs some changes, he thinks this is the lowest common denominator to start with.
- Mr. Reeder asked about putting a law like this on taxes. Mr. Shacker said there is some disagreement out there on this. He said that it appears counties have home rule authority to perform code enforcement and to collect code enforcement liens in the same manner as taxes. However, unlike for municipalities, there is no specific statutory authorization for counties to collect code enforcement liens in the same manner as taxes.

2. Executive Session:

a. Contractual Matter(s):

- i. Discussion of matters related to the purchase of financial / enterprise resource planning software pursuant to SC Code of Laws Section 30-4-70(a)(2).

b. Legal Matter(s):

- i. Discussion of matters related to Newberry County's local floodplain management program and participation in the National Flood Insurance Program pursuant to SC Code of Laws Section 30-4-70(a)(2).
- Mr. Shealy made a motion to go into Executive Session; Mr. Sease provided the second and the motion was approved 7-0. Newberry County Council went into Executive Session at 5:31 p.m.
- At 6:05 p.m., Newberry County Council came out of executive session after Mr. Shealy made a motion, seconded by Mr. Scurry, and was approved 7-0.

- Mr. Johnson said Newberry County Council met in Executive Session for the aforementioned reasons and no action was taken.

3. Adjournment.

- Mr. Fulmer made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 7-0 at 6:05 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
January 17, 2024**

Newberry County Council met on Wednesday, January 17, 2024, at 6:05 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
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
Karen Brehmer, Deputy County Administrator
Captain Ben Chapman, NCSO
Debbie Cromer, Finance Director
Major Robert Dennis, NCSO
Beth Folk, Clerk to Court
Laura Kneece, Coroner
Donna Lominack, Auditor
Tommy Long, Emergency Services Director
Liz McDonald, Assessor
Eric Nieto, I.T. Director
Karen Lindler Smith, Treasurer
Katie Werts, Director of Planning and Development Services
Brandon Wicker, Emergency Services Coordinator
Andrew Wigger, Clerk to Council/PIO

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 6:05 p.m.

Mr. Scurry led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – January 3, 2024.
- b. Newberry County Council Meeting Minutes – January 3, 2024.
- c. Newberry County Public Safety Committee Minutes – January 8, 2024.
 - Mr. Shealy made a motion to adopt the minutes as presented; Mr. Reeder provided the second and the motion was approved 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Shealy provided the second and the motion was approved 7-0.

3. Recognitions:

a. Employee Service

- i. Sheriff Lee Foster 35 years -- Sheriff
 - Mr. Shacker recognized Sheriff Foster for his 35 years of continuous service to Newberry County, highlighting his accomplishments and pivotal moments while working for Newberry County.
 - Mr. Shealy said to Sheriff Foster, spectacular job.

- Mr. Reeder said that Sheriff Foster is always there when you need him and is always on time.
 - Mr. Johnson said he didn't have words, and that Sheriff Foster took a chance on hiring him and that working for the sheriff was one the greatest blessings of his life. He said they raised their kids together, they've been there in good times and bad times, maternity wards, and cemeteries, but they've loved each other through every minute of it. He said there is not a finer man than Sheriff Foster and he loves him as a brother, Brother in Christ and as sheriff of Newberry County.
4. Ordinance No. 12-01-2023. 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. 6-11-16 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 one and twelve hundredths (1.12) acres designated as TMS No. 399-56 from R2-Rural to GC-General Commercial.
- a. Third Reading
- Mr. Johnson said there were no changes to the ordinance, as notified by staff, and no calls or contacts about the ordinance.
 - Mr. Sease made a motion to approve the third reading; Mr. Shealy provided the second and the motion was approved 7-0.
5. Ordinance No. 12-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of *Ad Valorem* Taxes and incentive agreement by and between Newberry County, South Carolina, and *Project Palmetto* to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.

a. Third Reading

- Mr. Hipp made a motion to approve the third reading; Mr. Sease provided the second and the motion was approved 7-0.

6. Ordinance No. 01-01-2024. An Ordinance to provide for the determination of salaries for county appointed officials other than those appointed by County Council or the County Administrator, and to provide for the regular evaluation of salaries for such officials.

a. First Reading

- Mr. Shacker said the proposed ordinance would adjust the system of compensation for appointed officials, not appointed by Newberry County Council or the county administrator. There are three job classes that fall in that category and five employees in those classes: the three magistrates, the director of veteran's affairs, and the director of voter registration and elections.
- This ordinance will alter the salary progression for those positions. The current schedule has officials in those three classes of employment beginning their tenure at 80% of the maximum salary. At the end of every third year, their salary increases by 5% until they reach the maximum salary. Also, the maximum salary receives an inflationary adjustment.
- This ordinance proposes to reduce the length of time between steps from the current three years to two years and makes the schedule for appointed officials consistent with the salary progression for the county's six elected officials.
- Mr. Hipp made a motion to approve the first reading; Mr. Fulmer provided the second.
- Mr. Shealy said he did not have a problem with the proposed ordinance because it aligns the appointed

officials with the elected officials. However, he stressed that the county needs to revisit the compensation study that was started for other Newberry County employees.

- The motion was approved 7-0.

7. Consideration and approval of proposals for Financial Software System for General Ledger (RFP# 2023-17).

a. Crystal Waldrop, Director of Purchasing.

- Ms. Waldrop said that they had five firms submit responses to the solicitation for the financial software system for the general ledger, each firm provided a demonstration of their software to the evaluation team which consisted of Karen Brehmer (Deputy County Administrator), Debbie Cromer (Finance Director), Eric Nieto (IT Director), Jeff Shacker (County Administrator), Karen Lindler Smith (Treasurer) and herself.
- At the conclusion of the demonstrations, the evaluation team members independently scored the vendors based on the evaluation criteria contained in the solicitation. Scores were compiled by Ms. Waldrop and the ranking was based on their composite scores and the ranking was as follows: 1. Tyler, 2. Oracle, 3. Edmunds, 4. Springbrook, 5. Aclarian.
- Following the evaluation process, Tyler demonstrated their software a second time.
- Ms. Waldrop said several staff members and committee members reached out to other entities that use Tyler's Munis system for their general ledger, which further affirmed the committee's selection of Tyler as the top ranked firm.
- Ms. Waldrop said several factors led the committee to recommend Tyler to council such as:
 - Tyler has 36+ years solely focusing on public sector financial software, as well as other software applications for the public sector, such as payroll/HR, licensing and permitting, work orders and others.

- Tyler's Munis software appears to have the most user friendly and clean layout.
- Tyler's solution is web-browser based and displays consistently on browsers for Android and Apple devices.
- Tyler's solution converts requisitions to purchase orders, as well as allowing the departments to upload documentation to support requests and invoice processing. It has the ability to track warranties on equipment as well.
- Departments will have the ability to monitor their budgets within the software and the software will allow finance staff to grant permissions to department heads and other members of staff for different stages of the workflow.
- Vendors can obtain access to register and upload invoices.
- Tyler's has a large support division with a 24/7 help desk and a support staff of over 1,200 employees. Tyler offers single-day conferences in Columbia for users of their software, at no additional cost.
- Tyler's integration with the county's current property tax software, payroll software, network, and devices, such as printers and scanners, is expected to be seamless.
- Ms. Waldrop then indicated that the Evaluation Committee's recommendation to council is that they approve the selection of Tyler's Munis software and that council authorize staff to begin contract negotiations with Tyler.

b. Karen Lindler Smith, Newberry County Treasurer.

- Ms. Smith provided a packet to each member of Newberry County Council.
- Ms. Smith said as Newberry County's elected treasurer, she is requesting PublicQ Springbrook be the software company for the Treasurer's Office.

- She said PublicQ, now Springbrook, has been the county's software provider for the Treasurer's Office for almost 40 years and their office is in Spartanburg. She said they are proactive in attending SCATT, South Carolina Auditors, Treasurers and Tax Collectors, workshops. The workshops are not free and are provided by the Department of Revenue throughout the year. They also attend workshops by the Department of Motor Vehicles and the Department of Natural Resources throughout the year. By keeping up with the agencies, PublicQ knows about the law changes before the county knows, she said. For all these years, PublicQ has updated all the necessary changes to the system to accommodate all law changes affecting the county. Ms. Smith said this gives her great confidence in PublicQ and she trusts PublicQ.
- Ms. Smith said there are other advantages and asked council to refer to the first handout in the packet she provided. She further said these are her personal opinions of the advantages of Springbrook.
 - Attends all agencies workshop meetings, DOR, DMV, DNR to stay in compliance with the S.C. Laws. Taking many hours a year.
 - Works well with DMV and DNR, treasurer issued DMV decals.
 - The integration between Tax Software and Springbrook Cirrus Software will automatically create the General Ledger entries and bank reconciliation.
 - Works well for banking entries, positive pay.
 - Working with one vendor for both modules.
 - Allows files to be attached directly to application records.
 - Bank recon provides tools to track and maintain the relationship between an organization accounting and bank records.
 - Clears checks or deposits that have cleared the county's bank accounts.

- Cloud based solution will enable Newberry County to improve services to citizens, protect county and citizen data from ransomware attacks.
- Has its own backup and recovery system monitoring Newberry County's cloud environment. They often know of an issue before the county could identify a problem.
- Provides critical reports with powerful reporting.
- Can completely run Newberry County from one fully integrated platform.
- 33 counties in South Carolina use PublicQ Springbrook.
- Been in business in South Carolina for 30 years and has a local office in Spartanburg.
- Software ease of use.
- Feasibility of cost which is considerably less than other bidders.
- Ms. Smith said she feels safe with Springbrook.
- Ms. Smith further said that many counties trust Springbrook. She said there are 46 counties in South Carolina and 33 of them use PublicQ tax software, with 14 counties having PublicQ General Ledger. She said there are five counties currently updating to Springbrook Cirrus and only two counties have Tyler Technologies for their treasurer's office general ledger. She added that there are 14 counties where the treasurer and finance have different vendors: Marion, Lexington, Spartanburg, Laurens, Richland, Pickens, Dorchester, Bamberg, Oconee, Aiken, Saluda, Calhoun, Marlboro, and Anderson.
- Ms. Smith said she wanted to clear up a misunderstanding that Springbrook is not abandoning the county and referred council to handout two. She said the reason is that Microsoft no longer supports the SQL of the old S-Series. She said Newberry County was warned that they are at risk of losing their data without guaranteed recovery. She said this was a year ago and Newberry County took no action and records and data are in danger.

- Referring to handout three given to council, Ms. Smith said Newberry County is being notified due to Microsoft not supporting the S-Series of SQL server. PublicQ Springbrook is having to sunset the S-Series application July 1, 2024. She told council that this is Newberry County's fault as they never updated the software version. She said this is not PublicQ Springbrook's fault and they did not abandon Newberry County. She said she was told last year to not request this in the Treasurer's budget because they were going to be doing something soon. She said it has been going on before the letter dated almost a year ago. She said they have talked about updating over the last few years, but never acted on it. She said Newberry County poses serious trouble if they don't act now.
- Referring to handout four given to council, she said this is a law, Section E and F of S.C. Code of Law 56-2-2740 governing the DMV decal fees the Treasurer's Office collects. She said per the law, the treasurer has control over the decal fees collected. She said she always turns over the funds not used to issue the decals to the General Fund. She said the prior county administrator took those fees from her and now it all goes to the General Fund. She said she turned over \$35,000 last year and this money should have been left per the statute for the treasurer to use to print the decals and anything else associated with issuing decals. She said if the software needs updating, she can use that money for this purpose. She said she can use the one-dollar fees collected and pay for the upgrade to PublicQ Springbrook Cirrus.
- Ms. Smith requested council approve Springbrook software application, the administrator sign the contract and proceed. She said she can pay for this and PublicQ can start immediately and have the software converted and running by July 1, 2024.
- Referring to handout five, she said this is the cost of the conversion of Springbrook Cirrus. She said Springbrook Finance Software has the capability to export a file to the General

Ledger entries on a daily or monthly basis which can be imported into a third-party finance system. The file created can be exported to several different formats and allows for 18 segments with the length of six characters. She said what she wanted to do was change over to Springbrook update and she is willing once a day to export her file to the administrator, whomever they choose, and there is not a fee for that.

- Ms. Smith said she found out today, that if taxes are going to stay on QS1 and if she goes to Tyler, which she is opposed to, there is a fee for QS1 to export the taxes to Tyler for her then they'd go on to the administration office and she believes that was \$5,000 to \$6,000.
- Handout Seven involved Ms. Smith's concerns with lawsuits. She said there are a massive amount of lawsuits against Tyler Technologies. The case she presented to Newberry County Council was from Lexington County and she said after eight years of trying to get Tyler Technologies to work for the Treasurer's software, they failed.
- Ms. Smith said she wanted to go on record to council and the public that her request to update the tax software with PublicQ Springbrook as Newberry County tax software. She said she has funds available, and she will do her job. She said she does not want nor trust Tyler Technologies and that they are more finance, accounts payable, purchase orders. She said she sat through two demonstrations and hardly ever mentioned treasurer, if any.
- She asked council to consider all the data she has submitted to them and allow the administrator to sign the contract with PublicQ Springbrook for upgrading the Treasurer's tax software. She said Newberry County taxpayers need them to be prudent with spending their tax dollars.
- Mr. Johnson asked Ms. Smith if it was a manual interface, adding that you are exporting it out to a file, so the other vendor has to pick that up and is not something seamless that happens. Ms. Smith said it is not immediate, Mr. Johnson

further asked does someone have to touch it on both sides. Ms. Smith said, as far as she knows, they download it, and it goes to the Administrator Office. She said they must use the same account numbers and she is willing to work with that.

- Mr. Johnson asked if the county selects a different vendor for financial software, will Springbrook charge the county for its data. Ms. Smith said the taxes are going to stay with QS1 and if they go with Tyler, QS1 will charge to get the data from QS1 Taxes to Tyler. Mr. Johnson said he has a problem with software charging people for their data in general. Ms. Smith said if she stays with Springbrook, the QS1 data will roll over to her, no charge.
- Mr. Johnson said in full disclosure that was something he asked Mr. Shacker to find out from the vendors. He doesn't think it is right for the people of this county to pay to get their own data back.
- Ms. Smith said she found out recently that the general ledger will be export/import whether you go with Springbrook or Tyler. Mr. Johnson asked if that was automated or manual. Ms. Smith said that is automated. Mr. Johnson then asked if it would function "lights out" and if Ms. Smith was certain of this. She responded "yes," and said that she will take full responsibility if it doesn't, and that she has talked to Springbrook, and they agree.
- Ms. Shealy asked Ms. Waldrop if she had time to review the packet Ms. Smith provided to council. Ms. Waldrop said that a copy of the packet that Ms. Smith distributed to council during the meeting has not been shared with her.
- Mr. Sease asked if Tyler has most of the same capabilities as Springbrook. Ms. Smith said she does not know. She also responded that Tyler does not do taxes at all and that the lawsuit in Lexington related to that fact.
- Ms. Marlene Spurgen said she had an opportunity to look at the evaluation published with the agenda that morning. She said she reviewed it and researched the five companies through

their website and reviews. She said she is not recommending anything just bringing to light things she saw in the evaluations and things she saw on their websites. Regarding Mr. Shacker's evaluation page, which had the pricing of the proposal, she said Tyler has the highest price, 28% more than the next lowest price, there are three in the middle of the pack and then Springbrook is the lowest, which she says is much lower than the three in the middle of the pack. Ms. Spurgen said she worked for a number of years in the commercial construction industry, with open bidding being general practice. She said normally the bid would go to the low bidder, with the exception if it was too low compared to the other bids. The three bids in the middle were very close together and two of those companies are very well-known companies, one doing business for over 50 years with governments like Newberry County, that being Edmunds. Oracle has been in business a whole lot longer than that and has produced many types of software for different types of businesses. She said in any bidding process, one of the first rules they learned in construction was throw out the low bid because they probably left something out, the high bid is the one trying to make you pay for his past mistakes. She said when she looked more closely at the evaluation, because there is a rift between what the Treasurer's Office wants and what Administration wants, she discovered there is one software out there that all six members of the committee put in their ranking that brought that close to Tyler, in terms of the total scoring from each member of the committee and what she would like the council to consider is tabling their vote tonight until they can sit down with Karen Smith and the others on the committee to try to resolve the differences of opinion and determine which of the software programs will work for all. She said looking at all of them, except Aclarian, they all can interface with other programs seamlessly, they all have cloud-based capability to reduce the amount of hardware necessary to maintain. She

would like to see county government work efficiently and effectively together, compromising to select the right company at the right price that all members will feel comfortable with. She said taxpayers do not want to see their dollars wasted, saying council members have their work cut out for them on this proposal.

- Mr. Johnson previously asked Mr. Shacker to check on a couple of things, including the ownership of the data, and asked him what he find out. Mr. Shacker responded that Tyler confirmed that the county would own its data.
- Mr. Johnson then asked Mr. Shacker about the customer service issues that were reported and if he was able to speak to customers of Tyler. Mr. Shacker said that staff requested a complete list of municipal and county customers in South Carolina and that staff then contacted those cities and counties. Mr. Shacker said that it was a mixed bag. Some acknowledged they ran into customer service issues, primarily during the pandemic, and that Tyler themselves were upfront about the customer support service issues that they experienced during that period. They were dealing with the Great Resignation (losing employees), and they went to remote work, which sometimes results in issues. On the other side, Tyler's clients lost employees during the pandemic, which led to more customer service calls and that higher volume of requests further impacted the quality of Tyler's customer support services. Tyler's clients indicated that those issues have now improved. Mr. Shacker said that the customers he spoke with are now largely satisfied with Tyler's customer service and that they mentioned features that he did not recall in the presentation which help clients better utilize the software. Mr. Shacker said something else that impressed him, regarding Tyler, is that they allow each user to have a customer service user account, with their own ID, for responses, updates and follow ups.

- Mr. Hipp asked if all the companies demonstrated their product or only certain ones. Mr. Shacker said that all companies presented their product to the committee.
- Mr. Hipp asked if the county went with Tyler, are there other software packages this would replace. Mr. Shacker said that Tyler would replace the county's current General Ledger software. It would not replace the county's tax software. The county will still use QS1 for it. It will not replace the county's HR and payroll software. The county currently uses ADP. However, Tyler offers a module for payroll and HR. Mr. Hipp followed up by asking did other companies offer similar modules. Mr. Shacker said Edmunds did but couldn't recall the others. Mr. Shacker said that unfortunately the county currently does not have specialized software for many of its processes.
- Mr. Shacker said there is no question that Tyler is the most expensive of the five software proposals. However, a good portion of that higher cost is the upfront cost to cover the training and configuration, which will allow the county to make good use of the capabilities of the software.
- Mr. Sease asked when you looked at Tyler versus Springbrook, if Tyler had more functions that serve the whole county and could Springbrook serve the whole county or just the Treasurer's Office, and if that was the difference in cost. Mr. Shacker said he didn't know if he could entirely speak to Springbrook's capabilities from memory, but that they may have had some of those same capabilities. However, the committee concluded that Tyler has been in the business longer and has been providing a cloud-based solution longer and that Tyler's product showed that.
- Mr. Johnson then asked Ms. Smith if she could speak to what Springbrook offers. Ms. Smith said she thinks they were basically about the same, with Tyler being more Cloud based. She said out of the two treasurers she found that

had it, one appointed and one elected, they were very new and said don't mention their names. One said Tyler was very difficult and the other said to post a check it was seven steps. Mr. Johnson said they were asking more about features, and Ms. Smith said they were about the same.

- Mr. Sease asked Ms. Smith how many steps it takes to write a check with Springbrook, Ms. Smith said about two.
- Mr. Hipp said when they had a demonstration and that was asked (posting a check), and the Tyler representative disputed that, and they said it was three steps.
- Mr. Hipp said normally, when council receives a recommendation from staff it comes with only one recommendation. However, in this case, they are receiving conflicting recommendations. He said he looked at how the grading was done. The IT director rated Tyler above the others, as did the purchasing director, the administrator, and the finance director. He said he does not think this body can decide on its own which software to select unless the council is prepared to receive demonstrations from all the vendors who submitted proposals. He said on one hand he cannot pick software when he has only seen one of the five products demonstrated and on the other hand, he supports administration and what they have unanimously decided with the exception of the Treasurer, and he supports her because she has a job to do. He said right now, he cannot vote to support either option because he doesn't feel he has all the information to do so without additional support.
- Mr. Johnson said this is something he campaigned on, unified software, however, he is in the software business and when you pick a company you are in it for the long haul. He said he thinks they are on the right track but more discussion and written documentation about what can be done seamlessly.

- Mr. Shealy said it may be good to have an independent party look at it and compare the software. Mr. Johnson said the problem with software is if you aren't using it, you don't know what it needs to do and what is not capable of doing.
- Mr. Sease made a motion to table the issue; Mr. Hipp provided the second.
 - Mr. Fulmer thanked staff for going through the effort to put everything together. He said he agrees with Mr. Hipp and Mr. Johnson that council should hold off on making a decision so that further discussion can occur. As far as the cost, that is something to be concerned with. However, in a situation like this, you must make sure you have the right software, and very often you get what you pay for. He said the evaluations that came back were strongly in favor of Tyler.
 - Mr. Hipp asked that the purchasing director, and staff, be provided with all the documents that were given to council by Ms. Smith, so that they can review the documents and understand everything that was presented.
- Ms. Smith said she would be glad to do so and expressed her desire to have council receive a demonstration from Springbrook. Ms. Spurgen said she hopes they will look at all the products.
- Mr. Johnson said they have to trust their staff to a little bit of the process, but he appreciates the input.
- Mr. Scurry asked if they are trying to pick one for the whole county or each department picks for themselves. Mr. Johnson said that was a valid question and that he would like the end goal to be the entire county communicating together financially and to see everything.
- The motion was approved 7-0.

8. Consideration of a motion to approve the purchase of 30 replacement firefighter air packs as recommended by the Public Safety Committee – Tommy Long, Emergency Services Director.

- Mr. Long said they presented this information to the Public Safety Committee, and they have 30 air packs that failed testing and that it would cost \$15,000 to repair those air packs. However, these air packs are at the end of their life expectancy. As a result, staff requested that council approve the replacement of those air packs, which totals \$299,653.50 (price good through Feb. 1, 2024).
- Mr. Fulmer said they certainly need to provide their volunteer firefighters with the equipment they need so they can safely do the job they are being asked to do, which is a tremendous service they provide on a volunteer basis.
- Mr. Johnson asked Mr. Shacker to speak to funding. Mr. Shacker responded by saying that staff has the pre-audit financial statements for FY2022-2023. Those statements show an approximate \$1.8 million contribution to the fund balance. Staff is recommending to council that it appropriate a use of fund balance in the current fiscal year to purchase the air packs with the understanding that the proposed use of fund balance is less than the contribution in the previous year.
- Mr. Sease made a motion to approve the purchase, Mr. Shealy provided the second.
 - Mr. Hipp requested that Mr. Long look into a rotating replacement schedule for these, knowing they must be replaced every so often, and they need to spread these out in the budget, so they know what they need to spend each year. Mr. Long said they are going to do that.
- The motion was approved 7-0.

9. Consideration of a motion to reimburse fire departments for the cost of purchasing replacement firefighter air packs in 2023 as recommended by the Public Safety Committee – Tommy Long, Emergency Services Director.

- Mr. Long explained that this request was for air packs which were previously purchased by Prosperity Fire Department and Consolidated #5 Fire Department. The two fire departments purchased air packs using their own funds. Both departments are now requesting reimbursement for the cost of those air packs.
- Consolidated obtained a grant to purchase the air packs. However, the actual cost of the air packs exceeded the amount of the grant.
- The requested reimbursement for Consolidated was \$6,203.18 and the requested reimbursement for Prosperity was \$35,852.28.
- Mr. Shacker then indicated that staff recommends the use of fund balance to cover the cost of the reimbursements.
- Mr. Shealy made a motion to approve the reimbursements; Mr. Sease provided the second and the motion was approved 7-0.

10. Consideration of a motion to provide matching funds for FY2023-2024 S.C. Forestry Commission Volunteer Fire Assistance Grants awarded to Bush River VFD, Chappells VFD, Little Mountain VFD, Prosperity VFD, and Whitmire VFD, as recommended by the Public Safety Committee – Tommy Long, Emergency Services Director.

- Mr. Long said each year, fire departments have an opportunity to apply for this forestry grant and five of the county's volunteer fire departments applied. He said they must spend \$10,000 in order to receive \$5,000 in grant

funds. There is already \$15,000 in this year's budget for matching grants pursued for the fire departments. Staff requested an additional \$9,562 to match the forestry grants.

- Mr. Fulmer and Mr. Johnson said that they think it is money well spent to secure the funding from these grants.
- Mr. Shacker indicated that staff can find the money in the current budget.
- Mr. Scurry made a motion to provide the matching funds; Mr. Reeder provided the second. The motion was approved 7-0.

11. Appointments.

- There were no appointments.

12. Public Comments.

- Mr. Theo Lane, with Duke Energy, said thank you for consideration of the second project in Newberry County. He said Mr. Bill Parr's property was great for solar development and this new one may be one of the best sites he's engaged with. He said thank you and that the staff was great to work with.

13. Comments/Requests from County Administrator.

- Mr. Shacker said they have several projects going on, the sidewalk project in Whitmire, CPST projects, and financial software. He said he appreciated council's input on the draft nuisance code.

- Mr. Shacker said they are working on the new budget and will be getting information to council as soon as it is available.

14. Comments/Requests from Council.

- Mr. Scurry said he prays that the county can come together to find out what is best for everyone.
- Mr. Reeder said it was a good meeting and they accomplished a lot and they have more to work on. He further thanked everyone who came out to the MLK program, and it was a good MLK this year.
- Mr. Sease thanked staff for doing a good job, putting together a great package, and demonstrating what software they came up with and Ms. Smith for doing her research and Ms. Spurgen for bringing things to light and they may need to look into.
- Mr. Fulmer said it is always a good day when they listen to everyone's opinions. He said they are all here for what is best for Newberry County, as a whole.
- Mr. Shealy said he appreciates the staff's hard work and not that they won't go with their pick but that it will be beneficial to take more time to make sure that the right software is selected.
- Mr. Johnson said he appreciates everyone's input and citizens who care enough to pick up the phone and call. He said he also appreciates the staff and their efforts.

15. Future meetings:

- a. Newberry County Council Work Session – February 7 at 5 p.m.
- b. Newberry County Council – February 7 at 6 p.m.
- c. Economic Development Committee – February 12 at 6 p.m.
- d. Presidents' Day Holiday – Offices Closed – February 19.

- e. Newberry County Council Work Session – February 21 at 5 p.m.
- f. Newberry County Council – February 21 at 6 p.m.
- g. Executive Committee – February 26 at 6 p.m.

16. Adjournment.

- Mr. Shealy made a motion to adjourn at 7:23 p.m.; Mr. Fulmer provided the second and the motion was approved 7-0.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Crystal Waldrop	Title: Purchasing Director
Department: Administration	Division: Procurement
Date Prepared: February 2, 2024	Meeting Date: February 7, 2024
Legal Review: n/a	Date:
Budget Review: yes	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Request for Proposal No.: 2023-17 Financial Software for General Ledger	

STAFF'S RECOMMENDED ACTION: Staff recommends the top-ranked firm, Tyler Technologies.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?	x	Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

SUMMARY DISCUSSION: The scope of work for this solicitation will be to implement a new financial software system for the finance department, to include purchasing, budgeting, capital assets, accounts payable, cash management, and project & grant accounting.

ADDITIONAL COMMENTS FOR CONSIDERATION: The evaluation committee, as well as several council members, participated in viewing demonstrations from Tyler. The other respondents to the solicitation also demonstrated their product to the evaluation committee staff, prior to the final evaluation recommendation. Staff reached out to SC clients who currently have Tyler, for feedback and input in the system from implementation to their support response.

ATTACHMENTS: Evaluation sheets from evaluation committee and members.

2023-17 RFP Financial Software System for GL									
Evaluation Committee									
Vendor	Brehmer	Cramer	Undler-Smith	Shacker	Nieto	Waldrop	Average		
Acclarian	74	74	28.5	70	79	69	66		
Edmunds	81	78	62	80	82	71	76		
Oracle	87	92	34.5	84	86	83	78		
Springbrook	77	77	94	73	82	57	77		
Tyler		95	63	85	94	93	86		

**Newberry County
Administration**

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



Agenda Item Briefing

Subject: Appointed Officials Salary Progression

Prepared By: Jeff Shacker

Title: Ord. No. 01-01-2024 - Appointed Officials Salary Progression

Department/Division: NA **Date Prepared:** 1/12/2024

Legal Review _____ **Date:**

Finance Review: _____ **Date:**

Administrator Review: _____ JSS **Date:** 1/12/2024

Requested meeting: ☐ Committee ☒ County Council

Meeting Date: Wednesday, February 7, 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 respectfully requests that council give second reading approval to Ordinance No. 01-01-2024, which will adjust the system of compensating appointed county officials who are appointed by authority other than County Council or the County Administrator. There are three job classifications that fall in this category. They are the county's Veterans Affairs Officer, Voter Registration and Elections Director, and Magistrate. Ordinance No. 01-01-2024 will amend the system of compensating Appointed Officials such that the salary progression schedule for Appointed Officials is consistent with the salary progression schedule for Countywide Elected Officials. Should council approve the proposed ordinance, the step-up compensation for the three job classifications governed by this ordinance will follow the same schedule as the current step-plan for elected officials. That schedule is as follows:

<u>Years of Service</u>	<u>Percentage of Maximum Salary</u>
Years 0 – 2	80% of the Maximum Salary
Years 3 – 4	85% of the Maximum Salary
Years 5 – 6	90% of the Maximum Salary
Years 7 – 8	95% of the Maximum Salary
Years 9 & On	100% of the Maximum Salary

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: There will be no immediate fiscal impact of the proposed change and only minimal impact in future years. This is because currently the county has five Appointed Officials whose compensation would be in part governed by this ordinance. One of those positions is vacant (Elections Director), two are occupied by officials with less than two years of service in their respective positions (Veterans Affairs Officer and one of the county's three Magistrates), and the remaining two (two Magistrates) are tenured employees who are already compensated at the current maximum salary for their position.

SUMMARY DISCUSSION: NA

ADDITIONAL COMMENTS FOR CONSIDERATION: NA

ATTACHMENTS: Please find Ordinance No. 01-01-2024 attached.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 01-01-2024

AN ORDINANCE TO PROVIDE FOR THE DETERMINATION OF SALARIES FOR COUNTY APPOINTED OFFICIALS OTHER THAN THOSE APPOINTED BY COUNTY COUNCIL OR THE COUNTY ADMINISTRATOR, AND TO PROVIDE FOR THE REGULAR EVALUATION OF SALARIES FOR SUCH OFFICIALS.

WHEREAS, Newberry County Council established a system of compensating appointed county officials who are appointed by authority other than County Council or the County Administrator (“Appointed Officials”) on November 18, 2015, with the passage of Ordinance No. 10-23-15; and

WHEREAS, Newberry County Council established a system of compensating the Auditor, Clerk of Court, Coroner, Probate Judge, Sheriff, and Treasurer (“Countywide Elected Officials”) on February 15, 2017, with the passage of Ordinance No. 01-01-17; and

WHEREAS, Newberry County Council now desires to amend the system of compensating Appointed Officials such that the salary progression schedule for Appointed Officials is consistent with the salary progression schedule for Countywide Elected Officials.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 21st day of February 2024 as follows:

Section 1. Salary Changes to Follow Annual Budget Cycle.

Beginning with the annual operating budget for July 1, 2024, and continuing with each subsequent annual operating budget, County Council shall determine whether there will be changes in salaries for Appointed Officials, provided that such changes are not otherwise pre-determined by this Ordinance herein below. Any increases to salaries will be expressed as a percentage, which need not be the same for all Appointed Officials. Such percentages will be applied to the maximum salaries of Appointed Officials whose maximum salaries are listed in Section 2, below. However, the rate at which any state mandates increase salaries for Appointed Officials will be deducted from any percentage increase for Appointed Officials’ salaries that may be determined by County Council. Salary increases made pursuant to this Section will take effect on the first day of the County’s fiscal year, unless otherwise directed by County Council.

Section 2. Maximum Salaries for Appointed Officials, Effective Date.

For purposes of this Ordinance, the term “Maximum Salaries” shall pertain to the County portions of those salaries being paid to the Appointed Officials listed below, as of February 21, 2024, plus any increases above these amounts granted thereafter by County Council in accordance with Section 1, above. The indexed list of these Maximum Salaries will be maintained and updated in the Office of the County Administrator as directed by County Council, in accordance with those increases granted under Section 1, above, or as otherwise set forth herein or directed by County Council. The implementation of this Ordinance (effective date) shall be immediate.

<u>Appointed Official</u>	<u>Maximum Salary</u>	<u>First Indexing</u>
Election / Registration Director	\$63,750.00	July 1, 2024
Magistrates*	\$72,328.00	July 1, 2024
Veterans Affairs Officer	\$63,750.00	July 1, 2024

*Excludes Chief Magistrate supplement.

Section 3. Salaries for Current Appointed Officials, Successors in Office, and Progression of Salaries.

Appointed Officials serving on the date of the adoption of this Ordinance and their successors shall be paid as follows, in accordance with time of service. Appointed Officials with less than two years of service in their respective positions shall be paid a beginning salary equal to eighty percent (80%) of the corresponding current Maximum Salary established in Section 2, above. Salaries for Appointed Officials will be increased in two-year increments to represent an additional five percent (5%) of the indexed maximum listed in Section 2, above. Such officials shall be paid no less than 85% of the maximum at the beginning of their third (3rd) year of service, no less than 90% of the maximum at the beginning of their fifth (5th) year of service, no less than 95% of the maximum at the beginning of their seventh (7th) year of service, and 100% of the maximum at the beginning of their ninth (9th) year of service and for all years thereafter. Years of service need not be consecutive for progressive increases to apply, to the degree that successors have prior experience in that specific position; neither similar experience nor experience at a lesser position in the department shall apply.

Section 4. Salaries for Magistrates.

Other provisions of this Ordinance notwithstanding, Magistrates shall be compensated at a salary not less than the appropriate amount pursuant to Section 22-8-10 et. Seq. of the Code of Laws of South Carolina, 1976, as amended. Council, in its sole discretion, may elect to enhance the minimum salary pursuant to the established formula. Nothing in this Ordinance shall be construed as superseding the requirements of Section 22-8-10 et. Seq. of the Code of Laws of South Carolina, 1976, as amended.

Section 5. Request to Council by Appointed Officials for Salary Increases.

Nothing in this Ordinance shall prevent an Appointed Official from requesting of County Council a salary increase other than the one described in this Ordinance. Nothing in this Ordinance shall prevent County Council from granting a salary increase other than one described in this Ordinance.

Section 6. Previous Methods of Considering Appointed Official Salary Increases Abolished.

All ordinance and policy provisions previously in place that conflict with the provisions of this Ordinance are hereby repealed. Likewise, all previous procedures, discussions, or understandings related to the administration of salaries for those Appointed Officials listed in Section 2, above, that are in conflict with the provisions of this Ordinance are hereby declared null, void, and of no effect.

Section 7. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected and shall be enforced accordingly.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, Interim County Attorney

Jeff Shacker, County Administrator

1st Reading: January 17, 2024
2nd Reading: February 7, 2024
Public Hearing: February 7, 2024
3rd Reading: February 21, 2024

**Newberry County
Administration**

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



Agenda Item Briefing

Subject: Adoption of 2023-2033 Comprehensive Plan

Prepared By: Jeff Shacker **Title:** Ordinance No. 02-01-2024 - Adoption of Comprehensive Plan

Department/Division: NA **Date Prepared:** 1/29/2024

Legal Review: _____ **Date:** _____

Finance Review: _____ **Date:** _____

Administrator Review: _____ JSS **Date:** 1/29/2024

Requested meeting: ☐ Committee ☒ County Council **Meeting Date:** Wednesday, February 7, 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 respectfully requests that council give first reading approval to Ordinance No. 02-01-2024, which will adopt a Comprehensive Plan for Newberry County for a ten-year period beginning in 2023 and ending in 2033.

The South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code of Laws, Title 6, Chapter 29) requires that counties and municipalities adopt comprehensive plans to guide their planning programs and to serve as a road map for future development within their jurisdictions.

County and municipal comprehensive plans must meet the minimum requirements of the Act, must contain the 10 elements required by the Act, must be updated every 10-years, and must be adopted by ordinance after conducting a public hearing for which a 30-day notice has been provided.

Beginning in August, Council received presentations of the required elements and accepted them by motion and vote, as recommended by the County Planning Commission. The schedule of presentations was as follows:

<u>Element</u>	<u>Date Presented and Accepted</u>
Community Facilities	08/16/2023
Cultural Resources	08/16/2023
Housing	08/16/2023

Population	08/16/2023
Transportation	08/16/2023
Natural Resources	11/15/2023
Priority Investment	11/15/2023
Resiliency	11/15/2023
Economic	12/06/2023 and 01/03/2024
Land Use	12/06/2023 and 01/03/2024

Staff respectfully requests council give first reading approval to this ordinance, which will adopt the county's new ten-year comprehensive plan. This plan will serve as a guide for future development and activities within Newberry County. However, it in no way alters the zoning of property within Newberry County and in no way amends the zoning and land development ordinances or regulations of the county. Additionally, council may periodically revisit the plan at its discretion, and in consultation with the County Planning Commission, to make changes, alterations, and/or corrections to the plan when deemed necessary or beneficial to the county – particularly as circumstances change over time.

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: NA

SUMMARY DISCUSSION: NA

ADDITIONAL COMMENTS FOR CONSIDERATION: NA

ATTACHMENTS: Please find Ordinance No. 02-01-2024 attached.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 02-01-2024

AN ORDINANCE TO ADOPT THE NEWBERRY COUNTY 2023-2033 COMPREHENSIVE PLAN AS MANDATED BY THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED; AND TO PROVIDE FOR THE REPEAL OF ALL PRIOR COMPREHENSIVE PLANS AND ORDINANCES.

WHEREAS, the South General Assembly enacted an amendment to the Code of Laws of South Carolina to incorporate therein a new Chapter 29 to Title 6 of the Code of Laws of South Carolina, 197, as amended, entitled “South Carolina Local Government Comprehensive Enabling Act of 1994” which repealed certain previously-enacted planning acts and codes; and

WHEREAS, the 1994 South Carolina Local Government Comprehensive Planning Enabling Act, as amended, requires that the local planning commission develop and maintain a planning process which will result in the systematic preparation and continuing re-evaluation and updating of certain planning elements considered critical, necessary and desirable to guide the development and redevelopment of the areas within its jurisdiction; and

WHEREAS, the previous Newberry County Comprehensive Plan was adopted in 2012; and

WHEREAS, the Newberry County Joint Planning Commission approved a recommendation to adopt the Newberry County 2023-2033 Comprehensive Plan; and

WHEREAS, Newberry County Council has reviewed the draft of the 2023-2033 Comprehensive Plan and has determined that the 2023-2033 Newberry County Comprehensive Plan should be adopted, approved and implemented in order to comply with the mandate of the South Carolina Local Government Comprehensive Planning Act of 1994, as amended; and

WHEREAS, Newberry County Council, by adopting this ordinance, also repeals all prior Comprehensive Plans and Ordinances.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 6th day of March 2024 that the 2023-2033 Comprehensive Plan is hereby adopted in accordance with the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended.

NEWBERRY COUNTY COUNCIL

BY: _____
Todd Johnson, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, Interim County Attorney

Jeff Shacker, County Administrator

1st Reading: February 7, 2024
2nd Reading: February 21, 2024
Public Hearing: February 21, 2024
3rd Reading: March 6, 2024

**Newberry County
Administration**

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



Agenda Item Briefing

Subject: Agreement to reimburse City of Newberry for eligible project expenditures from CPST proceeds

Prepared By: Jeff Shacker

Title: CPST Disbursement Agreement - City and County of Newberry

Department/Division: NA **Date Prepared:** 1/26/2024

Legal Review: Theodore B. DuBose **Date:** 1/11/2024

Finance Review: _____ **Date:** _____

Administrator Review: JSS **Date:** 1/26/2024

Requested meeting: ☐ Committee ☒ County Council

Meeting Date: Wednesday, February 7, 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 respectfully requests that Council authorize the execution of an agreement between Newberry County and the City of Newberry related to the 2022 Capital Projects Sales Tax (CPST).

Specifically, staff requests that the County enter into an agreement with the City which would permit the City to begin incurring expenses related to the implementation of city-sponsored CPST projects and receive reimbursements of incurred expenses (provided that the expenditures are CPST eligible) from the proceeds of CPST bonds which the County will issue later this year.

The three CPST projects which the City is solely or jointly sponsoring include: Improvements to the City of Newberry Recreation Complex, Construction of the proposed Downtown Newberry Amphitheater, and the Renovation of Old Gallman High School.

The City desires to move forward with the proposed improvements to the City of Newberry Recreation Complex and the relocation of public utilities for the proposed Downtown Newberry Amphitheater. The relocation of utility facilities will be partially funded by a grant that the City obtained, with the County's support, from the S.C. Department of Commerce.

Staff respectfully requests a motion and vote of Council authorizing the County Administrator to execute the disbursement agreement on behalf of the County, which the City Manager has already done on behalf of Newberry City Council.

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: NA

SUMMARY DISCUSSION: NA

ADDITIONAL COMMENTS FOR CONSIDERATION: NA

ATTACHMENTS: Please find the partially executed CPST Disbursement Agreement attached.

CAPITAL PROJECT SALES TAX DISBURSEMENT AGREEMENT

This CAPITAL PROJECT SALES TAX DISBURSEMENT AGREEMENT dated as of _____, 2023 (the "**Effective Date**") and is between Newberry County, South Carolina (the "**County**") and the City of Newberry, South Carolina (the "**City**") (this "**Agreement**").

The County Council of Newberry County (the "**County Council**"), the governing body of the County, plans to fund certain improvements located throughout the County (the "**Improvements**") as approved by referendum held in the County on November 8, 2022 (the "**Referendum**"). The Referendum was authorized by an ordinance enacted by the County Council July 6, 2022 (the "**CPST Ordinance**"). The issuance by the County of not exceeding \$35,250,000 aggregate principal amount of general obligation bonds for the financing of the Improvements (the "**Bonds**") was also approved by the Referendum. The County Council has made further provision for the issuance of the Bonds by an ordinance enacted December 6, 2023 (the "**Bond Ordinance**").

The Referendum was held pursuant to the Capital Project Sales Tax Act, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended, and will result in the imposition of a 1% sales in use tax in the County (the "**Sales Tax**") from May 1, 2024 to April 30, 2031. The County presently intends to defray the costs of the Improvements with the proceeds of the Bonds, and to pay debt service on the Bonds with proceeds of the Sales Tax.

The County Council has determined that various factors, including the assessment of the impact of recent cost inflation and the completion of final plans for various of the Improvements, will determine the timing of the issuance of the Bonds and the application of the Sales Tax proceeds to debt service on the Bonds or, to the extent permitted by the CPST Ordinance, to directly pay costs of Improvements.

The City is the project sponsor, in whole or in part, of certain of the Improvements, including the following (collectively, the "**City Improvements**"):

Referendum No.	Description	Amount
2	Improvements to City of Newberry Recreation Complex, including splash pad expansion, Miracle Field, skate park, sidewalk and paved walking trail, shade structures, additional restrooms, and maintenance access drive and maintenance building.	\$3,295,000
6	Downtown Newberry amphitheater and pavilion/support building.	\$3,650,000
8	Renovation of Old Gallman High School for use as community center by Building Thriving Communities Foundation.	\$1,450,000

To better align progress on the City Improvements with requirements of other funding sources, the City anticipates commencing construction, equipping and furnishing of certain of the City Improvements prior to the issuance of the Bonds or the availability of Sales Tax proceeds. The City intends to initially defray such construction costs from available funds, and, following the issuance of the Bonds or availability of Sales Tax proceeds (as determined solely by the County), seek reimbursement of amounts so expended. The City has requested the County to acknowledge the City's plan for initial funding of the City Improvements and its intent to seek reimbursement therefor upon the availability of Bond proceeds or Sales Tax proceeds. Following the occasion of such availability, the City may either pay the costs of City Improvements and seek reimbursement, or submit requests to the County for direct payment of contractors, materialmen, vendors and the like for costs arising from the construction, equipping and furnishing of City Improvements ("**Direct Payment**").

The County is amenable to this request, and agrees to reimburse the City for amounts expended by the City to defray the costs of City Improvements and to make Direct Payment, subject to the following:

1. Reimbursements and Direct Payments will be made following the issuance of the Bonds, or, if so determined by the County in its sole discretion, the earlier availability of Sale Tax proceeds. No other source of funds is available for reimbursements.
2. Reimbursements and Direct Payments are subject to the order of priority for and limitations on funding the Improvements and cost overruns established by the CPST Ordinance.
3. Requests for reimbursements and Direct Payments must be made in the form of a Disbursement Request, in substantially the form set forth as Exhibit A hereto, submitted to the County and approved by the County Administrator in connection with each funding request. The City agrees that the County may conclusively rely and shall be protected in relying on a Disbursement Request so submitted and approved.

The County and the City have caused this Agreement to be executed as of the Effective Date.

NEWBERRY COUNTY, SOUTH CAROLINA

County Administrator

CITY OF NEWBERRY, SOUTH CAROLINA



Interim City Manager

Date: _____

To: Newberry County, South Carolina

The City of Newberry, South Carolina (the "**City**") hereby requests the disbursement of funds under that certain Capital Project Sales Tax Disbursement Agreement dated as of December __, 2023 (the "**Agreement**"). All capitalized terms used herein and not otherwise defined have the meaning given in the Agreement. This Disbursement Request (is) (is not) a request for reimbursement of sums previously advanced by the City for which reimbursement is hereby sought.

Amount of Disbursement: _____

City Improvement to be Funded: _____

Payee and Address: _____

Description of Work: _____

Payment/Wiring Information: _____

The City represents and certifies as follows:

1. The funds disbursed hereunder shall be applied only toward the City Improvement identified above and only in accordance with the Capital Project Sales Tax Act, as codified at Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended. The City agrees and acknowledges that the City shall be responsible for the proper application of such funds.

2. Payment obligations in the aggregate amount stated above have been incurred for an authorized City Improvement, such work was performed or such materials or supplies were actually furnished or installed in, about or to the City Improvement, all amounts requested (are due and payable) (have been paid by the City and reimbursement thereof is sought hereby), each such item thereof is a proper charge against the City Improvement, and the items subject to this requisition have not been the subject of a previous disbursement request.

3. To the best of the undersigned's knowledge, there has not been filed with or served upon the City notice of any lien, right or attachment upon, or claim affecting the right of any such persons, firms, or corporations to receive payment of, the respective amounts stated in such requisition which has not been released or will not be released simultaneously with the payment of such obligation.

4. Complete and accurate copy or copies of all bill(s) or statement(s) of account giving rise to this Disbursement Request are attached hereto.

EXHIBIT A

5. To the extent that the City has requested a disbursement for only a portion of the cost of a City Improvement, the City acknowledges and agrees that subsequent disbursement requests shall be subject to the timing and availability of adequate Bond or Sales Tax proceeds in future periods and that the County makes no representation or agreement as to the timing or availability of such funds.

Respectfully submitted by the City to the County on the date hereof.

CITY OF NEWBERRY, SOUTH CAROLINA

City Manager

Approved this ____ day of _____, 20__.

NEWBERRY COUNTY, SOUTH CAROLINA

By: _____
County Administrator