



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
August 7, 2024
6:00 P.M.**

Call to Order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Travis Reeder, Council Member

1. Adoption of Consent Agenda:
 - a. Newberry County Council Work Session – July 17, 2024.
 - b. Newberry County Council Meeting – July 17, 2024.
 - c. Newberry County Economic Development Committee – July 22, 2024.

2. Additions, Deletions & Adoption of the Agenda.

3. Public Appearance:
 - a. Lorie Graham, Newberry Area Business Consultant, S.C. Small Business Development Centers

4. 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. Third Reading

5. Ordinance No. 08-01-2024. An Ordinance authorizing the County of Newberry to sell real property identified as TMS 290-11 and described in Invitation for Bid No. 2024-4.
 - a. First Reading

6. County Council may take action(s) on matters discussed during the 5:00 pm meeting.

7. Appointments.
 - a. Board of Zoning Appeals – District 6.
 - b. Joint Planning Commission – District 5.

8. Public Comments.

9. Comments/Requests from County Administrator.

10. Comments/Requests from Council.

11. Future meetings:
 - a. Newberry County Council Work Session – August 21 at 5 p.m.
 - b. Newberry County Council – August 21 at 6 p.m.
 - c. Newberry County Finance Committee – August 26 at 6 p.m.
 - d. Labor Day – September 2 – Offices Closed
 - e. Newberry County Council Work Session – September 4 at 5 p.m.
 - f. Newberry County Council – September 4 at 6 p.m.

12. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
July 17, 2024**

Newberry County Council met on Wednesday, July 17, 2024, at 5:01 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: Robert 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
Joanie Winters, County Attorney
Tommy Long, Emergency Services Director
Eric Nieto, I.T. Director
Brandon Wicker, Emergency Services Coordinator
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

ABSENT: Todd Johnson, Chairman

Mr. Shealy called the meeting to order at 5:01 p.m.

1. Discussion of proposed purchase of fire engine.

- Mr. Shacker gave an update to the council following a public safety meeting last week about a fire engine available, within

budget. He said a presentation was made to the committee about the purchase.

- Mr. Shacker said something they may want to look at doing is revising the Newberry County Purchasing Ordinance, put in place 20 years ago. He said there is language related to state contract purchasing that, in his opinion, is not ideal. He said his interpretation of the code is that it gives staff the authority to make a purchase, regardless of cost, when council has explicitly budgeted the item. However, he also recognizes that the proposed fire truck purchase is \$850,000 and is the largest single expenditure in this year's budget. He said the ideal thing would be to run that purchase through the council.
- Mr. Shacker said the Public Safety Committee approved the purchase of the truck; staff then provided information to the other members of council related to the purchase of the truck. He said that procedurally, everything was followed pursuant to the code. He said a purchase order was issued and they were able to purchase the truck for \$849,999, this includes the truck and loose equipment. The equipment plus contingency was about \$60,000. Purchasing the truck and equipment together limits the state sales tax to the \$500 cap.
- Mr. Shealy said the purchase is necessary and doesn't think one is enough, but he agreed they needed to move quickly.
- Mr. Hipp said he agreed, but as far as procedures are concerned, anytime they spend \$850,000, even if it is budgeted, the council needs to weigh-in on that expenditure. He said there are things such as, "did it go through the proper bidding process," or "other extenuating items in the county contract." He said he is not questioning anything, but it is interesting it came in one dollar under budget, which could have been a coincidence. He agreed to the purchase this time due to the time constraints, but in the future, staff needs to bring these kinds of purchases to council for approval.
- Mr. Shealy said if he is not mistaken, staff provided the vendor with a purchase order, but the county could back out if

necessary. Mr. Shacker indicated that the county can cancel the purchase, if need be, because a purchase agreement had not been entered into.

- For clarification, Mr. Shacker said the truck itself was \$788,848, an allowance for loose equipment and possible change orders totaled \$60,651, and sales tax of \$500 was applied. He said they may be able to bring the purchase below the price, depending on the loose equipment and change orders.
- Mr. Sease proposed a potential solution, they pass an ordinance that the council will vote in the last meeting in June to approve the purchase of the truck. He said that way the county will be one step ahead.
- Mr. Fulmer said he agrees, anything purchased that large needs council weigh-in in one way, shape or form of how they go about doing it. As an update, he said they heard from Mr. Long several months ago about the critical need for trucks and equipment, and they had an accident that took out one of the county's tankers, fortunately with no injuries. He said what they are discussing now is an engine, but in trying to shuffle around equipment they had a pumper go down, as well. He said they have an immediate need now.
- Mr. Hipp said he agrees, and he spoke with Mr. Shacker prior to the meeting, and they have too many vehicles on the lot to be serviced, including four ambulances. He said they have got to have their primary source of maintenance, but also backup maintenance facilities for when they have overload.
 - Mr. Shacker and Mr. Long said they are working on addressing that now.
 - Mr. Long said they have been working with shops who specialize in emergency vehicles. He said they have six trucks down on the fire side and four EMS trucks out of service. He said they are working on solutions to get the vehicles fixed quicker.
- Mr. Shealy said they may have to get creative with this year's budget as they are in a critical need area.

- Mr. Shealy asked if they are doing preventative maintenance, Mr. Long said they do but they have just had issues that were unforeseen.

2. Discussion of Safe Streets for All (SS4A) grant program and possible submission of funding request.

- Mr. Shacker said before they applied for a grant, he wanted to confirm this was something council wanted staff to pursue. The Safe Streets for All program is a federal program that provides \$1 billion in funding annually. He said there are two types of grants that can be pursued. One is a planning grant that could be used to develop a plan to address road safety in the community. He said it would be a steppingstone to receive funding for implementation, which is the second type of grant that can be pursued.
- Mr. Shacker said that this is an 80/20 program. A \$300,000 project would require matching funds of \$60,000. He said there are a couple of options in terms of matching, one being cash and the other is allowing the local government to match the grant in kind – such as through staff hours or the value of space provided for meetings.
- Mr. Shacker said if council is okay with pursuing this grant, staff would come back to council for formal approval prior to accepting the grant and moving forward with the project.
 - Mr. Shealy added that they could decline if they were awarded.
- Mr. Fulmer asked if staff would apply for a planning grant initially and, once a plan is developed, pursue grants to implement the plan. Mr. Shacker said that was correct and that the implementation of the plan and the pursuit of grants would be at county's discretion.

- Mr. Reeder said that the grant is something they should take advantage of, with Mr. Sease adding that if you can get funding to improve roads, might as well get our share of it.

3. Executive Session:

a. Contractual Matter(s):

- i. Discussion of matters related to the sale of real estate pursuant to SC Code of Laws Section 30-4-70(a)(2).

b. 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).
 - Mr. Sease made a motion to go into Executive Session; Mr. Fulmer provided the second and the motion was approved 6-0.
 - Council went into executive session at 5:33 p.m.
 - At 6:06 p.m. Mr. Reeder provided a motion to come out of Executive Session; Mr. Sease provided the second and the motion was approved 6-0.

4. Adjournment.

- Mr. Scurry made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0 at 6:07 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Vice-Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

**NEWBERRY COUNTY COUNCIL
MINUTES
July 17, 2024**

Newberry County Council met on Wednesday, June 17, 2024, at 6:07 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: Robert 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
Joanie Winters, County Attorney
Mac Bartley, Facilities Management Director
Captain Daniel Floyd, NCSO
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

ABSENT: Todd Johnson, Chairman

Mr. Shealy called the meeting to order at 6:07 p.m.

Mr. Hipp led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – June 19, 2024.

- b. Newberry County Council Meeting – June 19, 2024.
- c. Newberry County Public Safety & Courts Committee – July 8, 2024.

- Mr. Fulmer made a motion to accept the minutes as presented; Mr. Sease provided the second and the motion was approved 6-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Hipp made a motion to accept the agenda as presented; Mr. Reeder provided the second and the motion was approved 6-0.

3. Recognitions:

a. Employee Service:

- | | | |
|--------------------|---------|--------------|
| • Samuel Greenberg | 5 years | Public Works |
| • David Lawson | 5 years | NCSO |

- Mr. Shacker recognized the employees listed above for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.

4. Public Appearance:

- a. Anne Pinckney Smith – Executive Director, Newberry Opera House.

- Ms. Smith came before council to thank them for their support over the last year and to provide an update on what is happening with the Newberry Opera House. She said the Newberry Opera House has been operating for 25 consecutive seasons and it was time for a refresh – including redoing the elevator, fire alarm system, seating, fresh coat of paint, bathrooms, etc. Ms. Smith said last year, the county gave funding to help with this renovation and Senator Ronnie Cromer and Rep. Joe White were instrumental in helping secure funding. They also received grant funding, raised funding and put in funding for the renovations. Ms. Smith also announced that they are working to put in an accessible door and will have accessible ambassadors and accessible seating.
- Ms. Smith also invited the council to their Sneak Peek during the week of Sept. 9.
- Mr. Hipp asked if they are changing the number of seats with the refresh, to which Ms. Smith said no, the footprint is the same.
- Mr. Hipp thanked Ms. Smith for all she is doing, and all the Newberry Opera House has done to make Newberry different from surrounding municipalities and counties. He said for clarification, the money allotted to the Newberry Opera House does not come out of property tax, but rather hospitality tax and what is funded from Newberry County Council to the Newberry Opera House is much less to what the Newberry Opera House is putting into.
- Mr. Hipp added that the staff at the Newberry Opera House deserves so much credit for making it through COVID-19 Pandemic as many historic theaters across the nation never opened again.

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. Public Hearing

- Mr. Shealy declared the Public Hearing open. With no one signing up or standing to speak, Mr. Shealy declared the Public Hearing closed.

b. Second Reading

- Mr. Sease made a motion to approve the second reading; Mr. Reeder provided the second and the motion was approved 6-0.

6. Consideration and Approval of a Bid for the Sale of Newberry County Property (TMS #290-11, 45.96 acres) on S.C. Hwy 121 (Bid Number 2024-4).

- Mr. Shacker said this is close to a 46-acre tract the county has owned for a number of years off Highway 121, and located on a gravel road that leads to the CND Landfill. As instructed by council, staff solicited bids, which was advertised locally and on Gov Deals, and four bids were received. The high bid was submitted by Wilson West Industries in the amount of \$229,800 and met all requirements in the solicitation. Staff recommended their bid.
- Mr. Reeder made a motion to approve the sale to the high bidder; Mr. Sease provided the second.

- Mr. Hipp asked if this bid went out through all the standard posting channels, to which Mr. Shacker answered in the affirmative.
- The motion was approved 6-0.

7. Consideration and Approval of a Bid for Landscape Maintenance for County Properties (Bid Number 2024-5).

- Mr. Bartley said in the past, the county had three separate agreements for lawn care, but this year they decided to bring it to one contract. He said the low bid was from Superior Lawn and Yard Maintenance at the base bid of \$109,500 and two alternates priced at \$2,600 for Mid-Carolina Commerce Park 1 and \$1,300 for Mid-Carolina Commerce Park 2.
- Mr. Bartley said staff met with the owner of Superior Lawn and Yard Maintenance, who assured staff that they have equipment and staff to take care of the properties. With that, staff recommended the low bidder of Superior Lawn and Yard Maintenance, which is within the budgeted amount of funds.
- Mr. Hipp asked if there are provisions in the contract that protect the county should the contract fail to meet agreed upon performance requirements and standards. Mr. Bartley responded in the affirmative and also indicated that the contractor was required to provide a performance and payment bond, which provides additional protection, should the contractor fail to perform.
- Mr. Bartley added that staff looked at ways to do this in-house, but they could not make it work with the up-front capital. Mr. Hipp said he thinks that contracting the work out appears to be the most cost-effective approach, at present.

- Mr. Hipp made the motion to accept the low bid from Superior Lawn and Yard Maintenance; Mr. Fulmer provided the second and the motion was approved 6-0.
8. County Council may take action(s) on matters discussed during the 5:00 pm meeting.
- No action was taken.
9. Appointments.
- a. Board of Zoning Appeals – District 6.
 - An appointment will be made at a later council meeting.
 - b. Joint Planning Commission – District 5.
 - An appointment will be made at a later council meeting.
 - c. Newberry County First Steps Board.
 - Mr. Reeder made a motion to appoint Ms. Abigail Fuller; Mr. Hipp provided the second and the motion was approved 6-0.
 - d. Accommodations Tax Advisory Board.
 - Mr. Sease made a motion to accept the recommended members as a slate; Mr. Fulmer provided the second and the motion was approved 6-0. The appointments and reappointments were as follows: Cindy Long (Hospitality Industry), Tammy Kitchens (Public), Scott Bellows (Public), Joe McDonald (Lodging Industry), Debra Blizzard (Lodging Industry), Sharon Graham (Cultural Industry).

10. Public Comments.

- There were no public comments.

11. Comments/Requests from County Administrator.

- Mr. Shacker indicated that, if council had no objection, staff would like to discuss a couple of funding sources that the county may want to consider pursuing to support the amphitheater project at the August council meeting.

12. Comments/Requests from Council.

- Mr. Reeder thanked everyone who came out to the dedication of the intersection named after his father (Henry Reeder).
- Mr. Sease thanked everyone for attending the meeting.
- Mr. Fulmer thanked everyone for coming. He said they have hurdles to overcome within the county and hopefully they are moving in the right direction.
- Mr. Shealy thanked everyone for coming out and they missed Chairman Johnson as he is attending the ceremony where Sheriff Lee Foster was receiving Sheriff of the Year award.

13. Future meetings:

- a. Newberry County Economic Development Committee – July 22 (moved from July 29).
- b. S.C. Association of Counties Annual Conference – July 29-31.
- c. Newberry County Council Work Session – August 7 at 5 p.m.

- d. Newberry County Council – August 7 at 6 p.m.
- e. Newberry County Council Work Session – August 21 at 5 p.m.
- f. Newberry County Council – August 21 at 6 p.m.

14. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 6-0 at 6:55 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Vice-Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE
MINUTES
July 22, 2024**

Newberry County Council Economic Development Committee met on Wednesday, July 22, 2024, at 6:00 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: Les Hipp, Committee Chair
Travis Reeder, Committee Member
Robert N. Shealy, Committee Member
Jeff Shacker, County Administrator
Rick Farmer, Economic Development Director
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

1. Call to Order – Les Hipp, Committee Chair.

- Mr. Hipp called the meeting to order at 6 p.m.

2. Invocation and Pledge of Allegiance – Committee Member Travis Reeder.

- Mr. Reeder led the committee in the invocation and Pledge of Allegiance.

3. Additions, Deletion, & Adoption of the Agenda.

- Mr. Shealy made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion was approved 6-0.

4. Staff Report:

a. Project Activity:

- Mr. Farmer said while project activity remains slow, they have two new projects since the last committee meeting and two planned expansions, but both are in states of delay.

i. Cal-Maine Acquisition of ISE.

- Mr. Farmer said ISE was bought by Cal-Maine a few weeks back. He said Cal-Maine is the largest fresh egg producer in the United States but did not have access to the Northeast or the Mid-Atlantic states. He said they bought out ISE with \$110 million in cash.
- Mr. Farmer said there is no indication there will be any significant changes out there.
- Mr. Hipp asked if Cal-Maine is a United States based company, to which Mr. Farmer answered in the affirmative.

b. Product Development:

i. Mawsons Way Extension.

- Mr. Farmer said the attorneys expect to file a condemnation action in the next few weeks. He said they expect to apply for the required DHEC and DOT permits in July, with approvals anticipated later in the year. Staff expects bidding in October/November and construction December/January with about nine months of construction time.

ii. Signage for MCCP II.

- Newberry County received Utility Tax Credit funding in the amount of \$184,000 from the Newberry Electric Cooperative to improve the aesthetics of the entranceways to Mid-Carolina Commerce Park One and Two, including the installation of a sign at the entrance to Mid-Carolina Commerce Park Two. Mr. Farmer said staff expects to install the new sign at no expense to the taxpayers and to apply any excess funds toward the entranceways to both parks.
- Mr. Hipp said when you go down the interstate and you go through counties, you see nice signs leading into the counties. He said they do not have money in the budget, but if there is grant money that can be pursued to make nice signs on the interstate, that would be something they need to plan for, as far as grant money. He said not to slow down anything already going on, but something in the not-too-distant future they need to look into.

iii. Spec Building Discussion.

- Mr. Farmer said the Marlboro Development Team and the Newberry Electric Cooperative are ready to discuss a spec building. A likely site would be beside the golf course at Mid-Carolina Commerce Park 2.
- The last time the county did one of these deals, Marlboro funded the construction cost, NEC committed to covering the carrying and marketing cost should the building not sell or lease within an agreed upon timeframe, and the county provided the land and funded necessary public road improvements. Mr. Farmer said a new scenario would be similar to that, as far as he knows.
- Mr. Shacker said a benefit of the proposed site is there is no road construction.

iv. Extension of Option on Newberry South Industrial Site.

- Mr. Farmer said they are sending a check to extend the option of the site for one more year. He said they still have a prospect out there interested in that property, but what they do after this if they go five years without moving the property, staff will come back to council to decide what to do next.

c. Prospect Development:

i. CSCA Fam Tour.

- Mr. Farmer said the familiarization tour is where they bring site consultants into the region, and they are hosted throughout the region. Mr. Farmer will have an opportunity to give a presentation in Columbia and they will spend a few hours in Newberry County.

d. Other.

- Mr. Farmer has asked the SC Economic Developers' Association to schedule a meeting with the SC Department of Revenue to discuss the state's tier system. He said the purpose is to understand exactly how the tier system works and start discussing improving the system to make it fair to all.
- Mr. Hipp said that is an area that is not equitable at this point. He said it is not fair for Newberry County to be competing in the same category as Greenville and Beaufort.

5. Executive Session

30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or

the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Cardinal, Night Train, Yellow Condor, Bronze Sky, Hedron and other unnamed projects.

- Mr. Reeder made a motion to go into Executive Session; Mr. Shealy provided the second and the motion was approved 3-0 at 6:22 p.m.
- At 7:04 p.m., Mr. Hipp declared the Executive Session over and no action was taken.

6. Comments by and discussion items from the Committee Members

- Mr. Reeder said they had a good discussion, and they need to keep it up and try and get back to making Newberry move.
- Mr. Shealy said good presentation.
- Mr. Hipp said they talked about good potentials, and they will keep working on that and working on their sites to make them more marketable as well.

7. Adjourn

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 3-0 at 7:05 p.m.

NEWBERRY COUNTY COUNCIL

Leslie Hipp, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 06-02-2024

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-01-2024

AN ORDINANCE AUTHORIZING THE COUNTY OF NEWBERRY, BY NEWBERRY COUNTY COUNCIL, TO SELL REAL PROPERTY IDENTIFIED AS TAX MAP NUMBER 290-11 AND DESCRIBED IN INVITATION FOR BID NUMBER 2024-4 UPON SUCH TERMS AND CONDITIONS AS DESCRIBED IN THE INVITATION FOR BID AND THROUGH AN AGREEMENT OF PURCHASE

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to sell and dispose of real property owned by the County pursuant to Section 4-9-30 of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, the County is the owner of that certain parcel of real property, 46 +/- acres in size, located near the City of Newberry on South Carolina Highway 121 By-Pass and identified as Tax Map Number 290-11 (the “Property”); and

WHEREAS, the Council determined, as a fact and after appropriate investigation, that the Property is no longer needed for county purposes and would be of better and higher use and benefit to the County if owned by an individual or entity other than the County, and that as such the Property constitutes surplus property; and

WHEREAS, the County solicited sealed bids for the disposition of the Property and issued the Invitation for Bid via advertisement on May 29, 2024; and

WHEREAS, on July 2, 2024, the bids were received, accepted and opened, and the highest bid was presented to the Council at its July 17, 2024 meeting for consideration and award, which the Council by motion and vote approved; and

WHEREAS, Section 4-9-130 of the South Carolina Code of Laws, 1976, as amended requires the use of an ordinance to sell or dispose of real property owned by the County and that the Council conduct a public hearing prior to passage of such an ordinance; and

WHEREAS, the Council now desires to undertake the legislative process required by South Carolina law to approve the sale of the Property.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 4th day of September 2024 that:

The Council does hereby authorize the sale of the Property, described in Invitation for Bid Number 2024-4, which is attached as Exhibit “A”, to the highest bidder as awarded by Council at its meeting on July 17, 2024, and upon such terms and conditions described in the advertised Invitation for Bid and through an Agreement of Purchase, which is attached as Exhibit “B”. Both Exhibits are incorporated herein by reference. This Ordinance shall be effective upon adoption by the Council on the date of final reading approval.

BY: _____
Todd Johnson, Chairman

(SEAL)

ATTEST: _____
Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, Interim County Attorney

Jeff Shacker, County Administrator

1st Reading: August 7, 2024
2nd Reading: August 21, 2024
Public Hearing: August 21, 2024
3rd Reading: September 4, 2024