

**NEWBERRY COUNTY COUNCIL
PUBLIC WORKS AND PLANNING COMMITTEE
MINUTES
MAY 3, 2021**

The Newberry County Council Public Works and Planning Committee met on Monday, May 3, 2021, at 6:00 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: Johnny Mack Scurry, Chairman
Nick Shealy, Council Member
A.J. Tothacer, Jr., County Attorney
Susan C. Fellers, Clerk to Council
Taylor Davenport, Assistant to County Administrator
Mike Pisano, Public Works Director
Anne Peters, Zoning Administrator

ABSENT: Les Hipp, Council Member

1. Call to Order - Johnny Mack Scurry, Chairman

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

2. Additions, Deletions and Adoption of Agenda

Mr. Shealy moved to adopt the Agenda as presented; seconded by Mr. Scurry. Vote was unanimous.

3. Approval of February 1, 2021 Minutes

Mr. Shealy moved to approve the Minutes as presented; seconded by Mr. Scurry. Vote was unanimous.

4. Public Appearances

A. Shameka Brown

Mrs. Brown stated the driveway she is currently using to gain access to her property is not legal and requested that her driveway be changed to come off of RS Mitchell Drive. She has discussed this with Public Works and Mrs. Peters. She was advised by Mrs. Peters that the map showed Mitchell Drive running all the way to her property.

Mrs. Peters interpreted the red line on the map to be an easement and a county road. She advised a plat shows a 4x4 foot easement for ingress and egress. Mrs. Peters said it was a misinterpretation on her part because the county road only goes .05 of a mile to access another property. In 2002, 911 addressed Mrs. Brown's property as coming off Wilvant Road.

Mr. Pisano has checked with the Public Works employees, and none of them remember ever maintaining Mitchell Drive beyond the 2nd mobile home. In order to extend Mitchell Drive, it would require lot clearing and building a road only four feet wide. The county does not accept dirt roads or roads only four feet wide into the county road system.

Mr. Shealy asked Mr. Tothacer for legal advice as to the statutes regarding a driveway that has been used for this amount of time.

Mr. Tothacer said that would be rendering legal advice, which he can only render to the committee members. He can't answer for Mrs. Brown. Mr. Tothacer said he could explain in Executive Session if the committee members so desired.

Mr. Shealy moved to go into Executive Session to receive legal advice regarding this driveway; seconded by Mr. Scurry. Vote was unanimous.

EXECUTIVE SESSION

6:15-6:20

Upon returning to open session, Mr. Tothacer advised that the Public Works and Planning Committee met in Executive Session on the issue set forth above. No action was taken in Executive Session.

Mr. Scurry advised Mrs. Brown to seek legal advice regarding her driveway.

Mr. Shealy stated with only a four foot easement, there is no room for a driveway to start with. The county only takes paved roads, and there is not enough room for the county to take this road over. He also advised Mrs. Brown to seek legal counsel. There are ways it could be worked out through her legal counsel. This easement ends at the corner of Mrs. Brown's property and would not give her access.

B. Paula Spradley

Mrs. Spradley's property is located at 4622 Raymond Finch Drive in Prosperity. She shared a video with Mr. Scurry and Mr. Shealy of the water running through her property and into the lake.

Mrs. Spradley consulted with an engineering company who advised the wrong pipe was put in to start with and is too small for the amount of water running through her property.

Mrs. Spradley requested that the County help with the pipe or the County put in the right pipe.

Mrs. Spradley talked in the past with Johnny Willis who basically told her it was her property and she could do whatever she wanted. The debris is running into the lake.

Mr. Shealy said the drain was put at the wrong place, and there was a natural drainway on this property.

Mrs. Spradley said there is room to move the pipe as they own lots 13 and 14. In 2013 she and the county could not reach an agreement. She is ready to get an answer and figure out where to go from here.

Mr. Pisano said the lot is in a natural storm water channel on the contour data. A ditch could be constructed with the 10 foot easement but side slopes are steep with depth ranges from 5 feet to 1 foot. An actual survey would have to be done to confirm the design.

Mr. Scurry requested that Mr. Pisano study this issue and determine what it would take to correct it.

5. Executive Session (if needed)

No Executive Session needed.

6. Public Comments

No comments from the public.

7. Comments/Requests from Committee Members

No comments.

8. Adjournment

There being no further business to come before the committee, Mr. Shealy moved to adjourn; seconded by Mr. Scurry.

Mr. Scurry adjourned the meeting at 6:50 p.m

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Johnny Mack Scurry, Chairman

Susan C. Fellers, Clerk to Council

Minutes Approved:_____