

**NEWBERRY COUNTY COUNCIL WORK SESSION  
MINUTES  
October 16, 2024**

Newberry County Council met on Wednesday, October 16, 2024, 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:** Todd Johnson, Chairman  
Robert Shealy, Vice-Chairman  
Leon Fulmer, Council Member  
Les Hipp, Council Member  
Travis Reeder, Council Member  
Karl Sease, Council Member  
Johnny Mack Scurry, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Tommy Long, Emergency Services Director  
Eric Nieto, I.T. Director  
Josh Rowe, Public Works Director  
Katie Werts, Zoning Administrator  
Andrew Wigger, Clerk to Council/PIO

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**MEDIA:** Kelly Duncan, The Newberry Observer

Mr. Johnson called the meeting to order at 5:00 p.m.

1. Review of draft ordinance to allow the keeping of hens as a conditional use within residential zoning districts, subject to minimum standards and excluding the R-2 Rural District, within which hens will remain a permitted use.

- Mr. Shacker said, based on feedback from council, they revised the proposed ordinance.
- One change was that the number of hens permitted is now no more than 18 (approved by Ms. Werts' office, provided certain conditions are met). This limit does not impact R2-Rural, which has no limit.
- Mr. Shacker said Section 14 of the proposed ordinance states, when the number of chickens kept is less than or equal to six there will be setback requirements. The enclosure should be no closer than 25 feet off the side or rear property (for six or less). In subsection 15, if the number is between 7-12 hens, the setback increases to 50 feet, and then 75 feet from the 360 in Lake Murray and the 440 of Lake Greenwood, if applicable. In subsection 16, if the number of hens is 13-18 the setback increases from 50 feet to 75 feet.
- The other addition in Subsection 17, when the side or rear property line is shared with property zoned R2-Rural, the standard and rear yard setback for accessory structures is applicable to the setback of the chicken enclosure from the shared property line. The standard in this case would apply, which is seven feet.
- Mr. Hipp said that staff has put in a lot of good, thoughtful time on this, and it has been a very emotional issue for a lot of people. He said from what has been put together, he thinks staff has tried to be fair to the people who would like to have hens but also the people who do not want to be offended by hens.
- Mr. Fulmer said you will never come up with something that will satisfy everyone. He said in reading through this ordinance, he said this was brought up during the last discussion, but he did not see anything in reference to allowing a neighboring property owner waiving the setback requirements.
  - Mr. Shacker said that was not included, and they had concerns that you could have successor property owners

- that did not give their consent. Mr. Fulmer said he thought that would fall under “buyer beware.”
- Ms. Winters said it would follow the land like an easement would, and they could put it in there, but they were also concerned about it being almost inverse condemnation.
  - Mr. Fulmer said he knows there are state and federal requirements that have similar allowances for waivers. Ms. Winters said they could always add language that waivers may be obtained.
  - Mr. Shacker said one thing they may encounter is a piece of property that has very narrow frontage but is long, that would be something eligible to go to the Board of Zoning Appeals and that may be where the waiver concept comes into play. He said if council is okay with capping hens at 18, then it becomes an issue with setbacks, that could be dealt with at the BZA level and neighbors get notice then.
  - Mr. Johnson said one of the other concerns that they heard was that there would have to be a permit associated with this, and he'd like them to make that as minimum as possible.
    - Mr. Shacker said that is for the staking of the site of the enclosure. Ms. Werts said that is not necessarily the conditional permit and they would make sure they have met the setbacks, and they explain every condition and there is no fee on top of the \$75, which is to go out to ensure the setbacks are met.
  - Mr. Sease said the way it is written, it only applies to chickens and no other poultry, to which Mr. Shacker answered in the affirmative.
2. Discussion and review of proposed revisions to Chapter 91 of the Code of Ordinances of Newberry County providing design and other standards for the Newberry County Public Road System.

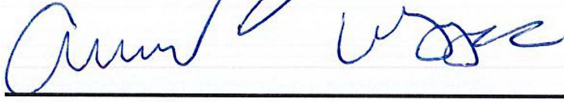
- Mr. Shacker reviewed pages 13-19 (as attached with these minutes) of the revisions to Chapter 91 of the Code of Ordinances of Newberry County providing design and other standards for the Newberry County Public Road System.
- Mr. Sease asked under Section Seven, minimum turnaround diameter in feet, if there was a minimum diameter of that center island. Mr. Shacker said the approach they could take is to make it more explicit and the aggregate width would meet those minimums of 120.
- Regarding storm drain catch basins, Mr. Fulmer said the last line states, "all curves shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a one-hour storm." He said he is not sure SCDOT has rainfall data for a 25-year storm event for a one-hour storm.
- Mr. Hipp asked about the design requirement of the Director of Public Works under the section dealing with Bridges. Mr. Rowe said they would refer to either SCDOT specs or engineered specs and said he thinks the language needs to be different on that one.
- Mr. Fulmer asked, in reference to certifications required to be submitted for roads, if there is a requirement that the design be submitted by a registered professional. Ms. Werts confirmed that is a requirement. Mr. Fulmer said he thinks they may need to spell that out specifically in this ordinance.

### 3. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Hipp provided the second and the motion carried 7-0.
- The meeting was adjourned at 5:50 p.m.

**NEWBERRY COUNTY COUNCIL**

  
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**Todd Johnson, Chairman**

  
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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** 11-6-24

(3) The street system for a proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(K) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types and modes of traffic, including pedestrian.

(L) **Street Names.**

(1) Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name.

(2) The names of new streets and roads shall be subject to the approval of the Joint Planning Commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court or the like.

(M) **Permanent Dead-end Streets.**

(1) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Joint Planning Commission for access to adjoining property, its terminus shall not be nearer to the boundary than 50 feet.

(2) The Joint Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

(3) A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the following specifications:

a) Streets or roads designed to be closed at one end shall be no longer than 2,000 feet, and shall be terminated by a circular right-of-way with a radius of not less than 50 feet;

b) If a street or road designed to be closed at one end is longer than 2,000 feet, it shall have a turnaround every 2,000 feet (Example: a road that is 4,000 feet in length that is also a cul-de-sac shall have two turnarounds).

c) The 2,000 foot distance shall be measured from the nearest road or street intersection to the road's end.

(4) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of these regulations.

(N) **Alleys.** Service alleys or drives may be required in developments with multiple dwellings and in commercial and industrial developments. Such service alleys and drives shall have a minimum surface treatment width of 15 feet but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the Joint Planning Commission of the need for alleys.

**§ 91.21 STREET DESIGN STANDARDS.**

(A) **General Requirements.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to law enforcement, firefighting, sanitation and road-maintenance equipment, and to coordinate so as to compose a convenient



system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. Street classification may be indicated on the Major Thoroughfare Plan or Official Map; otherwise, it shall be determined by the Joint Planning Commission.

Improvement	Residential Development	Non-Residential Development
<b>(1) Minimum Right of Way Width (feet)<sup>1</sup></b>		
Local Road	50'	66'
Marginal Access Street	50'	66'
Cul-de-Sac	100'	100'
<b>(2) Minimum Finished Surface Width (feet)<sup>2, 3</sup></b>		
Local Road	22' <sup>2, 4, 5</sup>	36'
Marginal Access Street	22' <sup>2, 4, 5</sup>	36'
Cul-de-Sac	22' <sup>2, 4, 5</sup>	36'
Collector Street	24' <sup>2, 5</sup>	50'
<b>Notes to Table Sections (1) and (2):</b>		
<sup>1</sup> Right-of-way widths greater than minimum are encouraged because they make for a safer, more aesthetic, and more comfortable facility and permit future roadway widening without disrupting abutting properties.		
<sup>2</sup> Pavement widths shown do not provide for on-street parking; service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.		
<sup>3</sup> An 18-inch wide grass strip should be provided between the right-of-way boundary and the outside edge or back of any sidewalk constructed within the right-of-way. This permits the placing of utility poles at the back of the sidewalk and retention of a grass strip between the sidewalk and the curb or edge of pavement; both of these features are highly desirable, particularly in terms of safety.		
<sup>4</sup> When curb and gutter is used, 24' minimum measured from the face of each curb or from the low point of valley gutter to the low point of valley gutter.		
<sup>5</sup> Measured from edge of pavement to edge of pavement when a typical State Highway Department farm-to-market road section is used.		
<b>(3) Maximum Grade (percent)</b>		
Local Road	10%	6%
Marginal Access Street	10%	6%
Cul-de-Sac	8%	6%
<b>(4) Minimum Radius of Curve (feet)</b>		
Local Road	150'	200'
Marginal Access Street	150'	200'
Cul-de-Sac	100'	200'
Collector Street	200'	300'
<b>(5) Minimum Length of Tangents Between Reverse Curves (feet)</b>		
Local Road	100'	200'
Marginal Access Street	200'	200'
Cul-de-Sac	100'	200'
Collector Street	300'	300'

Improvement	Residential Development	Non-Residential Development
<b>(6) Minimum Design Speed (mph)</b>		
Local Road	25	30
Marginal Access Street	25	30
Cul-de-Sac	20	30
Collector Street	30	35
<b>(7) Minimum Turnaround (Diameter in feet)</b>		
Cul-de-Sac (Right-of-Way)	100'	120'
Cul-de-Sac (Pavement Width)	80'	100'
Cul-de-Sac (Pavement Width, Center Island, Optional)	30'	30'
<b>(8) Maximum Length of Cul-de-Sac (feet)</b>		
Permanent	1,000'	600'
Temporary	1,000'	1,000'

- (9) Primary and secondary arterial design standards are as required by the Major Thoroughfare or Official Map and the South Carolina Department of Transportation. Normally, the streets will require reservation or dedication of right-of-way by the subdivider and improvements by others.
- (10) Road Surfacing and Improvements.
- (a) After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters or valley gutters and shall surface or cause to be surfaced, roadways to the widths prescribed in these regulations. The surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Surface types shall be as determined by the Director of Public Works. Adequate provision shall be made for culverts, drains, and bridges.
- (b) All road surfaces, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications proposed by the Joint Planning Commission and the Director of Public Works and approved by Newberry County Council and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. All roads shall be hard surfaced (Portland cement, concrete, or asphaltic concrete) in all new subdivisions and expansions of existing subdivisions. The Joint Planning Commission may allow an alternate surfacing material for rural residential minor streets where it may be shown that an extreme hardship exists and where the surface is approved by the Director of Public Works.
- (11) Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. The slopes shall not be in excess of 2 to 1.
- (12) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where located as to affect the subdivision of adjoining lands shall be treated as follows:
- (a) In residential developments, a buffer strip at least 25 feet in width in addition to the normal width of the lot required in the zoning district shall be provided adjacent to the railroad right-of-way or limited access highway (per SCDOT classification for road access



limitations). This strip shall be part of the platted lots and shall be designated on the plat. The strip is reserved for screening. Placement of structures on this reserved strip is prohibited.

- (b) In developments proposed for commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (c) Streets parallel to the railroad when intersecting a street that crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. The distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(13) Intersections.

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles 100 feet from the center line of the through street. Not more than two streets shall intersect at any one point unless specifically approved by the Joint Planning Commission.
- (b) Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street. Street jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where opposing streets intersect collector streets, their alignment shall be continuous. Intersections of streets shall be at least 800 feet apart.
- (c) The minimum curb radius at the intersection of two local roads shall be at least 25 feet; and minimum curb radius at an intersection involving a collector road shall be at least 30 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Intersections shall be designed with a flat grade whenever practical. At the approach to an intersection in hilly or rolling areas, a leveling area shall be provided having not greater than a three percent (3%) rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.
- (e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut the ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- (f) The cross-slopes on all streets, including intersections, shall be no greater than 3% and no less than 0.5%.

## **§ 91.22 CULVERTS, PIPES, AND TRENCHES; STORM DRAINS; CATCH BASINS.**

### **(A) Culverts, pipes, and trenches.**

- (1) All culvert pipes must be Class III Reinforced Concrete Pipe (RCP) at a minimum.
- (2) The diameter of all culverts shall be designed for the 25-yr storm event using history and run-off data available at the USDA Soil and Conservation Service. No culvert less than 18 inches in diameter will be acceptable. The length of the culvert will be determined by the height of the fill, but shall be of sufficient length to provide a minimum 24-foot wide finished roadbed.
- (3) All concrete culverts shall conform to AASHTO M170 state requirements and only steel reinforced culvert will be acceptable.
- (4) All pipes shall be laid in a trench in all cases where possible. Trenches shall be excavated to the required grade and to a width sufficient to allow for proper joining of the pipe and compaction of the backfill under and around the pipe. The trench bottom shall be shaped to fit the bottom of the pipe and shall have recesses shaped to fit any projected hubs or bells. All culverts shall have a minimum of twelve inches of fill above the top of the culvert, excluding pavement or its base.

- (B) Storm drains; catch basins.** Catch basins shall be required to receive surface water from roadside gutters or swales into piped or open ditch drains. Standard manholes and covers, inside step and gutter gratings may be required for some installations. The Director of Public Works will direct the application if applicable. All curves shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a one-hour storm.

## **§ 91.23 NATURE OF STORM WATER FACILITIES.**

- (A) Location.** The applicant may be required by the Joint Planning Commission to carry away via a pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. The drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the county's standards and specifications.

**(B) Accessibility to public storm sewers.**

- (1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Director of Public Works. Inspection of facilities shall be conducted by the Director of Public Works.
- (2) If a connection to a public storm sewer will be provided eventually, as determined by the Director of Public Works and the Joint Planning Commission, the developer shall arrange for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for the connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

- (C) Accommodation of upstream drainage areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Director of Public Works shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development expected in the Master Plan.

- (D) **Effect on downstream drainage areas.** The Director of Public Works shall also study the effect of each subdivision on existing downstream facilities outside the area of the subdivision. Local government drainage studies, together with other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Joint Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of the potential condition in the sum as the Joint Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
- (E) **Flood plain areas.** All subdivisions submitted for review and approval shall comply with the Newberry County Flood Ordinance.
- (F) **Dedication of Drainage Easements.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided that conforms substantially to the lines of the watercourse, and of the width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 12 feet in width for the drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
  - (2) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - (3) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

#### **§ 91.24 SUB-GRADE.**

- (A) The work shall consist of the construction and preparation of the sub-grade on that part of the roadway intended to receive pavement and, when applicable, on sidewalks, curbs, gutters, base course, and shoulders. Preparation, compaction, and quality shall meet SCDOT specifications and recommendations from geotechnical investigation based on site soil condition.
- (B) All soft, unstable, or unsuitable material that will not compact readily shall be removed and replaced with satisfactory material. All rocks and boulders shall be removed or broken off to a depth of not less than eight (8) inches below the surface of the sub-grade.
- (C) All soil must be compacted so that holes, ruts, or depressions will not form or develop. Compaction is extremely important to the longevity of any road system.

#### **§ 91.25 BASE COURSE.**

- (A) The base course work shall consist of crusher run stone or gravel of not less than six (6) inches thickness for plant mix pavement constructed on a prepared sub-grade. All materials, installation,



and compaction shall meet SCDOT specifications and recommendations from geotechnical investigation based on on-site soils.

- (B) After base course of six (6) inches of crusher run stone or gravel has been applied, the minimum finish of asphalt shall be one and one-half (1½) inches thick.

#### **§ 91.26 PAVEMENT.**

- (A) Rolling and finishing shall start at the edge and proceed toward the center, except on super elevated curves where rolling shall proceed from the lower to the upper side and continue until the aggregate are firmly set.
- (B) Pavements of hot laid asphalt (plant mix) will be acceptable. All pavements shall be a minimum of 22 feet in width.
- (C) All plant mixed asphalt paving materials shall conform to standard specifications for highway construction and shall be delivered to the spreading at a temperature as provided in the South Carolina Department of Transportation Standard Specification Book (2007 Edition).
- (D) The surface of the mixture after compaction shall be smooth and true to establish crown and grade. Any mixture that becomes loose or broken, mixed with dirt, or in any way defective shall be removed and replaced with fresh mix which shall be immediately compacted to conform with the surrounding area. Joints between old and new pavement or between strips shall be made in such a manner as to ensure proper bond between the old and new surface.
- (E) Finished asphalt surface must be a minimum of one and one-half (1 ½) inches in thickness. The Contractor shall make allowance with a minimum of 24 hours' notice to allow the Director of Public Works or his designee to inspect the installation process to ensure compliance. The Contractor will supply trip tickets certifying quantities used for the project.
- (F) If there is any question about the actual thicknesses, the Contractor shall provide one core sample per 500 feet of road, or a minimum of three samples, whichever is greater. If the actual thickness is less than approved, the substandard areas shall have an overlay of one inch thickness of plant mix or the thickness shortfall plus one-half inch, whichever is greater.
- (G) **Additional Materials Requirements.**
  - (1) Aggregate size cannot exceed one-half of the thickness of the individual asphalt course.
  - (2) All materials shall meet SCDOT specifications for quality and gradation.
  - (3) Triple surface treatment is not allowed.
  - (4) Sand clay is not approved for use as a roadway base course unless approved on a case by case basis based on analysis.
  - (5) Surface course shall consist of asphaltic concrete (Type I)

#### **§ 91.27 BRIDGES.**

All bridges shall be approved in advance by the County Administrator. Bridges of primary benefit to the applicant, as determined by the Joint Planning Commission, shall be constructed at the full expense of the applicant and meet the design requirements of the Director of Public Works.