

**NEWBERRY COUNTY COUNCIL WORK SESSION  
MINUTES  
March 06, 2024**

Newberry County Council met on Wednesday, March 06, 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 N. Shealy, Vice Chairman  
Les Hipp, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Major Robert Dennis, NCSO  
Eric Nieto, I.T. Director  
Katie Werts, Director of Planning and Development Services  
Andrew Wigger, Clerk to Council/PIO

**ABSENT:** Leon Fulmer, Council Member

**MEDIA:** Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 5:00 p.m. Mr. Johnson said that Mr. Fulmer was travelling and due to the weather, was unable to attend the meeting.

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

- Mr. Shacker said along with Ms. Werts, they identified changes made to the ordinance following feedback from council.
- In Section Two, Definitions, staff completely struck “Abandoned/Junk Vehicle” to focus the ordinance on structures that are not occupied and unfit for occupation. The second definition of “Junk Vehicle” was also completely struck.
- In Section Two, Definitions, Under the definition of “Outdoor Storage” the following were removed, “disassembled, inoperable, or unlicensed vehicles,” and “or vegetable.” Mr. Shacker said that council made it clear that, at this point in time, they did not want to focus on overgrowth.
- In Section Two, Definitions, “Vegetation” and “Vehicle” were completely struck for reasons previously stated.
- Mr. Reeder asked what that means when you are discussing natural growth. Mr. Shacker said that is an inclusive term and means brush, grass, weeds, any kind of vegetation matter. Mr. Shacker said the reason for removing that was to be responsive to council’s interest to where the county has dilapidated structures that are unsafe for occupation and rubbish. He added that is something they can add at a future date.
- Mr. Shealy said he’d love to look at junk vehicles and vegetation, but that is a little more than they can bite off at this time.
- In Section Three, Public Nuisances Identified, Subsection A was completely struck. Mr. Shacker said this addressed junk vehicles, which corresponds with what was struck through in the definitions.
- In Section Three, Public Nuisances Identified, Subsection F had the following removed “or vegetable” and “farm implements.” Mr. Shacker said council made it clear they didn’t want this ordinance to affect agriculture.
- In Section Three, Public Nuisances Identified, Subsection G was completely struck through. This subsection dealt with accumulation of materials that cause an odor.
- In Section Three, Public Nuisances Identified, Subsection H was completely struck through. This subsection dealt with diseased trees or limbs that create a hazard.

- In Section Three, Public Nuisances Identified, Subsection I was completely struck through. This subsection dealt with weeds and vegetation.
- In Section Three, Public Nuisances Identified, Subsection K, the term “building materials” was removed. Mr. Shacker said they received feedback regarding building materials and lumber and in some cases not necessarily used for construction, but one example was the creation of deer stands. He said by striking through that in Subsection K and completely striking Subsection L, they felt like that was addressed.
- In Section Three, Public Nuisances Identified, Subsection M was completely struck through, this dealt with rusted or dismantled implements and/or used for agriculture purposes.
- A Subsection was added that made sure the county is not impacting agriculture activities, so a pool of water related to agriculture activities would be exempt, required retention ponds would be exempt, as well. This subsection narrowly addresses stagnant water in which mosquitoes and other insects are breeding and impacting adjoining properties.
- Mr. Sease brought up an issue where ditches had not been cleaned out, and it goes under the road and gets clogged up causing water to back up on people’s property. He asked who would be liable at that point. Mr. Shacker said from a code enforcement standpoint, they’d look at it as it is in the public right-of-way and not subject to this ordinance. He further explained if it is a county road they’d get out there and resolve the issue and if it is a state road they’d work with the state to resolve the issue.
- In Section Three, Public Nuisances Identified, Subsection O was completely struck through. Mr. Shacker said this dealt with swimming pools.
- A subsection added makes it clear if you live in a structure it must have utilities and basic sanitary services for someone to live in it. If it is unoccupied, it is not an issue. Ms. Werts added that the sewer is where they are receiving complaints, people using restrooms in their

yards, etc. Mr. Shealy said he is sure there are houses that don't have septic tanks in places, but they should.

- Mr. Shacker said they will work with people, the whole idea is to get them to the table to try and work with people, not against them.
- Under Section Four, General Requirements, under Subsection A, the portion stating "grass, weeds, undergrowth" was removed and "stagnant insect-harboring water," was added.
- Mr. Shacker said he knows there was a concern with historic properties, he said if it is unoccupied this ordinance would not apply and if it is occupied, it would be the basic sanitary requirements it would need to meet.
- Mr. Sease said he thinks this is a good starting point, the county needs to start low and build-up.
- Mr. Shealy said it is a starting point, and he is a bit worried of how they are going to enforce it, but they will see.
- Mr. Hipp said he agrees with Mr. Sease and Mr. Shealy, and this is like trying to do surgery with a rubber scalpel, but they said they were looking for a starting place so he can go along with it as a starting place, but they struck some things that will eventually need to be addressed because they will end up with an ordinance that does nothing.
- Mr. Johnson said he thinks it is bare bones at best, but that is where the county needs to start because they have not had anything like this in the county before. He said if they overdo this they could end up repealing the whole thing; and this ordinance is needed. He said he spoke to two constituents this weekend alone about a property in Newberry County that he said is the poster child for this ordinance.
- Mr. Johnson requested the ordinance be placed on the website and have a place for feedback from citizens if they want to provide input. He said sometimes when it is not out there early, they start guessing at what it says instead of seeing what it says. He added he is not saying that is what they'll approve, but that is what is up for consideration.

- Mr. Hipp said they would need to have a date the comments are due by prior to first reading.
    - Mr. Shacker said they will be conscious of the fact that it is a draft document.
  - Mr. Shacker asked council when did they want to see this on the agenda.
    - Mr. Reeder said they need to have this implemented by summertime because that is when they will get the most complaints.
    - Mr. Shealy said put it on the website for about a month. Mr. Hipp added they can compile the comments during their Work Session at the beginning of April and take the ordinance to first reading during the second meeting in April.
2. 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.
- Mr. Shacker said they held an Executive Committee meeting (February 26), and this issue was brought to the committee.
  - Mr. Shacker said Rawls Road is a gravel road that is in the Newberry County Maintenance System. There is a bridge on this road as well, which Mr. Shacker said is notorious for having issues and is closed right now. Emergency vehicles cannot cross the bridge due to the bridge's size.
  - The residents are requesting that council consider closing the bridge and because the Suber family owns the property, council consent to closing the road on the Suber Road side of the bridge. This would close the road on their property and become theirs. The county would also remove the bridge.
  - Mr. Russell Suber said they'd give the land for the county to construct a turnaround.

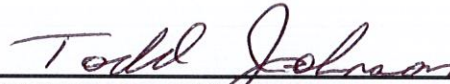
- Mr. Shacker said Mr. Suber talked to many of the property owners and there is one resident who has concerns about the road and bridge being closed. Other than that, the residents had no objection.
- In terms of the process, Mr. Shacker said only a court can close a road. He said the property owners will need to petition the court to close the road, there would be an ad in the newspaper three times prior to the petition, certified mail notice would be provided to the property owners, then a filing to the court to close the road – all would be the responsibility of the property owners.
- Mr. Shacker said staff recommends that the county would need to file an amicus indicating they do not oppose the petition. Mr. Shacker added that the landowners would probably like an indication council is not opposed to the closing prior to incurring any expenses.
- Furthermore, staff recommends that once a judge orders the road and bridge to be closed, the county act by ordinance to remove the section from the Newberry County Road System.
- Mr. Shealy asked if they needed to have this matter on the agenda prior to the family petitioning. Mr. Shacker said he thought that would be a good idea, to indicate there would be no opposition to the closing.
- Mr. Hipp said if they don't have any opposition from any of council at this point, they can vote during the regular meeting and free the family to begin, instead of making them wait another couple of weeks.
- Mr. Reeder added everyone else signed the petition except for one resident.
- Mr. Johnson said he didn't have a problem with voting on the request during the 6 p.m. meeting, but his concern was if someone just heard about it and council already voted on it, they wouldn't have a chance to talk to them.
- Mr. Hipp said there are so many legal steps, they would have a chance to voice their concerns.
- Mr. Shacker clarified that Mr. Suber has spoken to all the residents that live on the road except some absentee property owners, that don't live there, that he hasn't spoken to.

- Mr. Johnson said he thinks it makes sense, they are not landlocking anyone they are not robbing anyone of access, and it will save the taxpayers money from the maintenance.
- Mr. Sease added that if the county is paying money to repair the bridge, their emergency vehicles still cannot cross.


3. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0 at 5:37 p.m.

**NEWBERRY COUNTY COUNCIL**



**Todd Johnson, Chairman**



**Andrew Wigger, Clerk to Council**

**Minutes Approved:** March 20, 2024