

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
June 19, 2024

Newberry County Council met on Wednesday, June 19, 2024, at 5:02 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
Leon Fulmer, Council Member
Les Hipp, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Karl Sease, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Rick Farmer, Economic Development Director
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

MEDIA: Kelly Duncan, The Newberry Observer

ABSENT: Robert N. Shealy, Vice Chairman

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

1. Review and discussion of an ordinance establishing a Building, Fire and Nuisance Codes Board of Appeals for Newberry County.
 - Mr. Shacker said they have put together a draft ordinance and this ordinance would put together an appeals board that would be multi-functional. He said essentially, what

this board would do is hear appeals from individuals that disagree with the interpretation of the building code by the building official, making a means for them to be heard and the board just considers the appeal in the means of the context of the ordinance, they are not there to grant a variance or to exempt an individual from having to comply with the building code, this is just, “did the building official correctly interpret the ordinance.”

- Mr. Shacker said there is also a body that many cities and counties have that hear appeals to the fire code. The third element this ordinance addresses allows for an individual that has been ordered to demolish a structure they own by the code enforcement officer; this will give that property owner the ability to appeal.
- Mr. Shacker said what they are recommending the council to consider is establishing an appeals board with seven members, serving three-year terms, and when the appointments are made by council, they would establish staggering, so they don't have a complete loss of knowledge if there was turnover. Mr. Shacker said there is also language in there giving preference to certain backgrounds (architecture, engineering, construction, real estate, related fields) but that would not be required. Council can also follow the traditional approach of individual councilmembers making nominations.
- Mr. Shacker then explained the details of the proposed ordinance and how the appeals process, and board would function.
- Mr. Shacker said if they were comfortable with the ordinance, first reading would take place during the 6 p.m. meeting, second reading at the July 17 meeting, third reading at the Aug. 7 meeting and at that time, council would be able to appoint members. After their appointments, the board can begin meeting and get trained.

2. Discussion of proposed amendments to an ordinance allowing the keeping of hens as a conditional use within residential zoning districts, subject to minimum standards.

- Mr. Shacker said he thinks there have been some misunderstandings and misconceptions about what this ordinance will do and what properties it will impact.
- Mr. Shacker said they handle zoning for all of the unincorporated areas of the county, and incorporated areas except the City of Newberry, the Town of Prosperity and the Town of Little Mountain. Mr. Shacker said about 90% of the land area of Newberry County is R2-Rural Zoning Classification and in R2-Rural you can have chickens, any number of chickens, and this ordinance does not change R2-Rural, which does not require a permit.
 - Mr. Reeder asked if they would still be caged, to which Mr. Shacker said there are no requirements for R2-Rural for the chickens to be caged.
- Mr. Shacker read the following statistics, in Newberry County outside of those three municipalities, there are 20,092 parcels that are zoned Residential, 13,091 of which are zoned R2-Rural, meaning there are 7,001 parcels that are not zoned rural.
- Mr. Shacker said they have talked a lot about the lake, and they were told by one resident it is not just the lake, but the majority of the parcels zoned residential are at Lake Murray and Lake Greenwood.
- Mr. Shacker said the reason for this ordinance, when a complaint was made related to chickens on a piece of property zoned RSM, they found that right now you cannot have chickens, while within the City of Newberry you can have six and the Town of Prosperity you can have six.

- Mr. Fulmer asked if it specifically states that it is not an allowable use or is it just silent on the issue. Mr. Shacker said it is silent on the issue and is not permitted like it is explicitly permitted in R2.
 - Mr. Fulmer then asked that in R2 if it specifically states that this is a permitted use, but in all the other classifications it is silent. Mr. Shacker said that is right and in the use table, it is not listed it is not allowed.
- Mr. Shacker said it was probably an oversight more than likely and the draft ordinance was staff's attempt to recommend something that would allow a small number of chickens, avoid impacting neighboring property owners who don't want them by having some standards, like an enclosure that cannot be greater than 250 square feet and cannot be located right on the property line.
- Mr. Shacker said this is consistent with what other municipalities do across the state and that was the reasoning for the six hens.
- Mr. Fulmer said if you had a situation where you had a large lot, 8-10 acres, large enough to handle much more than what they are regulating here, did the ordinance have the ability to request an exemption. Mr. Shacker said it did not, but something that was proposed some form of classification to where you can have more chickens based on their lot size, another approach would be to have that individual rezone to R2.
- Mr. Hipp said there is a possibility that a multi-acre parcel not zoned R2 because of other factors, like the location. Mr. Fulmer said it is more than likely because of the area it is in.
- Mr. Johnson said no one from the county was going out looking for this, someone instituted this necessity to point out a weakness. Mr. Fulmer said he agrees completely, and something they need to get residents to

understand, currently under the current ordinance it is not an acceptable use in that ordinance and this ordinance allows it to be an acceptable use for that area for these specific parameters. He added that he agrees they need to look at acreage once you get beyond a certain acreage these requirements need to go away, but also something that has been mentioned to him is that they had one individual that complained and why is Newberry County having knee jerk reaction and he said he tried to explain that it is not currently an allowable use, and they are not trying to be more restrictive.

- Mr. Johnson added that he has told people they are deregulating and making it easier to use your land for what you want to use it for. Mr. Fulmer added within certain limitations and specifically for small lots.
- Mr. Johnson said most everybody has been understanding once they understood what was going on and there was erroneous information out there saying we were doing this for the whole county and it would impact every farmer, and nothing is further from the truth.
- Mr. Fulmer said from an environmental standpoint, looking at the NRCS specs, six chickens are going to produce less than 50 pounds of manure a year and that includes partial bedding in there with it. If you take one full grown lab dog, 300 pounds of manure a year.
- Mr. Johnson said, before they go into the public hearing they need to stop and explain all of this because he thinks a lot of people will have their fears relieved once they hear this. Mr. Sease agreed that he thinks that is the best way to handle this.
- Mr. Hipp said, regarding the proposed amendments, that he would suggest is that they have some amendments they may choose to enact, and they number them one through five and they can vote on each amendment.

- Mr. Fulmer said one question he had, all of this centers around chickens, which is a specific subset of poultry. He said he envisions at some point they will be faced with a question of others, like ducks.

3. Presentation and discussion of new county website.

- Mr. Nieto went through the new website, discussing the new look and that this has been about a year in the making.
- Mr. Shacker said like any website this is a work in progress and the information will constantly be updated.
- Mr. Hipp said he thinks the new website is a huge improvement, he said he likes it, he likes the videos instead of the snapshots. He said it is more modern and puts Newberry County in the current century.
- Mr. Hipp said if you go to the different departments, there is a lot of inconsistency between the different departments and that maybe something they could make the next step, some consistency to make it a little more professional.
 - Mr. Johnson said he doesn't know about now, but before each department got a login to work on their own webpage. He said it would be nice to have one web design, so it is consistent.
 - Mr. Nieto said they do have it where departments can log in for their departments and they would then send off changes to Mr. Wigger or Mr. Nieto to approve changes and publish the content. He added that they have done training, and they can go and watch the training videos.
- Mr. Nieto said Economic Development had their own website and the Assessor's Office had a partnership for their site and they are looking at bringing those in.

- Mr. Hipp said they could provide a template to those departments, and they could add their information to the same template as others to show some consistency. Mr. Hipp said this is already a huge improvement and now is the time to go in and add more consistency.
- Mr. Johnson said their zoning map is almost impossible to find and he thinks that needs to be easier to access on the website.

4. Executive Session:

a. Contractual Matter(s):

i. Solid Waste Collection and Disposal Services.

- Mr. Sease made a motion to go into Executive Session; Mr. Fulmer provided the second and the motion was approved 6-0.
- Newberry County Council went into Executive Session at 5:40 p.m.
- At 6:01 p.m., Mr. Reeder made a motion to come out of Executive Session; Mr. Scurry provided the second and the motion was approved 6-0.

5. Adjournment.

- Mr. Sease made a motion to adjourn the meeting; Mr. Scurry provided the second and the motion was approved 6-0 at 6:02 p.m.

NEWBERRY COUNTY COUNCIL

Todd Johnson

Todd Johnson, Chairman

Andrew Wigger

Andrew Wigger, Clerk to Council

Minutes Approved: 7-17-24