



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
March 20, 2024
6:00 P.M.**

Call to order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Leon Fulmer, Council Member

1. Adoption of Consent Agenda:
 - a. Newberry County Council Work Session Minutes – March 6, 2024.
 - b. Newberry County Council Meeting Minutes – March 6, 2024.

2. Additions, Deletions & Adoption of the Agenda.

3. Recognitions:
 - a. Employee Service:
 - i. Daniel Floyd 25 years Sheriff
 - ii. Robert Dennis Retirement Sheriff

4. Ordinance No. 02-02-2024. An Ordinance authorizing the acceptance of Northshore Road located within Edgewater Shores Subdivision into the Newberry County Public Road System – Michael Pisano, Public Works Director
 - a. Third Reading

5. A Proclamation honoring the service of Mrs. Betty Ruff Reeder.

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

7. Appointments.
 - a. Newberry County Water and Sewer Authority Board – Mr. Terry Rawls, District 3.
8. Public Comments.
9. Comments/Requests from County Administrator.
10. Comments/Requests from Council.
11. Future meetings:
 - a. Newberry County Council Budget Work Session – March 26 at 5 p.m.
 - b. Newberry County Council Budget Work Session – March 27 at 5 p.m.
 - c. Good Friday – Offices Closed – March 29.
 - d. Newberry County Council Work Session – April 3 at 5 p.m.
 - e. Newberry County Council – April 3 at 6 p.m.
 - f. Newberry County Public Safety Committee – April 8 at 6 p.m.
 - g. Newberry County Council Work Session – April 17 at 5 p.m.
 - h. Newberry County Council – April 17 at 6 p.m.
12. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
March 06, 2024**

Newberry County Council met on Wednesday, March 06, 2024, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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

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

ABSENT: Leon Fulmer, Council Member

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 5:00 p.m. Mr. Johnson said that Mr. Fulmer was travelling and due to the weather, was unable to attend the meeting.

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

- Mr. Shacker said along with Ms. Werts, they identified changes made to the ordinance following feedback from council.
- In Section Two, Definitions, staff completely struck “Abandoned/Junk Vehicle” to focus the ordinance on structures that are not occupied and unfit for occupation. The second definition of “Junk Vehicle” was also completely struck.
- In Section Two, Definitions, Under the definition of “Outdoor Storage” the following were removed, “disassembled, inoperable, or unlicensed vehicles,” and “or vegetable.” Mr. Shacker said that council made it clear that, at this point in time, they did not want to focus on overgrowth.
- In Section Two, Definitions, “Vegetation” and “Vehicle” were completely struck for reasons previously stated.
- Mr. Reeder asked what that means when you are discussing natural growth. Mr. Shacker said that is an inclusive term and means brush, grass, weeds, any kind of vegetation matter. Mr. Shacker said the reason for removing that was to be responsive to council’s interest to where the county has dilapidated structures that are unsafe for occupation and rubbish. He added that is something they can add at a future date.
- Mr. Shealy said he’d love to look at junk vehicles and vegetation, but that is a little more than they can bite off at this time.
- In Section Three, Public Nuisances Identified, Subsection A was completely struck. Mr. Shacker said this addressed junk vehicles, which corresponds with what was struck through in the definitions.
- In Section Three, Public Nuisances Identified, Subsection F had the following removed “or vegetable” and “farm implements.” Mr. Shacker said council made it clear they didn’t want this ordinance to affect agriculture.
- In Section Three, Public Nuisances Identified, Subsection G was completely struck through. This subsection dealt with accumulation of materials that cause an odor.
- In Section Three, Public Nuisances Identified, Subsection H was completely struck through. This subsection dealt with diseased trees or limbs that create a hazard.

- In Section Three, Public Nuisances Identified, Subsection I was completely struck through. This subsection dealt with weeds and vegetation.
- In Section Three, Public Nuisances Identified, Subsection K, the term “building materials” was removed. Mr. Shacker said they received feedback regarding building materials and lumber and in some cases not necessarily used for construction, but one example was the creation of deer stands. He said by striking through that in Subsection K and completely striking Subsection L, they felt like that was addressed.
- In Section Three, Public Nuisances Identified, Subsection M was completely struck through, this dealt with rusted or dismantled implements and/or used for agriculture purposes.
- A Subsection was added that made sure the county is not impacting agriculture activities, so a pool of water related to agriculture activities would be exempt, required retention ponds would be exempt, as well. This subsection narrowly addresses stagnant water in which mosquitoes and other insects are breeding and impacting adjoining properties.
- Mr. Sease brought up an issue where ditches had not been cleaned out, and it goes under the road and gets clogged up causing water to back up on people’s property. He asked who would be liable at that point. Mr. Shacker said from a code enforcement standpoint, they’d look at it as it is in the public right-of-way and not subject to this ordinance. He further explained if it is a county road they’d get out there and resolve the issue and if it is a state road they’d work with the state to resolve the issue.
- In Section Three, Public Nuisances Identified, Subsection O was completely struck through. Mr. Shacker said this dealt with swimming pools.
- A subsection added makes it clear if you live in a structure it must have utilities and basic sanitary services for someone to live in it. If it is unoccupied, it is not an issue. Ms. Werts added that the sewer is where they are receiving complaints, people using restrooms in their

yards, etc. Mr. Shealy said he is sure there are houses that don't have septic tanks in places, but they should.

- Mr. Shacker said they will work with people, the whole idea is to get them to the table to try and work with people, not against them.
- Under Section Four, General Requirements, under Subsection A, the portion stating "grass, weeds, undergrowth" was removed and "stagnant insect-harboring water;" was added.
- Mr. Shacker said he knows there was a concern with historic properties, he said if it is unoccupied this ordinance would not apply and if it is occupied, it would be the basic sanitary requirements it would need to meet.
- Mr. Sease said he thinks this is a good starting point, the county needs to start low and build-up.
- Mr. Shealy said it is a starting point, and he is a bit worried of how they are going to enforce it, but they will see.
- Mr. Hipp said he agrees with Mr. Sease and Mr. Shealy, and this is like trying to do surgery with a rubber scalpel, but they said they were looking for a starting place so he can go along with it as a starting place, but they struck some things that will eventually need to be addressed because they will end up with an ordinance that does nothing.
- Mr. Johnson said he thinks it is bare bones at best, but that is where the county needs to start because they have not had anything like this in the county before. He said if they overdo this they could end up repealing the whole thing; and this ordinance is needed. He said he spoke to two constituents this weekend alone about a property in Newberry County that he said is the poster child for this ordinance.
- Mr. Johnson requested the ordinance be placed on the website and have a place for feedback from citizens if they want to provide input. He said sometimes when it is not out there early, they start guessing at what it says instead of seeing what it says. He added he is not saying that is what they'll approve, but that is what is up for consideration.

- Mr. Hipp said they would need to have a date the comments are due by prior to first reading.
 - Mr. Shacker said they will be conscious of the fact that it is a draft document.
 - Mr. Shacker asked council when did they want to see this on the agenda.
 - Mr. Reeder said they need to have this implemented by summertime because that is when they will get the most complaints.
 - Mr. Shealy said put it on the website for about a month. Mr. Hipp added they can compile the comments during their Work Session at the beginning of April and take the ordinance to first reading during the second meeting in April.
2. Discussion of a request from residents to close and remove the bridge on Rawls Road (Pomaria-area), to construct a turnaround at the bridge for the section of Rawls Road running from New Hope Road to the bridge, and to close the section of Rawls Road from Suber Road to the bridge as a public road in Newberry County.
- Mr. Shacker said they held an Executive Committee meeting (February 26), and this issue was brought to the committee.
 - Mr. Shacker said Rawls Road is a gravel road that is in the Newberry County Maintenance System. There is a bridge on this road as well, which Mr. Shacker said is notorious for having issues and is closed right now. Emergency vehicles cannot cross the bridge due to the bridge's size.
 - The residents are requesting that council consider closing the bridge and because the Suber family owns the property, council consent to closing the road on the Suber Road side of the bridge. This would close the road on their property and become theirs. The county would also remove the bridge.
 - Mr. Russell Suber said they'd give the land for the county to construct a turnaround.

- Mr. Shacker said Mr. Suber talked to many of the property owners and there is one resident who has concerns about the road and bridge being closed. Other than that, the residents had no objection.
- In terms of the process, Mr. Shacker said only a court can close a road. He said the property owners will need to petition the court to close the road, there would be an ad in the newspaper three times prior to the petition, certified mail notice would be provided to the property owners, then a filing to the court to close the road – all would be the responsibility of the property owners.
- Mr. Shacker said staff recommends that the county would need to file an amicus indicating they do not oppose the petition. Mr. Shacker added that the landowners would probably like an indication council is not opposed to the closing prior to incurring any expenses.
- Furthermore, staff recommends that once a judge orders the road and bridge to be closed, the county act by ordinance to remove the section from the Newberry County Road System.
- Mr. Shealy asked if they needed to have this matter on the agenda prior to the family petitioning. Mr. Shacker said he thought that would be a good idea, to indicate there would be no opposition to the closing.
- Mr. Hipp said if they don't have any opposition from any of council at this point, they can vote during the regular meeting and free the family to begin, instead of making them wait another couple of weeks.
- Mr. Reeder added everyone else signed the petition except for one resident.
- Mr. Johnson said he didn't have a problem with voting on the request during the 6 p.m. meeting, but his concern was if someone just heard about it and council already voted on it, they wouldn't have a chance to talk to them.
- Mr. Hipp said there are so many legal steps, they would have a chance to voice their concerns.
- Mr. Shacker clarified that Mr. Suber has spoken to all the residents that live on the road except some absentee property owners, that don't live there, that he hasn't spoken to.

- Mr. Johnson said he thinks it makes sense, they are not landlocking anyone they are not robbing anyone of access, and it will save the taxpayers money from the maintenance.
- Mr. Sease added that if the county is paying money to repair the bridge, their emergency vehicles still cannot cross.

3. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0 at 5:37 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
March 06, 2024**

Newberry County Council met on Wednesday, March 06, 2024, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Todd Johnson, Chairman
Robert N. Shealy, Vice-Chairman
Les Hipp, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Captain Ben Chapman, NCSO
Debbie Cromer, Finance Director
Major Robert Dennis, NCSO
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

ABSENT Leon Fulmer Jr., Council Member

MEDIA: Orion Griffin, The Newberry Observer

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

Mr. Hipp led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – February 21, 2024.
 - b. Newberry County Council Meeting Minutes – February 21, 2024.
 - c. Newberry County Executive Committee Meeting Minutes – February 26, 2024.
- Mr. Sease made a motion to accept the minutes as published; Mr. Shealy provided the second and the motion was approved 6-0.
2. Additions, Deletions & Adoption of the Agenda.
 - Mr. Scurry made a motion to adopt the agenda as published; Mr. Reeder provided the second and the motion was approved 6-0.
 3. Ordinance No. 02-01-2024. An Ordinance to adopt the Newberry County 2023-2033 Comprehensive Plan as mandated by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended; and to provide for the repeal of all prior Comprehensive Plans and Ordinances.
 - a. Third Reading
 - Mr. Shealy made a motion to approve third reading; Mr. Scurry provided the second and the motion was approved 6-0.
 4. Ordinance No. 02-02-2024. An Ordinance authorizing the acceptance of Northshore Road located within Edgewater Shores Subdivision into the Newberry County Public Road System – Michael Pisano, Public Works Director
 - a. Public Hearing
 - Mr. Johnson declared the public hearing open. With no one signing up or standing up to speak, Mr. Johnson declared the public hearing closed.

b. Second Reading

- Mr. Sease made a motion to approve second reading; Mr. Shealy provided the second and the motion was approved 6-0.
5. County Council may take action(s) following executive session on matters discussed during executive session.
- Mr. Johnson made mention that the 5 p.m. meeting was just a Work Session and not an executive session.
 - Mr. Hipp made a motion that was a verification that Newberry County Council has no objection to the closure and removal of a portion of Rawls Road (from Suber Road to the Rawls Road Bridge) from the Newberry County Road System; Mr. Shealy provided the second and the motion was approved 6-0.
6. Appointments.
- There were no appointments.
7. Public Comments.
- There were no public comments.
8. Comments/Requests from County Administrator.
- Mr. Shacker said they did receive notification, and it is not final because it has to be approved by the Federal Energy Agency, but the S.C. Energy Office let Newberry County know that the application for \$75,000 to replace heating and air units (targeting units with the old R22 Refrigerant and those in qualifying Census Tracts, which was one of the evaluations criteria) was approved. This grant will enable

Newberry County to replace heating and air units and it is in the draft budget for 2024-25.

- Mr. Shacker said they are continuing to work on the budget and are hoping to have department head meetings to discuss their requests. He said they will work to have draft budgets to council in advance of the budget work sessions at the end of March.

9. Comments/Requests from Council.

- Mr. Hipp said at the last meeting, Mr. Shacker gave council an update, not specifics, about the new estimates of the CPST projects and they were going to get an email with the original estimates and the revised estimates, and they have not received those yet.
 - Mr. Shacker said they are trying to get the detention center polished up as there was not a breakdown on the different expenditures related to construction management and other components of the project. He said they need to make sure the construction management cost with Clayton Construction is in that number and they should have that soon.
- Mr. Sease thanked staff for helping work through the budget and he knows they have been working hard on that. He also thanked Mr. Shacker for helping with some constituent issues that he wasn't sure how to go about doing and he took care of it and got things rolling.
- Mr. Scurry introduced the new minister in his area, Ms. McKea Kinard-Shelton.
- Mr. Shealy said he was glad to have everyone here this evening.
- Mr. Johnson announced that the Newberry County Council Finance Committee meeting scheduled for March 11, 2024, at 6 p.m. was cancelled.

10. Future meetings:

- a. Newberry County Council Work Session – March 20 at 5 p.m.
- b. Newberry County Council – March 20 at 6 p.m.

- c. Newberry County Council Budget Work Session – March 26 at 5 p.m.
- d. Newberry County Council Budget Work Session – March 27 at 5 p.m.
- e. Good Friday – Offices Closed – March 29.

11. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0 at 6:09 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 02-02-24

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF NORTSHORE ROAD INTO THE NEWBERRY COUNTY PUBLIC ROAD SYSTEM

WHEREAS, Edgewater Shores Development Company made application to the Newberry County Planning and Zoning Department for approval of a subdivision known as Edgewater Shores, located within the planning jurisdiction of Newberry County, South Carolina; and

WHEREAS, the Newberry County Public Works Department has inspected a newly constructed road within said subdivision named Northshore Road and has confirmed that it is constructed to the standards set forth in the Newberry County Road Ordinance and codified in Chapter 91 of the Newberry County Code of Ordinances; and

WHEREAS, Edgewater Shores Development Company has provided a surety bond of \$11,250.00, which the County Council of the County of Newberry has accepted, in a form and amount that conforms with the requirements set forth in the Newberry County Road Ordinance and codified in Chapter 91, Section 20 of the Newberry County Code of Ordinances, to Newberry County as security for the maintenance of the road.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 20th day of March 2024 that:

1. Northshore Road, as described on plat recorded in Plat Book AV at page 41 in the office of the Clerk of Court for Newberry County, is accepted into the Newberry County Public Road System as a public road of the County of Newberry.
2. The County of Newberry is hereby responsible for the maintenance and upkeep of Northshore Road.
3. Northshore Road is hereby under the jurisdiction of the County of Newberry for purposes of law enforcement and regulation of use, including the issuance of encroachment permits for installation of utility easements in the road right of way.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, Interim County Attorney

Jeff Shacker, County Administrator

1st Reading: February 21, 2024
Public Hearing: March 6, 2024
2nd Reading: March 6, 2024
3rd Reading: March 20, 2024

COUNTY OF NEWBERRY)
)
STATE OF SOUTH CAROLINA)

**PROCLAMATION TO HONOR THE
SERVICE OF BETTY RUFF REEDER**

WHEREAS, Mrs. Betty Ruff Reeder was born in Newberry, S.C. in 1944 and attended public schools in Newberry County, graduating from Gallman High School in 1963; and

WHEREAS, Mrs. Reeder furthered her education by attending Benedict College and Lander University, later going to work for the Newberry County School District and retiring as an instructional assistant at Gallman Elementary School. She was also employed with Damon International and worked with their union as an officer.

WHEREAS, Mrs. Reeder is an active member of the community as she is a member of the True Shadow Bridge Club and a member of the Eastern Stars where she served as secretary for New Jerusalem Lodge #58.

WHEREAS, Mrs. Reeder joined Miller Chapel Church where she served on the steward board, a member of the senior choir, the gospel choir and was responsible for the youth choir.

WHEREAS, Mrs. Reeder married Henry Reeder on March 29, 1964, and has four children, Henry Jr., Travis, Lavette, and Yonnie and seven grandchildren and five great-grandchildren.

WHEREAS, Mrs. Reeder recently retired from the Newberry County Library Board after 30 years of dedicated service.

NOW, THEREFORE, Newberry County Council proudly recognizes the efforts and positive contributions of Mrs. Betty Ruff Reeder to Newberry County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of South Carolina,

DONE at the Newberry, SC this 20th day of March 2024.

SEAL

NEWBERRY COUNTY COUNCIL

BY: _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council