

**NEWBERRY COUNTY COUNCIL  
MINUTES  
November 1, 2023**

Newberry County Council met on Wednesday, November 1, 2023, at 6:02 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, Chairman  
Les Hipp, Vice Chairman  
Karl Sease, Council Member  
Robert N. Shealy, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Jeff Shacker, County Administrator  
Eric Nieto, I.T. Director  
Katie Werts, Director of Planning and Development Services  
Karen Brehmer, Deputy County Administrator  
Debbie S. Cromer, Finance Director  
Liz McDonald, Assessor  
Tommy Long, Emergency Services Director  
Brandon Wicker, Emergency Services Coordinator  
Captain Ben Chapman, NCSO  
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 6:02 p.m.

Council Member Nick Shealy led the invocation and Pledge of Allegiance.

**1. Adoption of Consent Agenda:**

- a. Newberry County Council Executive Session Minutes – October 18, 2023.

b. Newberry County Council Meeting Minutes – October 18, 2023.

- Mr. Sease made a motion to accept the minutes as presented, Mr. Hipp provided the second. The motion was approved 6-0.

**2. Additions, Deletions & Adoption of the Agenda.**

- Mr. Scurry made a motion to adopt the agenda as presented, Mr. Reeder provided the second. The motion was approved 6-0.

**3. A Proclamation declaring November as *Family Court Awareness Month* in Newberry County.**

- Mr. Hipp made a motion to adopt the Proclamation, Mr. Shealy provided the second. The motion was approved 6-0.

**4. Ordinance No. 10-01-2023. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts as to rezone one (1) real estate parcel totaling one (1) acre designated as TMS No. 339-1-10 from RG-General Residential to R2-Rural.**

a. Third Reading

- As there were no changes to the Ordinance, Mr. Shealy made a motion to approve the third reading; Mr. Reeder provided the second. The motion was approved 6-0.

**5. Ordinance No. 10-02-2023. An Ordinance adopting the Newberry County Fire Protection and Prevention Code, providing for periodic inspections and enforcement of the code, and establishing a process for appeals and penalties for violations.**

a. Third Reading

- Mr. Sease made a motion to approve the third reading; Mr. Shealy provided the second. The motion was approved 6-0.

**6. 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. 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

- As there were no changes to the Ordinance, Mr. Hipp made a motion to approve the second reading; Mr. Sease provided the second. The motion was approved 6-0.

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

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

- As there were no changes to the Ordinance, Mr. Hipp made a motion to approve the second reading; Mr. Shealy provided the second. The motion was approved 6-0.

**8. Resolution No. 11-23. A Resolution authorizing and approving the assignment and assumption of a fee in lieu of tax and incentive agreement and other matters related thereto.**

- Mr. Shacker said that the county entered a new Fee-in-Lieu of Tax (FILOT) Agreement back in 2018 with Schweitzer-Mauduit International, which had an engineered papers production plant in the Newberry County Industrial Park that was relocated to Mid-Carolina Commerce Park after the Samsung project was announced.
- Schweitzer-Mauduit, Mr. Shacker said, is in the process of selling to Evergreen Hill, which intends to operate the facility in the same manner, and the transaction is expected to close by the end of the month.
- According to Mr. Shacker, State law requires the use of an ordinance by a county to enter a FILOT with an industry, following a public hearing. However, state law provides that the county may transfer a FILOT to the purchaser by ordinance, resolution, or administrative action. Council felt strongly that the transfer be authorized in a transparent manner during an open session of council, so the County Attorney prepared a resolution for council's consideration.

- The proposed resolution will allow Evergreen Hill to apply to the Department of Revenue for FILOT treatment, according to Mr. Shacker.
- Mr. Shealy asked, for sake of clarification, that nothing changed in the agreement, which Mr. Shacker confirmed.
- Mr. Hipp made a motion to adopt the resolution; Mr. Reeder provided the second. The motion was approved 6-0.

**9. 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.**

a. First Reading

- Mr. Shacker indicated that there has been growing interest in the county adopting minimum standards for the maintenance of property and enforcement of nuisances in Newberry County. State law gives counties and municipalities the authority to adopt and enforce property maintenance and nuisance codes. At the present time, the county does not have the tools necessary to address properties with maintenance issues. The proposed ordinance, which is relatively comprehensive, would put in place the tools needed to address those issues.
- In addition to establishing standards for maintenance and the regulation of public nuisances, according to Mr. Shacker, the proposed ordinance also establishes the process which must be followed to enforce the ordinance and address nuisances, gives the county and property owners the option of developing a mutually agreed upon corrective action plan to abate nuisances and avoid a summons, and provides an avenue of appeal for property owners who disagree with the determinations made by the county's code officials.

- Mr. Johnson added that council held a work session at 5 p.m. to further discuss the proposed ordinance. The review during that session was a follow-up to the work session held by council on September 6, 2023, to review the initial draft of the ordinance. At the 5 p.m. Work Session, council identified additional desired changes, staff were asked to address before second reading Mr. Johnson added that he has heard from constituents that are concerned the proposed ordinance will impact agricultural and forestry operations and pursuits. Mr. Johnson then clarified that, aside from dwellings inhabited by humans, agriculture and forestry uses are exempt from the provisions of the proposed ordinance.
- Mr. Hipp added that council is moving forward with the first reading, but has requested that, prior to second reading, staff make the language revisions which were requested by council during the 5 p.m. Work Session.
- Mr. Shealy made a motion to approve the first reading; Mr. Scurry provided the second. The motion was approved 6-0.

#### **10. Appointments.**

- There were no appointments.

#### **11. Public Comments.**

- Mr. Brandon Wicker said they went over what he was going to discuss on September 18, at the Public Safety meeting, regarding fire engines and where the county stands. He said the average age of the county's fire engines is roughly around 20 years old, he said it is recommended that when they are in the 10–15-year range is when they need to be off the front line. He said they have some newer than 20 years old, but some that are past their prime. He said they have seven that need immediate replacement and three due in roughly three years.

- Mr. Wicker said they ran into a deal from a company they work with, he said they had roughly 11 trucks available in September, ready to purchase in the first quarter. He said he just spoke with the representative, and they are down to 10, he said those trucks range from \$700,000-\$800,000, which includes loose equipment they will need. He said that number sounds like a lot of money, but the prices are increasing.
- Mr. Wicker said he wanted to bring this to the whole council and let everyone know they are trying to make things better for the county and right now this is the cheapest route to go about it.
  - Mr. Johnson said the Public Safety Committee has made everyone aware and that they are trying to find the money for two fire trucks and the air packs, which he said his understanding must be purchased and that is another million dollars. He said it is going to take time to find the money, but when they do, they will bring Mr. Wicker back to the Public Safety Committee and they want to move forward but finding \$2.5 million in the middle of a budget year is not an easy thing to do.

**12. Comments/Requests from County Administrator.**

- Mr. Shacker said that the 5 p.m. Work Session was helpful and provided staff with the direction they needed to move forward with both the future land use map and the proposed property maintenance and nuisance ordinance.
- Mr. Shacker said they had three productive kick-off meetings with DP3 Architects - one of the two firms providing architectural and engineering services for the CPST projects. The meetings were in Little Mountain (Reunion Park), Whitmire (town gym), and Old Gallman School (building renovation). In addition to DP3 Architects, county staff, the project owners, and Clayton Construction (the company that the county has engaged to manage the construction of the CPST projects) participated in the kick-off meetings. Four more such meetings are scheduled on November 8. Those meetings are for the Newberry Downtown Amphitheater, Prosperity Park

Upgrades, Pomaria Community Center, and Newberry County Public Safety Complex projects.

- Mr. Shacker said staff will bring a recommendation to council at the November 15 or December 6 council meeting for the selection of a project architect for the County Detention Center project.
- Additionally, at the November 15 council meeting, Mr. Shacker said staff will ask council to hold a public hearing and to consider second reading of an ordinance authorizing the issuance of up to \$35,250,000 of general obligation bonds to fund construction of the CPST projects.
- Mr. Hipp asked what time the meetings will be on November 8. Mr. Shacker responded that Pomaria will be at 9 a.m., the Amphitheater will be at 11 a.m., the Public Safety Complex will be at 2 p.m. and Prosperity will be at 4 p.m.

### **13. Comments/Requests from Council.**

- Mr. Shealy said a very busy, but productive night.
- Mr. Sease said it was a good Work Session and a productive day.

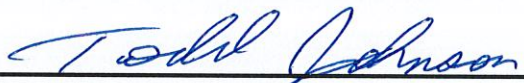
### **14. Future meetings:**

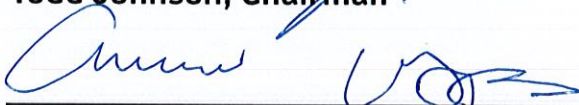
- a. Executive Committee – November 6 at 6 p.m. -- CANCELLED.
- b. Veterans Day – Offices Closed - November 10
- c. Newberry County Council – November 15 at 6 p.m.
- d. Economic Development Committee – December 4 at 6 p.m.
- e. Newberry County Council – December 6 at 6 p.m.

### **15. Adjournment.**

- Mr. Shealy made a motion to adjourn the meeting at 6:35 p.m., Mr. Scurry provided the second. The motion was approved 6-0.

**NEWBERRY COUNTY COUNCIL**

  
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**Todd Johnson, Chairman**

  
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**Andrew Wigger, Clerk to Council**

Minutes Approved: 11-15-2023