



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

Call to Order: Todd Johnson, Chairman
Invocation and Pledge of Allegiance: Todd Johnson, Chairman

1. Adoption of Consent Agenda:
 - a. Newberry County Council Work Session – October 16, 2024.
 - b. Newberry County Council Meeting – October 16, 2024.

2. Additions, Deletions & Adoption of the Agenda.

3. A Proclamation Supporting Operation Green Light for Veterans in Newberry County.

4. 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. Public Hearing.
 - b. Third Reading.

5. County Council may take action on matters discussed during the 5 p.m. Work Session.

6. Appointments.

7. Public Comments.

8. Comments/Requests from County Administrator.

9. Comments/Requests from Council.

10. Future meetings:

- a. Veterans Day – Offices Closed - November 11.
- b. Newberry County Executive Committee – November 12 at 6 p.m.
- c. Newberry County Council Work Session – November 20 at 5 p.m.
- d. Newberry County Council – November 20 at 6 p.m.
- e. Newberry County Economic Development Committee – November 25 at 6 p.m.

11. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
October 16, 2024**

Newberry County Council met on Wednesday, October 16, 2024, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Todd Johnson, Chairman
Robert Shealy, Vice-Chairman
Leon Fulmer, Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Karl Sease, Council Member
Johnny Mack Scurry, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Tommy Long, Emergency Services Director
Eric Nieto, I.T. Director
Josh Rowe, Public Works Director
Katie Werts, Zoning Administrator
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

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

1. Review of draft ordinance to allow the keeping of hens as a conditional use within residential zoning districts, subject to minimum standards and excluding the R-2 Rural District, within which hens will remain a permitted use.

- Mr. Shacker said, based on feedback from council, they revised the proposed ordinance.
- One change was that the number of hens permitted is now no more than 18 (approved by Ms. Werts' office, provided certain conditions are met). This limit does not impact R2-Rural, which has no limit.
- Mr. Shacker said Section 14 of the proposed ordinance states, when the number of chickens kept is less than or equal to six there will be setback requirements. The enclosure should be no closer than 25 feet off the side or rear property (for six or less). In subsection 15, if the number is between 7-12 hens, the setback increases to 50 feet, and then 75 feet from the 360 in Lake Murray and the 440 of Lake Greenwood, if applicable. In subsection 16, if the number of hens is 13-18 the setback increases from 50 feet to 75 feet.
- The other addition in Subsection 17, when the side or rear property line is shared with property zoned R2-Rural, the standard and rear yard setback for accessory structures is applicable to the setback of the chicken enclosure from the shared property line. The standard in this case would apply, which is seven feet.
- Mr. Hipp said that staff has put in a lot of good, thoughtful time on this, and it has been a very emotional issue for a lot of people. He said from what has been put together, he thinks staff has tried to be fair to the people who would like to have hens but also the people who do not want to be offended by hens.
- Mr. Fulmer said you will never come up with something that will satisfy everyone. He said in reading through this ordinance, he said this was brought up during the last discussion, but he did not see anything in reference to allowing a neighboring property owner waiving the setback requirements.
 - Mr. Shacker said that was not included, and they had concerns that you could have successor property owners

that did not give their consent. Mr. Fulmer said he thought that would fall under “buyer beware.”

- Ms. Winters said it would follow the land like an easement would, and they could put it in there, but they were also concerned about it being almost inverse condemnation.
- Mr. Fulmer said he knows there are state and federal requirements that have similar allowances for waivers. Ms. Winters said they could always add language that waivers may be obtained.
- Mr. Shacker said one thing they may encounter is a piece of property that has very narrow frontage but is long, that would be something eligible to go to the Board of Zoning Appeals and that may be where the waiver concept comes into play. He said if council is okay with capping hens at 18, then it becomes an issue with setbacks, that could be dealt with at the BZA level and neighbors get notice then.
- Mr. Johnson said one of the other concerns that they heard was that there would have to be a permit associated with this, and he'd like them to make that as minimum as possible.
 - Mr. Shacker said that is for the staking of the site of the enclosure. Ms. Werts said that is not necessarily the conditional permit and they would make sure they have met the setbacks, and they explain every condition and there is no fee on top of the \$75, which is to go out to ensure the setbacks are met.
- Mr. Sease said the way it is written, it only applies to chickens and no other poultry, to which Mr. Shacker answered in the affirmative.

2. 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 13-19 (as attached with these minutes) of the 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. Sease asked under Section Seven, minimum turnaround diameter in feet, if there was a minimum diameter of that center island. Mr. Shacker said the approach they could make is to make it more explicit and the aggregate width would meet those minimums of 120.
- Regarding storm drain catch basins, Mr. Fulmer said the last line states, “all curves shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a one-hour storm.” He said he is not sure SCDOT has rainfall data for a 25-year storm event for a one-hour storm.
- Mr. Hipp asked about the design requirement of the Director of Public Works under the section dealing with Bridges. Mr. Rowe said they would refer to either SCDOT specs or engineered specs and said he thinks the language needs to be different on that one.
- Mr. Fulmer asked, in reference to certifications required to be submitted for roads, if there is a requirement that the design be submitted by a registered professional. Ms. Werts confirmed that is a requirement. Mr. Fulmer said he thinks they may need to spell that out specifically in this ordinance.

3. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Hipp provided the second and the motion carried 7-0.
- The meeting was adjourned at 5:50 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

- (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.		
³ An 18-inch wide grass strip should be provided between the right-of-way boundary and the outside edge or back of any sidewalk constructed within the right-of-way. This permits the placing of utility poles at the back of the sidewalk and retention of a grass strip between the sidewalk and the curb or edge of pavement; both of these features are highly desirable, particularly in terms of safety.		
⁴ When curb and gutter is used, 24' minimum measured from the face of each curb or from the low point of valley gutter to the low point of valley gutter.		
⁵ Measured from edge of pavement to edge of pavement when a typical State Highway Department farm-to-market road section is used.		
(3) Maximum Grade (percent)		
Local Road	10%	6%
Marginal Access Street	10%	6%
Cul-de-Sac	8%	6%
(4) Minimum Radius of Curve (feet)		
Local Road	150'	200'
Marginal Access Street	150'	200'
Cul-de-Sac	100'	200'
Collector Street	200'	300'
(5) Minimum Length of Tangents Between Reverse Curves (feet)		
Local Road	100'	200'
Marginal Access Street	200'	200'
Cul-de-Sac	100'	200'
Collector Street	300'	300'

Improvement	Residential Development	Non-Residential Development
(6) Minimum Design Speed (mph)		
Local Road	25	30
Marginal Access Street	25	30
Cul-de-Sac	20	30
Collector Street	30	35
(7) Minimum Turnaround (Diameter in feet)		
Cul-de-Sac (Right-of-Way)	100'	120'
Cul-de-Sac (Pavement Width)	80'	100'
Cul-de-Sac (Pavement Width, Center Island, Optional)	30'	30'
(8) Maximum Length of Cul-de-Sac (feet)		
Permanent	1,000'	600'
Temporary	1,000'	1,000'

- (9) Primary and secondary arterial design standards are as required by the Major Thoroughfare or Official Map and the South Carolina Department of Transportation. Normally, the streets will require reservation or dedication of right-of-way by the subdivider and improvements by others.
- (10) Road Surfacing and Improvements.
- (a) After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters or valley gutters and shall surface or cause to be surfaced, roadways to the widths prescribed in these regulations. The surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Surface types shall be as determined by the Director of Public Works. Adequate provision shall be made for culverts, drains, and bridges.
- (b) All road surfaces, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications proposed by the Joint Planning Commission and the Director of Public Works and approved by Newberry County Council and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. All roads shall be hard surfaced (Portland cement, concrete, or asphaltic concrete) in all new subdivisions and expansions of existing subdivisions. The Joint Planning Commission may allow an alternate surfacing material for rural residential minor streets where it may be shown that an extreme hardship exists and where the surface is approved by the Director of Public Works.
- (11) Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. The slopes shall not be in excess of 2 to 1.
- (12) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where located as to affect the subdivision of adjoining lands shall be treated as follows:
- (a) In residential developments, a buffer strip at least 25 feet in width in addition to the normal width of the lot required in the zoning district shall be provided adjacent to the railroad right-of-way or limited access highway (per SCDOT classification for road access

limitations). This strip shall be part of the platted lots and shall be designated on the plat. The strip is reserved for screening. Placement of structures on this reserved strip is prohibited.

- (b) In developments proposed for commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (c) Streets parallel to the railroad when intersecting a street that crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. The distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(13) Intersections.

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles 100 feet from the center line of the through street. Not more than two streets shall intersect at any one point unless specifically approved by the Joint Planning Commission.
- (b) Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street. Street jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where opposing streets intersect collector streets, their alignment shall be continuous. Intersections of streets shall be at least 800 feet apart.
- (c) The minimum curb radius at the intersection of two local roads shall be at least 25 feet; and minimum curb radius at an intersection involving a collector road shall be at least 30 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Intersections shall be designed with a flat grade whenever practical. At the approach to an intersection in hilly or rolling areas, a leveling area shall be provided having not greater than a three percent (3%) rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.
- (e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut the ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- (f) The cross-slopes on all streets, including intersections, shall be no greater than 3% and no less than 0.5%.

§ 91.22 CULVERTS, PIPES, AND TRENCHES; STORM DRAINS; CATCH BASINS.

(A) Culverts, pipes, and trenches.

- (1) All culvert pipes must be Class III Reinforced Concrete Pipe (RCP) at a minimum.
- (2) The diameter of all culverts shall be designed for the 25-yr storm event using history and run-off data available at the USDA Soil and Conservation Service. No culvert less than 18 inches in diameter will be acceptable. The length of the culvert will be determined by the height of the fill, but shall be of sufficient length to provide a minimum 24-foot wide finished roadbed.
- (3) All concrete culverts shall conform to AASHTO M170 state requirements and only steel reinforced culvert will be acceptable.
- (4) All pipes shall be laid in a trench in all cases where possible. Trenches shall be excavated to the required grade and to a width sufficient to allow for proper joining of the pipe and compaction of the backfill under and around the pipe. The trench bottom shall be shaped to fit the bottom of the pipe and shall have recesses shaped to fit any projected hubs or bells. All culverts shall have a minimum of twelve inches of fill above the top of the culvert, excluding pavement or its base.

- (B) Storm drains; catch basins.** Catch basins shall be required to receive surface water from roadside gutters or swales into piped or open ditch drains. Standard manholes and covers, inside step and gutter gratings may be required for some installations. The Director of Public Works will direct the application if applicable. All curves shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a one-hour storm.

§ 91.23 NATURE OF STORM WATER FACILITIES.

- (A) Location.** The applicant may be required by the Joint Planning Commission to carry away via a pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. The drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the county's standards and specifications.

(B) Accessibility to public storm sewers.

- (1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Director of Public Works. Inspection of facilities shall be conducted by the Director of Public Works.
- (2) If a connection to a public storm sewer will be provided eventually, as determined by the Director of Public Works and the Joint Planning Commission, the developer shall arrange for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for the connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

- (C) Accommodation of upstream drainage areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Director of Public Works shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development expected in the Master Plan.

- (D) **Effect on downstream drainage areas.** The Director of Public Works shall also study the effect of each subdivision on existing downstream facilities outside the area of the subdivision. Local government drainage studies, together with other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Joint Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of the potential condition in the sum as the Joint Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
- (E) **Flood plain areas.** All subdivisions submitted for review and approval shall comply with the Newberry County Flood Ordinance.
- (F) **Dedication of Drainage Easements.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided that conforms substantially to the lines of the watercourse, and of the width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 12 feet in width for the drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - (2) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - (3) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

§ 91.24 SUB-GRADE.

- (A) The work shall consist of the construction and preparation of the sub-grade on that part of the roadway intended to receive pavement and, when applicable, on sidewalks, curbs, gutters, base course, and shoulders. Preparation, compaction, and quality shall meet SCDOT specifications and recommendations from geotechnical investigation based on site soil condition.
- (B) All soft, unstable, or unsuitable material that will not compact readily shall be removed and replaced with satisfactory material. All rocks and boulders shall be removed or broken off to a depth of not less than eight (8) inches below the surface of the sub-grade.
- (C) All soil must be compacted so that holes, ruts, or depressions will not form or develop. Compaction is extremely important to the longevity of any road system.

§ 91.25 BASE COURSE.

- (A) The base course work shall consist of crusher run stone or gravel of not less than six (6) inches thickness for plant mix pavement constructed on a prepared sub-grade. All materials, installation,

and compaction shall meet SCDOT specifications and recommendations from geotechnical investigation based on on-site soils.

- (B) After base course of six (6) inches of crusher run stone or gravel has been applied, the minimum finish of asphalt shall be one and one-half (1½) inches thick.

§ 91.26 PAVEMENT.

- (A) Rolling and finishing shall start at the edge and proceed toward the center, except on super elevated curves where rolling shall proceed from the lower to the upper side and continue until the aggregate are firmly set.
- (B) Pavements of hot laid asphalt (plant mix) will be acceptable. All pavements shall be a minimum of 22 feet in width.
- (C) All plant mixed asphalt paving materials shall conform to standard specifications for highway construction and shall be delivered to the spreading at a temperature as provided in the South Carolina Department of Transportation Standard Specification Book (2007 Edition).
- (D) The surface of the mixture after compaction shall be smooth and true to establish crown and grade. Any mixture that becomes loose or broken, mixed with dirt, or in any way defective shall be removed and replaced with fresh mix which shall be immediately compacted to conform with the surrounding area. Joints between old and new pavement or between strips shall be made in such a manner as to ensure proper bond between the old and new surface.
- (E) Finished asphalt surface must be a minimum of one and one-half (1 ½) inches in thickness. The Contractor shall make allowance with a minimum of 24 hours' notice to allow the Director of Public Works or his designee to inspect the installation process to ensure compliance. The Contractor will supply trip tickets certifying quantities used for the project.
- (F) If there is any question about the actual thicknesses, the Contractor shall provide one core sample per 500 feet of road, or a minimum of three samples, whichever is greater. If the actual thickness is less than approved, the substandard areas shall have an overlay of one inch thickness of plant mix or the thickness shortfall plus one-half inch, whichever is greater.
- (G) **Additional Materials Requirements.**
 - (1) Aggregate size cannot exceed one-half of the thickness of the individual asphalt course.
 - (2) All materials shall meet SCDOT specifications for quality and gradation.
 - (3) Triple surface treatment is not allowed.
 - (4) Sand clay is not approved for use as a roadway base course unless approved on a case by case basis based on analysis.
 - (5) Surface course shall consist of asphaltic concrete (Type I)

§ 91.27 BRIDGES.

All bridges shall be approved in advance by the County Administrator. Bridges of primary benefit to the applicant, as determined by the Joint Planning Commission, shall be constructed at the full expense of the applicant and meet the design requirements of the Director of Public Works.

**NEWBERRY COUNTY COUNCIL
MINUTES
October 16, 2024**

Newberry County Council met on Wednesday, October 16, 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
Johnny Mack Scurry, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Beverly Brehmer, Deputy Clerk to Court
Karen Brehmer, Deputy County Administrator
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Beth Folk, Clerk to Court
Sheriff Lee Foster, NCSO
Jessie Long, Newberry County Parks and Recreation Director
Tommy Long, Emergency Services Director
Liz McDonald, Assessor
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

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

Mr. Hipp led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – October 7, 2024.
- b. Newberry County Council Meeting – October 7, 2024.

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

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Johnson made an amendment to make a change to the agenda, he requested the addition of agenda item 8a for public comments for the purchase of one or more ambulances for EMS and 8b becomes the approval of the purchase, then a 9a for public comments for the purchase of a replacement fire tanker truck for Bush River Fire Department and 9b becomes the approval for the purchase; Mr. Shealy provided the second and the amendment carried 7-0.
- Mr. Shealy made a motion to approve the agenda as amended; Mr. Hipp provided the second and the motion carried 7-0.

3. Recognitions:

a. Employee Service

- | | | |
|-------------------|----------|----------------|
| • Rebecca Gaffney | 5 years | Animal Control |
| • Mary Cleveland | 10 years | NCSO |
| • William Claytor | 15 years | NCSO |
| • Elizabeth Folk | 45 years | Clerk to Court |

- 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. A Proclamation recognizing October as Manufacturing Month in Newberry County.
 - Mr. Hipp made a motion to approve the Proclamation; Mr. Fulmer provided the second and the motion carried 7-0.
 5. 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. Public Hearing.
 - Mr. Bryan Alvarez, acting Chairman of the Board of Directors for the Newberry County Water and Sewer Authority, thanked council for supporting their CPST project and all the CPST projects. He also thanked council, county administrator, and staff for providing an avenue that addresses the financial issues that has had a major impact on all CPST projects. He said time has not been their friend and they know it is a heavy lift, and they appreciate the actions taken to address this issue. Mr. Alvarez said projects like the Cannons Creek Wastewater Treatment Plant take time, from conception to commission. He said this is a much-needed project that will serve residents and commerce from day one and well into the future.

- Mr. Brent Richardson, Manager of the Newberry County Water and Sewer Authority, presented a PowerPoint that is attached with these minutes.
 - Mr. Hipp said he respects Mr. Richardson and all the board members for what they've done for the NCWSA, and he doesn't think there is a more important project on the CPST list than this project. He said the original cost of this project, put on the referendum, was almost half of what is now being requested. He said regardless of how we got here, that is a perverse incentive going forward. He said all of the projects are going to go over due to inflation, but this one is going over by far more than any of the others. He added that if they went over by this much on all of their projects they wouldn't have close to the amount of funds needed. Mr. Hipp said there was an original cost projection, and how did they get so far beyond the original estimate.
 - Mr. Richardson said they are \$4.4 million over and that is a lot. He said how they got there was a \$1.5 million worth of construction inflation, an increase of a little over a million dollars with site work.
 - Mr. Hipp asked if that was not considered; Mr. Richardson said it was not until they got into detailed design that the extent of the sitework was calculated. He added that they aren't able to do that level of engineering design without security of funding for a project.
 - Mr. Hipp said his concern is this has inflated so much, and back in 2007 timeframe there was a CPST referendum, and the Newberry County Library was one of those projects, as was the Fairfield Fire Station. He said they didn't have enough funding for what was approved, and the

library now has a name on it because a resident gave the county money (in the form of land) to offset the fact the county did not have enough funding to pay for the projects approved due to the fact the estimates were too low, just like this. Mr. Hipp said they are operating on two good faiths; one good faith is their estimates for the revenue they will receive will cover this and all the other projects. He said it is unfair to CPST going forward as this reflects in the future when you have a project and you go in with a lower price and you get on the ballot, then you go back and get more money. He said all the projects were approved based on the estimates and all those estimates were in good faith.

- Mr. Hipp said he was going to propose an amendment to fund half of what NCWSA is asking for now, to allow them to get started with their project. NCWSA has other ways to raise funds, with the anticipation that the estimate of revenue is correct and at the end of these projects, if they do have the funding to pay for the remaining half of the request, it will be done at that time.
 - Mr. Richardson asked in the accordance of the law, could that be put in writing; Mr. Hipp said they have spoken with Mr. Theo DuBose and they could agree to that via a resolution with their board of directors and they can fund half of it, allowing the projects below the NCWSA to get their funding, and at the end of CPST, if they have enough money to meet what they are asking for, they will be funded.

- Mr. Jim Longshore, the engineer for the project, said he'd appreciate council's consideration and hope they look at the project favorably.
- Mr. Joe Trainor, who is on the Board for the Central Economic Alliance, said infrastructure is what attracts industries, and he was pleased to hear the numbers quoted earlier regarding manufacturing in the county. He said counties are either growing or dying and continuing to attract industries is the best way to prevent the county from dying. He said this project is important because infrastructure is one of the main components industries look at and they do not come on promises anymore.
- Mr. Lewis Lee said this project means a lot to all of Newberry County.
- Mr. Tyler Johnson said he is not against this project, but they have a large amount of money, and what was brought up at the last meeting was that this project is centered around industry, not Newberry County residents. He said by focusing on this project, they are letting residents down when they have all the other projects on there. He said he thought Mr. Hipp had a good suggestion that they try and do it all before they pick one project over the others. He said he knows some of the stuff brought up, a new motor control building and that should be easy to tell if the stuff is going to fit or not. He said he understands someone doing appraisals but if you miss it by so much it doesn't look so good. He said he knows it was brought up the money already in the bank growing interest and was curious how much of that as holdover from the previous penny sales tax.
- Mr. Carl Horn, NCWSA Board Member, said the capacity that they are building will serve the entire county, not just industries. He said growth is inevitable, in order to stay ahead of that the plant has got to expand. He said the reason the cost is so much more is because of the cost of

doing this specialized business. He said it is the business they are involved in, and they couldn't predict this.

b. Third Reading.

- Mr. Johnson said his concern is if they do not have an agreement about capping the money and when they go back in order, they have to fully fund the project before continuing with the projects below it. Mr. DuBose confirmed that was correct. Mr. Johnson said that would mean the projects below this one would be funded at the balloted amount and no more. He wanted to postpone this until the next meeting to let them have more conversations to see if they can come to that agreement regarding Mr. Hipp's suggestion.
- Mr. Hipp said if the projections are correct, the project is going to be funded. However, to fund this kind of an overrun at this point, with so many unknowns, is not the best thing to do.
- Mr. Hipp made a motion to postpone the ordinance to the Nov. 6, 2024, meeting and request the administrator and attorney look at revising the ordinance; Mr. Reeder provided the second and the motion carried 7-0.

6. Consideration and Approval of a Bid for Hazardous Material Removal Services for the Old Gallman School CPST Project (Bid Number 2024-6).

- Mr. Sease made a motion to approve the recommended low bidder, Neo Corporation, in the amount of \$168,775; Mr. Reeder provided the second and the motion carried 7-0.

7. Consideration and Approval of a Proposal for Arborist Services in Lynch's Woods (RFP 2024-08).

- Mr. Shealy made a motion to accept the highest ranked firm, Dendro Diagnostics, Inc.; Mr. Sease provided the second and the motion carried 7-0.

8. Consideration and Approval of the purchase of one or more ambulances for EMS.

- Under 8A, Public Comments, Mr. Bobby DeHart said in the meeting of October 7, 2024, it was stated there was one ambulance with over 100,000 miles on it and they were trying to get a second ambulance, as well. He said back in the 1980s and 1990s, when they first went to the diesel trucks, they went to them with the thought they would get 200,000-250,000 miles out of them and if they did have to do something, they would look at remounting the ambulances. He said he was wondering if that was done, and if 100,000 miles is going to be the trigger to replace all of the ambulances.
- Mr. Long said he only has one ambulance that is under 100,000 miles and they have multiple ambulances approaching 200,000 miles, or over. He added they have remounted the ambulances so many times it becomes cheaper to buy a new vehicle.
- Mr. Sease made a motion to approve the purchase of two ambulances, \$437,323 apiece; Mr. Fulmer provided the second.
- Mr. Hipp referred to a past purchase order where the price of a remount ambulance went up, and it was a lot. Mr. Long said when they get the PO issued, they will do a contract and lock in this price.
- The motion carried 7-0.

9. Consideration and Approval of the purchase of a replacement fire tanker truck for Bush River Fire Department.

- No one came to speak under the amended 9A Public Comments.
- Mr. Hipp asked Mr. Long to confirm this will be a fixed price, to which Mr. Long answered in the affirmative.
- Mr. Sease made a motion to purchase a new tanker at the price of \$565,106; Mr. Reeder provided the second and the motion carried 7-0.

10. County Council may take action on matters discussed during the 5 p.m. Work Session.

- There was no action.

11. Appointments.

- There were no appointments.

12. Public Comments.

- Ms. Robbiette Hazel wanted to recommend that the county hold a forum, like the Newberry County School District did, to allow residents to ask questions and receive answers during the forum.
- Mr. Michael Tumm said looking at the chicken ordinance, he has done a lot of research on this, and we will be the only county that would allow chickens in front yards, he asked them to amend that. He also mentioned that there is a huge error in the ordinance regarding Lake Murray, where a lot of properties have a 25-foot no disturb buffer and a 75-foot vegetation

buffer and that needs to be addressed. He also mentioned that they monitor the water quality and some of Lake Murray Watch are on the DHEC team, and they are noticing e. coli levels are trending up and therefore they need to look at extending the 50 feet to 100 feet.

- Mr. James Zybrick requested help, he said he cannot touch trees beyond a certain buffer, he requested the trees come down from SCANA (now Dominion), the trees fell on his house, and he has found out Dominion is not responsible. He said he cannot do anything with the trees, but Dominion is not responsible if they fall. He said he does not know where to go and there is one more tree on their property he has concerns over and does not know where to go.

13. Comments/Requests from County Administrator.

- Mr. Shacker said debris removal is underway; they were able to piggyback on SCDOT contract. He said they have seen the contractors in the county working. He said efforts are underway to clear Lynch's Woods Park, as well.

14. Comments/Requests from Council.

- Mr. Sease thanked everyone for coming out and all the hard work and cooperation between all of the county departments and volunteers that helped clear trees from the roads. He said he knows the NCWSA project is important, but he had a lot of calls with concerns over that.
- Mr. Hipp said he firmly supports and appreciates all county employees, public service people, utility people, and all the people who pulled together to get the county through a difficult time.
- Mr. Fulmer highlighted that they do a great job of recognizing paid employees, and they do a wonderful job, but Newberry County is a county of volunteers. He said

those volunteers went above and beyond during this storm. He said he thinks they need to figure out a way to recognize their volunteers that provide a huge service to Newberry County.

- Mr. Johnson said those discussions are already underway.

15. Future meetings:

- a. Newberry County Council Work Session – November 6 at 5 p.m.
- b. Newberry County Council – November 6 at 6 p.m.
- c. Veterans Day – Offices Closed - November 11.
- d. Newberry County Executive Committee – November 12 at 6 p.m.
- e. Newberry County Council Work Session – November 20 at 5 p.m.
- f. Newberry County Council – November 20 at 6 p.m.

16. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Hipp provided the second and the motion carried 7-0. The meeting was adjourned at 7:39 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT



Cannons Creek WWTP Upgrade and Expansion

- **Agenda**
- **Background**
- **Project Cost Increase**
- **Funding**
- **Summary**
- **Questions ?**



Preparing for Upgrade and Expansion

- To prepare for upgrade and expansion, NCWSA...
 - Purchased 42 acres surrounding the existing WWTP
 - \$160,000.00 from NCWSA reserve funds
 - Hired professional engineer for preliminary design *W. C. Venable*
 - Planned expansion to 1.5 MGD
 - Preliminary design completed in 2021
 - Estimated cost based on preliminary design = \$5,154,560.00



CPST Application

- CPST Project Goal
 - Upgrade and expand treatment capacity to 1.5 MGD
- Scope of the work
 - Upgrade influent screen and grit removal system
 - Construct additional treatment basin with equipment
 - Upgrade and expand chlorine contact chamber
 - Upgrade and expand solids handling system
- Cost Estimate used in 2022 CPST application
 - \$5,154,560.00 based on preliminary engineering design

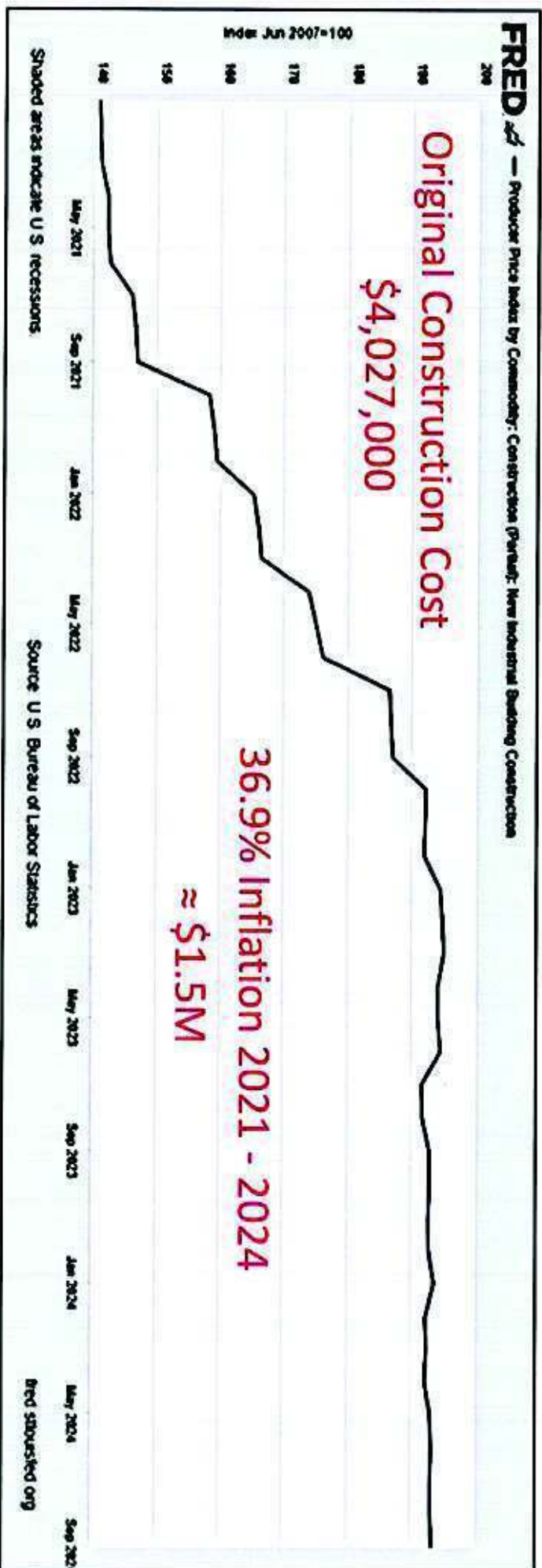


Revised Cost Estimate

- Revised cost estimate requested by County Manager
 - Estimate prepared using detailed engineering design (March 2024)
 - IGA drafted by Newberry County and approved by NCWSA Board of Directors (\$9,616,791.00)
- CPST Project Goal - Unchanged
- Scope of Work - Unchanged



Revised Cost Estimate



Federal Reserve Economic Data – Construction Inflation 2021 - 2024



Revised Cost Estimate

- Notable component increases resulting from detailed design (2024)
 - Structural Excavation & Site Work ≈ \$1.1M
 - Treatment Plant Piping ≈ \$1.0M
 - Treatment Process Equipment ≈ \$0.8M
 - Total increase resulting from detailed design ≈ \$2.9M
 - Construction inflation ≈ \$1.5M
- Total increase including construction inflation ≈ \$4.4M



Funding

- Borrowing \$4.4M adds additional \$1.7M to project cost
 - Interest + bond issuance cost provide no benefit to the Citizens
- Revenue bond paid for with $\approx 7.9\%$ rate increase
- NCWSA customers paying CPST + rate increase (10,000 + Citizens)
 - Town of Prosperity
 - Little Mountain Community
 - Fairview Community
 - Silverstreet Community
 - Pomaria Community
 - Bush River Community
 - Local Businesses & Agriculture
 - Churches
 - School District of Newberry County
 - Newberry County Facilities



Summary

- Upgrade and expansion of Cannons Creek WWTP will provide wastewater capacity to support economic development
- This project creates no ongoing expense to taxpayers
 - Operation and maintenance cost is funded by customers receiving water and sewer service

COUNTY OF NEWBERRY)
)
STATE OF SOUTH CAROLINA)

**PROCLAMATION
OPERATION GREEN LIGHT FOR VETERANS**

WHEREAS, the residents of Newberry County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Newberry County seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that between 44 and 72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, active military service members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, Newberry County Council appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted.

NOW, THEREFORE, BE IT PROCLAIMED by Newberry County Council that November 4, 2024, through Veterans Day, November 11, 2024, shall be Green Light for Veterans in Newberry County and shall be a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service. Newberry County Council encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 4-11, 2024.

NEWBERRY COUNTY COUNCIL

SEAL

By _____
Todd Johnson, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 09-01-2024

AN ORDINANCE APPROVING THE TERMS OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN NEWBERRY COUNTY AND NEWBERRY COUNTY WATER AND SEWER AUTHORITY

WHEREAS, Newberry County, South Carolina (the “County”), following a successful referendum held on November 3, 1998, imposed a Capital Project Sales Tax (“CPST”) within the County pursuant to the provisions of S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended); and

WHEREAS, the CPST has been reimposed from time to time in the County following referendums successfully held in 2004, 2010, 2016, and 2022; and

WHEREAS, since its original imposition in the County, and continuing through the renewals thereof, the CPST has provided to both the County and the political subdivisions within the County funds to defray the cost of various capital improvements, thus avoiding the imposition of additional property taxes in the County and mitigating the need for increases in rates of public utilities in the County; and

WHEREAS, the Newberry County Water and Sewer Authority, a political subdivision and special purpose district of the State of South Carolina (the “Authority”) has been a beneficiary of the CPST in each iteration of its imposition; and

WHEREAS, in the most recent referendum for reimposition of the CPST, which was held on November 8, 2022 (the “2022 Referendum”), the capital projects approved therein (the “2022 Projects”) consist of 12 items with an aggregate cost, as shown on the 2022 Referendum ballot, of \$37,047,130; and

WHEREAS, the Council is advised that, as a consequence of inflation, the total estimated cost of all 2022 Projects has increased by \$9,687,751 since the 2022 Referendum, from \$37,047,130 to not less than \$46,734,881; and

WHEREAS, the 2022 Referendum ballot included the upgrade and expansion of the Authority’s Cannon’s Creek Wastewater Treatment Plant (the “WWTP”) at a cost of \$5,154,560; and

WHEREAS, the Council is advised by the Authority that estimated cost of the WWTP has increased by \$4,462,231 since the 2022 Referendum to \$9,616,791; and

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 agreed, subject to agreement by the County, that it will initially seek cost overrun funding from CPST funds in the amount of \$3,055,766, which excludes estimated mobilization costs and contingencies; and

WHEREAS, the Authority has, by resolution duly adopted on October 24, 2024 (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 or notes 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 has provided the County Administrator of the County with a copy of the NCWSA Resolution, attached hereto as Exhibit A;

WHEREAS, the Authority has determined that it will seek CPST funding for additional cost overruns, including reimbursements for sums expended therefor by the Authority, only at such time as all other 2022 Projects have been fully funded, including all cost overruns of all other 2022 Projects;

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 6th day of November 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.

NEWBERRY COUNTY COUNCIL

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 7, 2024
Public Hearing:	October 7, 2024
Public Hearing:	October 16, 2024
Public Hearing:	November 6, 2024
3rd Reading:	November 6, 2024