



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
Newberry Courthouse Annex  
1309 College Street, Newberry, SC 29108  
April 2, 2025  
6:00 P.M.**

Call to order: Robert Shealy, Chairman.  
Invocation and Pledge of Allegiance: Karl Sease, Vice Chair.

1. Adoption of Consent Agenda:
  - a. Newberry County Council Work Session – March 19, 2025.
  - b. Newberry County Council Meeting – March 19, 2025.
  
2. Additions, Deletions & Adoption of the Agenda.
  
3. Ordinance No. 03-01-2025. An Ordinance Establishing a Temporary Moratorium on the Subdivision of a Tract of Land Into Five Lots or More, Invoking Application of the Pending Ordinance Doctrine, and Protecting Existing Vested Rights as Required by Applicable Law.
  - a. Public Hearing (five minutes).
  - b. Third Reading.
  
4. Consideration and Approval of a Proposal for Architectural and Engineering Services for the Whitmire Downtown Streetscape Project (Bid Number 2025-2).

5. Appointments.
  - a. Newberry County Water and Sewer Authority – District 4.
  - b. Board of Zoning Appeals – District 1.
  - c. Building, Fire, Nuisance Board – District 1.
  - d. Library Board – District 1.
  - e. Joint Planning Commission District 1.
  
6. Public Comments (three minutes).
  
7. Comments/Requests from County Administrator.
  
8. Comments/Requests from Council.
  
9. Future meetings:
  - a. Newberry County Council Work Session – April 16 at 5 p.m.
  - b. Newberry County Council – April 16 at 5 p.m.
  - c. Good Friday – April 18, Offices Closed.
  - d. Newberry County Public Safety Committee – April 28 at 5 p.m.
  - e. Newberry County Council Work Session – May 7 at 5 p.m.
  - f. Newberry County Council – May 7 at 6 p.m.
  
10. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION  
MINUTES  
March 19, 2025**

Newberry County Council met on Wednesday, March 19, 2025, 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, Chairman  
Karl Sease, Vice-Chairman  
Leon Fulmer, Council Member  
Todd Johnson, Council Member  
Travis Reeder, Council Member (virtually)  
Johnny Mack Scurry, Council Member  
Stuart Smith, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Karen Brehmer, Deputy County Administrator  
Debbie Cromer, Finance Director  
Sheriff Lee Foster, NCSO  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

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

1. Review of proposed Fiscal Year 2025-2026 Budget.
  - a. Presentation and discussion of proposed Capital Projects Fund budget.
- Before getting into the Capital Projects Fund, Mr. Shacker showed the All-Fund Summary to Newberry County Council. Mr. Shacker thanked staff

for their preparations getting the budget ready. The budget is proposed at \$94,816,290, with the General Fund at \$39.9 million.

- The Capital Projects Fund is proposed at \$50,756,709, the bulk of which is Capital Projects Sales Tax (CPST) at about \$44.1 million.
- Mr. Johnson requested a status update on the current CPST projects.
  - The Detention Center: Mr. Shacker said this is the largest project, dollarwise. The project is designed, and the Department of Corrections has signed off on it. Right now, Staff is working with the Department of Environmental Services (DES), there are monitoring wells, not only on the site, but where the new dormitory is proposed. The wells are there because of a past release of petroleum from underground storage tanks at the gas station down the road. DES has to approve the relocation of those monitoring wells, but the project is ready to bid.
  - The Public Safety Complex: Mr. Shacker said they have run into some issues accomplishing that project within the budget and what staff has decided to do, instead of incurring more expenses, redesigning the project which will more than likely result in the removal of bays, they decided to hit the pause button to see where more of the rapidly moving projects come in when they bid. He said they have reason to suspect that some projects will come in under budget, and then a decision can be made where they adjust the scope of the complex or reallocate resources to complete the project as originally proposed.
  - Courthouse IT Improvements: Mr. Shacker said that it has been underway, and they have contractors who have been working. He further stated that Mr. Nieto has been managing that project and has ordered most of the hardware that was needed.
  - Museum Roof/HVAC: Mr. Shacker said this was a project not included in the scope of the architect or DP3 or JLA because staff wanted to avoid using an architect for the project. Staff decided to utilize JLA because they have worked with similar roofs before, to take a look at it. Originally, the project proposed to replace the roof and components of the heating and air system. Having evaluated it, it appears having a new heating and air system is unnecessary but

rather an issue of moving the air and how quickly the space is cooled. JLA said the last thing the county should do is take the roof tiles off, as it is over 100 years old, and it will cause problems. The recommendation is to just replace the damaged tiles.

- The Recreation Complex (City of Newberry): Mr. Shacker said the City of Newberry is seeking reimbursement and staff just released funds to them; Ms. Brehmer reviewed their request to ensure everything was compliant.
- Prosperity Park Improvements: Mr. Shacker said that it is moving pretty well; an order has been placed for playground equipment.
- Whitmire Town Gym: Mr. Shacker said this project is closest to being put out to bid; and council will see this project bid this spring. He added they have projects that support the town gym improvements both directly and indirectly, including two Community Development Block Grants, as well as a project to redo the tennis courts.
- Pomaria School Community Center: Mr. Shacker said this is also close to bidding.
- Little Mountain Reunion Park: Mr. Shacker said they are about to undertake electrical work that needs to be done to support their festival. He said they are timing the bid of that project, so construction does not take place until after the Little Mountain Reunion.
- NCWSA Cannons Creek WWTP: Mr. Shacker said they will handle their own project and will go through the process with Ms. Brehmer to receive reimbursement.
- Newberry Amphitheater: Mr. Shacker said from a design standpoint, this project has gone back-and-forth, and they are now at a point to enter design development. He said this project will probably not bid until the summer.
- Gallman Place: Mr. Shacker said the initial scope is the removal of some environmental materials in the building, lead paint, and asbestos. Then, being in the position to actually bid on the full scope of the project. He said the environmental remediation is in process and they have a funding source for that.

- Mr. Shacker said the next section is the 2016 CPST, showing the last two projects – Consolidated 5 – Water Supply and Whitmire Town Hall Remodel. These projects are slated for completion by the end of this fiscal year.
- The last section of the Capital Projects Fund are the Capital Projects with roughly \$6.6 million in projects proposed. There are a total of seven projects listed, six of which are active.
  - Safe Streets for all Project: This is a federal grant that council authorized to develop a plan for safety improvements to Newberry County's Public Road System. The grant is \$240,000 with a 20% match, for a total project of \$300,000. Staff proposes using fund balance within the capital project fund, not the general fund.
  - Mawson's Way Roadway: Mr. Shacker said this is to establish a loop road at the industrial park on S.C. Highway 219, and this is underway, and this is proposed at approximately \$3.9 million.
  - Newberry Industrial Park South: Mr. Shacker said they are asking for \$20,000 and that is because this year is the final one-year extension for the option to purchase the land and the county will need to renegotiate the agreement. This park is located on Dixie Drive.
  - MCCP II – 773 Project: Mr. Shacker said there is no project proposed under this line item for the next fiscal year.
  - MCCP – Water/Wastewater Upgrades: Mr. Shacker said there is \$997,000 worth of expenditures and this is phase 3B of the park. The county will utilize Utility Tax Credits from the Newberry Electric Cooperative.
  - Whitmire Sidewalk Project: Mr. Shacker said this has been ongoing, a new sidewalk along Gary Street and Subertown Road, he expects progress on this project between now and June 30<sup>th</sup>. He said they took everything spent to date, subtracted from the projected expenditures and are asking to appropriate that for next year, but anticipate not needing that. However, he said they need temporary construction easements from two owners, one of which already provided permission, but have run into a hitch with the other property owner. This is a Community Development Block Grant.

- Whitmire Streetscape Project: Mr. Shacker said this is dealing with the environment around the Whitmire Gym. This is also a Community Development Block Grant. This grant is \$750,000.
- There is a small use of Capital Project Fund Balance to fill in the gaps for some of these projects. However, this may be offset by unbudgeted interest earnings.
- There is a proposed \$2 million appropriation from the S.C. Coordinating Council of Economic Development that has already been secured for the Mawson's Way Project.
- A \$600,000 site enhancement grant from the S.C. Department of Commerce also for Mawson's Way.
- \$566,000 in Utility Tax Credits, over four years, two years for Mawson's Way and two years for the water and sewer upgrades at M CCP.
- \$475,000 Community Development Block Grant for the sidewalk project on Gary Street and Subertown Road; and also, a \$750,000 for the downtown streetscape project, both in Whitmire.
- A \$678,750 grant from the South Carolina Rural Infrastructure Authority for the water and sewer at M CCP.
- \$1.86 million in C Funds from the Newberry County Transportation Committee, for the Mawson's Way Project and for the three Whitmire projects.

## 2. Comments/Requests from Council.

- Mr. Johnson said an incredible overview and the grasp the staff has on so many projects is a blessing. He thanked staff for a job well done and great Capital Projects update. He said the lease option on the land is a much better deal for the residents of Newberry County and if they need it, they have that option.
- Mr. Sease thanked staff for the time and effort put into the budget and that they appreciate their hard work.

3. Adjournment.

- Mr. Johnson made a motion to adjourn the meeting; Mr. Smith provided the second and the motion carried 7-0.
- The Newberry County Council Work Session adjourned at 5:46 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Robert “Nick” Shealy, Vice-Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_



**NEWBERRY COUNTY COUNCIL  
MINUTES  
March 19, 2025**

Newberry County Council met on Wednesday, March 19, 2025, 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: Robert Shealy, Chairman  
Karl Sease, Vice-Chairman  
Leon Fulmer Jr., Council Member  
Todd Johnson, Council Member  
Travis Reeder, Council Member (virtually)  
Johnny Mack Scurry, Council Member  
Stuart Smith, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Karen Brehmer, Deputy County Administrator  
Debbie Cromer, Finance Director  
Sheriff Lee Foster, NCSO  
Liz MacDonald, Assessor  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 6:01 p.m.

Mr. Sease led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – March 5, 2025.
- b. Newberry County Council Meeting – March 5, 2025.

c. Newberry County Economic Development Meeting – March 10, 2025.

- Mr. Smith made a motion to accept the minutes as presented; Mr. Fulmer provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to accept the agenda as presented; Mr. Scurry provided the second and the motion carried 7-0.

3. Recognitions:

a. Employee Service:

- |                         |            |                   |
|-------------------------|------------|-------------------|
| • Carolyn “Jessie” Long | 5 years    | Recreation        |
| • Jackie Kennedy        | Retirement | Assessor’s Office |

- 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. Personal Appearances:

a. Mark Kiser, Newberry Soil and Water Conservation District.

- Mr. Kiser is one of the board members of the Newberry Soil and Water Conservation District and provided a few updates on their programs.
- Last month, they hosted their annual legislative dinner and thanked Mr. Sease’s participation.
- The NSWCD will be giving out four \$1,000 scholarships to Newberry County students.

- Keep Newberry County Beautiful will be holding a cleanup, through the Great American Cleanup in the near future. A cleanup was held in the West End prior to this.
  - Working with the Newberry County Chamber of Commerce, they will host the Ag and Art Tour on May 10.
  - The 24<sup>th</sup> Annual Camp Conservation will be June 14-20, 2025, with 60 campers anticipated.
  - NSWCD has a new mobile education lab, they received a \$200,000 grant to promote gardens, pollinators across Newberry County.
  - Mr. Sease asked if Camp Conservation has filled up, to which Mr. Kiser said there are 10 spots left.
5. Resolution 01-25. Designation of the month of April 2025 as Fair Housing Month within the County of Newberry.
- Mr. Smith made a motion to accept the Resolution; Mr. Sease provided the second and the motion carried 7-0.
6. Ordinance No. 02-04-2025. An Ordinance to amend the text of the official zoning ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, to establish regulations for the issuance of permits for the keeping of chickens on a non-commercial basis on residential properties in Newberry County as an accessory use.
- a. Third Reading.
- Mr. Shacker said this ordinance proposes to address what staff felt was an oversight in the current zoning ordinance, which is to allow owners of property that have residential zoning (other than R2 which can already have chickens) subject to a conditional use permit, as an accessory use, to allow the keeping of hens (not roosters), in an enclosure that meets certain requirements.

- There are various setbacks based on the number of hens that are kept, the max number of hens someone can keep is 18, if they can meet the setback requirement. If they cannot, they can reduce the number of hens.
  - Mr. Shacker said they established a one-year period where there would not be a fee associated with staff coming out and staking and verifying the setbacks.
  - Mr. Shacker said Newberry County is a big county, and properties are of different sizes, and it is not easy to come up with requirements that will fit every property, but where they do have residentially zoned properties, there are some that are a challenge and that is where a variance comes in. He said when a variance is properly applied for by the Board of Zoning Appeals, it deals with those issues.
  - Mr. Johnson made a motion to accept third reading; Mr. Sease provided the second and the motion carried 7-0.
7. Ordinance No. 02-05-2025. An Ordinance amending Section 152.04 of the Newberry County Code of Ordinances, Chapter 152, Flood Damage Prevention, to clarify the date of the Flood Insurance Study of the Federal Emergency Management Agency identifying areas of special flood hazard within Newberry County, South Carolina and referenced therein.
- a. Third Reading.
- Mr. Sease made a motion to accept third reading; Mr. Smith provided the second and the motion carried 7-0.
8. Ordinance No. 03-01-2025. An Ordinance Establishing a Temporary Moratorium on the Subdivision of a Tract of Land Into Five Lots or More, Invoking Application of the Pending Ordinance Doctrine, and Protecting Existing Vested Rights as Required by Applicable Law.

a. Second Reading.

- Mr. Johnson made a motion to accept second reading; Mr. Scurry provided the second.
- Mr. Johnson said they are not stopping this forever, they want to stop, get the stakeholders at the table, hear from the community and get this right because their children will have a lifetime to pay if they get it wrong. He said this is just a hold on a minute and do it right from the beginning.
- Mr. Shealy said they need to make sure they get it the way Newberry County wants it.
- The motion carried 7-0.

9. Appointments.

a. Board of Zoning Appeals – District 2

- Mr. Fulmer made a motion to reappoint Mr. Wayne Boland to the Board of Zoning Appeals; Mr. Johnson provided the second and the motion carried 7-0.

b. Hal Kohn Memorial Library Board – District 2

- Mr. Fulmer made a motion to appoint Ms. Melanie Hawkins to the Library Board; Mr. Sease provided the second and the motion carried 7-0.

c. Newberry County Water and Sewer Authority – District 5

- Mr. Smith made a motion to appoint Mr. Charles Ward Braswell to the Newberry County Water and Sewer Authority; Mr. Scurry provided the second and the motion carried 7-0.

## 10. Public Comments.

- Mr. Chuck Fellows said he has been here for four years. He said all politics are local and when residents cannot get answers at the federal level or at the state level, who do you call, County Council. He addressed three concerns he wanted to express: economy, public safety and education. He said on the economy, South Carolina has three major trading partners, Canada, Mexico, China. He said Newberry County is a big agricultural community and the county exports a whole lot of stuff all over the world, adding we have major manufacturers here that source materials globally and employs locally. He said tariffs are bad for business and said he bases that on his experience in global economy. Speaking on education, he said although the U.S. Department of Education only provides 10-15% of local school budgets, these funds are used to ensure the most disadvantaged in our county receive a fair and appropriate education and dissolution of the department will put an end to those services. Discussing safety, he said his concern there are 12,000 employees at the Savannah River site (power plant) half are federal and with the arbitrary removal of federal employees he is concerned about the safety and containment of that radioactive material will be in jeopardy. He said letting the bird flu run rampant will kill chickens and jobs. He said South Carolina is home to four automobile manufactures – importing materials from all over the world and tariffs will shut down the automobile industry in the United States. He said he communicated these concerns to state representatives, and he wanted to make sure Newberry County Council was aware.
- Mr. Ross McLeod said he moved to Prosperity when he was 13 years old, and he is now 79. He said he's been told his property is zoned residential and he guesses he falls under the new rules. He said he has chickens and has had them for quite some time, and they are in an enclosed pin. He said he only has three and one rooster. He said he has not had any complaints.

- Ms. Vanessa Patrick asked for information about the subdivision moratorium, Mr. Shealy told her to speak with Mr. Shacker following the meeting.
- Mr. Forrest Byrd said he likes hearing Mr. McLeod's rooster, and it lets him know he is in a rural county. He said he moved to a rural county to be out of town, to be away from the city and have nature and wildlife and creatures around him. He said he didn't move into a subdivision or neighborhood to have people tell him what he could or couldn't do on his property. He said he believes they should all respect each other as neighbors, but if it is your property, it is your property. He said there is a different concept that has gone on in the last few decades, to the Socialist concept where everyone decides what you get to do, and it has crept into a lot of different areas. He said there is a point to them being out in the county, wanting to be left alone, that they never asked to be zoned residential.

#### 11. Comments/Requests from County Administrator.

- Mr. Shacker said he appreciated the time given during the 5 p.m. Work Session to begin review of the budget.
- He said the process has started, in terms of an evaluation, to zoning and the revisions to the Land Development Regulations.

#### 12. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming out and making comments to them, adding they want to hear community comments on everything they do. He said he'd be remiss not to extend a thank you to their volunteers and they make up the backbone of emergency services in Newberry County and a huge thank you to what they do. As far as the chicken ordinance, he said as the administrator mentioned there are options for variances, he said they tried to make it as least impactful on everyone, and as it currently fits, it was not an allowable use in



those areas. He thanked staff for everything they did with the ordinance, as well as the budget.

- Mr. Johnson thanked staff, county administrator for the presentation for the capital portion of their budget. He also thanked Mr. Shacker for help with constituent concerns, and it is a blessing when he picks up and calls. He also thanked everyone for coming and their voice is heard. He said they put the chicken ordinance off for about a year to go back and get it right.
- Mr. Reeder thanked staff and county administrator for what they have done with the budget so far. He added every year they do an excellent job. He also gave condolences to Ms. Verna Kohn Cavanaugh, who was instrumental in getting the library built and served on the board.
- Mr. Smith thanked everyone for participating in local government and they take their concerns into consideration with their decisions. He also congratulated Ms. Kennedy for her retirement and Ms. Long for her years of service. He also thanked the county volunteers for their hard work. He also thanked staff for their hard work on the budget.
- Mr. Scurry said it was good to see everyone out tonight. He said they will listen to everyone and try and solve the problems and they are on the side of the public.
- Mr. Sease thanked everyone for coming out, thanked staff for doing a great job for putting their packages together. Regarding chicken ordinance, he said if someone needs a variance that is what the Board of Zoning Appeals is for and encourages residents to go there if they need a variance. He said county volunteers do a great job and they've been taxed for the last six months, and the county could not do without them.
- Mr. Shealy thanked staff for putting together a great budget presentation. He thanked everyone for coming out and using their voice. He said not all of their decisions are easy, but they have to be made and hopefully for the betterment of the county as a whole.



13. Future meetings:

- a. Newberry County Finance Committee – March 24 at 5 p.m. --  
CANCELLED
- b. Newberry County Budget Work Session – March 25 at 4 p.m.
- c. Newberry County Budget Work Session – March 26 at 4 p.m.
- d. Newberry County Council Work Session – April 2 at 5 p.m.
- e. Newberry County Council Meeting – April 2 at 6 p.m.

14. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:43 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Robert “Nick” Shealy, Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
                                                                  )  
NEWBERRY COUNTY                                                          )

**ORDINANCE NO. 03-01-2025**

**AN ORDINANCE TO PROVIDE FOR A LIMITED AND TEMPORARY MORATORIUM ON THE SUBDIVISION OF A TRACT OF LAND INTO FIVE (5) LOTS OR MORE THAT WOULD CONTAIN PARCELS OF TWO (2) ACRES OR LESS IN NEWBERRY COUNTY, SOUTH CAROLINA, INVOKING APPLICATION OF THE PENDING ORDINANCE DOCTRINE, AND PROTECTING EXISTING VESTED RIGHTS AS REQUIRED BY APPLICABLE LAW.**

**WHEREAS,** Newberry County Council is aware that over the past several years there has been marked growth in the State of South Carolina, and that there is increasing interest in the expansion of residential development in Newberry County, and

**WHEREAS,** Newberry County provides services to its citizens, including regulation of land development, zoning, and permitting, and Newberry County Council finds that appropriate land development regulation, zoning, and permitting of properties is vital to the public’s best interests, health, safety and welfare, and

**WHEREAS,** Newberry County has established by ordinance a Comprehensive Plan, a Zoning Ordinance, and Land Development Regulations designed to guide development in accordance with existing and future needs; for the purposes of providing for adequate light, air and open space; preventing the overcrowding of land to avoid undue concentration of population and to lessen traffic congestion; facilitating the creation of a convenient, attractive and harmonious county; protecting and preserving scenic, historic, and ecologically sensitive areas; regulating the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airport and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes; facilitating the adequate provision or availability of transportation, law enforcement and fire protection, water, sewer, schools, parks and other recreation facilities, safe and affordable housing, disaster evacuation, and other public services and requirements, securing safety from fire, flood and other dangers; and furthering the public welfare in any other regard; and

**WHEREAS,** the subdivision of tracts of land into five (5) or more parcels at lot sizes of two (2) acres or less for the purpose of constructing new dwelling abodes places burden on the ability of Newberry County to meet the goals of the Comprehensive Plan, Zoning Ordinance and Land Development Regulations of Newberry County as outlined above; and

**WHEREAS,** Newberry County has been unable to determine any alternative less burdensome on the property rights of its citizens; and

**WHEREAS**, the current Zoning Ordinance and Land Development Regulations of Newberry County are insufficient to address the needs of its growing county; and

**WHEREAS**, Newberry County is currently studying modifications to the current Zoning Ordinance and current Land Development Regulations of Newberry County to address the needs of its growing county; and

**WHEREAS**, Newberry County Council, in consultation with its Joint Planning Commission and staff, will need time to determine how to best revise its Zoning Ordinance and Land Development Regulations; and

**WHEREAS**, Newberry County Council is concerned that major subdivisions that may be approved or permitted during the period in which these amendments are prepared and under consideration may be incompatible with such provisions and with Newberry County Council's vision for the development of the county; and

**WHEREAS**, Newberry County has determined that it is necessary to protect the public health, safety and welfare by passing an ordinance declaring a limited and temporary moratorium as provided below on the subdivision of any tract of land into five (5) or more parcels that would contain parcels of two (2) acres or less; and

**WHEREAS**, pursuant to prior appellate case precedents, a moratorium may be upheld where there is a demonstrated need for the moratorium, and the moratorium is enacted in good faith, is nondiscriminatory, is set for a clearly defined limited duration, and has a clearly defined scope; and

**NOW, THEREFORE BE IT ORDAINED** in Council duly assembled as follows:

1. Temporary Moratorium. A limited and temporary moratorium is hereby enacted to prevent the subdivision of any tract of land into five (5) or more parcels that would contain parcels of two (2) acres or less. During the time this moratorium is in effect and subject to the terms of this ordinance, Newberry County will accept no applications or act on any pending applications for the approval of the subdivision of any tract of land into five (5) or more parcels that would contain parcels of two (2) acres or less.
2. Jurisdiction. This moratorium shall apply throughout the unincorporated area of Newberry County.
3. Time. This moratorium shall be effective for two hundred and seventy (270) days from the date of 3<sup>rd</sup> Reading.
4. Pending Ordinance Doctrine. The South Carolina Pending Ordinance Doctrine shall apply to this ordinance, and the preceding provision regarding final adoption shall in no way adversely affect the enforceability, applicability and legality of the pending

ordinance status of this ordinance, which shall be fully effective upon first reading approval.

5. Extension. Newberry County Council may extend the moratorium established in this ordinance one (1) time for a period not to exceed ninety (90) days upon a finding by the County Council that the problems giving rise to the need for the moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan of action addressing concerns over the need for revisions to the current Zoning Ordinance and Land Development Regulations of Newberry County, but that additional time is reasonably needed to adequately address the issues facing Newberry County.
6. Effect on Vested Rights. South Carolina may have valid vested rights laws which would prohibit the enforcement of this moratorium by Newberry County for certain properties or owners. It is not the intent of this ordinance to violate state law. Therefore, any properties or property owners legally protected with such vested rights shall be exempt from the provisions of this moratorium to the extent such properties or property owners are lawfully protected by such statutory vested rights.
7. Recommendations Regarding New Development Regulations. During the moratorium enacted herein, Newberry County staff and the Joint Planning Commission shall proceed expeditiously to study, prepare, and make recommendations concerning amendments to the Zoning Ordinance and Land Development Regulations of Newberry County consistent with the findings of this ordinance.
8. Severability. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this ordinance.
9. Effect on Existing Ordinances. Any ordinances, rules, regulations or policies of Newberry County that are inconsistent or conflict with this ordinance are hereby suspended as to such inconsistency or conflict while this ordinance is in effect.
10. Public Hearing. Prior to third reading, Newberry County Council shall hold a public hearing to receive public comment on the matters set forth in this ordinance.
11. Third Reading. This Ordinance shall be and become finally binding after the same shall have received first, second and third readings by Newberry County Council.

**AND IT IS SO ORDAINED** by the County Council of the County of Newberry, South Carolina in Council duly assembled this 2<sup>nd</sup> day of April 2025.

**NEWBERRY COUNTY COUNCIL**

**BY:** \_\_\_\_\_  
**Robert N. Shealy, Chairman**

**(SEAL)**

**ATTEST:**

\_\_\_\_\_  
**Andrew Wigger, Clerk to Council**

**Approved as to form:**

\_\_\_\_\_  
**Joanie Winters, County Attorney**

\_\_\_\_\_  
**Jeff Shacker, County Administrator**

**1<sup>st</sup> Reading:            March 5, 2025**  
**2<sup>nd</sup> Reading:            March 19, 2025**  
**Public Hearing:        April 2, 2025**  
**3<sup>rd</sup> Reading:            April 2, 2025**



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

### Agenda Briefing

Prepared By: Crystal Waldrop	Title: Purchasing Director
Department: Administration	Division: Procurement
Date Prepared: March 27, 2025	Meeting Date: April 2, 2025
Legal Review: n/a	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Request for Qualifications: 2024-2 Whitmire Downtown Streetscape Project	

**STAFF’S RECOMMENDED ACTION:** The evaluation committee recommends the highest ranked firm, The Land Plan Group.

**FIDUCIARY:** Staff will negotiate a contract and fee for engineering and landscape architectural services with the highest ranked firm in an amount not to exceed the budget established for design services in the Community Development Block Grant that the S.C. Department of Commerce awarded to the County for this project and which is in the proposed FY2025-2026 Capital Projects Fund budget that council reviewed at the March 19<sup>th</sup> County Council work session.

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

**COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA (S) OF LEGAL EXPOSURE:**

**SUMMARY DISCUSSION:**

**ADDITIONAL COMMENTS FOR CONSIDERATION:** There were a total of five responses to the solicitation.

**ATTACHMENTS:** Committee Evaluation Sheet and individual committee evaluations from Scott Sawyer, Josh Rowe and Jeff Shacker.



**Request for Qualification Tabulation**

Project: 4-CE-24-008 Whitmire Downtown Streetscaping Project Opening Date/Time: March 4, 2025 at 3:00 PM  
 (Number) (Name) Place of Opening: Newberry County Administration Building  
 Procurement: RFQ for Engineering Services Number of Proposals Received: 5

**Proposal Evaluation Results**

Rank.	Firm	Qualifications of Firm/Personnel (25%)	Related Experience on Similar Projects and Past Performance (25%)	Project Approach (35%)	Recent, Current, and Projected Workload (15%)	Total Score
1.	The Land Plan Group	73	74	93	45	<b>285</b>
2.	Arbor Land and Design	68	69	97	40	<b>274</b>
3.	Davis & Floyd	75	73	89	35	<b>272</b>
4.	Bowman	69	65	81	35	<b>250</b>
5.	MRB	69	65	81	35	<b>250</b>

**Recommendation of Award**

<b>Firm</b>
The Land Plan Group

Procurement Officer: Crystal Waldrop, Purchasing Director 3/21/2025  
 (Print or Type Name) (Date)

\_\_\_\_\_  
 (Signature)