

NEWBERRY COUNTY COUNCIL
MINUTES
November 5, 2025

Newberry County Council met on Wednesday, October 15, 2025, at 6:01 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: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Captain Ben Chapman, NCSO
Rick Farmer, Economic Development Director
Captain Daniel Floyd, Detention Center
Tommy Long, Emergency Services Director
Eric Nieto, IT Director
Brandon Wicker, Emergency Services Coordinator
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 6:00 p.m.

Mr. Reeder led the invocation and Pledge of Allegiance

1. Adoption of Consent Agenda:

- a. Newberry County Public Safety and Courts Committee Minutes – October 13, 2025.
- b. Newberry County Council Work Session Minutes – October 15, 2025.
- c. Newberry County Council Meeting Minutes – October 15, 2025.

- Mr. Fulmer made a motion to adopt the minutes as presented; Mr. Scurry provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion carried 7-0.

3. Special Recognition:

a. St. Philips Fire Department.

- Mr. Wicker recognized St. Philips Fire Department for their accomplishments, history and other accolades as well as highlighting the work they do throughout the year.

4. Ordinance 10-01-2025. An Ordinance amending the Newberry County Code of Ordinances, Chapter 154, Newberry County Land Development Regulations, adopting updated standards for the subdivision and development of land in Newberry County, and providing for the repeal of all ordinances and parts of ordinances in conflict herewith to the extent necessary to give this Chapter full force and effect.

a. Third Reading.

- Mr. Shacker said while there are no changes, they had discussions of a couple of items during the previous meeting that he wanted to go over.
 - One suggestion regarded the timeline, and substantial progress has to be made following a preliminary plat approval. The process there is a sketch plan, preliminary plat approval and with that the developer has the ability to begin installing infrastructure; however, there is a shot clock there and they have to demonstrate significant progress in a 24-month period. A suggestion was made that the county trim that down to 12 months. Mr. Shacker said it is Council's decision how that is handled, but staff felt like 12 was pretty tight, and a significant

amount of engineering goes into projects like this, bidding and negotiation with contractors, and installation of the infrastructure.

- Wetlands were also mentioned during the last meeting, Mr. Shacker said there are two types of wetlands – Jurisdictional wetlands which fall under federal regulations and the authority responsible for ensuring that the requirements of those regulations is the Army Corps of Engineers. Federal preemption essentially applies with jurisdictional wetlands. Then there are other types of wetlands that are non-jurisdictional. He said there was discussion about possibly prohibiting mitigation, but staff felt with the regulations with the land development regulations, and the ordinance that requires development agreements of all residential subdivisions of 25 acres or more highland, with those two tools, Council would have the ability to identify those wetlands on the plat, and a decision could be made about altering the wetlands or not. That gives the county flexibility to decide if those wetlands remain intact, or if mitigation could be permitted.
- Mr. Shacker said they could do an amendment for either of these options, if they choose.
- Mr. Reeder made a motion to accept third reading; Mr. Scurry provided the second and the motion carried 7-0.

5. Ordinance 10-02-2025. An Ordinance to amend the text of the Official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, to establish a new zoning district, RMPD – Residential Master Planned Districts.

a. Third Reading.

- Mr. Shacker said there were no changes from the last meeting, but they had a few items discussed as possible changes during the last meeting.
 - One item discussed was rethinking the zero lot line dwellings as a potential allowable permitted use within RMPD, this proposed zoning district. Mr. Shacker said the reason they didn't remove that was because attached units are allowed,

and staff felt if you look at it like a spectrum, on one side you've got attached units like town houses or apartments and on the other you have low density detached, which is permitted. Zero lot line is sort of in the middle, Mr. Shacker said these would be detached single family dwellings that have a narrow alleyway between them. He said like attached units, pursuant to the building code, they would have to have a one hour fire rated wall between them, like apartments would.

- Another item that was raised was the time frame, Mr. Shacker said if the time frame would have been changed on the LDR from 24 months to 12, you'd want that reflected in this Ordinance as well. Mr. Shacker said they recommend those be consistent.
- There is a maximum density of six dwelling units per acre in the Ordinance, this started at eight units per the total acreage, that was paired down to eight per developable acres and with open space requirements and buffer requirements, in some cases that could be a 40% reduction in the number of units. He said they took that further down to six dwellings per developable acre. Mr. Shacker said there are residential zoning districts now that have a maximum of four, and they recommend they at least have a zoning classification with slightly higher. He said this is just a maximum, this does not mean they will have six.
 - Mr. Sease said Council still has final say on what is allowable and what is not; Mr. Shacker said that was correct and the Joint Planning Commission would review it and make a recommendation.
- Mr. Shealy said a whole lot of hard work went into this ordinance from staff and the Joint Planning Commission.
- Mr. Smith made a motion to accept third reading; Mr. Johnson provided the second and the motion carried 7-0.

6. Ordinance 11-01-2025. An Ordinance amending the text of the Official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina by amending Section

153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions.

a. First Reading.

- Mr. Shacker reviewed the changes to this ordinance, as attached with these minutes.
- Mr. Smith made a motion to accept first reading; Mr. Sease provided the second and the motion carried 7-0.

7. Ordinance 11-02-2025. An Ordinance adopting the requirements of the South Carolina Local Government Development Agreement Act; creating uniform requirements for the execution and delivery of development agreements by Newberry County Council; And Other Related Matters.

a. First Reading.

- Mr. Shacker said this ordinance proposes the county enter into development agreements for residential development projects. This will make it a requirement when the size of the development is 25 acres of highland or more. The Ordinance also addresses the contents of the plan, and it ensures minimum requirements in state law are addressed, and a few additional requirements.
- There is a requirement that development fees be paid to the county and what is being proposed is a \$5,000 fee per dwelling unit for single family detached and for attached single family and multi family residential, \$4,250 per unit. This number was determined by realistic capital expenditures of the county over a 20-year period, and the number of dwelling units the Census Bureau says Newberry County currently has and calculated the share for new developments based on their percentage of total housing.
- Mr. Johnson made a motion to accept first reading; Mr. Reeder provided the second.
- Mr. Sease asked if they wanted to raise those fees, would they need to have more discussion or could they do it in between readings. Mr. Shacker said they could do it in between readings, but there is language

in there going forward that Council has the ability to set the rates in the uniform fee schedule that Newberry County Council adopts as part of the budget process and budget ordinance.

- The motion carried 7-0.

8. Ordinance 11-03-2025. An Ordinance authorizing the County of Newberry, by Newberry County Council, to enter into an Option and Purchase Agreement to evaluate the sale of real property to be determined through negotiations of all purchase terms and conditions, for economic development purposes with Project Altair.

a. First Reading.

- Mr. Johnson made a motion to accept first reading; Mr. Fulmer provided the second and the motion carried 7-0.

9. Ordinance 11-04-2025. An Ordinance to enter into an agreement between Newberry Electric Cooperative, Inc. and Newberry County to exchange property known as Tax Map number 576-11 for a portion of the property known as Tax Map number 576-12 and described fully herein.

a. First Reading.

- Mr. Shealy turned over the meeting to Mr. Sease as Mr. Shealy recused himself, Mr. Fulmer also recused as they are both connected to Newberry Electric Cooperative.
- Mr. Shealy and Mr. Fulmer, after providing the Recusal Statements, left the Chambers.
- Mr. Shacker briefed Council on the proposed exchange of property between the County of Newberry and Newberry Electric Cooperative. Mr. Shacker said that state law requires the use of an ordinance to sell, lease or contract to sell county-owned property, which is the reason for the use of an ordinance for the proposed land swap. Mr. Shacker explained that the two properties involved are a 5.11 acre tract within Mid-Carolina Commerce Park on the west side of SC Highway 773, which is currently owned by Newberry Electric Cooperative, and a 10.15 acre piece of a larger tract on the east side of S.C.

Highway 773, which is currently owned by Newberry County and is a part of a larger tract that the county is currently marketing for economic development. The 5.11 acre parcel was previously owned by Newberry County and deeded to the Newberry Electric Cooperative as a future site for an electric substation to meet the demands for electricity of customers and the industrial park. However, things change. The 10.15 acre piece on the east side of SC Highway 773 is now a better location to cost effectively and efficiently meet the power needs of current and future customers, including the Mid-Carolina Commerce Park. The 5.11 acre parcel, which the county would receive via the proposed land swap, is square in shape and has 6% slope, which HUD classifies as optimal for commercial development. Additionally, it is in a visible, readily accessible location at the entrance to Mid-Carolina Commerce Park. The 10.15 acre piece of property is narrow, roughly 220 feet wide, long, parallels an electric transmission line, and currently has no road frontage. It has limited development potential but is a suitable site for a future electric substation, which the Newberry Electric Cooperative proposes to construct on it. In the opinion of staff, the proposed land swap is beneficial to Newberry County and staff recommended council adopt an ordinance authorizing the execution of deeds to effectuate the property exchange.

- Mr. Johnson made a motion to accept first reading; Mr. Scurry provided the second.
- Mr. Johnson said to him, it makes sense to get a five acre lot back versus another lot the county could not use, and it makes good financial sense for the county.
- The motion carried 7-0.
- Mr. Shealy and Mr. Fulmer returned to the Chambers.
- The meeting was turned back over to Mr. Shealy.

10. Consideration and Approval of a Proposal for Inmate Food Service from Victus Food Service – Captain Daniel Floyd.

- Mr. Floyd said a food service vendor will limit liability and exposure, provide sanitation and safety requirements, nutritional standards and

menus, compliance with operational standards, staffing and training certified in food safety and meet facility and equipment needs.

- The proposal was to have Victus Food Service to come in at the current budget to take over food service through the end of the fiscal year. For the proposal they do have a four year contract that would start July 1, 2026. This contract would take the meal price up from \$2.27 to \$2.87 and would require the Detention Center's budget to go up next year.
- Mr. Sease asked what the current budget was for meals at the Detention Center; Mr. Floyd said \$175,000 for the year.
- Mr. Johnson asked what the other bids were; Mr. Floyd said they had Skillet come in and they were \$3 a plate and he didn't get any other bids. Mr. Johnson said he thinks they need to get a minimum of three bids. Mr. Floyd said this is coming in as an existing contract with the company.
- Mr. Johnson asked Ms. Winters her opinion; she said it is a separate bid.
- Mr. Reeder said they need to know how much it will take the budget up.
- Mr. Shacker asked Council if the concept was appealing to Council; to which they said yes.

11. County Council may take action on matters discussed during executive session of the 5:00 p.m. meeting.

- Mr. Sease made a motion they renew a land option a Newberry South parcel that the county previously had; Mr. Johnson provided the second and the motion carried 7-0.

12. Appointments.

- There were no appointments.

13. Public Comments (Three Minutes).

- Ms. Leila Caldwell said as she has driven throughout Newberry County, she has not observed any public parks for people who are paying taxes. She wants to know if Council has given any thoughts to building parks in the rural areas. She knows Newberry City has lots of wonderful parks, but those paying county taxes they are not getting benefits for the money they are paying. She also wants to have a written report as the amount of money collected from

property taxes and what it is used for, and she wants it done by the first Wednesday in December. She said she thinks those making payments they need to know what their tax money is being used for.

- Mr. Forrest Byrd said he cares about the county and he cares about all the taxes he pays. He said he is looking at subdivisions and charging \$5,000 for these houses, he said he gets that they have calculated how much they will cost for services, he said it almost sounds profitable. He said he hears what Joe White said it costs to educate per kid in the county for school and each kid is costing them \$19,000 and the County's portion is \$9,000, so for each kid that moves in it is \$9,000 a year. He said for 12 years, the costs are close to \$100,000 and the county is charging \$5,000, and all the other money is coming from all the rest of the people paying taxes. He said as they add these developments, adding traffic, congestion, costs, pollution, sewer lines.
- Mr. James Zybrick said he knows Newberry County Council is trying their best, but he doesn't think they know what is coming at them. He said all of what he heard tonight, there is no infrastructure being talked about. He said he doesn't know who is going to start building here, but they have attorneys looking at these codes trying to figure out how to get around them. He said they are all public servants and probably very successful in their careers because they were proactive and not reactive. He said they say they can change it later, that is being reactive. He said trees and setbacks don't pay property tax. He said when they start building, he thinks it can be regulated and he isn't sure that is what they are doing here, but all they have to do is take a ride where they are building near him and look at those roads and see what is coming.

14. Comments/Requests from County Administrator.

- Mr. Shacker said they did get bids for the Prosperity Parks improvements, they are being reviewed and there will be a recommendation during the November 19 meeting. They also have the Safe Streets for All bids came in and they will conduct interviews, he said they will have a recommendation in December.

15. Comments/Requests from Council.

- Mr. Shealy thanked St. Philips Fire Department and all volunteers for what they do for Newberry County. He said he hears their constituents and they are doing the best they can.

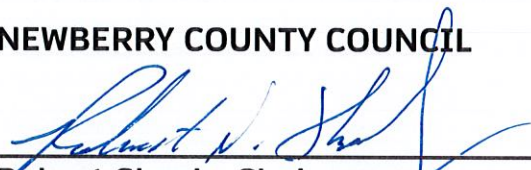
16. Future meetings:

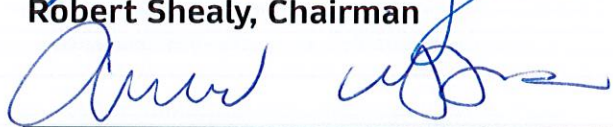
- Veterans Day – November 11 – Offices Closed.
- Newberry County Council Work Session – November 19 at 5 p.m.
- Newberry County Council – November 19 at 6 p.m.
- Thanksgiving Holiday – November 27-28 – Offices Closed.
- Newberry County Economic Development Committee – December 1 at 5 p.m.
- Newberry County Finance Committee – December 8 at 5 p.m.
- Newberry County Council Work Session – December 17 at 5 p.m.
- Newberry County Council – December 17 at 6 p.m.
- Christmas Holiday – December 24-26 – Offices Closed.

17. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:57 p.m.

NEWBERRY COUNTY COUNCIL


Robert Shealy, Chairman


Andrew Wigger, Clerk to Council

Minutes Approved: 11-19-2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-01-2025

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA BY AMENDING SECTION 153.174, PDD – PLANNED DEVELOPMENT DISTRICTS, SECTION 153.18, EXISTING VEGETATION, 153.182 BUFFERS, SECTION 153.184 LANDSCAPING, 153.185 OPEN SPACE, AND 153.231 DEFINITIONS.

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to amend, delete, or create ordinances that are in the best interest of the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, it has been determined by the Council that certain sections of the Zoning Ordinance of Newberry County were in need of review and amendment.

The following sections of the County Code of Ordinances have proposed amendments:

SECTION 1. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.174 PDD – Planned Development Districts; is hereby amended by adding the word, delineated under Subsection (B) PDD Requirements, (7)(a)(1). Also added under Subsection (B)(12), is the sentence, Any subsequent amendments to the PDD plan shall be reviewed by the Planning Commission and approved by County Council. Deleted from Section 153.174 (12) are paragraphs (a) and (b).

SECTION 2. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.181 Existing Vegetation is added as follows:

(A) Land clearing. No tract of land proposed for development as major subdivision, multi-family residential, or manufactured home park shall be clear cut before a tree survey is conducted per the requirements of 153.181 (B).

(B) Tree survey. Prior to grading or clearing a lot or parcel proposed for development as major subdivision, multi-family residential, or manufactured home park, the

developer/owner/applicant shall conduct a tree survey, conducted by an ISA certified arborist, landscape architect, or urban forester, identifying the location of all significant trees. The survey shall include the size (DBH), species, and general condition of each significant tree. However, groups of trees in close proximity may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. Said trees shall be shown on a survey plat and physically marked on site with brightly colored tape or other markings. The tree survey shall be provided to the County as part of the preliminary plat or development plan submission.

(C) Maintenance/replacement of significant trees. The zoning administrator shall work with the developer/owner/applicant to preserve as many significant trees as possible based on the proposed land use and proposed development plan. Significant trees may be removed and replaced with like-kind commercial trees in designated areas of the site with the approval from the zoning administrator.

SECTION 3. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.182 Buffers is amended as follows under Subsection (E) *Use of Buffers*:

A buffer may not be used for passive recreation.

Similarly, under (E) *Use of Buffers* is amended to include:

(3) For residential developments identified as a major subdivision, an exterior boundary treatment buffer shall be provided and meet the following requirements:

(a) A perimeter buffer of 100 feet shall be established along the perimeter of the development site including along all road frontage.

(b) The perimeter buffer area shall be an undisturbed natural area preserved prior to construction permitting. Additional plantings may be required by the zoning administrator to fill in areas as necessary to form a continuous buffer area.

(c) The buffer area shall be identified as perimeter buffer and maintained in perpetuity by a homeowners association or property managers association.

(d) The area within the buffer area shall not be considered in the overall open space calculation for the site.

(e) Areas adjacent to undeveloped parcels must be buffered.

(K) Landscaping. Landscaping in buffers shall adhere to the requirements provided in § 153.184 Landscaping.

SECTION 4. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.184 Landscaping (A)(1)(d) is amended to include:

(d) Selected from the list of preferred plant species for Newberry County unless otherwise certified by a licensed landscape architect or arborist as suitable for Newberry County's climate and comparable in habit and growth rate to a plant included in the list of preferred plant species for Newberry County. The list shall not include plant species identified as invasive in South Carolina by the USDA, Clemson Extension Services or SCDNR.

Section 153.184 is further amended to include:

(K) Entranceway Enhancements.

- (1) Improvements at entranceways. Each entranceway to a residential development shall have a designated entranceway enhancement area that includes signage, landscaping, lighting, and walls and fencing.**
- (2) Area. The area designated for entranceway enhancements shall be no less than 5,000 square feet on one or both sides of an entranceway.**
- (3) Signage. Signs related to designation of a residential development shall be governed by § 153.218. All signs shall be a monument type sign with no clearance between the base of the sign and the ground. Additionally, subdivision signs may be incorporated into a wall or other brick structure. All structures shall be constructed with brick, split-face concrete block, decorative concrete masonry units, stone, terra cotta, fiber cementitious board siding materials, traditional stucco or plaster, or wood.**
- (4) Landscaping. Landscaping shall be provided within the entranceway enhancement area. Landscaping shall be applied to the foundation of any development signage. At no time shall landscaping encroach within a site triangle. All landscaping shall meet the standards of § 153.184 Landscaping. Landscaping shall include a minimum of 12 shrubs as well as one large maturing tree, two medium maturing trees, or three small maturing trees.**
- (5) Walls and fencing. Walls and fencing may be used as a sign structure as well as a boundary treatment for the development. Walls shall be constructed of masonry, brick, and stucco. Fencing shall be made of wood, traditional or split rail style construction, or painted metal in black or brown tones.**
- (6) Lighting.**
 - (a) Safety. All lighting related to the entranceway enhancement area shall meet the applicable requirements of § 153.034 Light and Glare.**

- (b) Signage. Residential development signage shall not be illuminated by an internal source.
- (c) Landscaping. Landscaping may be illuminated or up lit to enhance the entranceway.
- (d) Color. Lighting shall be limited to white light.
- (e) Lamps. Lamps may be utilized with a natural gas source to illuminate the sign or provide an architectural effect.
- (f) Location. Landscaping illumination shall be placed between the roadway and the landscaping.

SECTION 5. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.185 Open Space (A) is amended to include “master planned districts” and to delete “cluster developments”, so as to read:

In residential master planned districts, multi-family developments, equestrian subdivisions, manufactured home parks, planned development districts, and major subdivisions as defined in Chapter 154 – Land Development Regulations of the Newberry County Code of Ordinances:

Additional amendments include the deletion of (A)(2) and (G), and the addition under (B) of “of at least 15 percent.”

SECTION 6. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.231 Definitions is amended to include:

DIAMETER AT BREAST HEIGHT (DBH). A measurement of the diameter of the trunk of a standing tree at a height of 4.5 feet above ground.

TREE, SIGNIFICANT. Any existing healthy and structurally sound tree which has a diameter at breast height (DBH) of eight inches or greater.

SECTION 7. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December 2025 that:

The text of the official zoning ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the code of ordinances of Newberry County, South Carolina, Section 153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions shall be amended as prescribed by this ordinance.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025