



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
October 4, 2023  
6:00 P.M.**

Call to order: Les Hipp, Vice-Chairman  
Invocation and Pledge of Allegiance: Johnny Mack Scurry, Council Member

1. Adoption of Consent Agenda
  - a. Newberry County Council Public Safety and Courts Committee Meeting Minutes – September 18, 2023.
  - b. Newberry County Council Meeting Minutes – September 20, 2023.
  - c. Newberry County Council Economic Development Committee Meeting Minutes – September 25, 2023.
2. Additions, Deletions & Adoption of the Agenda.
3. Public Appearances:
  - a. Alana West – Newberry County 4-H.
4. A Proclamation recognizing October 6, 2023, as *National Manufacturing Day*, and October 6-13, 2023, as *National Manufacturing Week*.
5. 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. Public Hearing
  - b. Third Reading

6. 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. Public Hearing
  - b. 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. Third Reading
  
8. Ordinance No. 10-01-2023. 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. 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 one (1) acre designated as TMS No. 339-1-10 from RG-General Residential to R2-Rural.
  - a. First Reading
  
9. Ordinance No. 10-02-2023. An Ordinance adopting the Newberry County Fire Protection and Prevention Code, providing for periodic inspections and enforcement of the code, and establishing a process for appeals and penalties for violations.
  - a. First Reading
  
10. Consideration of a motion to authorize the submission of an application to the S.C. Department of Parks, Recreation and Tourism (SCPRT) for a Parks and Recreation Development Fund (PARD) grant to make improvements to Lynch's Woods Park.
  
11. Appointments
  - a. Board of Zoning Appeals – District 6.

12. Executive Session.

13. Public Comments.

14. Comments/Requests from County Administrator.

15. Comments/Requests from Council.

16. Future meetings:

- a. Newberry County Council – October 18 at 6 p.m.
- b. Newberry County Council – November 1 at 6 p.m.
- c. Executive Committee – November 6 at 6 p.m.
- d. Newberry County Council Goal Setting Session – November 9 at 6 p.m.
- e. Veterans Day – Offices Closed - November 10

17. Adjournment.

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY AND COURTS COMMITTEE  
MINUTES  
September 18, 2023**

The Newberry County Council Public Safety and Courts Committee met on Monday, September 18, 2023, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a special called meeting.

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

**PRESENT:** Todd Johnson, Committee Chair  
Karl Sease, Committee Member  
Jeff Shacker, County Administrator  
Tommy Long, Emergency Services Director  
Brandon Wicker, Emergency Services Coordinator  
Chris Johnson, Chairman of the Board Rescue Squads  
Robert Dennis, Station 2 Fire Chief  
Andrew Wigger, Clerk to Council/PIO

**Absent:** Johnny Mack Scurry, Committee Member

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

**1. Status of current air packs in Newberry County.**

- Mr. Wicker presented to the committee the status of the self-contained breathing apparatus (SCBA) within the county.
- Mr. Wicker said that a loose estimate shows the county has about 150 packs, the cost of one pack with mask and two cylinders is around \$9,000. Approximately 70 packs currently need replacing, due to not meeting current National Fire Protection Association 1981 specifications.

- Mr. Wicker said that several departments used this year's Volunteer Strategic Assistance and Fire Equipment (V-SAFE) grant to purchase SCBA and cylinders. He added that departments spent \$11,300 to cover overages.
- Mr. Wicker said the SCBA repair costs by year were as follows: 2020 (\$2,782), 2021 (\$5,118.40), 2022 (\$4,977.55), 2023, as of February, (\$415.15).
- Mr. Wicker said that per the NFPA 1981 Sec. 4.4.1: "All SCBA models that are labeled as being compliant with this standard shall undergo recertification on an annual basis."
- Mr. Wicker said that annual flow tests can be performed by Anderson Fire at \$35 per air pack. These annual tests will likely cut down on maintenance costs and possibly extend the life of the air pack.
- Mr. Wicker also said that all packs with certified dates prior to the 2008 edition are being phased out, due to parts no longer being manufactured. He said some departments are still using air packs that were purchased in the late 1990s, early 2000s.
- Mr. Johnson asked how many air packs per department the county has. Mr. Wicker said that number varies depending on how many trucks they have in their fleet; he said he thinks they've had anywhere between 8-12 to about 16, so far.
- Mr. Johnson asked if they really need to keep that many per department. Mr. Wicker said that is something they are looking into, as well. He said NFPA asked they have one per seat on a fire engine.
- Mr. Johnson said he's not asking that to just save money, but to be practical because he doesn't want to put 16 air packs on a fire truck, and some aren't used because they don't have anyone to use them. He said he is trying to find common ground.

- Mr. Johnson said that is a small price to pay in the scheme of things for someone's life and a small price to pay for the coverage the county gets from the departments and what the volunteers give. He said he's an advocate for this and they need to roll up their sleeves and get into this.
- Mr. Sease said he thinks they need to do it and they cannot send someone out without the right equipment.

## **2. Request for reimbursement for air packs.**

- Mr. Dennis said emergency incidents are steadily on the incline, making a stretch budget increasingly thin, putting more duties on first responders with fewer funding dollars to support and equip the growing need to fulfill the responsibilities of Newberry County.
- On March 1, 2023, Mr. Dennis said they came before council with the immediate need of replacements of SCBA at Prosperity Fire Department, and that was met with, "go to the Public Safety Committee." He said they had already spoken with Mr. Long who informed them there was no money they could borrow, steal, or move. He said Prosperity (station) took it upon themselves to vote and purchase four air packs, in hopes that would bring them up to where they needed to be. That money, Mr. Dennis said, came from fundraisers, donations and memorials made to the fire department. He said this is not the proper procedure for the purchase of mandatory equipment.
- Mr. Dennis said 11 departments have used their fundraising money to make purchases of equipment that Newberry County has benefited from. He added that they put in for grant funding and they do get grants, but it is not enough.
- Mr. Dennis mentioned that during the March 1, 2023, meeting, after he spoke, Economic Development asked for the purchase of a sign for Highway 773, at the Mid-Carolina Industrial Park, at the price of \$122,000. He said three trucks could be equipped for \$113,890, leaving \$8,109 for a nice sign.

- Mr. Dennis said that a sign does not attract industries to build, they want to come to a place where they know their investment is going to be protected and that sign doesn't protect their investment.
- Mr. Dennis said they cannot have homeland security without hometown security. He said that means taxpayers and the governing body have the responsibility to make sure emergency services are fully equipped to respond to emergencies.
- Mr. Dennis said emergency services are not cheap, and there will be price increases as the future presents itself.
- Mr. Dennis said they have applied for a FEMA Grant, and if awarded, that will benefit three departments, if they do not get it, they must come back to Newberry County.
- Mr. Dennis then mentioned two incidents: the Charleston 9 tragedy and following that investigation Charleston increased their emergency services budget by four million dollars. On May 26, 2023, six firefighters became victims of a structural collapse, with one passing away. Mr. Dennis said that report has not come out but feels confident that budgets will increase.
- Mr. Dennis said not only are they here to talk about the need for the SCBA, but there is also a need to replace rolling stock.
- Mr. Dennis said on June 26, 2023, they took possession of their new SCBAs, and received training, bringing that engine up to compliance. He said they are asking the committee for consideration for reimbursement of the money spent, which was about \$35,800. He said they understand the need to search for the money, but also know they've got to provide an invaluable service.

### **3. Update and questions regarding Newberry County Gun Policy.**

- Mr. Long said he does not have an update at this time, as he is still waiting for a draft copy of the policy from the attorney.

- Mr. Johnson said it needs revisiting. He said they wanted to acknowledge that public safety officials do carry concealed weapons and they want to a nice safe place to put them and do a policy that is compliant.

#### **4. Mutual Aid Agreement with the City of Newberry.**

- Mr. Long said he wanted to bring this to the committee for information and they are in the process of updating that agreement with the City of Newberry.
- Mr. Long said the document still needs to be reviewed by the attorney and once he gets those back, the county administrator will be able to sign.
- Mr. Johnson said as long as the attorney is fine with it, he's fine with it.

#### **5. Updates from the Rescue Squads.**

- Mr. Chris Johnson provided an update on what they have been doing at the Board of Rescue Squads and Rescue Squads throughout the county.
- Mr. Chris Johnson said they are in the final stages of the training of their new portable ultrasound units and once that is approved, they have a group to test the training out to see that it meets the county's needs and as long as it does, they will be pushed out to the rest of the county.
- Mr. Chris Johnson said by the end of the month the new data point that they must complete and send to DHEC every time they treat a patient, that report has been updated and pending approval.
- Mr. Chris Johnson said they had some meetings with Spartan Race officials. He said that will be out of the Newberry Rescue Squad District and they have worked through their staffing commitments, they will have two ambulances staffed with volunteers for both days.
- Mr. Chris Johnson said the remount for the ambulance out of Newberry Rescue Squad has been completed and is on the road.



- Mr. Chris Johnson said from the board standpoint, they completely support developing a rolling stock replacement plan.
- Mr. Chris Johonson said switching roles, not speaking on behalf of his board, that he knows the lease for the building in front of the fair grounds is coming due in the next six months. He said Newberry Rescue Squad would strongly suggest that the lease not be renewed. By doing so, he requested the original plan for the Training Grounds for emergency services go back into place.

#### **6. Consolidated 5 property transfer/building demo.**

- Mr. Long said the attorney is working on the property transfer, and that this property is split between the department and the county, and the department wants it transferred to the county.
- Mr. Long said the department also requested the county find a way to tear the old building down. He said he thinks they would be satisfied working it into next year's budget. However, he said they would like to go ahead and get it tested for lead and asbestos.
- Mr. Johnson said that was the only concern he had, they accepted the building and got ready to tear it down and find out it has lead and asbestos. He also said that should be a simple thing to take care of.

#### **7. Rolling Stock Plan/Fire Apparatus Status**

- Mr. Wicker said that rolling stock has been an issue for several years, because of the way the county purchases apparatuses. He said he is just going through the fire engine side of this, but he has a 20-year replacement plan for all fire engine rolling stock, all EMS rolling stock, and all rescue squad rolling stock.
- Mr. Wicker said per NFPA 1911, it is recommended that all frontline apparatus be moved to reserve status when it reaches 15 years of age and be removed

from service around the 25-year mark, due to safety concerns for the individuals operating the apparatus.

- In Newberry County, Mr. Wicker said the average age of Frontline Engines is currently 20 years: one is from 1994; one is from 1995; six are from 2004; one is from 2006; three are from 2012; and one is from 2018.
- Mr. Wicker said the Newberry County Fire Service currently has seven fire engines in immediate need of replacement with three due in roughly three years. He said they are looking to update the engine fleet with custom cab trucks due to various needs, including safety and storage.
- Mr. Wicker said currently, a dealer has nine Custom Pumpers that will be available around the first quarter of 2024. The prices of these trucks are around \$700,000 which includes loose equipment. He said these trucks, if purchased later, could be around \$1,000,000.
- Mr. Johnson said he didn't want to look a gift horse in the mouth, but sometimes if something is too good to be true, it can be. He asked why no one else isn't looking at these trucks. Mr. Wicker said the dealer ordered them and took a chance knowing they would not be hard to sell. He said other departments are looking at two of these trucks now.
- Mr. Todd Johnson asked Mr. Shacker if the county has any money set aside in capital purchase for fire trucks. Mr. Shacker said not for fire trucks.
- Mr. Shacker said he thinks it's a pretty good deal to get some of these trucks and save some money and get them on the road sooner. He said they must be able to protect the residents of Newberry County.
- Mr. Johnson said they would have to look at funding resources because they'd have to borrow money.
- Mr. Shacker said they would probably go lease purchase because the debt levy is set.

- Mr. Shacker said in a couple of weeks, he'd like to see a protective revenue stream on the change they've made to the multi-county park. He also said Parker Poe is working on that and that could be a funding vehicle.
- Mr. Johnson said this is a pro public safety county that wants to work with public safety, but they had to go up two and a half mills on the budget this year and it will continue to go up if they must fund these kinds of purchases.

**Other discussions:**

- Mr. Shacker gave an update on the projects from the Capital Project Sales Tax. He said the goal is to have architect recommendation for approval during the October 18, 2023, Newberry County Council meeting.
- Mr. Sease made a motion to adjourn, seconded by Mr. Johnson. The motion was approved 2-0.
- Mr. Johnson declared the meeting adjourned at 7:05 p.m.

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY  
AND COURTS COMMITTEE**

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**Todd Johnson, Committee Chairman**

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**Andrew Wigger, Clerk to Council**

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

**NEWBERRY COUNTY COUNCIL  
MINUTES  
September 20, 2023**

Newberry County Council met on Wednesday, September 20, 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  
Rick Farmer, Economic Development Director  
Eric Nieto, I.T. Director  
Liz McDonald, Assessor  
Captain Ben Chapman, NCSO  
Andrew Wigger, Clerk to Council/PIO

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. Reeder led the invocation followed by the Pledge of Allegiance.

**1. Adoption of Consent Agenda.**

**a. Newberry County Work Session Minutes – September 6, 2023.**

- Mr. Shealy made a motion to approve the minutes as submitted, Mr. Sease gave the second.
- During discussion, Mr. Hipp said he went through the minutes very closely and that Mr. Wigger captured a lot of great comments and suggestions and requested Mr. Wigger create an action item list, based on all the comments, so council and staff can track the items they said they would do.
- The motion was approved 6-0.

**b. Newberry County Council Meeting Minutes – September 6, 2023.**

- Mr. Shealy made a motion to approve the minutes as submitted, Mr. Hipp gave the second. The motion was approved 6-0.

**2. Additions, Deletions & Adoption of the Agenda**

- Mr. Hipp made a motion to amend the agenda to include an additional executive session for a contractual matter. Mr. Sease gave the second and the motion was approved 6-0.
- Mr. Sease made a motion to approve the agenda as amended, Mr. Reader gave the second and the motion was approved 6-0.

**3. Recognitions:**

**a. Employee Service**

- i. Michael Weathers 15 years Sheriff's Department
- ii. Wendy Wise 25 years Delinquent Tax Collector

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

#### 4. Public Appearances:

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

- Mr. David Usefara, CPA with Mauldin and Jenkins who was the manager on the Newberry County audit, presented the results of the June 30, 2022, audit.
- Mr. Usefara thanked council for accommodating him as he said he was supposed to speak at the last meeting, but his wife went into labor the day before.
- Mr. Usefara said that Ms. Cromer had been wonderful throughout this entire audit process, being very helpful and working extra hard to get them across the finish line.
- Mr. Usefara said Mauldin and Jenkins is independent of the county and they do their audit in accordance with government auditing standards.
- Mr. Usefara said the main takeaway from the audit was the county's governmental activities, fund activities, major funds, and remaining activities within the government; they gave a clean unmodified opinion.
- Mr. Usefara said there is a qualified opinion this year due to their finding that the county has three component units – the library, Westview Behavioral Health Services, and the Newberry County Memorial Hospital – the library's financial audit for 2022 was not ready by the time they were going to issue the statements. He said because of that, they had to issue the qualified opinion, but that does not reflect on the county, more a reflection on the component unit which was the library.
- Mr. Usefara highlighted government wide statements, including long-term liabilities, long-term assets, outstanding

bonds, this year there was a total of \$60.7 million in total assets, offset by \$56 million in liabilities and deferred outflows and deferred inflows – which are related to pension plans – those offset for a total \$3.1 million in equity or net position. He added that \$17 million of that is invested in capital assets.

- Regarding statement of activities, Mr. Usefara said there was \$39 million in total expenses, coupled with a charge of service with about \$4 million, operating grants of \$740,000 with other general revenues totaling \$35 million, that includes \$23 million in property tax revenues. He said this led to an increase in the net position of \$168,000 from the year before.
- In terms of the General Fund, Mr. Usefara said it is performing very well with \$18 million in assets and \$16 million of which is cash; \$4 million in liabilities and \$700,000 in deferred inflows (which is related to property taxes), leaving a leftover fund balance of \$13 million, \$11 million of which is unassigned.
- Other General Fund highlights Mr. Usefara mentioned included \$31 million in revenues; \$22 million being from taxes, \$4 million being from intergovernmental (grants, state income), \$3 million in fines and forfeitures, \$2 million in miscellaneous. He said this is offset by \$28 million in total expenditures.
- Mr. Usefara said there was \$6 million in transfers out that led to a decrease in fund balance in the General Fund of \$2.6 million.
- The line Prior Period Adjustment, Mr. Usefara said that is for the Airport Fund that was previously recorded as a Special Revenue Fund, he said per GASB 54, airport activities should not be recorded as a Special Revenue Fund. He said in talking to Ms. Cromer, they decided to move that to the General Fund.

- Regarding the Statement of Fiduciary Deposition, Mr. Usefara said this is the school district fund and Magistrate and Clerk of Court, this totaled up to \$38.6 million in cash and \$1.4 million in tax receivable. He said this statement is now required to be recorded by GASB 84. He said it was supposed to be recorded last year but was not and was the reason for one of their findings.
- Mr. Usefara spoke about the findings of the audit. The first involved the general ledger, he said according to the prior year's statements, this has been a finding since 1995, as of right now the general ledger does not properly roll forward and they have some issues with the roll forward and getting reports. He said from discussions with Ms. Cromer, the county is in the process of getting a new general ledger and that should be coming off the books in the next year or so.
- The next finding, Mr. Usefara said, was proper reporting of fiduciary funds, he said this was the previously mentioned finding and will be off the books in 2023.
- The next finding, Mr. Usefara said, involved fund accounting; the airport fund being recorded as a special revenue fund and was moved to the general fund and because of that, it required a finding and will be off in fiscal year 2023.
- Mr. Usefara said the next finding was segregation of duties, he said according to prior year's statements this was in place since 1995 and with small counties and cities it is hard to have the manpower on staff to have proper segregation of duties, which is having separate people conduct duties to lower the risk of fraud.
- Mr. Usefara said they left a management comment, which he said is not as serious as a finding and it is just a suggestion they give. He said the county's capital asset software does not calculate depreciation and that is done manually. He said they suggest getting software that does the calculation.



- Mr. Hipp said that when they got the presentation at the Finance Committee one of the things he noticed, and he requested administration to address, looking at the General Fund balance, over the last several years the is trending negatively. He said that is not a normal positive thing you want to have happen, but there are some reasons for it and it's not that the county is spending more money than making.
  - Mr. Shacker said they finished 2022 with a total fund balance of \$13.3 million, \$11.3 million of which is undesignated (five months in reserve). He said there was \$4.1 million, at that time, in reimbursements associated with incentives and related expenses and grants not collected, at that point.
  - Ms. Cromer said those have now come in.
  - Mr. Hipp asked what the status of the county's current fund balance; Mr. Shacker said it was \$16.1 million.
  - Mr. Hipp said to get a clear picture of the fund balance you'd have to look at this same period in previous years not the end of the year in previous years, like the audit analysis.
  - Mr. Hipp said he'd like to get a more definitive answer to that question of how they are relative to previous years and if they are lower, he'd like to understand why, and what are they going to do to get back to previous fund balances.
  - Mr. Shacker said staff can get that information for council.
- Mr. Johnson said that in this day in age it is unconscionable to him that they are still using paper ledgers in this county. He said he knows this council has approved a computerized system where there are checks and balances. He wants the people to know council is making every effort to correct it even if they have to say you will use this software.

- Mr. Usefara said this is not the fault of the county, some of this should have been caught in prior audits and there is an effort to move forward.
- Mr. Hipp said where the county is with revenue is still good, but you don't want to wait until you are in an unfavorable situation to recognize it.

**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**

- Mr. Shealy made a motion to approve the third reading; Mr. Reeder gave the second and the motion was approved 6-0.

**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**

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

**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**

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

**8. Consideration and approval of employee holidays for the observance of Christmas.**

- Mr. Shacker said their current policy has three days that are identified for the Christmas holidays, based on the reading of that policy, the days that would be observed this year are Monday, December 25; Tuesday, December 26; and Wednesday, December 27. Mr. Shacker said that creates some challenges as far as operations.
- Mr. Shacker said they were requesting council approve a deviation from the policy and observe Friday, December 22; Monday, December 25; and Tuesday, December 26.
- Mr. Johnson said he thinks that is very wise and makes the county more accessible to the public over that two-week period.
- Mr. Reeder made a motion to approve the recommendation, Mr. Sease gave the second and the motion was approved 6-0.

**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)

b. Contractual Matter

- At 6:31 p.m., Mr. Shealy made a motion to go into executive session; Mr. Reeder gave the second and the motion was approved 6-0.
- At 7:07 p.m., Mr. Shealy made a motion to return from executive session; Mr. Reeder gave the second and the motion was approved 6-0

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

- No action was taken.

**11. Appointments**

- There were no appointments.

**12. Public Comments:**

- Ms. Robbiette Hazel spoke about a new position that was changed and asked if it was two positions or one position that was just changed. Mr. Shacker said they didn't really have a job description that captured the duties of the job and staff amended that. Ms. Hazel asked if they really needed the new position. Ms. Hazel then said another thing she was interested in, and at one time there was someone who handled the Geographics Information System and will the county have that again. Mr. Johnson said that is contracted out. Mr. Hazel said she understood from tonight the county will have a computer system (general ledger). Ms. Hazel said she thanks everyone for what they do and encourages everyone to work as a team. She is also encouraged by the fact that the county is investing in new software.

**13. Comments/Request from County Administrator.**

- Mr. Shacker gave an update on a few initiatives, including getting a fund balance analysis out to council.
- Mr. Shacker said they have the revisions to the nuisance codes that he will get out to council and the revised Future Land Use Map.

- He said the design for the CDBG project (Whitmire sidewalk project) is underway and is being designed, he said it should be out to bid soon.
- He said the CPST architecture and engineering proposals are in, and the reviews will be completed soon, and their goal is to have recommendations to council by Oct. 4.
- He said the general ledger proposals are in, and they will bring a recommendation back to council.

#### 14. Comments/Request from Council.

- Mr. Shealy said it was a productive meeting.
- Mr. Sease said there was good information, and the county is moving in a positive direction.
- Mr. Reeder said it was a great meeting with a lot of information that was good and told everyone to keep up the good work.
- Mr. Scurry said everything is great.
- Mr. Hipp said it is great to see this council working together so well and referenced the September 6 Work Session and said he doesn't think he's seen a more productive Work Session. He said he thinks they are going in the right direction.
- Mr. Johnson announced that the road committee has agreed to do the match for the county for the CDBG project in Whitmire.
- Mr. Johnson said he wasn't sure how many councilmembers planned to attend the Newberry Business Alliances BBQ, but they will treat that like a meeting.

#### 15. Future Meetings:

- a. Economic Development Committee – September 25 at 6 p.m.
  - Mr. Shealy said he will be out of town on this date. Mr. Reeder and Mr. Hipp said they will be in attendance and will have a quorum.
- b. Newberry County Council – October 4 at 6 p.m.
  - Mr. Johnson said he will be out of town as his son was chosen to play in nationals with the Special Olympics.

- c. Finance Committee – October 9 at 6 p.m.
  - Mr. Sease (chair of the Finance Committee) said he will be out of town and the meeting date will need to be changed.
- d. Newberry County Council – October 18 at 6 p.m.

16. Adjournment

At 7:19 p.m., Mr. Shealy made a motion to adjourn; Mr. Sease gave the second and the motion was approved 6-0.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

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

**NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE  
MINUTES  
September 25, 2023**

The Newberry County Council Economic Development Committee met on Monday, September 25, 2023, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular meeting.

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

**PRESENT:** Leslie “Les” Hipp, Committee Chair  
Travis Reeder, Committee Member  
Jeff Shacker, County Administrator  
Rick Farmer, Economic Development Director  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

**Absent:** Robert N. Shealy, Committee Member

**1. Call to Order**

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

**2. Additions, Deletions and Adoption of the Agenda**

Mr. Reeder made a motion to delete item number five (MCCP II Restrictive Covenants) under the Product Development portion of the agenda. Mr. Hipp gave a second and the motion was approved 2-0.

Mr. Reeder made a motion to approve the agenda as amended; Mr. Hipp made the second and the motion was approved 2-0.

**3. Public Comments**

There were no public comments.

#### 4. Staff Report

##### a. Project Activity:

- i. Mr. Farmer said project activity remains steady with five new site submissions since the committee last met.
- ii. Mr. Farmer made mention of two new manufacturers in Newberry County.
  - He said Dayton Rogers Manufacturing is a relocation from Lexington County to a facility near Kiswire. He said they make safety equipment for the construction industry. Mr. Farmer said they have 15 employees.
  - Mr. Farmer said Jacob Grey is a machine shop originally out of West Columbia that wanted more space to manufacture firearms. They are now located in Prosperity, he said they should be up and running anytime.
- iii. Mr. Farmer said that in 2023, Newberry County has passed three deals: Project N (solar deal with Duke Energy) a \$70 million project; Project Rubicon (Kraft-Heinz) a \$72 million expansion; and Project Viking (West Frazier) a \$17 million expansion with 30 jobs. Mr. Farmer said, as of now, we are looking at a \$159 million in county investment and 30 new jobs.
  - Mr. Hipp asked if this was all in the calendar year or the fiscal year. Mr. Farmer said this was all in the calendar year.

##### b. Product Development:

- i. Mr. Farmer addressed the road in the Mid-Carolina Commerce Park. He said the road they built in MCCP served the purpose of getting across the creek, where previously they could not access the west side of the park. However, he said due to budget restraints they cut back that road a couple of times. He said as of today, he cannot access sites six and seven at the park.



- Mr. Farmer said what he is recommending that instead of building a new asphalt road – Alliance Engineers said the cost to build the road is about a million dollars; and crusher run road is about \$700,000 – he’d like to see a cheaper road, like a dirt road.
  - Mr. Reeder said that he believed that if they have the property, they need to be able to access the property, even if it is a dirt road.
  - Mr. Hipp asked if sites six and seven could be joined to make a larger footprint. Mr. Farmer said yes and that makes a lot of sense. He said he’d love to see a new pad that is on the boarder of the two sites.
  - Mr. Hipp asked if the county had looked at the timber on the two parcels, to see what kind of money they could get to do the road. Mr. Farmer said that is something he will look into; he added that about four or five years ago they had M CCP thinned. Mr. Shacker added that they could have other properties evaluated, as well.
  - Mr. Farmer said for right now, it is hard to justify pitching those two sites, and they are the best sites on the west side of the creek, because he cannot get a prospect to them.
  - Mr. Farmer said there may not be a huge cost difference between clearing the site and flattening the hills and putting a pad. He recommended looking at doing both of those.
  - Mr. Farmer said they’ve made it past the first round on a couple of prospects that both of which wanted a pad (shovel-ready site) and while the county is still in the running, the county is always at a competitive disadvantage when the prospect says they want a pad.
- ii. Mr. Farmer said the county is continuing to work on the Mawsons Way Extension. He said they reapplied for \$600,000 from the state and the county was awarded the grant. He said over the next three years, the county will have the following funding: \$2 million from the coordinating council; \$1,500,000 from the County Transportation

Committee, \$600,000 from SCDOC, \$343,000 from the Newberry Electric Cooperative. He said they are in late-stage negotiation with some of the companies and the administration has spoken with the attorney representing the county on the right-of-way acquisition issues.

- iii. Mr. Farmer said for the Mid-Carolia Commerce Park II, the county has now accepted Prosperity Par Avenue into the Newberry County Road System and he is at the stage where he needs to process the final grants for Daeyoung: \$500,000 from the county for the road, \$730,000 from the state for site development, and \$470,000 for the road from the Department of Commerce.
  
- iv. Mr. Farmer said they have applied for the Boyd's Crossing Rail Site, they have applied for EPA Brownfield grants several years running, but haven't been able to nail one down. However, he said he had a call with the Central Midlands Council of Governments, and they have leftover funding and may be able to get a Phase One at no cost. He said the owner is on board. He said they have historical knowledge of lumber being dried on the site.
  
- v. Mr. Farmer said, regarding the Cockrell Property, that he and Mr. Shacker discussed a Voluntary Cleanup Program, through the state. Mr. Farmer said it basically allows a non-responsible party to buy contaminated property without buying the liability. He said this is the only way you can move the contaminated property if you take the liability off the buyer's back. However, Mr. Farmer said there are costs associated with the program. He said his most recent estimate was \$50,000.
  - Mr. Reeder said that he believes they will need to do something with that property so they will not have any other issues.
  - Mr. Farmer said it is really a question of the \$50,000 and if they don't do the program, it will just sit vacant forever unless they happen to sell it at a diminished cost.
  - Mr. Hipp said it is not in the budget for this year, but they need to make that property marketable. He said it is a nice piece of property and there have been people interested in the property.

- Mr. Farmer said he will study the question and get an updated cost on the VCC and get specifics of what the cost does.

c. Product Development:

- i. Mr. Farmer said he'd be attending ECONOMIX in Atlanta, Nov. 28-30. He said Central SC Alliance paid the registration fees and the only cost to attend will be travel.
- ii. Mr. Farmer said they just did some new drone photography. He said Central SC Alliance now has a drone flyer on staff that the county can use to their advantage.
- iii. Mr. Farmer said he is planning a website overhaul to the Newberry County Economic Development website.
- iv. Mr. Farmer said he will not be participating in the Korean mission this year, as the Upstate Alliance has been offered the trip. Mr. Farmer said that Mr. Keith Avery, with the Newberry Electric Cooperative, will be participating, representing the community.

d. Other:

- i. Mr. Farmer showed the committee the Economic Development Strategic Plan Year One goals. He said he will take steps to more formalize that between now and the end of the fiscal year.
- ii. Mr. Farmer said Korean American Day will be January 20, 2024. He said this was something Mayor Foster Senn came up with and they put together the first one in 2023. He said it will be hosted in the MacLean Gym, at Newberry College. He said the site is not handicap accessible and that gives him pause, but it is not a public event. Mr. Hipp said they should know in advance if someone may need help; Mr. Farmer said yes, and they will do what they can to accommodate them.

- Mr. Hipp noted that during this year's event, he enjoyed seeing all the families in attendance. He also noted that Newberry County is the highest Korean represented business industrial county in the state.

iii. Mr. Farmer said they are scheduling the next Industrial Roundtable for October 10, 2023. The speaker will be Jennifer Holliday, with the Newberry County Career Center.

5. Comments by and discussion items from committee members.

- Mr. Reeder said it was a good meeting.

6. Executive Session:

§30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Artemis (Feder), Capers Acres Solar, Alpha, YMCA, BRT, DMZ II, Maverick, Cardinal, Oaktree and other unnamed projects.

- Mr. Reeder made a motion at 6:25 p.m. to go into executive session; Mr. Hipp gave the second and the motion was approved 2-0.
- Mr. Reeder made a motion to come out of executive session at 7:22 p.m.; Mr. Hipp gave the second and the motion was approved 2-0.
- The Committee took no action following the executive session.

7. Adjourn

- There being no further business, Mr. Reeder made a motion to adjourn the meeting; Mr. Hipp gave the second the motion was approved 2-0.
- Mr. Hipp declared the meeting adjourned at 7:23 p.m.

**NEWBERRY COUNTY COUNCIL ECONOMIC  
DEVELOPMENT COMMITTEE**

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**Leslie Hipp, Committee Chairman**

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**Andrew Wigger, Clerk to Council**

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

COUNTY OF NEWBERRY )  
 )  
STATE OF SOUTH CAROLINA )

**PROCLAMATION  
NATIONAL MANUFACTURING DAY & WEEK**

**WHEREAS**, Newberry County is home to nearly 40 manufacturing firms, representing the largest business sector in our community, and employing more than 5,300 of our people; and

**WHEREAS**, Manufacturing is one of the highest-paying business sectors in our community, averaging an annual salary of about \$58,000 per year or about \$29 per hour; and

**WHEREAS**, combined these manufacturing businesses produce an annual payroll of more than \$300 million per year; and

**WHEREAS**, Newberry County has one of the largest manufacturing workforces in the State of South Carolina, accounting for more than 27% of our workforce, more than double the state's 12% and more than triple the nation's 8.4%; and

**WHEREAS**, Manufacturing is the vanguard of local economies, leading to more new jobs and investment outside the manufacturing sector; and

**WHEREAS**, in the last decade, Newberry County has welcomed 13 new manufacturing companies into our county, representing more than \$726 million in investment, and the creation of 1,690 new jobs; and

**WHEREAS**, Newberry County's existing manufacturers have expanded 18 times in the last decade, investing more than \$241 million and creating more than 510 new jobs; and

**WHEREAS**, five of the top 10 taxpaying businesses in the county are manufacturers, supporting local government, emergency response and local schools.

**NOW, THEREFORE, BE IT PROCLAIMED** by the County Council of the County of Newberry that October 6 shall be National Manufacturing Day, and October 6 through 13, 2023 shall be National Manufacturing Week in recognition of the many benefits and contributions of our manufacturing sector.

**NEWBERRY COUNTY COUNCIL**

**SEAL**

By \_\_\_\_\_  
**Todd Johnson, Chairman**

**ATTEST:**

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

STATE OF SOUTH CAROLINA )  
 )  
NEWBERRY COUNTY )

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 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 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.**

WHEREAS, Zoning Ordinance, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

WHEREAS, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone two (2) real estate parcels totaling twelve and twenty-nine hundredths (12.29) acres located at 8152 Highway 121, Newberry, to RG-General Residential from LC-Limited Commercial. Tax Map No. 290-16 and Tax Map No. 290-12 are both currently undeveloped. The Comprehensive Plan shows the future land use for this area to be within the economic development projected area. The Planning Staff does recommend that this real estate parcel be rezoned to RG-General Residential.

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA01-07-18-23, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property. The Joint Planning Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

**WHEREAS**, Newberry County Council is familiar with the site and the existing uses of the properties located at 8152 Highway 121., Newberry.

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 290-16 and Tax Map No. 290-12, totaling twelve and twenty-nine hundredths (12.29) acres located at 8152 Highway 121., Newberry, as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, RG-General Residential from LC-Limited Commercial:

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.



**NOW, THEREFORE, BE IT ORDAINED that:**

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 290-16 and Tax Map No. 290-12, totaling twelve and twenty-nine hundredths (12.29) acres real estate parcel as acted on by the Planning Commission, be:

\_\_\_\_\_ disapproved;  
\_\_\_\_\_ approved; or  
\_\_\_\_\_ approved with the following modifications: \_\_\_\_\_

\_\_\_\_\_.

**AND IT IS SO ORDAINED** by Newberry County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

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

**Attest:**

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

1<sup>st</sup> reading: 08/16/2023  
2<sup>nd</sup> reading: 09/06/2023  
Public Hearing: 10/04/2023  
3<sup>rd</sup> reading: 10/04/2023

Reviewed and approved as to form:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
County Administrator



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

### Agenda Briefing

Prepared By: Katie Werts	Title: Zoning Administrator
Department: Planning & Zoning	Division: N/A
Date Prepared: August 11, 2023	Meeting Date: August 16, 2023
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: July 18, 2023
Request Consideration by Committee / County Council: County Council	
Subject: MA01-07-18-23 Rezoning	

**STAFF'S RECOMMENDED ACTION:**

This ordinance is for the request to rezone two (2) properties totaling twelve and twenty-nine hundredths (12.29) acres located at 8152 Highway 121, Newberry, from LC – Limited Commercial to RG- General Residential. The property owner has asked to rezone to RG- General Commercial from LC-Limited Commercial for his personal residence. The future land use map of the comprehensive plan has identified this property to be within the economic development overlay. The rezoning of RG-General Residential does fit within the definition of the economic development overlay. The Planning staff does recommend this rezoning. The Joint Planning Commission voted to approve the rezoning also.

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

N/A

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

SUMMARY DISCUSSION:

This ordinance is for the request to rezone two (2) properties totaling twelve and twenty-nine hundredths (12.29) acres located at 8152 Highway 121, Newberry, from LC – Limited Commercial to RG- General Residential. The property owner has asked to rezone to RG- General Commercial from LC-Limited Commercial for his personal residence.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Planning Commission Staff Report

Ordinance No.

STATE OF SOUTH CAROLINA )  
 )  
NEWBERRY COUNTY )

**ORDINANCE NO. 08-02-23**

**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 TWO (2) ACRES DESIGNATED AS TMS NO. 530-13 FROM LC-LIMITED COMMERCIAL TO R2-RURAL.**

**WHEREAS**, Zoning Ordinance, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

**WHEREAS**, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

**WHEREAS**, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling two (2) acres located at 2467 Seibert Road, Prosperity, to R2-Rural from LC-Limited Commercial. Tax Map No. 530-13 is currently undeveloped. The Comprehensive Plan shows the future land use for this area to be within the rural development projected area. The Planning Staff does recommend that this real estate parcel be rezoned to R2-Rural.

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA03-07-18-23, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property. The Joint Planning Commission determined that it does concur with the recommendation of the Planning

Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

**WHEREAS**, Newberry County Council is familiar with the site and the existing uses of the property located at 2467 Seibert Road, Prosperity.

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 530-13, totaling two (2) acres located at 2467 Seibert Road, Prosperity, as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, R2-Rural from LC-Limited Commercial:

- A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.
- B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.
- C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

**NOW, THEREFORE, BE IT ORDAINED that:**

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 530-13, totaling two (2) acres real estate parcel as acted on by the Planning Commission, be:

\_\_\_\_\_ disapproved;  
\_\_\_\_\_ approved; or

\_\_\_\_\_ approved with the following modifications: \_\_\_\_\_

\_\_\_\_\_.

**AND IT IS SO ORDAINED** by Newberry County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

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

**Attest:**

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

1<sup>st</sup> reading: 08/16/2023  
2<sup>nd</sup> reading: 09/06/2023  
Public Hearing: 10/04/2023  
3<sup>rd</sup> reading: 10/04/2023

Reviewed and approved as to form:  
\_\_\_\_\_  
Attorney

\_\_\_\_\_  
County Administrator



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

### Agenda Briefing

Prepared By: Katie Werts	Title: Zoning Administrator
Department: Planning & Zoning	Division: N/A
Date Prepared: August 11, 2023	Meeting Date: August 16, 2023
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: July 18, 2023
Request Consideration by Committee / County Council: County Council	
Subject: MA03-07-18-23 Rezoning	

**STAFF'S RECOMMENDED ACTION:**

This ordinance is for the request to rezone one (1) property that is currently split zoned totaling two (2) acres located at 2467 Seibert Road, Prosperity, from LC – Limited Commercial to R2- Rural for the owner’s residence. The future land use map of the comprehensive plan has identified this property to be within the rural development overlay. The rezoning of R2-Rural does fit within the definition of the rural development overlay. The Planning staff does recommend this rezoning. The Joint Planning Commission voted to approve the rezoning also.

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

N/A

**COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA (S) OF LEGAL EXPOSURE:**

SUMMARY DISCUSSION:

This ordinance is for the request to rezone one (1) property that is currently split zoned totaling two (2) acres located at 2467 Seibert Road, Prosperity, from LC – Limited Commercial to R2- Rural.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Planning Commission Staff Report

Ordinance No.



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

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Chairman, Newberry County Council

(SEAL)  
ATTEST:

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



**Agenda Item Briefing**

**Subject:** Amending Master Agreement governing Greenwood-Newberry Industrial Park

**Prepared By:** Jeff Shacker

**Title:** County Administrator

**Department/Division:** Administration

**Date Prepared:** 9/29/2023

**Legal Review:**   Yes  

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

**Finance Review:**   Yes  

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

**Administrator Review:**   Yes  

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

**Requested meeting:**  Committee  County Council

**Meeting Date:** Wednesday, October 4, 2023

**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 recommends that council approve the ordinance to create the Capital Projects Account to allow for future capital purchases.

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:** N/A

**SUMMARY DISCUSSION:**

Newberry County is looking to create a Capital Projects Account through the Master Agreement governing the Greenwood-Newberry Industrial Park. This amendment will authorize the county to retain certain fee-in-lieu of tax revenues to fund capital projects.

The Capital Projects Account will allow the county to acquire, construct, maintain, repair, renovate, and upfit various capital projects in Newberry – a few examples include recreational areas, our airport, county roads and bridges and public safety facilities and equipment (like fire apparatuses), speculative buildings and other Newberry-owned property, just to name a few.

The formula for the funds for the Capital Projects Account will be based on different assessments of FILOT agreements that are within the Greenwood-Newberry Industrial Park.

**ADDITIONAL COMMENTS FOR CONSIDERATION:** N/A

**ATTACHMENTS:**



Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

**WHEREAS**, Newberry County Council is familiar with the site and the existing uses of the properties located at 2601 Wilson Road, Newberry.

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 339-1-10 totaling one (1) acre located at 2601 Wilson Road, Newberry, as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, R2-Rural from RG-General Residential.

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

**NOW, THEREFORE, BE IT ORDAINED that:**  
Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 339-1-10, totaling one (1) acre real estate parcel as acted on by the Planning Commission, be:

\_\_\_\_\_ disapproved;  
\_\_\_\_\_ approved; or  
\_\_\_\_\_ approved with the following modifications: \_\_\_\_\_

\_\_\_\_\_.

**AND IT IS SO ORDAINED** by Newberry County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

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

**Attest:**

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

1<sup>st</sup> reading: \_\_\_\_\_  
2<sup>nd</sup> reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
3<sup>rd</sup> reading: \_\_\_\_\_

Reviewed and approved as to form:  
\_\_\_\_\_  
Attorney

\_\_\_\_\_  
County Administrator





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

### Agenda Briefing

Prepared By: Katie Werts	Title: Director of Planning & Development
Department: Planning & Development	Division: Zoning
Date Prepared: September 25, 2023	Meeting Date: October 4, 2023
Legal Review	Date:
Budget Review:	Date:
Approved for Consideration: Planning Commission	Date: September 19, 2023
Request Consideration by Committee / County Council	
Subject: Ordinance #10-01-2023 - 2601 Wilson Road Rezoning	

**STAFF'S RECOMMENDED ACTION:**

Staff and the Planning Commission both recommend the council to rezone the 1-acre parcel to R2-Rural from RG-General Residential for the use of commercial storage in an existing vacant building.

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

N/A

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

N/A

#### SUMMARY DISCUSSION:

This is a request by Ben Lovro to rezone one (1) parcel of land totaling one (1) acre located at 2601 Wilson Road, Newberry, from RG -General Residential to R2-Rural. The proposed use of this property is storage unit using the existing vacant building on the property.

The Comprehensive Plan identifies this property and the surrounding area as Economic Development.

Staff recommends the rezoning to R2-Rural, and the Planning Commission unanimously voted to recommend the rezoning.

#### ADDITIONAL COMMENTS FOR CONSIDERATION:

N/A

#### ATTACHMENTS:

Staff Report

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

ORDINANCE NO. 10-02-23

**AN ORDINANCE ADOPTING THE NEWBERRY COUNTY FIRE PROTECTION AND PREVENTION CODE, PROVIDING FOR PERIODIC INSPECTIONS AND ENFORCEMENT OF THE CODE, AND ESTABLISHING A PROCESS FOR APPEALS AND PENALTIES FOR VIOLATIONS**

**WHEREAS**, the County Council of the County of Newberry desires to establish a fire protection and prevention program to protect public health, safety, property and general welfare within Newberry County, South Carolina; and

**WHEREAS**, the International Code Council has developed the International Fire Code, which establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions; and

**WHEREAS**, the State of South Carolina has adopted the International Fire Code, which is administered statewide by the Office of the State Fire Marshall, a division of the South Carolina Department of Labor, Licensing and Regulation (SCLLR); and

**WHEREAS**, political subdivisions of South Carolina are authorized by the State of South Carolina to adopt, administer, and enforce the International Fire Code within their jurisdiction.

**NOW, THEREFORE BE IT ORDAINED** by the County Council of the County of Newberry, in Council duly assembled this 1<sup>st</sup> day of November 2023 that:

1. **Adoption:** This article shall be known as the Newberry County Fire Protection and Prevention Code. The county hereby adopts the International Fire Code and the administrative chapters of the above-listed code, current edition. A file of record of this code is maintained in the Planning and Development Department.
2. **Responsibility for enforcement:** The Fire Marshal or duly designated county official shall be responsible for the enforcement of the Newberry County Fire Protection and Prevention Code.
3. **Inspections:** The enforcing official shall inspect all commercial premises on a periodic basis at reasonable times and shall issue such orders as may be necessary for the enforcement of the Newberry County Fire Protection and Prevention Code and for safekeeping of life and property from fire.
4. **Remedy of dangerous conditions:** Whenever the enforcing official shall find in any building any violations the enforcing official shall provide in writing all violations, date of inspection when the violation was determined, specific orders for abatement or remediation of the violation and a date for completion of the abatement.

5. **Appeals:** An appeal may be requested by the owner of the building where a violation was found. An appeal may be made to the Newberry County Construction Review Board by such person. The Board shall hear any case involving a violation and make rulings on the interpretation of the violation, and timeframe and manner in which the violation is mitigated. The Construction Review Board shall not levy fines or penalties on the property owner or amend the standards of this ordinance.
  
6. **Penalties:** Any person deemed to be in violation of this Ordinance after having received a violation notification with an established timeframe for abatement shall be issued a citation charging such person(s) with a misdemeanor. A guilty plea or judgement by the Newberry County Magistrate's Office shall be punishable by a fine of no more than \$500 unless otherwise noted in this ordinance. Each day such violation continues after due notice to discontinue such violations shall be considered a separate offense. In addition, the Fire Marshal or other appropriate administrative official, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or take any other appropriate actions or proceedings required to enforce this Ordinance.

**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**

**1<sup>st</sup> Reading:**           **October 4, 2023**  
**2<sup>nd</sup> Reading:**       **October 18, 2023**  
**Public Hearing:**     **October 18, 2023**  
**3<sup>rd</sup> Reading:**       **November 1, 2023**



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

### Agenda Briefing

Prepared By: Katie Werts	Title: Director of Planning & Development
Department: Planning & Development	Division: Fire Marshal
Date Prepared: September 27, 2023	Meeting Date: October 4, 2023
Legal Review	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Ordinance #10-02-2023 - Fire Protection and Prevention Ordinance	

**STAFF'S RECOMMENDED ACTION:**

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

N/A

**COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (S) OF LEGAL EXPOSURE:**

N/A

**SUMMARY DISCUSSION:**

The Fire Protection and Prevention Ordinance outlines the adoption, enforcement, inspections, appeals and penalties for the commercial inspections by the Fire Marshal.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

N/A

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



## Agenda Briefing

Prepared By: Jessie Long	Title: Director, Parks & Recreation
Department: Parks & Recreation	Division:
Date Prepared: 9-27-23	Meeting Date: 10-4-23
Legal Review	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: PARD Grant Application for Lynch’s Woods Park Project	

### STAFF’S RECOMMENDED ACTION:

Submit PARD Grant Application for Lynch’s Woods Park Project as soon as possible (upon securing Council approval and legislative delegation signature(s)).

### FIDUCIARY:

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

### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

This grant is a reimbursable grant up to 80%. The total estimated project cost is \$48,000, which will require \$9,600 (20% match) from the County or in-kind amounts. Spartan Race funds are available to cover the match portion of this grant.

### COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

### SUMMARY DISCUSSION:

Under this project, the scope of work will include a quarter mile youth bicycle path with fun elements incorporated throughout, the construction of a 16’ x 24’ outdoor education structure to contain a classroom space, benches, and storage. Additionally, the project will include work to the existing gravel road and the purchase of bicycles, safety gear, and cameras to monitor the space. The work will be completed within 18 months in collaboration with County of Newberry public works and maintenance departments and in conjunction with licensed and certified skilled laborers and/or construction companies.

### ADDITIONAL COMMENTS FOR CONSIDERATION:

**ATTACHMENTS:** PARD Grant Application

## GENERAL ADMINISTRATION

### APPLICATION PROCESS

An application for PARD funds must be complete to be approved. A complete application consists of the following:

- Project Application
- Endorsement Form from Delegation with original signatures with combined weight factor of more than 50%
- Copy of Deed and or lease of property
- Historical Significance Certification Form
- Site map of property with full address listed
- Pictures (color) 8 ½ x 11 of the proposed site before development or renovation

Please keep in mind you must provide all the above for every application even if funding has been provided in the past to the same location.

### PROJECT MATCH

PARD is a matching grant program and all projects must be matched by local government in an amount of at least 20%. All local matches will be in the form of cash, force account labor or equipment use costs for the actual construction of the project. Force account labor must be actual employees of the Town, City or County. **The following are NOT eligible as a match for PARD funds: Volunteer labor or donated material, costs associated with the administration of the project, acquisition of real property, or interest on borrowed funds.**

### PROCUREMENT PROCEDURES

**\*SEE ATTACHMENT A\***

### HANDICAP ACCESSIBILITY

All State funded projects must be made accessible to and useable by persons with disabilities. All projects must meet ADA Standards and must be constructed in conformance with the Uniform Federal Accessibility Standards (UFAS). Alteration of facilities that would prevent accessibility is prohibited.

Links: [www.access-board.gov/ufas/ufas-html/ufas.htm](http://www.access-board.gov/ufas/ufas-html/ufas.htm)

# **PROJECT APPLICATION**



SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION & TOURISM  
PARK AND RECREATION DEVELOPMENT FUND

PROJECT APPLICATION

I. General Information

Project Sponsor: County of Newberry

Mailing Address: PO Box 156

Newberry, SC

Email: recreation@newberrycounty.net      Zip: 29108

Contact Person: Jessie Long

Phone Number: 803-924-8328      Fax \_\_\_\_\_

Project Name: Learn to Ride & Ride to Learn

County: Newberry

Federal Identification Number: 57-6000389

Congressional District #5

**PARD Class: A**

Amount of Funds Requested: \$38,400.00

II. Project Description

This project will include the following work categories (Check the appropriate categories):

Development of New Facilities       Renovation of Existing Facilities

Planning

This project will include the following specific work elements (Check the appropriate elements):

Athletic Fields       Athletic Courts       Multi-Purpose Courts

Picnic Facilities       Swimming Facilities       Trails

Boating/Fishing Facilities       Indoor Facilities

Support Facilities       Consultant Services

Other (describe) \_\_\_\_\_

### III. Narrative Description

Describe in sufficient detail the work to be accomplished under this project and how the work will be accomplished.

*The County of Newberry maintains Lynch's Woods Park, which is a 276-acre natural park with large pines, old-growth hardwoods, streams, and miles of diverse trails. Under this project, the scope of work will include a quarter mile youth bicycle path with fun elements incorporated throughout, the construction of a 16' x 24' outdoor education structure to contain a classroom space, benches, and storage. Additionally, the project will include work to the existing gravel road and the purchase of bicycles, safety gear, and cameras to monitor the space. The work will be completed within 18 months in collaboration with County of Newberry public works and maintenance departments and in conjunction with licensed and certified skilled laborers and/or construction companies.*

Proposed Site Location: Lynch's Woods Park (located behind Newberry County Sheriff's Department) near mile marker 1 along Walter Cousins Rd that loops through the park.

Park Name: Lynch's Woods Park

Physical address of proposed site: 520 Wilson Road, Newberry 29108  
(Please include City, Town and Zip Code)

Latitude and Longitude (degrees/minutes/seconds/dir) of proposed site:  
Park Coordinates: 34.27440196819782, -81.58604692523423  
Project Site Coordinates: 34.27759694013753, -81.57172199308351

Pictures (color) 8 ½ x 11 of the proposed site before development or renovation.

See three attached pictures.

Project Location Map: <https://goo.gl/maps/1RUH6LC5yoV8cGhG8> and map attached of the specific site within the park of the project area (yellow star)

### V. Time Table

Give a proposed time table for the accomplishment of this proposed work:

*Proposed timeline for completing this project will be January 2024 to June 2025. A more detailed proposed timeline attached.*

### IV. Proposed Budget Breakdown for the Project:

Total Project Cost will be \$48,000 (\$38,400 in PARD Funds and \$9,600 in matching funds). *A more detailed proposed budget breakdown attached.*

***Attachments are needed with ALL applications, even if we have them on file with another project. Applications without all of the required information will be returned to the project sponsor and a complete package requested.***

Project Location Map - Provide a map showing the location of each project site. The map(s) is to be in **sufficient detail** (or written directions) so that the site(s) can be found without additional assistance. (*Please remember we are not from your area*).

Copy of the appropriate deed or lease/joint use agreement for each proposed site.

Provide an **original** document showing the endorsements of the County's Legislative Delegation showing a weight factor of more than 50%.

Historical Significance Certification Form.

Pictures (color) 8 ½ x 11 of the proposed site before development or renovation.

**Project Sponsor:** County of Newberry  
**Project Name:** Learn to Ride & Ride to Learn  
**Proposed Project Timeline:**



**Project Sponsor:** County of Newberry  
**Project Name:** Learn to Ride & Ride to Learn  
**Proposed Project Budget:**

Project Element	Estimated Cost
Youth Bicycle Path (Site Prep & Construction)	\$17,000
Site Prep & Concrete for Structure	\$3,500
Outdoor Education Structure	\$20,000
Gravel Road Repairs	\$2,500
Youth Bicycles and Safety Gear	\$2,500
Cameras	\$2,500
<b>Total Proposed Project Budget</b>	<b>\$48,000</b>

**SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION & TOURISM  
PARK AND RECREATION DEVELOPMENT FUND**

**ENDORSEMENT FORM**

We, the members of the NEWBERRY County Legislative Delegation, endorse the following Project, Sponsor, and Amount for funding under the South Carolina Park and Recreation Development Fund (PARD) Program.

**Sponsor:** County of Newberry

**Project Name:** Learn to Ride & Ride to Learn

**PARD Amount:** \$38,400

**ENDORSEMENT:** *(Signatories combined weight factor must be greater than 50% for the above-mentioned county. Applications cannot be processed without weight factor listed.)*

<b>NAME (type or print)</b>	<b>SIGNATURE</b>	<b>WEIGHT FACTOR</b>
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %

(Form must be completed, signed and returned to us WITH the application. Applications **cannot** be processed without this signed and dated form.)

G4K

Deed Book 269 page 278

STATE OF SOUTH CAROLINA :  
COUNTY OF NEWBERRY : TITLE TO REAL ESTATE  
3420

SEP 27 1987

KNOW ALL MEN BY THESE PRESENTS, That the City of Newberry, in the State of South Carolina, for and in consideration of the sum of Five (\$5.00) Dollars and the mutual agreements and understandings as set forth in an Agreement between the City of Newberry and the County of Newberry, dated June 24, 1987, approved by Ordinance adopted by the Newberry County Council on June 24, 1987, to it paid by the County of Newberry, South Carolina, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, by these presents do grant, bargain, sell and release unto the said County of Newberry, Its Successors and Assigns, forever, all its right, title and interest in and to the following described property:

All that piece, parcel and tract of land situate, lying and being in the County of Newberry, State of South Carolina, containing 168.14 acres, more or less, being a part of the George Johnstone Estate, being bounded by lands now or formerly of the Receiver of the Exchange Bank of Newberry, South Carolina, now or formerly by lands of the Estate of George Johnstone and the Morris Estate, and now or formerly the National Bank. This property is more particularly described as Tract No. 7 on a Plat of a survey made by R. E. Hiller, Civil Engineer on May 16-18, 1934, which Plat is recorded in the office of the Clerk of Court for Newberry County in Plat Book G, at pages 438 through 439. On said survey the property herein conveyed is being shown as acquired or to be acquired for the "Newberry County Park" This property was conveyed to the grantor and the grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 40, at page 495.

ALSO, all that piece, parcel and tract of land situate, lying and being in the County of Newberry, State of South Carolina, containing 7.40 acres, more or less, said property being bounded now or formerly by the lands of the Receiver of the National Bank of Newberry, South Carolina, by what is known as the Old Charleston Road, property now or formerly of Fannie A. Johnstone, and Lilla R. Johnstone, by property now or formerly of Neal W. Workman. The property is more particularly described as Tract No. 2 on a survey prepared by R. E. Hiller, Civil Engineer, dated May 16-18, 1934, which Plat is recorded in the office of the Clerk of Court for Newberry County in Plat Book G, at pages 438-439. This property was conveyed to the grantor and the grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 40, at page 166.

Page 1.

RECORDED THIS 30 DAY OF  
Sept 1987  
IN BOOK 269 PAGE 278  
Auditor NEWBERRY COUNTY, SC

SEP 28 1987  
269 278  
Newberry Co., S.C.  
Clerk of Court

Assessment filed 8-11-89 per Road Plat 502 pg. 341

ALSO, all that piece, parcel and tract of land situate, lying and being in the County of Newberry, State of South Carolina, being triangular in shape, and located at the junction of U. S. Highway No. 76 and an extension of Adelaide Street, containing 10.12 acres, more or less, being bounded now or formerly on the north by property of Neal W. Workman and property of Fannie A. Johnstone and Lilla A. Johnstone, on the south and southeast by the line of the old Greenville Road, said property being more particularly described on a survey made by R. E. Hillier, Civil Engineer, as shown on a Plat dated May 16-18, 1934, said Plat being recorded in the office of the Clerk of Court for Newberry County in Plat Book G at pages 438-439. This property was conveyed to the grantor and the grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 40, at page 492.

ALSO, all that piece, parcel and tract of land situate, lying and being in the City and County of Newberry, State of South Carolina, containing 36.40 acres, more or less, said property being bounded by lands now or formerly of the National Bank of Newberry, South Carolina, the lands now or formerly of the Estate of George Johnstone, by South Carolina State Highway known as the "Cut-off" of the Greenville-Columbia Road, by other lands now or formerly of the Receiver of the Exchange Bank of Newberry. The said property is more particularly described and delineated as Tract No. 5 on a survey made by R. E. Hillier, Civil Engineer, dated May 16-18, 1934, which survey is recorded in the office of the Clerk of Court for Newberry County in Plat Book G, at pages 438-439. This property was conveyed to the grantor and the grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 39, at page 109.

ALSO, all that piece, parcel and tract of land, situate, lying and being in the County of Newberry, State of South Carolina, containing 40.64 acres, more or less, being a part of what was formerly known as the "Clara M. McCreary Estate", said property being bounded now or formerly by the lands of Neal W. Workman, by the lands now or formerly of H. C. Holloway, now or formerly by the lands of the National Bank of Newberry, South Carolina, by South Carolina State Highway leading from the Town of Newberry to Columbia. Said property is more particularly described as Tract No. 1 on a survey made by R. E. Hillier, Civil Engineer, dated May 16-18, 1934, which plat is recorded in the office of the Clerk of Court for Newberry County in Plat Book G, at pages 438-439. This property was conveyed to the grantor and the grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 39, at page 110.

ALSO, all that piece, parcel and tract of land, situate, lying and being in the County of Newberry, State of South Carolina, containing 1.08 acres, more or less, and being a part of what was formerly known as the "Fannie A. Johnstone Place", being bounded now or formerly by the South Carolina State Highway known as the "Cut-off" from the Greenville-Columbia Road, by other lands now or formerly of Fannie A. Johnstone, by lands now or formerly of Lilla R. Johnstone. Said property is more particularly described as Tract No. 3 on a survey made by R. E. Hillier, Civil Engineer, dated May 16-18, 1934, which Plat is recorded in the office of the Clerk of Court for Newberry County in Plat Book G, at pages 438-439. This property was conveyed to the grantor and the grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 39, at page 110.

ALSO, all that piece, parcel and tract of land, situate, lying and being in the County of Newberry, State of South Carolina, containing 66.3 acres, more or less, being a part of what was formerly known as the "J. N. Johnstone Estate", being bounded now or formerly by the lands of the Estate of George Johnstone, deceased, by lands now or formerly of the Receiver of the Exchange Bank of Newberry, South Carolina, by South Carolina State Highway known as the "Cut-off" on the Greenville-Columbia Road, and by other lands of W. Scott Farley, as Receiver of the National Bank of Newberry, South Carolina. Said property is more particularly described as Tract No. 6 on a survey made by R. E. Miller, Civil Engineer, dated May 16-18, 1934, which Plat is recorded in the office of the Clerk of Court for Newberry County in Plat Book G, at pages 438-439. This property was conveyed to the grantor and grantee by deed recorded in the office of the Clerk of Court for Newberry County in Deed Book 39, at page 110.

The property herein conveyed is subject to those restrictions as so stated in said deeds and in accordance with the terms and provisions of that Agreement between the City of Newberry, South Carolina, and the County of Newberry, South Carolina, dated June 24, 1987.

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

To Have and to Hold all and singular the premises before mentioned unto the said County of Newberry, its Successors and Assigns forever. And the City of Newberry does hereby bind itself and its Successors and Assigns, to warrant and forever defend all and singular the said premises unto the said County of Newberry, its Successors and Assigns, against it and its Successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, the City of Newberry, by the hands of its Mayor and City Clerk, has hereunto set its hand and seal this 28<sup>th</sup> day of September, 1987.

THE CITY OF NEWBERRY (SEAL)

Signed, Sealed and Delivered  
in the presence of:

BY Clarence A. Shealy, Jr.  
CLARENCE A. SHEALY, JR., MAYOR

W. D. Marney  
Donald Miller

Tina P. Wicker  
TINA P. WICKER, CLERK



STATE OF SOUTH CAROLINA :

COUNTY OF NEWBERRY :

Personally appeared before me W. A. Harvey and made oath that he saw the within named City of Newberry, by the hand of its Mayor, Clarence A. Shealy, Jr., and by the hand of its Clerk, sign, seal and as its act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that he, with Arnold Hiller witnessed the execution thereof.

W. A. Harvey

SWORN to before me this 28 day  
of September, 1987.

Arnold Hiller L.S.  
Notary Public for South Carolina;  
My Commission expires 12-29-96.

SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION & TOURISM  
PARK AND RECREATION DEVELOPMENT FUND

**HISTORICAL SIGNIFICANCE CERTIFICATION FORM**

AGENCY NAME: County of Newberry

PROJECT NAME: Learn to Ride & Ride to Learn

I hereby certify that the above named project:

**(Select One)**

Will Not Have an impact on existing or potentially eligible National Register site(s).

Will Have an impact on existing or potentially eligible National Register site(s).  
Please explain:


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C. Jessie Long  
PRINTED NAME

Director, County of Newberry Parks & Recreation  
TITLE

  
SIGNATURE

9-27-23  
DATE

(Form must be completed, signed and returned to us WITH the application.  
Applications **cannot** be processed without this signed and dated form.)

# Lynch's Woods Park



520 Wilson Rd, Newberry 29108

Just outside the charming city of Newberry, lies this beautiful park full of old growth trees and gently flowing streams. Lynch's Woods Park, originally created in the 1930s by the Civilian Conservation Corps (CCC), has been a well-kept secret. Now managed by the Newberry County Recreation Department, this park has seen some great improvement, including a new restroom and a new picnic shelter. The roads have been re-graded and many new miles of trail have been developed. Mountain bikers, hikers, and equestrians can all call Lynch's Woods their home. Lynch's Woods connects to the Newberry Passage, which takes users through the heart of downtown Newberry and along the campus of Newberry College.

Thank you to all of our community partners and countless others who have helped build, maintain, and improve this passage.

Please visit us at our website [palmettotrail.org](http://palmettotrail.org) for more information about the trail and ways to get involved. Our maps are also available for offline use through the Avenza Maps app.

**Trail Map Legend**

- Blue Line: 1.5 Mile
- Green Line: 1.0 Mile
- Red Line: 0.5 Mile
- Orange Line: 0.25 Mile
- White Line: 0.1 Mile
- Blue Square: 0.5 Mile
- Green Square: 0.25 Mile
- Red Square: 0.1 Mile
- Orange Square: 0.05 Mile
- White Square: 0.025 Mile

**Palmetto Trail**

Palmetto Trail is a 100-mile trail system in the heart of the Palmetto Trail region, connecting the Palmetto Trail to the Palmetto Trail. The trail is a great way to explore the Palmetto Trail region and enjoy the beautiful views of the Palmetto Trail.

**Palmetto Trail**

Palmetto Trail is a 100-mile trail system in the heart of the Palmetto Trail region, connecting the Palmetto Trail to the Palmetto Trail. The trail is a great way to explore the Palmetto Trail region and enjoy the beautiful views of the Palmetto Trail.



Copyright 2022 Palmetto Conservation - Newberry

Map 1.0.2022



