



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
June 05, 2024  
6:00 P.M.**

Call to Order: Nick Shealy, Vice Chairman  
Invocation and Pledge of Allegiance: Nick Shealy, Vice Chairman

1. Adoption of Consent Agenda:
  - a. Newberry County Council Work Session – May 15, 2024.
  - b. Newberry County Council Meeting – May 15, 2024.
  - c. Newberry County Council Public Safety and Courts Committee – May 20, 2024
2. Additions, Deletions & Adoption of the Agenda.
3. Public Appearance:
  - a. Alan Jenkins, Chairman of the Newberry County Republican Party.
4. A Proclamation declaring June 19, 2024, Juneteenth in recognition of the abolition of slavery in the United States of America.
5. Consideration of Annual Indexing of Elected Officials' Salaries.
6. Ordinance No. 05-01-2024. 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 eleven and seventy hundredths (11.70) acres designated as TMS No. 336-3 from GC-General Commercial to Ind-Industrial.
  - a. Third Reading.

7. Ordinance No. 05-03-2024. An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, for the Newberry County budget for County Ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.

- a. Third Reading.

8. Ordinance No. 06-01-2024. An Ordinance to amend the text of the official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, to establish regulations for the issuance of permits for the keeping of chickens on a non-commercial basis on residential properties in Newberry County.

- a. First Reading.

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

10. Appointments.

- a. Central Midlands Council of Governments.

11. Public Comments.

12. Comments/Requests from County Administrator.

13. Comments/Requests from Council.

14. Future meetings:

- a. Executive Committee – June 10 at 6 p.m.
  - b. Newberry County Council Work Session – June 19 at 5 p.m.
  - c. Newberry County Council – June 19 at 6 p.m.
  - d. Independence Day – July 4 – Offices Closed.
  - e. Public Safety and Courts Committee – July 8 at 6 p.m.
  - f. Newberry County Council Work Session – July 17 at 5 p.m.
  - g. Newberry County Council – July 17 at 6 p.m.

15. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION**  
**MINUTES**  
**May 15, 2024**

Newberry County Council met on Wednesday, May 15, 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  
Leon Fulmer, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Debbie Cromer, Finance Director  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

ABSENT: Les Hipp, Council Member

MEDIA: Kelly Duncan, The Newberry Observer

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

Mr. Sease made a motion to amend the agenda to add an Executive Session item of a contractual matter; Mr. Shealy made a second and the motion was approved 6-0.

1. Discussion of proposed road use ordinance and establishment of an agribusiness / husbandry permit program for hauling 90,000 pounds Gross Vehicle Weight (GVW) on county roads, which mirrors the current SCDOT program.
  - Mr. Shacker recapped the discussion from the May 1, 2024, Newberry County Council Work Session about putting an ordinance in place regarding this permit program. However, after sitting down with Mr. Josh Rowe, Mr. Mike Pisano and Ms. Katie Werts, it was determined that the county is in the process of developing a draft ordinance that would revise Chapter 91 in the Code of Ordinance, which deals with roads and bridges.
  - Mr. Shacker said as part of that revision, not only creating a new ordinance for roads and bridges, but also a manual. He added this could have provisions for revisions to the manual. Mr. Shacker then proposed the idea of dealing with this ordinance along with the Chapter 91 rewrite.
  - Mr. Shacker then asked council their opinion on staff authorizing Amick Farms to obtain an encroachment permit (a county system already in place) to utilize the two roads in question to service the farms accessed by those roads.
    - The two roads are Whitman Road (off Dennis Dairy Road) and Derrick Road (off Silverstreet Road), Mr. Shacker then showed pictures of the gravel roads to council.
    - Mr. Shacker said that Mr. Rowe and Mr. Pisano believe the roads can handle the extra weight on those loads.
  - Mr. Shacker said they would like to make a condition of the encroachment permit that if they damage the road, they pay for the repairs.
  - Mr. Johnson said while they committed not to take a vote in this session, he asked council if there were any objections to them handling that administratively and then council deal with it as an ordinance in a comprehensive manner.

- Council recommended staff handle the matter administratively and then return with the changes to Chapter 91.

## 2. Executive Session:

### a. Personnel Matter(s):

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

### b. Legal Matter(s):

- i. Discussion of matters related to Newberry County's local floodplain management program and participation in the National Flood Insurance Program pursuant to SC Code of Laws Section 30-4-70(a)(2).

### c. Contractual Matter

- Mr. Shealy made a motion to go into Executive Session; Mr. Sease provided the second and the motion was approved 6-0.
- Newberry County Council went into Executive Session at 5:10 p.m.
- Mr. Fulmer made a motion to come out of Executive Session; Mr. Sease provided the second and the motion was approved 6-0.
- Newberry County Council came out of Executive Session at 5:52 p.m.

## 3. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

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

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**NEWBERRY COUNTY COUNCIL  
MINUTES  
May 15, 2024**

Newberry County Council met on Wednesday, May 15, 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  
Leon Fulmer Jr., 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  
Debbie Cromer, Finance Director  
Rick Farmer, Economic Development Director  
Lee Foster, Sheriff  
Laura Kneece, Coroner  
Donna Lominack, Auditor  
Liz McDonald, Assessor  
Eric Nieto, I.T. Director  
Katie Werts, Director of Planning and Development Services  
Andrew Wigger, Clerk to Council/PIO

ABSENT: Les Hipp, Council Member

MEDIA: Kelly Duncan, The Newberry Observer

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

Mr. Sease led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – May 1, 2024.
  - b. Newberry County Council Meeting – May 1, 2024.
  - c. Newberry County Economic Development Committee Meeting – May 6, 2024.
- Mr. Shealy made a motion to adopt the minutes as presented; Mr. Scurry provided the second and the motion was approved 6-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Reeder made a motion to adopt the agenda as presented; Mr. Shealy provided the second and the motion was approved 6-0.

3. Recognitions:

a. Employee Service:

- |                   |          |                     |
|-------------------|----------|---------------------|
| • Laurel Keen     | 10 years | Building and Zoning |
| • Virginia Atkins | 15 years | Building and Zoning |
| • Donald Leitzsey | 20 years | Public Works        |

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



- Mr. Johnson said it is always a special time during the meetings to recognize the people who make Newberry County run every day, that are truly unsung heroes and council was thankful for each of them.

4. Resolution 04-24. A Resolution recognizing and honoring Sheriff Lee Foster for his outstanding career in law enforcement and congratulating him for being named the 2024 Sheriff of the Year by the South Carolina Sheriffs' Association.

- Mr. Johnson read the resolution as follows: "Whereas, Newberry County Council is pleased to learn that Newberry County Sheriff Lee Foster was selected as 2024 Sheriff of the Year by the South Carolina Sheriffs' Association; and Whereas, Sheriff Foster, who has served Newberry County as sheriff since January of 1989, was nominated by his peers for his professionalism, innovation, and community-mindedness; and Whereas, Sheriff Foster has had a long and distinguished career in law enforcement, which began in 1973 when he was hired by the Town of Prosperity as a junior police officer and part time police officer. Sheriff Lee Foster later served as chief of police for the Town of Little Mountain from 1978-1979, worked from 1979-1984 at the Newberry County Sheriff's Office, where he rose through the ranks from a deputy to captain of the Patrol Division and captain of the Investigation Division, and then joined the South Carolina Criminal Justice Academy in 1984 as a senior criminology instructor – a position he held until his election as sheriff of Newberry County in November 1988; and Whereas, Sheriff Foster has always placed great importance on education, training and professional development. He is a 1975 graduate of Mid-Carolina High School, a 1977 graduate of the University of South Carolina with an Associate's Degree in Criminal Justice with Highest Honors, and a 1979 graduate of the University of South

Carolina with a Bachelor's Degree in Applied Professional Sciences - graduating Magna Cum Laude; and Whereas, Sheriff Foster also graduated from the South Carolina Sheriff's School, the National Institute of Justice Executive Management Institute, the Federal Bureau of Investigations Executive Development Board, the Federal Bureau of Investigations Carolina Command College, and the South Carolina Criminal Justice Academy from which he received the J.P. Strom Award; and Whereas, Sheriff Foster has received many awards, honors and recognitions during his law enforcement career including the Order of the Palmetto, the United States Attorney General's Strom Thurmond Award for Excellence in Law Enforcement, the J.P Strom Award for highest academic average in his academy class, South Carolina Sheriff's Association Sheriff of the Year, South Carolina Victim's Advocates Association Sheriff of the Year and Humanitarian of the Year, Outstanding Young Man in America by the Jaycees, Civitan Citizen of the Year, the Alston Wilkes Society Law Enforcement Officer of the Year, Woodman of the World Outstanding Citizen of the Year, National Humanitarian of the Year by the National Center for Rural Law Enforcement, the Mothers Against Drunk Drivers Highway Safety Hero, and many others. Whereas, Sheriff Foster has long been recognized at the local, state, and national level as a leader in law enforcement, especially for rural areas. He has served on the United States Attorney's Law Enforcement Coordinating Committee, the United States Attorney's Task Force on Violent Crime, the Executive Committee of the Joint Terrorism Task Force, the Governor's Task Force for the Advancement of Public Safety, the Homeland Security Council, the Victim's Notification Network Advisory Council, the State Law Enforcement Division Advisory Panel, and the South Carolina Law Enforcement Training Council, and many others; and Whereas, Sheriff Foster leads by example with a hands-on approach. He is very active in every aspect of the Newberry County Sheriff's Office and its various divisions. He can be seen

doing anything from directing traffic at accident scenes to testifying before Congress and is comfortable performing any of those tasks. He is a devoted officer who is driven by his passion for law enforcement and for serving others. Whereas, Sheriff Foster has always been active in the community. He is a member of Central United Methodist Church, the Prosperity Fire Department, and numerous local organizations and has made many positive contributions to his community. Whereas, Newberry County Council takes great pleasure in saluting Sheriff Foster for his many years of public service to the citizens of Newberry County and the State of South Carolina. Now, therefore be it resolved, that Newberry County Council, by this resolution, recognize and honor Sheriff Lee Foster for his outstanding career in law enforcement and congratulate him on being named the 2024 South Carolina Sheriffs' Association Sheriff of the Year."

- Mr. Shealy made a motion to accept the resolution; Mr. Fulmer provided the second and the motion was approved 6-0.
- Mr. Johnson said they have been through so much together and served together, their boys are a day apart and their girls are a month apart and every time he looked around he and his family have been there for him and stood with him and helped him and he is blessed beyond measure to call him his friend and brother in Christ. He added it is his honor to present this resolution.
- Sheriff Foster paraphrased Wayne and Garth from *Wayne's World*, "I'm not worthy."

##### 5. Proclamation honoring Peace Officers Memorial Day.

- Mr. Johnson read the proclamation as follows: "Whereas, Congress and President of the United States have designated May 15<sup>th</sup> as Peace Officers' Memorial Day; and Whereas, the members of the Newberry County Sheriff's Office play an essential role in

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safeguarding the rights and freedoms of the citizens of our community; and Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of law enforcement officers, and that law enforcement officers recognize their duty to serve the people of this community, by protecting them against violence and disorder; and Whereas, the law enforcement officers of the Newberry County Sheriff's Office provide a vital public service; Now, therefore, Newberry County Council hereby proclaim May 15, 2024, as *Peace Officers' Memorial Day* in memory of those law enforcement officers, who through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and to honor those law enforcement officers presently serving the community."

- Mr. Sease made a motion to publish the proclamation; Mr. Reeder provided the second and the motion was approved 6-0.

6. Proclamation honoring National Correctional Officer Week.

- Mr. Johnson read the proclamation as follows: "Whereas, National Correctional Officers and Employees Week was first proclaimed on May 5, 1984, by President Ronald Reagan when he signed Proclamation 5187 creating "National Correctional Officers Week," to recognize the men and women who work in jails, prisons, and community corrections across the country; Whereas, National Correctional Officers and Employees Week became the official name when in May 1986, the U.S. Senate officially changed the name from "National Correctional Officers Week"; Whereas, National Correctional Officers and Employees Week has been designated as the week of May 5 through May 11, 2024, by the U.S. Department of Justice and the Federal Bureau of Prisons; Whereas, National Correctional Officers and Employee Week honors the work of Correctional Officers and

Correctional Personnel for their service with honor, respect, and integrity; and raises the awareness of the duties, hazards, and sacrifices made by correctional employees; Whereas, National Correctional Officers and Employees Week in Newberry County recognizes correctional officers and employees for their role in safeguarding the citizens of Newberry County by providing safe, secure, and humane incarceration of offenders within their custody. Now, therefore, Newberry County Council hereby proclaims the week of May 05, 2024, through May 11, 2024, as *National Correctional Officers and Employees Week.*"

- Mr. Shealy made a motion to publish the proclamation; Mr. Scurry provided the second and the motion was approved 6-0.
- Sheriff Foster thanked council for both proclamations and said it means a lot to those who work in the jail division and in the NCSO. He added that today (May 15) was actually Law Enforcement Memorial Day, recognizing law enforcement officers killed in the line of duty. There is a monument on Judiciary Square in Washington, D.C. that commemorates the officers that were killed in the line of duty and there are several from Newberry County. Sheriff Foster said that unfortunately, he had to participate in that one time when Sgt. Larry Bragg was killed shortly after Sheriff Foster took office. Sheriff Foster said Sgt. Bragg was an excellent officer and if he had survived, there is no telling where he would have gone in this profession. He added that he was honored to have participated and put his name on the wall, a very somber moment.
- Sheriff Foster encouraged anyone, if they are ever in D.C., to visit the monument.
- Sheriff Foster said this year, they will add Lt. Michael Wood, a Newberry City police officer killed in the line of duty last year.
- He added that it is very important to recognize the day, and it is a very sacred day for law enforcement on May 15 and thanked

Newberry County Council, Administrator Jeff Shacker, and staff for doing this.

7. 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. Third Reading.

- Mr. Johnson said the only update was that there were some questions during the public hearing of the ordinance and those questions have been answered both to the individual and to Newberry County Council.
- Mr. Shealy made a motion to accept third reading; Mr. Sease provided the second.
- Mr. Johnson said this will be just living and breathing, the county is in new territory and if they find out something in the ordinance is not working, they will come back and fix it. He added even though this passes tonight, and he thinks this is an incredible step forward for Newberry County, he thinks it will be living, breathing and an evolving product they will keep working on. He said he knows everyone on council joins him in that thought process.
- The motion was approved 6-0.

8. Ordinance No. 05-01-2024. 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 eleven and seventy hundredths (11.70) acres



designated as TMS No. 336-3 from GC-General Commercial to Industrial.

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. Shacker said this track is located on the northeastern quadrant of Highway 121, I-26 interchange, the track is about 84 acres in size and this ordinance would only be rezoning 11.7 acres of it. The closing and the subdivision of the property for the proposed asphalt plant is contingent on this rezoning. Once approved by council, the subdivision of the property would be administratively approved and the project could move forward.
- Mr. Shealy made a motion to accept second reading; Mr. Reeder provided the second and the motion was approved 6-0.

9. Ordinance No. 05-03-2024. An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, for the Newberry County budget for County Ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year,

and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.

a. Public Hearing.

- Mr. Tyler Johnson said he had three suggestions he'd like to bring forward. The first, he said, with the raise in taxes, it was suggested it was to offset the raises for the county employees getting a standard percentage raise, he'd like to suggest the county not do a percentage but a lump sum because by doing percentages, they'd be widening the pay scale for the county and making it further between the employees rather than shifting them all upward because if you do it by percentage, you have an employee making \$30,000 they are only going to get \$1,200 bump with the four percent, but a \$60,000 would get a \$2,400 bump, and that is widening that pay gap between employees. The second suggestion would be, going forward, the county looks at impact fees for development and people moving into the county to help offset future raises in taxes for the county citizens that have been here and been paying, they'd like to see something where those coming in would have to pay their fair share because the added use from those would be what the infrastructure would really be being upgraded for. The third suggestion, be conscientious of ad valorem fee-in-lieu of taxes because once those are granted they are locked in, and the county spends a fair share of the county budget that get those, and they're locked in.
- Mr. Johnson said a question he had was an explanation of the non-departmental salary adjustments in the revenue which he assumes are for the pay raises and he was just wondering because it



wasn't moved into each itemized budget and wanted clarification on that.

b. Second Reading.

- Mr. Sease made a motion to accept second reading; Mr. Scurry provided the second.
  - Mr. Johnson abstained from anything related to Nicholson Business Systems and WTH Technology but voted on the budget other than those two subservient line items down into the budget.
- The motion was approved 6-0.

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

- There was no action taken.

11. Appointments.

- There were no appointments.

12. Public Comments.

- There were no public comments.

13. Comments/Requests from County Administrator.

- Mr. Shacker answered the question that was raised during the public hearing on the budget. He said the

practice in Newberry County has been to budget a percentage of payroll for salary increases and then council, at a later date, authorizes the distribution of the money, whatever the formula is. He said he thinks that is a good way of doing it because if there is a merit basis for the raises, performance is not going to be consistent across departments, so you are not able to, through a budget adjustment, move the money amount needed in each department to fund those increases.

#### 14. Comments/Requests from Council.

- Mr. Sease reminded everyone of the upcoming Ag+Art Tour (May 18-19).
- Mr. Shealy thanked everyone for all they do and thanked Sheriff Foster for the many years of service and hope he continues.
- Mr. Fulmer reiterated what Mr. Shealy said, and that it was fitting that they recognized long-term employees, their accomplishments and dedication to the county, as well as law enforcement officers, correctional officers and fitting that they recognize them and dedicate a week to their service. He personally thanks each and every one of them, including employees and staff within the county.
- Mr. Johnson said their thoughts and prayers go out to Mr. Hipp who could not be at the meeting due to a virus and if it is like what he had last week, it is pretty rough.

#### 15. Future meetings:

- a. Public Safety and Courts – May 20 at 6 p.m.

- Mr. Johnson is unable to attend, and Mr. Scurry will stand in for him.
- b. Memorial Day – May 27 – Offices Closed.
- c. Newberry County Council Work Session – June 5 at 5 p.m.
- d. Newberry County Council Meeting – June 5 at 6 p.m.
- e. Executive Committee – June 10 at 6 p.m.

16. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Fulmer provided the second and the motion was approved 6-0.

**NEWBERRY COUNTY COUNCIL**

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**Todd Johnson, Chairman**

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**Andrew Wigger, Clerk to Council**

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

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY AND COURTS COMMITTEE  
MINUTES  
May 20, 2024**

The Newberry County Council Public Safety and Courts Committee met on Monday, May 20, 2024, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a special called meeting.

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

PRESENT: Leon Fulmer, Committee Chair  
Karl Sease, Committee Member  
Johnny Mack Scurry, in place for Mr. Johnson  
Jeff Shacker, County Administrator  
Sheriff Lee Foster, NCSO  
Tommy Long, Emergency Services Director  
Eric Nieto, I.T. Director  
Brandon Wicker, Emergency Services Coordinator  
Andrew Wigger, Clerk to Council/PIO

Absent: Todd Johnson, Committee Member

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

Mr. Sease led the invocation and Pledge of Allegiance.

1. Additions, Deletions & Adoption of the Agenda.

- Mr. Fulmer requested the addition of a public comment section after item four and an opportunity for county administrator comments and committee member comments following that. Mr. Scurry made a motion to accept the agenda as amended, Mr. Sease provided the second and the motion was approved 3-0.

## 2. Staffing Concerns – Sheriff Lee Foster.

- Sheriff Foster said they are experiencing a problem that is not dissimilar from most law enforcement in South Carolina and the United States – shortage of personnel and personnel leaving and going from agency to agency. He added that the applicant pool is not great. At present, the NCSO is down by four people. They also have two in training, and they will not be available to the public for at least 16 weeks because of training and field training. This means, theoretically, they have six openings in the NCSO. This is equivalent to a whole shift of people. Sheriff Foster added that the jail is down four people and that is a whole shift, as well.
- To help make up the difference, Sheriff Foster said they are using overtime, but that is time and a half, and they are doing innovative scheduling. The jail, he said, is a unique situation because there is a minimum number of people they have to have on duty at any given time. In law enforcement there is no minimum, there is just danger to the officers and danger to the public not having enough officers to respond in a prompt manner, according to Sheriff Foster.
- Regarding the staffing issue, Sheriff Foster said most of it has to do with salary in that people jump around looking for a higher salary. He added that there was once a time most law enforcement agencies were in the same genre as far as salary and there once was a time if you worked in Richland County, you also had to live in Richland County; however, that is no longer the case with most places saying you have to live 45 minutes to an hour of the agency and are allowing employees to take cars home.
- Sheriff Foster said the county is at a crossroads and it is not a great place to be in as NCSO's salaries are not completely competitive with agencies in this area. Recently, the NCSO lost two deputies to the S.C. Highway Patrol, who raised their

salaries up. They also lost one to Cayce and one to a private security agency.

- Sheriff Foster said once they hire someone, they have the ability to hold them here for about two years because an agency that would hire someone in that two-year range would have to pay NCSO back part of their salary, equipment and training. This means most agencies do not look at those in that two-year period.
- Sheriff Foster said some of these agencies pay signing bonuses in addition to a higher salary than NCSO pays. He added that they realize they cannot keep up with the S.C. Highway Patrol as they are paying experienced officers between \$75,000-\$85,000 a year.
- Sheriff Foster said when someone leaves like that, and they've invested money, that other agency gets the benefit of what Newberry County taxpayers paid for. He added that the officer that went to Cayce, they just bought a bunch of equipment for him because he was on the tactical team, and that equipment is cut to fit.
- In South Carolina, according to Sheriff Foster, it is against the law to honor contracts in government/law enforcement. He said he wishes they had some way they had to sign a contract so they pay them back, or another agency would, but there is nothing on the horizon for that.
- Sheriff Foster requested they look at it, consider it and understand what we are in right now. He said he thinks they are doing a great job of plugging the holes, but they cannot keep doing it. For example, he said he had one employee who has worked nine days straight and will work the rest of the week too, and he appreciates people like that but not everyone will do that.
- Mr. Scurry asked how far apart the county from the average. Sheriff Foster said he is not going to compare to the S.C. Highway Patrol because he said the state right now is raking in money and are able to give it out. He said the county is about

\$3,000-\$5,000 away from most of the county's competitors outside of S.C. Highway Patrol and state government. He added that he is not necessarily talking about the starting salaries, but the salaries as you progress through the county system. He said most of these agencies are looking for deputies with five years or more of experience because it takes about two to three years for a law enforcement officer to understand everything they need to do.

- Mr. Sease asked if there is a policy in place on the number of days they can work or hours within the month. Sheriff Foster said there was not. Mr. Sease then asked if there is a policy in place that an employee leaves, they must reimburse the county for equipment purchased. Sheriff Foster said the county could pass a policy, but it is not enforceable because that would be a contract and you cannot sign a contract with government employees.
- Mr. Scurry asked if there were signing bonuses for new employees. Sheriff Foster said a lot of employees offer bonuses, but they don't give them the bonus all at once, so they divide it up over a certain amount of time. He said he is not really a big fan of signing bonuses more than he is retention bonuses, but they just gave all NCSO employees retention bonuses. However, he said there is a fault in that too, and the one who left the county got that and was gone within the month. However, he does think the retention bonuses did help.
- Mr. Fulmer followed up on the cost of the training and the county not being able to recover that. Sheriff Foster said for two years, they can recover that from the agency that hires them, and if they do not pay it then the Criminal Justice Academy fines the agency and puts a judgement against them. They are only able to recoup basic things, the salary the county pays them and the cost of equipment specifically for that officer. He added that is state law, but past that after two years, there is no way to recoup the money.

- Mr. Fulmer asked if there was a policy about deputies taking vehicles home that lived a certain distance away. Sheriff Foster said yes, and the policy is that you have to be within 35 miles generally, he said they did this to try and recruit from the Columbia area. He added they have two that live outside Newberry County, and they have been allowing deputies to take vehicles home for years.
- Mr. Fulmer asked if Sheriff Foster thought it would be beneficial to instead of doing longevity bonuses to do longevity raises, county wide. Sheriff Foster said the bonuses they gave, they were able to do because they had so many vacancies, but no guarantee they can do that next year. He thinks some kind of longevity raise would be beneficial. He said there is a reason the person at the top is making more money, you have a lot more responsibilities and you are paying for those responsibilities. However, he said what is costing the county and the profession are not the people on the lower tiers – which he said they need to bring up as well so they can get people to come here – but when you get in that section of midlevel supervisors and above, and lose them, you lose your experience, education and talents.
- Mr. Fulmer asked if there is a policy in the county for performance bonuses. Sheriff Foster said they have in various forms, he said there was once a time that the county just did performance bonuses. He said the problem with that, if the person doing the rating doesn't do it honestly, it does not do any good. He added that he doesn't think they had a good way of evaluating someone's performance because it was one size fits all and you get an evaluation that is the same for someone that is a clerk versus someone who drives heavy equipment, etc.
- Sheriff Foster thanked the committee for listening, and just thinks they need to try and figure something out to help and that it is not just Newberry County, but it is all over the state.



He said some counties are much better off than others and some are a lot worse off than Newberry County.

- Mr. Fulmer said he agrees with him, and they need to do something with it and the committee appreciates him bringing the issue to their attention.
- Sheriff Foster said they understand the well has a bottom, but anything that could be done to help stop the bleeding would be appreciated.
- Mr. Fulmer took the opportunity to commend the NCSO and the correctional officers at the jail, especially those who live in the county and most folks are lifelong residents of Newberry County, such as himself. Through the years, he said he has developed great respect for what the NCSO is asked to do, and he appreciates the sheriff being present.

### 3. Fire Service update – Chief Jason Fulmer.

- Mr. Jason Fulmer said thank you for passing the second reading (of the budget) and hopefully they can pass the third reading to get a new truck into the county.
- Mr. Jason Fulmer asked if council has any plans for replacing the aging fleet and they need about seven more trucks and he knows the money is not there, but if there are any plans.
  - Mr. Leon Fulmer said at this point, they know there is a need, to say there is a plan in place in order to make it happen tomorrow, he doesn't think they have such a plan, but they know that is a critical need. From his standpoint, that is a major goal to have something in place to replace that aging equipment, not just in the fire service but across the board.
- Mr. Jason Fulmer asked if there was a start date on grass cutting at all the fire stations.
  - Mr. Shacker said he knows Mr. Mac Bartley got the numbers to add that to the contract and he thought that had already started and if not it is starting quickly.

- Mr. Sease said last year he knows they talked about doing a fire service audit to know what the needs were to try and come up with a plan. Mr. Shacker said that has not started yet, the RFP is ready to go, and he thinks it would be good to reissue it.
  - Mr. Fulmer said he'd really like to see an audit.
- Mr. Scurry asked if he heard correctly that they are seven trucks short.
  - Mr. Fulmer answered in the affirmative and Mr. Long clarified that they aren't short, but the trucks they have are older and are in need of replacement.

#### 4. Discussion of Cost Recovery Ordinance – Tommy Long Emergency Services Director.

- Mr. Long gave a copy of a potential ordinance, which he said is not a final version. He said if council wants to go forward with this, the county would bill insurance companies for expenses being on the scene of wrecks and different fires. The intention is not to bill the individual if they do not have insurance or if their insurance provider denies the claim, just the insurance company. This should not increase their premiums as this is something they are already paying for.
- Mr. Sease said he thinks it is a great idea and said with all of that construction on the interstate, they could have probably bought a couple of trucks with all the calls.
- Mr. Long added an outside agency would handle the billing, they would just have to document all the calls they go to, and that company will get a cut.
- Mr. Fulmer said he thinks it is a good idea to pursue it to put something in place to recoup some of that cost. He added he has concerns about how they do it, but if people are already paying for it through their insurance, they need to recoup that.
- Mr. Shacker said these insurance companies are budgeting that expense and the concept would be only to pursue this through insurance and there are some questions about treating

residents versus non-residents and they need to do some research.

- Mr. Shacker said he wanted to see their reaction and if they are favorable, this would be a great work session topic once they polish up an ordinance.
- Mr. Fulmer said a question he has is what surrounding counties are doing. Mr. Long said Laurens and Saluda counties already do this.
- Mr. Shacker said what they'd like to recommend is the money go to a capital account to purchase equipment, like fire trucks.

#### 5. Public Comments.

- Mr. Robert Dennis thanked the committee for rescheduling as he has been attending every Public Safety and Courts Committee meeting he can and to him, it seems like this committee has been cancelled more so than any other meeting a committee has. He also thanked Mr. Sease for recommending an ordinance to have someone sit in when another council member cannot attend, he said he thinks that is important because public safety is not a quarterly meeting, it is a monthly meeting. He said if you have board planning meetings and other meetings that are monthly, he thinks public safety needs to be a monthly meeting.
- Mr. Dennis also thinks the meetings need to be reported to council, he said sometimes minutes get lost and there needs to be a verbal (report). He said Mr. Fulmer is the chair of the committee and whenever you make that verbal outside of the minutes to give a solid backing of what they are asking for, that relays to council what they need in public safety. He said public safety is not just firemen, it's the rescue squads, EMS, anyone that falls under emergency services public safety.
- Mr. Dennis thanks the committee for reimbursing the Prosperity Rescue Squad money that was spent to upgrade this county and then thanked them for putting money in to buy 30

more air packs to give out to the county departments to bring them into compliance. He said the word compliance needs to be shared along with the dollar sign because if they are not in compliance and something happens to any public safety individuals then the county will be brought into compliance by a financial fine. He said they were fortunate several years ago that Newberry County was not hit with a fine for a fire they responded to in Saluda.

- He said they don't come to every meeting asking for money and it is not because they want to fill their stations with the brand-new equipment it is because they want to comply with what they are sending down to them.
- Mr. Dennis then thanked Mr. Nieto for livestreaming and there were at least three meetings that were not livestreamed and there were complaints about other committees being livestreamed, but public safety wasn't. He said he thinks they need to be consistent with what they do for Newberry County.
- Regarding grants, he also thinks it is very important, because he has received phone calls belittling him about grants. He said for 36 years in emergency services, they put in for grants and there are grants they do not get and that is unfortunate because they don't make the cut because of information, or they don't reach the statistics. He said recently, they contracted with some grant writing groups and unless he is unaware, they have not received anything. He said individual fire departments have because they put in for the grants like V-Safe (Volunteer Strategic Assistance and Equipment) which is money that's been set aside each year as long as it is contingent on what the state is allowed to put to the side and this year they got \$13,200, which was used to upgrade their ventilation system with three fans. Last year, they were able to purchase extrication equipment. He said they do put in for grants, and they don't get them all, but the grants that they have received have benefited Newberry County by millions of dollars over his past 36 years in emergency services and they won't stop

putting in for them. He added if they could get some type of service that can better write grants, that will call them and ask questions, he truly feels they can get that out there.

- Mr. Dennis then spoke of the state of affairs for Newberry County. He said he heard the word audit mentioned and he said an audit is an ugly monster, and they had a pay study not too long ago, and the county paid a lot of money for that study and the county is not able to accommodate financial support with that pay study. He said you think about an audit with the fires service, he said Mr. Long can pull all of the statistics and give the council that audit, he said Mr. Long can pull the service of all the vehicles and to give him the \$40,000 and the county does not need to pay someone to do that.
- Mr. Dennis then referenced the previously mentioned fire trucks, he said he was here when they lined up seven trucks on Newberry Square and it was a great day for many fire departments, but the problem with that is the county did not accommodate the years after that. He said he is not casting blame because those there are new to Newberry County government. He said, in the past, if something was placed in the budget it was taken out prior to coming to the seven council members and he thinks that is where it needs to be to the seven individuals. He said not just the trucks but the equipment.
- Mr. Dennis said Newberry County is growing and each committee member should ride the entire county. He referenced a new subdivision and if a house catches on fire, they not only put out the house on fire, but the two houses beside the home and maybe even behind it.
- He said the subdivisions are going to become a headache and a heartache for Newberry County and emergency services. He said don't take this as he is trying to say don't bring them, he said they want them and they want more people to come and live and work in Newberry County, but before you can have them live and work in the county, they have to establish

emergency services. He added that emergency services are things people look at, like crime rate.

- Mr. Dennis said they have held that fine line of providing because of their volunteers. He said he thinks that is very important to remember because they are asking for money for a fire truck, grass cutting and money for law enforcement, that it comes with a greater weight of value that someone can know that they were on site in a matter of minutes. He said in his career of emergency services, there are two areas that have to be funded, emergency services and garbage collection and that both of those areas tend to find the most controversy. If someone doesn't get a response in a timely manner, they complain.
- Mr. Dennis said we've got to step our game up a little bit better and one truck a year isn't enough, and they do not want to fall behind again.
- Mr. Sease told Mr. Dennis they appreciated him coming out and talking and added they are trying and last year they started a revenue stream for emergency services from FILOTs, but it will take a while to get the money built up.
- Mr. Dennis then said Charleston County increased their budget by \$4 million following the deaths of nine firefighters. He said for a volunteer program, the training is impeccable in Newberry County but making the training available is hard with volunteers.
- Mr. Fulmer said the number one question people ask when it comes to emergency services is what your response time is. As far as volunteers, he thanked the volunteer service, and they provide a huge money savings to Newberry County.
- Mr. Gregg Grantham, a volunteer, said one of the things he's trying to get is treating Airbnb like they are, a business, and taxing them like a business. He said require them to have business license and pass the same standards Holiday Inn and other places have to go by, he said they have a bunch of them at Lake Greenwood and Lake Murray and you can make a pretty

good amount of taxes and right now they aren't paying anything. He said while out driving around, look at the roads and they look like trash. He said imagine what patients feel like when they are being transported.

6. Comments from County Administrator/Committee members.

- Mr. Shacker said in terms of the amendments council made related to FILOT agreements, it looks like some of those will hit in tax year 2024 and they will start to see a little bit of revenue come in from that.
- Mr. Scurry asked when you redline a fire truck, is it over mileage or age. Mr. Long said mileage is not an issue, but it is more the age. Mr. Fulmer added repair cost with Mr. Long said that the older they are the harder they are to repair. Mr. Fulmer said they have tankers that are rusted through, unable to hold water.
- Mr. Fulmer said he greatly appreciated everyone coming out and that they do hear them, and they will certainly take it back to council and try to come up with a path forward.

7. Adjournment.

- Mr. Scurry made a motion to adjourn; Mr. Sease provided the second and the motion was approved 3-0.



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

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**Leon Fulmer, Committee Chairman**

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**Andrew Wigger, Clerk to Council**

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

DRAFT



STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF NEWBERRY            )

**PROCLAMATION  
JUNETEENTH**

**WHEREAS**, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment, which formally abolished slavery in the United States of America; and

**WHEREAS**, word about the signing of the Emancipation Proclamation was delayed some two and one half years, to June 19, 1865, in reaching authorities and African-Americans in the South and Southwestern United States; and

**WHEREAS**, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

**WHEREAS**, June 19th has a special meaning to African-Americans, and is called "JUNETEENTH", combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years; and

**WHEREAS**, the annual Juneteenth celebration in the County of Newberry will take place on June 15, 2024.

**NOW, THEREFORE**, Newberry County Council hereby declares June 19, 2024, as JUNETEENTH in the County of Newberry, South Carolina, and urges all citizens to become more aware of the significance of this celebration in African-American History and in the heritage of our nation and county, as well as encourages all citizens to attend the Juneteenth celebration on June 15, 2024.

**PROCLAIMED AND APPROVED** this 5<sup>th</sup> day of June 2024.

NEWBERRY COUNTY COUNCIL

SEAL

BY: \_\_\_\_\_  
Todd Johnson, Chairman

ATTEST:

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

STATE OF SOUTH CAROLINA )  
 )  
NEWBERRY COUNTY )

ORDINANCE NO. 05-01-2024

**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. 6-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE (1) REAL ESTATE PARCEL TOTALING ELEVEN AND SEVENTY HUNDREDTHS (11.70) ACRES DESIGNATED AS TMS NO. 336-3 FROM GC-GENERAL COMMERCIAL TO IND-INDUSTRIAL.**

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

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

**WHEREAS**, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling eleven and seventy hundredths (11.70) acres located at 13044 SC Highway 121, Newberry, to IND-Industrial from GC-General Commercial. Tax Map No. 336-3 is currently vacant. The Comprehensive Plan shows the future land use for this area to be within the development projected area. The Planning Staff does recommend that this real estate parcel be rezoned to IND-Industrial.

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA02-03-19-24, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property. The Joint Planning Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to

Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

**WHEREAS**, Newberry County Council is familiar with the site and the existing uses of the properties located at 13044 SC Highway 121, Newberry.

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 336-3 totaling eleven and seventy hundredths (11.70) acres located at 13044 SC Highway 121, Newberry as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, IND-Industrial 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. 336-3, totaling eleven and seventy hundredths (11.70) 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

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

Reviewed and approved as to form:

\_\_\_\_\_  
Attorney

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



## Newberry County

# Planning Commission Staff Report

**Request:** Rezoning request MA02-03-19-24 by property owner's agent Reeves Construction Company. This request is to rezone one (1) property totaling eleven and seventy hundredths (11.70) acres located at 13044 SC Highway 121, Newberry, from GC-General Commercial to IND-Industrial.

**Application Number:** MA02-03-19-24

**Applicant/Property Owner:** Reeves Construction Company

**Location Address:** 13044 SC Highway 121, Newberry

**Tax Map Number(s):** 336-3

**Lot Size:** 11.70 acres

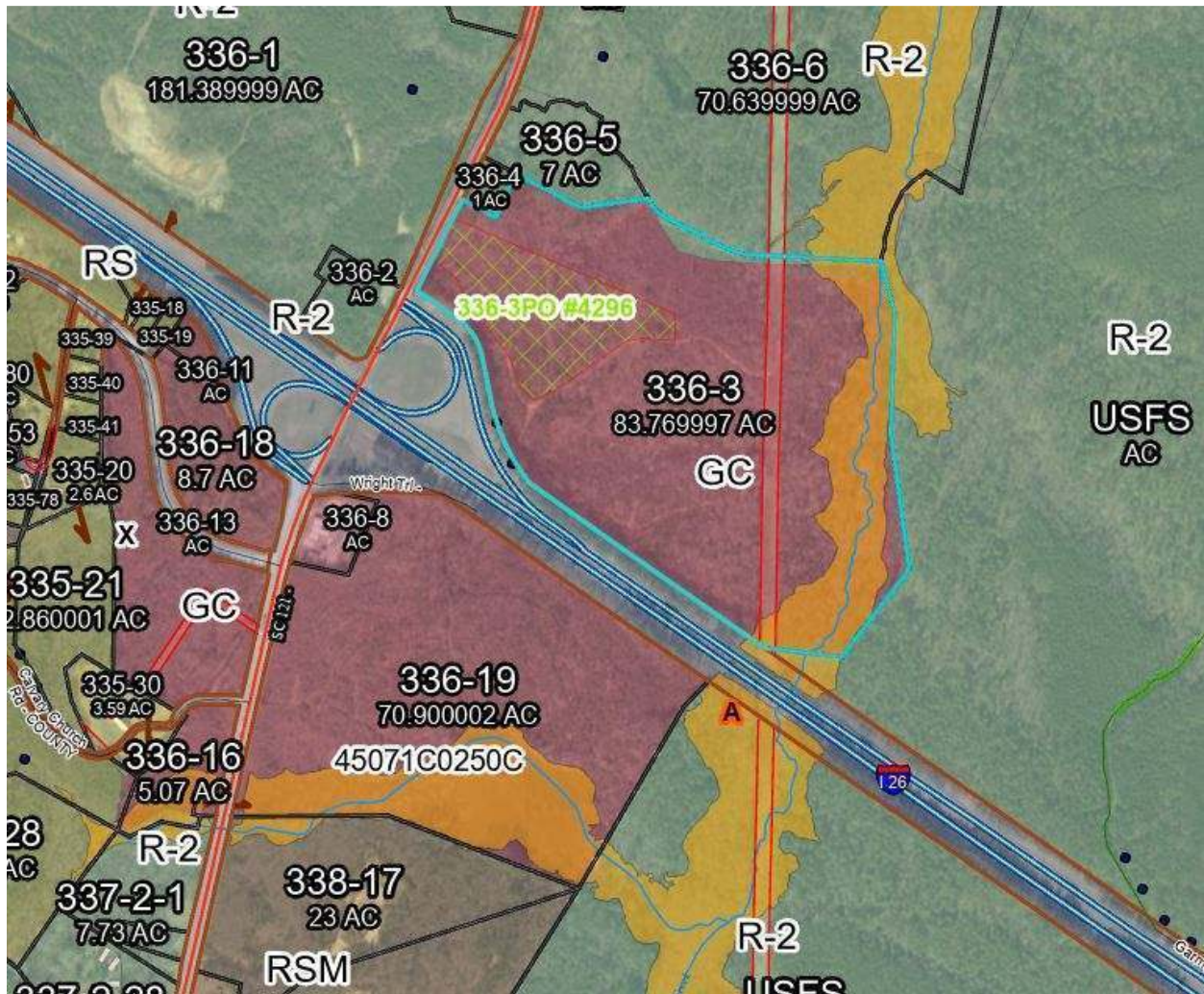
**Current Land Use:** Vacant

**Proposed Land Use:** Asphalt Plant

**Current Zoning District:** CG-General Commercial

**Proposed Zoning District:** IND-Industrial

**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**

IND – Industrial: IND district is established to accommodate a wide variety of industrial uses involving research, manufacturing, processing, assembly, warehouses, and mining.

**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's agent Reeves Construction Company to rezone one (1) parcel of land totaling eleven and seventy hundredths (11.70) acres located at 13044 SC Highway 121, Newberry from GC-General Commercial to IND-Industrial. The proposed use of this property is for an asphalt plant.

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 IND-Industrial

**Planning Commission:** Planning Commission recommends the rezoning to IND-Industrial.





**Newberry County  
Administration**

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

**Agenda Briefing**

Prepared By: Katie Werts	Title: Director of Planning & Development
Department: Planning & Zoning	Division: Zoning
Date Prepared: March 20, 2024	Meeting Date: March 19 <sup>th</sup> & April 16 <sup>th</sup>
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: March 19, 2024
Request Consideration by Committee / County Council: County Council	
Subject: MA02-03-19-24 Rezoning Ordinance: #05-01-2024	

**STAFF'S RECOMMENDED ACTION:**

This ordinance is for the request to rezone one (1) real estate property totaling eleven and seventy hundredths (11.7) acres at 13044 SC Highway 121, Newberry, from GC-General Commercial to IND-Industrial for the use of an asphalt plant. The future land use map of the comprehensive plan has identified this property to be within the development overlay. The rezoning to IND-Industrial does fit within the definition of the development overlay. The Planning staff does recommend this rezoning. The Joint Planning Commission voted to approve the rezoning also.

**FIDUCIARY:**

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

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

N/A

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

**SUMMARY DISCUSSION:**

This ordinance is for the request to rezone one (1) property totaling eleven seventy hundredths (11.70) acres located at 13044 SC Highway 121, Newberry, from GC-General Commercial to IND-Industrial.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

None

**ATTACHMENTS:**

Planning Commission Staff Report

Ordinance No. 05-01-2024

STATE OF SOUTH CAROLINA       )  
COUNTY OF NEWBERRY       )

ORDINANCE NO. 05-03-2024

**AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE NEWBERRY COUNTY BUDGET FOR COUNTY ORDINARY PURPOSES AND FOR OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX AND RECEIVE REVENUES; TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL PROPERTY IN NEWBERRY COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST ON OUTSTANDING INDEBTEDNESS OF NEWBERRY COUNTY PAYABLE DURING SAID FISCAL YEAR; TO PROVIDE FOR MATTERS RELATING TO NEWBERRY COUNTY; AND TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YEAR, AND TO PROVIDE FOR BORROWING IN ANTICIPATION OF TAX COLLECTIONS BY THE ISSUANCE OF ONE OR MORE TAX ANTICIPATION NOTES, IF NECESSARY.**

**Pursuant to Section 4-9-140 of the South Carolina Code of Laws, 1976, as amended, BE IT ENACTED by the County Council for Newberry County:**

**SECTION I. LEVYING OF A SUFFICIENT TAX**

The Newberry County Auditor is hereby authorized to levy a property tax of 137.0 mills to pay for appropriations provided in the Newberry County Budget, hereinafter made for the fiscal year beginning July 1, 2024, and ending June 30, 2025, after crediting against appropriations all other revenue anticipated to accrue to Newberry County during said fiscal year and not earmarked for specific purposes, upon all the taxable property of Newberry County for County purposes as follows:

- (1) A general operating tax rate of at least 128.6 mills shall be levied by the Newberry County Auditor to meet all County General Fund appropriations directed by this Ordinance, except as provided for by other revenue sources, for the operation of County Government for the Fiscal Year beginning July 1, 2024 through June 30, 2025;
- (2) A community services tax rate not exceeding 6.2-mills shall be levied by the Newberry County Auditor to meet all Community Services Fund appropriations provided by this Ordinance; and
- (3) A debt service tax rate not exceeding 2.2-mills shall be levied by the Newberry County Auditor to meet all Debt Service Fund appropriations provided by this Ordinance as determined by Newberry County Auditor.

**SECTION II. GENERAL FUND REVENUES AND EXPENDITURES**

There is hereby appropriated with provisos, as attached hereto and as stated in the County Operating and Capital Budgets for the fiscal year beginning July 1, 2024, and ending June 30, 2025, the following sums of money in the amounts and for the purposes set forth as follows:

<u>REVENUES</u>	<u>AMOUNT</u>
<u>PROPERTY TAXES</u>	
CURRENT REAL ESTATE TAXES	\$ 18,726,811
VEHICLE TAXES	\$ 2,737,383
WATERCRAFT TAXES	\$ 586,919
HOMESTEAD EXEMPTION	\$ 986,924
MANUFACTURERS REIMBURSEMENT	\$ 442,774
DELINQUENT REAL ESTATE TAXES	\$ 595,285
MERCHANTS INVENTORY	\$ 85,149
FEE IN LIEU OF TAXES (FILOT)	\$ 1,451,314
MOTOR CARRIER IN LIEU	<u>\$ 303,054</u>

PROPERTY TAXES: \$ 25,915,613

LICENSES AND PERMITS

FRANCHISE FEES	\$ 19,134
BUILDING INSPECTION – FEES/PERMITS	\$ 600,000
ZONING – FEES/PERMITS	<u>\$ 60,000</u>

LICENSES AND PERMITS: \$ 679,134

INTERGOVERNMENTAL

LOCAL GOVERNMENT FUND	\$ 1,734,389
RURAL STABILIZATION FUND	\$ 392,690
TRANSFER FROM STATE ACCOMMODATIONS TAX FUND	\$ 29,620
VETERANS AFFAIRS	\$ 4,448
SALARY SUPPLEMENT (ELECTED OFFICIALS)	\$ 60,000
NATIONAL FORESTRY FUNDS	\$ 130,000
VC SUMMER / SC EMERGENCY MANAGEMENT GRANT	\$ 338,924
TRIBAL FUNDS	\$ -
ARPA FUNDS	\$ 4,692,617
CHILD FATALITY FUNDS	<u>\$ 34,000</u>

INTERGOVERNMENTAL: \$ 7,416,688

CHARGES FOR SERVICES

CLERK OF COURT – TITLE IV-D	\$ 95,000
DELINQUENT TAX COST	\$ 100,000
SCHOOL RESOURCE OFFICERS - NCSD	\$ 491,885

SCHOOL RESOURCE OFFICERS - STATE	\$ 383,042
SHERIFF - FEES	\$ 2,300
SALE OF PIPE	\$ -
ANIMAL CONTROL - OTHER	\$ 4,500
ANIMAL CONTROL - ADOPTIONS	\$ 14,000
ANIMAL CONTROL - SPAY-NEUTER PROJECT	\$ 14,000
SOLID WASTE - TIPPING FEES	<u>\$ 2,270,481</u>

CHARGES FOR SERVICES: \$ 3,375,208

#### FINES

CENTRAL COURT - FEES AND FINES	\$ 400,000
PROBATE JUDGE - FEES	\$ 105,000
CLERK OF COURT - CONVEYANCE FEES	\$ 150,000
CLERK OF COURT - FEES AND FINES	<u>\$ 140,000</u>

FINES: \$ 795,000

#### INTEREST

INTEREST	<u>\$ 700,000</u>
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INTEREST: \$ 700,000

#### MISCELLANEOUS

RETURNED CHECK CHARGES	\$ 300
WESTVIEW - PHONE REIMBURSEMENT	\$ 1,500
SOLICITOR'S BAD CHECK PROGRAM	\$ -
DEPT OF JUVENILE JUSTICE - PHONE REIMBURSEMENT	\$ 1,000
DELINQUENT TAX SALE PROCEEDS	\$ 900
OTHER	\$ 75,000
TREASURER'S DECALS	\$ 33,300
UTILITIES / RENT ONE STOP	\$ 12,000
REGISTRATION AND ELECTIONS	\$ 42,000
COUNTY SURPLUS SALE	\$ 25,000
RECYCLING REVENUE	\$ 30,000
SOLID WASTE - TIRES	\$ 42,000
SHERIFF - OTHER	\$ 4,500
SHERIFF - FORESTRY	\$ 6,600
LAW ENFORCEMENT SERVICES - REIMBURSEMENT	\$ 80,000
ASSESSORS - COPIES	\$ 50
ASSESSORS - GIS	\$ 200
CORONER - OTHER	\$ 7,500
MOBILE HOME LICENSES	\$ 1,162
CLERK OF COURT - COPIES	\$ 30,000
PROBATE - COPIES	\$ 3,400

SPECIAL LICENSE PLATES	\$	10,000
SOIL AND WATER CONSERVATION	\$	58,613
FORFEITED LAND COMMISSION	\$	-
COMMERCIAL YARD CLEARING DEBRIS	\$	2,380
FOX BRIAR - SPECIAL TAX DISTRICT	\$	5,100
GLADE SPRINGS ROAD - SPECIAL TAX DISTRICT	\$	4,000
JB FULMER COURT - SPECIAL TAX DISTRICT	\$	2,000
DHEC PHONE	\$	800
ENERGY EFFICIENCY CONSERVATION BLOCK GRANT	\$	<u>75,000</u>

MISCELLANEOUS: \$ 554,305

USE OF FUND BALANCE: \$ 1,089,434

**TOTAL GENERAL FUND REVENUES: \$ 40,525,382**

<u>EXPENDITURES</u>	<u>AMOUNT</u>
<u>LEGISLATIVE</u>	
COUNTY COUNCIL	\$ 465,214
LEGALS	\$ <u>120,000</u>
LEGISLATIVE:	\$ 585,214

<u>ADMINISTRATIVE</u>	
COUNTY ADMINISTRATOR	\$ 1,185,023
NON DEPARTMENTAL	\$ 4,737,788
INFORMATION TECHNOLOGY	\$ 454,236
DEBT SERVICE	\$ <u>883,003</u>
ADMINISTRATIVE:	\$ 7,260,050

<u>TAX ASSESSMENT AND COLLECTION</u>	
TREASURER	\$ 594,051
AUDITOR	\$ 483,478
ASSESSOR	\$ 892,095
TAX REVIEW & APPEALS BOARD	\$ 7,200
DELINQUENT TAX	\$ 182,732
GIS	\$ <u>192,995</u>

TAX ASSESSMENT AND COLLECTION: \$ 2,352,551

ELECTION AND REGISTRATION

REGISTRATION-ELECTION	\$ 318,224
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ELECTION AND REGISTRATION:	\$ 318,224
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ADMINISTRATION OF JUSTICE

CIVIL AND CRIMINAL COURT	\$ 77,810
SOLICITOR	\$ 134,055
CLERK OF COURT	\$ 652,325
FAMILY COURT	\$ 230,176
PROBATE COURT	\$ 363,685
PROBATION PARDON AND PAROLE	\$ 1,050
PUBLIC DEFENDER	\$ 112,200
CORONER	\$ 282,191
CENTRAL COURT	\$ 690,059

ADMINISTRATION OF JUSTICE:	\$ 2,543,551
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LAW ENFORCEMENT AND DETENTION

SHERIFF	\$ 5,255,594
SCHOOL RESOURCE OFFICERS - NCSD	\$ 491,885
SCHOOL RESOURCE OFFICERS - STATE	\$ 383,042
CORRECTIONS	\$ 2,814,281
ANIMAL CONTROL	\$ 486,039

LAW ENFORCEMENT AND DETENTION:	\$ 9,430,841
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PUBLIC SAFETY

EMERGENCY SERVICES	\$ 492,249
COMMUNICATIONS	\$ 1,572,800
BOARD OF RESCUE SQUADS	\$ 410,578
HAZ MAT	\$ 19,508
BOARD OF RURAL FIRE CONTROL	\$ 2,156,890
EMS	\$ 1,916,235

PUBLIC SAFETY:	\$ 6,568,260
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PUBLIC WORKS AND MAINTENANCE

PUBLIC WORKS	\$ 2,041,358
FOX BRIAR – SPECIAL TAX DISTRICT	\$ 4,500
GLADE SPRINGS ROAD – SPECIAL TAX DISTRICT	\$ 1,500
J.B. FULMER COURT – SPECIAL TAX DISTRICT	\$ 2,000
COLLECTIONS	\$ 1,078,219
TRANSFER STATION	\$ 2,820,707
FLEET SERVICES	\$ 606,374
FACILITIES MANAGEMENT	\$ 2,181,178

COMMUNITY HALL	\$ 16,000
EMERGENCY SERVICES TRAINING GROUND	\$ 205,816
HELENA COMMUNITY CENTER	\$ <u>6,200</u>

PUBLIC WORKS AND MAINTENANCE: \$ 8,963,852

PLANNING AND DEVELOPMENT

CENTRAL MIDLANDS REGION COG	\$ 23,681
ECONOMIC DEVELOPMENT	\$ 405,197
SMALL BUSINESS DEVELOPMENT CENTER	\$ 5,500
BUILDING AND ZONING	\$ <u>818,322</u>

PLANNING AND DEVELOPMENT: \$ 1,252,700

AGRICULTURE & HOME ECONOMICS

CLEMSON EXTENSION	\$ 31,350
SOIL AND WATER CONSERVATION DISTRICT	\$ <u>121,476</u>

AGRICULTURE & HOME ECONOMICS: \$ 152,826

PUBLIC HEALTH

HEALTH DEPARTMENT	\$ 2,805
BECKMAN MENTAL HEALTH	\$ 14,025
WESTVIEW BEHAVIORAL	\$ 1,500
NEWBERRY FREE MEDICAL CLINIC	\$ <u>5,500</u>

PUBLIC HEALTH: \$ 23,830

SOCIAL SERVICES

DEPARTMENT OF SOCIAL SERVICES	\$ 79,550
VETERANS AFFAIRS	\$ 222,674
COUNCIL ON AGING	\$ 60,000
PATHWAY TO HEALING	\$ 4,250
SISTERCARE, INC.	\$ 2,295
NEWBERRY COUNTY LITERACY	\$ 7,000
THE NEWBERRY MUSEUM	\$ 50,000
NEWBERRY OPERA HOUSE	\$ <u>25,000</u>

SOCIAL SERVICES: \$ 450,769

MISCELLANEOUS

AIRPORT	\$ 21,769
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GOVERNMENTAL ASSOCIATION	\$ 400
SC ASSOCIATION OF COUNTIES	\$ 9,200
NATIONAL ASSOCIATION OF COUNTIES	\$ 800
NEWBERRY COUNTY CHAMBER OF COMMERCE	\$ 200
MEDICALLY INDIGENT	\$ 55,000
RECREATION	\$ 280,595
MAYBINTON BALLPARK	<u>\$ 1,250</u>

MISCELLANEOUS: \$ 369,214

#### CONTINGENCY

CONTINGENCY \$ 253,500

CONTINGENCY: \$ 253,500

**TOTAL GENERAL FUND EXPENDITURES: \$ 40,525,382**

### **SECTION III. SPECIAL REVENUE FUND REVENUES AND EXPENDITURES**

There is hereby appropriated with provisos, as attached hereto and as stated in the County Operating and Capital Budgets for the fiscal year beginning July 1, 2024, and ending June 30, 2025, the following sums of money in the amounts and for the purposes set forth as follows:

#### **VICTIMS ASSISTANCE FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
VICTIMS ADVOCATE	\$ 70,762
USE OF VICTIMS ASST FUND BALANCE	<u>\$ 65,579</u>

REVENUE: \$ 136,341

<u>EXPENDITURES</u>	<u>AMOUNT</u>
PERSONNEL	\$ 36,938
SOCIAL SECURITY	\$ 2,826
RETIREMENT	\$ 7,846
INSURANCE	\$ 14,410
WORKERS COMPENSATION	\$ 971
MEMBERSHIPS & DUES	\$ 550
OFFICE EXPENSE	\$ 2,000
TELEPHONE	\$ 500
TRAINING	\$ 1,000
TRAVEL	\$ 2,800
SUBSISTENCE	\$ 4,000
UNIFORMS	\$ 2,500
CAPITAL OUTLAY	<u>\$ 60,000</u>

EXPENDITURES: \$ 136,341

**SEX OFFENDERS FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
SEX OFFENDER REGISTRY PROGRAM	\$ 6,224
USE OF SEX OFFENDERS FUND BALANCE	<u>\$ 7,776</u>

REVENUE: \$ 14,000

<u>EXPENDITURES</u>	<u>AMOUNT</u>
SEX OFFENDERS REGISTRY	\$ 7,000
OFFICE EXPENSE	\$ 2,000
CAPITAL REPLACEMENT	<u>\$ 5,000</u>

EXPENDITURES: \$ 14,000

**JAIL USER FEES FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
INMATE USER FEES COLLECTED	\$ 63,572
USE OF JAIL FEES FUND BALANCE	<u>\$ 71,028</u>

REVENUE: \$ 134,600

<u>EXPENDITURES</u>	<u>AMOUNT</u>
CONTRACTED MAINTENANCE	\$ 10,000
MEMBERSHIPS & DUES	\$ 1,200
OFFICE EXPENSE	\$ 10,000
PRINTING	\$ 2,500
TRAINING	\$ 600
TRAVEL	\$ 4,900
SUBSISTENCE	\$ 400
CAPITAL OUTLAY	\$ 65,000
CLEANING SUPPLIES	\$ 10,000
UNIFORMS	\$ 15,000
OTHER EQUIPMENT	<u>\$ 15,000</u>

EXPENDITURES: \$ 134,600

**BOARD OF RESCUE SQUADS GRANT FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
EMS GRANT	\$ <u>24,000</u>
	REVENUE: \$ 24,000
<u>EXPENDITURES</u>	<u>AMOUNT</u>
CAPITAL OUTLAY - GRANTS	\$ <u>24,000</u>
	EXPENDITURES: \$ 24,000

**PUBLIC WORKS GRANT FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
C-FUNDS – NEWBERRY CTC	\$ <u>600,000</u>
	REVENUE: \$ 600,000
<u>EXPENDITURES</u>	<u>AMOUNT</u>
ROAD PAVING, LAND IMPROVEMENT	\$ <u>600,000</u>
	EXPENDITURES: \$ 600,000

**COLLECTIONS GRANT FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
DHEC RECYCLING GRANT	\$ <u>38,814</u>
	REVENUE: \$ 38,814
<u>EXPENDITURES</u>	<u>AMOUNT</u>
OTHER EQUIPMENT	\$ <u>38,814</u>
	EXPENDITURES: \$ 38,814

**E911 EMERGENCY TELEPHONE REPORTING FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
ANTICIPATED SERVICE CHARGES	\$ 327,671
USE OF E911 TELEPHONE FUND BALANCE	<u>\$ 6,547</u>

REVENUE: \$ 334,218

<u>EXPENDITURES</u>	<u>AMOUNT</u>
PERSONNEL	\$ 77,681
SOCIAL SECURITY	\$ 5,943
RETIREMENT	\$ 14,418
INSURANCE	\$ 27,093
WORKERS COMPENSATION	\$ 183
CONTRACTED MAINTENANCE	\$ 35,000
MEMBERSHIPS & DUES	\$ 600
OFFICE EXPENSE	\$ 3,000
POSTAGE	\$ 150
PRINTING	\$ 500
TELEPHONE	\$ 1,350
911 SUBSCRIBER DATABASE	\$ 150,000
TRAINING	\$ 4,000
TRAVEL	\$ 3,600
SUBSISTENCE	\$ 700
OTHER EQUIPMENT	<u>\$ 10,000</u>

EXPENDITURES: \$ 334,218

**NEWBERRY COUNTY AIRPORT FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
AIRPORT HANGAR RENTAL	\$ 25,990
SALES OF AVIATION FUEL	\$ 87,000
FAA ENTITLEMENT GRANT	\$ 235,375
SC AERONAUTICS COMMISSION	\$ 11,769
TRF FROM GENERAL FUND	<u>\$ 21,769</u>

REVENUE: \$ 381,903

<u>EXPENDITURES</u>	<u>AMOUNT</u>
CONTINGENCY	\$ 10,000

CONTRACTED SERVICES	\$ 4,500
CONTRACTED MAINTENANCE	\$ 11,060
CONSULTING AND TECHNICAL FEES	\$ 3,000
UTILITIES	\$ 8,000
INSURANCE COUNTY BUILDINGS	\$ 6,311
MEMBERSHIPS & DUES	\$ 650
OFFICE EXPENSE	\$ 500
SUPPLIES	\$ 3,000
REPAIRS EQUIPMENT	\$ 5,000
TELEPHONE	\$ 2,500
TRAVEL	\$ 1,850
CHEMICALS	\$ 250
FUEL	\$ 66,369
DESIGN/ENGINEERING	\$ <u>258,913</u>

EXPENDITURES: \$ 381,903

**LYNCH'S WOODS PARK FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
RENTAL FEES	\$ 18,000
RTP GRANT	\$ 44,400
PARD GRANT	\$ 38,400
UCF GRANT	\$ 60,000
INTEREST EARNINGS	\$ 1,000
USE OF LYNCH'S WOODS PARK FUND BALANCE	\$ <u>30,832</u>

REVENUE: \$ 192,632

<u>EXPENDITURES</u>	<u>AMOUNT</u>
PERSONNEL	\$ 9,291
SOCIAL SECURITY	\$ 711
WORKERS COMPENSATION	\$ 289
CONTRACTED MAINTENANCE	\$ 800
UTILITIES	\$ 200
SUPPLIES	\$ 1,000
TRAINING	\$ 750
TRAVEL	\$ 91
SUBSISTENCE	\$ 500
FUEL	\$ 500
RTP GRANT EXPENDITURES	\$ 55,500
PARD GRANT EXPENDITURES	\$ 48,000
UCF GRANT EXPENDITURES	\$ <u>75,000</u>

EXPENDITURES: \$ 192,632

**STATE ACCOMMODATIONS TAX FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
STATE ACCOMMODATIONS TAX	\$ 110,000
USE OF STATE A-TAX FUND BALANCE	<u>\$ 7,400</u>
	REVENUE: \$ 117,400
<u>EXPENDITURES</u>	<u>AMOUNT</u>
TRANSFER TO GENERAL FUND (\$25,000)	\$ 25,000
TRANSFER TO GENERAL FUND (5% OF OVERAGE)	\$ 4,620
ADVERTISING PROMOTIONS (30% OF OVERAGE)	\$ 27,720
TOURISM RELATED (65% OF OVERAGE)	<u>\$ 60,060</u>
	EXPENDITURES: \$ 117,400

NOTE: EXPENDITURES AS PER BUDGET PROVISOS AND SECTION 6-4-20 OF THE CODE OF LAWS OF SC. AS AMENDED, 1976

**COMMUNITY SERVICES FUND**

<u>REVENUES</u>	<u>AMOUNT</u>
TRANSFER FROM GENERAL FUND	<u>\$ 1,191,965</u>
	REVENUE: \$ 1,191,965
<u>EXPENDITURES</u>	<u>AMOUNT</u>
NEWBERRY COUNTY LIBRARY	\$ 596,282
NEWBERRY COUNTY DISABILITIES AND SPECIAL NEEDS	\$ 44,303
PIEDMONT TECHNICAL COLLEGE	<u>\$ 551,380</u>
	EXPENDITURES: \$ 1,191,965

**SECTION IV: DEBT SERVICE FUND**

There is hereby appropriated for the fiscal year beginning July 1, 2024, and ending June 30, 2025, the following sums of money in the amounts and for the purposes set forth as follows:

<u>REVENUES</u>	<u>AMOUNT</u>
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CURRENT REAL ESTATE TAXES	\$ 305,631
VEHICLE TAXES	\$ 44,675
WATERCRAFT TAXES	\$ 9,579
HOMESTEAD EXEMPTION	\$ 16,107
MANUFACTURERS REIMBURSEMENT	\$ 7,226
DELINQUENT REAL ESTATE TAXES	\$ 23,686
MERCHANTS INVENTORY	\$ 1,390
FEE IN LIEU OF TAXES (FILOT)	\$ 23,686
MOTOR CARRIER IN LIEU	\$ 4,946
USE OF FUND BALANCE	\$ <u>(61,868)</u>

DEBT SERVICE FUND REVENUE: \$ 375,058

<u>EXPENDITURES</u>	<u>AMOUNT</u>
2018 C – GENERAL OBLIGATION BOND	\$ 92,394
2020 A – GENERAL OBLIGATION BOND	\$ 198,870
2020 B – GENERAL OBLIGATION BOND	\$ <u>83,794</u>

DEBT SERVICE FUND EXPENDITURES: \$ 375,058

#### **SECTION V: CAPITAL PROJECTS FUND**

There is hereby appropriated for the fiscal year beginning July 1, 2024, and ending June 30, 2025, the following sums of money in the amounts and for the purposes set forth as follows:

<u>REVENUES</u>	<u>AMOUNT</u>
<u>CAPITAL PROJECTS</u>	
SC COORDINATING COUNCIL FOR ECON DEV	\$ 2,000,000
SC DEPT OF COMMERCE SITE ENHANCE GRANT	\$ 600,000
UTILITY TAX CREDITS - GRANT	\$ 510,645
CDBG – COMMUNITY DEV BLOCK GRANT	\$ 475,000
C-FUNDS – NEWBERRY CTC	\$ 1,115,019
C-FUNDS – NEWBERRY CTC	\$ <u>11,000</u>

CAPITAL PROJECTS: \$ 4,711,664

#### **CPST PROJECTS (2016)**

USE OF FUND BALANCE (2016 CPST)	\$ <u>820,900</u>
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CPST PROJECTS (2016): \$ 820,900

CPST PROJECTS (2022)

CAPITAL PROJECTS SALES TAX	\$ 35,997,130
INTEREST EARNINGS	<u>\$ 275,000</u>

CPST PROJECTS (2022): \$ 36,272,130

**TOTAL CAPITAL PROJECTS FUND REVENUE: \$ 36,272,130**

EXPENDITURES

AMOUNT

CAPITAL PROJECTS

MAWSON'S WAY ROADWAY	\$ 4,005,664
NEWBERRY IND PARK SOUTH	\$ 11,000
MCCP II - 773 PROJECT	\$ 170,000
WHITMIRE SIDEWALK PROJECT (CDBG)	<u>\$ 525,000</u>

CAPITAL PROJECTS: \$ 4,711,664

CPST PROJECTS (2016)

CONSOLIDATED NO. 5 WATERPOINTS	<u>\$ 820,900</u>
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CPST PROJECTS (2016): \$ 820,900

CPST PROJECTS (2022)

COUNTY DETENTION CENTER	\$ 7,870,000
PUBLIC SAFETY COMPLEX	\$ 7,625,000
COURTHOUSE IT IMPROVEMENTS	\$ 295,000
MUSEUM ROOF / HVAC	\$ 815,000
NEWBERRY RECREATION COMPLEX	\$ 3,295,000
PROSPERITY PARK IMPROVEMENTS	\$ 3,045,000
WHITMIRE TOWN GYM	\$ 800,000
POMARIA SCHOOL COMMUNITY CENTER	\$ 646,745
LITTLE MOUNTAIN REUNION PARK	\$ 1,940,825
NCWSA CANNONS CREEK WWTP	\$ 5,154,560
NEWBERRY DOWNTOWN AMPHITHEATER	\$ 3,390,000
GALLMAN PLACE	<u>\$ 1,395,000</u>

CPST PROJECTS (2022): \$ 36,272,130

**TOTAL CAPITAL PROJECTS FUND EXPENDITURES: \$ 36,272,130**



## **SECTION VI. TRANSFERRING OF FUNDS**

The County Administrator may, if he deems it in the best interest of the County, and within the appropriations provided by this ordinance, transfer funds or any portion thereof from any fund, department, activity, or purpose to another fund, department, activity, or purpose. Neither the Administrator, nor any Department Head, may establish or fund any additional position(s) without the knowledge and consent of the County Council.

## **SECTION VII. BUDGET PROVISOS**

The Budget Provisos attached hereto are incorporated herein by reference and shall be published in the County Operating and Capital Budgets for the Fiscal Year 2024-2025. Unless otherwise directed by this Ordinance, these Provisos shall govern the expenditures made by the County and the conduct of those recipients of such funds with regard to the matters mentioned therein.

## **SECTION VIII. TAX ANTICIPATION BORROWING**

In the event that County Council determines that it is necessary to borrow money in order to meet the operational cash flow needs of the County for this fiscal year until sufficient tax revenues have been collected, the County, as authorized by subsequent Resolution or Resolutions of Newberry County Council, may borrow sufficient funds to meet such operational cash flow needs, by executing one or more tax anticipation notes, in a total amount outstanding not to exceed Four Million (\$4,000,000) dollars, said sums to be repaid on such terms as County Council may negotiate from tax collections for the Fiscal Year 2024-2025, with all amounts borrowed to be repaid prior to the end of such fiscal year.

## **SECTION IX. SEVERABILITY**

If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid, it shall not affect the validity of the remainder of this Ordinance or of the remaining phrases, clauses, sentences, paragraphs, appropriations, or sections not affected by such invalidity.

## **SECTION X. EFFECTIVE DATE**

This Ordinance shall become effective when adopted and shall govern the revenues and expenditures for the Fiscal Year 2024-25, which commences on July 1, 2024, including the disposition of funds carried forward from the prior fiscal year, unless otherwise encumbered.

**AND IT IS SO ORDAINED by Newberry County Council this 5<sup>th</sup> day June of 2024, in meeting duly assembled at Newberry, South Carolina.**

**(SEAL)**

**NEWBERRY COUNTY COUNCIL**

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

**Attest:**

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

**Reviewed and approved as to form:**

**\_\_\_\_\_  
Joanie Winters, Interim County Attorney**

**FIRST READING: May 1, 2024  
SECOND READING: May 15, 2024  
PUBLIC HEARING: June 5, 2024  
THIRD READING: June 5, 2024**

**NEWBERRY COUNTY FY 2024-2025**  
**UNIFORM FEE SCHEDULE**  
**(Fees and Charges by County Department)**

**\*Basic cost for copies Countywide \$.35 per page.**

**ANIMAL CONTROL**

<b>Adoptions:</b>	Cats & Kittens	\$	75.00	
	Dogs & Puppies	\$	100.00	
<b>Redemptions:</b>		\$	25.00	for first day per animal
		\$	10.00	each additional day per animal
<b>Microchip Fee:</b>		\$	20.00	
<b>DHEC Quarantine Fee:</b>		\$	100.00	for 10 days
<b>Low-Cost Pet Sterilization:</b>		\$	30.00	

**BUILDING AND ZONING DEPARTMENT**

**Building Fees:**

\$1,000 or less	\$	50.00	
\$1,001 to \$5,000	\$	50.00	for the first \$1,000, plus
	\$	10.00	for each additional \$1,000 or fraction thereof
\$5,001 to \$50,000	\$	50.00	for the first \$5,000, plus
	\$	10.00	for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000	\$	270.00	for the first \$50,000, plus
	\$	5.00	for each additional \$1,000 or fraction thereof
\$100,001 to \$500,000	\$	470.00	for the first \$100,000, plus
	\$	5.00	for each additional \$1,000 or fraction thereof
\$500,001 and up	\$	1,670.00	for the first \$500,000, plus
	\$	5.00	for each additional \$1,000 or fraction thereof

Building permit fees are based on building valuation data as published by the ICC (International Code Council) and will be calculated by staff at the time of permit issuance.

Re-inspection Fee	\$	75.00	for first re-inspection; doubles each inspection thereafter
Plan Review Fee		$\frac{1}{4}$ the cost of permit fee for Residential / $\frac{1}{2}$ for Commercial	

**Manufactured Home Fees:**

Single-Wide Manufactured Home:	\$	100.00
Double-Wide Manufactured Home:	\$	200.00
Manufactured Home Moving Fee:	\$	100.00
Manufactured Home Decal:	\$	5.00

**Flood Management Fees:**

Flood Permit Fee	\$	75.00
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**Planning And Zoning Fees:**

New Sign	\$	200.00	
Re-facing Fee	\$	75.00	
Tower Permit Fee	\$	500.00	
Co-Location Tower Permit Fee	\$	200.00	
Zoning Permit Fee	\$	75.00	
Demo Fee	\$	50.00	
Re-inspection Fee	\$	75.00	
Zoning Map Amendment /	\$	200.00	for 1 <sup>st</sup> acre
Rezoning Request	\$	200.00	for 2 <sup>nd</sup> acre
	\$	25.00	per acre thereafter
Manufactured Home Park/ Application Fee	\$	200.00	plus \$20 per lot
Variance Request	\$	150.00	
Notice of Appeal	\$	200.00	
Special Exception Request	\$	200.00	

**Land Development (Subdivision) Fees:**

Application Fee	\$	100.00	plus \$20.00 per lot or dwelling unit up to 4
Traditional Subdivision	\$	5.00	per lot above 4 lots
Residential Group Developments:	\$	300.00	plus \$20.00 per lot for more than 4 units or lots

**Traditional Subdivision and Residential Group Developments:**

1-5 Lots/Units	\$	100.00	application fee plus \$20 per lot/unit
More than 5 Lots/Units	\$	300.00	application fee plus \$20 per lot/unit
Plat Revisions	\$	25.00	
Commercial or Industrial Group Developments:	\$	500.00	application fees plus \$0.01 per sq. ft of building space
Gross Square footage:			
1-5 buildings	\$	25.00	per building
Above 5 buildings	\$	125.00	plus \$10.00 per building above 5

(Fees set by ordinances. Subject to change with amendments to ordinances.)

**Stormwater Management:**

Level I Permit	\$	120.00	per acre of disturbed land
Level II Permit	\$	150.00	per acre of disturbed land
Level III Permit	\$	200.00	per acre of disturbed land
Plan Review Fee		half cost of Level I -III Permit	
Concentrated Animal Feeding Operation (CAFO) Permit Fee	\$	200.00	per acre of disturbed land to maximum of \$3,000.00 per permit

**CLERK OF COURT**

Circuit Court filing fees are set by statute.

Family Court filing fees are set by statute.

Real Estate document filing fees are set by statute.

Circuit and Family Court fines imposed by Judges.

Family Court cost for child support are set by statute.

<b>Copies:</b>	\$	.35	per page *
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<b>License Online Search:</b>	\$	5.00	a day
	\$	30.00	a month

### **DELINQUENT TAX COLLECTOR**

Fees set by statute.

### **DETENTION CENTER**

Medical Co-Pay for inmates, except for indigents	\$	5.00
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### **SHERIFF**

Incident Report Except for victims, who are entitled to a free report	\$	5.00
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Sex Offender Registration (\$75.00 to SLED and \$75.00 to County) with no charge for indigent	\$	150.00
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Criminal Record Check	\$	15.00
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Fingerprints (except for arrestees and teachers, who are free)	\$	5.00
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Service of Summons and Complaints	\$	15.00
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Service of Subpoenas	\$	10.00
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Service of Judgment	\$	25.00
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Service of Executions	\$	25.00
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### **PROBATE JUDGE**

Copies	\$	.35 per page *
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Other fees charged according to state statute.

## **PUBLIC WORKS**

Driveways	Newberry County will install one driveway per lot on County maintained roads free of charge with the following limitations: 24-foot width.
	Apron installed to match roadway (crusher run or asphalt), only to limit of the Right of Way.
MSW and C&D Trash	\$ 70.00 per ton at Transfer Station
Mega users	\$ 72.00 per ton after the first 1000 tons in any one year period
	\$ 11.00 Fuel Surcharge will be added per ton
Tires	\$ 150.00 per ton (county residents may dispose of 4 tires per month at no charge)
Yard Debris	No charge for residential dumping of the individual's personal yard debris at the Transfer Station
	\$ 40.00 per ton for commercial dumping of yard debris

## **TAX ASSESSOR**

Copies	\$ .35
B/W 8 1/2 X11 Property Cards	\$ .35
Color Property cards/Information sheet 8 ½ X 11	\$ 5.00
Color Maps 8 ½ X 11	\$ 10.00
Tax Map Index Maps 24X24 Color	\$ 12.00
Tax Map without Aerial 24X34 Color	\$ 15.00
Tax Map with Aerial 24X34 Color	\$ 25.00
Custom Maps	\$ 50.00

Digital Data

Digital Orthos whole county	\$	1,500.00
Digital Layers parcel w #s only	\$	500.00
Digital parcel layer w owner attributes	\$	750.00
Zoning	\$	200.00
Digital other layers each	\$	110.00
Tiles sold at various prices each	\$	25.00-110.00
Tapes/disc must be supplied by customer		

#### **TREASURER**

Fees set by statute.

Decals – Vehicles	\$	1.00
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#### **CORONER**

Cremation Permits	\$	25.00
Reports – Insurance Companies	\$	60.00



## **BUDGET ORDINANCE PROVISOS**

### **FOR FISCAL YEAR 2024-2025**

#### **RESCUE SERVICES**

**PROVIDED** that seven (7) rescue squads shall be operated throughout the County and shall provide rescue services to all citizens in the County, under the supervision of the Board of Rescue Squads. These rescue squads may operate ambulances.

**PROVIDED FURTHER** that each rescue squad shall submit to the Emergency Services Coordinator on July 1 and January 1 of each fiscal year a complete list of its equipment, together with a statement of the values and condition of such equipment. All vehicles, regardless of value, must be listed, and the licensing and insurance status of each must be reported. If this list is not furnished on those dates, funds shall be withheld until this information is provided.

**PROVIDED FURTHER** that each rescue squad shall report to the Emergency Services Coordinator call data, as to their numbers of call responses, response times, transports made, dates and times of each service provided, and any other criteria necessary for Newberry County to evaluate the provision of rescue services.

**PROVIDED FURTHER** that each rescue squad shall submit to the Emergency Services Coordinator a roster of all members and the level of training attained by such members. This shall be provided on July 1 of each fiscal year and again on January 1 of each fiscal year, and any changes or updates throughout the year shall be reported in a timely manner.

**PROVIDED FURTHER** that the Emergency Services Coordinator shall submit annually to the County Administrator a budget request containing proposed rescue squad-related needs for vehicles, equipment, supplies, grant match funding, and construction.

**PROVIDED FURTHER** that the division of current-year appropriations for capital purchases among rescue squads will be recommended to County Council by the Board of Rescue Squads; Council will consider the Board's recommendations in making the final determination.

#### **FIRE PROTECTION SERVICES**

**PROVIDED** that eleven (11) rural fire departments shall be operated throughout the County under the supervision of the Board of Rural Fire Control and shall provide fire protection services to all citizens of Newberry County utilizing eleven (11) primary locations and any respective sub-stations that may have been established.

**PROVIDED FURTHER** that each volunteer fire department shall submit to the Emergency Services Coordinator on July 1 and January 1 of each fiscal year a list of all of its equipment, together with a statement of the values and condition of such equipment. All vehicles, regardless of value, must be listed, and the licensing and insurance status of each must be reported. If this list is not furnished on those dates, funds shall be withheld until this information is received.

**PROVIDED FURTHER** that the County of Newberry will share tax funds collected on a countywide basis with municipal fire departments, pursuant to Section 4-9-30 (5), SC Code of Laws 1976, as amended. The amounts distributed to the municipalities are based on the percentage of taxable basis in the County for the most current tax year, with appropriated proportions and amounts being calculated as follows for (FY23-24) City of Newberry, 17.1% (\$101,889.19) ; Town of Prosperity, 1.87% (\$10,900.04); Town of Whitmire, 1.24% \$6,819.81 This funding will be allocated to the municipalities annually, based upon the receipt of tax revenues.

**PROVIDED FURTHER** that each volunteer fire department shall submit to the Emergency Services Coordinator on July 1 and January 1 of each fiscal year a complete list of its equipment, together with a statement of the values and condition of such equipment. All vehicles, regardless of value, must be listed, and the licensing and insurance status of each must be reported. If this list is not furnished on those dates, funds shall be withheld until this information is provided.

**PROVIDED FURTHER** that each volunteer fire department shall submit to the Emergency Services Coordinator a roster of all members and the level of training attained by such members. This shall be provided on July 1 of each fiscal year and again on January 1 of each fiscal year, and any changes through the year shall be reported in a timely manner.

**PROVIDED FURTHER**, that each volunteer fire department shall report to the Emergency Services Coordinator call data as to their numbers of call responses, response times, dates and times of each service provided, and any other criteria necessary for Newberry County to evaluate the services provided to its citizens by the various departments.

#### **EMERGENCY SERVICES – GENERAL**

**PROVIDED** that the Emergency Services Coordinator shall be responsible for coordinating purchases of rescue squad and fire department related vehicles and equipment through the County's central purchasing system, whenever such purchases involve the use of County funding. By a recorded vote, duly assembled, County Council may waive this requirement.

**PROVIDED FURTHER** that all fire and rescue departments must provide the Newberry County Finance Director with required financial reporting information by January 15 and July 15 of each year. Such information will include statements for all bank and other financial accounts, including those for checking, savings, cash, investment, and certificates of deposit. Each department must also provide reports detailing cash and checks on hand, expenditure receipts, deposit receipts, receipts issued for donations, and all records related to the receipt and expenditure of grant funding/governmental appropriations.

**PROVIDED FURTHER** that the Emergency Services Coordinator will coordinate maintenance for all fire and rescue equipment and help verify that all vehicles have proper insurance.

**PROVIDED FURTHER** that when a new fire, rescue or EMS vehicle is purchased, the squad or department receiving the new vehicle must remove from service a vehicle of similar kind, unless otherwise authorized by the County Administrator, upon recommendation by Council's Public Safety and Courts Committee.

**PROVIDED FURTHER** that the Emergency Services Coordinator will ensure adherence by all fire and rescue departments to training requirements, as well as those requirements pertaining to occupational health and safety.

#### **APPROPRIATIONS TO COUNTY AND NON-COUNTY COMMISSIONS, BOARDS AND AGENCIES**

**PROVIDED** that all agencies, commissions, and boards, whether directly appointed by County Council or not, which receive funds from Newberry County and/or in-kind benefits from the use/operation of County-owned property, shall submit a brief quarterly report demonstrating the entity's benefit to Newberry County. The County may require the use of designated forms for these reports, and for agency funding requests. Such entities must submit an audit report or certified financial statement to the County Administrator's office within six months following the end of the fiscal year. Where entities cannot provide an audit report or certified financial statement, their appropriations may be withheld, or paid directly to vendors selected through the County's central purchasing system.

**PROVIDED** that the Soil and Water Conservation District must give an update to the County Council on a quarterly basis.

#### **ACCOMMODATIONS TAX**

**PROVIDED** that accommodations tax revenue shall be allocated as follows: the first \$25,000 shall be deposited into the General Fund and appropriated to the Newberry Opera House; five (5) percent of the balance shall also be deposited into the General Fund; thirty (30) percent of the remaining balance shall be allocated for Tourism Promotion; sixty-five (65) percent of the remaining balance shall be allocated for Tourism Related expenditures.

**PROVIDED FURTHER** that all these funds shall be kept in a separate fund account.

#### **E911**

**PROVIDED** that funds in this account shall be accounted for separately from any other fund and, as required by State statute, shall not be a part of the General Fund of the County. Unexpended funds are carried forward in a Reserve Fund to be used for E911 purposes as required by law.

#### **DEBT SERVICE**

**PROVIDED** that these funds shall be allocated to pay for the general debt service of the County's bonded indebtedness and other legal debts by the County Treasurer as certified by the County Auditor.

#### **JAIL USER FEE**

**PROVIDED** that this fee is generated from use of the inmate commissary and from a fee assessed to any person being booked into the Newberry County Detention Center.

**PROVIDED FURTHER** that these funds may be disbursed for special inmate needs, pursuant to state law and the County Ordinance imposing the Detention Center user Jail User Fee.

## NON-DEPARTMENTAL

**PROVIDED** that the County Administrator may approve the use of funding appropriated for non-departmental purposes to meet capital, maintenance, or personnel needs.

### GENERAL

**PROVIDED** that the County shall develop a mission-driven budget and implementation of same that would seek to provide services that are customer-driven, constantly looking for ways to cut cost and increase the quality of services.

**PROVIDED FURTHER** that monies are appropriated to departments by codes. A department head is hereby authorized to request a transfer of funds between objects of expenditures within their department, on a per-occurrence basis.

**PROVIDED FURTHER** that transfers pertaining to specific wages and salaries are permitted in accordance with the County's Classification and Compensation Plan.

**PROVIDED FURTHER** that incentive pay for performance/merit and/or job descriptions amended to include additional duties and responsibilities will be distributed as directed by County Council and within the guidelines of the County's Classification and Compensation Plan.

**PROVIDED FURTHER** that all line-item transfers within the FY 24-25 Operating and other budgets must be approved by the County Administrator or his designee.

**PROVIDED FURTHER** that actual miles traveled and submitted by County employees on the appropriate travel voucher shall be reimbursed at the same rate established by the Internal Revenue Service for federal employees.

**PROVIDED FURTHER** that, unless otherwise approved by Council, the per diem allowance for meals for County personnel traveling on official County business shall be fixed at the following rates, which are based on the Meals & Incidentals (M&IE) rates of the U.S. General Services Administration in effect on July 1, 2024, averaged for destinations of travel within South Carolina and rounded up to the nearest dollar:

Breakfast	Lunch	Dinner	Incidental Expenses	M&IE Total	First & Last Day of Travel
\$16	\$17	\$31	\$5	\$69	\$52

Personnel staying for a period of 24 hours or more shall be paid the per diem rate less any meals that may be provided as a part of the conference/meeting. Meeting/Conference agenda must be attached to reimbursement request. Receipts for meals must be provided. Reference Newberry County Employee Handbook, "Travel and Subsistence Allowance."

**PROVIDED FURTHER** that allowable lodging costs for required overnight travel shall be determined by Council or by the County Administrator from time to time.

**PROVIDED FURTHER** that without the approval of the Administrator, no employee may draw advanced funds before travel, and any funds advanced must be strictly accounted for at the conclusion of the trip and supported by receipts.

**PROVIDED FURTHER** that employees assigned cell phones and/or smart phones by Newberry County must reimburse the County for any charges above those included in monthly voice and data plans regarding personal usage.

**PROVIDED FURTHER** that all service charges, fees, fines, and other monies received by the County departments shall be deposited with the County Treasurer's Office on a daily basis.

**PROVIDED FURTHER** that the County Administrator is authorized to establish fees for the various departments and agencies for miscellaneous services and items such as copies, maps, books, etc. produced in response to requests under the Freedom of Information Act.

**PROVIDED FURTHER** that if the County is a partner in any contract requiring copies to be made for the completion of the contract there shall be no charge(s) levied from the department or elected official's office (in which the copies are made).

**PROVIDED FURTHER** that all boards and commissions shall submit to the County Administrator's Office annually reports indicating attendance by their respective memberships.

**PROVIDED FURTHER** that any agency funded in whole or in part by the County must submit a copy of that agency's annual audit to the Finance Director. All agencies funded by the County in amounts over \$10,000 must provide the County with an audit report performed by an independent external auditor. In the event, that an agency so funded does not have an external audit report, this requirement may be waived upon a letter of request to the County Council explaining the situation and detailing the cost of said audit in the relationship to the amount of County funds received.

**PROVIDED FURTHER** that Funds appropriated in any fiscal year but not requested or encumbered prior to the end of that fiscal year shall become part of the County's fund balances. Revenues received but not appropriated and expended will likewise become part of the County's fund balances.

**PROVIDED FURTHER** any unexpended special source revenue funds which are required by state or federal statute to be carried forward from fiscal year to fiscal year shall be considered as being carried forward, and the Finance Director and the County Treasurer are directed to make the necessary budget adjustments to reflect these matters.

**PROVIDE FURTHER** During the budget consideration process, capital projects are typically moving toward completion. However, this progress might not reflect progress estimates made early in the budget cycle. Prior to publication of the final budget, staff would assign more accurate revenue and expenditure numbers among the two budget years (FY 2023-2024 and FY 2024-2025) based on the most up-to-date invoice payments and outstanding contract amounts. This process would not change project budgets or FY 24-25 property tax revenue needs.

STATE OF SOUTH CAROLINA )  
NEWBERRY COUNTY )

ORDINANCE NO. 06-01-2024

**AN ORDINANCE TO AMEND THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA, TO ESTABLISH REGULATIONS FOR THE ISSUANCE OF PERMITS FOR THE KEEPING OF CHICKENS ON A NON-COMMERCIAL BASIS ON RESIDENTIAL PROPERTIES IN NEWBERRY COUNTY.**

**WHEREAS**, there is increased interest in Newberry County for small-scale, subsistence food production to include chicken keeping; and

**WHEREAS**, the raising and keeping of chickens on a non-commercial basis on a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and

**WHEREAS**, the County permits various accessory structures and land uses; and

**WHEREAS**, the County desires to ensure that the keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Newberry County, and to not create a public nuisance; and

**NOW, THEREFORE BE IT ORDAINED** by the County Council of the County of Newberry, South Carolina in Council duly assembled this 17<sup>th</sup> day of July 2024 that the official Zoning Ordinance of the County of Newberry, South Carolina is amended as follows:

**ZONING DISTRICT REGULATIONS**

**§ 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.**

(D) *Zoning district table of permitted uses.*

ZONING DISTRICT TABLE OF PERMITTED USES										
<i>Description of Use</i>	<i>2017 NAICS</i>	R2	RS	RSV	RSM	RG	LC	GC	IND	<i>C/SE Reference</i>
<b>ACCESSORY USES TO RESIDENTIAL USES</b>										
Keeping of Chickens, Accessory to Residential	NA	P	C	C	C	C	-	-	-	§ 153.129

## **CONDITIONAL USE REGULATIONS**

### **§ 153.129 Keeping of Chickens, Accessory to Residential**

The keeping of chickens as an accessory use to a single-family detached dwelling as detailed in the following subsections shall meet the following requirements where conditionally permitted. Such use shall be an accessory use to a single-family residential use.

**(A) *Keeping of Chickens.* The following are requirements for the keeping of chickens as an accessory use to single-family detached dwellings.**

- (1) No more than six (6) hens shall be kept on a single residential property. Roosters are prohibited.
- (2) Chickens shall only be allowed as accessory uses to single-family detached dwellings and manufactured homes on individual properties. They shall not be allowed in manufactured home parks.
- (3) On-site slaughter of chickens is prohibited.
- (4) Chickens shall not be allowed to roam free.
- (5) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards.
- (6) Chickens must have adequate access to feed, clean water, and shelter at all times.
- (7) Feed must be stored in secure containers to prevent rats, mice, insects, and other vermin from infesting.
- (8) Chickens must be housed in a designated coop, pen, or enclosure, separate from any portion of residential structures or garages.
- (9) Chicken enclosures must be properly designed to provide adequate security from rodents, wild birds, and other predators and must provide sufficient ventilation and protection from the elements for the animals.
- (10) All chicken enclosures must adhere to the requirements for Accessory Structures as provided in § 153.049.
- (11) Chicken enclosures of any type shall not individually or collectively exceed two-hundred (200) square feet in size.
- (12) Chicken enclosures of any type must be in the rear yard of the property. All enclosures must be located on the same property as the residential use.
- (13) Chicken enclosures of any type shall be located no closer than twenty-five (25) feet to the side or rear property lines. Such enclosures shall be separate from any portion of residential structures or garages.

- (14) Chicken enclosures of any type shall be located no closer than fifty (50) ft from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principle structures, or 50 feet, whichever is greater.
- (15) Chicken enclosures must be designed so that waste, wastewater, and any and all by-products of the keeping of chickens remains within the footprint of the enclosures and does not impact adjoining properties, drainage systems and receiving waters.
- (16) Chicken enclosures must be cleaned regularly and maintained in a healthy and sanitary manner to avoid potential health hazards and minimize odors.
- (17) Manure must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or health risks. Waste must be stored no closer than 50 feet from the side and rear property lines and shall not be stored in the front yard.
- (18) There shall be no emission of odorous gasses or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.
- (19) Noise associated with the keeping of chickens shall meet the standards of Chapter 90, Section 04 of the Newberry County Code of Ordinances.

**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**

<b>1<sup>st</sup> Reading:</b>	<b>June 5, 2024</b>
<b>2<sup>nd</sup> Reading:</b>	<b>June 19, 2024</b>
<b>Public Hearing:</b>	<b>June 19, 2024</b>
<b>3<sup>rd</sup> Reading:</b>	<b>July 17, 2024</b>





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

### Agenda Briefing

Prepared By: Katie Werts	Title: Director of Planning & Development
Department: Planning & Zoning	Division: Zoning
Date Prepared: May 28, 2028	Meeting Date: June 5, 2024
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: May 21, 2024
Request Consideration by Committee / County Council: County Council	
Subject: Keeping of Chickens as an Accessory to Residential Ordinance: # 06-01-2024	

#### STAFF'S RECOMMENDED ACTION:

This ordinance is for the allowance of property owners who live within the RS, RSM, RSV and RG zoning districts that can meet all the requirements to be allowed to have 6 hens on their property.

#### FIDUCIARY:

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

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

N/A

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

#### SUMMARY DISCUSSION:

This ordinance is for the allowance of property owners who live within the RS, RSM, RSV and RG zoning districts that can meet all the requirements to be allowed to have 6 hens on their property. A zoning permit would be required for the chicken coop and the zoning inspector will go out to the property to confirm that all conditions can be met.

#### ADDITIONAL COMMENTS FOR CONSIDERATION:

None

#### ATTACHMENTS:

Ordinance No. 06-01-2024