

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

Newberry County Council met on Wednesday, November 1, 2023, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 5:00 p.m.

1. Review and discussion of the draft Future Land Use Map for the Comprehensive Plan
 - Mr. Shacker and Ms. Werts presented the draft future land use map, which incorporated modifications requested by county council at the September 6, 2023, work session.
 - Staff indicated that the purpose of this review is to confirm that the revised future land use map is in-line with the wishes of council, prior to it being sent back to the Planning Commission for their consideration.
 - Staff overviewed the changes made, which consisted primarily of the expansion of areas identified as having the potential for future development. Those areas, which included land adjacent to the municipalities in the county

and a corridor along Interstate-26, have been designated transitional development areas.

- Mr. Sease asked if definitions of the map designations have been included in the Comprehensive Plan, which staff confirmed.
- Mr. Hipp clarified that the land use element in the Comprehensive Plan is a ten-year plan and that any properties identified as having future development potential would still be required to be rezoned in most cases, which necessitates planning commission review, a public hearing, and three readings of an ordinance. The comprehensive plan and future land use map does not pre-approve or disapprove the use of any property in any location for specific purposes. It is a ten-year vision and does not change the current zoning designation of any property in Newberry County nor does it change the taxable value of any property in the county.
- Staff further clarified that the preparation and adoption by council of a ten-year comprehensive plan is required by state law. It is simply a vision, which can be modified by council from time to time. In many cases, changes in how property is used require a zoning amendment, which must be reviewed by the planning commission and approved by council by ordinance.

2. Review and discussion of the draft of the Property Maintenance and Nuisance Codes.

- Mr. Shacker and Ms. Werts provided an overview of the changes made to the proposed Property Maintenance and Nuisance Codes Ordinance in response to feedback provided by council at the September 6, 2023, work session:
 - Section 3 (Public Nuisances Identified), Subsection A:
 - Staff modified the language to limit the number of vehicles stored on an individual property that are mechanically inoperable, or without a valid South Carolina tag, to less than five provided that the vehicles are visually screened from adjacent properties and roadways. property is a permitted business.

- Mr. Hipp asked staff to revisit the language to ensure that the number of vehicles constituting a nuisance is clear.
 - Mr. Johnson asked if consideration would be given to the owner of an inoperable vehicle who is actively engaged in repairs. Ms. Werts said that such an exception can be added prior to second reading.
- Section 3 (Public Nuisances Identified), Subsection G:
 - Mr. Sease asked about the concern that he raised at the September 6, 2023, work session about a court case dealing with the enforcement of odor-related nuisance codes. Staff indicated that they would review the case with the County Attorney and revise as necessary. Staff also clarified that odors related to agricultural processes and activities are exempt from enforcement under the general agriculture exemption contained within the proposed ordinance. Mr. Johnson added that if the activity is associated with a permitted business, there is also an exemption that applies.
- Section 3 (Public Nuisances Identified), Subsection M:
 - Staff added language to the subsection which makes clear that agricultural implements and implements used for agricultural purposes do not constitute a nuisance.
- Section 4 (General Requirements), Subsection B:
 - Staff modified the subsection to provide that the abatement standard for structures determined unfit for human habitation shall be the requirements of the building code in effect at the time that construction of the structure was completed.
- Section 6 (Authority):
 - Staff added language requiring that, prior to issuing a notice of violation, the code official inform the Planning and Development Services Director and the County Administrator of a determination that a structure is unfit for human habitation.

- Staff clarified that an owner of a structure determined to be unfit for human occupancy would have the ability to appeal that determination to the Newberry County Building, Fire and Nuisance Codes Board of Appeals.
 - Mr. Shealy asked what if someone refuses or is unable to bring their dwelling or structure up to code. Ms. Werts said that the owner could enter into a correction agreement, which would allow them to incrementally address the deficiencies in accordance with a timeline specified in the agreement.
- Section 8 (Notification), Subsection E:
 - Ms. Werts identified the need to specify that the seven-day period to abate a nuisance, or to reach out to the county to enter into a correction agreement, is calendar days not business days. Staff made the modification, which is reflected in the current draft of the proposed property maintenance and nuisance codes.
- Section 11 (Appeals):
 - Staff added Section 11 language, which gives property owners the ability to appeal a code official's determination that structure(s) they own are unfit for human habitation to the Newberry County Building, Fire and Nuisance Codes Board of Appeals.
 - Mr. Hipp asked that staff revisit the language defining the Board's role and scope of authority when an appeal is filed to ensure that it is clear. Mr. Shacker and Ms. Werts said they would revisit the language as requested and clarified that the board's role would be to hear the appeal and either sustain or overrule the determination of the code official.
 - Mr. Shealy asked who would be responsible for the demolition of a dilapidated structure. Mr. Shacker said that it would be the responsibility of the owner.
- Section 12 (Penalties):

- Staff removed imprisonment as a possible penalty for violating the proposed property maintenance and nuisance ordinance, as requested by council.
- Section 15 (Correction Agreement):
 - Staff added language clarifying that the option for the county and a property owner to mutually agree to enter into a correction agreement following the issuance of a notice of violation shall be available when the nuisance is a dilapidated structure unfit for habitation AND/OR when the nuisance falls within another category of identified nuisance in the proposed ordinance.

3. Executive Session:

a. Economic Development Matter(s):

- i. Discussion of matters related to the transfer of an existing FILOT pursuant to SC Code of Laws Section 30-4-70(A)(5).
 - Mr. Sease made a motion to go into Executive Session, Mr. Shealy gave the second and the motion was approved 6-0. Council went into Executive Session at 5:39 p.m.
 - Mr. Shealy made a motion to come out of Executive Session at 6:02 p.m., Mr. Hipp gave the second and the motion was approved 6-0.
 - Mr. Johnson stated that council went into Executive Session for the aforementioned reason and no action was taken.

4. Questions or comments from County Administrator and council.

- No comments.

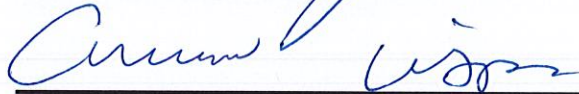
5. Adjournment.

- Mr. Shealy made a motion to adjourn at 6:02 p.m.; Mr. Sease gave the second and the motion was approved 6-0.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 11-15-2023