

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
April 17, 2024

Newberry County Council met on Wednesday, April 17, 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: 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
Joanie Winters, County Attorney
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Tommy Long, Emergency Services Director
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

ABSENT: Todd Johnson, Chairman

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

1. Discussion of a proposal to allow the keeping of hens (not roosters) as a conditional use within residential zoning districts, subject to minimum standards.

- Mr. Shacker reviewed the draft ordinance and addressed three additions that were included following the Wednesday, April 3, 2024, Newberry County Council Work Session. The three additions to the ordinance were:
 - Chicken enclosures of any type shall not individually or collectively exceed two hundred (200) square feet in size.
 - Chicken enclosures of any type shall be located no closer than fifty (50) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principle structures, or 50 feet, whichever is greater.
 - Mr. Shacker said there is a potential for some properties where this will not permit chickens, under the ordinance.
 - Mr. Shacker said there is the opportunity to go before the Board of Zoning Appeals, in terms of a variance. Ms. Werts said they would have to have a hardship for the board to hear that.
 - Chicken enclosures must be designed so that waste, wastewater, and any and all by-products of the keeping of chickens remains within the footprint of the enclosures and does not impact adjoining properties, drainage systems and receiving waters.
- Mr. Shacker said during the last meeting, it was addressed about a potential property tax issue related to the coops. He said if it is 200-feet or less, it is not assessed.
- Mr. Hipp addressed the issue with the front/rear yard and how that could be subjective.
 - Ms. Werts said rear yard in the zoning definition is defined, as is front yard. She added at the lake, the rear

- side is the lake, no matter how a property owner faces their house, the definition is the rear side is the lake side.
- Mr. Hipp asked about penalties for failure to comply and wanted to know what the penalties are if they find someone in violation.
 - Ms. Werts said they would handle it like any other zoning violation, they would go to the location, take their check list and if the coop doesn't meet all the requirements, they would then send a letter stating the owner was in violation of the ordinance, with seven days to get into compliance. If they do not comply, they either must get rid of the chickens or get a summons to court, and the judge would handle it from there. Ms. Werts added they can also come to the office where they can also work out a plan to get into compliance, as long as it is in that seven-day period.
 - Mr. Sease asked about the setbacks on the lake for R2, and if there is property on the lake that is R2, and they have a chicken coop that is closer than 50 feet.
 - Ms. Werts said they are a permitted use under R2, and they'd still have to meet the current setbacks and at the lake it either has to be 50 feet, or further.
 - Mr. Sease asked if anyone would be grandfathered.
 - Ms. Werts said they do have some and their system goes back to 2001 that states if properties have structures. She added that any structure built prior to 2001 is grandfathered in because that is when the county adopted the Zoning Ordinance.
 - Mr. Fulmer asked if they adopted this ordinance, would there be any grandfathering.
 - Ms. Werts said no because any chicken coops not in R2 are not permitted in the current ordinance.
 - Mr. Fulmer thanked staff for putting this ordinance together and added they did a good job of trying to address a lot of issues within the draft ordinance. He knows they will not satisfy

everyone, but from a previous career he dealt with a lot of this stuff and from an environmental standpoint, you probably have more of a concern with all the free-range dogs running around rather than the hens that are required to be maintained in a structure.

- Ms. Werts added that it has been a struggle as they receive phone calls when a resident only wants three or four (hens) and it is hard to tell them no when they can meet all of these requirements.

2. Discussion of proposed FY 2024-2025 Budget.

- Mr. Shacker recapped changes that could be made to reduce the use of fund balance, including a two mill increase, that were previously presented during the Wednesday, April 3, 2024, Newberry County Council Work Session.
- Mr. Hipp said in past years sometimes the proposed budget was not posted on the website prior to public comment, and he wanted to make sure the budget is posted on the website prior to public comment on the budget.
- Mr. Shealy said he agreed, and the public has the right to see where their money is going.
- Mr. Shealy said no one likes an increase, but everywhere you go, including the store, everything has increased and the county has to operate and that is not a large increase.
- Mr. Reeder said it is better to do a little now, than a lot later.

3. Executive Session:

a. Contractual Matter(s):

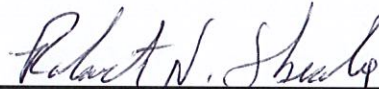
- i. Discussion of matters related to real estate owned by Newberry County pursuant to SC Code of Laws Section 30-4-70(a)(2).

- Mr. Fulmer made a motion to go into Executive Session; Mr. Reeder provided the second and the motion was approved 6-0. Newberry County Council went into Executive Session at 5:33 p.m.
- Mr. Sease made a motion to come out of Executive Session; Mr. Fulmer provided the second and the motion was approved 6-0. Newberry County Council came out of Executive Session at 6:05 p.m.

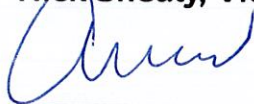

4. Adjournment.

- Mr. Hipp made a motion to adjourn the meeting; Mr. Fulmer provided the second and the motion was approved 6-0.

NEWBERRY COUNTY COUNCIL



Nick Shealy, Vice Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: 5-01-2024