

**NEWBERRY COUNTY COUNCIL EXECUTIVE COMMITTEE
MINUTES
February 26, 2024**

The Newberry County Council Executive Committee met on Monday, February 26, 2024, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular meeting.

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

PRESENT: Travis Reeder, Committee Chair
Leon Fulmer Jr., Committee Member
Robert N. Shealy, Committee Member
Jeff Shacker, County Administrator
Eric Nieto, I.T. Director
Michael Pisano, Public Works Director (Retiring)
Josh Rowe, Public Works Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Orion Griffin, The Newberry Observer

Call to order: Mr. Reeder called the meeting to order at 5 p.m. and led the invocation.

1. Election of Chairman.

- Mr. Fulmer nominated Mr. Reeder to serve as the 2024 Chairman.
- Mr. Shealy made a motion for the nominations come to a close.
- The nomination was unanimous by acclamation.

2. Discussion of a request from residents to pave and accept Goggans Road and Fawn Court (Chappells-area on Lake Greenwood) into the Newberry County Public Road System.

- Mr. Pisano said this has been going on for quite a while; back in 2006-07 range there was a request for these roads to be brought in before the ordinance was passed in 2007 that states the county will not take gravel roads.
- Mr. Pisano said he guessed that there was some dispute to whether it was ever brought in or not; he said he knows it was revisited once (2016) since he has been working with the county. He said at that time, there was some asphalt placed at the end of Goggans, Mr. Pisano said he thinks this was done by the contractors working on Pineland Road. At that point, he said the former county administrator agreed to take that asphalt up, and put down 18 loads of gravel on Goggans, to get it up to a decent standard and that is where it was left.
- Mr. Shealy asked Mr. Pisano if the road has ever been brought up to the county specifications by the homeowners or the developer. Mr. Pisano said that is one of the things they were trying to nail down, there was a developer, or someone working for the developer at the time, and there were correspondences between the developer and a former Public Works director as far as getting the road up to standards. He said he thinks there was an agreement that the county was going to do something, that was rescinded. Mr. Pisano further explained that the developer paid the county with a check for \$5,000 to do the work, but then it was determined not to be legal to do that, because it was still a private road, and the check was returned and there was correspondence going back to the building representative telling him the check had to be returned and the county could not do the work and that he needed to do x, y and z to bring it up to standards. Mr. Pisano said as far as he can tell from the correspondence, that was not done or at least if it was done it was not communicated to the county.
- Mr. Reeder asked who currently owns the road. Mr. Pisano said he is not sure.
- Mr. Shealy said if former council never voted to accepted to take it into the Newberry County Road System, it is still in the private road

system. Mr. Shacker said that was correct, former Newberry County Council never voted to take it into the system.

a. Public Comments related to Goggans Road and Fawn Court

- Mr. Jerry Reno, a resident on Goggans Court, said what Mr. Pisano said it right, there was asphalt put down, but before there was asphalt put down, there was a meeting at the Old School House. He said former councilman was there, along with a former Public Works director. He said that the councilman told the homeowners that were present that all the roads would be paved, and this was before Pineland, Riviera, South Point Harbor, Clearview, Goggans Court, Goggans Drive and Fawn Court were paved. He said they all didn't get paved.
- Mr. Reno said they were talking about the developer and Scott Shirley was the developer of the property and it is called South Point Harbor Subdivision. He said the councilman said every road would be paved and that came up at one of the meetings he came to, and the past attorney said just because he said so, doesn't make it so. Mr. Reno said evidently, it had been voted on because they voted to do something because they paved South Point Harbor. He added that South Point Harbor was an illegal road to pave because it had a metal culvert on it, and they are not supposed to be on there because they rust and deteriorate, and it is going to cave in, and it is still there. He said when it rusts, it will go down and you will have a sinkhole.
- Mr. Reno said that was the \$5,000, he said he guessed was a down payment that was given to a former Public Works director, and they took the culvert out of Goggans Drive because it was a metal culvert, it was taken out and put in a concrete one and the road was supposed to be accepted by the county.
- Mr. Reno presented pictures to the committee of the roads being discussed.

- Mr. Shealy asked if the developer put the pavement down. Mr. Reno said no, the contractor (Green Acres) did the paving of Pineland, Riviera, and South Pointe Harbor, was to the point of Goggans, and they stopped, and they told Mr. Reno that someone called and said those roads are not supposed to be paved. He said that was done by a contractor, not by the developer.
- Mr. Shealy asked who hired the Green Acres Contractor; Mr. Reno said the county did. Mr. Reno further said someone along the line dropped the ball.
- Mr. Reno said at that time, he called and asked who stopped pavement of the road and no one could tell him. He said it was amazing they were out there to pave all of it but wouldn't pave theirs.
- Mr. Reno said Mr. Bob Dunn submitted a Freedom of Information request to get a copy of the contract, because he said he'd be willing to bet his life that their road and Fawn Court were on it. He said there was a lot of scurrying around not wanting to say anything and they never got a copy of that contract.
- Mr. Fulmer asked which roads they were paving out there. Mr. Reno said they paved Pineland (which comes off Hwy 39). Mr. Fulmer asked if that is a county road and Mr. Reno said it is. He said South Point Harbor is now a county road.
- Mr. Reno said the two roads are 1,900 linear feet of road. At the time, he said that would have cost the county about \$150,000 to pave. Today, he said they got an estimate from Mr. Shacker, and it is \$275,000. He said if they could have done it, they would have, but it should have been paved when they had the machinery out there.
- Mr. Reno said that is not the only dropping the ball situation; in 2008 before Mr. Pisano came to work for the county, Mr. Reno said he got together with the former Public Works director and that is when they changed out the culvert. Mr. Reno said he did not know who the director talked to, but he the director told

him that if he could get Mr. Scott Shirley to change out that culvert they'd pave the road because he said he had some extra money in his budget.

- Mr. Reno said they got Mr. Rock Caldwell (Mr. Shirley's person selling the lots), and he changed out the culvert and put in a concrete one and they were all set. Mr. Reno called the director and he no longer worked at the county. Which in turn, Mr. Reno said they didn't get their road paved again. He said that was 2008-2010.
- Mr. Reno said after another letdown for the residents they came to a meeting in 2016. At that time, Mr. Reno said they kept saying what the committee just heard about private road, they came to the meeting. He said because he had so much interest in the road, he talked then too. He said at that meeting, councilman said he didn't say that he said all the roads were going to be paved. Mr. Reno said in that meeting, after he spoke, the councilman ended up saying that in the Old School House meeting he did say all of them were going to be paved.
- Mr. Reno then said what does that say to the committee, he doesn't think the councilman would say in a meeting they are going to pave them all if it wasn't so. Mr. Shealy responded by saying he definitely shouldn't, but he is also only one councilman. Mr. Reno said he agrees, but if he was going out to a public meeting, if he said that he had authorization he didn't just go out there and say it.
- Mr. Reno said if South Point Harbor hadn't been paved, he would agree because then it would have just been the oldest roads paved.
- Mr. Shealy said in some of the paperwork he read there was some confusion about Goggans Court and Goggans Lane. Mr. Reno said why they named it that, he doesn't know.
- Mr. Reno said he is a retired postmaster, and the post office is not allowed to go down private roads, and if it was a private road they would not get their mail service down there. Mr. Reno

said he spoke to the postmaster, at that time, and someone came into her office and said all the roads were going to be paved. Otherwise, she would not allow delivery on the road due to liability.

- Mr. Reno then showed pictures of what the former county administrator did (to the road); Mr. Reno said he took up the asphalt shown earlier and did a crush and run. He said at that time in 2016, to him it was probably about \$30,000; Mr. Pisano said no it's just under \$5,000 if you don't count the labor and equipment. Mr. Reno said he doesn't hardly believe that because it cost them \$6,000 to get millings because they put millings down themselves.
- Mr. Reno said they got the shutdown again in 2016.
- Mr. Reno said he doesn't understand why the county would do all that and not pave the road; he said he asked a question that day why not pave the road.
- Mr. Reno said another time they spent money and didn't capitalize on paving, that was twice, and he just doesn't understand.
- Mr. Reno said the millings they put down are starting to deteriorate. He said they feel like the read-headed stepchildren of Newberry County.
- Mr. Reno said Mr. Johnny Mack Scurry, Mr. Shacker and Mr. Pisano came out there; he further said some ideas have been thrown out that the county could possibly put some millings on the road and dress it up and then take it into the system and sometime in the future, when the penny tax is available, possibly they will get the road.
- Mr. Reeder asked what they would have to do to get those roads into the county. Mr. Shacker said the history of this road pre-dates the Ordinance, but the Ordinance in place states they require the road to be paved to be accepted and Newberry County Council would act on it. Those requirements were put in place in 2007. Mr. Shacker said council has accepted a few roads in the last six months and in those cases, the roads were

- paved and met specifications. He said in this case, either the Ordinance would have to be amended or an exception would have to be made. He reiterated that the conversations about the roads and commitments made pre-date the Ordinance.
- Mr. Reno said South Point Harbor was not paved by the developer, and he spoke with an attorney that has gone against Greenville County, and the attorney said they do not fall under that Ordinance because of that. Mr. Shealy asked if they knew the county paid for South Point Harbor to be paved; Mr. Reno said yes the county paid for it.
 - Mr. Pisano said he thinks there are two issues that have to be addressed, one is ownership of the road and responsibility for maintenance and then paving. He said the county cannot pave a road they do not have maintenance on, they cannot pave a private road. He thinks the first hurdle is will the road be county maintained or not and at some point the paving would have to be addressed after that.
 - Mr. Shealy said they have an Ordinance in place they'd have to make an exception to accept a gravel road.
 - Mr. Fulmer discussed how the County Transportation Committee (CTC) may be an option, allowing the county not to go against the Ordinance. He said he knows there have been circumstances in the past where private groups have gone to that committee and requested funds in order to do road upgrades. Mr. Fulmer said this may be a prime example of a citizens' group going to that committee with a proposal to request funds from CTC to pave these roads. He further said that once the roads are raised to the county standards, the county could take them in under the current Ordinance and maintain them.
 - Mr. Reno said his biggest thing about that, the road should have been paved. If the CTC decide they do not to want to do it, they are right back here. Mr. Fulmer said that is a possibility, but his thought is that committee gets money every year, and if they are waiting on the county to come up with a proposal, that

may take years. Mr. Shealy said they may be waiting longer on the county to raise funds.

- Mr. Shealy said he would support going through the CTC, he thinks that it might help them knowing if some of council were in favor of it. He further said they can't speak for the past, but only what they have now.
- Mr. Fulmer recommended to Mr. Reno to have his group go to the CTC, explain their situation to them, and they will want firm numbers and get an estimate, but they may not need it at first, and ask if they would entertain the notion of paving the roads.
- Mr. Reno asked where the CTC gets their funding, and Mr. Fulmer said the gas tax.
- Mr. Shealy asked Mr. Shacker to give Mr. Reno the information for the CTC.
- Mr. Shealy said if they run into a dead end there, they can come back, but it may take time.
- Mr. Reno said he feels they are getting the short end of the stick.
- Mr. Fulmer agrees it is an unfortunate situation.
- Mr. Shealy said there isn't going to be a quick fix but maybe there is a fix, and he is not going to stand up and say he will pave the road.

3. Discussion of a request from residents to close and remove the bridge on Rawls Road (Pomaria-area), to construct a turnaround at the bridge for the section of Rawls Road running from New Hope Road to the bridge, and to close the section of Rawls Road from Suber Road to the bridge as a public road in Newberry County.

- a. Public comments related to Rawls Road.

- Mr. Willie Russell Suber said he wants to close the road at their property line at the other side of the bridge, not at the bridge. He said they want all the freedom they can get from what they are going through.

- Mr. Suber said their road is becoming a hangout for kids. Last summer, he found four dead deer that were shot in his pasture and fields. He said they are going into his fields with their trucks digging his fields up. He said one night he received a call that they were coon hunting in his cow pasture. Mr. Suber said he was told they cannot control where the dogs go, and the dogs don't know where the lines are.
- Mr. Suber said they are not there accidentally, and they are baiting the coons to come up his property as they are baiting them with corn in his pasture and hay fields. Mr. Suber said he was advised not to go to the law because it may get a cow shot.
- Mr. Suber said the bridge, before it was out, emergency vehicles could not cross it as it could not handle the weight.
- Mr. Suber said his family owns everything on both sides to the bridge and doesn't see where it would be a problem. He further explained they are not restricting anyone else from their property. They just want peace in their neighborhood and since the bridge has been out, problems have greatly decreased. Mr. Suber said a neighbor (who lives on the other side of Suber Road) told him that since the bridge has been out, he has seen a decrease in the traffic.
- Mr. Suber said the bridge is out, but you can access property both ways. He further said there is nothing on their side of the bridge anyone else has any business on, as it is all Suber property.
- Mr. Suber said he is asking to take the road out of the Newberry County Road System and make it private.
- Mr. Reeder asked if there was anyone that was not in favor of this petition. Mr. Suber said there is one person not in favor.
- Mr. Suber said he spoke with Mr. Frank Hicks; his property is about 30 feet off the dirt road, and he said he hopes it is closed as he cannot sleep due to the trucks coming by his house at night, hearing gunshots at night. Mr. Suber said Mr. Hicks was coming home one night and the road was blocked by two trucks, and they would not move, he had to back up and go around the block to get to his house.
- Mr. Shealy asked if the woman against the closure lives on Rawls Road. Mr. Suber said she does, and she has full access from the other end. He said she lives there by herself, and they have talked, and she told him it is equal

to go to her children's home both ways and likes to come his way because it is prettier.

- Mr. Suber pointed out on the GIS map on the screen where his property is located and the road.
- Mr. Jordan Suber, son of Mr. Willie Russell Suber, said it is all Suber land that borders the road and they have been there for about 10 generations. He added that the people on the other side of the road are requesting the closure as well.
- Mr. Suber read a letter from Terry Rawls, another landowner, which is presented in these minutes.
- Mr. Suber provided a few additional points. The first point was that the bridge goes out multiple times a year, it is currently closed due to a huge hole in the road by the bridge. The second, the landowners on their side of the bridge have signed a petition for the closing. The third, most residents on the other side of the bridge have also signed the petition. The fourth, this will deal with frequent trespassers and occasional damage. Third, this will save taxpayer money and effort.
- Mr. Pisano said the bridge is not a full rebuild but a repair, but as far as the road goes, the biggest issue would be a turnaround on the New Hope end, and they would have to have a cul-de-sac put in there. Mr. Willie Russell Suber said they would give the land to construct the turnaround.
- Mr. Shealy asked if the cost offsets what the bridge repair would be. Mr. Pisano said the cost would be less than \$5,000, as an estimate.
- Mr. Shealy made a motion this go before full council with the recommendation to close Rawls Road and do as put forth before the committee. Mr. Fulmer provided the second.
 - Mr. Fulmer said since they accept roads based on ordinances, if it would be appropriate in order for this to be an ordinance, full council would vote on, to release the road and thinks that would need to be a portion of the committee's recommendation that council consider an ordinance to do this and if that is correct. Mr. Shacker said that is the path he'd go down and it would require an ordinance, with a public hearing requirement and only a court can close a road and what that would show is Newberry County Council is not objecting to the closure of the road and they can use that ordinance as a basis for

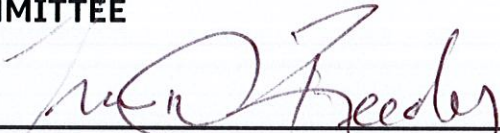
closing the bridge and not objecting to their petition to close that portion of that road.

- The motion as approved 3-0.
- Mr. Shacker said he will let the families know when this matter comes before full council.

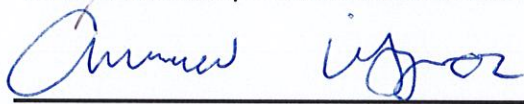
4. Adjournment.

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

NEWBERRY COUNTY COUNCIL EXECUTIVE COMMITTEE



Travis Reeder, Committee Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 3-06-2024

February 22, 2024

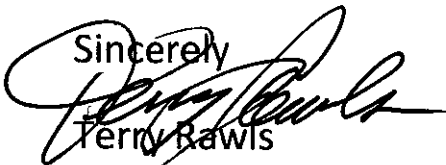
County Council Members and County Administrator Jeff Shacker

My name is Terry Rawls and I live at the corner of Rawls Road and New Hope Road. I am unable to attend this meeting that is discussing closing a portion of Rawls Road due to a prior commitment that requires me to be out of town.

My family and I own land along Rawls Road and have since 1938. Over the years the ownership of land along road has changed and the amount of traffic has increased. This increase has not only been due to ownership changes but due to more outside traffic using the road. Over the years, I have had to deal with people driving in my fields, disposing of trash including tires, parts of appliances, and deer carcasses in the creek. I also had to gate one of my access roads due to people using my property as a lover's lane. I think that a lot of the disrespect of the properties along the road comes from people traveling thru the road not the people that live along Rawls Road.

I do NOT have any problems with the closing of a portion of Rawls Road as requested by Mr. Suber. In fact I think that it is a good idea and recommend that County Council approve the request to close it.

Sincerely

A handwritten signature in black ink, appearing to read 'Terry Rawls', written over the printed name.

Terry Rawls