



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
Newberry Courthouse Annex
1309 College Street, Newberry, SC 29108
September 18, 2024
6:00 P.M.**

Call to Order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Nick Shealy, Council Member

1. Adoption of Consent Agenda:
 - a. Newberry County Council Work Session – September 4, 2024.
 - b. Newberry County Council Meeting – September 4, 2024.

2. Additions, Deletions & Adoption of the Agenda.

3. Recognitions:
 - a. Employee Service:

Caleb Kierstead	5 years	NCSO
Joseph Kingsmore	5 years	NCSO
Jackie Greenwood	15 years	Public Works
Tammy Kinard	20 years	Corrections
Larry Graham	20 years	NCSO
Zenda McClurkin	25 years	Public Safety

4. A Proclamation recognizing the Towns in Tune event in Newberry County and Bay Bulls, Newfoundland.

5. A Proclamation recognizing September 15-October 15, 2024, and Hispanic Heritage Month in Newberry County.

6. Resolution 08-24. A Resolution to Recognize and Honor the Members of the South Carolina State Guard, to commend their all-volunteer force who embody the spirit of National Preparedness Month, and to declare September as “South Carolina State Guard Month” in Newberry County.

7. Ordinance 09-01-2024. An Ordinance Approving the Terms of an Intergovernmental Agreement Between Newberry County and the Newberry County Water and Sewer Authority.
 - a. First Reading

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

9. Appointments.

10. Public Comments.

11. Comments/Requests from County Administrator.

12. Comments/Requests from Council.

13. Future meetings:
 - a. Newberry County Executive Committee – September 23 at 6 p.m.
 - b. Newberry County Council Work Session – October 2 at 5 p.m.
 - c. Newberry County Council Meeting – October 2 at 6 p.m.
 - d. Newberry County Public Safety Committee – October 7 at 6 p.m.
 - e. Newberry County Council Work Session – October 16 at 5 p.m.
 - f. Newberry County Council – October 16 at 6 p.m.

14. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
September 4, 2024**

Newberry County Council met on Wednesday, September 4, 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: Todd Johnson, Chairman
Robert Shealy, Vice-Chairman
Leon Fulmer, Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Eric Nieto, I.T. Director
Josh Rowe, Public Works Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Johnny Mack Scurry, Council Member

MEDIA: Kelly Duncan, The Newberry Observer

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

1. Discussion and review of proposed revisions to Chapter 91 of the Code of Ordinances of Newberry County providing design and other standards for the Newberry County Public Road System.

- Mr. Shacker reviewed pages 1-12 of the recently revised Chapter 91 (which governs the roads that are accepted into the county system) of the Code of Ordinances (attached with these minutes). During his review, the following questions were asked by members of council:
 - Regarding a requirement that all roads be 50 feet in width for the right-of-way, Mr. Shealy asked if that was a local easement or a standard, he added that he believes the state standard is 66 feet. Mr. Rowe said they tried to mirror the DOT standard, but the 50 feet rule ensures that gives you enough room for any potential work. Mr. Shacker said they also have language in Chapter 91 to require more room, if needed. Mr. Fulmer said 50 feet would definitely be a minimum and you don't normally want to get too carried away because anything you accept within that right-of-way you're bound to maintain.
 - Mr. Hipp asked regarding small roads in the City of Newberry, that are state highway system roads, that are just a neighborhood road, what is the right-of-way from the center of the road to the roadway. Mr. Fulmer said it is highly variable and depends on each individual roadway, he added that he deals with this all the time in the City of Greenwood, and he is sure Newberry is similar.
 - Mr. Sease asked when the subdivisions are built, they have to meet a certain grade and spec to meet Newberry County's requirements to be taken over, but what happens if they get in a situation where the builder goes bankrupt and does not finish the final layer and they want the county to take over the roads because there's already houses completed, he asked would the county take that bond that was issued and use it to finish it up. Mr. Shacker said yes, they would use that performance bond and after that period of time when they've accepted a surety bond and that is all about the workmanship and potential defects in the road.

- Mr. Shealy said but ultimately, if they do not get it up to par, they do not accept it, and Mr. Shacker said that is correct.
- Mr. Hipp asked if all of the existing county roads meet the requirements contained in this ordinance. Mr. Shacker answered in the negative. Mr. Hipp then asked if they do not, are they grandfathered in or are they brought up to this requirement. Mr. Shacker said they can do some homework to try and calculate how much it would cost to bring up current county roads. He said this would be for any new roads to be brought into the road system. Mr. Fulmer said DOT probably has roads that cannot meet this spec, he also referenced 91.03 where it states, “roads that have previously been met the applicable requirements and have been accepted and maintained by the county are not affected.” Mr. Fulmer said it is basically new roads coming in and Mr. Hipp said you are basically grandfathering.
- Regarding encroachment permits, Mr. Fulmer added that the responsibility for that period needs to go beyond the time period when they are doing the work, if for some reason they are doing work and are repairing something and down the road they are having an issue, like a sinkhole forms due to their work, they are not just held to the timeframe they are out their working, but also after the fact, if any damage is due to the work they did in the county’s right-of-way. Mr. Rowe said the language will include that to some extent.
- Mr. Sease asked, regarding a driveway needing to be five feet from the existing property line, what if neighbors want to put in a secondary driveway they can both use for access to areas, would they need an exception to that on a permit. Mr. Shacker answered in the affirmative, and Mr. Rowe said they would probably be on the zoning side. If it is a state road, they will need to go through DOT.

- Mr. Hipp said if you read number five, you can read it as access points must be installed a minimum of five feet from the property line, and you could read it as you have to have your access point within five feet. He said it is semantics, but staff may want to look into the wording.
- Mr. Fulmer mentioned a reference to SCDHEC and said that doesn't exist anymore.
- Mr. Fulmer asked if they had a standard diameter pipe they would generally use for driveways. Mr. Rowe said typically, they are going to stick to 15 inches.
- Mr. Fulmer asked if they had a subdivision that came in and put in special decorative signs, does this ordinance have anything stating if they are accepted, and they need to be replaced, that the sign will go back to the standard sign, or the subdivision will have to provide the decorative sign. Mr. Shacker said they do not have anything stating that, but they need to add that to the ordinance.
- Mr. Sease asked if they need to put something in the ordinance involving different types of paving to reflect the heat away, so maybe in the future the county can get money from the federal government. Mr. Shacker said he is not familiar with that, but they can do more research.
- Mr. Fulmer suggested rather than actually providing the seeding chart in subsection two, they would be better served to say all seeding needs follow all SCDOT seeding requirements.
- Mr. Johnson said this is very comprehensive and has a lot to digest and they will revisit in another Work Session.
- Mr. Fulmer told staff they did a great job, and this looks good.

2. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Shealy provided the second and the motion carried 6-0 at 5:54 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

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Article I – Authority and Purpose

§ 91.01 TITLE AND AUTHORITY.

Newberry County Code of Ordinances Chapter 91 – Road and Development Design

§ 91.02 JURISDICTION.

Applies within the unincorporated area of Newberry County and to municipalities that consent to these regulations (which are all but Newberry, Silverstreet and Whitmire).

§ 91.03 PURPOSE.

The purpose of this Chapter is the construction and acceptance of safe and efficient roads into the Newberry County Public Roads System.

§ 91.04 SCOPE.

- (A) In order to obtain the approval of a subdivision, development, new road, or road extension, this Chapter and Chapter 154 (LDR) must be complied with.
- (B) New roads and extensions must meet standards in this Chapter and Chapter 154 (LDR).
- (C) These are minimum standards. Developers should also consult national and state specifications for road construction.
- (D) The Director of Public Works may require higher standards to insure safety and quality construction.

§ 91.05 SEVERABILITY.

Standard severability language to ensure that a determination that one section of the ordinance is invalid does not undermine the validity of other sections.

§ 91.06 RELATION TO OTHER ORDINANCES.

When this ordinance has conflicts with others, the most stringent requirements win / shall control.

§ 91.07 REPEAL OF CONFLICTING ORDINANCES.

Just to be sure – we’ve got repeal and replace language in Section 07 – but only to the extent of the conflicting provisions.

§ 91.08 EFFECTIVE DATE.

Of course this is proposed to become effective upon adoption by council.

Article II – Administration and Enforcement

§ 91.09 COUNTY COUNCIL.

Council has the sole authority to accept roads into the County System - period.

§ 91.10 COUNTY ADMINISTRATOR.

The County Administrator appoints the Land Development Administrator and the Public Works Director.

§ 91.11 DIRECTOR OF PUBLIC WORKS.

- (A) The Public Works Director administer this Chapter.
- (B) Some of the duties of the Public Works Director include (among many others):
 - (1) Receive petitions for acceptance of roads into the County System.
 - (2) Verify that roads meet the requirements of this this Chapter.
 - (3) Coordinate with the Land Development Administrator on the review of proposed subdivisions to insure new or expanded roads meet this Chapter and the County’s new LDR. Also may assist with inspection of road construction.
 - (4) Coordinate with developers to make certain that new roads comply with the requirements of this Chapter.
 - (5) Make recommendations to County Council on acceptance or rejection of roads proposed to go into the County System.
 - (6) Collects and presents information for the County Road Committee and County Council on proposed new roads for the County System.

Article III – Definitions

§ 91.12 GENERAL USAGE OF TERMS.

- (G) The words “County Road Committee” mean the Newberry County Road Review Committee as appointed by the County Administrator.

§ 91.13 DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CLEARING AND GRUBBING. The removal of all vegetation, including trees, stumps, roots, brush, and any other objectionable material before grading begins typically within a proposed right-of-way.

COUNTY ROAD. Any road or street acquired by Newberry County either by donation, purchase, adverse possession, condemnation, dedication, or having previously been accepted for and continuously maintained by the County.

CUL-DE-SAC. A minor street having one end open to motor vehicle traffic and one end terminating in a turnaround.

DEDICATION AND WARRANTY PERIOD. A period of time following the date the final plat is approved by the County to final acceptance of the roadway into the County System that allows for the periodic review of the construction standards of the roadway.

FINANCIAL GUARANTEE. A financial surety made by a developer to Newberry County for the costs of improvements related to development. Financial guarantees include a cash bond, irrevocable letter of credit, or other acceptable security approved by Newberry County.

GRADING. The adjustment of the slope and soil elevation on a development site, including the removal of all trees, stumps, rocks, and vegetative matter, to a depth of two feet below sub-grade. Grading shall be

complementary to the original topography of curves, hills, creeks, streams, and bridges.

LAND DEVELOPMENT. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

NON-THROUGH ROAD. A road connecting to only one other road, which must be a publicly maintained through road.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses. See also "Easement."

STREET CLASSIFICATIONS.

- (1) **ARTERIAL ROAD.** A road of regional importance or a main road of the community that is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both. Arterial roads form a connected network of continuous routes that provide countywide and regional linkages. Arterials are characterized as having access control, channelized intersections, and signalization. Service to abutting land is subordinate to the provision of travel service.
- (2) **COLLECTOR ROAD.** A road that is used or intended to be used for moving traffic from local roads to arterial roads. Collectors are generally shorter than arterials but carry high volumes of traffic. Collector roads carry primarily residential traffic but provide no or limited residential frontage.
- (3) **LOCAL ROAD.** Local roads primarily provide access to adjacent land and road systems of higher classification and travel over relatively short distances compared to collector roads. The local street system comprises all facilities not assigned a higher classification and offers the lowest level of mobility.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

THROUGH ROAD. A road connecting to two or more other roads, one of which must be a publicly maintained road.

Article IV – Road Acceptance Process

§ 91.14 COUNTY ACCEPTANCE REQUIRED.

- (A) **Generally.** road must meet the standards in Chapter 91 and Chapter 154 in order to be accepted.
- (B) **Requirements.** Unless specified otherwise in the ordinance, all roads accepted into the County System must be designed and built to a standard that equals or exceeds SCDOT's.
 - (1) For roads and extensions of roads, the County will not accept rights-of-way less than 50 feet

- in total width for through roads or non-through roads.
- (2) Additional right-of-way may be required by the County Road Committee or County Council for excessive cuts, fill slope areas, drainage, and cul-de-sac turnarounds.
 - (3) The County will not accept any road right-of-way that does not connect with an existing publicly maintained road or street which is:
 - (a) An existing state, county, or city owned and maintained street; or
 - (b) A street shown upon a plat approved by the Joint Planning Commission and recorded in the County Clerk of Court's office. The street or highway must be suitably improved as required by these regulations and specifications or be secured by a performance bond required under this Chapter and Chapter 154 with the width and right-of-way required by this Chapter and Chapter 154.
 - (4) Road Acceptance.
 - (a) Acceptance of any road is subject to requirements of the dedication period, as defined in **this** this Chapter. No road may be accepted unless accompanied by a financial guarantee in the amount specified in §91.14(B)(5), or in such greater amount determined by the County to be sufficient to cover any estimated cost of repairs for a period of two years from the date of acceptance by the County (i.e. the "dedication and warranty period"). This period serves to assure the County as to the quality of construction of the roadway.
 - (b) In the event that the road, as constructed, does not continue to meet the minimum standards approved for such road during the entire two-year dedication period, the County will be entitled to pursue its remedies under the financial guarantee given to the County. If such are insufficient to bring the road up to standards, the County may pursue civil remedies against the developer, contractor, grantor(s), or other responsible party, and shall be entitled to collect all of its attorneys' fees and court costs from such responsible party in so doing.
 - (c) If the acceptance of the road by the County was procured by a fraudulent act, or if the road cannot be brought into compliance with the funds available from the surety and from other resources readily obtainable from the responsible party, the County may seek a court order authorizing it to revoke its acceptance of such road and to remove it from the County System, in addition to any other remedies it may have pursued or been entitled to pursue. If such relief is sought, the County shall be entitled to collect all of its attorneys' fees and court costs in pursuing such relief, whether or not it is successful in obtaining such relief.
 - (5) Financial Guarantee. The amount of financial guarantee to be provided for repairs required during the dedication period is as follows:
 - (a) For roads paved with asphalt, \$35,199 per one-quarter (1/4) mile or a figure approved by County Council during the annual budget process.
 - (b) Provided, however, the financial guarantee for a new road may be more or less than the amount provided in §91.14(B)(5)(a) if determined warranted by the Director of Public Works when considering the soil type, storm water drainage, construction methods, or other conditions or circumstances affecting the road.

- (c) Any aggrieved person may petition the County Administrator within 30 days of the determination adverse to the person so aggrieved by the Director of Public Works for a review of the financial guarantee required. The County Administrator's determination will be final.
 - (6) All off-site road improvements required by traffic impact studies as required by the requirements of this Chapter and Chapter 154 must be completed and accepted by SCDOT and/or Newberry County before any new road can be approved by Newberry County. Where improvements to an existing street or road are identified as being required in a required traffic impact study, the applicant/developer shall be required at his sole expense and as a condition of approval, to provide and install such improvements, including securing the additional rights-of-way required in accordance with applicable provisions of this Chapter.
- (C) **Encroachments.** Encroachment permits must be obtained from the Newberry County Department of Public Works prior to the performance of any work within the right-of-way of any road within the County System by an individual or agency other than Newberry County or an agent of Newberry County. This includes non-routine maintenance of, and revisions to, any existing approved encroachment. The applicant or his agent will be responsible for completing all work in compliance with the approved encroachment permit.
- (D) **Driveway/Access Point Installation Policy.**
- 1) Newberry County will provide one access point to any parcel within Newberry County which is contiguous to a road within the County System. If the parcel already has an existing access, Newberry County will not provide any additional access points to that same parcel. Additional access points to the parcel may be installed by the owner of the parcel, at their own expense, and will be required to meet specifications and be documented via an approved encroachment permit. There will be no charge to the applicant for the permit.
 - 2) The standard size access point installed by Newberry County shall be 24' in width, using either reinforced concrete pipe (RCP) or SCDOT-rated double walled HDPE plastic pipe at the discretion of the Director of Public Works with consideration given to the appropriate amount of cover and material necessary. **If larger or wider access is desired, and the wider access is approved by the County, it will be the applicant's responsibility to provide the additional pipe.** If there is not enough space to install the standard size access point, the Director of Public Works will adjust the width as necessary to install the access point appropriately.
 - 3) Any access point that directly adjoins a road with a paved surface will be provided an asphalt apron to provide a proper transition and prevent damage to the edge of pavement.
 - 4) Newberry County will assume maintenance responsibilities for any access point that the County installs or any access point that is permitted by the County, provided that it meets SCDOT specifications. Newberry County reserves the right to refuse maintenance if the access point is determined to be an unauthorized encroachment or if the access point pipe does not meet SCDOT specifications.
 - 5) Access points must be installed a minimum of five feet from an existing property line.
 - 6) When an access point is requested, the applicant must provide proof of ownership of the parcel in the form of a plat or deed. Newberry County may request additional documentation

if it deems necessary, such as a building permit or SCDHEC issued percolation test in specific situations.

§ 91.15 DEVELOPMENT AND SUBDIVISION PROCEDURES.

- A. Preliminary plats.** Preliminary plats must be submitted, reviewed, and approved in accordance with the requirements of Chapter 154.

§ 91.16 INSPECTIONS.

- (A)** Newberry County will inspect the project as required to monitor progress, conduct quality control tests, and observe construction procedures. All aspects of the development shall be constructed according to the approved land development plan and specifications. The project is subject to inspection at any time.
- (B)** Although an inspector may be aware of the construction process and arranges to be on-site when appropriate, there are certain stages of road construction which shall require approval prior to proceeding. A 24-hour notice is required to ensure that an inspector can be on-site at the requested time. The stages are as follows:
- (1) Before any base material is placed on the subgrade: in “virgin-cut” areas, proof-rolling can normally be used to check the stability of the subgrade; in fill areas and other questionable areas, compaction tests may be required.
 - (2) Prior to placement of the curb.
 - (3) Prior to application of the prime coat on the base material.
 - (4) At the start of any paving/surfacing operation.
- (C)** All required compaction and material tests shall be performed at the expense of the developer by a professional soils engineer to run compaction tests and certify in writing that the County’s compaction and proof roll requirements have been achieved.

§ 91.17 COUNTY ASSISTANCE AND ACCEPTANCE

- (A)** The County Administrator or the Director of Public Works shall provide assistance to the general public, developers, and contractors in matters related to this Chapter.
- (B)** A copy of the County’s road specifications will be available in the office of the County Administrator and the office of the Director of Public Works.
- (C)** Upon satisfactory evidence that a road meets the minimum requirements as specified in this Chapter, County Council may, upon considering all information, accept responsibility for its maintenance.

§ 91.18 CRITERIA FOR ACCEPTANCE

The following criteria must be met for acceptance of a road into the County System.

- (A)** All through and non-through roads accepted into the County System must include easements, executed by all adjoining property owners, granting the County a road and maintenance easement 50 feet in width for the road's entire length.
- (1) Additional easements must be granted to the County, as required, for drainage and cul-de-sac turnarounds, and to otherwise ensure the safe use and proper maintenance of the road.
 - (2) Easement dimensions will be determined by the Director of Public Works.

- (B) Submission of appropriately executed easements, plats, deeds, or court orders concerning the road's ownership and legal disposition.
- (C) As befitting any road's status as a public road, there shall be no barriers, chains, gates, or fences that would block any portion of the road or street, and that would restrict movement of the traveling public.
- (D) Any developer, contractor, or grantor(s) shall provide a performance bond, certificate of deposit, or letter of credit with a two-year dedication and warranty period, as outlined in this Chapter.
- (E) All road signs, including but not limited to, stop, speed limit, curve, yield, hill, road name, and bridge marking, must be in place.
- (F) All utilities shall be located off the roadbed and shall not be laid in ditches or curb lanes. No portion of the roadbed shall be used for water, sewer, telephone, gas, electrical, or cable. All utilities shall be placed at the outermost portion of the right-of-way.
- (G) The County may require any developer, contractor, or owner to conduct soil testing to determine the quality of soil in the roadbed and right-of-way.
- (H) Except as provided for in §91.29(A), after July 31, 2007, no road shall be accepted into the County System unless it has been paved to final specifications, including a final topcoat of paving, or unless adequate provision has been made in the form of the posting of an adequate financial guarantee to provide for finishing the paving of the road as provided in Chapter 154. This bond is in addition to the surety required for the two-year dedication and warranty period set forth in section (D) above.
- (I) All drainage, base setting, paving, and other road construction standards shall be in accordance with the provisions of this chapter, and any other standards adopted by the County with regard to road design, construction and/or maintenance.
- (J) The maximum speed limit for all gravel, dirt, or unimproved roads in the County System shall be 25 miles per hour, or as otherwise approved by Newberry County Council. The speed limit for all triple treatment and asphalt roads shall be 30 miles per hour, or as otherwise approved by County Council.
- (K) Mail and newspaper boxes may not project over the dedicated right-of-way.
- (L) Roads shall not dead-end unless an acceptable cul-de-sac or turnaround is established and transferred to the County by easement.
- (M) All blind spots shall be eliminated in order to provide for the efficient and safe movement of traffic.
- (N) Each road shall be constructed in a manner that prevents water from causing a hazard to vehicles and property. Drainage pipes or ditches shall be constructed to prevent erosion and flooding to the road and to adjoining property.
- (O) The County will not accept any road into the County System that does not connect with an existing publicly maintained road.
- (P) No paving materials shall be laid on a roadbed that is unstable.

§ 91.19 EXCEPTIONS.

- (A) Under limited circumstances, County Council may accept into the County System roads that do not otherwise meet current construction and other acceptance standards, provided that all of the following criteria are met:

- (1) Presentation of properly executed documents, including but not limited to, deeds, plats,

written agreements, court orders, and/or easements, evidencing continuous and current maintenance of the road by a federal or state agency, or by a municipality of the county, for at least three years;

- (2) Recording of documents granting easements to the County from adjoining property owners, as necessary to provide for a 50-foot right-of-way for the entire length of through and non-through roads; to provide for required turnarounds that terminate in cul-de-sacs; and to provide for any other maintenance, drainage, or other easements that, in the judgment of the Director of Public Works, are necessary for the road's safe use and proper maintenance; and
- (3) Examination by County Council to determine any increased need for resources associated with accepting such roads.

(B) County Council may accept a developer's or grantor's bond instead of a bond issued by an authorized insurance or bonding company.

- (1) The bond must be in cash or certified check.
- (2) The cash bond or certified check will be deposited into a designated account established in the name of the development for guarantee of completed work.

(3) A letter of credit may be accepted in lieu of cash or a certified check for a period of 24 months.

Article V – Regulations

§ 91.20 GENERAL REQUIREMENTS.

- (A) Proposed streets or roads should be coordinated with the present system in the surrounding area.
- (B) Street and road grades shall be consistent with the topography, classification, and function of the proposed road. In no case should the road or street grade exceed 12%.
- (C) Turnarounds shall be provided at the closed end of all streets and roads and shall have a minimum 50 foot radius.
- (D) No more than two streets shall intersect at any angle of less than 75 degrees.
- (E) All streets and roads shall have official SCDOT compliant stop signs, speed limit signs, curve, hill, bridge markings, and official Newberry County road name signs in place before Council acceptance.
- (F) Adequate sight distance and vision clearance shall be maintained at all intersections meeting the applicable requirements of the Newberry County Code of Ordinances, including Chapters 153 and 154, or SCDOT sight distance criteria if not specified.
- (G) **Grading and Improvement Plan.** Before grading is started, the entire right-of-way shall be cleared of all trees, stumps, roots, brush, and any other objectionable material. All proposed streets and roads shall be graded, constructed, and surfaced in accordance with the requirements of this Chapter and with appropriate standards and specifications established by the State of South Carolina and Newberry County or their duly authorized agents. All roadway designs and specifications shall be approved by the Director of Public Works, in accordance with the construction plans required to be submitted prior to final plat approval.

(H) Topography and Arrangement.

- (1) Roads shall be designed relative to the topography to provide safe and navigable passage for vehicles.
- (2) All shoulders and slopes shall be shaped, trimmed, and compacted. The construction shall be so performed that the shoulders, adjacent ditches, and slopes will be adequately drained at all times. All shoulders on the earth-type base course for a width of 18 inches shall be compacted. All back slopes shall be graded to a minimum of 45 degrees. Ditches or gutters emptying from cuts to embankments shall be constructed to avoid erosion of the embankment.
- (3) Buried utilities. All electrical, telephone, cable, telecommunications, fiberoptic, water, sewer, natural gas, and other such lines shall be buried in the right-of-way at a depth of at least 36 inches below the finished grade where the installation is being performed. All installations must be outside of the paved road area unless it is deemed impossible to do so by the Director of Public Works.
- (4) Minor streets shall be curved whenever possible to avoid uniformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
- (5) The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Joint Planning Commission.
- (6) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (7) Local roads shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (8) A rigid rectangular gridiron street pattern is not necessary. The use of curvilinear streets shall be encouraged where the use will result in a more desirable layout.

(I) Channel Seeding.

- (1) All constructed channels shall be uniform in cross-sections and fully grassed, including any berms, dikes, and spoil areas along the side of the channels. If a good planting or permanent grassing cannot be established, the property owner or his agent may sign an agreement stating that he will be responsible for the channels until they are accepted by the County. All road ditches are excluded.
- (2) Channel Seeding Requirements.

Ground Cover	Slope %	Permissible Channel Velocity (FPS)
Bermuda Grass	0-5%	8
	5-10%	7

	Over 10%	6
Buffalo Grass	0-5%	7
Lespedeza Sericea	0-5%	3.5
Kentucky Bluegrass	5-10%	6
Smooth Broom	Over 10%	5

- (3) The following are not recommended for slopes over 5%: weeping love grass, yellow bluestream, alfalfa, crab grass, and lespedeza.

(J) Street Extensions.

- (1) The street layout of proposed subdivisions shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Land Development Administrator and the Director of Public Works advise, and the Joint Planning Commission determines, that the continuation or extension is undesirable for specific reasons of topography or design.
- (2) Where the Land Development Administrator and the Director of Public Works advise and the Joint Planning Commission determines that it is necessary to provide street access to adjoining properties, and that other means of access are not reasonably available to the adjoining properties, proposed streets shall be extended by dedication to the boundaries of the properties. Where the Land Development Administrator and the Director of Public Works advise and the Joint Planning Commission deems it necessary, dead-end streets shall be provided with an approved temporary turnaround having a radius of at least 40 feet.
- (3) The street system for a proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

- (K)** In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types and modes of traffic, including pedestrian.

(L) Street Names.

- (1) Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name.
- (2) The names of new streets and roads shall be subject to the approval of the Joint Planning Commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court or the like.

(M) Permanent Dead-end Streets.

- (1) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Joint Planning Commission for access to adjoining property, its terminus shall not be nearer to the boundary than 50 feet.
- (2) The Joint Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

- (3) A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the following specifications:
 - a) Streets or roads designed to be closed at one end shall be no longer than 2,000 feet, and shall be terminated by a circular right-of-way with a radius of not less than 50 feet;
 - b) If a street or road designed to be closed at one end is longer than 2,000 feet, it shall have a turnaround every 2,000 feet (Example: a road that is 4,000 feet in length that is also a cul-de-sac shall have two turnarounds).
 - c) The 2,000 foot distance shall be measured from the nearest road or street intersection to the road's end.
 - (4) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of these regulations.
- (N) **Alleys.** Service alleys or drives may be required in developments with multiple dwellings and in commercial and industrial developments. Such service alleys and drives shall have a minimum surface treatment width of 15 feet but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the Joint Planning Commission of the need for alleys.

§ 91.21 STREET DESIGN STANDARDS.

- (A) **General Requirements.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to law enforcement, firefighting, sanitation and road-maintenance equipment, and to coordinate so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. Street classification may be indicated on the Major Thoroughfare Plan or Official Map; otherwise, it shall be determined by the Joint Planning Commission.

Improvement	Residential Development	Non-Residential Development
(1) Minimum Right-of-Way Width (feet)¹		
Local Road	50'	66'
Marginal Access Street	50'	66'
Cul-de-Sac	100'	100'
(2) Minimum Finished Surface Width (feet)^{2, 3}		
Local Road	22' ^{2, 4, 5}	36'
Marginal Access Street	22' ^{2, 4, 5}	36'
Cul-de-Sac	22' ^{2, 4, 5}	36'
Collector Street	24' ^{2, 5}	50'
Notes to Table Sections (1) and (2):		
¹ Right-of-way widths greater than minimum are encouraged because they make for a safer, more aesthetic, and more comfortable facility and permit future roadway widening without disrupting abutting properties.		
² Pavement widths shown do not provide for on-street parking; service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.		

**NEWBERRY COUNTY COUNCIL
MINUTES
September 4, 2024**

Newberry County Council met on Wednesday, September 4, 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: Todd Johnson, Chairman
Robert Shealy, Vice-Chairman
Leon Fulmer Jr., Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Captain Ben Chapman, NCSO
Debbie Cromer, Finance Director
Sheriff Lee Foster, NCSO
Donna Lominack, Auditor
Melinda Long, Deputy Auditor
Liz McDonald, Assessor
Eric Nieto, I.T. Director
Josh Rowe, Public Works Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Johnny Mack Scurry, Council Member

MEDIA: Kelly Duncan, The Newberry Observer

Mr. Johnson called the meeting to order at 6:00 p.m.

Mr. Sease led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – August 21, 2024.
- b. Newberry County Council Meeting – August 21, 2024.

- Mr. Shealy made a motion to accept the minutes as presented; Mr. Fulmer provided the second and the motion carried 6-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Shealy made a motion to accept the agenda as presented; Mr. Reeder provided the second and the motion carried 6-0.

3. Public Appearances:

- a. Newberry County Auditor Donna Lominack – Setting of 2024-25 Tax Levy.

- Prior to setting the 2024-25 tax levy, Ms. Lominack thanked Ms. Cromer for being an asset, she further thanked Ms. Brehmer, Ms. Karen Lindler Smith and Mr. Shacker for their expertise. She further thanked her staff members in the Newberry County Auditor's Office.
- Ms. Lominack announced the tax levy as follows:
Newberry County: General Fund 128.6 mills, General Obligation Bonds 2.2 mills, Community Services 6.2 mills.
Newberry County School District: General Fund 180 mills,

General Obligation Bonds 53 mills. This is for a total 2024 tax levy of 370 mills.

- Ms. Lominack announced the anticipated value of a mill as follows: County Purposes and Community Services \$174,190, School Purposes (Bonds) \$180,895, School Purposes (School Operating) \$118,466.
- Mr. Johnson said with next year being a reassessment year, he thinks they need to be proactive in their approach that people understand that reassessment is mandated by the state and several members of council agreed to a one-year extension due to staffing, but it will happen next year. He added that this is mandated by the state, and he renews the request that staff is very proactive in their approach to that.
- Mr. Reeder said he appreciates the job they do every year, and he knows next year will be a pretty tough year.

4. Resolution No 05-24. A Resolution Recognizing and Honoring K9 Coba for His Ultimate Sacrifice During the Pursuit of Justice in Newberry County.

- Mr. Hipp made a motion to accept the Resolution; Mr. Shealy provided the second and the motion carried 6-0.
- Mr. Fulmer thanked the members of SLED and the Newberry County Sheriff's Office for their service to South Carolina and specifically the residents of Newberry County. He said they wanted to recognize the sacrifice this K9 made in the line of duty.
- Mr. Hipp said this was a tragic loss and any loss of any law enforcement officer at any time in this country is tragic. He said what occurred in Georgia (earlier in the day), he cannot fathom how a 14-year-old has that much hate and that much anger and it is hard to believe. He said thank God that they have law enforcement out there putting their lives between innocent victims and evil people.

- Mr. Shealy said he echoes his co-councilmen, and Cobra was not just a pet, but an officer and they lost an officer and that is a terrible day. He added his thoughts and prayers have been with them ever since.
- Mr. Sease thanked law enforcement for all they do to protect the residents of Newberry County and Cobra was there that day to protect the other officers, to protect their lives.
- Mr. Reeder thanked all of the officers, and things like this happen too often and he does not know what the solution is going to be and even the youth doing things they have no business doing. He said most parents are handcuffed now due to laws they have, and they need to let parents punish their children. He said these types of things happen too often and his prayers are with them.
- Mr. Johnson recognized the members of SLED who were in the house that night. He said they are here today because of Cobra's action and let us not cheapen their bravery for what they did that night, as well. He said they rushed into battle where many would run away, and they stood on the thin blue line, protecting society from those people who come like the enemy to kill, steal and destroy. He said while the legal system has failed you, this council, the community and every law-abiding citizen stands with them and all of law enforcement and public safety every day. He said they thank God for his amazing Grace that they are all safe and alive. He said they grieve at the loss of Cobra, but they celebrate them and law enforcement and those in public safety. He said in a day where wrongly called athletes, movie stars and performers are called heroes, they stand tonight to say you gentlemen and ladies of law enforcement are the true heroes in South Carolina. He thanked them and said they applaud them for what they did that night as well.
- Sheriff Lee Foster recognized those from SLED in attendance. He said they could not do what they do here in Newberry County without the assistance of SLED and the

partnering with them and they are critical to their mission. He thanked Newberry County Council, staff and Mr. Shacker for recognizing these heroes tonight. He said this is important that this takes place because so many feel ill toward law enforcement and government. He said they need to recognize the people that suit up and run into the face of danger every day. Sheriff Foster said unfortunately, in this instance, the penalty for killing Coba is only five years. He said he considered Coba a law enforcement officer, he hopes the legislators will recognize that in the future as they have not. He said worst yet in this, for whatever reason, he does not understand, the person who killed Coba and shot at the officers with a shotgun, will not be charged with shooting at those officers. He said what they are doing today, is important to let them know they are appreciated. He then thanked the council on behalf of his staff and SLED.

- Chief Mark Keel, with the South Carolina Law Enforcement Division, thanked council for recognizing the work these men and women at SLED do. He said this is not an unusual sort of case they worked here; they are doing this job every day, putting their lives at risk. He said he is blessed as an agency head to have the people working for him of the caliber that they are. He said they love working with Newberry County and the sheriff is good to them and they are happy to work here in Newberry County. He said they will always be here for the residents of Newberry County.

5. Resolution No 07-24. A Resolution Committing the County of Newberry to Providing a Local Cash Match for a Community Development Block Grant to Fund Streetscape Improvements within the Whitmire Community.

- Mr. Reeder made a motion to approve the Resolution; Mr. Sease provided the second and the motion carried 6-0.

6. 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. Third Reading

- Mr. Sease made a motion to accept Third Reading; Mr. Shealy provided the second and the motion carried 6-0.

7. Consideration of a motion to approve State Accommodations Tax (State A-Tax) funding recommendations of the Newberry County Accommodations Tax Advisory Committee (ATAC) – Ernie Shealy, ATAC Chairman

- Mr. Shealy announced the recommendation for Promotional-related funding:
 - Capital City Lake Murray (40%) \$11,088.
 - Newberry Chamber (45%) \$12,474.
 - Prosperity Business Assoc. (15%) \$4,158.
- For Tourism-related funding:
 - Little Mountain Reunion \$8,500.
 - Newberry Community Players \$600.
 - Newberry Law Enforcement Assoc. \$2,500.
 - Newberry Opera House \$17,500.
 - County of Newberry Parks and Rec. \$5,855.25.
 - Visitors Center \$10,900.
 - I2I Yard Sale \$300.
 - SC Bottle and Whitmire Museum \$4,113.
 - Prosperity Hoppin' \$5,000.
 - Shoppers Walk \$3,500.
 - The Newberry Museum \$9,000.

- Mr. Hipp made a motion to accept the recommendation as presented; Mr. Fulmer provided the second and the motion carried 6-0.

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

- No action was taken.

9. Appointments.

- There were no appointments.

10. Public Comments.

- Mr. Forrest Byrd said he doesn't think he quite made his point during a previous meeting. He said he thinks they need to look over what Newberry County does with zoning and reevaluate how to approach it. He said the whole government was set up to secure the blessings of liberty for ourselves and prosperity. He said he listened to Mr. Hipp a couple of meetings ago about not having a neighbor with a loud chipper ruining the pleasure of your yard. He said free people can swing their arms around any way they want to, but you cannot hit someone else in the nose or impact someone else's freedom, so you have to balance swinging your arms around without impacting someone else's freedom. However, this does not mean you can tie someone's arms down and tell them they cannot swing their arms around. He said what it means is they cannot do stuff that comes into your body, your range or your

property. If they are making a lot of noise, it doesn't matter if it stays on their property, but if your noise is interfering with someone else on someone else's property, you cannot do that. He said you get to the point you are free people in a free country, but you tie people down and you can only do what is written down, this is all you permitted to do on your property, how is that free. He said the real issue is no one should be doing things that mess with someone else's property, but what someone does on their property they should be able to do as long as it does not bother someone else. He said he thinks it is that concept they are missing from a lot of their zoning rules. He said they need to look at the zoning rules and how they impact people's freedoms.

11. Comments/Requests from County Administrator.

- Mr. Shacker said they are making good progress in the finance department with the implementation of the new software, and they are targeting spring to early summer for implementation.
- He said the Capital Project Sales Tax projects are making progress.
- Mr. Shacker said council a couple months ago postponed the ordinance related to hen keeping to the second meeting in September. He said council did not specify which meeting and it is his recommendation they discuss this matter at the 5 p.m. meeting for consideration.

12. Comments/Requests from Council.

- Mr. Reeder said he appreciates what everyone is doing and is glad to see everyone out and continue to come to council meetings.
- Mr. Sease thanked everyone for coming out. He said he had a request for an update on a previous issue on the down equipment on EMS and fire service.
 - Mr. Shacker said they had a number of pieces of equipment down, those pieces of equipment were brought back online, but they've had more failures. He said the repairs are of a routine nature, but they are waiting on parts.
- Mr. Johnson said thank you to everyone.
- Mr. Shealy said a lot of information and he appreciates everyone coming out.
- Mr. Hipp thanked Mr. Byrd for his thoughtful comments, he said it is a difficult balancing act between individual freedoms when they conflict with each other. He said sometimes it is a matter of timing, if a chipper mill is there first and someone buys property next to it and complains about the noise, do they have a valid complaint, he doesn't think so. However, if they own a piece of property and a chipper mill builds next to them than they have a valid complaint. He is very much for freedom and individual liberties and that is something they struggle with when it comes to ordinance because they do not want to devalue property and if a neighbor devalues another property, that is taking something from them.
- Mr. Fulmer thanked everyone for coming out. He said he thinks Mr. Hipp hit the nail on the head, there is a hard, tight rope to walk when it comes to zoning. He thinks they have tried to side with liberty instead of regulation and hopes that continues. However, there are issues you have to consider and that is a hard

thing in order to do. However, he said with the great colleagues he has on Newberry County Council, he is sure they can come up with something.

13. Future meetings:

- a. Newberry County Council Work Session – September 18 at 5 p.m.
- b. Newberry County Council – September 18 at 6 p.m.
- c. Newberry County Executive Committee – September 23 at 6 p.m.
- d. Newberry County Council Work Session – October 2 at 5 p.m.
- e. Newberry County Council Meeting – October 2 at 6 p.m.
- f. Newberry County Public Safety and Courts Committee – October 7 at 6 p.m.

14. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Sease provided the second and the motion carried 6-0 at 6:43 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

COUNTY OF NEWBERRY)
)
STATE OF SOUTH CAROLINA)

**PROCLAMATION
TOWNS IN TUNE**

WHEREAS, Towns in Tune connects two communities from different countries by blending their unique histories and includes live music from Newfoundland and South Carolina; and,

WHEREAS, Don Godish, from South Carolina Educational Television, and Fabian James, from Tyndrum Media and Entertainment, Inc. in Canada, chose Newberry, S.C. to be featured alongside Bay Bulls, Newfoundland; and,

WHEREAS, Filming of Towns in Tune began in June with Bay Bulls with individuals from Newberry and South Carolina participating; and,

WHEREAS, Filming will take place in Newberry this month with visitors from Canada participating in several events that engage with members of the community; and,

WHEREAS, a variety of events will take place around the county September 27 through September 29, 2024, with the highlight being the Towns in Tune Concert at Willingham & Son's on September 28, 2024; and,

WHEREAS, the Towns in Tune event will be featured nationally on PBS, showcasing both Newberry, S.C. and Bay Bulls Newfoundland.

NOW, THEREFORE, BE IT PROCLAIMED by the County Council of the County of Newberry that September 27-29, 2024, will be Towns in Tune in Newberry County and all residents are encouraged to participate in the multitude of activities.

NEWBERRY COUNTY COUNCIL

SEAL

By _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk of Council

COUNTY OF NEWBERRY)
)
STATE OF SOUTH CAROLINA)

**PROCLAMATION
HISPANIC HERITAGE MONTH**

WHEREAS, the County of Newberry encourages and promotes strong and inclusive communities that recognize and celebrate efforts to bring people together for a greater good; and,

WHEREAS, the County of Newberry commemorate the strong and visible roots of Hispanic and Latino heritage in the national, regional, and local landscape of the nation; and,

WHEREAS, September 15th to October 15th is National Hispanic Heritage Month and in which many federal agencies, such as the Library of Congress, National Park Service and Smithsonian Institution, join in paying tribute to the generations of Hispanic Americans who have positively influenced and enriched our nation and society; and,

WHEREAS, the date September 15th is significant because it is the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua and additionally Mexico and Chile celebrate their independence days on September 16th and 18th respectively; and,

WHEREAS, Newberry County has many families representing different Hispanic Cultures and traditions from Puerto Rico, Mexico, Guatemala, Honduras, Nicaragua, El Salvador, Chile, and other South American countries; and,

WHEREAS, National Hispanic Heritage Month has been celebrated since 1989; and

WHEREAS, the Hispanic community in Newberry County makes significant contributions to the cultural, educational, and economic vitality of Newberry County.

NOW, THEREFORE, BE IT PROCLAIMED by the County Council of the County of Newberry that September 15th through October 15, 2024, shall be ***National Hispanic Heritage Month in Newberry County*** in recognition of the many important and positive contributions of Hispanic culture to our nation, state, and county.

NEWBERRY COUNTY COUNCIL

SEAL

By _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk of Council

WHEREAS, the State Guard trains new members at the McCrady Training Center in Eastover to provide a number of services: search and rescue operations, medical support, legal and engineering expertise, chaplain and counseling services, directing distribution of supplies, providing military funeral honors to veterans, executive governmental affairs that serves as a liaison to the Governor's Office and the Legislature as well as building relationships with military and civic organizations across the State;

WHEREAS, when serious natural or man-made disasters strike the South Carolina, the State Guard provides “boots on the ground” with the mission to swiftly respond, safeguarding people and property, and to aid community recovery, in coordination with the National Guard, law enforcement, and other state, county, and municipal agencies;

WHEREAS, the State Guard is part of the South Carolina Military Department and directed by the Adjutant General, and its Commander in Chief is the Governor of the State of South Carolina.

NOW, THEREFORE, BE IT RESOLVED BY NEWBERRY COUNTY COUNCIL THAT, the Council, by this resolution, recognizes and honors the members of the South Carolina State Guard and commends their all-volunteer force who nobly provides aid during times of disaster, who share a passion and strong commitment to their fellow South Carolinians, and who embody the Spirit of National Preparedness month, and to declare September as “South Carolina State Guard Month” in Newberry County.

ADOPTED by the Newberry County Council in a meeting duly assembled on the 18th Day of September 2024, at which a quorum was present and voting.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Todd Johnson, Chairman

Attest:

Andrew Wigger, Clerk to Council

WHEREAS, the County intends to proceed with the issuance of not exceeding \$35,250,000 general obligation bonds, as approved in the 2022 Referendum (the “CPST Bonds”) to defray a portion of the costs of the 2022 Projects; and

WHEREAS, the projected cost overrun on the WWTP shown above amounts to more than 50% of total projected overruns on the 2022 Projects; and

WHEREAS, if the actual cost overrun on the WWTP exceeds the present estimate thereof, the WWTP and other 2022 Projects may face delays and funding shortfalls; and

WHEREAS, the Authority desires to assist the County with its efforts to proceed with the issuance of the CPST Bonds and to facilitate the same such that construction of all 2022 Projects may be initiated, completed and their intended benefits made available to the citizens of the County; and

WHEREAS, the Authority has, by resolution duly adopted (the “NCWSA Resolution”), determined that it will have no further need of cost overrun funding beyond that described above, and that it is committed to providing additional funding required for the WWTP, if any, from available funds of the Authority and from the proceeds of waterworks and sewer system revenue bonds of the Authority, which it may issue on its motion and which it has a capacity to undertake within the constraints of its existing loan documents, and provided the County Administrator of the County with a copy of such resolution, attached hereto as Exhibit A;

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 16th day of October 2024 that: Council hereby approves the terms of the NCWSA Resolution and agrees that such terms, hereby approved by this Ordinance, constitute an Intergovernmental Agreement between the County and the Authority.

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:	September 18, 2024
2nd Reading:	October 2, 2024
Public Hearing:	October 2, 2024
3rd Reading:	October 16, 2024