

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
January 17, 2024

Newberry County Council met on Wednesday, January 17, 2024, at 5:02 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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

PRESENT: Todd Johnson, Chairman
Robert N. Shealy, Vice Chairman
Leon Fulmer, Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
Andrew Wigger, Clerk to Council/PIO

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 5:02 p.m.

1. Review and discussion of the revised Property Maintenance and Nuisance Codes.

- Mr. Shacker said Ms. Werts and he worked on revising the draft nuisance ordinance, working from the third reading. He further explained that they pared the ordinance down to identify some of the lowest common denominators of conditions and activities that the county wants to try and address.

- Mr. Shacker further explained that they focused on dilapidated structures that are not safe for human occupation and excessive accumulation of rubbish.
- Under Section 157.002, Definitions, the following were struck out: Abandoned/Junk Vehicle, Junk Vehicle, Vegetation, Vehicle. Under the definition of Outdoor Storage, the terms “disassembled, inoperable, or unlicensed vehicles,” and “or vegetable” were removed.
- Under Section 157.003, Public Nuisance Identified, the following subsections were removed, revised or added:
 - Subsection A, addressing abandoned vehicles, was completely removed.
 - Subsection F, addressing noxious and excessive accumulation, had the following removed, “or vegetable” and “farm implements.”
 - Subsection G, addressing materials causing odorous gases, was completely removed.
 - Subsection H, dealing with dead, damaged, diseased trees or limbs, was completely removed.
 - Subsection I, dealing with weeds and overgrowth, was completely removed.
 - Mr. Reeder said, if someone has a house with overgrowth, that is a nuisance to him. Mr. Shacker said if that is something council wants to put back in, they can.
 - Subsection K, dealing with manufactured items, had the term “building materials” removed.
 - Subsection L, addressing lumber and building supplies, was completely removed.
 - Subsection O, addressing swimming pools, was completely removed.
 - Mr. Johnson asked about stagnant water, which is addressed in subsection N, saying a lot of people have some kind of stagnant water due to the recent weather and is there a time limit? Mr.

Shacker said they can work on that and get a little bit more creative with the wording or may strike it completely.

- Mr. Sease asked if the drainage has not been cleaned out by DOT or county and if it is causing a backup, who is at fault then? Mr. Shacker said they would identify that through the process and the homeowner would not be held at fault.
- Subsection P is an addition that addresses structures needing working electrical, water and sewer/septic services. If utilities are not present or are in working order, a structure will be classified as unsafe and uninhabitable.
 - Mr. Sease said he thinks this was needed as he has been to some properties that didn't have working utilities and it was not good for people living around them.
- Under Section 157.004, General Requirements, under Subsection A, the following terms were removed, "grass, weeds, undergrowth" and "stagnant water."
- Mr. Shacker said what they did in total was shaving the ordinance down based on Newberry County Council's feedback and the public's feedback. He said this is an ordinance that could be a work in progress in the future.
- Mr. Fulmer addressed Section 157.005, Exceptions, Subsection A, which deals with agriculture purposes. He said he would like to go further and include "activities" to the exceptions. He said one of the most common complaints is the spreading of manure, which is more environmentally friendly, but is a common complaint.
- Mr. Fulmer said his major concern was how does the county implement this ordinance. He said these structures are probably owned by individuals who probably don't have the funds to do anything with those structures. He said if they are

taking the stance to levy fines, these individuals may not have the ability to pay the fines.

- Mr. Shacker said one of their goals was to use the provision in the ordinance for correction agreements to meet with residents and come up with a plan to address the major issues and concerns to bring the property up to minimum standards.
- Mr. Reeder said he knew they talked about pursuing grants to take care of the issues themselves. Mr. Shacker said he believes that may be an option.
- Mr. Shacker further explained that sometimes you do hit brick walls, and a violation becomes a summons that goes to court with fines associated.
- Ms. Werts said if a structure is being lived in with utilities, that is on them, but this ordinance was more for structures being used for drug activities. She said if residents are living there with active utilities, those properties would not be a focus of staff.
- Mr. Fulmer said he knows three locations that he gets calls on a lot, where the power is on one week off the next and all kinds of trash on the properties. He said he questions if they did levy a fine against them for that trash and debris, that when they get a bill in the mail it'll just go on top of the pile. He said he understands the need to eliminate these types of issues, but how are they going to do it.
- Mr. Shacker said the only penalties that could be added to the ordinance is the standard summary court penalty of 30 days in jail. However, that was taken out at the direction of council.
- Mr. Shacker said he thinks the current draft of the ordinance is a good starting point and later, if council wishes to add further requirements, they can.
- Mr. Johnson said in the previous ordinance they had something to address the historic value of the property

as well, and wanted to confirm that was addressed. Ms. Werts said that was still in the ordinance.

- Mr. Johnson said while he thinks the ordinance needs some changes, he thinks this is the lowest common denominator to start with.
- Mr. Reeder asked about putting a law like this on taxes. Mr. Shacker said there is some disagreement out there on this. He said that it appears counties have home rule authority to perform code enforcement and to collect code enforcement liens in the same manner as taxes. However, unlike for municipalities, there is no specific statutory authorization for counties to collect code enforcement liens in the same manner as taxes.

2. Executive Session:

a. Contractual Matter(s):

- i. Discussion of matters related to the purchase of financial / enterprise resource planning software pursuant to SC Code of Laws Section 30-4-70(a)(2).

b. Legal Matter(s):

- i. Discussion of matters related to Newberry County's local floodplain management program and participation in the National Flood Insurance Program pursuant to SC Code of Laws Section 30-4-70(a)(2).
- Mr. Shealy made a motion to go into Executive Session; Mr. Sease provided the second and the motion was approved 7-0. Newberry County Council went into Executive Session at 5:31 p.m.
- At 6:05 p.m., Newberry County Council came out of executive session after Mr. Shealy made a motion, seconded by Mr. Scurry, and was approved 7-0.

- Mr. Johnson said Newberry County Council met in Executive Session for the aforementioned reasons and no action was taken.

3. Adjournment.

- Mr. Fulmer made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 7-0 at 6:05 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 2-7-2024