



**NEWBERRY COUNTY COUNCIL
MINUTES
SEPTEMBER 21, 2016**

Newberry County Council met on Wednesday, September 21, 2016, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

PRESENT: **Henry H. Livingston, III, Chairman**
 Scott Cain, Vice Chairman
 Bill Waldrop, Councilman
 Leslie (Les) Hipp, Councilman
 Steve Stockman, Councilman
 Kirksey Koon, Councilman
 Travis Reeder, Councilman
 Wayne Adams, County Administrator
 A.J. Tothacer, County Attorney
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

MEDIA: **Andrew Wigger, Newberry Observer**

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

Chairman Livingston led the invocation followed by the Pledge of Allegiance.

1. Additions, Deletions and Adoption of Agenda

Mr. Adams reported that Mr. Cain will offer substitute language when we get to agenda item #3 regarding Amendment #3. This language will strike the proposed language of the amendment and insert the following: “Amend the Zoning District Table of Permitted Uses to include “Agritourism” as defined in the SC Code of Laws as an accessory use to an agricultural use in the RD Rural District as a Permitted (“P”) use without conditions.”

Mr. Adams also stated that there may be another amendment offered under agenda item #3 regarding Amendment #4 that concerns lakefront setbacks. The proposed new language would remove the grandfathering of averaging setbacks from the lake contour line of the two neighboring properties.

Mr. Hipp motioned to adopt the agenda as amended; seconded by Mr. Waldrop. The vote was unanimous.

2. *Newberry County Service Awards*

Chairman Livingston recognized and thanked the following employees for their years of service: Betty Boulware, Treasurer's Office – 5 years; Richard Hudgens, Sheriff's Office – 5 years; Janet Rutherford, Sheriff's Office – 5 years (absent); Wayne Adams, County Administrator – 10 years; and Bill Waldrop, Councilman – 30 years.

3. *Ordinance #06-11-16: An Ordinance amending and revising Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances.*

Mr. Hipp motioned to approve third reading of Ordinance #06-11-16; seconded by Mr. Reeder.

AMENDMENT 1: Attached and part of the official minutes.

Mr. Adams reported that the first amendment for consideration involves conditional permitting of cemeteries; minimum size, setback and signage requirements for cemeteries. He said the proposed amendment makes cemeteries a conditional use in those districts where cemeteries are allowed (R2 and LC – the same as with the old zoning ordinance). The current draft of the new zoning ordinance, however, singles out cemeteries as religious uses by permitting (designated "P") them outright as accessory uses. This means, if churches put cemeteries on church property, they do not have to comply with 1) setback requirements, 2) minimum acreage requirements, and 3) signage limitations. Cemeteries not affiliated with churches, on the other hand, do have to meet these requirements under the current draft. There are two issues here: 1) There is no reason why churches should be treated any differently/more favorably in the siting of cemeteries; 2) Not having these conditions/requirements – especially the setback requirements – has, in the past, resulted in graves being located up to the traveling surface of the roadway. This can make it impossible to widen roadways when necessary and to maintain proper roadway drainage. The conditions for cemeteries are reasonable requirements. In fact, they existed – for churches and everyone else – in the old ordinance. This amendment simply corrects a mistake that was included in the new ordinance draft.

Vice Chairman Cain motioned to approve Amendment 1; seconded by Mr. Reeder. The vote was unanimous.

AMENDMENT 2: Attached and part of the official minutes.

Mr. Adams reported that the second amendment has to do the conditional permitting of large animal processing and taxidermy uses; concealment of carcasses and disposal of remains (animal processing and taxidermy); and management of emissions and odorous gases which pertains to taxidermy only. These uses were not addressed in either the old zoning ordinance or the current draft of the new zoning ordinance. This amendment makes these uses conditional (designated “C”), and restricts the districts in which they are allowed to locate. Large animal processing would only be allowed in R2; taxidermy would be allowed in R2 and GC. The County’s staff and land use/zoning consultants developed the recommended conditions, which primarily concern the concealment and disposal of animal carcasses (animal processing and taxidermy) and the management of emissions and odorous gases (taxidermy).

Mr. Hipp motioned to approve Amendment 2; seconded by Vice Chairman Cain.

Mr. Koon responded for the record that this only affects taxidermy and does not affect agriculture.

Having received no further comments, the vote was unanimous to approve Amendment 2.

AMENDMENT 3: Attached and part of the official minutes.

Mr. Adams reported that the third Amendment pertains to the conditional permitting of Agritourism uses; buffers, vehicle logistics and accommodations, waste materials storage; and the management of light, glare, odors and noise; however, the substitute language is as follows:

“ Amend the Zoning District Table of Permitted Uses to include “Agritourism” as defined in the SC Code of Laws as an accessory use to an agricultural use in the R2 Rural District as Permitted (“P”) use without conditions; meaning no conditions would be attached as those pertaining to odor, glare, noise, light or the waste materials or the vehicle logistics and accommodations.”

Vice Chairman Cain motioned to offer the substitute language to Amendment 3; seconded by Mr. Waldrop.

Mr. Hipp noted that some members of Council were notified of concerns regarding restricting agricultural use and that was never the intent. We have removed any of the restrictions associated with Agritourism that could in anyway be considered as restricting agriculture. He said everyone on Council is in full support of agriculture in our county and we are not doing anything to further regulate agriculture.

Vice Chairman Cain stated that the reason we are adding Agritourism is to define it in our zoning ordinance as established by the SC Code of Laws. This will protect the landowners/farmers that want to extend their operations into this area to optimize the use of their property and agricultural assets.

Mr. Koon reiterated that there will not be any restrictions as most of you came here for tonight. The only restrictions you will continue to have are those mandated by DHEC.

Chairman Livingston thanked everyone who called and said there was never any negative intentions to put pressure or barriers out there to harm you. Hopefully, this amendment will take away your fears and you can do what you want to do. It will also open up doors for some people who have things they want to do that they might not have been allowed had this not been in place.

Having received no further comments, the motion to amend Amendment 3 was unanimously approved.

AMENDMENT 4: Attached and part of the official minutes.

Mr. Adams read the original Amendment regarding the setback from the lake shore

“All principal and accessory structures shall be set back no less than 50 feet from the 360 contour line on Lake Murray and the 440 contour line on Lake Greenwood. However, where adjacent lake properties on both sides of a property are developed on or before the effective date of this ordinance, the setback shall not be less than the average of the setback from the 360 contour on Lake Murray or the 440 contour on Lake Greenwood of the principal structures on the adjacent lake properties. Mapping and survey data as provided by the Newberry County Geographic Information System (GIS) will be used by the Zoning Administrator to determine the original location of the 360 or 440 contour lines. Local, state, or federal setback requirements from the lake shore may also apply.”

He said the substitute language for Amendment #4 under agenda item 3 should strike “on or before the effective date of this ordinance”.

“All principal and accessory structures shall be set back no less than 50 feet from the 360 contour line on Lake Murray and the 440 contour line on Lake Greenwood. However, where adjacent lake properties on both sides of a property are developed the setback shall not be less than the average of the setback from the 360 contour on Lake Murray or the 440 contour on Lake Greenwood of the principal structures on the adjacent lake properties. Mapping and survey data as provided by the Newberry County Geographic Information System (GIS) will be used by the Zoning Administrator to determine the original location of the 360 or

440 contour lines. Local, state, or federal setback requirements from the lake shore may also apply.”

Mr. Hipp motioned to approve the alternate language as presented tonight for Amendment 4; seconded by Vice Chairman Cain. The vote was unanimous.

Mr. Hipp said that we will have third and final reading of the zoning ordinance now and asked if it would be the time to hear any public comments.

Leon Fulmer approached the podium and stated that he resides at 2851 Dreher Island Road, Prosperity, SC. He commented that on the original proposed amendment there was some conditional use requirements to include a buffer of at least 100 ft. between all Agritourism uses and adjacent property lines and asked if those requirements had been removed.

Vice Chairman Cain responded that they have been removed and stated that all Council is doing is defining Agritourism to make it legal.

Mr. Fulmer wanted confirmation that items A-F under conditional use regulations had been completely removed.

Vice Chairman Cain stated that was correct; meaning without conditions.

Mr. Fulmer responded that he appreciated Councils’ time and efforts.

Mr. Frank Mitchell approached the podium and stated that he resides at 1966 Summerset Bay Drive, Cross Hill, SC. He thanked Council for the opportunity to appear and also thanked Councilman Waldrop and Chairman Livingston for coming out to see the property first hand. He said the lakeshore setback was the purpose for his attendance this evening and said he appreciated staff working with the residents of their community. He said they still have some concerns about the proposed language to the amendment in that it will allow construction of a home on adjacent vacant lots at 50 ft which could mean an existing homeowner could possibly be looking at their neighbor’s front door from their back porch. He said most of the lots in their communities are 500-660 ft. deep and 50 ft. setback is inappropriate. He felt this would kill their property values and their neighborhood values. He asked Council to consider a greater distance than 50 ft; they would strongly recommend 75 or 100 ft. and that Council consider putting back in the ordinance the language that either home adjacent to an existing home has an average setback of the two.

Mr. Larry Dehart of Pomaria stated that he was Chairman of the Newberry County Farm Bureau Legislative Committee and thanked Council for the changes made tonight on the Agritourism amendment.

Mr. Craig Kesler of Silverstreet echoed the sentiments of Mr. Dehart and thanked Council for protecting the farmers and looking out for Agritourism. He said we need any diversification to sustain the farming industry in our county.

Having received no further discussion, Ordinance #06-11-16 was unanimously approved as amended.

4. ***Ordinance #08-16-16: An Ordinance to repeal Newberry County Code Section 34.45 "Petty Cash Expenditures Revolving Fund" and to revise and restate the section to address affirmative action.***

Vice Chairman Cain motioned to approve third reading of Ordinance #08-16-16; seconded by Mr. Hipp. The vote was unanimous.

5. ***Ordinance #09-17-16: An Ordinance authorizing the execution and delivery of an amendment to the Fee In Lieu Of Tax Agreement and to the Infrastructure Finance Agreement by and between Newberry County, South Carolina and West Fraser, Inc. with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and West Fraser, Inc. will receive certain infrastructure credits in respect of investment in related infrastructure; and other matters related thereto.***

Vice Chairman Cain motioned to approve second reading of Ordinance #09-17-16; seconded by Mr. Waldrop. The vote was unanimous.

6. ***Resolution #14-16: A Resolution Adopting the All Natural Hazards Risk Assessment and Mitigation Plan Update for the Central Midlands Region of South Carolina.***

Mr. Adams reported that this document is an eligibility requirement to receive funding from FEMA in the event of a disaster and has to be reviewed every five years. It is prepared by the Central Midlands Councils of Government on our behalf and has been reviewed by Tommy Long our Emergency Services Director.

Mr. Reeder motioned to approve Resolution #14-16; seconded by Mr. Stockman. The vote was unanimous.

7. ***Proclamation declaring September 2016 Kinship Care Month.***

Mr. Adams read the Proclamation into the record and stated that Kenneth McBride, Director of DSS, will follow with the list of individuals/families from Newberry County involved in the Kinship Program.

“Whereas, the Newberry County community is steadfast in its commitment to promote the safety and well-being of our children, including providing a loving, stable, nurturing home for all youth in which they can be nurtured, succeed and thrive; and

Whereas, relationships with family are crucial for children and it is our responsibility to promote and preserve kinship, sibling and other familial connections for children helping them retain their cultural heritage, family and community ties; and

Whereas, more than 68,000 children throughout our state are raised in grandparent-headed households and other kinship families, including being cared for by aunts, uncles, other extended family members and relatives, close family friends or fictive kin, such as godparents or other non-related adults; and

Whereas, kinship caregivers have stepped forward out of love and loyalty taking on primary responsibility for the care of these children, providing them connection, security, positive identity, belonging and higher levels of permanency; and

Whereas, kinship families residing across all of South Carolina often face daunting challenges; therefore partnerships among the education, legal, social services, mental health, justice, child welfare, medical and other systems are important to ensure access to services that can enable kinship youth to flourish in all facets of their lives; and

Whereas, Kinship Care Month provides an opportunity to honor kinship caregivers and lift up the accomplishments of countless youth throughout our state who, with the support of kinship caregivers, have successfully navigated trauma and parental separation; and

Whereas, all South Carolinians are encouraged to raise their awareness and understanding of the positive family environment that kinship families offer many children.

Now, therefore, we, the members of the Newberry County Council, in the great State of South Carolina, do hereby proclaim September 2016 as KINSHIP CARE MONTH in Newberry County.”

Mr. McBride recognized the following as Kinship Care Givers in Newberry County who give selflessly of their time to care for children in their homes while DSS works with their parents:

MARGARET ALSTON	REBECCA BOOZER
DIANNA AND GEORGE LIVINGSTON	HERLENE SAMI-JONES
AMANDA AND DAVID HORTON	MARY A. ROBINSON
LAVADA AND RUBIN SALAHUDDIN	PAMELA SUTTON
GINA CORTEVILLE	NANCY LESTER
SAMANTHA D. METTS	SANDRA ROLLER
DEMETRIA DAVENPORT	MARISSA LISTER
AARON DAVIS	DREAMER AND JAMES JACOBS
BERANDA TRAMMELL AND AARON YANDLE	DOLORES LONG
JANICE MASSENGILL AND TERRY L. SHAW	FRED RICHARDSON
LESSIE BOYD AND JOHN SWITTENBURG	BESSIE DEW
STACEY LINDSAY AND TIM DAWKINS	GRADY WICKER

Mr. Waldrop motioned to approve Proclamation declaring September 2016 Kinship Care Month; seconded by Hipp. The vote was unanimous.

Chairman Livingston commended Mr. McBride for his hands on involvement and thanked him for the superb job he does helping Newberry County.

8. *Appointments*

Vice Chairman Cain nominated Mr. Jason Bishop to the Joint Planning Commission representing District 1; seconded by Mr. Hipp. The vote was unanimous.

9. *Executive Session*

No executive session.

10. *Public Comments (by those who signed up at meeting)*

No public comments.

11. *Comments/Request from County Administrator*

No comments.

12. *Comments/Request from Council Members*

Mr. Reeder reminded everyone to get flu and phenomena shots for students and urged parents not to bring children to school if they are running a fever.

Mr. Koon recognized Mr. Lewis Ringer who passed away on Monday. He worked for Newberry Electric Coop. for 47 years and was the first lineman to install electricity to homes throughout our rural county. He said Lewis's father, Mr. Henry David Ringer, was his step grandfather and where he got his middle name.

Mr. Hipp recognized everyone in attendance and said it was wonderful seeing so many people come out and take an active part in county government.

Mr. Waldrop thanked the people of District 6 for their support over the years and said he looks forward to representing them for another 30 years.

Vice Chairman Cain recognized Ms. Maria McMurtury from Whitmire, who was awarded the "State Volunteer of the Year" from the Governor of the State of South Carolina this past Friday. He said this is quite an accomplishment.

Chairman Livingston thanked all those who participated and helped guide and give information. He thanked the administrative team for working long hours on this zoning

ordinance; we have tried to make it serve the people better. He said there will probably be some glitches within it and we will try to work through it regardless.

13. Future Meetings

- a. Public Safety and Courts Committee 10/3/16 @ 5:00 p.m.
- b. County Council 10/5/16 @ 7:00 p.m.
- c. Public Works and Planning Committee 10/17/16 @ 7:00 p.m.
- d. County Council 10/19/16 @ 7:00 p.m.
- e. Economic Development Committee 10/25/16 @ 7:00 p.m.

14. Adjournment

Chairman Livingston declared the meeting adjourned at 7:51 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council