



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
NEWBERRY COURTHOUSE ANNEX
1309 COLLEGE STREET, NEWBERRY, SC 29108
August 19, 2026
6:00 P.M.**

1. Call to order: Robert Shealy, Chairman.
2. Invocation and Pledge of Allegiance: Stuart Smith, Councilman.
3. Adoption of Minutes:
 - a. Newberry County Council Work Session Minutes – August 5, 2026.
 - b. Newberry County Council Minutes – August 5, 2026.
 - c. Newberry County Council Work Session Minutes – August 12, 2026.
 - d. Amended Newberry County Council Minutes – November 5, 2025.
4. Approval of Agenda.
5. Administrator's Report:
 - a. Employee Recognition: John Fulmer (20 years, NCSO), Crystal Waldrop (25 years, Administration), Doug Harmon (Retirement, Public Works).
 - b. Project Updates.
6. Chairman's Comments.
7. Public Hearings:
 - a. Ordinance 08-02-2026. An Ordinance amending the text of the Official Code of Ordinances of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina by amending Sections 153.073 and 153.131, Single Site Burial.
8. Public Comments Regarding Items on the Agenda (three minutes).
9. Old Business:
 - a. Third Reading – Ordinance 07-01-2026. To provide for the issuance and sale of a general obligation bond, not exceeding \$650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase.

- b. Second Reading – Ordinance 08-01-2026. Authorizing the Execution of an Equipment Lease-Purchase Agreement in an Amount Not Exceeding \$2,475,000 for the Purchase of 1 Fire Truck, 2 Ambulances, 1 Dump Truck, One Trailer, and One Patching Machine.
- c. Second Reading – Ordinance 08-02-2026 Amending the Text of Newberry County Code of Ordinances Relating to Single Site Burials.

10. New Business:

- a. Consideration of the State Accommodations Tax (State A-Tax) funding recommendation of the Newberry County Accommodations Tax Advisory Board – Ernie Shealy, Chairman.
- b. Resolution 05-2026. Adopting the update to the Natural Hazard Mitigation Plan in its entirety as an official plan.
- c. First Reading - Ordinance 08-03-2026. Rezoning property at US Highway 76, Little Mountain consisting of 6.33 acres from RS-Single Family Residential to R2-Rural. (TMS No. 640-87).
- d. First Reading - Ordinance 08-04-2026. Rezoning property at 79 Rader Road, Prosperity consisting of 3.025 acres from GC-General Commercial to R2-Rural. (TMS No. 651-43).
- e. First Reading – Ordinance 08-05-2026. An ordinance authorizing a multi-county industrial/business park agreement between Newberry County and Greenwood County for property owned by Project Pearl Dust or its affiliates or assigns, and other matters related thereto.

11. County Council may take action on matters discussed during executive session during the 5 p.m. meeting.

12. Appointments:

13. Adjournment.

Future Meetings:

- a. Newberry County Economic Development Committee – August 24 at 6 p.m.
- b. Newberry County Council Work Session – September 2 at 5 p.m.
- c. Newberry County Council – September 2 at 6 p.m.
- d. Labor Day – September 7 – Offices Closed.
- e. Newberry County Council Work Session – September 16 at 5 p.m.
- f. Newberry County Council – September 16 at 6 p.m.

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
August 5, 2026

Newberry County Council met on Wednesday, August 5, 2026, 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: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Todd Johnson, Council Member (virtual)
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Ted Luckadoo, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Coroner Laura Kneece, NCCO
Donna Lominack, Auditor
Jessie Long, Economic Development Coordinator
Eric Nieto, IT Director
Scott Sawyer, Special Projects Coordinator
Crystal Waldrop, Purchasing Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Leon Fulmer, Council Member

1. Call to order: Robert Shealy, Chairman.

- Mr. Shealy called the meeting to order at 5 p.m.

2. Discussion of Ordinance 08-02-2026 Amending the Text of Newberry County Code of Ordinances Relating to Single Site Burials – Laura Kneece, Coroner.

- Mr. Luckadoo said they had a situation where an individual was buried on the family property. The decision was made that there needs to be minimum standards in place, including a signed medical certification of death certified by an attending physician or coroner and for the grave site to be put on record.
- Mr. Shealy asked if there were certain setback requirements, and burial requirements; Ms. Kneece said they talked about needing a wood casket, cardboard container, or cloth shroud; six feet of soil to cover the casket and adhere to the zoning setbacks and at least 100 feet away from any well, stream, pond or other water sources.
- Mr. Luckadoo added that this ordinance does require a survey and deed, so it can be noted where the gravesite is on that property.
- Ms. Winters requested that the county also get a copy of the certificate of the appointment for the personal representative, so they have some measure of authority of why this person had the authority to bury the deceased.
- Mr. Smith asked what if there is joint ownership of the land; Mr. Luckadoo said if there is joint ownership, all parties should agree to it and that should be added into the Ordinance with an amendment.
- Mr. Smith asked if there is a time limit; Ms. Kneece said they can bury immediately, but they do have a time limit of getting it documented.
- Ms. Winters asked what is a burial removal transit; Ms. Kneece said when someone passes away, there is a ticket that goes with a decedent wherever they go, that is how you start the death certificate process.
- Mr. Reeder asked if they will need to have a grave marker; Mr. Luckadoo said no, but you have to have it recorded on the official plat.
- Mr. Johnson asked should the county require a permit before they bury someone, because once they are buried the process of exhuming comes into play; Mr. Luckadoo said absolutely they should, the permit

should need to be received from Newberry County prior to burial. Ms. Kneece said the burial removal transit will have all that information.

- Ms. Winters said what if the individual doesn't get a permit are there any ramifications; Ms. Kneece said there is state law with fines and legal fees, possibly incarceration. Ms. Winters requested that be referenced in this ordinance.

3. Discussion Regarding 2026-2027 Equipment Lease-Purchase Ordinance and Resolution for Reimbursement.

- Mr. Luckadoo said the lease purchase is for a fire truck, two new ambulances, a dump truck, a trailer and a patching machine for \$2.4 million.
- The resolution will authorize the county to go ahead and issue purchase orders so they can start ordering and paying for the equipment. Then the county will reimburse itself from the lease purchase.
- Mr. Johnson said it has been made mentioned to him that the county is over-purchasing some equipment, he asked Mr. Luckadoo to elaborate on that a bit.
 - Mr. Luckadoo said it would be a lot more strenuous on the budget if the county outright purchased the equipment. This 5-year lease purchase allows the county to make smaller payments on the equipment which does fit into the budget and does not put a strain on said budget.
 - As one lease purchase expires, the county starts a new one.
- Mr. Shealy added that a lot of the county's equipment is outdated as they fell behind and they need to catch up with equipment replacement.

4. Discussion Regarding Bids for the CPST Newberry Amphitheatre Project.

- Staff recommended council approve the low bid from Solid Structures for the base bid of \$4,069,180 and alternate one (bar, kitchen, storage room work) for \$231,000. They would not go with Alternate 2

(greenroom structure) in the amount of \$298,500. After sitting down with the City of Newberry, it was agreed they could hold off on alternate two. After speaking to the bond attorney, it was determined there was enough funds (from CPST) to do the base bid and alternate one.

- Mr. Johnson asked if the bid from Solid Structures was the lowest bid; to which Mr. Luckadoo answered in the affirmative.
- Mr. Johnson asked if arrangements were made for alternate two is considered in the construction so if they do that later they can. Mr. Luckadoo said they would have to re-bid that if they have remaining funds. Mr. Luckadoo added what was discussed, once the project is underway, they would engage the contractor to see what the cost would be to do the additional concrete work.

5. Discussion of a Recommendation for an Appointment of the Upper Savannah Workforce Development Board.

- The Upper Savannah Development Board reached out and requested Ms. Long be appointed to their board. They requested an appointment by council be made.
- Mr. Sease said they are in the Central Midlands Council of Governments for everything else, but they use Upper Savannah for workforce.

6. Executive Session:

a. Discussion of matters related to *Project Pearl Dust* pursuant to S.C. Code of Laws Section 30-4-70(a)(5).

- Mr. Smith made a motion to go into Executive Session; Mr. Scurry provided the second and the motion carried 6-0.
- Newberry County Council went into Executive Session at 5:31 p.m.
- Mr. Smith made a motion to come out of Executive Session; Mr. Sease provided the second and the motion carried 6-0.
- Newberry County Council came out of Executive Session at 5:54 p.m.
- Mr. Shealy said Project Pearl Dust is an international company that plans to relocate part of their light manufacturing to South Carolina and are looking

at an existing building. This project is a good opportunity but would not qualify in much in the way of incentives as the predicted investment of less than \$2.5 million is projected to create 15 jobs at above average wages. The founder has made a visit to the county. This does not affect the moratorium.

7. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Reeder provided the second and the motion carried 6-0
- Newberry County Council adjourned at 5:55 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
August 5, 2026**

Newberry County Council met on Wednesday, August 5, 2026, at 6:00 p.m. at the Newberry County Council Chambers at 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Todd Johnson, Council Member (virtual)
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Ted Luckadoo, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Major Ben Chapman, NCSO
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Coroner Laura Kneece, NCCO
Donna Lominack, Auditor
Jessie Long, Economic Development Coordinator
Eric Nieto, IT Director
Scott Sawyer, Special Projects Coordinator
Crystal Waldrop, Purchasing Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Leon Fulmer, Council Member

1. Call to order: Robert Shealy, Chairman.

- Mr. Shealy called the meeting to order at 6 p.m.
- Mr. Shealy announced that Mr. Fulmer was unable to attend the meeting following back surgery on Monday and he was not mobile enough to attend.

2. Invocation and Pledge of Allegiance: Robert Shealy, Chairman.

- Mr. Shealy led the Invocation and Pledge of Allegiance.

3. Adoption of Minutes:

- a. Newberry County Council Work Session Minutes – July 15, 2026.
- b. Newberry County Council Minutes – July 15, 2026.

- Mr. Scurry made a motion to accept the minutes as presented; Mr. Reeder provided the second and the motion carried 6-0.

4. Approval of Agenda.

- Mr. Scurry made a motion to accept the agenda as presented; Mr. Smith provided the second and the motion carried 6-0.

5. Proclamations/Resolutions:

- None.

6. Administrator's Report:

a. Project Updates.

- Mr. Luckadoo reminded everyone about early voting for the special primary for the Senate Seat and the election date of August 11.
- A meeting was held with the Central Midlands Council of Governments staff regarding the update to their long-term transportation plan to discuss known transportation issues throughout Newberry County. This does not include road resurfacing type projects.
- The Newberry County Accommodations Tax Advisory Board will accept applications by August 7, and they will meet on August 13 to make a recommendation to Newberry County Council by the next meeting.

7. Chairman's Comments.

- Mr. Shealy passed along condolences to Mr. Smith and his wife on the passing of Ms. Ringer. He also asked everyone to keep Mr. Fulmer in their prayers for a speedy recovery, along with everyone else in the community going through a hard time.

8. Public Hearings:

- a. Ordinance 07-01-2026. To provide for the issuance and sale of a general obligation bond, not exceeding \$650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase.
- Mr. Tyler Johnson said it hasn't been mentioned yet, but he was wondering if this pays off the 2014 bond, and he wanted to know that detail.

9. Public Comments Regarding Items on the Agenda (three minutes).

- There were no public comments.

10. Old Business:

- a. Second Reading – Ordinance 07-01-2026. To provide for the issuance and sale of a general obligation bond, not exceeding \$650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase.
- Mr. Sease made a motion to accept second reading; Mr. Reeder provided the second and the motion carried 6-0.

11. New Business:

- a. Resolution 04-2026. Declaring the Intention of Newberry County to Reimburse Itself for Certain Expenditures Relating to the 2026-2027 Lease-Purchase.
- Mr. Reeder made a motion to accept the Resolution; Mr. Scurry provided the second and the motion carried 6-0.
- b. First Reading – Ordinance 08-01-2026. Authorizing the Execution of an Equipment Lease-Purchase Agreement in an Amount Not Exceeding \$2,475,000

for the Purchase of 1 Fire Truck, 2 Ambulances, 1 Dump Truck, One Trailer, and One Patching Machine.

- Mr. Sease made a motion to accept first reading; Mr. Smith provided the second and the motion carried 6-0.
- c. First Reading – Ordinance 08-02-2026 Amending the Text of Newberry County Code of Ordinances Relating to Single Site Burials.
- Mr. Sease made a motion to accept first reading; Mr. Reeder provided the second. Ms. Winters requested they withdraw the second, and motion so they can then include amendments. Mr. Reeder withdrew his second, Mr. Sease then withdrew his motion.
 - Ms. Winters requested with the new motion to include an amendment to require a certificate of appointment for the personal representative and a reference to state law for the penalties for not following the ordinance.
 - Mr. Sease made a motion to accept first reading as amended; Mr. Reeder provided the second and the motion carried 6-0.
- d. Consideration and approval of a bid for the Downtown Newberry Amphitheater and Pavillion 2022 CPST (RFP 2026-11).
- Ms. Waldrop said they solicited bids for the Downtown Amphitheater and Pavilion, CPST 2022 project. Three bids were received and the low bid came in from Solid Structures at \$4,069,180 and staff recommend the low bid and alternate one in the amount \$231,000 (bar, kitchen, storage room). That brings the total bid to \$4,300,180.
 - Mr. Scurry made a motion to accept the low bid from Solid Structures; Mr. Smith provided the second.
 - Mr. Johnson said they talked about this during the Work Session and this is the lowest bid and accommodations are being made for the second alternate, as much as possible.
 - The motion carried 6-0.

12. County Council may take action on matters discussed during executive session during the 5 p.m. meeting.

- No action was taken.

13. Appointments:

- a. Newberry County Memorial Hospital Board – District 5.
 - Mr. Smith nominated Ms. Jacquelyn Mohler to the Newberry County Memorial Hospital Board; Mr. Sease provided the second and the motion carried 6-0.
- b. Upper Savannah Workforce Development Board.
 - Mr. Sease nominated Ms. Jessie Long to the Upper Savannah Workforce Development Board; Mr. Reeder provided the second and the motion carried 6-0.

14. Adjournment.

- Mr. Scurry made a motion to adjourn; Mr. Reeder provided the second and the motion carried 6-0.
- Newberry County Council adjourned at 6:15 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
August 12, 2026

Newberry County Council met on Wednesday, August 12, 2026, 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: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Ted Luckadoo, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Debbie Cromer, Finance Director
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

1. Call to order: Robert Shealy, Chairman.

- Mr. Shealy called the meeting to order at 5 p.m.

2. Executive Session:

- a. Personnel Matter(s): Discussion of matters related to contractual and employee matters related to Newberry County Council appointed employees pursuant to S.C. Code of Laws Section 30-4-70(a)(1).
- Mr. Johnson made a motion to go into Executive Session; Mr. Sease provided the second.

- Mr. Fulmer said he wanted to make it clear that while the agenda states Council may take action it was their intention not to take any vote and if there was a vote it would be at a different date.
- The motion carried 7-0.
- Newberry County Council went into Executive Session at 5:01 p.m.
- Mr. Johnson made a motion to come out of Executive Session; Mr. Reeder provided the second and the motion carried 7-0.
- Newberry County Council came out of Executive Session at 6:03 p.m.

3. County Council may take action on matters discussed during executive session.

- No action was taken.

4. Adjournment.

- Mr. Johnson made a motion to adjourn; Mr. Fulmer provided the second.
- Mr. Fulmer thanked everyone for coming out, as they said prior to going in there would not be a vote, and there is nothing to be voted on at this point.
- The motion carried 7-0.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
November 5, 2025**

Newberry County Council met on Wednesday, October 15, 2025, at 6:01 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: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Captain Ben Chapman, NCSC
Rick Farmer, Economic Development Director
Captain Daniel Floyd, Detention Center
Tommy Long, Emergency Services Director
Eric Nieto, IT Director
Brandon Wicker, Emergency Services Coordinator
Andrew Wigger, Clerk to Council/PIO

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

Mr. Reeder led the invocation and Pledge of Allegiance

1. Adoption of Consent Agenda:

- a. Newberry County Public Safety and Courts Committee Minutes – October 13, 2025.
- b. Newberry County Council Work Session Minutes – October 15, 2025.
- c. Newberry County Council Meeting Minutes – October 15, 2025.

- Mr. Fulmer made a motion to adopt the minutes as presented; Mr. Scurry provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion carried 7-0.

3. Special Recognition:

a. St. Philips Fire Department.

- Mr. Wicker recognized St. Philips Fire Department for their accomplishments, history and other accolades as well as highlighting the work they do throughout the year.

4. Ordinance 10-01-2025. An Ordinance amending the Newberry County Code of Ordinances, Chapter 154, Newberry County Land Development Regulations, adopting updated standards for the subdivision and development of land in Newberry County, and providing for the repeal of all ordinances and parts of ordinances in conflict herewith to the extent necessary to give this Chapter full force and effect.

a. Third Reading.

- Mr. Shacker said while there are no changes, they had discussions of a couple of items during the previous meeting that he wanted to go over.
 - One suggestion regarded the timeline, and substantial progress has to be made following a preliminary plat approval. The process there is a sketch plan, preliminary plat approval and with that the developer has the ability to begin installing infrastructure; however, there is a shot clock there and they have to demonstrate significant progress in a 24-month period. A suggestion was made that the county trim that down to 12 months. Mr. Shacker said it is Council's decision how that is handled, but staff felt like 12 was pretty tight, and a significant

amount of engineering goes into projects like this, bidding and negotiation with contractors, and installation of the infrastructure.

- Wetlands were also mentioned during the last meeting, Mr. Shacker said there are two types of wetlands – Jurisdictional wetlands which fall under federal regulations and the authority responsible for ensuring that the requirements of those regulations is the Army Corps of Engineers. Federal preemption essentially applies with jurisdictional wetlands. Then there are other types of wetlands that are non-jurisdictional. He said there was discussion about possibly prohibiting mitigation, but staff felt with the regulations with the land development regulations, and the ordinance that requires development agreements of all residential subdivisions of 25 acres or more highland, with those two tools, Council would have the ability to identify those wetlands on the plat, and a decision could be made about altering the wetlands or not. That gives the county flexibility to decide if those wetlands remain intact, or if mitigation could be permitted.
 - Mr. Shacker said they could do an amendment for either of these options, if they choose.
 - Mr. Reeder made a motion to accept third reading; Mr. Scurry provided the second and the motion carried 7-0.
5. Ordinance 10-02-2025. 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 a new zoning district, RMPD – Residential Master Planned Districts.

a. Third Reading.

- Mr. Shacker said there were no changes from the last meeting, but they had a few items discussed as possible changes during the last meeting.
 - One item discussed was rethinking the zero lot line dwellings as a potential allowable permitted use within RMPD, this proposed zoning district. Mr. Shacker said the reason they didn't remove that was because attached units are allowed,

and staff felt if you look at it like a spectrum, on one side you've got attached units like town houses or apartments and on the other you have low density detached, which is permitted. Zero lot line is sort of in the middle, Mr. Shacker said these would be detached single family dwellings that have a narrow alleyway between them. He said like attached units, pursuant to the building code, they would have to have a one hour fire rated wall between them, like apartments would.

- Another item that was raised was the time frame, Mr. Shacker said if the time frame would have been changed on the LDR from 24 months to 12, you'd want that reflected in this Ordinance as well. Mr. Shacker said they recommend those be consistent.
- There is a maximum density of six dwelling units per acre in the Ordinance, this started at eight units per the total acreage, that was paired down to eight per developable acres and with open space requirements and buffer requirements, in some cases that could be a 40% reduction in the number of units. He said they took that further down to six dwellings per developable acre. Mr. Shacker said there are residential zoning districts now that have a maximum of four, and they recommend they at least have a zoning classification with slightly higher. He said this is just a maximum, this does not mean they will have six.
 - Mr. Sease said Council still has final say on what is allowable and what is not; Mr. Shacker said that was correct and the Joint Planning Commission would review it and make a recommendation.
- Mr. Shealy said a whole lot of hard work went into this ordinance from staff and the Joint Planning Commission.
- Mr. Smith made a motion to accept third reading; Mr. Johnson provided the second and the motion carried 7-0.

6. Ordinance 11-01-2025. An Ordinance amending 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 by amending Section

153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions.

a. First Reading.

- Mr. Shacker reviewed the changes to this ordinance, as attached with these minutes.
- Mr. Smith made a motion to accept first reading; Mr. Sease provided the second and the motion carried 7-0.

7. Ordinance 11-02-2025. An Ordinance adopting the requirements of the South Carolina Local Government Development Agreement Act; creating uniform requirements for the execution and delivery of development agreements by Newberry County Council; And Other Related Matters.

a. First Reading.

- Mr. Shacker said this ordinance proposes the county enter into development agreements for residential development projects. This will make it a requirement when the size of the development is 25 acres of highland or more. The Ordinance also addresses the contents of the plan, and it ensures minimum requirements in state law are addressed, and a few additional requirements.
- There is a requirement that development fees be paid to the county and what is being proposed is a \$5,000 fee per dwelling unit for single family detached and for attached single family and multi family residential, \$4,250 per unit. This number was determined by realistic capital expenditures of the county over a 20-year period, and the number of dwelling units the Census Bureau says Newberry County currently has and calculated the share for new developments based on their percentage of total housing.
- Mr. Johnson made a motion to accept first reading; Mr. Reeder provided the second.
- Mr. Sease asked if they wanted to raise those fees, would they need to have more discussion or could they do it in between readings. Mr. Shacker said they could do it in between readings, but there is language

in there going forward that Council has the ability to set the rates in the uniform fee schedule that Newberry County Council adopts as part of the budget process and budget ordinance.

- The motion carried 7-0.

8. Ordinance 11-03-2025. An Ordinance authorizing the County of Newberry, by Newberry County Council, to enter into an Option and Purchase Agreement to evaluate the sale of real property to be determined through negotiations of all purchase terms and conditions, for economic development purposes with Project Altair.

a. First Reading.

- Mr. Johnson made a motion to accept first reading; Mr. Fulmer provided the second and the motion carried 7-0.

9. Ordinance 11-04-2025. An Ordinance to enter into an agreement between Newberry Electric Cooperative, Inc. and Newberry County to exchange property known as Tax Map number 576-11 for a portion of the property known as Tax Map number 576-12 and described fully herein.

a. First Reading.

- Mr. Shealy turned over the meeting to Mr. Sease as Mr. Shealy recused himself, Mr. Fulmer also recused as they are both connected to Newberry Electric Cooperative.
- Mr. Shealy and Mr. Fulmer, after providing the Recusal Statements, left the Chambers.
- Mr. Shacker briefed Council on the proposed exchange of property between the County of Newberry and Newberry Electric Cooperative. Mr. Shacker said that state law requires the use of an ordinance to sell, lease or contract to sell county-owned property, which is the reason for the use of an ordinance for the proposed land swap. Mr. Shacker explained that the two properties involved are a 5.11 acre tract within Mid-Carolina Commerce Park on the west side of SC Highway 773, which is currently owned by Newberry Electric Cooperative, and a 10.15 acre piece of a larger tract on the east side of S.C.

Highway 773, which is currently owned by Newberry County and is a part of a larger tract that the county is currently marketing for economic development. The 5.11 acre parcel was previously owned by Newberry County and deeded to the Newberry Electric Cooperative as a future site for an electric substation to meet the demands for electricity of customers and the industrial park. However, things change. The 10.15 acre piece on the east side of SC Highway 773 is now a better location to cost effectively and efficiently meet the power needs of current and future customers, including the Mid-Carolina Commerce Park. The 5.11 acre parcel, which the county would receive via the proposed land swap, is square in shape and has 6% slope, which HUD classifies as optimal for commercial development. Additionally, it is in a visible, readily accessible location at the entrance to Mid-Carolina Commerce Park. The 10.15 acre piece of property is narrow, roughly 220 feet wide, long, parallels an electric transmission line, and currently has no road frontage. It has limited development potential but is a suitable site for a future electric substation, which the Newberry Electric Cooperative proposes to construct on it. In the opinion of staff, the proposed land swap is beneficial to Newberry County and staff recommended council adopt an ordinance authorizing the execution of deeds to effectuate the property exchange.

- Mr. Johnson made a motion to accept first reading; Mr. Scurry provided the second.
- Mr. Johnson said to him, it makes sense to get a five acre lot back versus another lot the county could not use, and it makes good financial sense for the county.
- The motion carried 5-0.
- Mr. Shealy and Mr. Fulmer returned to the Chambers.
- The meeting was turned back over to Mr. Shealy.

10. Consideration and Approval of a Proposal for Inmate Food Service from Victus Food Service – Captain Daniel Floyd.

- Mr. Floyd said a food service vendor will limit liability and exposure, provide sanitation and safety requirements, nutritional standards and

menus, compliance with operational standards, staffing and training certified in food safety and meet facility and equipment needs.

- The proposal was to have Victus Food Service to come in at the current budget to take over food service through the end of the fiscal year. For the proposal they do have a four year contract that would start July 1, 2026. This contract would take the meal price up from \$2.27 to \$2.87 and would require the Detention Center's budget to go up next year.
- Mr. Sease asked what the current budget was for meals at the Detention Center; Mr. Floyd said \$175,000 for the year.
- Mr. Johnson asked what the other bids were; Mr. Floyd said they had Skillet come in and they were \$3 a plate and he didn't get any other bids. Mr. Johnson said he thinks they need to get a minimum of three bids. Mr. Floyd said this is coming in as an existing contract with the company.
- Mr. Johnson asked Ms. Winters her opinion; she said it is a separate bid.
- Mr. Reeder said they need to know how much it will take the budget up.
- Mr. Shacker asked Council if the concept was appealing to Council; to which they said yes.

11. County Council may take action on matters discussed during executive session of the 5:00 p.m. meeting.

- Mr. Sease made a motion they renew a land option a Newberry South parcel that the county previously had; Mr. Johnson provided the second and the motion carried 7-0.

12. Appointments.

- There were no appointments.

13. Public Comments (Three Minutes).

- Ms. Leila Caldwell said as she has driven throughout Newberry County, she has not observed any public parks for people who are paying taxes. She wants to know if Council has given any thoughts to building parks in the rural areas. She knows Newberry City has lots of wonderful parks, but those paying county taxes they are not getting benefits for the money they are paying. She also wants to have a written report as the amount of money collected from

property taxes and what it is used for, and she wants it done by the first Wednesday in December. She said she thinks those making payments they need to know what their tax money is being used for.

- Mr. Forrest Byrd said he cares about the county and he cares about all the taxes he pays. He said he is looking at subdivisions and charging \$5,000 for these houses, he said he gets that they have calculated how much they will cost for services, he said it almost sounds profitable. He said he hears what Joe White said it costs to educate per kid in the county for school and each kid is costing them \$19,000 and the County's portion is \$9,000, so for each kid that moves in it is \$9,000 a year. He said for 12 years, the costs are close to \$100,000 and the county is charging \$5,000, and all the other money is coming from all the rest of the people paying taxes. He said as they add these developments, adding traffic, congestion, costs, pollution, sewer lines.
- Mr. James Zybrick said he knows Newberry County Council is trying their best, but he doesn't think they know what is coming at them. He said all of what he heard tonight, there is no infrastructure being talked about. He said he doesn't know who is going to start building here, but they have attorneys looking at these codes trying to figure out how to get around them. He said they are all public servants and probably very successful in their careers because they were proactive and not reactive. He said they say they can change it later, that is being reactive. He said trees and setbacks don't pay property tax. He said when they start building, he thinks it can be regulated and he isn't sure that is what they are doing here, but all they have to do is take a ride where they are building near him and look at those roads and see what is coming.

14. Comments/Requests from County Administrator.

- Mr. Shacker said they did get bids for the Prosperity Parks improvements; they are being reviewed and there will be a recommendation during the November 19 meeting. They also have the Safe Streets for All bids came in and they will conduct interviews, he said they will have a recommendation in December.

15. Comments/Requests from Council.

- Mr. Shealy thanked St. Philips Fire Department and all volunteers for what they do for Newberry County. He said he hears their constituents and they are doing the best they can.

16. Future meetings:

- a. Veterans Day – November 11 – Offices Closed.
- b. Newberry County Council Work Session – November 19 at 5 p.m.
- c. Newberry County Council – November 19 at 6 p.m.
- d. Thanksgiving Holiday – November 27-28 – Offices Closed.
- e. Newberry County Economic Development Committee – December 1 at 5 p.m.
- f. Newberry County Finance Committee – December 8 at 5 p.m.
- g. Newberry County Council Work Session – December 17 at 5 p.m.
- h. Newberry County Council – December 17 at 6 p.m.
- i. Christmas Holiday – December 24-26 – Offices Closed.

17. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:57 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

Minutes Amended: _____

ORDINANCE 07-01-2026

TO PROVIDE FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION BOND OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING \$650,000 PRINCIPAL AMOUNT, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO.

TABLE OF CONTENTS

	Page
ARTICLE I	
FINDINGS OF FACT	
Section 1.01 Findings	1
Section 1.02 Recital of Applicable Constitutional Provisions	2
Section 1.03 Holding of Public Hearing and Notice Thereof	2
ARTICLE II	
DEFINITIONS AND AUTHORITY	
Section 2.01 Definitions	3
Section 2.02 Construction	4
ARTICLE III	
ISSUANCE OF BOND	
Section 3.01 Ordering the Issuance of Bond	5
Section 3.02 Maturity Schedule of Bond	5
Section 3.03 Medium of Payment; Form and Denomination of Bond; Place of Payment of Principal	5
Section 3.04 Execution and Authentication	5
Section 3.05 Exchange of the Bond	6
Section 3.06 Transferability and Registry	6
Section 3.07 Transfer of the Bond	6
Section 3.08 Regulations with Respect to Exchanges and Transfers	6
Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond	7
Section 3.10 Holder As Owner of Bond	7
Section 3.11 Cancellation of the Bond	7
Section 3.12 Payments Due on Saturdays, Sundays and Holidays	7
Section 3.13 Tax Exemption in South Carolina	8
Section 3.14 Order to Levy Ad Valorem Taxes to Pay Principal and Interest of Bond	8
Section 3.15 Notice to Auditor and Treasurer	8
Section 3.16 Form of Bond	8
ARTICLE IV	
REDEMPTION OF BOND	
Section 4.01 Redemption of Bond	9
ARTICLE V	
SALE OF BOND	
Section 5.01 Sale and Award of Bond	10

TABLE OF CONTENTS

(continued)

Page

ARTICLE VI DISPOSITION OF PROCEEDS OF SALE OF BOND

Section 6.01	Disposition of Bond Proceeds Including Temporary Investments	11
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ARTICLE VII DEFEASANCE OF BOND

Section 7.01	Discharge of Ordinance - Where and How the Bond is Deemed to Have Been Paid and Defeased	12
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ARTICLE VIII CERTAIN TAX AND DISCLOSURE CONSIDERATIONS

Section 8.01	Covenants to Comply with Requirements of the Code	13
Section 8.02	Qualified Tax-Exempt Obligation	13
Section 8.03	Ability to Meet Arbitrage Requirements	14
Section 8.04	Continuing Disclosure	14

ARTICLE IX MISCELLANEOUS

Section 9.01	Savings Clause	15
Section 9.02	Successors	15
Section 9.03	Ordinance to Constitute Contract	15
Section 9.04	Filing of Copies of Ordinance	15
Section 9.05	Further Action by Officers of County	15
Section 9.06	Effective Date of Ordinance	16

EXHIBIT A -- NOTICE OF PUBLIC HEARING

EXHIBIT B -- FORM OF BOND

EXHIBIT C -- FORM OF NOTICE OF SALE

BE IT ORDAINED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings.

As an incident to the adoption of this Ordinance, the Newberry County Council (the "Council"), the governing body of Newberry County, South Carolina (the "County"), finds that the facts set forth in this Article exist and the statements made with respect thereto are in all respects true and correct:

1. By virtue of Chapter 15, Title 4, Code of Laws of South Carolina, 1976, as amended and supplemented by Act No. 113 of the 1999 Acts of the South Carolina General Assembly (collectively, the "County Bond Act"), the County is empowered to issue general obligation bonds for any "authorized purpose" as therein defined.

The Council has heretofore determined that it is in the best interest of the County to provide for the acquisition of certain equipment for emergency functions within the County (collectively, the "Equipment"). The Council further determined that the cost of purchase of the Equipment will be defrayed through the proceeds of a lease-purchase agreement, which was entered into with South State Bank on April 10, 2026 (the "Lease"). Subject to the right of the County reserved in the Lease to not appropriate funds in any fiscal year for the payment due thereunder, the County intends to make annual payments payable under the Lease ("Lease Payments") in order to enjoy the use of the equipment in each fiscal year.

The County has also as of April 30, 2013, entered into with Newberry County Public Facilities Corporation, a South Carolina non-profit corporation (the "Corporation") a Facilities Purchase and Occupancy Agreement (the "Facilities Agreement"). Pursuant to the Facilities Agreement, the Corporation has provided to the County permanent financing for the construction and equipping of the County's public works administration and animal control facility, and the County has agreed, for its use and acquisition of such facility over a term of years, to make annual "Acquisition Payments" to the Corporation. Amounts payable under the Facilities Agreement are not subject to the constitutional debt limit of the County as described in Section 1.02 of this Ordinance.

The Council further presently intends that the Lease Payments and the Acquisition Payments (collectively, the "Annual Appropriation Payments") will be paid from the proceeds of a general obligation bond of the County to be issued annually, in sufficient time to allow for the timely payment of the Annual Appropriation Payments. The payment of Annual Appropriation Payments constitutes an authorized purpose for the issuance of general obligation Bond of the County within the meaning of the County Bond Act.

The Council has determined to presently authorize the issuance of a general obligation bond of the County in order to provide funds with which to pay Annual Appropriation Payments in Fiscal Years 2026-27. The total estimated cost of such Annual Appropriation Payments and, additionally, costs of issuance of the Bond, will not exceed \$650,000.

Section 1.02 Recital of Applicable Constitutional Provisions.

Section 14 of Article X of the Constitution of the State of South Carolina (the “Constitution”) provides that the counties of the State may issue bonded indebtedness in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein, and provides further that no bonded indebtedness incurred on or prior to November 30, 1977, shall be charged against such eight percent (8%) debt limitation. Paragraph (6) of Section 14 of Article X of the Constitution further provides that general obligation debt authorized by a majority of the qualified electors of the issuer may be issued without consideration of the eight percent (8%) limit otherwise imposed by Section 14 of Article X. The assessed value of all taxable property located within the County (including merchants’ inventory, but net of property subject to a fee in lieu of tax) as certified by the County Auditor for the year 2025, which is the last completed assessment thereof, is a sum of not less than \$191,124,855, and thus the eight percent (8%) debt limit of the County is not less than \$15,289,988. At the time of the issuance of the bond authorized by this Ordinance in December, 2026, the County will have outstanding general obligation debt chargeable against the eight percent (8%) limit in the principal amount of not exceeding \$985,943.20. Thus, the Council may issue the general obligation debt provided for by this ordinance without prior referendum.

Section 1.03 Holding of Public Hearing and Notice Thereof.

Pursuant to the provisions of Section 4-9-130 of the Code of Laws of South Carolina, 1976, as amended, a public hearing, after giving reasonable notice, is required to be conducted prior to the third and final reading of this Ordinance by Council. In accordance with this provision, a public hearing shall be conducted and due notice shall be provided as required by said Section 4-9-130. The form of the notice to be published shall be substantially as set forth as **Exhibit A** attached hereto.

* * *

ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 Definitions.

As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

“Administrative Costs” means all amounts payable by the County to the Corporation under the Facilities Agreement as “Additional Payments”.

“Annual Appropriation Payments” shall have the meaning given thereto in Section 1.01 of this Ordinance.

“Authorized Investments” means any securities which are authorized legal investments for political subdivisions pursuant to the Code of Laws of South Carolina.

“Authorized Officer” means the Chairman or the Vice-Chairman of the Council and any other officer or employee of the Council designated from time to time as an Authorized Officer by resolution of the Council, and when used with reference to any act or document also means any other person authorized by resolution of the Council to perform such act or sign such document. During such time as a State of Emergency exists, the Chairman of the Council and the County Administrator of the County are each empowered to designate any officer or employee of the County as an Authorized Officer for purposes of this Ordinance.

“Bond” or “the Bond” means the Bond issued in accordance with the provisions of this Ordinance. “Bond” means all Bond issued hereunder.

“Bondholder” or “Holder” or “Holder of Bond” or “Owner” or similar term means, when used with respect to the Bond, any person who shall be registered as the owner of the Bond outstanding.

“Bond Payment” means the payment of principal of and interest on the Bond.

“Bond Payment Date” means the date on which the Bond Payment shall be payable.

“Code” means the Internal Revenue Code of 1986, as amended.

“Council” means the Newberry County Council, South Carolina, the governing body of said County or any successor governing body of said County.

“County” means Newberry County, South Carolina.

“County Bond Act” shall have the meaning given thereto in Section 1.01 of this Ordinance.

“Equipment” shall have the meaning given in Section 1.01 of this Ordinance.

“Facilities Agreement” shall have the meaning given in Section 1.01 of this Ordinance.

“Government Obligations” means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

“Holder” means the registered owner, from time to time, of the Bond as shown on the registration books of the County maintained by the Registrar.

“Ordinance” shall mean this ordinance of County Council authorizing the issuance of the Bond.

“Outstanding”, when used in this Ordinance with respect to the Bond, means as of any date, the Bond theretofore delivered pursuant to this Ordinance except:

(a) if the Bond shall have been cancelled or delivered to the Registrar for cancellation on or before such date;

(b) if the Bond deemed to have been paid in accordance with the provisions of Section 7.01 hereof; and

(c) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of this Ordinance.

“Paying Agent” means the County Treasurer of Newberry County.

“Person” means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

“Record Date” means the 15th day of the month immediately preceding the Bond Payment Date.

“Registrar” means the County, acting through the Clerk to Council.

“State of Emergency” means a period during which a proclamation issued by the Governor of the State pursuant to South Carolina Code Ann. Sec. 1-3-420 (1976, as amended) remains effective in Newberry County.

Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.

2. The terms “hereby”, “hereof”, “hereto”, “herein”, “hereunder” and any similar terms refer to this Ordinance, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of adoption of this Ordinance.

3. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.

4. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

* * *

ARTICLE III

ISSUANCE OF THE BOND

Section 3.01 Ordering the Issuance of the Bond.

Pursuant to the provisions of the County Bond Act, and for the purpose of obtaining funds with which to pay Annual Appropriation Payments in Fiscal Year 2027, there shall be issued the Bond, not exceeding \$650,000 in principal amount. The Bond shall bear a series designation which reflects the calendar year of issuance and sequence of issuance within calendar year 2026 relative to other general obligation bonds, if any, of the County issued within such calendar year. The County Administrator may, in his sole discretion, determine that the Bond be issued as two or more separate series to reflect a difference in tax-exempt status, the initial source of payment therefore, or any other basis not inconsistent with this Ordinance.

Section 3.02 Maturity Schedule of the Bond.

The Bond shall be dated as of the date of its delivery and shall bear interest from its dated date. The principal amount of the Bond shall be sufficient to pay the Annual Appropriation Payment due in Fiscal Year 2026-27, Administrative Costs, and the costs of issuance of the Bond, as determined by the County Administrator. The Bond shall mature no later than June 1, 2027, as determined by the County Administrator.

Section 3.03 Medium of Payment; Form and Denomination of Bond; Place of Payment of Principal.

(a) The Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bond shall be issued in the form of one (1) fully registered bond.

(c) The Bond Payment shall be payable to the Person appearing as the Holder of the applicable Bond on the Record Date on the registration books of the County, which books shall be held by the County as Registrar as provided in Section 3.06 hereof, upon the presentation and surrender for cancellation of the Bond at the office of the Paying Agent, provided, however, that the Paying Agent may, upon advice of the County Administrator, waive presentment prior to the delivery of the Bond Payment to the Holder as provided in this Section 3.03(c).

Section 3.04 Execution and Authentication.

(a) The Bond shall be executed in the name and on behalf of the County by the manual signature of an Authorized Officer or Officers, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the manual signature of the Clerk to County Council or an Authorized Officer (other than the officer or officers executing the Bond). The Bond may bear the manual signature of any person who shall have been such an Authorized Officer authorized to sign the Bond at the time the Bond was so executed, and shall bind the County notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of the Bond.

(b) The Bond shall not be valid or obligatory for any purpose nor shall it be entitled to any right or benefit hereunder unless there shall be endorsed on the Bond a certificate of authentication in the form set forth in this Ordinance, duly executed by the manual signature of the

Registrar, and such certificate of authentication upon the Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of this Ordinance.

Section 3.05 Exchange of the Bond.

The Bond, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for a new Bond of the same interest rate and maturity. So long as the Bond remains Outstanding, the County shall make all necessary provisions to permit the exchange of the Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.06 Transferability and Registry.

The Bond shall at all times, when the same is Outstanding, be payable to a Person, and shall be transferable only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bond. So long as the Bond remains Outstanding, the Registrar shall maintain and keep, at its administrative office, books for the registration and transfer of the Bond, and, upon presentation thereof for such purpose at such office, the Registrar shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it may prescribe, the Bond. So long as the Bond remains Outstanding, the Registrar shall make all necessary provisions to permit the transfer of the Bond at its administrative office.

Section 3.07 Transfer of the Bond.

The Bond shall be transferable only upon the books of the Registrar, upon presentation and surrender thereof by the Holder of the Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of the Bond, the County shall execute, authenticate and deliver, in the name of the Person who is the transferee, a new Bond of the same principal amount and maturity and rate of interest as the surrendered Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.08 Regulations with Respect to Exchanges and Transfers.

The Bond surrendered in any exchange or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of the Bond, the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The County shall not be obligated to issue, exchange or transfer the Bond after the Record Date.

Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond.

(a) If the Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss, or theft of the Bond, and there is delivered to the Registrar such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that the Bond has been acquired by a bona fide purchaser, the County shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost, or stolen Bond, a new Bond of like tenor, maturity, and interest rate bearing a number unlike that of

such mutilated, destroyed, lost, or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered.

(b) Upon the issuance of any new Bond under this Section 3.09, the County may require the payment of a sum sufficient to cover any tax, fee, or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the County or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost, or stolen Bond, shall constitute an additional contractual obligation of the County, whether or not the destroyed, lost, or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with the Bond duly issued pursuant to this Ordinance.

(d) The Bond shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond or securities.

Section 3.10 Holder As Owner of Bond.

In its capacity as Registrar, the County may treat the Holder of the Bond as the absolute owner thereof, whether the Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Bond Payment on the Bond and for all other purposes, and payment of the Bond Payment shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid, and the County shall not be affected by any notice to the contrary.

Section 3.11 Cancellation of the Bond.

The Registrar shall destroy the Bond when the same shall be surrendered to it for cancellation. In such event, the Bond shall no longer be deemed Outstanding under this Ordinance and no Bond shall be issued in lieu thereof.

Section 3.12 Payments Due on Saturdays, Sundays and Holidays.

In any case where the Bond Payment Date shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of the Bond Payment need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.13 Tax Exemption in South Carolina.

Bond Payments shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

Section 3.14 Order to Levy Ad Valorem Taxes to Pay Principal and Interest of Bond.

For the payment of principal of and interest on the Bond as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are hereby irrevocably pledged, and there shall be levied an ad valorem tax upon all taxable property located within the County sufficient to pay the principal of and interest on the Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.15 Notice to Auditor and Treasurer.

The Auditor and Treasurer of Newberry County, South Carolina, shall be notified of the issuance of the Bond and directed to levy and collect annually upon all taxable property within the County ad valorem property taxes in an amount sufficient to pay the principal of and interest on the Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.16 Form of Bond.

The form of the Bond, and registration provisions to be endorsed thereon, shall be substantially as set forth in **Exhibit B** attached hereto and made a part of this Ordinance.

* * *

ARTICLE IV

REDEMPTION OF BOND

Section 4.01 Redemption of Bond.

The Bond shall not be subject to redemption prior to maturity except as may be agreed to by the Holder thereof and the County.

* * *

ARTICLE V

SALE OF BOND

Section 5.01 Sale and Award of Bond.

The Bond shall be sold at a price of not less than par. Bids for the Bond shall be solicited by the County Administrator from not less than three (3) financial institutions with at least seven (7) days advance notice to institutions so solicited.

Unless all bids are rejected, the County Administrator is authorized to award the Bond to the bidder offering the lowest net interest cost therefor; for purposes of this paragraph, net interest cost shall be determined by computing the total dollar interest cost from the date of the Bond to maturity and deducting therefrom the amount of the premium offered, if any, over and above the principal amount. In the case of a tie in net interest cost, the award of the Bond shall be based upon the flip of a coin. Notwithstanding the foregoing, no such award shall be effective without the approval of Council, by resolution duly adopted, if the net interest cost of the Bond exceeds 6.00% per annum. Any counsel fees required to be paid by the County to the purchase of the Bond shall be treated as additional interest in computing net interest cost. The County shall accept no bid which requires an adjustment of interest rate in the event of legislative or regulatory changes. Any bid requiring an adjustment of interest rate on account of an act or omission of the County relating to the federal tax status of the Bond shall not be accepted unless the rate as may be so adjusted or the method for determining the same is set forth in the Bond.

There shall be published in a newspaper of general circulation in the County at least seven (7) days prior to the delivery of the Bond a Notice of Sale in form substantially similar to that appearing at **Exhibit C** hereto.

* * *

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BOND

Section 6.01 Disposition of Bond Proceeds Including Temporary Investments.

The proceeds derived from the sale of the Bond shall be paid to the Treasurer of Newberry County, to be deposited in a separate Bond Account, and shall be expended and made use of by the Council to defray the cost of issuing the Bond and to pay Annual Appropriation Payments and Administrative Costs, if any. Any premium shall be placed in the sinking fund held by the Treasurer of Newberry County for payment of principal and interest on the Bond and applied to the discharge of principal on the Bond.

Pending the use of Bond proceeds, the same shall be invested and reinvested by the Treasurer of Newberry County in Authorized Investments. All earnings from such investments shall be applied, at the direction of the Council, either (1) to defray the cost of the undertakings for which the Bond is issued and if not required for this purpose, then (2) to payment of interest on the Bond on the Bond Payment Date.

Neither the purchaser nor Holder of the Bond shall be liable for the proper application of the proceeds thereof.

* * *

ARTICLE VII

DEFEASANCE OF BOND

Section 7.01 Discharge of Ordinance - Where and How the Bond is Deemed to Have Been Paid and Defeased.

If the Bond and the interest thereon shall have been paid and discharged, then the obligations of the County under this Ordinance as to the Bond and all other rights granted hereby shall cease and determine. The Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz.:

(1) A third party fiduciary, which shall be any bank, trust company, or national banking association which is authorized to provide corporate trust services (the "Fiduciary"), shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Bond Payment due thereunder; or

(2) If default in the payment when due of the Bond Payment shall have occurred, and thereafter tender of such payment shall have been made, and at such time the Fiduciary shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(3) If the County shall elect to provide for the payment of the Bond prior to its stated maturity and shall have deposited with the Fiduciary, in an irrevocable trust, moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Fiduciary at the same time, shall be sufficient to pay the Bond Payment when due.

Neither the Government Obligations nor moneys deposited with the Fiduciary pursuant to this Section nor the Bond Payment thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Bond Payment on the Bond; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Fiduciary, if not then needed for such purpose, shall to the extent practicable be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Bond Payment to become due on the Bond on the Bond Payment Date thereof, and interest earned from such reinvestments not required for the payment of the Bond Payment may be paid over to the County, free and clear of any trust, lien or pledge.

* * *

ARTICLE VIII

CERTAIN TAX AND DISCLOSURE CONSIDERATIONS

Section 8.01 Covenants to Comply with Requirements of the Code.

The County hereby represents and covenants that it will comply with all requirements of the Code, and that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information reports with the Internal Revenue Service) which failure will, cause interest on the Bond to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bond. Without limiting the generality of the foregoing, the County represents and covenants that:

1. All property provided by the Bond will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

2. The County shall not permit facility provided by the Bond to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

3. The County is not a party to nor will it enter into any contracts with any person for the use or management of any facility provided by the Bond that do not conform to the guidelines set forth in Revenue Procedure 97-13.

4. The County will not sell or lease the any property provided by the Bond to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Bond.

5. The Bond will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County is not a party to any leases or sales or service contracts with any federal government agency with respect to the property provided by the Bond and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Bond.

“Property provided by the Bond” as used herein any property the lease payments or acquisitions payments for which will be met with proceeds of the Bond.

Notwithstanding the foregoing, the County Administrator may determine that interest on the Bond shall be subject to federal income tax if so requested by the purchaser thereof, In such case, the foregoing covenants and the remainder of this Article VIII shall be inapplicable.

Section 8.02 Qualified Tax-Exempt Obligation.

The County expects that it and entities subordinate thereto will issue no tax-exempt obligations in calendar year 2026 which, along with the Bond to be issued in such calendar year, would aggregate more than \$10,000,000 in such calendar year. Accordingly, the Bond is hereby designated as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the

Code. The County Administrator may counter such designation if, at the time the Bond is issued, such expectation is inaccurate.

Section 8.03 Ability to Meet Arbitrage Requirements.

Careful consideration has been given to the time in which the expenditures of the proceeds of the Bond authorized hereby will be made, and it has been ascertained that all of the money received from the proceeds of the Bond will be expended within the limitations imposed by Section 148(c) of the Code, so that the Council will be able to certify upon reasonable grounds that the Bond is not an “arbitrage bond” within the meaning of Section 148(c) of the Code.

Section 8.04 Continuing Disclosure.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants to file with a central repository for availability in the secondary bond market when requested:

- (a) An annual independent audit, within thirty days of the County’s receipt of the audit; and
- (b) Event specific information within thirty days of an event adversely affecting more than five percent of revenue or the County’s tax base.

The County further covenants that it will, upon request of the Bondholder, provide it with audited financial statements of the County for the fiscal year ending June 30, 2026 no later than March 1, 2027.

The only remedy for failure by the County to comply with any of the covenants in this Section 8.04 shall be an action for specific performance of this covenant. The County specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any Bondholder.

Section 8.05 Taxable Obligation.

Subject to Section 5.01 of this Bond Ordinance, the Bond may be issued as a taxable obligation if the County Administrator determines in his sole discretion that it is in the best interests of the County to do so.

* * *

ARTICLE IX
MISCELLANEOUS

Section 9.01 Savings Clause.

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9.02 Successors.

Whenever in this Ordinance the County is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the County, and all the covenants and agreements contained in this Ordinance or by or on behalf of the County shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.03 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of the Bond by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the County and the Holder from time to time of the Bond, and such provisions are covenants and agreements with such Holder which the County hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the County shall be for the benefit, protection, and security of the Holder of the Bond.

Section 9.04 Filing of Copies of Ordinance.

Copies of this Ordinance shall be filed in the offices of the Council and in the office of the Clerk of Court for Newberry County (as a part of the Transcript of Proceedings).

Section 9.05 Further Action by Officers of County.

The proper officers of the County are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them, which includes but is not limited to providing the notice and conducting the public hearing described in Section 1.03 hereof. In the absence of any officer of the Council herein authorized to take any act or make any decision, the County Administrator is hereby authorized to take any such act or make any such decision.

Section 9.06 Effective Date of Ordinance.

This Ordinance shall take effect upon its third reading and shall be forthwith codified in the Code of County Ordinances and indexed under the general heading "An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding \$650,000 Principal Amount, To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto."

DONE IN MEETING DULY ASSEMBLED, this ____ of _____, 2026.

NEWBERRY COUNTY COUNCIL

(SEAL)

Chairman

Attest:

Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Newberry County Council, State of South Carolina will conduct the following public hearing(s) at its meeting on the ____ day of _____, 2026, to be held in the Newberry County Council Chamber, 1309 College Street, Newberry, South Carolina, at _____, 2026.

Ordinance No. ____: An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding \$650,000 Principal Amount, To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto..

[OTHER ORDINANCES RECEIVING PUBLIC HEARINGS INSERTED HERE]

At the time and place fixed for said public hearing(s), all taxpayers, residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance. A copy of the proposed Ordinance(s) is available for inspection in the Clerk to Council's office located in the Courthouse Annex at 1309 College Street, Newberry, South Carolina, during its regular business hours. Assistance is available for those who are visually or hearing-impaired. For assistance, call Andrew Wigger, Clerk to Council, (803) 321-2100.

Chairman, Newberry County Council

(FORM OF BOND)

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
GENERAL OBLIGATION BOND, SERIES _____

No. 1

Registered Holder: _____

Principal Amount: _____

NEWBERRY COUNTY, SOUTH CAROLINA (the "County"), a public body corporate and politic and a political subdivision of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above and interest thereon on such date and in the manner provided herein.

This bond ("Bond") is issued in the principal amount of _____ for purposes authorized by and pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of Sections 4-15-10 through 4-15-180, Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the County Council of Newberry County (the "Ordinance"). This Bond is not subject to redemption prior to maturity except as may be agreed to by the County and the Holder hereof.

The principal and interest on this Bond shall be paid on _____, 2027, [upon the presentation and surrender for cancellation of this Bond at the office of the County Treasurer of Newberry County, as Paying Agent,] to the person shown on the books of registration of the County as the Holder hereof on the Record Date. The Bond Payment is payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Newberry County and in the office of the County Council of Newberry County.

This Bond is payable from a tax levied on all taxable property within the County. For the prompt payment of the Bond Payment as the same shall become due, the full faith, credit, and taxing power of the County are irrevocably pledged.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general

or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

The Bond is issued in the form of one (1) fully registered Bond and is transferable, as provided in the Ordinance, only upon the registration books of the County kept for that purpose at the offices of the County by the registered Holder in person or by his duly authorized attorney upon, (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney, and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond of interest rate and like principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of the Bond Payment due hereon and for all other purposes.

For every exchange or transfer of the Bond, the County may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all acts, conditions, and things required to exist, happen, and to be performed precedent to and in the adoption of the Ordinance and in the issuance of the Bond in order to make the legal, valid, and binding general obligation of the County in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of the Bond does not exceed or violate any constitutional, statutory, or other limitation upon the amount of indebtedness prescribed by law.

IN WITNESS WHEREOF, NEWBERRY COUNTY, SOUTH CAROLINA, has caused this Bond to be signed by the manual signature of the Chairman of the Newberry County Council, attested by the manual signature of the Clerk to the Newberry County Council, and the seal of the County impressed hereon.

NEWBERRY COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, Newberry County Council

ATTEST:

Clerk, Newberry County Council

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond of the issue described in the within mentioned Ordinance.

Registrar

By: _____
Clerk to Council

Date of Authentication: _____, 20____

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the entireties

(Cust) Custodian _____
(Minor)

JT TEN - as joint tenants with right of
survivorship and not as tenants in common

under Uniform Gifts to Minors Act _____
(state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

the within bond and does hereby irrevocably constitute and appoint

attorney to transfer the within bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

(Authorized Officer)

(Signature must be guaranteed by a participant in
the Securities Transfer Agent Medallion Program
(STAMP))

Notice: The signature to the assignment must
correspond with the name of the registered owner
as it appears upon the face of the within bond in
every particular, without alteration or enlargement
or any change whatever.

NOTICE OF SALE

Notice is hereby given that Newberry County, South Carolina shall deliver to (Purchaser) on (Date of Delivery) its \$_____ principal amount General Obligation Bond, Series _____. The Bond has been sold to (Purchaser) at a price of _____ and an interest rate of ____%. The Bond matures on _____, 2027, at which time the principal thereof and interest thereon in the amount of \$_____ shall be due and payable.

Chairman, Newberry County Council

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct and verbatim copy of an Ordinance adopted by the County Council of Newberry County on _____, 2026, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2026. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2026, it was given its second reading and at the regular meeting of the County Council held on _____, 2026, it was given third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, being the Freedom of Information Act, a copy of the agenda of meetings (showing the date, time and place of the meeting) of the County Council of the County is posted on a designated bulletin board in the administrative offices of the County, posted on the County's publicly-available website and supplied to news media as requested, in each case at least 24 hours prior to regularly scheduled meetings of the County Council. An agenda was posted in accordance with the foregoing sentence for each meeting at which the attached Ordinance was voted upon, and each agenda as so posted contained as an item the consideration of the attached Ordinance by the County Council.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this ____ day of _____ 2026.

(SEAL)

Clerk, Newberry County Council

First reading: _____

Second reading: _____

Third reading: _____

Public Hearing: _____

ORDINANCE # 08-01-2026

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN AN AMOUNT NOT EXCEEDING \$2,475,000 RELATING TO THE PURCHASE OF CERTAIN EQUIPMENT BY NEWBERRY COUNTY, AUTHORIZING THE EXECUTION OF OTHER NECESSARY DOCUMENTS AND PAPERS, AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED by the County Council of Newberry County, South Carolina, in meeting duly assembled:

ARTICLE I

FINDINGS OF FACT

The County Council of Newberry County, South Carolina, the governing body of Newberry County, South Carolina, has made the following findings of fact:

Section 1.01 Findings.

The County Council of Newberry County, the governing body of Newberry County (the "Council"), has determined that a very real need exists for and that it is necessary for Newberry County (the "County") to acquire certain equipment as shown on Exhibit A hereto (collectively, the "Equipment"). The total cost of the Equipment and costs associated therewith, including issuance costs, is estimated to be not exceeding \$2,475,000. The Council has determined that it is in the best interests of the County to purchase the Equipment through a lease-purchase financing in accordance with the terms of this Ordinance.

ARTICLE II

AUTHORIZATION

Section 2.01 Approval of the Financing.

The Council hereby approves the entry of the County into a one or more lease financing agreements in aggregate principal amount not to exceed \$2,475,000 (singularly or collectively, the "Agreement") to finance the purchase of the Equipment. The interest rate applicable to the agreement shall not exceed 6.0 % per annum (in the absence of default or change in tax status) unless approved by resolution of Council supplemental hereto. Payments due under the Agreement shall be expressed to become due annually on December 1 of each of the Fiscal Years 2028 through 2032, inclusive, in such annual amounts as determined by the County Administrator of the County (the "County Administrator"). Any proceeds of the Agreement including investment earnings remaining available after the purchase of all of the Equipment may be applied in the discretion of the County Administrator to the purchase of additional public safety or public works equipment, which when acquired shall be subject to the remaining terms of the Agreement.

The Agreement shall not constitute a debt of the County, and the full faith, credit and taxing power of the County shall not be pledged to secure payment of rental payments or other sums due pursuant to the Agreement. The Agreement shall contain a “non-appropriation” clause suitable to special counsel to the County and shall not, in the opinion of such special counsel, contain a “non-substitution” clause.

Section 2.02 Authorization to Contract.

The County Administrator is hereby authorized to solicit proposals from financial institutions for the provision of the financing represented by the Agreement. Proposals shall be solicited from at least three financial institutions on not less than seven (7) days’ notice. The County Administrator is hereby authorized to award the Agreement to the financial institution which proposes the terms most favorable to the County, as determined by the County Administrator in his sole discretion (the “Lessor”), but subject in any event to the provisions of Section 2.01 of this Ordinance. The County Administrator is hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Agreement and associated documents to the Lessor and other appropriate parties. The execution of the Agreement by the County Administrator shall constitute conclusive evidence of approval of the principal amount and rental payments due pursuant to the Agreement and the terms thereof.

Section 2.03 Other Documents, Agreements.

The Chairman of the Council, the Clerk to Council, Finance Director of the County and the County Administrator are hereby authorized to execute any and all other documents, instruments, certificates, or other papers as they deem necessary and appropriate, with the advice of counsel, to accomplish the transactions contemplated by this Ordinance. The Council further approves the entry by the County, if deemed necessary by the County Administrator in his sole discretion, into an escrow agreement or similar agreement among the County and a financial institution satisfactory to the County Administrator, as agent, in such form as may be determined by the County Administrator, upon advice of special counsel, in order to provide for the deposit and investment of proceeds of the Agreement pending the expenditure thereof (the “Deposit Agreement”). The Lender may also be a party to the Deposit Agreement.

* * * *

ARTICLE III

CERTAIN MATTERS PERTAINING TO THE INTERNAL REVENUE CODE

Section 3.01 General Tax Covenants.

The County will comply with all requirements of the Internal Revenue Code of 1986, as amended (the “Code”), in order to preserve the tax-exempt status of the Agreement including without limitation, the requirement to file the information report pertaining to the Agreement with the Internal Revenue Service.

Section 3.02 General Tax Representations and Covenants.

The County hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause the interest component of rental payments made pursuant to the Agreement to become includable in the gross income of the Lessor, or its assigns, for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original execution of the Agreement. Without limiting the generality of the foregoing, the County represents and covenants that:

- (a) All property provided by the net proceeds of the Agreement will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.
- (b) The County shall not permit the proceeds of the Agreement or any facility financed with the proceeds of the Agreement to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.
- (c) The County is not a party to or nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Agreement that do not conform to the guidelines set forth in Revenue Procedure 2017-13.
- (d) The County will not sell or lease the Equipment or any property provided by the Agreement to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Agreement.
- (e) The Agreement will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County has not entered into any leases or sales or service contract with any federal government agency and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Agreement.

Section 3.03 Qualified Tax-Exempt Obligation.

The County Administrator may designate the Bond as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code, upon advice of special counsel.

* * * *

ARTICLE IV

MISCELLANEOUS

Section 4.01 No General Liability.

Nothing contained in this Ordinance, the Agreement, any Deposit Agreement nor any other instrument shall be construed with respect to the County as incurring a pecuniary liability or charge upon the general credit of the County or against its taxing power, nor shall the breach of any Lease contained in this Ordinance, the Agreement,, any Deposit Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the County or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Agreement are limited obligations of the County, subject to annual appropriation, as provided herein and in the Agreement.

Section 4.02 Severability.

If any section, paragraph, sentence, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, sentence, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4.03 Repealer.

All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency with respect to this Ordinance. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 4.04 Effective Date of Ordinance.

The provisions of this Ordinance shall become effective upon third reading hereof.

* * * *

. ENACTED this ____ day of _____, 2025.

(SEAL)

COUNTY COUNCIL OF
NEWBERRY COUNTY, SOUTH CAROLINA

Chairman, County Council
of Newberry County, South Carolina

Attest:

Clerk to Council, Newberry County,
South Carolina

First Reading: _____, 2025

Second Reading: _____, 2025

Third Reading: _____, 2025

EXHIBIT A

EQUIPMENT

ESTIMATED COSTS

One (1) Fire truck	\$1,000,000
Two (2) Ambulances	1,100,000
One (1) Dump Truck	220,000
One (1) Trailer	60,000
One (1) Patching Machine	<u>53,236</u>
Total	\$2,443,236

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct, and verbatim copy of an Ordinance enacted by the County Council of Newberry County on _____, 2025, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2025. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2025, it was given its second reading, and at the regular meeting of the County Council held on _____, 2025, it was given third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), being the Freedom of Information Act, a copy of the agenda of each of the meetings of the County Council referenced in the preceding paragraph (showing the date, time and place of the meeting), was, at least 24 hours prior to each such meeting, posted on a designated bulletin board in the administrative offices of the County, posted on the County's public website, and provided to news media and others requesting such information. The agenda for each of the meetings listed in the preceding paragraphs included as an item the reading of the aforesaid Ordinance and was made publicly available in accordance with the preceding sentence.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County Council this _____ day of _____, 2025.

(SEAL)

Clerk, Newberry County Council

STATE OF SOUTH CAROLINA)

)

ORDINANCE NO. 08-02-2026

COUNTY OF NEWBERRY)

**AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL CODE OF ORDINANCES OF
NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF
ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA BY AMENDING SECTIONS 153.073
AND 153.131, SINGLE SITE BURIAL**

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is a duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to amend, delete, or create ordinances that are in the best interest of the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, it has been determined by the Council that certain sections of the Code of Ordinances of Newberry County were in need of review and amendment.

The following sections of the County Code of Ordinances have proposed amendments:

SECTION 1. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.073, is amended as follows:

§153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

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

ZONING DISTRICT TABLE OF PERMITTED USES										
Description of Use	2017 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference
OTHER SERVICES										
Single Site Burial	812220	C	C	C	C	C				§ 153.131

The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.131, is amended as follows:

§153.131 Single Site Burial.

Single site burials shall meet the following requirements where conditionally permitted.

(A) *Certificates and permits required.* The following certificates and permits shall be provided to the Planning Director at time of permitting:

- (1) A completed and signed Medical Certification of Death certified by attending physician or the Newberry County Coroner, as authorized under South Carolina law, stating the cause and manner of death. The death certificate shall be completed and signed within forty-eight (48) hours of case designation and submitted to the South Carolina Department of Public Health, Office of Vital Records, within ten (10) days.
- (2) A completed paper Death Certificate Form filed with the SC Department of Public Health.
- (3) A Burial-Removal-Transit Permit (BRTP) from the SC Department of Public Health Vital Statistics Office.
- (4) A copy of the Certificate of Appointment for the Personal Representative of the deceased.

(B) *Compliance with State Law.*

- (1) All burials, removals, relocations and transportation of human remains conducted pursuant to this ordinance shall comply with all applicable laws and regulations of the State of South Carolina, including requirements of the South Carolina Department of Public Health and the Newberry County Coroner's Office.
- (2) No person shall move or authorize the removal of a deceased human body from the place where the body is found when an investigation is required until the investigation has been completed and removal has been authorized by the coroner, deputy coroner, medical examiner, deputy medical examiner, or other official authorized by South Carolina law. No body subject to such investigation shall be transported across county lines until the investigation, post-mortem examination, or autopsy has been completed and removal has been properly authorized, consistent with S.C. Code § 17-5-580.
- (3) No person shall bury or cause to be buried the body of a person believed or suspected to have died as a result of violence before notice has been provided to the coroner and the coroner has been afforded the opportunity to examine the body and conduct any inquiry required by law, consistent with S.C. Code § 17-7-510.
- (4) Following burial, no human remains shall be disinterred, removed, relocated, or transported from an approved single site burial location without first obtaining all permits, approvals, court orders, or other legal authorization required by applicable federal, state, and local law.

(C) *Burial materials.*

- (1) The body must be buried in a minimum of a biodegradable wooden casket, cardboard container, or cloth shroud.

(D) *Gravesite dimensions.*

- (1) The grave dimensions shall conform to the burial container to fit with a minimum of six feet of soil cover over the top of the casket, container, or shroud.

(E) *Gravesite requirements.*

- (1) The grave site must adhere to the zoning setbacks from property lines for the district.
- (2) The grave site must be at least 100 feet away from any well, stream, pond, or other water sources.

(F) *Survey and deed.*

- (1) A professional land survey must be completed to map the exact GPS coordinates and boundaries of the gravesite with an amendment to the property deed to officially record the family cemetery.

(G) *County and State Law.*

- (1) The issuance of a zoning permit or other approval by Newberry County for a single site burial shall not constitute authorization to move, bury, disinter, relocate, or otherwise disturb human remains in violation of South Carolina law. The property owner and person responsible for the disposition of the deceased shall remain responsible for obtaining all required state permits and authorizations.

SECTION 2. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this ___ day of ____, 2026 that the text of the Zoning Code of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, Section 151.073, Zoning District Table of Permitted Uses and 151.131, Single Site Burial shall be amended as prescribed by this ordinance.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Ted Luckadoo, County Administrator

1st Reading: August 5, 2026

2nd Reading: August 19, 2026

Public Hearing: August 19, 2026

3rd Reading: September 2, 2026



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

Agenda Briefing

Prepared By: Katie Werts	Title: Director of Building & Zoning
Department: Building & Zoning	Division: Zoning
Date Prepared: 7/20/2026	Meeting Date: 8/05/2026
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: 7/21/2026
Request Consideration by Committee / County Council: County Council	Ordinance No. 08-02-2026

STAFF'S RECOMMENDED ACTION:

Staff recommends approval of the proposed conditional use permit for a single burial site, subject to compliance with all applicable state laws, county ordinances, survey requirements, deed recording requirements, and setback standards.

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact to Newberry County. Any costs associated with surveying, deed amendments, permits, and burial preparations shall be the responsibility of the applicant.

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

SUMMARY DISCUSSION:

The applicant is requesting approval of a conditional use permit to establish a single burial site on privately owned residential property. The proposed use would permit the interment of one individual, provided all requirements are met, including:

- Obtaining all required death certifications and permits from the South Carolina Department of Public Health.
- Compliance with state requirements regarding burial timing and handling of remains.
- Preparation of a survey identifying the exact location of the gravesite and amendment of the property deed to record the family cemetery.
- Compliance with all applicable zoning setbacks.
- Maintaining a minimum setback of 100 feet from any wells, streams, ponds, or other water sources.
- Recording the revised plat and deed with the Clerk of Court prior to issuance of the County approval letter.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Approval of this request applies only to a single burial site and does not authorize the establishment of a commercial cemetery or multiple-family cemetery use. Any future expansion would require additional county review and approvals.

ATTACHMENTS:

Ordinance No. 08-02-2026

Accommodations Tax Advisory Board Recommendation

Promotional Fund

Funds Available \$32,911.13 (total allocated)

Total Requested \$70,000

	Request	Recommendation
Capital City Lake Murray	\$30,000	\$11,518.89
NC Chamber of Commerce	\$33,000	\$14,810.02
Prosperity Business Assoc.	\$7,000	\$6,582.22

Tourism Fund

Funds Available \$71,307.44 (total allocated)

Total Requested \$180,361

	Request	Recommendation
Newberry Community Players	\$2,800	\$2,000
4 th of July Fireworks	\$5,000	\$1,950
Newberry Opera House	\$30,000	\$15,000

	Request	Recommendation
County of Newberry Parks and Rec.	\$11,000	\$5,500
Visitors Center	\$28,712	\$14,000
Prosperity Hoppin’	\$10,000	\$5,000
Shoppers’ Walk	\$9,500	\$4,000
The Newberry Museum	\$20,000	\$13,007.44
Ritz Fest	\$48,349	\$5,000
Newberry Downtown Development	\$15,000	\$5,850

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

RESOLUTION 05-26

**ADOPTING THE UPDATE TO THE NATURAL HAZARD MITIGATION PLAN IN ITS
ENTIRETY AS AN OFFICIAL PLAN AND WILL UNDERTAKE ANNUAL
RECORDING OF HAZARD EVENTS, THEIR IMPACT DURATION AND COST.**

WHEREAS, the County of Newberry recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of future grant funding of mitigation projects; and

WHEREAS, the County of Newberry participated jointly in the planning process with the other units of government in Newberry County to prepare an all hazards mitigation plan;

WHEREAS, the County of Newberry is aware that revision and updating of the plan is critical for active and effective hazard mitigation and that the County of Newberry will monitor and record hazard related data and events that can be used to update the all-natural hazards mitigation plan;

NOW, THEREFORE, BE IT RESOLVED, that the Newberry County Council, hereby adopts the update to the Natural Hazard Mitigation Plan in its entirety as an official plan and will undertake annual recording of hazard events, their impact duration and cost.

ADOPTED by the Newberry County Council in a meeting duly assembled on the 19th Day of August 2026, at which a quorum was present and voting.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Robert N. Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

STATE OF SOUTH CAROLINA)
)
NEWBERRY COUNTY)

ORDINANCE NO. 08-03-2026

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 SIX AND THIRTY-THREE HUNDREDTHS (6.33) ACRES DESIGNATED AS TMS NO. 640-87 FROM RS-SINGLE FAMILY RESIDENTIAL TO R2-RURAL.

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

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

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling six and thirty-three hundredths (6.33) acres located on US Highway 76, to R2-Rural from RS- Single Family Residential. Tax Map No. 640-87 is currently vacant land. The Comprehensive Plan shows the future land use for this area to be within the transitional projected area. The Planning Staff does recommend that this real estate parcel be rezoned to R2-Rural.

WHEREAS, the Newberry County Joint Planning Commission, in case number MA01-07-21-26, 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 use of the property located on US Highway 76, Little Mountain.

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. 640-87 totaling six and thirty-three hundredths (6.33) acres located on US Highway 76, Little Mountain, as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, R2-Rural from RS-Single Family Residential.

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

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

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

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 640-87

totaling six and thirty-three hundredths (6.33) 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
_____, 2026 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Robert Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: _____

2nd reading: _____

Public Hearing: _____

3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator



Newberry County

Planning Commission Staff Report

Request: Rezoning request MA01-07-21-26 by property owner Randy Lindler. This request is to rezone one (1) property totaling six and thirty-three hundredths (6.33) acres located on US Highway 76, Little Mountain, Newberry, from RS-Single Family Residential to R2-Rural.

Application Number: MA01-07-21-26

Applicant: Randy Lindler

Property Owner: Barbara Lindler Life Estate and Randy Lindler

Location Address: US Highway 76, Little Mountain

Tax Map Number(s): 640-87

Lot Size: 6.33 acres

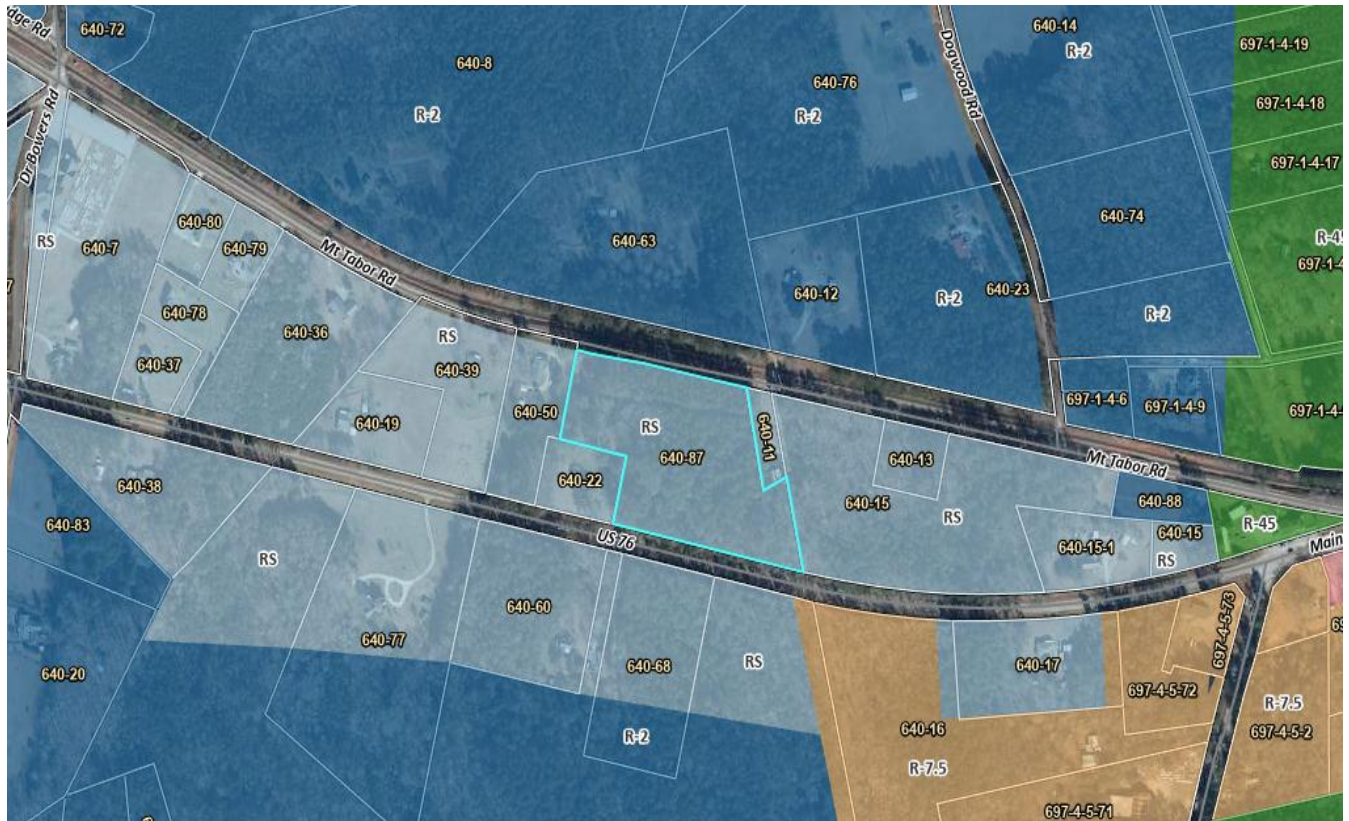
Current Land Use: Vacant

Proposed Land Use: Residential (Manufactured Home)

Current Zoning District: RS-Single Family Residential

Proposed Zoning District: R2-Rural

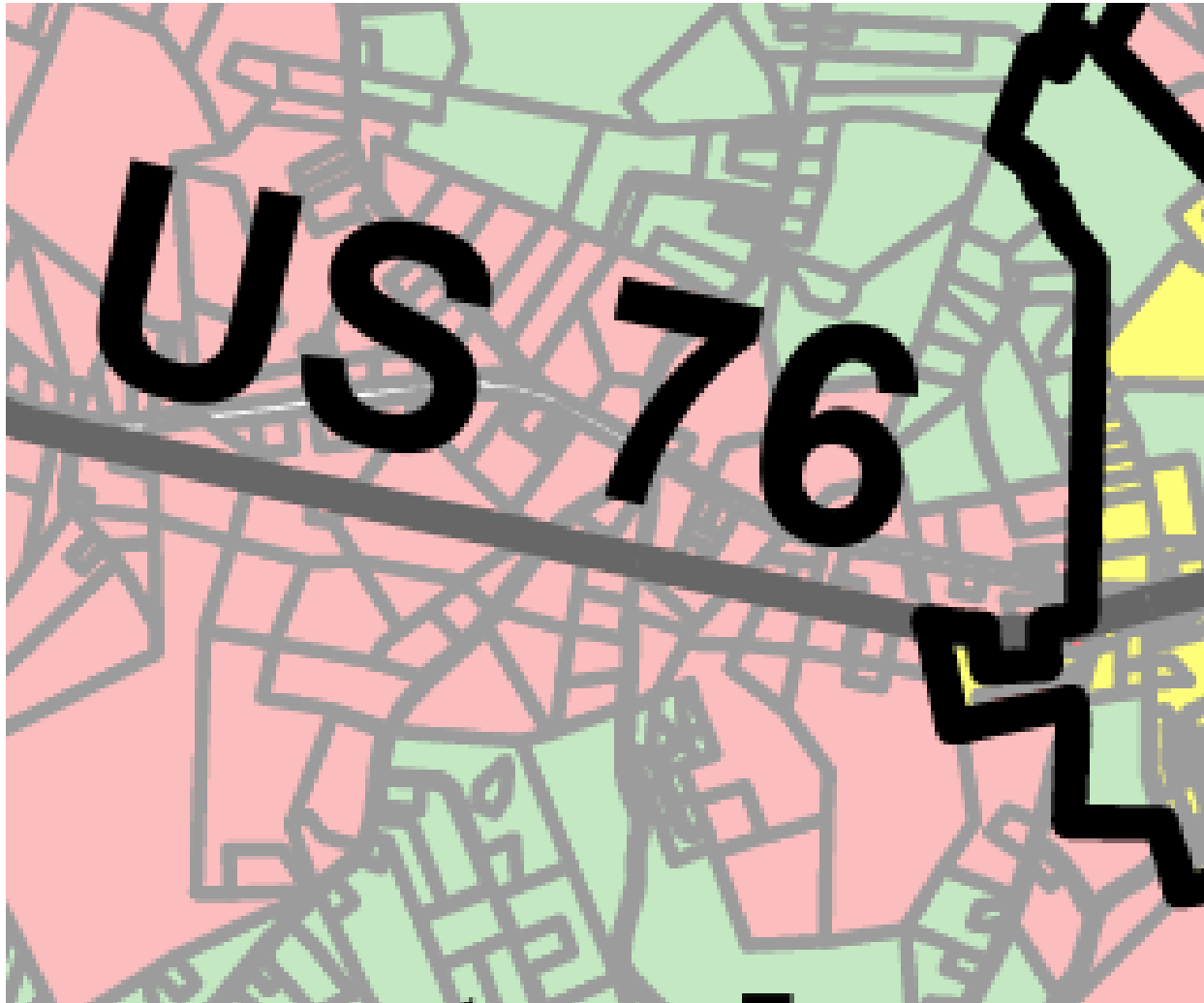
Comprehensive Plan Designation: Transitional

Zoning Map:**Current Zoning District**

RS – Single Family Residential: The RS district is intended to be residential with single-family, site-built dwellings and low population densities. Compatible uses such as home occupations, K-12 education, limited recreation, and religious uses are also allowed. **Manufactured homes and businesses are not permitted**

Proposed Zoning District

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

Future Land Use Designation Definition

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

Analysis:

Rezoning request MA01-07-21-26 by property owner Randy Lindler. This request is to rezone one (1) property totaling six and thirty-three hundredths (6.33) acres located on US Highway 76, Little Mountain, from RS-Single Family Residential to R2-Rural. The proposed use of this property is residential with a manufactured home.

The Comprehensive Plan identifies this property and the surrounding area as Transitional Development which supports this rezoning.

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.

STATE OF SOUTH CAROLINA)
)
NEWBERRY COUNTY)

ORDINANCE NO. 08-04-2026

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 THREE AND TWENTY-FIVE THOUSANDTHS (3.025) ACRES DESIGNATED AS TMS NO. 651-43 FROM GC-GENERAL COMMERCIAL TO R2-RURAL.

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

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

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling three and twenty-five thousandths (3.025) acres located at 79 Rader Road, Prosperity, to R2-Rural from GC-General Commercial. Tax Map No. 651-43 is currently vacant land. The Comprehensive Plan shows the future land use for this area to be within the lake development projected area. The Planning Staff does recommend that this real estate parcel be rezoned to R2-Rural.

WHEREAS, the Newberry County Joint Planning Commission, in case number MA02-07-21-26, 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 use of the property located at 79 Rader Road, Prosperity.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 651-43 totaling three and twenty-five thousandths (3.025) acres located at 79 Rader Road, Prosperity, as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, R2-Rural from 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. 651-43

totaling three and twenty-five thousandths (3.025) 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
_____, 2026 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Robert Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: _____

2nd reading: _____

Public Hearing: _____

3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator



Newberry County

Planning Commission Staff Report

Request: Rezoning request MA02-07-21-26 by applicant Justin Middleton. This request is to rezone one (1) property totaling three and twenty-five thousandths (3.025) acres located at 79 Rader Road, Prosperity, from GC-General Commercial to R2-Rural.

Application Number: MA02-07-22-26

Applicant: Justin Middleton

Property Owner: Prosperous Realty, LLC

Location Address: 79 Rader Road, Prosperity

Tax Map Number(s): 651-43

Lot Size: 3.025 acres

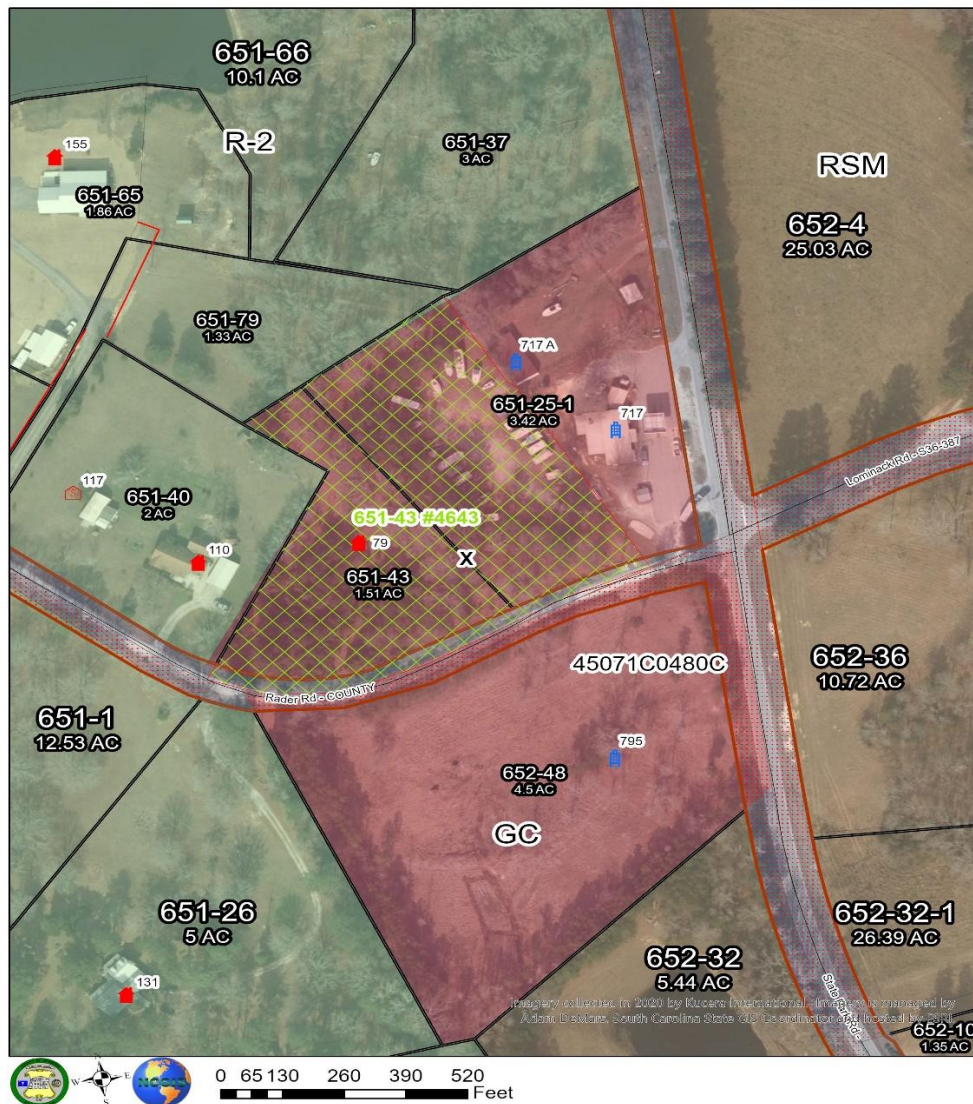
Current Land Use: Previously used as commercial storage.

Proposed Land Use: Single Family Residential

Current Zoning District: GC-General Commercial

Proposed Zoning District: R2-Rural

Comprehensive Plan Designation: Lake Development

Zoning Map:**Current Zoning District**

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

Proposed Zoning District

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

Future Land Use Designation Definition

Lake Development (LD) – Land areas in close proximity to Lake Murray and Lake Greenwood, principally used for residential structures, but may include other complementary and associated uses such as agriculture, forestry, and public and institutional uses such as churches and schools. Where adequate road access is available, land in the Lake District may also include more intense uses such as marinas, commercial activities, and personal services that are compatible with the surrounding area.



Analysis:

Rezoning request MA02-07-22-26 by applicant Justin Middleton. This request is to rezone one (1) property totaling three and twenty-five thousandths (3.025) acres located at 79 Rader Road, Prosperity, from GC-General Commercial to R2-Rural. The proposed use of this property is for single family residential.

The Comprehensive Plan identifies this property and the surrounding area as Lake Development which supports this rezoning.

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 the County Council for review and approval.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-05-2026

AN ORDINANCE AUTHORIZING A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND GREENWOOD COUNTY, SOUTH CAROLINA TO INCLUDE CERTAIN PROPERTY OWNED BY PROJECT PEARL DUST, OR ITS AFFILIATES OR ASSIGNS, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Newberry County, South Carolina (“Newberry”) and Greenwood County, South Carolina (“”) (collectively, “Counties”) as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), have jointly developed a Multi-County Industrial/Business Park (“Park”); and

WHEREAS, in response to requests from Project Pearl Dust, the request has been made that the Multi-County Industrial/Business Park include Project Pearl Dust by and through a Multi-County Industrial Park Agreement with the Counties.

NOW, THEREFORE, BE IT ORDAINED BY THE NEWBERRY COUNTY COUNCIL:

Section 1. Inclusion of Project. This ordinance does hereby authorize inclusion of Project Pearl Dust into the Multi-County Industrial Park of the Counties. The County Council Chair, or the Vice Chair in the event that the Chair is absent, and the Clerk to the County Council are authorized to execute any documents and take any further actions as may be reasonably necessary to complete the inclusion into the Park boundaries. This will be pursuant to the terms of an Agreement for the Development of a Joint Industrial and Business Park, which will be complete upon the adoption of this Ordinance and an appropriate Agreement for Newberry County and a companion Ordinance by the Greenwood County Council.

Section 2. Removal of Property from the Park. The Company may request, from time to time, that a portion of the Property be removed from the Park. In each case, the Counties authorize removal of that portion of the Property upon receipt of a written request from the Company. No further action by either the Newberry County Council or the Greenwood County Council is required. The County Council Chair, or the Vice Chair, in the event the Chair is absent, and the Clerk to the County Council are authorized to execute any documents and take any further actions as may be reasonably necessary to complete removal of a portion of the Property from the Park.

Section 3. Savings Clause. If any portion of this Ordinance is deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions are not affected.

Section 4. General Repealer. Any prior ordinance, resolution or other act of Newberry County Council, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 5. Effectiveness. This ordinance takes and remains in effect after third and final reading and public hearing.

NEWBERRY COUNTY COUNCIL

By: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

William Theodore Luckadoo
County Administrator

1st Reading:

2nd Reading:

Public Hearing:

3rd Reading:

EXHIBIT A
Legal Description of the Property

EXHIBIT B
Multi-County Park Agreement