



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
April 17, 2024
6:00 P.M.**

Call to order: Nick Shealy, Vice Chairman
Invocation and Pledge of Allegiance: Travis Reeder, Council Member

1. Adoption of Consent Agenda:

- a. Newberry County Budget Work Session – April 1, 2024
- b. Newberry County Council Work Session – April 3, 2024.
- c. Newberry County Council Meeting – April 3, 2024.

2. Additions, Deletions & Adoption of the Agenda.

3. Recognitions:

a. Employee Service:

i. Heather Chapman	5 years	NCSO
ii. Clarence Turner	10 years	Facilities
iii. Andrew Stout	20 years	NCSO
iv. Bridget Fain	Retirement	Planning and Zoning
v. Carolyn Tobe	Retirement	Auditor's Office

4. Public Appearances:

- a. Keith Avery, President and CEO of Newberry Electric Cooperative – Presentation of Economic Development Grant.

5. Resolution 02-2024. Recognizing the achievement of Harper Rowe and Ali Chapman, co-authors of *Phoenix and the Town Power Outage*.

6. Ordinance No. 04-01-2024. An Ordinance acting on a request to amend the official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling seventy-six hundredths (.76) acre designated as TMS No. 741-45 from RS-Single Family Residential to R2-Rural.
 - a. Public Hearing.
 - b. Second Reading.

7. Ordinance No. 04-02-2024. An Ordinance acting on a request to amend the official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling two and forty-four hundredths (2.44) acres designated as TMS No. 457-9 from GC-General Commercial to R2-Rural.
 - a. Public Hearing.
 - b. Second Reading.

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

9. A Proclamation recognizing National Therapy Animal Day.

10. Consideration and award of a bid for the purchase and installation of four water points in the Consolidated 5 Fire Department service area (2024-01), a 2016 CPST Project.

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

12. Appointments.

13. Public Comments.

14. Comments/Requests from County Administrator.

15. Comments/Requests from Council.

16. Future meetings:

- a. Newberry County Council Work Session – May 1 at 5 p.m.
- b. Newberry County Council – May 1 at 6 p.m.
- c. Newberry County Economic Development Committee – May 6 at 6 p.m.

17. Adjournment.

**NEWBERRY COUNTY COUNCIL BUDGET WORK SESSION
MINUTES
April 01, 2024**

Newberry County Council met on Wednesday, April 01, 2024, at 5:08 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Budget Work Session.

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

PRESENT: Todd Johnson, Chairman
Robert N. Shealy, Vice Chairman
Leon Fulmer, Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Karen Brehmer, Deputy County Administrator
Captain Ben Chapman, NCSO
Sheriff Lee Foster, NCSO
Desiree Monts, Deputy Coroner
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 5:08 p.m.

1. Presentation and discussion of proposed FY 2024-25 Budget.

- Mr. Shacker presented the Special Revenue Funds and explained that the best way to think about each fund was as if they were individual general funds. There are 13 Special Revenue Funds in the FY 2024-25 budget.
- The Victim Assistance Fund, where Newberry County accounts for the surcharge on citations issued on uniform traffic tickets, is used to

fund victim services throughout the state. There is a proposed budget of \$136,341, an increase of a little over \$57,000. This increase is attributed to the requested purchase of a vehicle, laptop, and desktop for the victim's advocate.

- Mr. Shacker said the revenue year-to-date is tracking behind, something the county will need to keep an eye on.
- Mr. Shacker said what is recommended is the use of Fund Balance, within the Victim's Assistance Fund, not General Fund.
- Mr. Hipp asked if the victim's advocate has a vehicle now; to which Mr. Shacker answered in the affirmative and that this would be a replacement vehicle. Mr. Hipp asked how much was being put in the budget for the difference on that; Captain Chapman said it is \$55,000 for the vehicle and \$5,000 for the laptop and desktop.
- Mr. Johnson said the county has revenues from fines and fees and all of that is very subjective, if you have some major shutdown that will go away.
- The Sex Offenders Fund is where Newberry County budgets the revenue and expenses associated with the registry and running it. The budget is proposed to increase by \$7,000. This change is related to a \$2,000 increase in office expense, and the request to purchase a new desktop, printer, and digital camera. There is a proposed use of fund balance (from their fund balance) for the increase.
- The Jail Fees Fund, where Newberry County accounts for the revenue the county receives for housing inmates at the Newberry County Detention Center. They have a total recommended budget of \$134,600, an increase of \$84,600. Mr. Shacker said the revenue itself is projected at a little over \$71,000 and there is a recommended use of a little over \$63,000 of cash-on-hand, this would be used to offset the purchase of a transport vehicle and equipment.
- Regarding the Public Safety Grant Fund and the LEMPG Grant Fund, staff is recommending not to use these funds and move the expenditures into the general fund to put the expenditures in one place. The offsetting revenue is also in the General Fund. Mr. Shacker said this is not really a change in total expenditures, but rather

relocating them from two Special Revenue Funds to the General Fund.

- The Rescue Squads Grant Fund involves a grant that is assistance from DHEC that, in the past, has been used on EMS equipment. This year, staff is recommending using the grant to fund ultrasound equipment in the county's ambulances.
 - Mr. Sease asked if that would include the ultrasound equipment and the tablet required to submit the information to the facility; Mr. Shacker answered in the affirmative.
- The Public Works Grant Fund is used for paving, the expenditures in the fund and revenues balance and the proposed budget is entirely funded by the C-Fund (from the County Transportation Committee). Staff is recommending Newberry County Council establishes a budget of \$600,000, which is in line with paving expenditures in previous years, but the CTC made a major commitment in terms of providing cost share funding for the Mawson's Way extension project and the resurfacing of the existing Mawson's Way, a three-year commitment. Mr. Shacker said they may be able to get paving money, but it is questionable.
- The Collection Grant is where Newberry County accounts for recycling grants from DHEC and the expenditures associated with those grants. In the past, Newberry County did a fair amount of tire recycling. There have been changes in the focus area of that program and the county's needs. This year, the proposed use is to purchase solid waste containers or recycling containers.
- The 9-11 Telephone Reporting Fund is used to account for the surcharge on phone lines for 9-11 services. It can be spent on eligible expenses related to 9-11. There is a very modest use of fund balance to meet the expenditures, a little over \$6,500, attributed to an increase in personnel expenditures. There was also an \$800 decrease in vehicle insurance as there is not a vehicle for 9-11.
- The Airport Fund is used to account for the operation of the airport and the improvement of it. This year, there is a recommended increase in hanger rental revenue and an increase in the sale of aviation fuel. The revenues in the fund are related to a special project,

\$258,913 for an airport layout plan. This would be funded with the FAA Grant (90%), the S.C. Aeronautics Commission (5%) and leave the county with the need to fund the remaining 5%.

- The Lynch's Woods Park Fund, a new Special Revenue Fund being recommended for creation, accounts for both revenues and expenditures associated with the park. Staff recommends a budget of \$192,632, the bulk of that revenue and expenditures are three grants, two have already been funded, and expenditures associated with those grants. Under Personnel Services, they are requesting the budget for the part-time employee (\$10,291) be moved to this fund (no increase). Part of the revenues included in the fund come from the Spartan Race.
 - Mr. Hipp said on two occasions, oversized vehicles entered Lynch's Woods and damaged bridges and there were discussions of getting signs that would prevent them from entering because it would damage the vehicle. Mr. Shacker said he will investigate.
- The State Accommodation Tax Fund, where the county accounts for the accommodation tax. The way the funds are largely used from this fund will be based on the recommendation from the committee.
- The Community Service Fund budgets expenditures from Piedmont Tech., the Newberry County Library, and Newberry County Disabilities and Special Needs. Mr. Shacker said historically, the library has received roughly 50% of that funding, Disabilities and Special Needs has received less than 4% and Piedmont Tech has received the remainder. The proposed budget shows a 5.1% increase in what each of the entities receives. The value of a mill has now increased and would not require a mill increase.
 - Mr. Reeder asked why it is broken down that way with the library getting 50%. Mr. Shacker said that is consistent with what they have done in the past.
- Mr. Scurry asked about the mill being up this year. Mr. Shacker said he attributes that to the real estate market, not only new homes being built, but existing homes selling, as well.

- Mr. Shacker then went into the Debt Service Fund, which is proposed to decrease. The fund is proposed to decrease from \$1,065,056 to \$375,058. Staff is recommending moving lease purchase financing for equipment. The installment purchase revenue bond (renovating Public Works Complex). A Special Source Revenue Bond (refunded the bond that built Mid-Carolina Commerce Park), move those out of Debt Service Fund to a Debt Services Department within the General Fund, in the Administrative Division. This would leave a 2018 General Obligation Bond and two General Obligation Bonds from 2020 in the Debt Service Fund.
- Staff recommends the Debt Service go from 5.1 mills to 2.2 mills, Community Service goes from 6.9 mills to 6.2 mills. The reduction of those two levies would then be added to the County Ordinary Levy.
- Mr. Hipp asked about the Cavanaugh property and if there has been any more discussion with the purchaser about the use of that property. Mr. Shacker said he did not have an update, and they spoke a while ago and the purchaser didn't have immediate plans but wanted to sit down and talk.
- The Capital Projects Fund: staff is recommending \$41,804,694 in revenue – largely the 2022 Capital Projects Sales Tax – and an equal amount of expenditures. The three divisions of the fund are the Capital Projects Division, CPST 2016, CPST 2022.
- Mr. Shacker said they have a \$2 million grant from the S.C. Coordinating Council for Economic Development. There is also a site enhancement grant from the S.C. Department of Commerce for \$600,000, and \$510,645 of Utility Tax Credits. Mr. Shacker said the bulk of those are for the proposed Mawson's Way Extension Project.
- Mr. Shacker also presented a spreadsheet regarding use of Fund Balance.
 - Mr. Shealy said you don't want to shorten up on Fund Balance too much and they are on a downward trend.
 - Mr. Johnson added every time they take out of Fund Balance instead of raising taxes, you will have to make that gap up and you hit people at seven or eight mills, and that's awful. He said

he is the last person to want to go up on taxes, but you can't provide the same services at the same prices anymore.

- Mr. Shacker said the Fund Balance reported in the audit was a little over \$14.2 million, a significant portion is undesignated and months in reserve is currently at 5.6.
 - Mr. Johnson asked if they were to drop another million out of that, where would that take months in reserve. Mr. Shacker said that would take it to about 3.5 months.
- Mr. Hipp said last year, during the audit, he was concerned because he saw that trend of a declining balance; last year there was a question about money timing that got the county back up. He asked Mr. Shacker if they anticipated any money flow impact that would change that number again. Mr. Shacker said that he is not aware.
- Mr. Shacker presented options that would reduce the use of Fund Balance, going up a mill in property tax would generate \$174,190 and going up two mills would go up \$348,380. However, if they took out the 10% increase in tipping fees that would have a negative impact of over \$200,000.
- Mr. Shacker said there are five unfilled positions that they could either eliminate or delay hiring. Mr. Shacker also demonstrated changing the salary adjustments proposed.
- Mr. Shacker also showed the numbers if they spent less of what is budgeted by percentage and said that typically, Newberry County only spends about 95% of the budget.
- Mr. Johnson said if they approve the budget, the expectation is that is going to be spent, if they do not, good, but if you do, do not go over.
- Mr. Johnson said if they could flesh some of that out, so they could see solid numbers, that would help him.
- Mr. Shacker asked how they felt about the millage component of this. Mr. Johnson said he thinks that has to be an option and Mr. Shealy said while he does not want to go up, if you don't go up a little bit at a time, you'll have to go up a lot at once. Mr. Reeder said he agreed.
- Mr. Shealy added people can handle going up a little bit at a time versus a lot at a time.

2. Comments/Requests from Council.

- Mr. Johnson said that was one of the most comprehensive presentations of the budget that he has seen during his entire time with Newberry County.

3. Executive Session:

a. Personnel Matter(s):

i. Discussion of matters related to the employment and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1)

- Mr. Shealy made a motion to go into Executive Session; Mr. Fulmer provided the second and the motion was approved 7-0.
- Newberry County Council went into Executive Session at 6:49 p.m.
- At 7:08 p.m., Mr. Shealy made a motion to come out of Executive Session; Mr. Fulmer provided the second and the motion was approved 6-0 (Mr. Hipp left the meeting prior to return from Executive Session).
- Mr. Johnson said Newberry County Council went into Executive Session for the aforementioned reasons and no action was taken.

4. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0 at 7:08 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
April 03, 2024**

Newberry County Council met on Wednesday, April 03, 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
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
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
Andrew Wigger, Clerk to Council/PIO

ABSENT: Robert N. Shealy, Vice Chairman
Leon Fulmer, Council Member

Mr. Johnson called the meeting to order at 5:00 p.m.

1. Update on feedback related to revised Property Maintenance and Nuisance Codes.
 - Mr. Shacker said staff posted on the Newberry County website the draft of the Maintenance and Nuisance Codes Ordinance and provided an opportunity for residents to submit comments through the website. Feedback was received from eight individuals, which were provided to council.

- Mr. Shacker said in reading those comments, they were positive about the ordinance and encouraging council to move forward.
 - There was one comment that referenced the fact the ordinance referred to owners and occupants separately and that could be an issue. Mr. Shacker said that language was purposeful because sometimes you get into situations where you have two parties, and they are assigning responsibility to the other; the ordinance allows the county to respond to that.
 - Mr. Reeder asked how long the ordinance was on the website, to which staff answered about a month.
 - Mr. Reeder said he thinks they can move forward, and Mr. Johnson said he'd like to see it on the next agenda, if possible. He added that he continues to have residents approach him asking for relief from issues this ordinance would address.
2. Discussion of a proposal to allow the keeping of hens (not roosters) as a conditional use within residential zoning districts, subject to minimum standards.
- Mr. Shacker said about six or nine months ago, they began working on an ordinance not only allowing for chickens, but other animals due to an issue related to the keeping of animals. He said that ordinance was more comprehensive, and council made comments that was too much, too fast.
 - Staff has since identified a potential issue with the ordinance where, right now, Newberry County allows for the keeping of chickens in the R2 zone, but in other zones the county does not allow them. Mr. Shacker said many municipalities allow chickens, limited to hens and not roosters, and then there are standards to where the chickens are housed and where they are located, etc.
 - Staff pulled out the provisions in the previous ordinance that applied only to chickens and turned that into an ordinance. This would allow the keeping of chickens in residential zones, other than R2 where chickens are a permitted use.

- Mr. Shacker reviewed some of the requirements for keeping of chickens within the ordinance, including being limited to no more than six chickens and roosters are prohibited; no closer than 25 feet to the side or rear of the property line (except on the lake where it would be more stringent); chickens are not allowed to roam free; must be a freestanding enclosure; health and sanitary conditions; has to be in the back yard; chickens have to be in a secure enclosure; wouldn't allow the slaughter of chickens, etc.
- Mr. Reeder asked if houses grandfathered in wouldn't be able to have that. Mr. Shacker said they really wouldn't have anyone grandfathered in, Ms. Werts added they'd have to get in compliance if they already had chickens and staff didn't know about it.
- Mr. Hipp asked if there was a size limit on the coop. Ms. Werts said they did not put a size limit on the coop.
- Mr. Hipp added that there is a state law that states agriculture buildings are exempt from taxes, and would this be considered an agriculture building under that or would it be excluded. Mr. Shacker said he will ask the auditor.
- Mr. Hipp said the way the ordinance is proposed, the coops would be facing the lake. Ms. Werts said they may need to change that language to ensure the coops are not facing the lake.
- Mr. Johnson said to staff to do more draft work and see what they can come up with. He added that he finds it illogical that municipalities allow chickens inside town limits, but someone can have five acres but not have chickens. However, he said he wants to do it in an appropriate manner, and they cover as many bases as they can as the go into it.

3. Discussion of proposed FY 2024-2025 Budget

- At present, staff is recommending a \$1.25 million use of Fund Balance within a \$40.3 million General Fund budget.
- Mr. Shacker said there are four categories that can be addressed to bring revenue and expenditures more into line, Revenue, Personnel Services, Non-Personnel, and Capital.

- Revenue: Mr. Shacker showed what the increase of millage would look like: one mill (\$174,190), two mills (\$348,380), three mills (\$522,570). Mr. Shacker said if they went up two mills, for an owner-occupied home, valued at \$100,000, that would be an \$8 increase.
- Personnel: there are five positions at the county that are vacant, instead of eliminating the positions, staff can take their time with them and hold off on hiring three of those positions until this time next year. That would reduce the use of Fund Balance by \$162,133.
- Non-Personnel: Newberry County Council indicated they'd like to see a higher increase for law enforcement and Public Works employees, adding an additional 2% increase for those employees would increase the budget by \$172,667. At the Transfer Station, putting funding back into the budget to continue the mulching operations until January 1, 2025, would be a \$43,000 increase.
- Capital: in the current version of the budget there is a proposed \$49,000 to buy 11 Turtle Fire System EV Nozzles. Mr. Shacker said they could reduce that cost if they were to buy three, and strategically place them around the county and fund three blankets (suffocating the electric vehicle fire). If they did that, they could reduce the use of Fund Balance by \$26,500.
- Adding all those changes would bring use of Fund Balance down to \$533,381.

4. Executive Session:

a. Contractual Matter(s):

- i. Discussion of matters related to real estate owned by Newberry County pursuant to SC Code of Laws Section 30-4-70(a)(2).

- Mr. Sease made a motion to go into Executive Session; Mr. Reeder provided the second and the motion passed 5-0. Newberry County Council went into Executive Session at 5:38 p.m.
- Mr. Reeder made a motion to come out of Executive Session; Mr. Sease provided the second and the motion passed 5-0.
- Mr. Johnson said they met in Executive Session for the aforementioned reason and no action was taken.

5. Adjournment.

- Mr. Hipp made a motion to adjourn the meeting; Mr. Sease provided the second and the motion passed 5-0 at 6:09 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
April 03, 2024**

Newberry County Council met on Wednesday, April 03, 2024, at 6:09 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, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Captain Ben Chapman, NCSO
Karen Brehmer, Deputy County Administrator
Debbie Cromer, Finance Director
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
Andrew Wigger, Clerk to Council/PIO

ABSENT: Robert N. Shealy, Vice-Chairman
Leon Fulmer Jr., Council Member

Mr. Johnson called the meeting to order at 6:09 p.m.

Mr. Johnson led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – March 20, 2024.

- b. Newberry County Council Meeting Minutes – March 20, 2024.
- c. Newberry County Budget Work Session – March 25, 2024

- Mr. Reeder made a motion to adopt the minutes as presented; Mr. Sease provided the second and the motion was approved 5-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Scurry provided the second and the motion was approved 5-0.

3. Presentation:

a. Presentation of FY 2022-2023 Audit – David Usefara, Mauldin and Jenkins.

- Mr. Usefara said Newberry County received unqualified opinions (which means clean and nothing wrong was found) on all the opinion units except for “Aggregate Discretely Presented Component Units.” On that unit, the Newberry County Library (a component of the county) did not issue their financial statements in time. He said that has no reflection on the county operations, it is strictly on the component units.
- For the General Fund this year, Mr. Usefara said they noted about \$16 million in cash; about \$1 million in receivables related to taxes, leases, and other accounts; amounts due from other governments was at about \$500,000; liabilities and accounts payables was at about a million; amounts due to other governments was a about \$2.8 million. This gave Newberry County a Fund Balance (assets minus liabilities) of \$14.2 million, \$13.3 million is unassigned.
- For the year, the General Fund had \$32 million in revenues, \$23 million of which was related to taxes. With \$28 million in

expenditures leading to \$3.5 million in revenues over expenditures.

- Mr. Usefara said there were transfers out of the General Fund to help with the other funds of \$2.2 million, this led to increase of about \$1.4 million in fund balance for the General Fund.
 - Mr. Usefara said they noted two findings, the first was the general ledger system and the inability to roll accounts forward and the system in general; however, he added that he knows the county is working to get a new system and will hopefully be resolved once implemented. The second finding was the segregation of duties, a repeat of prior years, dealing with the county not having enough employees to handle segregation of duties, something that is seen in many small towns and counties.
 - Mr. Usefara said they found no findings with the spending of the ARPA money.
 - Mr. Hipp asked if the Finance Committee has received and gone over this yet; Mr. Johnson said this is the first time the audit has been presented.
 - Regarding the segregation of duties, Mr. Johnson asked if that was a manpower issue, workflow issue, or combination. Mr. Usefara said it is a manpower issue.
 - Mr. Johnson asked if it was correct they were doing depreciation on a ledger sheet (in Excel), to which Mr. Usefara said yes. Mr. Johnson said in his background, depreciation is one of the hardest things to do and the county is doing that manually. He asked if that is included in the new software and Mr. Shacker answered in the affirmative.
 - Mr. Johnson said he thinks a deep dive into this is needed with some recommendations to come out.
4. Proclamation declaring April 28-May 5, 2024, as Soil and Water Stewardship Week in Newberry County.

- Mr. Johnson read the Proclamation as follows: Whereas, healthy, fertile soil and clean water is the lifeblood of nutrition and sustenance throughout the world, and soil conservation is a benefit to everyone; and Whereas, effective conservation practices ensure soil, water, animals, plants, and air can provide a rich standard of living; and Whereas, our survival and continued production of and access to quality food and water depends upon the robust management of diverse natural resources nationwide; and Whereas, stewardship calls upon every individual to help conserve these precious resources to ensure their prosperity for generations to come; Now, therefore, be it proclaimed by the County Council of the County of Newberry that the week of April 28 – May 5, 2024, shall be Soil and Water Stewardship Week in Newberry County in recognition of the importance of stewardship to maintain clean and high-quality soil and water, which protects and preserves the health and well-being of Newberry County and its residents.
 - Mr. Hipp made a motion to accept the Proclamation; Mr. Reeder provided the second and the motion was approved 5-0.
5. Resolution 01-24. Designation of the month of April 2024 as Fair Housing Month within the County of Newberry.
- Mr. Reeder made a motion to approve the Resolution; Mr. Sease provided the second and the motion was approved 5-0.
6. Ordinance No. 04-01-2024. An Ordinance acting on a request to amend the official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real

estate parcel totaling seventy-six hundredths (.76) acre designated as TMS No. 741-45 from RS-Single Family Residential to R2-Rural.

a. First Reading.

- Ms. Werts said this rezoning was approved by the Joint Planning Commission. No one spoke in opposition to the rezoning.
- The property owner is making the request for a manufactured home.
- Mr. Sease asked about the minimum one-acre requirement for a manufactured home. Ms. Werts said the property owner will have to go before the Board of Zoning Appeals for a variance.
- Mr. Sease said when he was doing his own research, it appeared the property was outside of Newberry County. Ms. Werts said he pays Newberry County taxes and Mr. Shacker said that may be an issue with GIS.
- Mr. Hipp made a motion to approve first reading; Mr. Scurry provided the second and the motion was approved 5-0.

7. Ordinance No. 04-02-2024. An Ordinance acting on a request to amend the official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling two and forty-four hundredths (2.44) acres designated as TMS No. 457-9 from GC-General Commercial to R2-Rural.

a. First Reading

- Ms. Werts said the owner of the property is Sadie's Hope, Inc., and is requesting the rezoning for the purposes of a boarding home, as a home for women who need somewhere to go to get back on their feet after an abusive relationship.

- Ms. Werts said the Joint Planning Commission unanimously approved the rezoning, and they didn't have anyone speak in opposition, a neighbor did ask questions but gave his full support.
 - Mr. Hipp made a motion to approve first reading; Mr. Sease provided the second and the motion was approved 5-0.
8. County Council may take action(s) following executive session on matters discussed during executive session.

- There was no action taken.

9. Appointments.

a. Newberry County Water and Sewer Authority Board – Mr. Lewis Lee, District 1.

- Mr. Johnson made a motion to reappoint Mr. Lee; Mr. Sease provided the second and the motion was approved 5-0.

10. Public Comments.

- Mr. Michael Tumm spoke on the potential chicken ordinance and said he currently has a neighbor with an illegal chicken coop with several chickens to include a hen that was just removed, and it is a nuisance for them. Mr. Tumm said he was looking at the Lexington County Ordinance, related to the location of a coop at the front or back of a property, he said they only allow four chickens, and they are to be in a coop with screening and odor control. With the chicken coop on his neighbor's property, Mr. Tumm said his neighbor dug a ditch where the coop is, and the ditch runs into a culvert that runs down into the lake. He said he has been working with a biologist with DNR and trying and determine the

correct distance a chicken coop should be from a lake, to ensure this will not hurt the lake.

11. Comments/Requests from County Administrator.

- Mr. Shacker said he appreciates council's guidance during the budget process.
- Mr. Shacker said in the budget calendar, April 17, 2024, is identified as first reading, but then the second meeting in May has second reading. He asked if council had an objection to moving first reading to the first meeting in May. Mr. Johnson said he thinks they are good to do it that way.

12. Comments/Requests from Council.

- Mr. Hipp said the budget process is going very well this year and he likes the spreadsheets, the flexibility to take a view of what the budget is like when you add or subtract line items. He said Mr. Shacker and staff deserve a compliment on that.
- Mr. Sease said great job, to staff, providing those scenarios and thanks for all the hard work from staff and making it work.
- Mr. Reeder said he appreciates the same and it gives them the opportunity to spread everything out and make those decisions and he appreciates the job staff has done.
- Mr. Johnson said this is the most comprehensive budget he has seen in his entire time with the county. He added that he thinks they are close to a reasonable budget that balances the needs of the county and the needs of the citizens.

13. Future meetings:

- a. Newberry County Public Safety Committee – April 8 May 20 at 6 p.m.
- b. Newberry County Council Work Session – April 17 at 5 p.m.
- c. Newberry County Council – April 17 at 6 p.m.
- d. Newberry County Council Work Session – May 1 at 5 p.m.
- e. Newberry County Council – May 1 at 6 p.m.
- f. Newberry County Economic Development Committee – May 6 at 6 p.m.

14. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 5-0.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

STATE OF SOUTH CAROLINA)

COUNTY OF NEWBERRY)

RESOLUTION 02-24

**RECOGNIZING THE ACHIEVEMENT OF HARPER ROWE AND ALI CHAPMAN,
CO-AUTHORS OF *PHOENIX AND THE TOWN POWER OUTAGE***

WHEREAS, EnlightenSC, an organization established by the electric cooperatives to help teachers access energy-related resources and provide opportunities for young people to learn and get excited about energy and electricity, hosted the Electric Cooperative of SC's EnlightenSC Children's Book Challenge, asking fourth and fifth grade students to write and illustrate stories that focus on the impact of electricity in their lives and;

WHEREAS, Harper Rowe and Ali Chapman, fifth graders at Reuben Elementary School in the County of Newberry, co-authored *Phoenix and the Town Power Outage* and;

WHEREAS, *Phoenix and the Town Power Outage* not only won regionally in the group division, but was also submitted for the state competition in which they won and;

WHEREAS, *Phoenix and the Town Power Outage* will be printed and mailed to schools across South Carolina;

NOW, THEREFORE, BE IT RESOLVED Newberry County hereby recognizes Harper Rowe and Ali Chapman for their outstanding achievement.

ADOPTED, by Newberry County Council in meeting duly assembled this 17th day of April 2024, at which a quorum was present and voting.

NEWBERRY COUNTY COUNCIL

(SEAL)

Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council
Newberry, South Carolina



Newberry County

Planning Commission Staff Report

Request: Rezoning request MA01-03-19-24 by property owner Glenn Bynum. This request is to rezone one (1) property totaling seventy-six hundredths (.76) acres located at 3 US Highway 76, Chapin, from RS-Single Family Residential to R2-Rural.

Application Number: MA01-03-19-24

Applicant/Property Owner: Glenn Bynum

Location Address: 3 US Highway 76, Chapin

Tax Map Number(s): 741-45

Lot Size: .76 acres

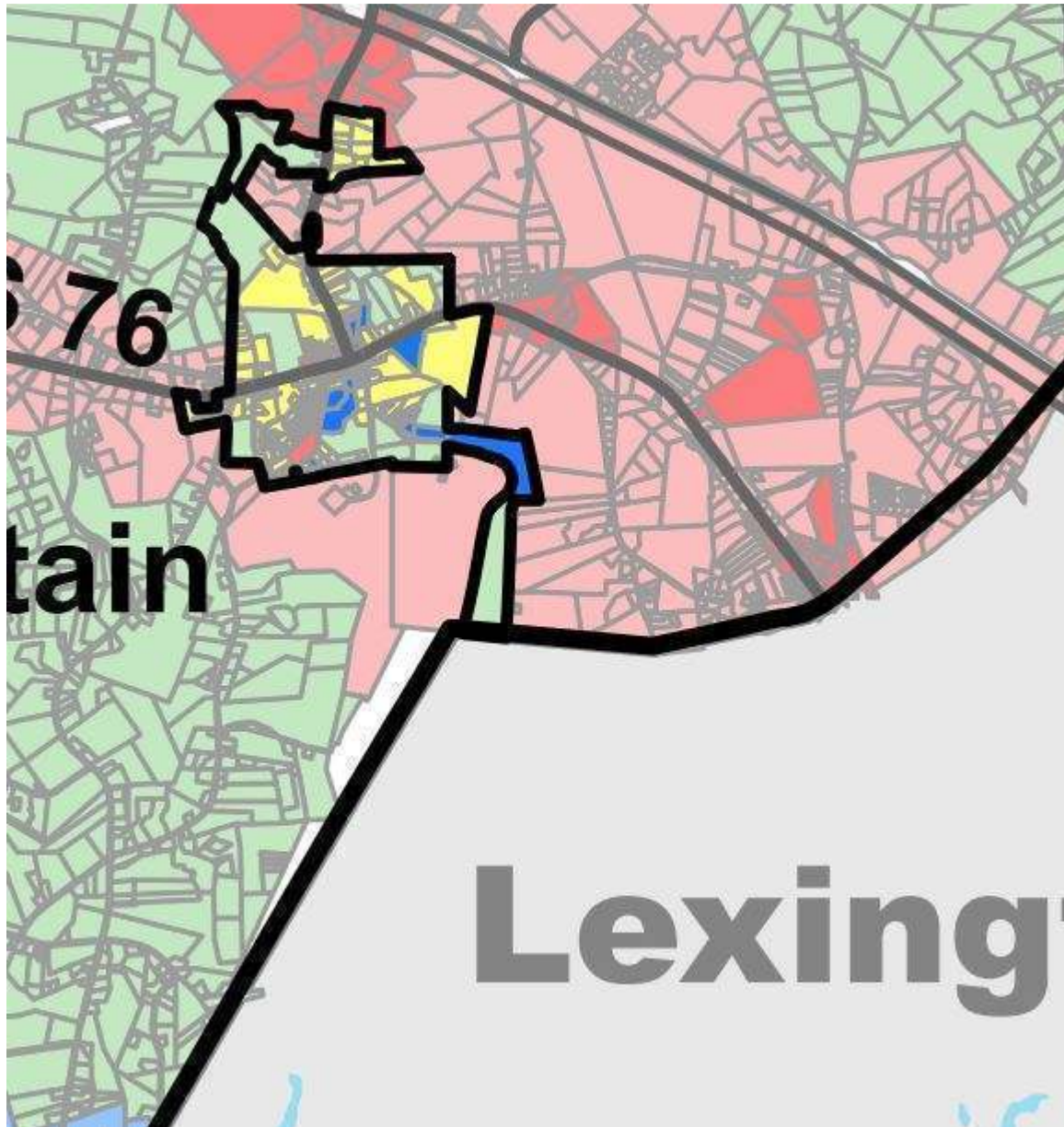
Current Land Use: Residential

Proposed Land Use: Residential

Current Zoning District: RS-Single Family Residential

Proposed Zoning District: R2-Rural

Comprehensive Plan Designation: Transitional

Future Land Use Map:**Future Land Use Definition**

Transitional (TR) – Land undergoing, or with the potential to undergo, a transition from one major land use to another, primarily from rural or residential to commercial or office uses. Such land is in proximity to developed areas, municipalities, or Development (DEV) areas and/or to major transportation corridors and existing water and sewer. Existing residential developments and individual residences located within Transitional areas will provide options for residents to shorten the distance between work and home. Access to regional transportation routes and to existing water and sewer facilities could make these areas attractive for a range of uses, as appropriate and compatible with adjacent uses, including light commercial, office, public and institutional uses, and higher density residential development.

Analysis:

This is a request by property owner Glenn Bynum to rezone one (1) parcel of land totaling seventy-six hundredths (.76) acres located at 3 US Highway 76, Chapin from RS-Single Family Residential to R2-Rural. The proposed use of this property is residential. The property currently has an unhabitable dwelling on the property. The owner is looking to demo the existing dwelling and replace it with a new manufactured home.

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

When considering a rezoning, per Title 6, Chapter 29 of the Code of Laws of South Carolina, the decision of the Planning Commission serves as a recommendation and is forwarded to County Council for review and approval.

Recommendations:

Staff: Staff recommends the rezoning to R2-Rural.

Planning Commission: Planning Commission recommends the rezoning to R2-Rural.

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 3 US Highway 76, Chapin.

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. 741-45 totaling seventy-six hundredths (.76) acre located at 3 US Highway 76, Chapin, 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 RS-Single Family 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. 741-45, totaling seventy-six hundredths (.76) 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 _____, 2024 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Todd Johnson, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: _____
2nd reading: _____
Public Hearing: _____
3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator



Newberry County

Planning Commission Staff Report

Request: Rezoning request MA04-03-19-24 by property owner Sadie's Hope. This request is to rezone one (1) property totaling 2.44 (2.44) acres located at 24 Saddle Hill Road from GC-General Commercial to R2-Rural.

Application Number: MA04-03-19-24

Applicant/Property Owner: Sadie's Hope Inc. (Renee Bolas)

Location Address: 24 Saddle Hill Road, Newberry

Tax Map Number(s): 457-9

Lot Size: 2.44 acres

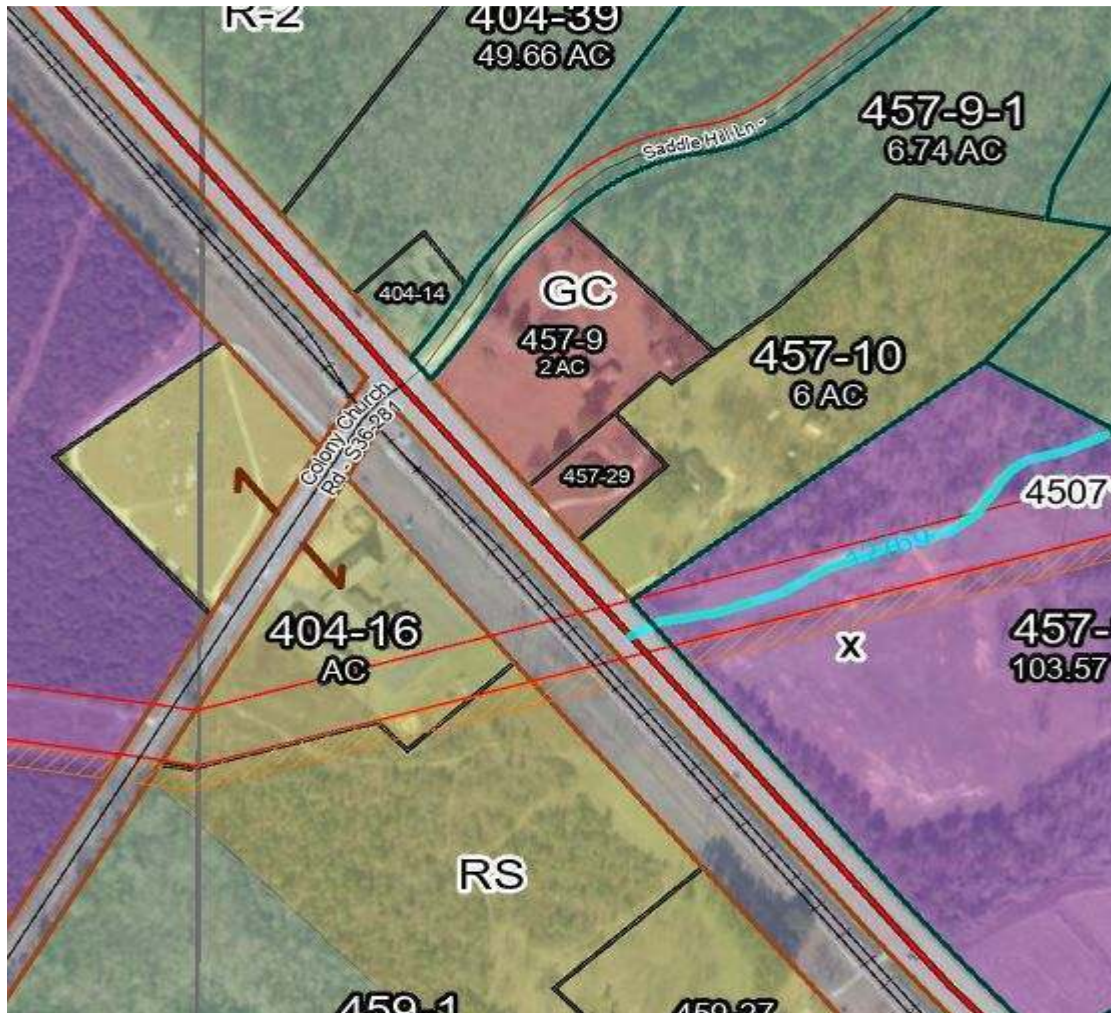
Current Land Use: Residential

Proposed Land Use: Residential

Current Zoning District: GC-General Commercial

Proposed Zoning District: R2-Rural

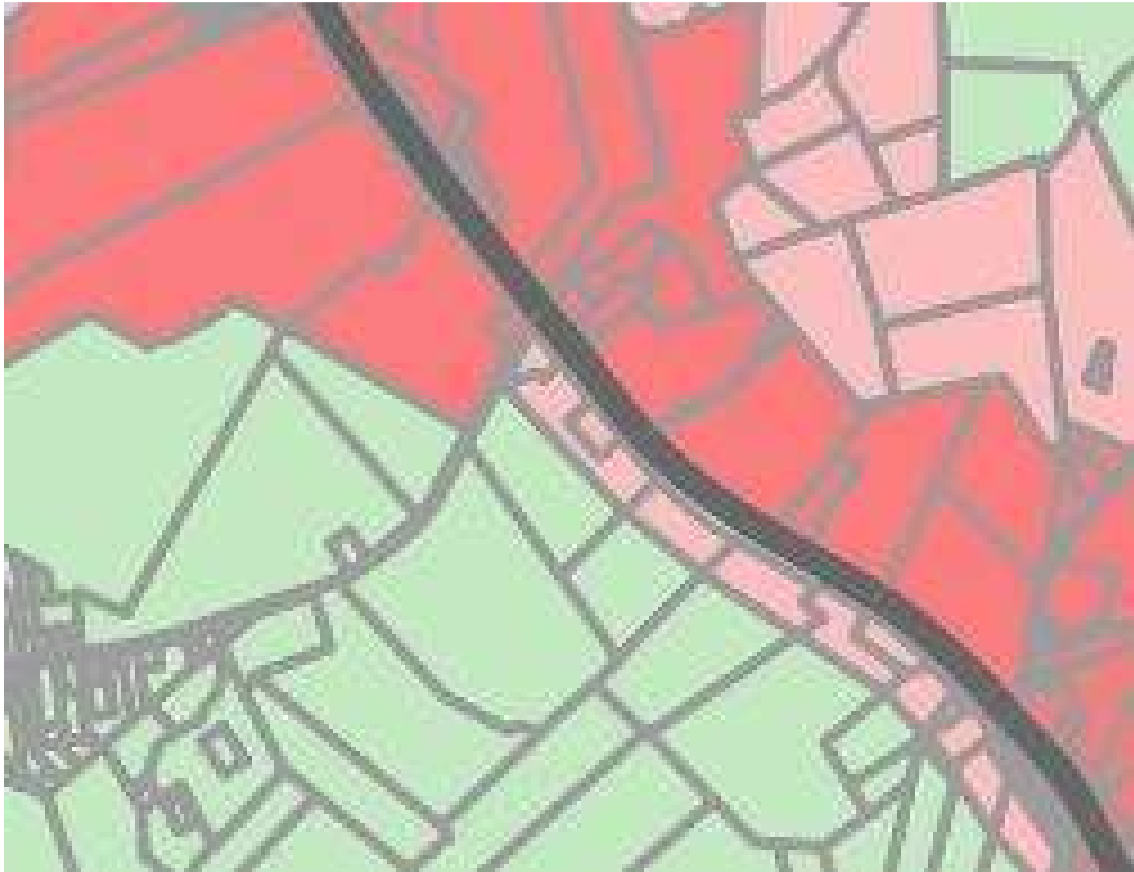
Comprehensive Plan Designation: Development

Zoning Map:**Current Zoning District**

GC – General Commercial: The GC district is intended to accommodate a variety of general commercial and non-residential uses characterized primarily by retail, including shopping centers; wholesale; offices; educational institutions; healthcare, including hospitals; arts and entertainment; and service establishments in commercially-oriented areas.

Proposed Zoning District

R2-Rural: The R2-Rural district is intended to be rural in nature, allowing low density residential uses including manufactured housing on individual properties, as well as home occupations, family day care, agriculture, forestry, hunting, and religious uses, but also accommodating complementary and associated uses such as recreation, government services, and appropriate service, commercial and industrial uses.

Future Land Use Map:**Future Land Use Definition**

Development (DEV) - Land areas that include more intensive uses such as commercial, industrial, public, and institutional, service, and higher density residential, as well as related infrastructure. Areas identified as Development generally link the more developed areas of the County to each other and beyond to neighboring counties and the greater Columbia metropolitan region. These areas either already are, or have the potential to become, economic development centers, primarily because of proximity to major transportation corridors and existing water and sewer. Existing residential developments and individual residences located within DEV areas provide options for residents to shorten the distance between work and home. Access to regional transportation routes and to existing water and sewer facilities will continue to make these Development areas attractive for a wide range of uses including commercial and industrial development, public and institutional uses, and higher density residential development.

Analysis:

This is a request by property owner Sadie's Hope to rezone one (1) parcel of land totaling two (2.44) acres located at 24 Saddle Hill Road, Newberry from GC-General Commercial to R2-Rural. The proposed use of this property is for a boarding home.

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

When considering a rezoning, per Title 6, Chapter 29 of the Code of Laws of South Carolina, the decision of the Planning Commission serves as a recommendation and is forwarded to County Council for review and approval.

Recommendations:

Staff: Staff recommends the rezoning to R2-Rural.

Planning Commission: Planning Commission recommends the rezoning to R2-Rural.

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 24 Saddle Hill 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. 457-9
totaling two and forty-four hundredths (2.44) acres located at 24 Saddle Hill 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 GC-General 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. 457-9, totaling two
and forty-four hundredths (2.44) 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 _____, 2024 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Todd Johnson, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: _____

2nd reading: _____

Public Hearing: _____

3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator

health of the neighborhoods where they are located. Public nuisance properties are a financial and operational burden on the County by generating repeat calls for service to the properties. Public nuisance properties adversely affect the value of adjacent properties.

Pursuant to the County's home rule authority, public nuisance properties are hereby declared to constitute a public nuisance and are subject to enforcement and abatement as described herein. The nuisance abatement process hereinafter set forth may be used by the County in conjunction with any and all legal actions available to the governing body.

It is the County's intent:

- A. To identify public nuisance activities and public nuisance conditions.
- B. To hold accountable those persons responsible for such nuisance activities and/or conditions on the property.
- C. To assist victims of crime and penalize those who commit crimes or those who permit conditions to exist that give rise to crime or excessive calls for service.
- D. To establish rules, procedures, and penalties to address property owners and occupants that have public nuisance issues and fail to take corrective measures.
- E. To work in partnership with the owners and occupants to address the negative results caused by public nuisance activities and/or conditions and to improve the vitality of neighborhoods by addressing excessive calls for service.
- F. To encourage owners and operators to abate conditions considered a nuisance through an administrative process which is separate from the County's Magistrate Court system.
- G. To establish a means for the County to abate public nuisance properties in the event the owner or occupant is unwilling or unable to correct such conditions in a timely manner.

§ 157.002 DEFINITIONS.

Words used in this chapter shall have their customary meanings as determined by the standard dictionary definition except for the following specific words and terms which are herein defined. In any case, the Code Enforcement Officer, or other County designee shall have the right to define or interpret any words or terms contained within this chapter.

Abandoned Building means any building that is both: a) vacant and/or dangerous or in need of repair greater than fifty percent (50%) of its fair market value, and b) not occupied by the property owner, family member, renter, lessee, or other legal occupant for a period of six months or longer.

Abate means repair, replace, remove, destroy or other otherwise remedy the condition in question by means, in such time, in such a manner and to such an extent

as the enforcement officer shall determine to be in the best interest of the public, taking into account all facts and circumstances.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

Building Materials means any material such as lumber, brick, plaster, gutters or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

Close and Secure or **Closing and Securing** means compliance with the provisions of this chapter regarding minimum standards for uninhabited or vacant buildings.

Code Enforcement Officer means the person designated by Newberry County as the person responsible for enforcement of the provisions of this Ordinance.

County means Newberry County.

County Council means Newberry County Council.

Dwelling means a building or portion of a building arranged or designed exclusively for human habitation and includes any outhouses and appurtenances belonging thereto or usually employed therewith.

Garbage means any waste from the preparation, cooking and serving of food, market refuse, and waste from the handling, storage and sale of produce and meats as well as disposal of household items.

Habitation means the act of inhabiting by a human for any length of time, unrelated to the owners or parties in interest acting to preserve, maintain, repair, or inspect the property.

Junk means any materials consisting of waste, discarded or salvage matter consisting of a total of more than three (3) cubic yards of volume regardless of whether it is to be bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours, whether for repair or not. The term junk shall also mean, but not be limited to, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tires, carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Lien-holder means that person, persons, organization, or corporation that holds the property of a debtor as security or payment for a debt.

Litter means garbage, refuse, waste materials or any other discarded, used or unconsumed substance which is not handled as specified herein.

Local Governing Body means Newberry County Council.

Local Official means the designee(s) of the County Administrator.

Occupant means any person who resides or is present in a house or vehicle at any given time.

Outdoor Storage means the outdoor accumulation or outdoor storage of decaying animal matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing materials, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tires, carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Owner means any person, persons, organization, or corporation that owns, in whole or part, the land, structure or other property as the holder of title in fee simple or is the purchaser of the property under contract for deed.

Premises means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied, including adjacent parking.

Public Nuisance means any activity or failure to act that adversely affects the public and shall include, but not be limited to, any condition which poses an immediate and direct hazard to human health if left unheeded due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals including rodents, or other means or transmission or infection.

Refuse means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

Structural Defect means any physical damage to the designated load-bearing elements of the structure caused by failure of such load-bearing elements which affects the load-bearing function to the extent the structure becomes unsafe, unsanitary or unlivable.

Structure as defined by the latest version of the International Building Code as adopted by the State of South Carolina.

Temporary means anything lasting for only a limited period of time; not permanent.

Unsafe means if conditions exist in such dwelling or other structure which are dangerous or injurious to health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of Newberry County. Such conditions may include the following without limiting the generality of the foregoing: defects increasing the hazards of fire, accidents, or other calamities.

Unsafe Structure means any building or structure which has been determined to be unsafe by the Code Enforcement Officer or Building Official.

§ 157.003 PUBLIC NUISANCES IDENTIFIED.

The creation or maintenance of a public nuisance is prohibited. The following are hereby expressly declared to be public nuisances:

- A. Garbage, trash or refuse, except garbage, trash or refuse stored in authorized sealed receptacles specifically designated for trash collection, in an enclosed building or properly contained in a closed, insect and rodent proof container designed for such purpose, except for the immediate time preceding pick up by a refuse hauler.
- B. Accumulation of carcasses of animals, birds or fish by failing to bury or otherwise dispose of in a sanitary manner within twenty-four (24) hours after death. This provision shall not apply if the animals, birds, or fish are intended for human consumption.
- C. Accumulation of rubbish as to become dangerous or injurious to the health and safety of any individual or to the public.
- D. Accumulation of junk matter consisting of a total of more than three cubic yards in volume.
- E. Noxious and excessive accumulation of decaying animal matter, animal feces, trash, rubbish, litter, debris, rotting, packing materials, scrap metal, pallets fuel storage containers, tools, tires and wheels, furnaces, home appliances, furniture, plumbing fixtures, construction materials, metal, pipes, glass, machinery, wood, brick, cement block, or any other substances in which flies, mosquitoes, or other disease carrying insects, rodents or other vermin can harbor.
- F. Improper outdoor use of indoor or non-weather proofed furniture and appliances, dilapidated or unusable furniture, or upholstered furniture manufactured for indoor use including those which:
 - 1. Harbors, conceals or invites rodents, pests, or vermin refuse deposits;
 - 2. Gives off noxious odors; or
 - 3. Constitutes a fire or other safety hazard.
- G. Manufactured items intended for indoor use including but not limited to bedding, cardboard, glass, home goods, etc., which are stored or used outdoors.
- H. Pools of stagnant water, or vessels holding standing water, excluding required retention ponds, and excluding pools of stagnant water related to agricultural activities, in which mosquitoes and other insects are breeding and which impact adjoining properties.
- I. Structures being used for human habitation which do not have working electrical, water and septic/sewer services. If utilities are not present and/or in working order a structure will be classified as unsafe and uninhabitable.

- J. All structures determined to be unsafe. Unsafe structures shall be abated by alteration, repair, rehabilitation, demolition or removal in accordance with the procedures specified herein. Unsafe dwellings are hereby identified as unsafe structures where:
1. It is determined by the Code Enforcement Officer that a structure is in a state of decay, damaged by fire, earthquake, wind or flood, inadequate maintenance, dilapidation, abandonment or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public or adjoining property;
 2. Defects in the structure increase the hazard risk of fire, accidents or calamities;
 3. The structure contains filth or contamination;
 4. There is a lack of ventilation, light, sanitary or heating facilities or other essential equipment required by codes adopted by Newberry County;
 5. The structure provides a harbor for rodents, pests, stray animals, or persons engaged in controlled substance or sale;
 6. A structure has been abandoned so as to make such structure an attractive nuisance or hazard to the public; or
 7. Other conditions rendering such dwelling unsafe or unsanitary, dangerous or detrimental to the health, safety, or morals or otherwise detrimental to the welfare of the residents.

The enumeration of specific nuisances in this Ordinance shall not be deemed to make lawful any other act or condition declared to be a nuisance by any other County ordinance, state or federal law, or court decision.

§ 157.004 GENERAL REQUIREMENTS.

- A. Requirements for Occupied or Unoccupied Property. It is unlawful for any person, firm, or corporation to maintain or to permit to be maintained any premises including vacant lots or land upon which trash, garbage, insect-harboring stagnant water, or other matter detrimental to good health and public sanitation is permitted or caused to accumulate in any manner that is or may become a nuisance causing injury or sickness to the health or welfare of residents or the public in the vicinity of, or causing injury to, any neighboring property.
- B. Requirements for Residential Dwellings. The owner of the property shall maintain the dwelling's interior and exterior in compliance with the requirements of the Building Code that was adopted at the time of the completion of the dwelling. If any repairs or updates are needed and require a permit, the work must be completed to meet the current adopted building code. The owner shall be responsible for maintaining all inhabited and vacant

dwellings in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and/or safety. This includes, but is not limited to, holes in roofs, openings in windows, walls or doors, unsecured structures, and foundational and structural concerns.

- C. Requirements for Owners. Regardless of who created the public nuisance, the property owner and/or the occupant is responsible for taking all corrective actions to remedy the situation.
- D. Requirements for Exterior Structures. For purposes of this section, these standards apply to any portion of the property that is not within the interior of a dwelling or other enclosed structure. Unless completely enclosed, porches, balconies, decks, carports, or other similar structures shall be included within this standard. Temporary materials cannot be used to enclose a structure.
- E. Requirements for Other Structures. Pools, walls, fences and other accessory structures shall be considered a structure.

§ 157.005 EXCEPTIONS.

- A. This chapter shall not apply to structures that are actively used for legal agricultural purposes or forestry operations, including but not limited to, barns, sheds, and storage buildings, which are not utilized as a dwelling for human habitation. No accumulation of waste, debris, or junk defined in this ordinance is allowed in the setback areas adjacent to a residence as defined in the Newberry County Zoning Ordinance. Structures designed for or related to agricultural and forestry operations, including but not limited to barns, sheds, and storage buildings, that are not utilized as a dwelling for human habitation are exempt from this Chapter.
- B. This chapter shall not apply to agricultural activities.
- C. This chapter shall not apply to a business that is permitted by the Zoning Ordinance of Newberry County, or is a legally nonconforming use allowed by the Zoning Ordinance of Newberry County, where such activities listed above are a normal and customary activity associated with that business. In the case of outside storage in conjunction with a business, the materials in question must be screened from the public rights-of-way and from any adjacent residential property.

§ 157.006 AUTHORITY.

Any local official designated by the County Administrator is authorized to determine that a structure is unfit for human habitation if found that conditions exist where the structure is dangerous or injurious to the health and safety of the occupants of such structure or the occupants of neighboring structures. Such conditions may include, but are not limited to, defects therein increasing the hazards of fire, accident or other calamities; dilapidation; disrepair; structural defects; uncleanliness; and other standards described herein.

An aggrieved property owner or occupant may enter into a correction agreement process as outlined in §157.015 or request review of the matter by the Newberry County Building, Fire and Nuisance Codes Board of Appeals in accordance with §157.011.

PROCEDURE

§ 157.007 NUISANCE IDENTIFICATION.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Code Enforcement Officer. The Code Enforcement Officer shall record the complaint properly, investigate promptly, and take action thereon as provided by this Ordinance. To protect the privacy of individuals, such complaints can be anonymous.

§ 157.008 NOTIFICATION.

Upon investigating a complaint of possible violation, and determination of violation of this Ordinance, the Code Enforcement Officer shall serve a notice of violation. Notices of violations or orders hereunder shall be deemed to be properly served to the owner or occupant if a copy thereof is:

- A. Delivered personally;
- B. Sent by first class mail addressed to the last known address whose address is maintained by Newberry County Tax Assessor; or
- C. A copy thereof posted in a conspicuous place on the lot affected or on or about the structure affected by such notice.

For purposes of notice of violation to properties with more than one owner, notice shall be made to the owner of record whose name and address is maintained by the Newberry County Tax Assessor. Co-owners jointly and severally are liable for the upkeep and maintenance of the property. Such notices of violations shall:

- A. Be in writing;
- B. Include property location by street address and Tax Map Number for the parcel;
- C. Date of inspection where the violation was determined;
- D. Specific orders for abatement or remediation of the violation; and
- E. A date for completion of the abatement not to exceed seven (7) calendar days following notification.

The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this article.

The Building Official or Code Enforcement Officer shall post at each entrance of the designated unsafe structure a notice to read: "DANGER – THIS BUILDING IS DECLARED UNSAFE FOR HUMAN OCCUPANCY."

Such notice shall remain posted until the required repairs, demolition or removal is completed. Such notice shall not be removed without written permission of the Building Official or Code Enforcement Officer except for the purpose of making required repairs or demolition of the building.

Notwithstanding any other provision of this article, any building or structure that has been determined to be an immediate danger to life, health, safety or property shall be abated immediately in order to protect life, health, safety or property. The Building Official or Code Enforcement Officer may take any steps that are necessary to make the structure safe including, but not limited to, demolition of the structure.

§ 157.009 EXTENSION PROCESS.

An extension of time to complete abatement may be granted if justified. Such request must be in writing and be received by the Code Enforcement Officer not later than seven (7) calendar days following notification. The request must contain the reasons for which the extension is necessary and contain the specific length of time requested.

§ 157.010 TIMEFRAME FOR ABATEMENT.

All required work shall be completed within such period of time as the Code Enforcement Officer shall determine to be reasonable to accomplish the work, as stated in the notice. If a building or demolition permit is required, such permit shall be obtained by the owner or their designee within thirty (30) calendar days of written notice.

§ 157.011 APPEALS.

An appeal may be requested by the owner where demolition is required. Appeals may be made to the Newberry County Building, Fire and Nuisance Codes Board of Appeals by such person. The board will consider the appeal, evaluate the determination made by the Code Enforcement Officer, and then render a decision either sustaining, modifying or reversing the demolition order. The board shall not levy fines or penalties on the property or owner/occupant or amend the standards of this ordinance.

§ 157.012 PENALTIES.

Any person deemed to be in violation of this Ordinance after having received a nuisance 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 five hundred dollars (\$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 Code Enforcement Officer 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.

§ 157.013 PUBLIC ABATEMENT PROCESS.

In the event that any owner or occupant of any lot or premises upon which there is a condition described in this ordinance fails to remedy the condition within the agreed upon timeframe, the County may, in its own discretion, do such work and make improvements, or contract with an authorized third-party, as is necessary to correct, remedy, or remove such condition or cause the same to be done, paid therefor and charge the expenses incurred thereby to any and all owners of such lot, in joint and severable liability for any and all expenses incurred. Such work shall not relieve such person from prosecution or failure to comply with such notice. Such expenses shall be assessed against the lot or real estate upon which the work was done, or the improvements made through a lien on property which shall be added to and collected in the same manner as property taxes.

§ 157.014 RECURRENT VIOLATIONS.

Any violation of any provision of this Ordinance or of any ordinance for which proper notice of violation has been provided pursuant to the applicable code section or ordinance which reoccurs, at the same location while under the same ownership, within the same calendar year of the previous notice, shall constitute a repeat violation. The occurrence of a repeat violation shall waive the county's requirement to provide a notice of violation and an abatement period, if applicable, prior to issuance of an Ordinance Summons.

§ 157.015 CORRECTION AGREEMENT.

Upon determination that an unsafe structure or other nuisance exists and notice of violation is provided to the property owner, such owner(s) may enter into a correction agreement with the County. Such correction agreement shall identify such person(s) responsible for the property and their agreement to promptly take all reasonable actions, which shall be set forth in the agreement, to mitigate the nuisance within a specified time and according to specified conditions. The County may give consideration to many factors when entering into a correction agreement with owners including, but not limited to, financial hardship. A correction agreement must be requested by the owner following the issuance of a notice of violation. The county must be in receipt of such request prior to the expiration of the abatement period specified in the notice of violation and prior to the issuance of a summons to appear in court. If the nuisance is not abated in accordance with the conditions of the correction agreement, a citation shall be issued as outlined in §157.012.

§ 157.016. CONFLICT/SEVERABILITY.

If any provision of any ordinance of the county is clearly in conflict with the provisions of this chapter, this chapter shall apply. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,

clause or phrase of this ordinance. In any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure or land is used in violation of this Ordinance, or regulations in furtherance hereof, the County Administrator, County Attorney, Zoning Administrator, Building Official, or any person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Such violations shall constitute a misdemeanor. The owner of any building, structure, premise, or part thereof, and any occupant, architect, surveyor, builder, engineer, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and be subject to the penalties herein provided. Nothing in this ordinance shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

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: April 17, 2024
2nd Reading: May 1, 2024
Public Hearing: May 1, 2024
3rd Reading: May 15, 2024

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)

**PROCLAMATION
RECOGNIZING
NATIONAL THERAPY ANIMAL DAY**

WHEREAS, there are thousands of Pet Partners therapy animal teams serving in communities across the United States; and

WHEREAS, Pet Partners has designated April 30 as National Therapy Animal Day; and

WHEREAS, Pet Partners therapy animal teams in Newberry County play an essential role in improving human health and well-being through the human-animal bond; and

WHEREAS, Pet Partners therapy animal teams make millions of visits per year in settings such as hospitals, nursing homes, schools and hospice; and

WHEREAS, Pet Partners therapy animal teams interact with a variety of people in our community including veterans, seniors, patients, students facing literacy challenges, and those approaching end of life; and

WHEREAS, these exceptional therapy animals who partner with their human companions bring comfort and healing to those in need.

NOW, THEREFORE, Newberry County Council does hereby proclaim April 30, 2024, as *National Therapy Animal Day* in Newberry County, and encourages our citizens to celebrate therapy animals and their human handlers. Further, Newberry County Council publicly salutes the service of therapy animal teams in our community and in communities across the nation.

PROCLAIMED AND APPROVED this 17th day of April 2024.

NEWBERRY COUNTY COUNCIL

By: _____
Todd Johnson, Chairman

Attest:

Andrew Wigger, Clerk to Council



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

Agenda Briefing

Prepared By:	Crystal Waldrop		Title:	Purchasing Director	
Department:	Administration	Division:	Procurement		
Date Prepared:		Meeting Date:			
Legal Review					Date:
Budget Review					Date:
Approved for Consideration:					
Committee					
Subject:	Acceptance of Bid Submittals for Consolidated FD Water Points (4)				

STAFF'S RECOMMENDED ACTION: Staff recommends the low bidder be awarded for the installation of the four water points.

FIDUCIARY: The funding for the four water points is through the 2016 CPST Referendum. There is \$900K allocated for the remaining four water points in the current budget.

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: In order to fund the four water points, and completion of this project from 2016, an amount of \$64,111 is needed to cover the shortfall. Additionally, the construction management services will be \$9,840. The total needed to fund the project to completion is \$73,951. Construction Management Services will be provided by Clayton Construction Company, the current CM for the 2022 CPST Projects.

ATTACHMENTS: Bid tabulation sheet

