



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
June 19, 2024
6:00 P.M.**

Call to Order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Leon Fulmer, Council Member

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – June 5, 2024.
- b. Newberry County Council Meeting – June 5, 2024.

2. Additions, Deletions & Adoption of the Agenda.

3. Recognitions:

a. Employee Service:

i. Hannah Chapman	5 years	Treasurer's Office
ii. Erika Moon	5 years	Treasurer's Office
iii. Gary Ball	15 years	Facilities
iv. Sharon McClanahan	20 years	NCSO
v. Judy Sanders	30 years	Magistrate
vi. Mike Pisano	Retirement	Public Works

4. Ordinance No. 06-01-2024. An Ordinance to amend the text of the official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, to establish regulations for the issuance of permits for the keeping of chickens on a non-commercial basis on residential properties in Newberry County.

- a. Public Hearing
- b. Second Reading

5. Ordinance No. 06-02-2024. An Ordinance establishing a Building, Fire and Nuisance Codes Board of Appeals for the County of Newberry, S.C.
 - a. First Reading
6. Consideration and award of a bid for full-depth repairs to Summerset Place (Invitation to Bid # 2024-02).
7. County Council may take action(s) following executive session on matters discussed during executive session.
8. Appointments.
 - a. Board of Zoning Appeals – District 6
 - b. Newberry County Memorial Hospital Board – District 6
 - c. Newberry County Memorial Hospital Board – District 7
9. Public Comments.
10. Comments/Requests from County Administrator.
11. Comments/Requests from Council.
12. Future meetings:
 - a. Independence Day – July 4 – Offices Closed.
 - b. Public Safety and Courts Committee – July 8 at 6 p.m.
 - c. Newberry County Council Work Session – July 17 at 5 p.m.
 - d. Newberry County Council – July 17 at 6 p.m.
 - e. S.C. Association of Counties Annual Conference – July 29-31.
13. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
June 5, 2024**

Newberry County Council met on Wednesday, June 5, 2024, 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 (attended virtually)
Robert N. Shealy, Vice Chairman
Leon Fulmer, Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

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

Mr. Shealy said they were going to adjust their schedule and conduct the Executive Session first, due to some unforeseen reasons.

1. Review and discussion of an ordinance establishing a Building, Fire and Nuisance Codes Board of Appeals for Newberry County.
 - Due to a lack of time, Mr. Shacker said they will discuss this ordinance during the June 19, 2024, Work Session.

2. Executive Session:

a. Personnel Matter(s):

- i. Discussion of matters related to the compensation of elected and appointed officials pursuant to SC Code of Laws Section 30-4-70(a)(1).

b. Contractual Matter(s):

- i. Discussion of matters related to property and general liability insurance contract.

c. Legal Matter(s):

- i. Discussion of matters related to Newberry County's local floodplain management program and participation in the National Flood Insurance Program pursuant to SC Code of Laws Section 30-4-70(a)(2).
 - At 5:01 p.m., Mr. Sease made a motion to go into Executive Session; Mr. Reeder provided the second and the motion was approved 7-0.
 - At 5:58 p.m., Mr. Fulmer made a motion to come out of Executive Session; Mr. Sease provided the second and the motion was approved 7-0.

3. Adjournment.

- Mr. Hipp made a motion to adjourn the meeting; Mr. Scurry provided the second and the meeting adjourned at 6:00 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Vice Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

**NEWBERRY COUNTY COUNCIL
MINUTES
June 5, 2024**

Newberry County Council met on Wednesday, June 5, 2024, at 6:05 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 (attended virtually)
Robert N. Shealy, Vice-Chairman
Leon Fulmer Jr., Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Beverly Brehmer, Deputy Clerk to Court
Karen Brehmer, Deputy County Administrator
Captain Ben Chapman, NCSO
Debbie Cromer, Finance Director
Beth Folk, Clerk to Court
Donna Lominack, Auditor
Liz McDonald, Assessor
Eric Nieto, I.T. Director
Karen Lindler Smith, Treasurer
Crystal Waldrop, Purchasing Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

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

Mr. Shealy led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – May 15, 2024.
- b. Newberry County Council Meeting – May 15, 2024.
- c. Newberry County Council Public Safety and Courts Committee – May 20, 2024

- Mr. Fulmer made a motion to adopt the minutes as presented; Mr. Scurry provided the second and the motion was approved 7-0.

2. Additions, Deletions & Adoption of the Agenda.

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

3. Public Appearance:

- a. Alan Jenkins, Chairman of the Newberry County Republican Party.

- Mr. Jenkins said part of his duties as chairman is to recruit and assist those interested in running for public office and it was during that duty that he discovered the only qualification for running for county treasurer and auditor is to be 18 years of age and registered to vote. He added that the current county budget is more than \$78 million dollars and these positions hold significant responsibility over the county's finances. He said those positions should be

filled by individuals with the appropriate educational background and experience.

- Mr. Jenkins said in many counties across the United States, these roles are hired positions requiring relevant qualifications. He said in Greenwood County, the treasurer is required to have a bachelor's degree in business administration or a related field. He said this ensures those handling public funds understand financial management and principles. He said the current system leaves room for unqualified individuals to manage public funds and this could lead to mismanagement or misuse of funds that would ultimately impact all residents of Newberry County. He said the county needs professionals who understand fiscal policy, budgeting processes, auditing standards and not just any registered voter who is 18 years of age.
- Mr. Jenkins said let us advocate for change, ensure they entrust the county's finances into capable hands by making the county treasurer and auditor hired positions with appropriate qualifications.
- Mr. Jenkins said the Newberry Republican Party started a petition and have discovered there is broad interest throughout the county to make this change. He said due to timing, they are asking council to use an ordinance to add the questions on this year's General Election ballot to allow the citizens of Newberry County to decide if this is the direction they choose going forward.
- Mr. Jenkins said this is in no way reactionary to the performance and service of the current treasurer and auditor, but an effort to protect Newberry County and its future moving forward.

4. A Proclamation declaring June 19, 2024, Juneteenth in recognition of the abolition of slavery in the United States of America.

- Mr. Shealy read the Proclamation as follows: WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment, which formally abolished slavery in the United States of America; and WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one half years, to June 19, 1865, in reaching authorities and African-Americans in the South and Southwestern United States; and WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and WHEREAS, June 19th has a special meaning to African-Americans, and is called "JUNETEENTH", combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years; and WHEREAS, the annual Juneteenth celebration in the County of Newberry will take place on June 15, 2024. NOW, THEREFORE, Newberry County Council hereby declares June 19, 2024, as JUNETEENTH in the County of Newberry, South Carolina, and urges all citizens to become more aware of the significance of this celebration in African-American History and in the heritage of our nation and county, as well as encourages all citizens to attend the Juneteenth celebration on June 15, 2024. PROCLAIMED AND APPROVED this 5th day of June 2024.
- Mr. Hipp made a motion to publish the Proclamation; Mr. Sease provided the second and the motion was approved 7-0.

5. Consideration of Annual Indexing of Elected Officials' Salaries.

- Mr. Hipp said they have budgeted four percent of COLA (cost of living adjustments) for all employees, and he would like to make a motion that that be across the board for employees and elected officials, excluding Newberry County Council, but they apply that uniformly. Mr. Reeder provided the second and the motion was approved 7-0.
- Mr. Hipp said, as a clarification, in addition the county will be rewarding certain department individuals with a retention increase, separate from the four percent COLA and that will be done for some of the county's operators and law enforcement.

6. Ordinance No. 05-01-2024. 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 so as to rezone one (1) real estate parcel totaling eleven and seventy hundredths (11.70) acres designated as TMS No. 336-3 from GC-General Commercial to Ind-Industrial.

a. Third Reading.

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

7. Ordinance No. 05-03-2024. An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, for the Newberry County budget for County Ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and 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 issuance of one or more tax anticipation notes, if necessary.

a. Third Reading.

- Mr. Scurry made a motion to approve third reading; Mr. Reeder provided the second and the motion was approved 7-0.
- Mr. Johnson abstained from anything related to Nicholson Business Systems and WTH Technology.

8. Ordinance No. 06-01-2024. An Ordinance to amend the text of the official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, to establish regulations for the issuance of permits for the keeping of chickens on a non-commercial basis on residential properties in Newberry County.

a. First Reading.

- Mr. Sease made a motion to approve first reading; Mr. Scurry provided the second and the motion was approved 7-0.
- Mr. Johnson said he is absolutely in favor of this ordinance, and it is something they need to do.

9. County Council may take action(s) following executive session on matters discussed during executive session.

- Mr. Hipp made a motion to allow Newberry County Administration to change their current general and liability property insurance coverage to SCAC Insurance for their current carrier, saving the county a significant amount of money, Mr. Fulmer provided the second.
- Mr. Hipp said they are not doing it arbitrarily, this gives the county an opportunity to increase coverage, reduce some of the county's deductibles and overall save cost on insurance. He said he appreciates what administration and staff have done in their research to always try and save taxpayers money.
- Mr. Shealy said anytime they can save money and have better insurance, that is not normal, so they are very fortunate and thanks for the hard work researching that.
- Mr. Johnson said not only are they going to save money, this is not something they are doing lightly, but something they have been looking at for a couple of years and the training opportunities and the liability reductions alone make this worth it, much less the \$100,000 savings that they will be able to accomplish for the taxpayers
- The motion was approved 7-0.

10. Appointments.

a. Central Midlands Council of Governments.

- Mr. Hipp made a motion to appoint Councilman Sease to the Central Midlands Council of Governments; Mr.

Reeder provided the second and the motion was approved 7-0.

11. Public Comments.

- Auditor Donna Lominack said she is not sure why Mr. Jenkins and the Republican Party want Newberry County to change their form of government from County Administrator to County Manager, which requires the auditor to be appointed and not elected. She said only two counties in the state have the County Manager form of government. She said this was tried in 2006, but the council at that time voted it down because as she said Councilman John Caldwell stated, “this is the most ridiculous thing I’ve heard in the last 25 years. This is totally out of line to even consider with all of the success we have had with this form of government.” Ms. Lominack said she has run for office five times, with opposition the very first time. She said she wants council to know that all five times she was asked to switch parties and each time she asked what can you do for me that the Democratic Party cannot do. She said the Auditor’s Office is an elected office, but politics does not enter into the operations of the office, and they are governed by state law, and it is her policy to treat all citizens equally. Ms. Lominack said she does not want to see the rights of the people taken away by removing elected officials. Ms. Lominack asked what she has done since 2009 to make the Republican Party want this, except not change parties. Ms. Lominack said she has collaborated closely with the council, administrators and staff to make sure Newberry County taxes were held at a minimum. She added that no one has called or visited her office pertaining to the petition that is going around stating that the current system leaves room for unqualified

individuals, and she takes great offense to this statement as she is the most qualified individual for the office. Ms. Lominack said at an open council meeting, a previous administrator stated, “she was the best auditor in the state.” She added that she has served on many committees for the auditors throughout the state and she has served as president of three different organizations that auditors belong to. She said several individuals have informed her that the position of county auditor could go to an individual that is not qualified if Newberry County citizens are allowed to vote for the auditor. She said she has confidence and respect for Newberry County citizens that they would vote for the person that is qualified and not vote for an unqualified candidate and they have been voting for this office since 1868 when Summerfield Montgomery was elected. Ms. Lominack said she has relatives and friends that are veterans and they fought so she could have the right to vote, and she strongly feels she’d be letting them down if she did not voice her opinion on Mr. Jenkins’ and the Republican Party’s proposal.

- Mr. Reeder said he totally agrees, and his motto is, if it is not broken there is nothing to be fixed.
- Treasurer Karen Lindler Smith said she was hired in the Treasurer’s Office in 1988 by Mr. George Summer and she has worked her way up from the counter to being treasurer. She said she has been in the office for 36 years; she is very qualified, and she likes being elected so she has a voice for the people. She said she enjoys working with people and helps with problems. She said she takes offense to them saying she is not qualified. In her opinion, a County Manager type of government would put control more than needed to one person. Ms. Smith said she goes through county audits every year and they’ve not had a problem and like everybody else said, if it is not broken, don’t fix it.

- Mr. Michael Tumm spoke on the ordinance regarding the keeping of chickens. He said he re-wrote the ordinance to include that it is fair and equitable to all neighbors and most importantly, to the environment of Lake Murray. The first, he said, to make it fairer he included in his provision 11, he said the chicken coop must have screening, this would allow the neighbors not to be able to see chickens that do not want to. He said he does not want to be able to see, smell or hear chickens, he thinks it is only fair that they have screenings and he said he took that particular ordinance from Lexington County. The second, he belongs to Lake Murray Watch and his property is on Lake Murray and he thinks that the chicken coop should be 75-feet from the environmental buffer. He said he talked to zoning last week, he said the way it is written, 50-feet from the 360, which puts it 25-feet into the environmental buffer. He said the question was whose land is that, he said in some cases it belongs to Dominion and other cases it belongs to the owners, and they will be in conflict with Project 16 of Lake Murray, the federal standards, he said that needs to be changed. The third, his neighbor has an illegal chicken coop that has been there for two years, and he put in a grandfather clause that says if the chicken coops meet today's standards, and give time to bring up to standards, determined by county ordinance. He asks council to consider those changes.
 - Mr. Hipp asked administrator to take Mr. Tumm's recommendations in form of amendments so council can vote on each recommendation along with the second reading and they can vote to approve any, all or none at second reading.
- Ms. Marlene Spurgin said that she has not read the entire ordinance regarding the keeping of chickens, but it says you are limited to the keeping of six chickens. She said her daughter lives in Cincinnati proper and they are allowed to

have up to 12 chickens based on the size of their lot. She said this is a very rural county, outside of the City of Newberry, and that is something council needs to look at, allow for someone with a larger property to have a larger number of chickens because someone that has a very small lot, six chickens are fine but someone who depends on that for their food supply might want to do 12 chickens. If they have a larger lot area, and someone may have three acres, and can manage 12 chickens just as well as six.

- Mr. Hipp said they could add that to the proposed amendment.
- Clerk to Court Beth Folk asked if the proposed ordinance is for the whole county or just the lake.
 - Mr. Shealy said this is for Newberry County. Mr. Shacker said this ordinance creates chickens as a conditional use within all of Newberry County's Residential Districts, except R2 (the county's largest, most expansive district) where they are already allowed.
 - Ms. Folk asked if she can keep her 16 chickens and not do anything. Mr. Shacker said yes as she is in R2.

12. Comments/Requests from County Administrator.

- Mr. Shacker said they have had some good discussions.

13. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming out and it is a good day when citizens are involved in their government. He further thanked those who spoke for their comments.
- Mr. Hipp said a dear friend of his passed away the night before and he was an appointee on the Joint Planning

Commission and he served the county in a voluntary position for many years and he'd like everyone to keep Vic Terrana in their prayers, and his family.

- Mr. Scurry thanked all elected officials for fighting for their jobs and telling the world they are running now or running later. He said whatever it takes, they should stay and do that and do not let him or anyone else change their minds. He said they ran that job, they are running it now very successfully, don't let anyone change their minds. He said continue to do what they are doing now, and God bless you.
- Mr. Reeder said he agrees with that because if they start changing things, they don't know where they might be. He said things are running very well right now and each and every person has an opportunity to run for that position, if they choose to do so. They don't have to put in a new county system. He said he thinks they are doing well, and he thinks the majority of the county thinks they are doing well and there may be a few out there that want to change things and that is the problem with the country now, busy trying to change things that are already right. He said they need to think before they mention stuff that will not make Newberry County a better place because this county is where it needs to be.
- Mr. Sease thanked everyone for coming out and participating, he thanked Ms. Lominack and Ms. Smith for getting up and talking about their positions and their background and history and everyone getting up and talking about the chicken ordinance and adding things they may not have thought about to help those in the community. He also wanted to thank council for being appointed and is looking forward to serving on the Central Midlands County of Governments and

hopefully he'll be able to do such a job as Mr. Shealy did before him.

- Mr. Shealy said he is glad to see everyone out and to hear everyone's voice and that is why they are elected to do what the citizens ask of them. Mr. Shealy said Mr. Vic will be missed greatly and he served his county well.

14. Future meetings:

- a. Executive Committee – June 10 at 6 p.m.
- b. Newberry County Council Work Session – June 19 at 5 p.m.
- c. Newberry County Council – June 19 at 6 p.m.
- d. Independence Day – July 4 – Offices Closed.
- e. Public Safety and Courts Committee – July 8 at 6 p.m.
- f. Newberry County Council Work Session – July 17 at 5 p.m.
- g. Newberry County Council – July 17 at 6 p.m.

15. Adjournment.

- Mr. Hipp made a motion to adjourn; Mr. Fulmer provided the second and the motion was approved 7-0.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Vice Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Katie Werts	Title: Director of Planning & Development
Department: Planning & Zoning	Division: Zoning
Date Prepared: May 28, 2028	Meeting Date: June 5, 2024
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: May 21, 2024
Request Consideration by Committee / County Council: County Council	
Subject: Keeping of Chickens as an Accessory to Residential Ordinance: # 06-01-2024	

STAFF'S RECOMMENDED ACTION:

This ordinance is for the allowance of property owners who live within the RS, RSM, RSV and RG zoning districts that can meet all the requirements to be allowed to have 6 hens on their property.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION:

This ordinance is for the allowance of property owners who live within the RS, RSM, RSV and RG zoning districts that can meet all the requirements to be allowed to have 6 hens on their property. A zoning permit would be required for the chicken coop and the zoning inspector will go out to the property to confirm that all conditions can be met.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Ordinance No. 06-01-2024

STATE OF SOUTH CAROLINA)
)
 NEWBERRY COUNTY)

ORDINANCE NO. 06-01-2024

AN ORDINANCE TO AMEND THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA, TO ESTABLISH REGULATIONS FOR THE ISSUANCE OF PERMITS FOR THE KEEPING OF CHICKENS ON A NON-COMMERCIAL BASIS ON RESIDENTIAL PROPERTIES IN NEWBERRY COUNTY.

WHEREAS, there is increased interest in Newberry County for small-scale, subsistence food production to include chicken keeping; and

WHEREAS, the raising and keeping of chickens on a non-commercial basis on a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and

WHEREAS, the County permits various accessory structures and land uses; and

WHEREAS, the County desires to ensure that the keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Newberry County, and to not create a public nuisance; and

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 17th day of July 2024 that the official Zoning Ordinance of the County of Newberry, South Carolina is amended as follows:

ZONING DISTRICT REGULATIONS

§ 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

(D) *Zoning district table of permitted uses.*

ZONING DISTRICT TABLE OF PERMITTED USES										
Description of Use	2017 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference
ACCESSORY USES TO RESIDENTIAL USES										
Keeping of Chickens, Accessory to Residential	NA	P	C	C	C	C	-	-	-	§ 153.129

CONDITIONAL USE REGULATIONS

§ 153.129 Keeping of Chickens, Accessory to Residential

The keeping of chickens as an accessory use to a single-family detached dwelling as detailed in the following subsections shall meet the following requirements where conditionally permitted. Such use shall be an accessory use to a single-family residential use.

(A) *Keeping of Chickens.* The following are requirements for the keeping of chickens as an accessory use to single-family detached dwellings.

- (1) No more than six (6) hens shall be kept on a single residential property. Roosters are prohibited.
- (2) Chickens shall only be allowed as accessory uses to single-family detached dwellings and manufactured homes on individual properties. They shall not be allowed in manufactured home parks.
- (3) On-site slaughter of chickens is prohibited.
- (4) Chickens shall not be allowed to roam free.
- (5) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards.
- (6) Chickens must have adequate access to feed, clean water, and shelter at all times.
- (7) Feed must be stored in secure containers to prevent rats, mice, insects, and other vermin from infesting.
- (8) Chickens must be housed in a designated coop, pen, or enclosure, separate from any portion of residential structures or garages.
- (9) Chicken enclosures must be properly designed to provide adequate security from rodents, wild birds, and other predators and must provide sufficient ventilation and protection from the elements for the animals.
- (10) All chicken enclosures must adhere to the requirements for Accessory Structures as provided in § 153.049.
- (11) Chicken enclosures of any type shall not individually or collectively exceed two-hundred (200) square feet in size.
- (12) Chicken enclosures of any type must be in the rear yard of the property. All enclosures must be located on the same property as the residential use.
- (13) Chicken enclosures of any type shall be located no closer than twenty-five (25) feet to the side or rear property lines. Such enclosures shall be separate from any portion of residential structures or garages.

- (14) Chicken enclosures of any type shall be located no closer than fifty (50) ft from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principle structures, or 50 feet, whichever is greater.
- (15) Chicken enclosures must be designed so that waste, wastewater, and any and all by-products of the keeping of chickens remains within the footprint of the enclosures and does not impact adjoining properties, drainage systems and receiving waters.
- (16) Chicken enclosures must be cleaned regularly and maintained in a healthy and sanitary manner to avoid potential health hazards and minimize odors.
- (17) Manure must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or health risks. Waste must be stored no closer than 50 feet from the side and rear property lines and shall not be stored in the front yard.
- (18) There shall be no emission of odorous gasses or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.
- (19) Noise associated with the keeping of chickens shall meet the standards of Chapter 90, Section 04 of the Newberry County Code of Ordinances.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, Interim County Attorney

Jeff Shacker, County Administrator

1st Reading: June 5, 2024
2nd Reading: June 19, 2024
Public Hearing: June 19, 2024
3rd Reading: July 17, 2024

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 06-02-24

AN ORDINANCE ESTABLISHING A BUILDING, FIRE AND NUISANCE CODES BOARD OF APPEALS FOR THE COUNTY OF NEWBERRY, S.C.

WHEREAS, Newberry County Council possesses discretionary authority to establish a Board of Appeals to hear building and fire code appeals in furtherance of the county’s obligation to enforce standard building and fire codes in accordance with the provisions of Title 6, Chapter 9 and Title 23, Chapter 9 of the Code of Laws of the State of South Carolina; and

WHEREAS, Newberry County Council desires also to establish a Board of Appeals to hear appeals as provided in Chapter 157 – Public Nuisances and Unfit Dwellings - of the Code of Ordinances of Newberry County, S.C.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 7th day of August 2024 that:

- (a) *Establishment.* The Building, Fire and Nuisance Codes Board of Appeals (hereinafter referred to as the “Board”) is hereby established and shall consist of seven (7) members. All members shall be residents of the county, shall be appointed by County Council, and shall serve without compensation. When making appointments to the Board, County Council may take into consideration the expertise offered by prospective members with preference given to residents with backgrounds in architecture, engineering, construction, real estate and related fields.
- (b) *Term of office.* All appointments shall be for three (3) year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.
- (c) *Quorum.* For any scheduled meeting, four (4) members of the Board shall constitute a quorum. In modifying an order of the Building Official, Fire Official, or Code Enforcement Officer, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No member shall act in a case in which he or she has a conflict of interest and, in such cases, shall recuse him or herself.
- (d) *Records.* The Director of Building and Zoning, or his or her designee, shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.
- (e) *Procedures.* The Board shall establish rules of procedure not inconsistent with the provisions of this ordinance. The Board shall meet at regular intervals, to be determined by the Chairman, and shall also meet within ten (10) days after notice of appeal is received from the Secretary.
- (f) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building Official, Fire Official, or Code Enforcement Officer. Appeals shall be submitted on a form developed by the Department of Building and Zoning and approved by the County Administrator.

(g) *Unsafe or dangerous buildings or service systems.* In case of a building, structure or service system which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official, Fire Official, or Code Enforcement Officer may, in his or her order, limit the time for such appeals to a shorter period.

(h) *Variances and modifications.*

- 1) The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official or Fire Official relative to the application and interpretation of the adopted building and fire codes of Newberry County, and after a hearing, may modify or reverse the interpretation of the Building Official or Fire Official.
- 2) The Board shall also hear and decide appeals of demolition orders issued by a Code Enforcement Officer designated by the County Administrator as provided in Chapter 157 of the Code of Ordinances of Newberry County regulating public nuisances and unfit dwellings.
- 3) A decision of the Board to modify an order of the Building Official or Fire Official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reason thereof.
- 4) A decision of the Board sustaining, modifying or reversing a demolition order issued by the Code Enforcement Officer shall specify the reason and, if varied or modified, shall specify in what manner such variation or modification is made and the conditions upon which it is made.
- 5) The Board shall have no authority to waive the requirements of any currently adopted code dealing with existing or proposed structures within Newberry County.
- 6) The Board, when so appealed to and after a hearing, may vary the application of any provisions of the adopted building and fire codes of Newberry County to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:
 - i. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - ii. That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - iii. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.
 - iv. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

v. That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.

(i) *Conditions of the variance.* In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the building and fire codes of Newberry County. Violation of the conditions of a variance shall be deemed a violation of the code.

(j) *Decisions.*

- 1) Every decision of the Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote on the decision. Every decision shall be promptly filed in the office of the Department of Building and Zoning and shall be open to public inspections; a certified copy shall be sent by registered mail or otherwise delivered to the appellant.
- 2) The Board shall, in every case, reach a decision without unreasonable or unnecessary delay.
- 3) If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official, Fire Official, or Code Enforcement Officer, such local official shall immediately take action in accordance with such decision.

(SEAL)

BY: _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, Interim County Attorney

Jeff Shacker, County Administrator

1st Reading: June 19, 2024
2nd Reading: July 17, 2024
Public Hearing: July 17, 2024
3rd Reading: August 7, 2024



Newberry County
 Administration
 1309 College Street
 Newberry, SC 29108
 803-321-2100

Agenda Briefing

Prepared By:	Crystal Waldrop	Title:	Purchasing Director
Department:	Administration	Division:	Procurement/Public Works
Date Prepared:	6-11-2024	Meeting Date:	6-18-2024
Legal Review			Date:
Budget Review			Date:
Approved for Consideration:			
Committee			
Subject:	Acceptance of road paving: Summerset Place		

STAFF'S RECOMMENDED ACTION: Staff recommends acceptance of the low bidder: Steed Paving

REQUEST FOR COUNCIL RECONSIDERATION:

FIDUCIARY: The amount to cover the paving work is absorbed in the Public Works Department budget

Are Funds allocated in the department's current fiscal year budget?	X	Yes		No
If no, is a budget amendment necessary?		Yes	X	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION:

ADDITIONAL COMMENTS FOR CONSIDERATION:

ATTACHMENTS: Bid Tabulation Sheet

Invitation to Bid: 2024-2
Road Repairs: Summerset Place,
Prosperity

Bid Opening
Date: April 25, 2023 @
3:00 p.m.

Newberry County Courthouse Annex Conference Room, 1309 College Street, Newberry

Bidder	Amount of Base Bid	Per unit pricing full depth	Overlay per sq. yd.	Bid Bond
Steed Paving	\$ 58,530.30	\$ 90.33	\$ 25.44	yes
Satterfield Construction Co.	\$ 64,275.00	\$ 75.00	\$ 20.00	yes

Accepted by:

Crystal Waldrop

Purchasing Director