



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
November 16, 2022  
6:00 P.M.**

Call to order: Todd Johnson, Chairman  
Invocation and Pledge of Allegiance: Les Hipp, Vice- Chairman

1. Public Appearances
  - a. Joe Goeckner – President-Elect of Loblolly Neighborhood Association
2. Adoption of Consent Agenda
  - a. Public Safety Minutes – October 24, 2022
  - b. Newberry County Council Minutes – November 2, 2022
3. Additions, Deletions & Adoption of the Agenda
4. Ordinance No. 11-25-2022 - An Ordinance to amend the Zoning Ordinance to permit solar farms as a special exception in the Rural (R2) Zoning District.
  - a. Second Reading
5. Acceptance of vendor for “Closed Landfill Monitoring and Testing” - Crystal Waldrop and Mike Pisano
6. Appointments
7. Public Comments

8. Executive Session

Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976

- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting names of the other employees or clients whose records are submitted for use at the hearing.

9. Comments/Request from County Administrator

10. Comments/Request from Council

11. Future Meetings

- a. Newberry County Council - December 7, 2022
- b. Newberry County Council - December 21, 2022 - Cancelled

12. Adjournment

NEWBERRY COUNTY COUNCIL  
EXECUTIVE COMMITTEE MINUTES

OCTOBER 11, 2022

The Newberry County Council Executive Committee met on Tuesday, October 11, 2022, at 6:00 p.m. in Council Chamber 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: Les Hipp, Chairman  
Henry H. Livingston, III, Council Committee Member  
Travis Reeder, Council Committee Member  
Christopher Inglese, County Administrator  
Karen Brehmer, Deputy County Administrator  
Jacquelyn R. Lawrence, Clerk to Council  
Debbie S. Cromer, Finance Director

Mr. Hipp called the meeting to order and determined a quorum to be present.

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

Mr. Reeder moved to adopt the agenda, seconded by Mr. Livingston.

Mr. Inglese requested that item number 4 on the agenda be deferred to the next committee meeting. HR staff is still working on putting the data together and is not quite ready to present.

With no further discussion Mr. Hipp called for the vote. The vote was unanimous.

**Update regarding the amendments to the Newberry County Employee Handbook**

Mr. Inglese briefed the committee regarding the needed updates for the Employee Handbook. Interim County Attorney, Joanie Winters prepared a memorandum that was distributed to Committee. The recommended amendments to the handbook are many and will probably require a work session with full council. This can be done at another time.

Mr. Hipp asked that staff keep Committee and Council informed as to when the work session is planned.

## **Discussion of Planning Department organizational chart and GIS position**

### **Building Permits Department/Planning and Zoning**

Mr. Powell stated the Building Department currently has 2 employees and the Planning and Zoning has 3 employees. Based on the increase in new construction permits, which has more than doubled over the last ten years, the departments need an additional employee. Currently, if one person is out the departments must pull someone to one side or the other for help. There have been times where the departments have had to close so that inspections can still be completed, employees can get lunch, etc. The typical day consists of 6 to 7 hours of inspections out in the County. Leaving only a short amount of time to allow for phone calls, plan reviews, special request inspections, etc. Staff is requesting another inspector be hired so that he can work on getting that someone ready to be the director as it is getting close for him to retire.

Mr. Livingston asked for the estimated salary for the position being asked for.

Mr. Powell responded that the position would probably need to start at \$50,000. He has someone he would recommend for the position that is qualified and available.

Mr. Livingston inquired about the company that has been helping with getting the inspections done as to how much they are paid and would it be more beneficial to a full-time employee.

Mr. Powell stated that SAFEbuilt charges \$250 per trip and one hour of work. Additionally, they charge \$65 each additional hour. If there is a 5-to-6-hour job it is costing the county around \$600 to \$800. Currently, they are handling all the inspections needed for the Daeyoung Project.

The logistics of the monetary questions regarding not affecting the current budget do not have answers currently. Committee suggested that staff should have those answers available to take the matter before full Council.

Staff stated that they would like to keep the contract with SAFEbuilt as a backup.

Committee agreed.

Mr. Powell also added that the Planning and Zoning Department could also use additional staff. An on-staff Planner would help take some of the pressure and work off the Planning and Zoning Director. There is currently a Comprehensive Plan Consultant that the County is paying about \$80,000 per year. That money could go into finding a full-time planner position.

Mr. Livingston asked how much this position would require for a salary.

Mr. Ingles stated that to get an experienced planner the salary would be around \$70,000 per year.

Mr. Hipp asked if the proposed planner would be able to meet the same requirements as the consultant has been asked to handle.

Staff stated yes but it would not be a position that would be asked for this budget year but to look at adding into next year's budget.

Mr. Livingston made a motion to bring to full council the recommendation to hire a Building Inspector, seconded by Mr. Reeder. With no further discussion, Mr. Hipp called for the vote. The vote was unanimous.

### **GIS Position**

Liz McDonald spoke regarding the retirement of Bob Beard which will leave the GIS position open. With the increase in parcel count, the need for boundary changes the Assessor's Office will need a GIS Manager instead of a GIS Analyst. There is a need for our county to create a GIS website and the GIS Manager would verify and maintain that site. Staff would like to continue to train current staff on the GIS system and promoting a current staff person that is the GIS Technician. Making these changes would allow for integrating and consolidating services, such as the Building Department could color code the different permits issued to a particular parcel so they can look at the website to see the next steps needed. Also, moving to a different software, may be helpful in moving forward in the GIS area. It would be an expensive software, however with the hope of integrating and making some consolidations maybe some costs could be reduced.

Mr. Inglese stated that after meeting with Mr. Beard he reviewed many GIS projects that could be added to the current GIS website. Currently staff is reaching out to other jurisdictions to see what their experiences have been with a different software. If they can consolidate the current software, administration, tech, and programming support there should be room in the budget to consider hiring a GIS Manager at an appropriate salary. Additionally, Planning and Zoning could benefit greatly.

Committee agrees that the fewer kinds of software and better use of software is supported.

Staff stated that this is for information only and unless the proposed position were to go over the existing budgeted amount, \$99,200, staff will move forward with coming up with an appropriate position and integrating and consolidating.

Mr. Hipp stated that once the decisions are made that all departments return to Council to show that they are all harmonious in this decision.

### **Discussion of facilities DHEC building**

Mike Paisano presented that over a five-year improvement plan that the DHEC building will be a cost of \$430,000. The improvements would include roof replacement, parking lot improvements, office carpet replacement, and HVAC replacement. Staff is concerned that with the costs needed it may be more beneficial to move the departments out of the building and sell the building as is. Staff only wanted to bring this matter to the Committee's attention so that they are aware. There is no action requested at this time.

Mr. Hipp asked if this matter would be included in the current Comprehensive Plan that is being worked on.

Staff stated that it is.

Mr. Hipp asked what would happen if the building was abandoned?

Mr. Pisano stated that he recommended selling the building as is or as a building that needs improvements.

Mr. Hipp stated that before this matter could go before full council many questions would need to be answered.

#### **Discussion of the slogan on signage entering the county**

Mr. Inglese has been asked to discuss the current slogan on the county signage. The matter has been brought to his attention that maybe it is time for a change.

Mr. Hipp asked who initially paid for these signs. If they are paid for by the State, then there may be limitations on what can be done with the signs.

Staff stated this was just for information only and may need to be taken into consideration at a later date.

#### **Request to install a pump testing facility/underground tank at the Emergency Services Training location**

Tommy Long asked for permission to move forward with having the testing tanks installed. There is no cost to the County for this project. West Frasier has covered the cost of the equipment and a volunteer will do the installation at a minimal rate. When the original request was made for this project, it was stated that staff must get permission before installation.

Mr. Reeder made a motion to recommend approval to full council, seconded by Mr. Hipp. With no further discussion, Mr. Hipp called for the vote. The vote was unanimous.

#### **Public Comments**

No Public Comments were made.

#### **Comments from Committee Members**

Mr. Reeder stated that the meeting was very productive, and he would like to see Newberry where it needs to be.

Mr. Hipp agreed and was very happy to see so many departments come together and work together. Also, he was very impressed with the amount of growth over the last few years by the numbers given by the different departments.

#### **Adjournment**

Mr. Reeder moved to adjourn the meeting, seconded by Mr. Hipp. Mr. Hipp called for the vote. The vote was unanimous. Meeting adjourned at 8:23 p.m.

Newberry County Council

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Les Hipp, Chairman

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Jackie Lawrence, Clerk to Council

Minutes approved: \_\_\_\_\_

*NEWBERRY COUNTY COUNCIL*

*MINUTES*

*November 2, 2022*

*The Newberry County Council met on Wednesday, November 2, 2022, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.*

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

*PRESENT: Todd Johnson, Chair (District 1)*  
*Les Hipp, Vice-Chair (District 5)*  
*Mary Arrowood, Council Member (District 2)*  
*Henry H. Livingston, III, Council Member (District 3)*  
*Robert N. Shealy, Council Member (District 4)*  
*Johnny Mack Scurry, Council Member (District 6)*  
*Travis Reeder, Council Member (District 7)*  
*Karen Brehmer, Deputy County Administrator*  
*Debbie S. Cromer, Finance Director*  
*Crystal Waldrop, Purchasing Director*  
*Jacquelyn R. Lawrence, Clerk to Council*  
*Joanie Winters, Interim County Attorney*  
*Christopher Inglese, County Administrator*

*MEDIA: Andrew Wigger, Newberry Observer*

*Mr. Johnson called the meeting to order and determined a quorum to be present.*

*Mrs. Arrowood had the invocation followed by the Pledge of Allegiance.*



**1. Adoption of the Consent Agenda**

*Mr. Reeder moved to adopt the Consent Agenda, seconded by Mr. Scurry. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

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

*Mrs. Arrowood moved to defer item number 7 on the agenda; seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous. Mr. Shealy moved to adopt the agenda as amended, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous*

**3. Ordinance No. 09-21-2022 An Ordinance authorizing the execution and delivery of a fee agreement by and between Newberry County, South Carolina, and Newberry PV1, LLC providing for a payment of a fee in lieu of taxes, providing special source of revenue credits, and authorizing an amendment to the master agreement governing the Greenwood-Newberry Industrial Park to provide for the addition of property and other matters related thereto.**

**a. Third and Final Reading**

*Mr. Hipp moved to adopt the third and final reading, seconded by Mrs. Arrowood. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

**4. Ordinance No. 09-22-2022 An Ordinance to amend the budget ordinance for the fiscal year 22-23. Ordinance number 4-7-22, to provide for an amendment to the copying fees.**

**a. Public Hearing**

*Mr. Johnson declared the public hearing open. With no one present to speak for or against the Ordinance, Mr. Johnson declared the public hearing closed.*

**b. Third and Final Reading**

*Mr. Scurry made a motion to adopt the third and final reading, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

5. ***Ordinance No. 09-23-2022 An Ordinance to amend the budget ordinance for the fiscal year 22-23, Ordinance number 04-07-22, to revise the fees collected by the building department.***

- a. ***Public Hearing***

*Mr. Johnson declared the public hearing open. With no one present to speak for or against the Ordinance, Mr. Johnson declared the public hearing closed.*

- b. ***Third and Final Reading***

*Mr. Shealy made a motion to adopt the third and final reading, seconded by Mrs. Arrowood. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

6. ***Ordinance No. 11-25-2022 - Planning and Zoning Text Amendment - Solar Farms***

- a. ***First Reading***

*Mr. Powell asked for this ordinance to pass to provide for a regulation to allow Solar Farms in the R-2 Zone District as a Special Exception. Without the Special Exception it would be zoned Industrial. If a Solar Farm comes in and leaves any other commercial or industrial business could move into that space.*

*Mr. Ingles added that The Planning Commission did unanimously recommend approval of the proposed Text Amendment.*

*Mrs. Arrowood moved to adopt the first reading seconded by Mr. Livingston. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

7. ***Deleted***

8. ***Resolution 12-22 to provide for a monthly stipend for Board of Zoning Appeals and Joint Planning Commission and requirements thereof.***

*Mr. Powell stated that the current stipend has been paid since early 2021. The change asks that should a member not attend required meetings and meet educational requirements then the stipend be withheld.*

*Mr. Hipp agreed that the requirements be met before being paid.*

*Mr. Shealy moved to adopt the resolution, seconded by Mr. Livingston. With no further discussion Mr. Johnson called for the vote. The vote was unanimous.*

9. ***Resolution 11-22 to adopt and allocate funds for an Outdoor Fitness Court® as part of the 2023 National Fitness Campaign***

*Mrs. Long stated the National Fitness Campaign has relayed that Newberry is eligible for the \$30,000 grant for the Fitness Park. She is asking for a commitment from*

*Council to match that grant by this resolution. Parks and Recreation will be working on raising the balance of the monies needed to fund the project.*

*Mr. Hipp asked if Council commits to the grant and the funds are not raised what happens?*

*Mrs. Long stated that the project would just dissolve. No money would actually be paid until all funds are raised.*

*Mr. Livingston asked where the money for the grant match would be coming from?*

*Mr. Inglesse stated that some options could be ARP funds, a budget amendment, a one-time capital contingency, or the amount could be placed into the budget for the next fiscal year. ATAX funds could be another option. Parks and Recreation would have to apply for those funds.*

*Mr. Livingston stated that \$30,000 is a large sum of money and when Fire and Rescue asking for funds and they are being told there are no funds, it makes it difficult to agree to something that is not budgeted. However, he does believe that the park is a great concept.*

*Mr. Shealy moved to adopt the resolution, seconded by Mr. Reeder. With no further the discussion Mr. Johnson called for the vote. Voting for were Mr. Johnson, Mr. Hipp, Mr. Reeder, Mr. Shealy, Mr. Scurry, and Mrs. Arrowood. Voting against was Mr. Livingston.*

#### **10. Resolution 13-22 to establish a temporary moratorium procedure on the intake of unwanted pets at the Newberry County Animal Shelter**

*Mrs. Jenkins asked for this resolution to help the shelter to be able to manage the number of unwanted, surrendered animals. If someone would like to surrender their animal, this resolution would allow for an additional process requiring either an email or text of the animal for surrender approval. The shelter will still answer calls regarding strays or animals that are in danger or being a nuisance. If an owner wants to surrender their animal and they go through the approval process and are denied, the shelter will have the owners contact information should the shelter find that animal to have been “dumped” on the roadside. The owner then would be in violation and ticketed.*

*Mr. Hipp moved to adopt the resolution, seconded by Mr. Shealy. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

#### **11. Approval of hiring a Building Inspector**

*Mr. Powell presented a request for a Building Inspector to the Executive Committee. The Committee agreed on October 11, 2022, to send the request for approval to full council. The funds for this position would come from no longer needing to hire a third party to help with inspections and money from the reserve funds.*

*Mr. Hipp stated that in the Committee Meeting it was also presented that there is a substantial increase in inspection requests and the requests are going to continue to increase.*

*Mr. Livingston agreed that if there is a current need for a third party to help make the inspections happen it would only be beneficial to have a full-time employee.*

*Mr. Shealy moved to approve the hiring of a Building Inspector, seconded by Mr. Hipp. With no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

## **12. Appointments**

*No appointments.*

## **13. Public Comments**

*Jim Heilman made observations regarding the following:*

*Ordinance 11-26-2022 - no statement made as it was deleted from the agenda  
Resolution 12-22 - if you attend virtually do you still get paid. Back up document jumped from 2007 to 2022.*

*Resolution 13-22 – give the shelter more money*

*The agenda that is published is not able to be searched. You have to look for things page by page.*

## **14. Executive Session**

*Code Section §30-4-70 (a) of the Code of Laws of SC, as amended, 1976*

- (1) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property - Pond Road. The receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.*
- (2) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting names of the other employees or clients whose records are submitted for use at the hearing.*

*Mr. Reeder moved to go into Executive Session to discuss the matters as set forth above; seconded by Mr. Scurry. There being no further discussion, Mr. Johnson called for the vote. The vote was unanimous.*

**EXECUTIVE SESSION**

**6:36 P.M. – 8:08 P.M.**

*Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. Mr. Johnson called for the vote. The vote was unanimous.*

*Mr. Johnson reported that no action was taken during Executive Session.*

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

*201 employees have currently signed up with ADP.  
Reminder of surveys for the upcoming retreat.  
Early voting is open at the Voter Registration Office.*

***16. Comments/Request from Council Members***

*No comments.*

***17. Future Meetings***

- a. Delinquent Tax Sale - November 7, 2022, at 8:30 a.m.
- b. Council Retreat - November 14, 2022, at 8:30 a.m.
- c. County Council - November 16, 2022, at 6 p.m.
- d. County Council - December 7, 2022, at 6 p.m.
- e. County Council - December 21, 2022, at 6 p.m.

***18. Adjournment***

*Mr. Shealy moved to adjourn the meeting, seconded by Mr. Reeder. Mr. Johnson called for the vote. Vote was unanimous. The meeting adjourned at 8:13 p.m.*

*Newberry County Council*

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*Todd Johnson, Chairman*

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*Jackie Lawrence, Clerk to Council*

Minutes approved: \_\_\_\_\_

**Newberry County  
Administration**

1309 College Street  
P.O. Box 156  
Newberry, SC 29108  
803-321-2100



**Agenda Item Briefing**

**Subject:** Planning & Zoning Text Amendment – Solar Farms

**Prepared By:** Katie Werts                      **Title:** Zoning Administrator

**Department/Division:** Planning & Zoning    **Date Prepared:** 11/19/2022

**Legal Review:** \_\_\_\_\_ **Date:** Click or tap to enter a date.

**Finance Review:** \_\_\_\_\_ **Date:** Click or tap to enter a date.

**Administrator Review:** Christopher Inglese \_\_\_\_\_ **Date:** 11/19/2022

**Requested meeting:**  Committee     County Council                      **Meeting Date:** Wednesday, November 2, 2022

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?                       Yes                       No

If NO, is a budget amendment necessary?                       Yes                       No

**STAFF’S RECOMMENDED ACTION:**

Staff is recommending a text amendment for solar farms to be a special exception in the R2-Rural zoning district. Currently solar farms are permitted in the Industrial zoning district. Typically, solar farms are located on large acre tracts which would be found in the R2 – Rural zoning districts. As the zoning ordinance stands now the property would have to be rezoned too Industrial. Once rezoned to Industrial not only are solar farms permitted, but any other permitted use that falls into the industrial classification. Staff feels if we permit solar farms as a special exception in the R2-Rural zoning district we will be able to protect those areas in the future and if a solar farm backs out, the property still has the potential to be used for residential or any other R2-Rural permitted use verse a potential industrial site in the middle of a rural area.

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

**SUMMARY DISCUSSION:**

Staff and Planning Commission both recommend to County Council the approval of the text amendment for solar farms to be a special exception in the R2-Rual zoning district.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

**ATTACHMENTS:**

Text amendment

STATE OF SOUTH CAROLINA )

) **ORDINANCE NO. 11-25-2022**

COUNTY OF NEWBERRY )

## **ZONING DISTRICT REGULATIONS**

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

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

<b>ZONING DISTRICT TABLE OF PERMITTED USES</b>										
<b>Description of Use</b>	<b>2017 NAICS</b>	<b>R2</b>	<b>RS</b>	<b>RSV</b>	<b>RSM</b>	<b>RG</b>	<b>LC</b>	<b>GC</b>	<b>IND</b>	<b>C/SE Reference</b>
<b>UTILITIES AND INFRASTRUCTURE</b>										
Solar Farm	221114	<b>SE</b>	-	-	-	-	-	-	C	§ <u>153.124</u> § <u>153.156</u>

## **SPECIAL EXCEPTION REGULATIONS**

### **§ 153.156 SOLAR FARM.**

New solar farms or solar farms proposed to be expanded by more than 10% of original footprint shall meet the following requirements where conditionally permitted.

(A) *Site plan required.* A site plan drawn to scale shall be submitted to the Zoning Administrator by the applicant demonstrating compliance with the Solar Farm and all other applicable sections of this zoning ordinance. At a minimum, the plan must include:

- (1) Name of the project, names and addresses of the owner(s), engineers, and surveyors.
- (2) Date, scale, and accurate north arrow.
- (3) Property boundaries, including dimensions and size.
- (4) Required setbacks and buffers.
- (5) Location of all proposed facilities, including solar collectors and proposed structures
- (6) Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.
- (7) Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, fencing, gates, vegetative screening, and applicable landscaping.



(8) Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.

(9) Adjacent roads and road rights-of-way.

(10) **Planting Plan shall demonstrate that sufficient plantings will be installed so as to screen the solar panels from view from any adjacent right of way.**

(B) *Setback.* A minimum setback of 125 feet is required from all road rights-of-way and all adjacent property lines.

(C) *Buffer.* A buffer of at least 100 feet shall be required from all road rights-of-way and all adjacent property lines, per the requirements of § [153.182](#) - Buffers.

(D) *Screening.* Screening per the requirements of § [153.183](#) - Screening shall be provided for any adjacent property with an existing residential use or adjacent residentially zoned property line.

(E) *Height.* Systems, equipment, and structures shall not exceed 20 feet in height, with the exclusion of associated electric transmission lines and utility poles.

(F) *Fencing.* A security fence at least six feet in height shall be provided around the perimeter of the solar farm facility and shall meet the requirements of § [153.033](#) - Fences and walls, however the security fence may be chain link for this use.

(G) *Preservation of existing vegetation.* Where possible, existing vegetation shall be protected and preserved in the required buffer and setback areas to provide natural screening for the use. If screening is required, existing vegetation may be used to meet screening requirements as provided in § [153.183](#)(C)(2) - Natural Areas. Such preservation does not include areas designated for roads, driveways, or required parking areas.

(H) *Glare.* Solar collection equipment shall be installed so that no reflected glare is visible at the property line or right-of-way as required by § [153.034](#) - Light and Glare.

(I) *Decommissioning plan.* The applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm.

(1) Decommissioning will be required following a continuous 6 month period in which no electricity is generated by the facility.

(2) The permit holder will have 12 months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.

(3) Prior to issuance of zoning permit, and annually thereafter, the applicant must provide the county with a performance guarantee in the form of an irrevocable letter of credit in the amount of 125% of the estimated decommission cost minus the salvageable value or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

(J) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site and shall accommodate safe access to the property by emergency vehicles.

(K) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site.

(L) Additional conditions may be imposed to ensure that the use will not create a safety, health, or traffic hazard.

(M) The use will not substantially injure the value of adjoining properties.

This Ordinance is effective upon third reading.

**AND IT IS SO ORDAINED** by Newberry County Council this \_\_\_ day of \_\_\_\_\_, 2022, in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

(SEAL)

By: \_\_\_\_\_

Todd Johnson, Chairman

Attest:

\_\_\_\_\_  
Jackie Lawrence, Clerk to Council

Reviewed and approved as to form:

First Reading: November 2, 2022

\_\_\_\_\_

Second Reading: \_\_\_\_\_

Christopher Inglese, County Administrator

Third Reading: \_\_\_\_\_

\_\_\_\_\_

Joanie Winters, Interim County Attorney