

**NEWBERRY COUNTY COUNCIL
MINUTES
May 17, 2023**

Newberry County Council met on Wednesday, May 17, 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
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

ABSENT: Travis Reeder, Council Member
Les Hipp, Vice Chairman

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. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

Mr. Sease made a motion to approve the agenda as presented; seconded by Mrs. Arrowood. The vote was unanimous.

2. Employee Recognition

a. Gene K. Shealy	15 years	Assessor
b. Laura Lane	25 years	Clerk of Court
c. Teresa Ball	15 years	Public Works
d. DeQuan Mitchell	5 years	Sheriff
e. Tammy Claytor	15 years	Sheriff
f. Ambrelyn Silvers	20 years	Sheriff

Mr. Johnson stated it is always a pleasure to honor the employees of Newberry County. They are indeed the backbone of the county.

3. Public Appearances:

a. Ben Setzler, Newberry Soil and Water Conservation District

Mr. Setzler stated he was previously asked by Council to update them on a quarterly basis. He promised to make it brief and answer any questions that Council might have.

Mr. Setzler updated the Council on the number of grants the district had received and updated Council on the feral hog program. The District received over \$100,000 in grants this year. The district had a litter cleanup day; seven counties combined picked up a total of 61,000 pounds of garbage. Many community groups joined in making this project successful.

Upcoming events in the district are the Camp Conservation on June 19-23. The camp has been successful over the years. We have 45 kids registered and have a waiting list. Last year the district received about \$50,000 in donations.

The Fair will be held at the Town of Prosperity this year with the dates being August 24-27.

b. Residents of Sunview Road, Prosperity (located off Hollands Landing Road)

Mr. Johnson informed the audience that he would hold to the normal rule of public comments to about three minutes per person.

Debra Hawkins, Sunview Road resident, stated that we are here to address a matter of utmost urgency, a piece of property that is unfit for human habitation. This property poses a severe health risk to the wellbeing of the residents and the entire community.

Ms. Hawkins referenced the following code Title 31-14-320

SECTION 31-15-320. Repairing, closing, or demolishing unfit dwellings.

Whenever the governing body of any county of this State finds that there exist in the county dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county, such county may, upon the approval of a majority of the resident members of the county legislative delegation which the members represent, exercise its police powers to repair, close or demolish any such dwelling.

Ms. Hawkins stated she was not saying to tear the building down. I am saying this property needs to be cleaned. They have no running water, and two men live in a utility building. I have talked to DHEC, and they cited them for a sewer violation. The well on the property is down; there is no water. We have had the police down there. We have had a bunch of thefts, propane tanks, tools, guns. On March 7, Newberry County Police came, and the police found guns and other stolen items. Across the street they have a piece of styrofoam, that is used as a target. As you can see, it is a site for sore eyes. We wanted to bring to the Council's attention the horrible conditions on Sunview Road. Ms. Hawkins also showed pictures of the property in question. Ms. Hawkins presented the Council with a

petition from property owners. This petition would become part of the official minutes.

Mr. Robert Neely lives on Holland Landing Road. We love to ride our golf carts. We have been to animal control and the Sheriff's Department. My grandson and my wife have both gotten attacked. We have police reports but there has been no follow-up. Four houses that are a problem pit bulls between the road and the door. There is more going on in that area. We need to get people to follow up.

Mr. Bill Henderson moved in December 2020. The property was a mess back then, but it is not healthy down there. We have homeless people and we do not know what to do to help them. There are four or five properties that need to be condemned. No water, DHEC should be involved. They are dumping sewage on the ground.

Ms. Jennifer Coleman thanked the Council for letting them present tonight and making them aware of the situation. We have reached out to all the residents on the road and other entities. None of us feel safe walking. Just wanted to say thank you and consider our concerns and complaints. Any help will be greatly appreciated.

Mr. Johnson stated he appreciated the citizens, making them aware of the situation. Unfortunately, this is a countywide situation and staff will be working on solutions.

4. ORDINANCE #04-02-23: AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 12-24-02 AS REVISED AND AMENDED BY ZONING ORDINANCE NO 06-11-16 AND CODIFIED IN CHAPTER 153 IF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHED ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE (1) 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. Public Hearing

Mr. Johnson declared this to be a 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. Scurry. There being no discussion, Mr. Johnson called for the vote. The vote was unanimous.

5. ORDINANCE #05-06-23: AN ORDINANCE TO AUTHORIZE THE COUNTY OF NEWBERRY, BY NEWBERRY COUNTY COUNCIL, TO SELL REAL ESTATE LOCATED ON PINE HILL CIRCLE BETWEEN TMS NO. 340-1-10 AND TMS NO 340-1-15, AND DESCRIBED ON EXHIBIT "A", WHICH IS INCORPORATED WITHIN THE ORDINANCE BY REFERENCE, TO THE SUCCESSFUL BIDDER, UPON SUCH TERMSS AND CONDITIONS AS DESCRIBED IN THE REQUEST FOR BID.

a. Second Reading

Ms. Arrowood moved to approve the second reading; seconded by Mr. Sease. Motion passed unanimously.

6. ORDINANCE #05-07-23: 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, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE TWO (2) REAL ESTATE PARCEL TOTALING THREE AND NINETY-TWO HUNDREDTHS (3.92) ACRES DESIGNATED AS TMS NO. 339-3-6-19 AND TMS NO. 339-3-6-2 FROM GC-GENERAL COMMERCIAL TO RMS- SINGLE-FAMILY RESIDENTIAL.

a. Second Reading

Mr. Shealy completed a recusal statement. Which will be a part of the official minutes and removed himself from Council Chambers.

Ms. Arrowood moved to approve the second reading; seconded by Mr. Sease. Motion carried unanimously,

7. ORDINANCE #05-08-23: AN ORDINANCE TO PROVIDED APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, FOR THE NEWBERRY COUNTY BUDGET FOR COUNTY ORDINARY PURPOSES AND FOR OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX AND RECFEIVE REVENUES, TP PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERONAL AND REAL PROPERTY IN NEWBERRY COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINICIPAL AND INTEREST ON OUTSTANDING INDEBTEDNESS OF NEWBERRY COUNTY PAYABLE DURING SAID FISCAL YEAR; TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YEAR, AND TO PROVIDE FOR BORROWING IN ANTICIPATION OF TAX COLLECTIONS BY THE ISSURANCE OF ONE OR MORE TAX ANTICIPATION NOTES, IF NECESSARY.

a. Second Reading

Ms. Shealy moved to approve the second reading; seconded by Mrs. Arrowood. Motion carried unanimously,

8. ORDINANCE #05-09-23: AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGGINING JULY 1, 2023, AND ENDING JUNE 30, 2024, FOR NEWBERRY COUNTY LIBRARY, PIEDMONT TECHNICAL COLLEGE AND THE NEWBERRY AGENCY FOR DISABILITES AND SUPCIAL NEEDS, TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL ESTATE PROPERTIES IN NEWBERRY COUNTY FOR SAID PURPOSES, TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES RECEIVED BY THE COUNTY DURING SAID FISCAL YEAR.

a. Second Reading

Mr. Scurry moved to approve the second reading; seconded by Mrs. Arrowood. There being no discussion, the vote was unanimous.

9. ORDINANCE NO 05-10-2023. AN ORDINANCE TO POSTPONE THE IMPLEMENTATION OF REVISED VALUES RESULTING FROM REASSESSMENT AND EQUALIZATION.

a. Second Reading

Mr. Shealy made a motion this be second reading; seconded by Ms. Arrowood. The vote was unanimous.

Mr. Johnson stated he was not in favor of postponing reassessment; however, he would rather for the values to be correct.

10. APPOINTMENTS

Mr. Johnson made a motion to appoint Rodney Wicker to the Board of Rural Fire Control; seconded by Mr. Shealy. The vote was unanimous.

11. PUBLIC COMMENTS

No additional comments from the public.

12. EXECUTIVE SESSION:

a. Personnel Matter(s):

- i. Discussion of matters related to compensation of elected officials pursuant to SC Code of Laws Section 30-4-70(a)(1)**
- ii. Discussion of matters related to appointment and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1)**
- iii. Discussion of matters related to appointment and compensation of employees within Building and Zoning pursuant to SC Code of Laws Section 30-4-70(a)(1)**

b. Legal Matter(s):

- i. Discussion of matters related to the Board of Zoning Appeals pursuant to SC Code of Laws Section 30-4-70 (a)(2).**

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

**EXECUTIVE SESSION
6:45 PM – 7:55 PM**

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

13. 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.

14. COMMENTS/REQUESTS FROM COUNTY ADMINISTRATOR

Mr. Shacker stated the Economic Strategic plan had been reviewed. The strategic plan will be on the June 7, 2023, agenda.

Mr. Shacker made the Council aware of a grant received by Jessie Long, Recreation Director, in the amount of \$44,400. This grant is an 80-20 match for Lynch's Woods improvements using current staff.

Mr. Shacker also stated on June 14, there will be a meeting on the Newberry Richland boundary. It will only be virtual. There will be a phone in option.

15. COMMENTS/REQUESTS FROM COUNCIL MEMBERS

The council thanked Jeff and the staff for a job well done.

16. FUTURE MEETINGS:


- a. Finance Committee Meeting – May 30, 2023, 6:00 p.m.
- b. Executive Committee Meeting – June 5, 2023, 6:00 p.m.
- c. County Council – June 7, 2023, 6:00 p.m.
- d. Economic Development Meeting – June 12, 2023, at 6:00 p.m.
- e. Newberry-Richland County Boundary Meeting – June 14, 2023, at 6:00 p.m.
- f. County Council Meeting June 21, 2023, 6:00 p.m.

17. ADJOURNMENT

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

Mr. Johnson declared the meeting adjourned at 7:58 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Debbie S. Cromer, Finance Director

Minutes Approved: 6-7-2023

To the Newberry County Council:

We are writing to you today to express our concerns about a property located in our community that we believe may be unfit for human habitation. According to Title 31, Chapter 15, Section 31-15-320 of the South Carolina Code, the governing body of a county may use its police powers to repair, close, or demolish dwellings that are deemed unfit for human habitation due to various conditions.

We would like to request that the County Council review the property located at 26/36 Sunview Rd Prosperity, SC 29127 considering this section of the South Carolina Code and Newberry County Ordinance 151.15. We believe that the property may be in violation of one or more of the conditions specified in the code, such as dilapidation, defects increasing the hazards of fire or accidents, lack of ventilation, light or sanitary facilities, or other conditions rendering such dwellings unsafe or unsanitary. Additionally, the property was recently cited by the Department of Health and Environmental Control (DHEC) for improper handling of sewage.

As concerned residents of this community, we urge the County Council to take action to address any unsafe and unhealthy living conditions that may exist in our community. We believe that a review of the property in question is a necessary first step in this process, and we hope that you will consider our request. Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

Name: Darcia T. Lewis
Address: 2012 Hollands Landing
Signature: Darcia T. Lewis

Name: Jeffrey C. Lewis
Address: 2012 Hollands Landing
Signature: Jeffrey C. Lewis

Name: Laura Williams

Address: 2145 Hollands Landing Rd, Prosperity, SC 29127

Signature: Laura Williams

Name: ~~Rody Will~~ Rodney Williams

Address: 2145 Hollands Landing Rd, Prosperity SC 29127

Signature: Rody Will

Name: Pamela Bluedorn

Address: 2067 Hollands Landing Rd Prosperity, SC 29127

Signature: Pamela Bluedorn

Name: Cullen Lowman

Address: 2067 Hollands Landing Rd Prosperity SC 29127

Signature: Cullen Lowman

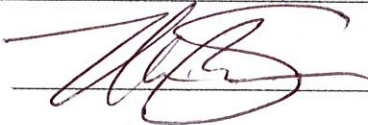
Name: Harry W Haney

Address: 149 Cotney Rd Prosperity SC 29127

Signature: Harry W Haney

Name: Carolyn Haney
Address: 149 Cotney Road; Prosperity SC 29127
Signature: Carolyn Haney

Name: David Knard
Address: 131 Cotney Rd. 29127
Signature: David Knard

Name: Mac Swain
Address: 2053 Hollands Landing Rd Prosperity SC 29127
Signature: 

Name: Angela Scott
Address: 2056 Hollands Landing Rd Prosperity 29127
Signature: Angela Scott

Name: Eunice Neeley
Address: 2097 Hollands Landing Rd Prosperity
Signature: Eunice Neeley

Name: Jennifer Coleman

Address: 157 Sunview Rd. Prosperity, SC 29127

Signature: Jennifer Coleman

Name: William Henderson

Address: 117 Sunview Rd Prosperity 29127

Signature: William Henderson

Name: Vicki Henderson

Address: 117 Sunview Rd

Signature: Prosperity SC 29127

Name: Duane

Address: 133547 View Rd

Signature: Duane

Name: Sharon Graham

Address: 150 Sunview Rd. Prosperity

Signature: Sharon Graham

Name: William R Knight

Address: 112 Sunview Rd Prosperity SC 29127

Signature: William R Knight

Name: Kadianne Knight

Address: 112 Sunview Rd Prosperity SC 29127

Signature: Kadianne Knight

Name: Brent Semple

Address: 120 Sun Rise Ln Prosperity SC 29127

Signature: 

Name: JEFF OTTO

Address: 1875 HOLLANDS LANDING PROSPERITY SC 29127

Signature: Jeff Otto

Name: TERRI OTTO

Address: 1875 Hollands Landing Rd. Prosperity SC 29127

Signature: Terri L. Otto

Name: Roger Paul

Address: 1897 Hollands Landing Rd

Signature: Roger L. Paul

Name: Jim Graham

Address: 150 Sunview Rd Pros

Signature: Jim Graham

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

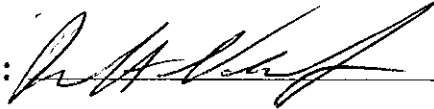
Name: _____

Address: _____

Signature: _____


Name: Robert Neeley

Address: 2097 Holland Landing Rd

Signature: 

Name: Deborah Hawkins

Address: 62 Sunview Rd.

Signature: 

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

UNFIT DWELLINGS

§ 151.15 DWELLINGS WHICH ARE DILAPIDATED OR OTHERWISE UNFIT FOR HUMAN HABITATION.

Newberry County Council declares, with the approval of a majority of the resident members of the county's legislative delegation, all as required by S.C. Code § 31-15-320, that dwelling exist in Newberry County which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other dangerous conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county, such that the county should take action to adopt Ordinance 10-34-05 to allow the county to exercise its police powers to repair, close or demolish any such dwellings, and to define the term ***DWELLING*** to mean any building or structure, or part thereof, including mobile homes, travel trailers and manufactured housing, used and occupied for human habitation or intended to be so used and includes any outhouses or appurtenances belonging thereto.

(Ord. 10-34-05, passed 10-5-2005)

South Carolina Legislature

South Carolina Law > Code of Laws > Title 31

South Carolina Code of Laws Unannotated

Title 31 - Housing and Redevelopment

CHAPTER 15

Dwellings Unfit for Human Habitation

ARTICLE 1

In Municipalities of Over 1,000

SECTION 31-15-10. Definitions.

The following terms whenever used or referred to in this article shall have the following respective meanings for the purposes of this article, unless a different meaning clearly appears from the context:

- (1) "Municipality" shall mean any city or town regardless of population;
- (2) "Governing body" shall mean the council or other legislative body charged with governing a municipality;
- (3) "Public officer" shall mean the officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinances and by this article;
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality or State relating to health, fire or building regulations or to other activities concerning dwellings in the municipality;
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record;
- (6) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof, and
- (7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

HISTORY: 1962 Code Section 36-501; 1952 Code Section 36-501; 1942 Code Section 5271-82; 1939 (41) 347; 1945 (44) 156; 1982 Act No. 311, Section 1; 1997 Act No. 100, Section 1.

SECTION 31-15-20. Repairing, closing, or demolishing unfit dwellings.

Whenever any municipality of this State finds that there exist in such municipality dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of such municipality, such municipality may exercise its police powers to repair, close or demolish any such dwelling in the manner herein provided.

HISTORY: 1962 Code Section 36-502; 1952 Code Section 36-502; 1942 Code Section 5271-81; 1939 (41) 347; 1945 (44) 156.

SECTION 31-15-30. Provisions permitted to be included in ordinances relating to unfit dwellings.

Upon the adoption of an ordinance finding that dwelling conditions of the character described in Section 31-15-20 exist within a municipality, the governing body of such municipality may adopt ordinances relating to the dwellings within such municipality which are unfit for human habitation. Such ordinances may include the following provisions:

- (1) That a public officer be designated or appointed to exercise the powers prescribed by the ordinances;
- (2) That whenever a petition is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;
- (3) That if, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order
 - (a) if the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation or
 - (b) if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such dwelling;
- (4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful";

SECTION 31-15-350. Standards in ordinances for determining fitness of dwelling for human habitation.

An ordinance adopted by the county governing body under this article shall provide that a public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents in the county. Such conditions may include the following (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness. The ordinance may provide additional standards to guide the public officer or his agents in determining the fitness of a dwelling for human habitation.

HISTORY: 1962 Code Section 36-525; 1972 (57) 2622.

SECTION 31-15-360. Service of complaints or orders; posting and filing copies.

Complaints or orders issued by a public officer pursuant to an ordinance adopted under this article shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the county or, in the absence of such newspaper, in one printed and published in the municipality and circulating in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of court of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

HISTORY: 1962 Code Section 36-526; 1972 (57) 2622.

SECTION 31-15-370. Rights of persons affected by orders.

Any person affected by an order issued by a public officer may within sixty days after the posting and service of the order petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause. Hearings shall be had by the court on such petitions within twenty days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer or because of compliance by such person with any order of the public officer.

HISTORY: 1962 Code Section 36-527; 1972 (57) 2622.

SECTION 31-15-380. Provisions in ordinances with respect to powers of public officer.

An ordinance adopted by the county governing body may authorize a public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinances; and
- (5) To delegate any of his functions and powers under the ordinances to such officers and agents as he may designate.

HISTORY: 1962 Code Section 36-528; 1972 (57) 2622.

SECTION 31-15-390. Sale of materials of removed or demolished dwelling.

If a dwelling is removed or demolished by a public officer he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the circuit court by the public officer, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

HISTORY: 1962 Code Section 36-529; 1972 (57) 2622.

SECTION 31-15-400. Article provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of any municipality in the county to enforce any provisions of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

HISTORY: 1962 Code Section 36-530; 1972 (57) 2622.

Ladies and gentlemen of the county council, esteemed members of the community, I stand before you today to address a matter of utmost urgency. We gather here to discuss a property that has become unfit for human habitation, posing a severe threat to the health and well-being of its residents and the entire community.

The property in question is a grave concern to us all. Its current resident is enduring unimaginable living conditions, without access to basic necessities such as water. The yard is an eyesore, filled with furniture, appliances, solid waste, and debris and the resident has been cited by DHEC for leaking sewage. This situation is not only a blatant violation of the Newberry County Ordinance 151.15 and South Carolina code Title 31, Chapter 15, Section 31-15-320 but is also a flagrant disregard for human dignity and our shared responsibility to maintain a safe and healthy environment.

What troubles us even more is that this is not an isolated incident. This resident has a history of damaging properties in a similar manner. We cannot allow this cycle to continue, putting lives at risk and diminishing the quality of life for the entire community. It is our duty, as concerned members of this community, to demand immediate action to address this grave issue.

Today, I present to you a petition bearing the signatures of over 25 concerned individuals who share our alarm and determination to resolve this matter. This petition is accompanied by the Newberry County Ordinance and SC State code, a legal document that outlines our county's commitment to maintaining safe and sanitary living conditions. We implore you to examine the evidence and take swift action in accordance with the law.

It is essential to emphasize that this is not a personal attack on the resident in question. Our intention is not to vilify or ostracize individuals but to protect the well-being of our community as a whole. We must balance compassion with the greater good, recognizing that addressing this issue is crucial for the safety and prosperity of all residents.

The repercussions of allowing this property to remain in such a deplorable state are far-reaching. Not only does it endanger the health of the occupant, but it also threatens the property values of neighboring homes, impairs community pride,

and undermines our collective efforts to promote a clean and thriving county. We cannot afford to ignore this problem any longer.

We implore the county council to exercise its authority and take decisive action. Engage the necessary resources to ensure that the resident receives the support and assistance they need to rectify this situation. Collaborate with relevant departments, including health, housing, and law enforcement, to create a comprehensive plan that not only addresses the immediate concerns but also prevents future occurrences.

In closing, I urge each of you to consider the gravity of the situation before us. We cannot turn a blind eye to this property's condition and the suffering it represents. Let us come together, united in our commitment to uphold the Newberry County Ordinance and SC State Code and ensure that no member of our community is left behind or subjected to such deplorable living conditions. The time for action is now. Thank you.

RECUSAL STATEMENT

Member Name: ROBERT N SHEALY

Meeting Date: 5/17/23

Agenda Item: Section _____ Number: 05-09-2023

Topic: REZONING TX MAP #'s 339-3-6-1 & 339-3-6-2

FROM GC - GENERAL COMMERCIAL TO RSM SINGLE-FAMILY RESIDENTIAL

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Date: 5/17/23

ROBERT N SHEALY - Robert N. Shealy
Member

Approved by Parliamentarian: Jeanie Whittens