

**NEWBERRY COUNTY COUNCIL
MINUTES
APRIL 19, 2023**

Newberry County Council met on Wednesday, April 19, 2023, 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: Todd Johnson, Chair
Les Hipp, Vice-Chair
Mary Arrowood, Council Member
Karl Sease, Council Member
Robert N. Shealy, Council Member
Johnny Mack Scurry, Council Member
Jeff Shacker, County Administrator
Karen Brehmer, Deputy County Administrator
Joanie Winters, Interim County Attorney
Debbie S. Cromer, Finance Director
Susan C. Fellers, Clerk to Council

ABSENT: Travis Reeder, Council Member

MEDIA: Andrew Wigger, Newberry Observer

Mr. Johnson called the meeting to order at 6:00 p.m. and determined a quorum to be present.

Mr. Scurry had the invocation followed by the Pledge of Allegiance.

1. ADOPTION OF CONSENT AGENDA

a. Newberry County Council Minutes of April 5, 2023 Meeting

Mr. Scurry moved to adopt the Consent Agenda, as presented; seconded by Mr. Shealy. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

2. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

Mr. Sease moved that Agenda Item #12 be amended to reflect the acreage as 56.72 rather than 60.50; seconded by Mr. Hipp. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous to accept the amendment.

Mr. Hipp moved to adopt the Agenda, as amended; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

3. CONSIDERATION OF APPOINTMENT TO THE UPPER SAVANNAH WORKFORCE DEVELOPMENT BOARD

Ann Skinner with Upper Savannah Workforce Development requested that Council consider the appointment of Susan Godwin to the vacancy on their Board.

Mr. Hipp moved to accept the recommendation of Susan Godwin to the Upper Savannah Workforce Development Board; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

4. PROCLAMATION RECOGNIZING APRIL 30, 2023 AS NATIONAL THERAPY ANIMAL DAY

Mr. Hipp moved to adopt the Proclamation; seconded by Mr. Sease. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

5. PROCLAMATION RECOGNIZING NATIONAL SMALL BUSINESS WEEK

Mr. Shealy moved to adopt the Proclamation; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

6. ORDINANCE #03-01-23: ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND PROJECT N PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES, PROVIDING SPECIAL SOURCE REVENUE CREDITS, AND AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE GREENWOOD-NEWBERRY INDUSTRIAL PARK TO PROVIDE FOR THE ADDITION OF PROPERTY AND OTHER MATTERS RELATED THERETO.

a. Public Hearing

Mr. Johnson declared this to be the public hearing. There being no comments from the public, Mr. Johnson declared the public hearing closed.

b. Third and Final Reading

Mrs. Arrowood moved to approve third reading; seconded by Mr. Sease. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

NOTE: Because of the number of persons signed up for public comments tonight, Mr. Johnson requested that each speaker limit their comments to 3 minutes. At some time, it is likely that most of the points about the issue will have already been made, and while we will never take your time from you, it may be beneficial that when your name is called, you simply say you join with the previous comments. This will allow your voice to be heard but also allow the meeting to continue. We also request that each of you be respectful with your comments. Emotions can get high when an issue is a personal one that affects your home and community, however, negative comments should not be used tonight. We look forward to hearing from each of you.

**7. PUBLIC COMMENTS FOR ORDINANCE #04-02-23 - REZONING OF
PROPERTY ON ADELAIDE STREET**

Terrence Knight, owner of this property and owner of Wells Sanitation, wants the zoning changed on this property in order that he might park his trash trucks and store containers on the property. He has agreed to install a fence around the property.

Mr. Johnson requested that Ms. Winters work with Mr. Knight to add wording into the Ordinance regarding the installation of a fence.

**8. ORDINANCE #04-02-23: ORDINANCE ACTING ON A REQUEST TO
AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO
ZONING ORDINANCE #12-24-01 AS REVISED AND AMENDED BY
ZONING ORDINANCE #06-11-16 AND CODIFIED IN CHAPTER 153 OF
THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHING
ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE REAL
ESTATE PARCEL TOTALING TWO AND EIGHTY-FIVE HUNDREDTHS (2.85)
ACRES, DESIGNATED AS TMS NO. 399-25 FROM RS-SINGLE FAMILY
RESIDENTIAL TO R2-RURAL.**

a. First Reading

Mr. Scurry moved to approve first reading; seconded by Mrs. Arrowood.

The Planning Commission unanimously recommended in its March 21, 2023 meeting that Council consider rezoning this property.

There being no further discussion, Mr. Johnson called for the vote. Vote was unanimous.

9. PUBLIC COMMENTS FOR ORDINANCE #04-03-23 - REZONING PROPERTY ON TOM SAVAGE ROAD

Kathy Sims spoke on behalf of the property owners objecting to the rezoning in Mariners Point. Fifteen of the 18 property owners object to the rezoning of this property for a hobby farm. One of the 3 remaining property owners lives elsewhere, and we have been unable to locate him; another has not yet moved in; and then Ms. Harpool. Many of the owners who have signed the Petition are here tonight. Ms. Harpool bought this property in 2020 with the initial intent of building 3 homes, one for them, one for Ms. Harpool's sister, and one for her mother, which made sense. Over time, their plans have changed and now they want to build a barn and change it to rural and have a hobby farm. The neighbors feel that rezoning to rural and approving a hobby farm would be unacceptable for the following reasons. The zoning for Mariners Point has always been residential. Their property is in the middle of the subdivision. Their property has multiple run-off areas to the lake which would potentially allow for lake contamination if a hobby farm were built. Rezoning to rural would also allow for potential undesirable variances to the property. All properties in Mariners Point are subject to Restrictive Covenants which were filed with Newberry County in 1989. (Ms. Sims read the section of the covenants stating that all property in Mariners Point should be conveyed according to said recorded restrictions). Rezoning one property would be in violation of the Covenants. On behalf of the residents present, Ms. Sims requested that Council not approve the rezoning request or the hobby farm.

Mr. Scurry inquired as to what was considered a hobby farm. Mr. Johnson advised that Ms. Harpool signed up to speak so we would let her describe the hobby farm.

Mrs. Arrowood added that Stockman Road is a one lane dirt road. Ms. Sims said that was correct with no outlet.

Mr. Sease said the Covenants were placed on the property for 10 years, but they automatically renew each year thereafter. Ms. Sims said if there is no reason to change it at the 10 years, then it automatically renews as is. In 30 years, there

has never been an incident in which the neighbors felt the Covenants needed to be changed.

Amy Harpool said the Restrictive Covenants never showed up when they bought this property. She stated three title searches were done, and it never came up. Her lawyer says they are not enforceable, but the other residents have an attorney who says they are. That will be a lawsuit down the road.

We didn't buy the property, and then say we are changing the rule. We didn't know there was a covenant in place. They have not been active, and there are neighbors that don't want it regardless.

A hobby farm would not be out of line with our crush gravel road. We are a mile from a paved road. No sidewalks, no septic and we take our trash to the dump. We live in the country. It is 20 acres on the lake. We built a house just like everybody else's house with a beautiful dock. At the end of the property, she wants to have a hobby farm. A hobby farm is pets like cats, goats and chickens. There will be no pigs or cattle, and they will not be processing anything. It's just going to be goats and chicken and building a barn. It will be inside the woods with a big fence so that the animals will not be seen.

Mr. Hipp stated that even though she may not have been aware of the Covenants, she was aware of the zoning when the property was bought. Ms. Harpool acknowledged they were, and they had an agricultural loan at first but did find out it was residential. She didn't think it would be a big deal, and they already have an appraised value of \$1.3 million for their property so they are not trying to bring down the neighborhood.

Carl Horn stated in looking at the deeds and titles to their properties, in there it specifically refers to Restrictive Covenants. It specifically says in the deeds we have that we will abide by the Covenants. Shortly after the Harpools moved in, Mr. Horn's wife emailed them a copy of the Covenants. We never got any word back as to whether she received them. Later on, we found out that they thought they did not have to abide by the Covenants according to their sources. There are 15 families voicing their opposition to the changing of the zoning.

Mr. Scurry asked if a copy of the Covenants were mailed to Ms. Harpool. Ms. Harpool responded that a year after they moved in Mrs. Horn did email the Covenants to her. She took it to their real estate lawyer, and he said it was not binding. It was not in the title when it was searched before they got the property.

Mr. Shacker said the Planning Commission considered this at their March 21st meeting and one of their considerations was the future land map use of the property, which can be a basis for the zoning decision. It is currently designated as lake development. There were actually two motions made in the meeting. One was a motion to approve and the next was a motion to deny. Both motions did not receive the required number of votes to be approved so the Planning Commission is not making a recommendation on this request.

Mr. Johnson said his understanding was some of the members recused and some abstained, and they ended up without a majority vote.

10. ORDINANCE #04-03-23: ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE #12-24-01 AS REVISED AND AMENDED BY ZONING ORDINANCE #06-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHING ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE REAL ESTATE PARCEL TOTALING TWENTY AND FIFTY-NINE HUNDREDTHS (20.59) ACRES DESIGNATED AS TMS NO. 589-1-1 FROM RS-SINGLE FAMILY RESIDENTIAL TO R2-RURAL.

a. First Reading

Mr. Johnson advised that procedurally a motion and second would have to be made for Council to contemplate this. Once we have a motion and second, we will then have discussion and then the final vote will come on this first reading. There would be another reading and a public hearing and a third reading, if it should pass first reading. Just because somebody votes to make the motion that we

discuss this doesn't mean that they are necessarily going to vote in favor of it at the final vote.

There being no motion, Mr. Johnson stated that his understanding was that since this is an action matter request, it will simply show back up on our agenda again until we take some action on it.

With that being said, Mr. Shealy moved for first reading; seconded by Mr. Sease.

Mrs. Arrowood felt we would be going backwards when all the other landowners were opposed. This property has already been platted out for a subdivision. If rezoned, it would open this property to mobile homes, commercial use and even a landing or something of that nature. In a single lane gravel/dirt road, she felt it was against what we should do.

Mr. Johnson stated that short term is one thing but when something is rezoned, it becomes Pandora's box.

Mrs. Arrowood stated the attorney who did the title search should have found the Restrictive Covenants.

Mr. Sease said if rezoned, families could come in 10 to 20 years from now and do whatever they want in R2 zoning. It affects all the other property owners in that subdivision. He felt it should stay RS.

Mr. Hipp empathized with Ms. Harpool and her desire to use it as a hobby farm, which doesn't sound like an obtrusive use of it. He also understands the other landowners in that subdivision, and everybody is allowed an opinion. In this case the homeowners bought property currently zoned RS with the anticipation that it would continue to be zoned RS for as long as they owned the property. To change it for one person versus 15, he would side with the other homeowners in this subdivision and vote likewise.

Mr. Johnson felt Ms. Harpool's intent was pure and her heart noble, but his concerns were what happens to this property down the road. Once it gets rezoned, it is something we can't put back in the box.

There being no further discussion, Mr. Johnson called for the vote: All Council Members voted **against** giving this Ordinance first reading. Motion for first reading failed unanimously.

11. PUBLIC COMMENTS FOR ORDINANCE #04-04-23 – REZONING OF PROPERTY ON MT BETHEL GARMANY ROAD

Catherine Boozer does not live in this area but does own land adjoining the 56 acre tract. This property has been in her family for more than 122 years and has been a farming community for as long as she can remember. This property is on a bad highway. The highway is narrow, and the property is located on a bad curve. She requested that Council please not consider allowing a housing development on this property. Larry Cromer owns a poultry farm behind this property, and she is concerned they will ask him to move when the development comes in. It's a close community.

Josh Rowe passed out a petition with 263 names, all of whom live in Newberry County. This is a very close-knit community with middle-aged and younger people living in the area. A lot of people stay in this community because it is close-knit and safe. None of us are against development as a whole but wish it were done responsibly. The natural area will be pushed out, and the people living in this area like the rural aspect. There is not a lot of road frontage on the proposed property, which would cause a problem with egress and ingress in the proper place. It is in a dangerous location with a blind curve.

Justin Howe travels throughout North Carolina and South Carolina daily and sees what happens with subdivisions. A fire station is more than 5 miles away and there is no county water or sewer. He bought 75 acres in 2009 and built a house. He bought the land across the road from him to keep out a subdivision. He asked that Council keep this property rural.

Bruce Wilson said the traffic is terrible through there. There have been numerous wrecks on that curve. There are a lot of log trucks and farm tractors on that road. This is agricultural property, always has been and should stay that way.

Philip Wilson said there have been 3 to 4 fatalities on that curve. This will increase traffic, and he would hate to see anybody else hurt on that curve. This is rural family land in this area, and you can hear guns shooting all the time.

Johnny Wilson felt sure the DOT had been involved. There is no way to have a safe entry onto the highway.

Kara Shealy – passed.

Brent Shealy – passed.

Robert Shirey was concerned that no ordinance was in place to govern residential communities. He mentioned abandoned properties, old buildings, and old signs that should be removed. He talked about Wise Street and how the City Police refuse to go to Wise Street before at least 6 a.m.

Charlie Stuck said there was no county water or sewer in this area, and a subdivision would not fit into this area.

Lauren Armstrong is not currently a resident of Newberry County but grew up here and hopes to move back to Newberry County. It's a beautiful county with lots of things going on. She has lived in Greenville and Chapin subdivisions and not all subdivision areas are bad. There are places that have let people put in subdivisions where they should not be. Developers don't love Newberry County. It is zoned rural and should remain rural. It has been said that millennials want homes with small lots and want to stay inside. Plenty of people don't want that. There are places in Newberry County where subdivisions would be appropriate.

Tyler Johnson felt changing the zoning of this property would open Pandora's Box. This is farmland, and no one has to worry about bothering neighbors by being too loud or having bright lights. Changing it will close it forever to being

rural again. Once developed it is gone forever as being rural property in Newberry County.

Pat Redmond – passed.

Wayne Redmond – passed.

Timothy Robinson lives right across the road from this proposed subdivision. He bought 7.2 acres of property because it is not in the city and is totally against the rezoning and a housing development.

Josh Rabon is a civil engineer from Columbia. They are site development engineers working for many developers. He respects the opinions expressed tonight and appreciates their outpouring. Zoning is one of the first things you have to do. Rezoning does not mean the development will go in. Water capacity is available for this property. As to DOT, if site distances are not met, easements will have to be obtained for a clear right of way. A lot of dominos has to go into effect prior to a developer going forward. All of these issues are irrelevant to pursue if the property is not zoned properly. First reading does not mean third reading will go the same way. Additional conversations could be held with DOT as to what would be required to get access to the property. The current landowner is a Newberry County resident and would like to realize the value of his property.

Logan Creed – passed.

Jennifer Nichols grew up in this area and feels Newberry County is a special place. Her concerns include additional taxing on current infrastructure, fire and police service, and the impact on the schools. Progress does need to happen, but this is a quiet community. Plans need to be put into place for responsible development.

Amanda Moates agreed with everyone else that this is a bad area. It is going to make the school rooms bigger and its big enough now. She was born and raised in this area. She felt they were trying to make Newberry into a big city. She felt different things need to be brought to Newberry such as healthier things instead

of the fast-food businesses and things for kids. A housing development in this area would not be good.

Leon Fulmer is a part of the agricultural community of Newberry County. The continued subdivisions will cause urban sprawl, and the developers have no interest in the agricultural community. He felt there was still plenty of housing available in Newberry County.

12. ORDINANCE #04-04-23: ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE #12-24-01 AS REVISED AND AMENDED BY ZONING ORDINANCE #06-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHING ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE REAL ESTATE PARCEL TOTALING SIXTY AND FIFTY HUNDREDTHS (60.57) ACRES DESIGNATED AS TMS NO. 392-3 FROM R2-RURAL TO RS-SINGLE FAMILY RESIDENTIAL.

NOTE: AS AMENDED AT THE BEGINNING OF THE MEETING, THE TOTAL ACREAGE IN THIS TRACT IS 56.72.

a. First Reading

Mr. Shacker stated this was a rezoning of 56.72 acres on Mt. Bethel Garmany Road from R2-Rural to RS-Single Family Residential. The property is currently unimproved and is forest/agricultural use. The current R2 zoning requires a lot size of at least 1 acre. The requested RS zoning would permit a minimum lot size of 20,000 square feet. The parties are requesting the RS-Single Family Residential zoning to permit development of the property. They are proposing 70 single family residential lots served by culvert water and septic tanks. The developer would be responsible for bearing the expense. A site plan for the proposed development has not been submitted to our staff in Planning and Zoning. This is just the zoning stage of that process. The Planning Commission voted 9 to 1 to recommend approval of this request at its March 21st meeting.

Mr. Shealy moved for first reading; seconded by Mr. Sease.

Mr. Shealy asked if the proposal was to put 70 homes on the 56 acres. Mr. Shacker advised that was correct.

Mr. Sease felt this was not the best site for a subdivision with no county water or sewer. With it being right next to the poultry farm, sooner or later he felt they would try to put the poultry farm out of business or if he wanted to expand, there would be opposition for him expanding. There are a lot of farms and poultry farms in that area. He would vote to leave the property zoned R2.

Mr. Johnson stated growth of residential housing is absolutely necessary for the future of Newberry County with the requests for grocery stores and fire service and more public safety, as well as many other things. These things will require additional houses to spread the tax load and make it possible. However, it must be done in a healthy way. The current road has no shoulders, no access to primary roads, limited access to the interstate, and lack of water and sewer infrastructure. We could also make this vote, and it turn out not to be a housing development but something even worse. He would be opposed to rezoning.

Mr. Hipp was also opposed to this ordinance. We had a similar situation on the corner of Jolly Street Road and 773. There were homeowners in that area that opposed that development. Mr. Hipp agreed we need houses and a place to grow, but we have to choose those areas and restrictions accordingly. In this particular case Mr. Hipp feels the same way he did on the Jolly Street and 773 in that these constituents oppose it, and he will support their wishes.

Mr. Scurry traveled out to the area a few days ago and almost got hit twice on the road. This is not a good neighborhood for a subdivision.

Mrs. Arrowood stated that Newberry County does need homes, and Newberry County needs the tax base that comes with additional homes. Even though she felt this was not the right place for a subdivision, she does support growth in the County. People seem to want bigger lots, and maybe that is something we can address in the future.

There being no further discussion, Mr. Johnson called for the vote. All Council Members voted **against** giving this ordinance first reading. Motion failed unanimously.

13. ORDINANCE #04-05-23: ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING \$2,000,000 IN AGGREGATE PRINCIPAL AMOUNT, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BONDS SHALL BE EXTENDED, TO PROVIDE FOR THE PAYMENT OF SAID BONDS, AND OTHER MATTERS RELATING THERETO.

a. First Reading

Mr. Shacker stated this is done annually, and the proceeds of the GO Bonds provide funds the County uses to serve existing debt to include long term and lease/purchase debt. He advised that Theo DuBose was here if any Council Member had questions regarding this ordinance.

Mr. Scurry moved to approve first reading; seconded by Mr. Hipp. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

14. APPOINTMENTS

No appointments.

15. PUBLIC COMMENTS

No additional comments from the public.

16. EXECUTIVE SESSION:

- a. Economic Development Matter(s): Discussion of matters related to Project Rubicon pursuant to SC Code of Laws, Section 30-4-70(a)(5)**

Mrs. Arrowood moved to go into Executive Session for the above-stated reasons; seconded by Mr. Shealy. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

**EXECUTIVE SESSION
7:34 PM - 8:16 PM**

Mr. Shealy moved to return to open session; seconded by Mrs. Arrowood. There being no discussion, Mr. Johnson called for the vote. Vote was unanimous.

17. COUNTY COUNCIL MAY TAKE ACTION FOLLOWING EXECUTIVE SESSION ON MATTERS DISCUSSED DURING EXECUTIVE SESSION

Mr. Johnson said no action was needed based on the Executive Session.

18. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR

Mr. Shacker stated work on the budget was continuing and looks forward to the budget work session on April 26.

19. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

Mr. Shealy said tonight proved that the County needs to come up with a plan for housing development.

Mr. Sease said infrastructure needs to be in place to support housing growth. His main concern is emergency response. We are getting to the point that we need to do more with fire service such as maintaining equipment and getting more equipment. That will cost money and we need to come up with a way to provide these essential services to Newberry County.

Mrs. Arrowood stated Newberry County needs more homes. Right now, the RS zoning requires a minimum lot size of 20,000 square feet. Maybe we need to look at changing the lot size in the ordinance. The small lots seem to be a big complaint.

Mr. Hipp suggested that Planning and Zoning look into recommended changes. We need to make sure any zoning changes comply with the 10-year comp plan as required by law.

Mr. Shacker stated we are in the process of overhauling that plan. State law requires that in order to enforce zoning and to have land development regulations, you have to have a plan. There are 10 required elements at a minimum for a comprehensive plan that has to be revisited every 5 years and overhauled every 10 years. We are in an overhaul now. One of those elements is the land use element and two critical components of the land use element are a current land use map showing how the land is currently used in the county and then a future land use map. That process is underway now and we haven't gotten to the land use element yet. Six elements have been presented to the Planning Commission, which are being reviewed. Those will come to Council to review as well. Mr. Shacker recommends a more hands on approach on the future land use map. There needs to be consistency between zoning and the land use element, which is the foundation.

Mr. Johnson thanked Jeff and the staff for the outstanding job in accommodating everything tonight. He thanked Major Dennis for the extra law enforcement staff present at the meeting tonight.

20. FUTURE MEETINGS:

- a. Public Safety Committee – April 24, 2023, 6:00 p.m.
- b. County Council Work Session – April 26, 2023, 5:00 p.m.
- c. County Council – May 3, 2023, 6:00 p.m.
- d. County Council – May 17, 2023, 6:00 p.m.
- e. Finance Committee – May 22, 2023, 6:00 p.m.

21. ADJOURNMENT

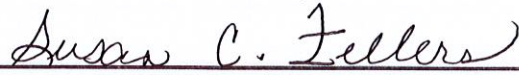
There being no further business, Mr. Shealy moved to adjourn; seconded by Mrs. Arrowood. Vote was unanimous.

Mr. Johnson declared the meeting adjourned at 8:26 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chair



Susan C. Fellers, Clerk to Council

Minutes Approved: 5-3-2023