

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
September 6, 2023

The Newberry County Council met on Monday, September 6, 2023, at 4:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for the purposes of a Comprehensive Plan and Property Maintenance Work Session.

Notice of the Work Session 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
Katie Werts, Director of Planning and Development Services
Joanie Winters, County Attorney
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Orion Griffin, The Newberry Observer

Mr. Johnson called the meeting to order at 4:00 p.m.

Mr. Johnson led the invocation followed by the Pledge of Allegiance.

1. Review and Discussion of the draft Future Land Use Map for the Comprehensive Plan

Ms. Cheryl Matheny, Planning Consultant with The Metheny-Burns Group, led the review and discussion for the Future Land Use Map draft.

Ms. Matheny showed versions of the drafts, including what Newberry County currently has and what was proposed. She explained that the area formally called Economic Development (now Development) on the previous map was made smaller due to input at previous meetings from council. Ms. Matheny said just because they changed the name to development doesn't mean it is anything vastly different. She said the areas in the Development section are areas already developed or are the right size to develop.

Ms. Matheny said they added a new category called Transitional which are areas very likely to develop. She said these areas are near water and sewer, or already have water and sewer, near major transportation routes, near the city or towns.

Mr. Johnson asked if Mr. Rick Farmer (Newberry County Economic Development Director) had an opportunity to review the maps. Ms. Matheney said Mr. Farmer did not have input on the maps but did have input on the Economic Development Task Force.

Mr. Hipp said he would like to talk to Mr. Farmer about some of the discussion they are having on this because while they want to keep Newberry County rural, they don't want to put the county in a position, once they tie themselves in the Comprehensive Plan Land Use element, if they have property outside of the Transitional Area or the Development Area and they change the zoning, it could be challenged.

Mr. Hipp continued that if someone comes in and wants to put an industry outside of the Comprehensive Plan for future development, then you run a risk of having spot zoning. He said that used to be illegal and could be challenged.

Ms. Matheny said spot zoning is not good practice.

Mr. Hipp said the more they reduce the Transition Area and the more they reduce the Future Land Industrial Growth Area, the more likely you will have someone coming in with a potential project outside of that footprint, those opposed have a legitimate complaint that the Comprehensive Plan does not include this as a growth element and potentially be spot zoning.

Mr. Hipp said if land is in the area for potential growth, you could rezone it because it is in the Comprehensive Plan, and it is not spot zoning because your Land Use Element

encompasses that area. But if you reduce the size of the area and you have someone that wants to come in outside of that, it could be on the fringe of it, and put an industry and it is not in the Comprehensive Plan and requires rezoning, then you have a legitimate challenge.

Mr. Shacker said his concern was the opposite of what Mr. Hipp described, they might identify in the future land use map land slated for development but have a denial for rezoning for that development and then the county gets challenged since the site was identified in the Comprehensive Plan for development.

Mr. Sease said some of his constituents are concerned about the Transitional Area because they are farmers and that developers may try and put them out of business.

Ms. Matheny said this would not mean the landowners would have to sell the property or rezone the property. She said it is not regulatory, and that the land could be transitional.

Mr. Hipp said when they speak to industries, what they are looking for is the I-26 frontage, noting that some of the interstate was not marked.

Ms. Werts said that water and sewer did limit them, as well.

Mr. Hipp said to keep in mind this is a 10-year plan, and they will hopefully be expanding water and sewer to where there is a need.

Ms. Matheny invited council to approach the maps and draw on them for any changes they'd like to see.

2. Discussion of the draft of the Property Maintenance and Nuisance Code

Mr. Shacker presented a power point detailing the Draft Nuisance Ordinance. Mr. Shacker said this is just a starting point.

Mr. Hipp asked if there was an upper limit to how many abandoned vehicles a resident could have screened from view. (Regarding Section 157.003, Section A).

Mr. Shacker said they do not have a maximum specified for screened abandoned vehicles.

Mr. Hipp said he thinks that is a loophole that needs to have a maximum.

Ms. Werts recommended five, to which council concurred.

Mr. Sease addressed a concern over a Supreme Court case from 2013 that would impact the section dealing with noxious and excessive accumulations of materials. (Regarding Section 157.003, Section G). Mr. Sease gave the case documents to Ms. Winters.

Mr. Sease asked about individuals who use antique tractors as decoration. (Regarding Section 157.003, Section M: items involving rusted, wrecked, junked, dismantled, discarded, or inoperative).

Mr. Shacker said that is something they will look into.

Mr. Johnson requested a definition be added for structural defect, as that could be considered broad.

Mr. Hipp said they should be careful with “comply with the IBC (international Building Codes)” due to when the structure was built and if it predates the IBC.

Mr. Hipp said under Section 157.006 Authority, that would be a good place under the “most severe” that the county has a second opinion, prior to action.

Mr. Shacker said they could also have a Construction Board in place, in case of appeals or need of second opinions.

Mr. Johnson said, in reference to Section 157.008 Notification, he liked the sign notification because it lets the person know they are in violation and to the person who made the complaint know that the county is addressing the violation.

Mr. Johnson said it could never be more than \$500 per offense, to which Mr. Shacker confirmed that was correct under state law. (Regarding Section 157.011: Penalties).

Mr. Johnson asked if the county had the ability to attach a lien on a property, Ms. Winters said they can file a lien on the property, but they cannot collect from the lien on the tax bill.

Mr. Johnson asked if these are considered civil violations. Mr. Shacker said they would be criminal violations. Mr. Johnson responded that he thinks staff will need to check notice requirements. (Regarding Section 157.011: Penalties).

Ms. Werts said they discussed taking the 30 days out previously. Mr. Johnson said he didn't know how he felt about putting someone in jail for code violations.

Mr. Hipp asked a follow up question to abandoned vehicles; he asked if the county has the same current type of ordinance requirements for a salvage yard to protect from these type issues.

Ms. Werts said if a junkyard is already operating as is, that would be a zoning issue if that is their business. If a junkyard was established prior to zoning (2001), she said that would be a grandfathered business and would not have to comply to the zoning ordinance, unless the business changes.

Mr. Hipp asked about sound and noise nuisance and if the county has done any work in that area. Mr. Shacker said he acquired sample ordinances from surrounding counties to compare the noise ordinance the county has now.

Mr. Hipp said regarding industrial and agricultural sound, odor, runoff, etc., maybe the county has adequate protections in place, but maybe not, but this would be a good time for the county to investigate those.

Mr. Reeder asked if anything was done regarding short-term rentals. Mr. Johnson said that the county received a sample ordinance from the City of Columbia.

Mr. Johnson requested the county look into ordinances regarding fireworks, as they go.

3. Questions or comments from County Administrator and Council.

Mr. Shealy said this was excellent information to take in.

Mr. Sease said it was a great presentation and great information.

Mr. Reeder said he believes this was truly needed.

Mr. Johnson said he appreciates the incredible effort from staff in putting the codes together.

4. Adjournment

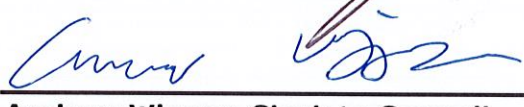
Mr. Sease made a motion to adjourn, seconded by Mr. Shealy. The motion was approved 6-0.

Mr. Johnson declared the meeting adjourned at 5:38 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 9-20-2023