

**NEWBERRY COUNTY COUNCIL
MINUTES
November 15, 2023**

Newberry County Council met on Wednesday, November 15, 2023, at 6:05 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a special called meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Todd Johnson, Chairman
Les Hipp, Vice Chairman
Karl Sease, Council Member
Robert N. Shealy, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Leon Fulmer Jr., Council Member
Jeff Shacker, County Administrator
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
The Honorable Eugene Griffith Jr.
Robert Dennis, NCSO
Crystal Waldrop, Purchasing Director
Karen Brehmer, Deputy County Administrator

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 6:05 p.m.

Council Member Les Hipp led the invocation and Pledge of Allegiance.

1. Oath of Office:

- a. Leon Fulmer Jr. – District 2.

- The Honorable Eugene Griffith administered the Oath of Office to Mr. Fulmer to represent District 2 on Newberry County Council.
- Mr. Johnson told Mr. Fulmer that they all looked forward to working with him, to which he said he looked forward to hitting the ground running.

2. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – November 1, 2023.
- b. Newberry County Council Meeting Minutes – November 1, 2023.

- Mr. Shealy made a motion to accept the minutes as presented; Mr. Reeder provided the second. The motion was approved 7-0.

3. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to accept the agenda as presented; Mr. Scurry provided the second. The motion was approved 7-0.

4. Ordinance No. 10-03-2023. An Ordinance to authorize the County of Newberry, by Newberry County Council, to sell the real estate described on Attached Exhibit "A" which is incorporated herein by reference known as Tax Map number 451-10-1 to Trucast LLC upon such terms and conditions described in the bill of sale in Exhibit "B".

a. Third Reading

- With there being no changes, Mr. Reeder made a motion to approve third reading; Mr. Sease provided the second. The motion was approved 7-0.

5. Ordinance 10-04-2023. An Ordinance to amend County Ordinance 12-30-10 to provide for alternative members of county committees.

a. Third Reading

- Mr. Johnson explained that this Ordinance would allow members of council on a committee, if they cannot attend a committee meeting, to ask another member of council to be present at the meeting for them.
 - With there being no changes, Mr. Scurry made a motion to accept the third reading; Mr. Shealy provided the second. The motion was approved 7-0.
6. Ordinance 10-05-2023. An Ordinance to provide for the issuance and sale of not exceeding thirty-five million, two hundred fifty thousand (\$35,250,000) general obligation bonds of Newberry County, South Carolina, the sale and issuance of general obligation bond anticipation notes in anticipation to the issuance of such bonds, and other matters relating thereto.
- a. Public Hearing
- Mr. Johnson declared the public hearing open. With no one signing up or standing to speak, Mr. Johnson declared the public hearing closed.
- b. Second Reading
- Mr. Hipp made a motion to accept the second reading; Mr. Scurry provided the second. The motion was approved 7-0.
7. Ordinance No. 11-01-2023. An Ordinance regulating public nuisances and unfit dwellings within Newberry County and providing procedures for enforcement and penalties for violation and matters related thereto.
- Prior to the public hearing, Mr. Johnsons acknowledged that there have been some significant changes to the ordinance since the first reading and requested Mr. Shacker cover those prior to the public hearing.
 - Mr. Shacker said that prior to the November 1 Newberry County Council meeting, they held a Work Session for council to review, discuss the

ordinance and recommend a few changes. Those changes were as follows:

- In Section 3, Subsection A (Junk or Abandoned Vehicles): A request was made by council to clarify some of the language. Also requested was to allow for at least one vehicle under active repair to be allowed in an unscreened manner. Staff has made clear that on a piece of residential property, an individual would be allowed to have no more than four vehicles that are inoperable, unlicensed or in a state of disrepair, screened from view. However, there is an exception in Single Family Residential Zoning Districts that one inoperable vehicle can be allowed unscreened so long as it is actively under repair, not in the front yard.
- Mr. Shacker addressed a concern raised by a decision made by a 2013 court case, Babb vs. Lee County Landfill. The concern was the case may impact the county's ability to enforce this ordinance related to odor, specifically, while the county might be able to enforce it, this may open the county to legal liability. Ms. Winters and staff reviewed the case and agree the case bolsters the position of cities and counties to enforce nuisance code ordinances related to odor.
- In Section 11, related to Appeals. The request was made by council to have additional language in the section about what the Newberry County Building, Fire and Nuisance Codes Boards of Appeals would do when considering an appeal. Mr. Shacker said the board would function a lot like the Board of Zoning Appeals, the individual aggrieved would have an opportunity to make a presentation to the board and the code official would do likewise. Mr. Shacker said this would be applicable to proposed demolitions and the board would make a ruling and their decision would be either to sustain the decision of the code official, overrule the decision of the code official or modify the decision. He further explained that in any case the decision was sustained, if there was a violation of the ordinance there would be an opportunity for the property owner to have their concerns

heard with the magistrate. However, if the decision was overruled, the case would not go to the magistrate.

- Mr. Shacker said they had some other minor changes, including some of the language.
- Under Recurring Violations, Mr. Shacker said something they wanted to do to streamline the process and they are recommending to council, if an individual is cited as violating this new code, they are provided a copy of the code at that time. If there is a subsequent violation in that 12-month period, staff would like to have language in the code to immediately issue a citation because notice has already been provided. This language clarifies that the 12-month period is a calendar year.
- Related to the factors made when entering into a correction agreement, staff made clear that if an inability to pay is a factor in making improvements that is a factor the county would consider, among many others. Mr. Shacker said they will also add in language that addresses the age of the property as well, including that of the historical significance of the property.

a. Public Hearing

- Mr. Johnson declared the public hearing open.
- Mr. Scott Lukoski, chairman of Keep Newberry County Beautiful, said they fully support the ordinance. As an organization that directly works with rubbish, they see firsthand the effects of litter. He said litter is harmful to the environment, putting chemicals into the soil, water and endangers animal and aquatic habitats. He said cleaning up litter is one of the cheapest and easiest ways of home improvement. He further stated that cleaning up litter, graffiti, junk cars and illegal dump sites deter criminal activity. Cleaner neighborhoods make residents feel safer, friendlier and healthier, therefore strengthening communities and improving quality of life. Cleaner communities, he said, improves real estate values and increases economic development. On another note, he said there has been an increase of litter removal across the county. This year they have helped organize groups to collect over

9,200 pounds of trash in the county. He said they will continue to distribute free supplies for those that want to get involved.

- Mr. Tyler Johnson said he is not really against this ordinance but wanted more detailed explanations and had questions for council.
 - Mr. Johnson said this is more for speakers to address council, but to get with Mr. Shacker following the meeting and they would love to sit down with him and walk through all the questions he has.
- With no one else wishing to speak, Mr. Johnson declared the public hearing closed.

b. Second Reading

- Mr. Hipp made a motion to accept the second reading; Mr. Reeder provided the second.
 - Mr. Johnson said that the ability to pay was brought up to him, with some of the county's seniors may not have the money to make those fixes and they need to be practical about their approach to how they treat people. He further explained the historic value of the home and character needs to weigh into their decisions, as well. He said he thinks they are moving in the right direction to come up with an ordinance that benefits everyone. He said he'd like the board to have a representative from each council district, not the proposed five-member board.
 - Mr. Hipp said he had a comment about training, he said he thinks the goal is good but after they approved this what is the schedule and plan for training like for the Joint Planning Commission and the BZA and that they will need to be aware of this new ordinance.
 - Mr. Shacker said that Ms. Werts will take the lead on this but there will be awareness made of both boards that they are a part of the team the county has in planning and development services and once the new board is enabled through ordinance than there will be an orientation session with them and training on the role of the board.

He further explained that one of the things they planned on recommending to council, with respect to the new board, was that they get members with experience in construction. He said there would not be any mandatory training, but they would certainly do some training to what they would be doing.

- Mr. Hipp said to follow up on what Mr. Johnson said, the intent of this is not to add more burden on residents, but rather to make the county a better place to live and deal with issues that they should not have to be involved in, but sometimes they have to get involved. However, overall, the intent is to not to add a burden on anyone in Newberry County doing the right thing, but look at those not doing the right thing.
- Mr. Reeder said that, in some cases, people want their houses torn down, but don't have the income to do it.
- Mr. Shealy said it will give the opportunity, if they cite someone, the county could give suggestions of entities that could help.
 - Mr. Shacker said that is what is so good with the correction agreements, you sit down with the parties involved and tell them about resources they are unaware of.
- Mr. Shacker added that there is a general exemption for agriculture uses and permitted businesses. To which, Mr. Johnson included farm equipment.
- With no further comments, council approved the second reading 7-0.

8. Consideration and award of bid for construction of the Whitmire Town Hall Garage Addition, a 2016 CPST project (Solicitation# 2023-20) – Crystal Waldrop, Director of Purchasing.

- Ms. Waldrop said Whitmire had been waiting for this for a long time and they were glad to finally receive some bids. She said this was the third time the county has bid this project.

- Three bids were received for this project, the lowest bidder was WE Baker & Sons, Inc., meeting the specs. Ms. Waldrop said staff recommended them in the amount of \$169,450.
- This project will be a 50x50 pre-engineered metal building, a garage with a restroom and break room inside.
- Ms. Waldrop said this is within budget.
- Mr. Shealy made a motion to accept the recommendation; Mr. Reeder provided the second. The motion was approved 7-0.

9. Consideration of a motion to accept the proposed Natural Resources, Priority Investment and Resiliency elements of the draft Comprehensive Plan.

- Mr. Johnson mentioned that these elements were presented to council during the 5 p.m. Work Session.
- Mr. Shealy made a motion to accept the three elements; Mr. Fulmer provided the second.
 - Mr. Reeder said they will make necessary corrections as they move through, to which Mr. Johnson agreed.
- The motion was approved 7-0.

10. Resolution No. 12-23. An Inducement Resolution committing to negotiate a Fee-In-Lieu of Ad Valorem Taxes agreement between Newberry County and Project Cavalier; identifying the project; and other matters related thereto.

- Mr. Hipp made a motion to accept the Resolution; Mr. Sease provided the second. The Resolution was approved 7-0.

11. Ordinance No. 11-02-2023. An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of Ad Valorem Taxes and incentive agreement by and between Newberry County, South Carolina and Project Cavalier to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain infrastructure credits; and other related matters.

a. First Reading

- Mr. Sease made a motion to accept the first reading; Mr. Shealy provided the second. The motion was approved 7-0.

12. Appointments.

- No Appointments

13. Public Comments.

- James Zybrick, of Osprey Pointe Lane, in Prosperity, thanked Mr. Fulmer for coming out to O'Neal Community Center with people who were not happy about what is going on out there. He said he would love for the whole council to take a ride out there and see what's going on. He said the road has been semi fixed and there is still construction equipment all over the place. Mr. Zybrick said they moved here in 2017, to a lake house and all the property was wooded. However, now, he said, all the property is being built on and the roads that weren't meant for construction equipment. He said down the line, the road is going to need to be fixed. He said he hopes when all of this was approved there was thought process to schooling all these people put in there now. He said he knows it is going to take a while, but he wanted to make sure council gets out there and they decide if it is right or wrong, because there needs to be oversight.

14. Comments/Requests from County Administrator.

- Mr. Shacker thanked council for the 5 p.m. Work Sessions, saying he thinks they were a great idea.
- Mr. Shacker said they had two more elements, the Economic and Land Use elements, for the Comprehensive Plan that they'd like to do at the December 6 meeting. He said that would have all 10 elements reviewed and the first reading is scheduled for January 3, 2024, second reading on January 17, 2024, and third and final reading on February 7, 2024, with public hearing during second reading.

- Staff will have a couple of solicitations to come before council during the December 6, 2023, meeting. This will include the general ledger software system, and architectural and engineering services for the Newberry County Detention Center.
- Mr. Shacker said they had good kick-off meetings for the new CPST projects, with three taking place on November 4, and the remainder on November 8. He said the architects and the construction managers were involved, as well as staff.

15. Comments/Requests from Council.

- Mr. Shealy said it was a good meeting and congratulated and welcomed Mr. Fulmer.
- Mr. Sease said he agreed with Mr. Shacker and liked the Work Sessions before the meetings and congratulated Mr. Fulmer and said he was looking forward to working with him.
- Mr. Reeder welcomed Mr. Fulmer to council and said it was good to see a lot of people at the meeting and people with comments and the appreciates everything everyone has to say.
- Mr. Hipp welcomed Mr. Fulmer and said he had already begun his work.
- Mr. Johnson told Mr. Fulmer they treasure working with him already and has enjoyed their talks and know it will be a blessing.

16. Future meetings:

- a. Economic Development Committee – December 4 at 6 p.m.
- b. Newberry County Council Work Session – December 6 at 5 p.m.
- c. Newberry County Council – December 6 at 6 p.m.

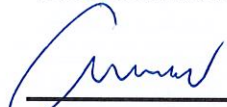
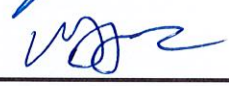
17. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Sease provided the second. The motion was approved 7-0 at 6:41 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: Dec. 6, 2023