

**Newberry County Public Works and Planning Commission
Minutes
Monday, April 23, 2018**

Present: Mr. Scott Cain, Mr. Steve Stockman

Others in Attendance: Mr. Jay Tothacer, Mr. Wayne Adams, Mr. Mike Pisano, Ms. Melanie Thrower, Rev. Abraham Salley, Mr. Allen Wicker, Ms. Sallie Hutto, Mr. David Hutto, Mr. Buck Jones, Mr. Patrick Meetze, Mr. Charlie Bedenbaugh, Mr. Henry Bufkin, Mr. Terry Wicker, Ms. Lillie Hunter, Mr. Robert Hunter and Ms. Teresa Ball

1. Call to Order

Mr. Cain called the meeting to order followed by an invocation.

2. Meeting turned over to Wayne Adams, County Administrator, for Election of Chairman

Mr. Adams informed the Committee that nominations to elect the Chairman for the Public Works and Planning Committee were open for recommendations.

Mr. Stockman nominated Mr. Cain for Chairman.

Nomination was seconded; Vote was unanimous.

3. Additions, Deletions, and Adoptions of Agenda

Mr. Cain motioned to approve and adopt the agenda as written. Motion seconded. Vote was unanimous.

4. Approval of November 6, 2017 minutes

Mr. Stockman motioned to approve November 6, 2017 minutes as written; motion seconded. Vote was unanimous.

5. Discussion of access to St. Johns Cemetery – Virginia Wicker, Citizen

Ms. Melanie Thrower said she is speaking on behalf of her grandmother, Virginia Wicker, who is unable to attend the meeting. I will read a brief statement written by my grandmother. Gentlemen, we have come here to ask for your help to help someone else who cannot help themselves in the matter of getting to the cemetery without a bridge. The bridge is about treating others as you would want to be treated as human beings. The bridge is not about us getting our timber out, we are going to get the timber out. It is totally about the people of St. Johns Cemetery that are being mistreated in their human rights.

Reverend Abraham Salley, who is the pastor at St. Johns Baptist Church said we have come in petition along with the Wicker Family and the members of the church in hopes of getting the issue resolved about our church cemetery. Over the course of years now, it has been noted and stated that none of the funeral homes in the Newberry area or surrounding areas are willing to drive across the bridge. They are afraid the bridge is not able to handle their equipment.

Over the past years, we haven't been able to give what we would call our church obligation to our members. Our church by laws and constitution says that an active member is privileged with the right to have his/her funeral at no cost. An active member has the right of a repass to our church cemetery at no additional cost. Since we are not able to get any funeral home to cross the bridge, we are not able to fill our obligation to our members. The family will occur costs at their own expense. We need access to our cemetery property.

Reverend Salley said he had two questions. The first question is, is the bridge considered unsafe or out of order? My second question is when was the last time the bridge was inspected?

Mr. Adams said he has visited the cemetery with the public works director and county attorney and the cemetery is accessible for equipment that can be used to maintain the cemetery. The cemetery has been horribly neglected. There seems to be no reverence at all for the cemetery as a burial ground. Why is that?

Reverend Salley said they feel that is bridge is unsafe. I can't force people to drive their personal vehicles across the bridge.

Mr. Adams said there is a 5-ton weight limit. Mr. Pisano said that the bridge is inspected annually by SCDOT. Mr. Adams said you can easily get equipment across to maintain the cemetery. It looks like a forgotten piece of woodland more than a graveyard.

Reverend Salley said he doesn't think it is forgotten because there are members here representing the church. If we can get in writing about the 5-ton weight limit and that is was inspected by DOT, we will make sure we clean the cemetery. If the funeral homes refuse to cross, will the county do any maintenance on the bridge?

Mr. Pisano said the bridge passed inspection. They usually communicate small repair items. If the bridge was unsafe they would have closed it.

Reverend Salley asked Mr. Pisano if would give him the date of the last inspection and the small items repaired. Mr. Pisano said he would get the information.

Mr. Adams said that he has been across the bridge several times and I have to say that the people buried there deserve better attention to the graveyard.

Mr. Terry Wicker said that as far as the disgrace, we are concerned about our lives going over the bridge. We just want to make sure it is safe to go across the bridge.

Mr. Alan Wicker said he was a member of St. Johns Baptist Church and the last person buried at the cemetery was in 1999. The funeral homes refuse to cross over the bridge. We have a legitimate complaint.

Mr. Cain said that the committee is taking the information under advisement.

Ms. Lillie Hunter said we just want to do what is right for the community. There must be some legitimate concern if the funeral homes refuse to cross the bridge.

Mr. Meetze said that there is a lot of water shed going under the bridge. The bridge might be ok, but it was rough the last time he was there.

Reverend Salley asked that if the bridge was safe and there is a dirt road that runs all the way thru, when would it be possible to get the road paved? Mr. Cain said that this committee doesn't pave roads, that would be the C-fund committee.

Reverend Salley asked if the road gets graded. Mr. Adams said that it doesn't because there are no houses on the road.

Ms. Thrower said that this community is a congregation of people who are merely asking for what most of us take for granted. That is for a safe access to get to a place to honor and remember loved ones who have go on before us. I feel passionately about this, because at 35 years old, I have buried both of my parents. I was never concerned with where my parents would be buried. You don't want to have that uncertainty of where you lay your loved ones to rest. The definitions we are going to have to come up with are safety and reasonable access. Even private property cemetery's persons are entitled access to that cemetery even if it is on someone else's property. State law about cemeteries on private property, although this is no the case, it is the point that we are trying to make.

Mr. Adams asked who owns the property. Ms. Thrower said that St. Johns owns the property. Mr. Adams said that the property isn't a public entity. Mr. Tothacer said that it is private property. The point you are trying to make doesn't work. What you want to say is not just right of access, reasonable access. If you read the statue it says reasonable access not access.

Mr. Cain asked how far it was on the other side of the bridge. Mr. Buck Jones said that he had a client who have property there. He said he measured the distance using the tools available on the county website. With the GIS, it is approximately 2500 ft. Mr. Cain stated that it was within walking distance. Mr. Jones said was about ½ mile.

Mr. Cain said that the committee would take the information under advisement and bring it up at the meeting in August.

6. Discussion of repairs to Felker-Setzler Road – Mike Pisano, Public Works Director

Mr. Pisano said that the road has one residential home and several poultry houses on the road. We received a request to do some repairs on the road. It seems that the heavy truck traffic has taken its toll on the road. The road was originally triple treated in the early 2000's. We petitioned the CTC on 3 separate occasions. We started out around \$96,000, which would be full depth patching and chip seal, they refused that. We went back with a revised number considerably lower, they refused that. The last time we went to the committee with a request, we had gotten the estimate down to \$15,000 just for patching and they refused that. The road is such a condition that we had to tear up the asphalt that needed repairs. We covered it with gravel and rolled it. It is a good driving surface, but its not paved. I am looking for some guidance on where we want to go with this.

Mr. Cain recommended to keep doing what you are doing. If it gets so bad, then we tear up the asphalt and return it back to a dirt road.

7. Discussion of road off Oak Ridge Loop – Mike Pisano, Public Works Director

Mr. Pisano said that he meet with Charlie Bedenbaugh back in February regarding a parcel off of Oak Ridge Loop. The plat that was recorded shows Oak Ridge Loop and there is a road that is mentioned in the deed that is between lots 21 and 22. Although that was dedicated with the other road, it was just name or developed as a roadway. Mr. Bedenbaugh is looking to have access through that roadway to access these lots.

Mr. Bufkin said that he had sent Mr. Bedenbaugh information on requesting that the roadway be closed so that it can make its way to the courts.

Mr. Bedenbaugh said that after his mothers passing, we discovered some properties that we were paying taxes on that we didn't know we had. Upon finding these, we started looking for way to maximize, potentially finding buyers, which we have. When we investigated it, we knew there was access to lots 21 and 22 and I really think the intention was to build that spur, but it was never built. I have a buyer for these two lots if I can gain access to them. The conversation between Mr. Pisano and myself, we feel like the best way is to eliminate the road and get the property deeded back to us, so we can use it as a drive entrance. We are trying to find the proper steps to do this.

Mr. Adams said that he thinks that if there is no objection by the council, then we would simply not object when they go to court to close it.

Mr. Tothacer said our process has been, once whoever the attorney turns out to be, files the case, once the case is filed, what we generally prepare for the committee would say we will not object to the closing of that small strip. I would prepare a resolution for council that formally says we are not going to object. When it gets assigned to a special referee, then we would respond to the petition and we would also provide that resolution, then it is up to the referee. My other concern, why we recommend doing this, is that the plat was recorded some time ago and you can see there are parcels purchased based on the plat, we would be with just saying go ahead and use. If you look at the plat, two parcels down from it, you will see that they have access to another portion that they kept themselves and didn't use as access to the road. The problem is, when they deeded this, they deeded that little part. My concern as the county's attorney would be that somebody could object to it because they may unrealistically have an expectation, that's why we would like to have a judge to say it's yours.

Mr. Bedenbaugh said that the access that you are taking about, accesses an individual lot. The access to these two lots were thought to be the county road. It wasn't the county, we built the road and I really think it was a mis management. It is an opportunity to get another home into the county system rather than being part of a 7-acre parcel.

Mr. Tothacer asked, your attorney can answer for you, your proposing to revise and have lots 21 and 22 to one lot. Mr. Bufkin said that was correct. Mr. Tothacer said if not that could be an issue when the subdivision is approved. From the planning standpoint, that shouldn't be an issue.

Mr. Tothacer suggested that the motion from the committee can be if an action was filed pursuant to the law, to close the road. That the committee recommend to council that it is interposed no objection.

8. Public Comments

9. Adjournment

Mr. Cain motioned to adjourn; Mr. Stockman seconded. Vote was unanimous.

PUBLIC WORKS AND PLANNING COMMITTEE

Steve Cain, Chairman

Teresa Ball, Secretary

APPROVED: _____