



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
September 20, 2023
6:00 P.M.**

Call to order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Travis Reeder, Council Member

1. Adoption of Consent Agenda
 - a. Newberry County Work Session Minutes – September 6, 2023.
 - b. Newberry County Council Meeting Minutes – September 6, 2023.
2. Additions, Deletions & Adoption of the Agenda.
3. Recognitions:
 - a. Employee Service
 - i. Michael Weathers 15 years Sheriff's Department
 - ii. Wendy Wise 25 years Delinquent Tax Collector
4. Public Appearances:
 - a. Mauldin and Jenkins – Presentation of FY2021-22 Audit.
5. Ordinance No. 08-03-2023. An Ordinance authorizing the acceptance of Prosperity Park Avenue into the Newberry County Public Road System.
 - a. Third Reading
6. Ordinance No. 08-04-2023. An Ordinance authorizing the acceptance of roads within Autumn's Cay Subdivision - Autumn Drive, Golden Way, Harvest Lane and Red Leaf Court - into the Newberry County Public Road System.

- a. Third Reading
- 7. Ordinance No. 09-01-2023. An Ordinance authorizing the creation of a Capital Projects Account; authorizing an amendment to the Master Agreement governing the Greenwood-Newberry Industrial Park; authorizing the county to retain certain Fee-In-Lieu of Tax revenues to fund the Capital Projects Account; and other related matters.
 - a. Public Hearing
 - b. Second Reading
- 8. Consideration and approval of employee holidays for the observance of Christmas.
- 9. Executive Session
 - a. Economic Development Matter(s):
 - i. Discussion of matters related to *MCCP II* pursuant to SC Code of Laws Section 30-4-70(a)(5)
- 10. County Council may take additional action(s) following executive session on matters discussed during executive session.
- 11. Appointments
- 12. Public Comments
- 13. Comments/Requests from County Administrator
- 14. Comments/Requests from Council
- 15. Future meetings
 - a. Economic Development Committee – September 25 at 6 p.m.
 - b. Newberry County Council – October 4 at 6 p.m.
 - c. Finance Committee – October 9 at 6 p.m.
 - d. Newberry County Council – October 18 at 6 p.m.
- 16. Adjournment

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
September 6, 2023**

The Newberry County Council met on Monday, September 6, 2023, at 4:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for the purposes of a Comprehensive Plan and Property Maintenance Work Session.

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

PRESENT: Todd Johnson, Chairman
Les Hipp, Vice Chairman
Karl Sease, Council Member
Robert N. Shealy, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Jeff Shacker, County Administrator
Katie Werts, Director of Planning and Development Services
Joanie Winters, County Attorney
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 4:00 p.m.

Mr. Johnson led the invocation followed by the Pledge of Allegiance.

1. Review and Discussion of the draft Future Land Use Map for the Comprehensive Plan

Ms. Cheryl Matheny, Planning Consultant with The Metheny-Burns Group, led the review and discussion for the Future Land Use Map draft.

Ms. Matheny showed versions of the drafts, including what Newberry County currently has and what was proposed. She explained that the area formally called Economic Development (now Development) on the previous map was made smaller due to input at previous meetings from council. Ms. Matheny said just because they changed the name to development doesn't mean it is anything vastly different. She said the areas in the Development section are areas already developed or are the right size to develop.

Ms. Matheny said they added a new category called Transitional which are areas very likely to develop. She said these areas are near water and sewer, or already have water and sewer, near major transportation routes, near the city or towns.

Mr. Johnson asked if Mr. Rick Farmer (Newberry County Economic Development Director) had an opportunity to review the maps. Ms. Matheny said Mr. Farmer did not have input on the maps but did have input on the Economic Development Task Force.

Mr. Hipp said he would like to talk to Mr. Farmer about some of the discussion they are having on this because while they want to keep Newberry County rural, they don't want to put the county in a position, once they tie themselves in the Comprehensive Plan Land Use element, if they have property outside of the Transitional Area or the Development Area and they change the zoning, it could be challenged.

Mr. Hipp continued that if someone comes in and wants to put an industry outside of the Comprehensive Plan for future development, then you run a risk of having spot zoning. He said that used to be illegal and could be challenged.

Ms. Matheny said spot zoning is not good practice.

Mr. Hipp said the more they reduce the Transition Area and the more they reduce the Future Land Industrial Growth Area, the more likely you will have someone coming in with a potential project outside of that footprint, those opposed have a legitimate complaint that the Comprehensive Plan does not include this as a growth element and potentially be spot zoning.

Mr. Hipp said if land is in the area for potential growth, you could rezone it because it is in the Comprehensive Plan, and it is not spot zoning because your Land Use Element

encompasses that area. But if you reduce the size of the area and you have someone that wants to come in outside of that, it could be on the fringe of it, and put an industry and it is not in the Comprehensive Plan and requires rezoning, then you have a legitimate challenge.

Mr. Shacker said his concern was the opposite of what Mr. Hipp described, they might identify in the future land use map land slated for development but have a denial for rezoning for that development and then the county gets challenged since the site was identified in the Comprehensive Plan for development.

Mr. Sease said some of his constituents are concerned about the Transitional Area because they are farmers and that developers may try and put them out of business.

Ms. Matheny said this would not mean the landowners would have to sell the property or rezone the property. She said it is not regulatory, and that the land could be transitional.

Mr. Hipp said when they speak to industries, what they are looking for is the I-26 frontage, noting that some of the interstate was not marked.

Ms. Werts said that water and sewer did limit them, as well.

Mr. Hipp said to keep in mind this is a 10-year plan, and they will hopefully be expanding water and sewer to where there is a need.

Ms. Matheny invited council to approach the maps and draw on them for any changes they'd like to see.

2. Discussion of the draft of the Property Maintenance and Nuisance Code

Mr. Shacker presented a power point detailing the Draft Nuisance Ordinance. Mr. Shacker said this is just a starting point.

Mr. Hipp asked if there was an upper limit to how many abandoned vehicles a resident could have screened from view. (Regarding Section 157.003, Section A).

Mr. Shacker said they do not have a maximum specified for screened abandoned vehicles.

Mr. Hipp said he thinks that is a loophole that needs to have a maximum.

Ms. Werts recommended five, to which council concurred.

Mr. Sease addressed a concern over a Supreme Court case from 2013 that would impact the section dealing with noxious and excessive accumulations of materials. (Regarding Section 157.003, Section G). Mr. Sease gave the case documents to Ms. Winters.

Mr. Sease asked about individuals who use antique tractors as decoration. (Regarding Section 157.003, Section M: items involving rusted, wrecked, junked, dismantled, discarded, or inoperative).

Mr. Shacker said that is something they will look into.

Mr. Johnson requested a definition be added for structural defect, as that could be considered broad.

Mr. Hipp said they should be careful with “comply with the IBC (international Building Codes)” due to when the structure was built and if it predates the IBC.

Mr. Hipp said under Section 157.006 Authority, that would be a good place under the “most severe” that the county has a second opinion, prior to action.

Mr. Shacker said they could also have a Construction Board in place, in case of appeals or need of second opinions.

Mr. Johnson said, in reference to Section 157.008 Notification, he liked the sign notification because it lets the person know they are in violation and to the person who made the complaint know that the county is addressing the violation.

Mr. Johnson said it could never be more than \$500 per offense, to which Mr. Shacker confirmed that was correct under state law. (Regarding Section 157.011: Penalties).

Mr. Johnson asked if the county had the ability to attach a lien on a property, Ms. Winters said they can file a lien on the property, but they cannot collect from the lien on the tax bill.

Mr. Johnson asked if these are considered civil violations. Mr. Shacker said they would be criminal violations. Mr. Johnson responded that he thinks staff will need to check notice requirements. (Regarding Section 157.011: Penalties).

Ms. Werts said they discussed taking the 30 days out previously. Mr. Johnson said he didn't know how he felt about putting someone in jail for code violations.

Mr. Hipp asked a follow up question to abandoned vehicles; he asked if the county has the same current type of ordinance requirements for a salvage yard to protect from these type issues.

Ms. Werts said if a junkyard is already operating as is, that would be a zoning issue if that is their business. If a junkyard was established prior to zoning (2001), she said that would be a grandfathered business and would not have to comply to the zoning ordinance, unless the business changes.

Mr. Hipp asked about sound and noise nuisance and if the county has done any work in that area. Mr. Shacker said he acquired sample ordinances from surrounding counties to compare the noise ordinance the county has now.

Mr. Hipp said regarding industrial and agricultural sound, odor, runoff, etc., maybe the county has adequate protections in place, but maybe not, but this would be a good time for the county to investigate those.

Mr. Reeder asked if anything was done regarding short-term rentals. Mr. Johnson said that the county received a sample ordinance from the City of Columbia.

Mr. Johnson requested the county look into ordinances regarding fireworks, as they go.

3. Questions or comments from County Administrator and Council.

Mr. Shealy said this was excellent information to take in.

Mr. Sease said it was a great presentation and great information.

Mr. Reeder said he believes this was truly needed.

Mr. Johnson said he appreciates the incredible effort from staff in putting the codes together.

4. Adjournment

Mr. Sease made a motion to adjourn, seconded by Mr. Shealy. The motion was approved 6-0.

Mr. Johnson declared the meeting adjourned at 5:38 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
September 6, 2023**

Newberry County Council met on Wednesday, September 6, 2023, 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
Les Hipp, Vice Chairman
Karl Sease, Council Member
Robert N. Shealy, Council Member
Johnny Mack Scurry, Council Member
Travis Reeder, Council Member
Jeff Shacker, County Administrator
Joanie Winters, Interim County Attorney
Karen Brehmer, Deputy County Administrator
Debbie S. Cromer, Finance Director
Donna Lominack, Auditor
Melinda Long, Deputy Auditor
Karen Lindler Smith, Treasurer
Rick Farmer, Economic Development Director
Katie Werts, Director of Planning and Development Services
Eric Nieto, I.T. Director
Liz McDonald, Assessor
Captain Ben Chapman, NCSO
Major Robert Dennis, NCSO

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 6:00 p.m. and determined a quorum to be present.

Mr. Johnson led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

A motion was made by Mr. Shealy to accept the minutes (for the August 16, 2023, Newberry Council meeting and the August 21 Finance Committee meeting), seconded by Mr. Scurry.

Mr. Hipp requested, under Future Meetings (under the August 16, 2023 meeting minutes), that the date for the Executive Committee Meeting be corrected from September 20, 2023, to September 11, 2023.

Mr. Shealy amended his motion to include that change and Mr. Scurry amended his second. The motion passed 6-0.

2. Additions, Deletions & Adoption of the Agenda

Mr. Sease made a motion to adopt the agenda as presented; the motion was seconded by Mr. Shealy. The motion passed 6-0.

3. Presentations:

a. Newberry County Auditor Donna Lominack – Setting of 2023-24 Tax Levy

Prior to announcing the Tax Levy, Ms. Lominack thanked Ms. Cromer for her expertise in assisting her this year, saying she is an asset to Newberry County. Ms. Lominack also thanked Ms. Brehmer, Ms. Smith, and Mr. Shacker for their assistance. She also thanked the Newberry County Auditor's Office for always helping her.

Ms. Lominack officially set the 2023 Tax Levy for all County and School Bonded Indebtedness Purposes. The total 2023 Tax Levy for both County and School Purposes is 368.0 mills. (See attachment).

b. Mauldin and Jenkins – Presentation of FY 2021-22 Audit

Mr. Johnson said that he was informed prior to the meeting the auditor's wife just had a baby and they will get that report at the next meeting.

4. A Proclamation Recognizing September 15-October 15, 2023, as *National Hispanic Heritage Month in Newberry County*.

Mr. Johnson read the Proclamation as follows: "WHEREAS, the County of Newberry encourages and promotes strong and inclusive communities that recognize and celebrate efforts to bring people together for a greater good; and, WHEREAS, the County of Newberry commemorate the strong and visible roots of Hispanic and Latino heritage in the national, regional, and local landscape of the nation; and, WHEREAS, September 15th to October 15th is National Hispanic Heritage Month and in which many federal agencies, such as the Library of Congress, National Park Service and Smithsonian Institution, join in paying tribute to the generations of Hispanic Americans who have positively influenced and enriched our nation and society; and, WHEREAS, the date September 15th is significant because it is the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua and additionally Mexico and Chile celebrate their independence days on September 16th and 18th respectively; and, WHEREAS, Newberry County has many families representing different Hispanic Cultures and traditions from Puerto Rico, Mexico, Guatemala, Honduras, Nicaragua, El Salvador, Chile, and other South American countries; and, WHEREAS, National Hispanic Heritage Month has been celebrated since 1989; and WHEREAS, the Hispanic community in Newberry County makes significant contributions to the cultural, educational, and economic vitality of Newberry County." NOW, THEREFORE, BE IT PROCLAIMED by the County Council of the County of Newberry that September 15th through October 15, 2023, shall be *National Hispanic Heritage Month in Newberry County* in recognition of the many important and positive contributions of Hispanic culture to our nation, state, and county."

Mr. Shealy made a motion to issue the Proclamation, Mr. Hipp gave the second. The motion passed 6-0.

Ms. Liz Rivera and other members of the Hispanic community accepted a framed copy of the Proclamation.

Ms. Rivera thanked the council and the county administrator for the Proclamation and expressed her appreciation. She said the Hispanic community is growing in Newberry County and is being economically favorable to the county.

5. A Proclamation Recognizing September 18-22, 2023, as *Newberry County Adult Education and Family Literacy Week*.

Mr. Johnson read the Proclamation as follows: “WHEREAS, during the 2021-2022 academic year, 5,754 high school students in South Carolina dropped out of school, a rate of 2.4 percent; and WHEREAS, Adult Education programs contribute to solving these challenges by helping Americans move along the continuum in their educational journey to achieve basic skills and get prepared for career and college; and WHEREAS, Adult Education and family literacy programs assist adults who are parents or family members in obtaining the education and skills that are necessary to become full partners in the educational development of their children and lead to sustainable improvements in the economic opportunities for their family; and WHEREAS, South Carolina celebrates Adult Education and Family Literacy Week as a proud participant in the national Educate & Elevate Campaign which helps our citizens learn about all of their Adult Education options to attain their professional and personal goals; and WHEREAS, in the Palmetto State an estimated 796,387 citizens ages 16-74 are below the literacy level, and an estimated 450,966 South Carolinians over the age of 18 do not have a high school diploma or equivalent; and WHEREAS, in 2022-23, South Carolina adult education programs served 21,009 adult learners: with 2,157 earning a high school equivalency diploma (GED) and 831 earning a high school diploma; and WHEREAS, in 2022-23 Newberry Adult and Continuing Education programs served 289 adult learners; with 28 earning a high school equivalency diploma (GED) and 25 earning a South Carolina High School Diploma.”

NOW, THEREFORE, BE IT PROCLAIMED by the County Council of the County of Newberry that September 18-22, 2023, shall be *Newberry County Adult Education and Family Literacy Week* throughout the county and encourage all Citizens of Newberry County to work together to increase literacy among the residents of the Palmetto State.

Mr. Shealy made a motion to issue the Proclamation, Mr. Reeder gave the second. The motion passed 6-0.

Staff members of Newberry Adult Education accepted a framed copy of the Proclamation.

Ms. Donna Hill thanked council and Newberry County for supporting adult education in Newberry County.

6. Ordinance No. 07-01-2023. An Ordinance for the purpose of leasing county property located as a part of the Fairgrounds Property (TMS No. 399-39-2) to the Newberry Pistol Club.

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. Third Reading

Mr. Hipp made a motion to approve the third reading; Mr. Reeder gave a second. Mr. Sease abstained from the vote. The third reading was approved 5-0.

7. Ordinance No. 07-02-2023. 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 Viking* to provide

for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.

a. Third Reading

Mr. Reeder made a motion to approve third reading, Mr. Sease gave a second. The motion was approved 6-0.

- 8. Ordinance No. 08-01-2023. 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 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts as to rezone two (2) real estate parcels totaling twelve and twenty-nine hundredths (12.29) acres designated as TMS No. 290-16 and TMS No. 290-12 from LC-Limited Commercial To RG-General Residential.**

a. Second Reading

Ms. Werts said there were no changes to this Ordinance.

Mr. Sease made a motion to approve the second reading, Mr. Shealy gave the second. The motion was approved 6-0.

- 9. Ordinance No. 08-02-2023. 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 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts as to rezone one (1) real estate parcel totaling two (2) acres designated as TMS No. 530-13 from LC - Limited Commercial to R2-Rural.**

a. Second Reading

Ms. Werts said there were no changes to this Ordinance.

Mr. Shealy made the motion to approve the second reading, Mr. Reeder gave the second. The motion was approved 6-0.

10. Ordinance No. 08-03-2023. An Ordinance authorizing the acceptance of Prosperity Park Avenue into the Newberry County Public Road System.

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. Hipp made a motion to approve the second reading; Mr. Shealy gave the second. The motion was approved 6-0.

11. Ordinance No. 08-04-2023. An Ordinance authorizing the acceptance of roads within Autumn's Cay Subdivision - Autumn Drive, Golden Way, Harvest Lane and Red Leaf Court - into the Newberry County Public Road System.

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. Sease made a motion to approve the second reading, Mr. Shealy gave the second. The motion was approved 6-0.

12. Appointments

- a. Mr. Scurry made a motion to re-appoint Ms. Ann Ward, for District 6, to the Joint Planning Commission. Mr. Shealy gave a second to the motion. The nomination was approved 6-0.
- b. Mr. Scurry made a motion to re-appoint Mr. Ashley Wilson, for District 6, to the Airport Commission. Mr. Reeder gave the second. The nomination was approved 6-0.
- c. Mr. Scurry made a motion to re-appoint Ms. Shirley Suber, for District 6, to the Library Board. Mr. Hipp gave the second. The nomination was approved 6-0.
- d. Mr. Shealy made a motion to re-appoint Bennett Garner, for the Town of Prosperity, to the Joint Planning Commission. Mr. Sease gave the second. The nomination was approved 6-0.

13. Public Comments

- Ms. Hill spoke and said she is thankful to this council and the education board for their support of adult education efforts. She also thanked council for helping in Whitmire, as they go forward with the blessing of the town, having classes in Whitmire. She said they appreciate everything Newberry County Council does.

14. Executive Session

Mr. Shealy made a motion to go into executive session, Mr. Sease gave a second. Council approved going into Executive Session 6-0 at 6:28 p.m. for the following reasons:

- a. Contractual Matter(s):
 - i. Discussion of matters related to a Multi-County Park Agreement with Greenwood County pursuant to SC Code of Laws Section 30-4-70(a)(2).

- ii. Discussion of matters related to contract for construction management services pursuant to SC Code of Laws Section 30-4-70(a)(2).

b. Legal Matter(s):

- i. Discussion of matters related to the Board of Zoning Appeals pursuant to SC Code of Laws Section 30-4-70(a)(2).

At 7:17 p.m., Mr. Sease made a motion to come out of Executive Session, Mr. Shealy gave the second. Council approved coming out of Executive Session 6-0.

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

15. Ordinance No. 09-01-2023. An Ordinance authorizing the creation of a Capital Projects Account; authorizing an amendment to the Master Agreement governing the Greenwood-Newberry Industrial Park; authorizing the county to retain certain Fee-In-Lieu of Tax revenues to fund the Capital Projects Account; and other related matters.

a. First Reading

Mr. Sease made a motion to approve the first reading; Mr. Shealy gave the second. The motion was approved 6-0.

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

Mr. Johnson said no further action was necessary.

17. Comments/Request from County Administrator

- Mr. Shacker gave a timeline for the remainder of the Comprehensive Plan: The intent is to present the remaining elements to the Joint Planning Commission at their September 19, 2023, meeting, then bring those remaining elements to council on October 4, 2023. Mr. Shacker said the goal would be to have first reading of the Ordinance to council to adopt the plan on October 18, 2023, second reading on November 1, 2023, then adoption on December 6, 2023.
- Mr. Shacker said regarding code enforcement, they have some work to do with the Draft Ordinance and will bring those changes to council.

18. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

- Mr. Scurry said they have learned working together works and he is so glad to see it.
- Mr. Reeder said he appreciates everything they have gone through today, appreciated the millage and all the work to get it to that point and thumbs up to the staff. He also said he enjoyed all the proclamations during the meeting.
- Mr. Sease said everyone did a great job putting everything together.
- Mr. Shealy echoed what Mr. Sease said.
- Mr. Hipp said he thinks council has had a very good meeting as they have had a lot of those lately. He said they have another challenge at the next meeting with the results of the audit.
- Mr. Johnson reminded everyone of the First Responder Monument Dedication on September 10, 2023, at 3 p.m.

19. FUTURE MEETINGS:

- Executive Committee Meeting – September 11, 2023, at 6:00 p.m.**
- County Council Meeting – September 20, 2023, at 6:00 p.m.**
- Economic Development Committee Meeting – September 25, 2023, at 6:00 p.m.**

20. ADJOURNMENT

There being no further business, Mr. Shealy moved to adjourn; seconded by Mr. Sease. The motion was approved 6-0

Mr. Johnson declared the meeting adjourned at 7:17 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

September 6, 2023

As Newberry County Auditor, I am officially setting the 2023 Tax Levy for all County and School Bonded Indebtedness Purposes as authorized by "Sections 4-15-150 and 59-71-150" of the 1976 Code of Laws of South Carolina. I am presenting the 2023 Tax Levy for School Ordinary Purposes as set by the Newberry County Board of Education per letter dated August 08, 2023, which stated in part, "the 2023 School Ordinary Tax Levy be set at 180.0 mills".

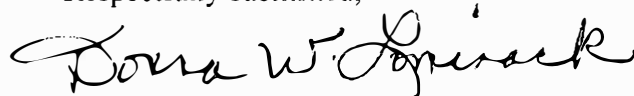
Per County of Newberry Budget Ordinance No. 05-08-2023, I am recommending County Council levy 123.0 mills for County Ordinary Purposes and 0.0 mills for Reserve Fund Purposes; 2023 County Lease Purchase - I am levying 3.6 mills; County General Obligation Bonds of 2020 A – I am levying .9 mill; County General Obligation Bonds of 2020 B – I am levying 0.3 mill; County General Obligation Bonds of 2018 C – I am levying 0.3 mill. Per County of Newberry Budget Ordinance, No. 05-9-23 I am recommending County Council levy 6.9 mills for Community Services: for a total 2023 levy for County Purposes of 135.0 mills.

For School Purposes - the Newberry County Board of Education has levied 180.0 mills for School Ordinary Purposes for the 2023-2024 Fiscal Year. For School General Obligation Bonds of 2023, I am levying 53.0 mills for a total 2023 levy for School Purposes of 233.0 mills.

The total levy for County Purposes is 135.0 mills and for School Purposes is 233.0 mills.
The total 2023 Tax Levy for both County and School Purposes is 368.0 mills.

The anticipated value of one mill for the 2023-2024 Fiscal Year for County Purposes is \$164,645 for School Purposes (Bonds) is \$171,003 and for School Purposes (School Operating) is \$111,342.

Respectfully submitted,



Donna W. Lominack
Newberry County Auditor

2023 Tax Levy - Municipalities

MILLS

CITY OF NEWBERRY: 81.7 (Ordinary 80.6, Reserve 1.1) – increase 1 mill

TOWN OF LITTLE MOUNTAIN: 52.07 (increase 7.97 mills)

TOWN OF POMARIA: 3.7 (no increase)

TOWN OF PROSPERITY: 41.0 (no increase)

TOWN OF WHITMIRE: 105.5 (Increase 2.5 mills)



NEWBERRY COUNTY

2023 TAX LEVY

<u>COUNTY</u>	<u>MILLS</u>
General Fund	123.0
GO Bonds	5.1
Community Services	6.9
Reserve Fund	<u>0.0</u>
TOTAL COUNTY	<u>135.0</u>
SCHOOLS	
General Fund	180.0
GO Bonds	<u>53.0</u>
TOTAL SCHOOLS	<u>233.0</u>
TOTAL 2022 TAX LEVY	<u>368.0</u>

2023 Anticipated Value of One Mill:

County Purposes & Community Services	\$ 164,645
School Purposes (Bonds)	\$ 171,003
School Purposes (School Operating)	\$ 111,342

2023 Residential State Credit (School Operating Levy) equates to **-180.0 Mills**

Total 2023 TAX LEVY (all taxable property excluding legal residences) = 368.0 Mills

Total 2023 TAX LEVY (4% legal residences only) = 188.0 Mills

COMPARISON OF 2022 & 2023 LEVIES

<u>COUNTY</u>	<u>2022 MILLS</u>	<u>2023 MILLS</u>
General Fund	121.0	123.0
GO Bonds	5.1	5.1
Community Services	6.9	6.9
Reserve Fund	<u>0.0</u>	<u>0.0</u>
TOTAL COUNTY	133.0	135.0
 <u>SCHOOL</u>		
General Fund	180.0	180.0
GO Bonds	<u>53.0</u>	<u>53.0</u>
TOTAL SCHOOL	233.0	233.0
TOTAL TAX LEVY	<u>366.0</u>	<u>368.0</u>

Anticipated Value of One Mill:

	2022	2023
County Purposes	\$160,370.	\$164,645.
School Purposes	\$165,806.	\$171,003.
School Purposes (Legal Residences)	\$105,997.	\$111,342.

Residential State Credit (School Operating Mills) equates to:

<u>2022</u>	<u>2023</u>
180.0 Mills	180.0 Mills

HOW TAXPAYERS' DOLLARS ARE SPENT

<u>COUNTY</u>	<u>2022 MILLS</u>	<u>% OF DOLLAR</u>	<u>2023 MILLS</u>	<u>% OF DOLLAR</u>
General Fund	121.0	\$0.330	123.0	\$0.334
Debt Service	5.1	\$0.014	5.1	\$0.014
Community Services	6.9	\$0.019	6.9	\$0.019
Reserve Fund	<u>0.0</u>	<u>\$0.000</u>	<u>0.0</u>	<u>\$0.000</u>
Total County	<u>133.0</u>	<u>\$0.363</u>	<u>135.0</u>	<u>\$0.367</u>
<u>SCHOOL</u>				
General Fund	180.0	\$0.492	180.0	\$0.489
Debt Service	<u>53.0</u>	<u>\$0.145</u>	<u>53.0</u>	<u>\$0.144</u>
Total School	<u>233.0</u>	<u>\$0.637</u>	<u>233.0</u>	<u>\$0.633</u>
Total County & School	366.0	\$1.000	368.0	\$1.000

2023 TAX RATES
(FISCAL YEAR 2023-2024)

**6% PROPERTIES (VEHICLES, AIRCRAFT, LOCAL BUSINESS PERSONAL
PROPERTY, RENTAL & 2ND HOMES, ETC.)**

Market Value 2023 Taxes ('24 Taxes on Vehicles and Watercraft)

\$ 5,000.	\$ 110.40
\$ 10,000.	\$ 220.80
\$ 15,000.	\$ 331.20
\$ 20,000.	\$ 441.60
\$ 25,000.	\$ 552.00
\$ 50,000.	\$1,104.00
\$100,000.	\$2,208.00
\$150,000.	\$3,312.00
\$200,000.	\$4,416.00
\$250,000.	\$5,520.00
\$300,000.	\$6,624.00
\$400,000.	\$8,832.00

LEGAL RESIDENCE

Market Value 2023 Taxes

\$ 25,000.	\$ 188.00
\$ 50,000.	\$ 376.00
\$ 75,000.	\$ 564.00
\$100,000.	\$ 752.00
\$150,000.	\$1,128.00
\$200,000.	\$1,504.00
\$250,000.	\$1,880.00
\$300,000.	\$2,256.00
\$400,000.	\$3,008.00
\$500,000.	\$3,760.00

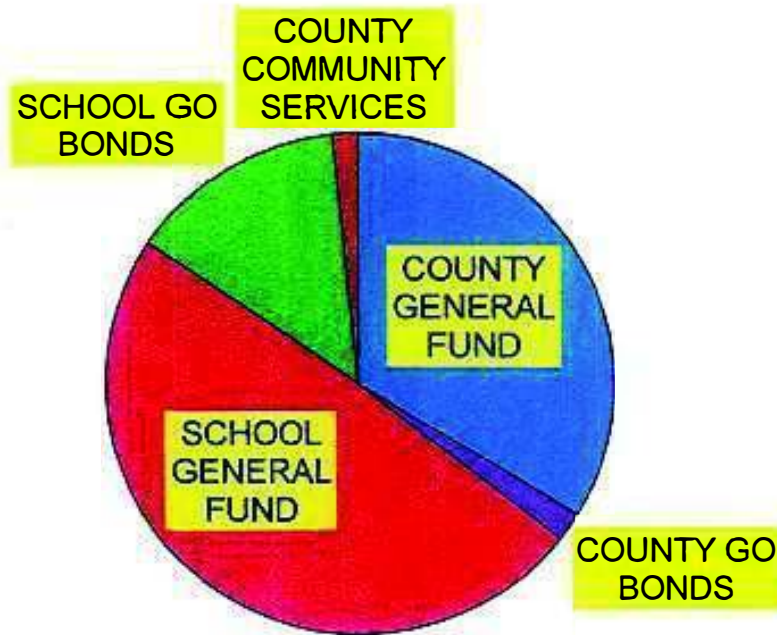
LEGAL RESIDENCE WITH HOMESTEAD EXEMPTION

<u>Market Value</u>	<u>2023 Taxes</u>
\$ 25,000.	\$ 0.00
\$ 50,000.	\$ 0.00
\$ 75,000.	\$ 188.00
\$100,000.	\$ 376.00
\$150,000.	\$ 752.00
\$200,000.	\$ 1,128.00
\$250,000.	\$ 1,504.00
\$300,000.	\$ 1,880.00
\$400,000.	\$ 2,632.00
\$500,000.	\$ 3,384.00

RESIDENTIAL STATE CREDIT

<u>TAX YEAR</u>	<u>MILLAGE</u>
2008	194.0
2009	194.0
2010	184.8
2011	186.8
2012	186.8
2013	186.8
2014	186.8
2015	186.8
2016	186.8
2017	186.8
2018	186.8
2019	180.0
2020	180.0
2021	180.0
2022	180.0
2023	180.0

**2023
NEWBERRY COUNTY TAX LEVY**



Public Comments Sign-In Sheet
Newberry County Council
September 6, 2023
6:00pm

NAME-PLEASE PRINT	NAME-PLEASE PRINT
1. FRAN MERCHANT	11.
2. Donna Lee	12.
3. tony Hill	13.
4. Margaret Sparrow	14.
5.	15.
6.	16.
7.	17.
8.	18.
9.	19.
10.	20.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-03-23

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PROSPERITY
PARK AVENUE INTO THE NEWBERRY COUNTY PUBLIC ROAD SYSTEM**

WHEREAS, Gray Construction made application to the Newberry County Planning and Zoning Department for approval of a roadway project known as Project Sunrise, located within the planning jurisdiction of Newberry County, South Carolina; and

WHEREAS, the Newberry County Public Works Department has inspected said road for maintenance purposes and confirmed that it is constructed to the standards set forth in the Newberry County Road Ordinance and codified in Chapter 91 of the Newberry County Code of Ordinances; and

WHEREAS, Gray Construction has provided a surety bond of \$10,875.00, which the County Council of the County of Newberry has accepted, in a form and amount that conforms with the requirements set forth in the Newberry County Road Ordinance and codified in Chapter 91, Section 20 of the Newberry County Code of Ordinances, to Newberry County as security for the maintenance of the road.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 20th day of September 2023 that:

1. Prosperity Park Avenue, as described on plat recorded in Plat Book D191 at page 4 in the office of the Clerk of Court for Newberry County, is accepted into the Newberry County Public Road System as a public road of the County of Newberry.
2. The County of Newberry is hereby responsible for the maintenance and upkeep of Prosperity Park Avenue.
3. Prosperity Park Avenue is hereby under the jurisdiction of the County of Newberry for purposes of law enforcement and regulation of use, including the issuance of encroachment permits for installation of utility easements in the road right of way.

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: August 16, 2023
2nd Reading: September 6, 2023
Public Hearing: September 6, 2023
3rd Reading: September 20, 2023

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-04-23

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF ROADS WITHIN
AUTUMN’S CAY SUBDIVISION – AUTUMN DRIVE, GOLDEN WAY,
HARVEST LANE, AND RED LEAF COURT – INTO THE NEWBERRY
COUNTY PUBLIC ROAD SYSTEM**

WHEREAS, Michael Basil, LLC. made application to the Newberry County Planning and Zoning Department for approval of a subdivision known as Autumn’s Cay, located within the planning jurisdiction of Newberry County, South Carolina; and

WHEREAS, the Newberry County Public Works Department has inspected the roads within Autumn’s Cay subdivision for maintenance purposes and confirmed that they are constructed to the standards set forth in the Newberry County Road Ordinance and codified in Chapter 91 of the Newberry County Code of Ordinances; and

WHEREAS, Michael Basil, LLC. has provided a surety bond of \$45,539.00, which the County Council of the County of Newberry has accepted, in a form and amount that conforms with the requirements set forth in the Newberry County Road Ordinance and codified in Chapter 91, Section 20 of the Newberry County Code of Ordinances, to Newberry County as security for the maintenance of the road.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 20th day of September 2023 that:

1. Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court, as described on plat recorded in Plat Book B39 at page 3 in the office of the Clerk of Court for Newberry County, is accepted into the Newberry County Public Road System as a public road of the County of Newberry.
2. The County of Newberry is hereby responsible for the maintenance and upkeep of Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court.
3. Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court are hereby under the jurisdiction of the County of Newberry for purposes of law enforcement and regulation of use, including the issuance of encroachment permits for installation of utility easements in the road rights of way.

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: August 16, 2023
2nd Reading: September 6, 2023
Public Hearing: September 6, 2023
3rd Reading: September 20, 2023

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR NEWBERRY COUNTY
ORDINANCE NO. 09-01-2023

AUTHORIZING THE CREATION OF A CAPITAL PROJECTS ACCOUNT; AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE GREENWOOD-NEWBERRY INDUSTRIAL PARK; AUTHORIZING THE COUNTY TO RETAIN CERTAIN FEE-IN-LIEU OF TAX REVENUES IN ORDER TO FUND THE CAPITAL PROJECTS ACCOUNT; AND OTHER RELATED MATTERS.

WHEREAS, Newberry County (“Newberry”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, the “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with Newberry; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of ad valorem property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, Newberry and Greenwood County, South Carolina (“Greenwood”) have previously developed a multi-county industrial park (“Park”) and entered into the Master Agreement Governing the Greenwood-Newberry Industrial Park, dated December 31, 2012, which governs the operation of the Park (“Park Agreement”);

WHEREAS, pursuant to the Act and Park Agreement, Newberry is authorized to specify the manner in which Fee Payments (i) received by Newberry from property located in Greenwood or (ii) retained by Newberry from property located in Newberry are distributed to each of the taxing entities within Newberry;

WHEREAS, Newberry desires to create a fund in which Newberry’s portion of certain fee-in-lieu of ad valorem property tax payments from properties in the Park (“Revenues”) will be deposited (the “Capital Projects Account”);

WHEREAS, Newberry desires to amend the Park Agreement to modify the method of distributing the Revenues as authorized by the Park Agreement; and

WHEREAS, the Newberry County Council, the governing body of Newberry (the “County Council”) shall be authorized to use the Capital Projects Account, in its sole discretion, for the purposes set forth in the Amendment (as defined below).

NOW THEREFORE, THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, ORDAINS:

Section 1. *Creation of the Capital Projects Account.* County Council hereby creates a Capital Projects Account in which to deposit certain Revenues in accordance with the Amendment. The Capital Projects Account shall be maintained at a bank chosen by the County Council. Newberry may use the Capital Projects Account, in its discretion, to: (i) acquire, construct, maintain, repair, renovate, or upfit capital projects in Newberry, including, but not limited to parks and recreational facilities, airports, roads and

bridges, public safety facilities and equipment, public works facilities and equipment, speculative buildings, multicounty park infrastructure, water and sewer facilities, solid waste disposal facilities and equipment, and any other Newberry-owned real property, (ii) make expenditures necessary for any economic development project in Newberry or provide grants to any business entity that intends to locate an economic development project in Newberry or (iii) make any other expenditure in the discretion of Newberry County Council. ((i) – (iii) are collectively “Capital Projects”). Capital Projects shall be identified by resolution of Newberry County Council and may include those that are part of Newberry’s long-term capital improvement plan, or those that Newberry determines will have a direct benefit to Newberry’s residents. Funds in the Capital Improvement Account may pay all of the costs of a Capital Project or may be used to supplement the costs of a Capital Project

Section 2. *Amendment Authorized.* Council authorizes an amendment to the Park Agreement, as set forth more fully in the Amendment to Master Agreement Governing the Greenwood-Newberry Industrial Park attached as Exhibit A (“Amendment”), to ratify and approve the retention of Revenues by Newberry. The County Council Chair, or the Vice Chair in the event the Chair is absent, and the Clerk to the County Council are hereby authorized to execute the Amendment. The Chair is further directed to deliver the Amendment to Greenwood.

Section 3. *Further Assurances.* The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of Newberry, to take whatever further actions and execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

Section 4. *Savings Clause.* The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 5. *General Repealer.* Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

This Ordinance is effective after its third reading and public hearing.

[Signature Page Follows]

NEWBERRY COUNTY, SOUTH CAROLINA

Chairman, Newberry County Council

(SEAL)
ATTEST:

Clerk to Newberry County Council

First Reading: 09-06-2023
Second Reading: 09-20-2023
Public Hearing: 09-20-2023
Third Reading: 10-04-2023

EXHIBIT A
FORM OF AMENDMENT



**Newberry County
Administration**

1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Andrew Wigger	Title: Clerk to Council/PIO
Department: Administration	Division: Administration
Date Prepared: 09/14/2023	Meeting Date: 09/20/2023
Legal Review	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Christmas Holidays Schedule	

STAFF'S RECOMMENDED ACTION: Staff recommends that Newberry County Government observe the Christmas holidays as follows: Friday, December 22, Monday, December 25, and Tuesday, December 26.

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE: N/A

SUMMARY DISCUSSION:

ADDITIONAL COMMENTS FOR CONSIDERATION:

ATTACHMENTS: