

**NEWBERRY COUNTY COUNCIL  
MINUTES  
June 19, 2024**

Newberry County Council met on Wednesday, June 19, 2024, at 6:02 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  
Leon Fulmer Jr., Council Member  
Les Hipp, Council Member  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Karl Sease, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Captain Ben Chapman, NCSO  
Captain Daniel Floyd, NCSO  
Beth Folk, Clerk to Court  
Donna Lominack, Auditor  
Liz McDonald, Assessor  
Eric Nieto, I.T. Director  
Mike Pisano, Public Works Director (Retiring)  
Josh Rowe, Public Works Director  
Karen Lindler Smith, Treasurer  
Crystal Waldrop, Purchasing 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 6:02 p.m.

Mr. Fulmer led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – June 5, 2024.
- b. Newberry County Council Meeting – June 5, 2024.
  - Mr. Hipp made a motion to adopt the minutes as presented; Mr. Fulmer provided the second and the motion was approved 6-0.

2. Additions, Deletions & Adoption of the Agenda.

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

3. Recognitions:

a. Employee Service:

- Hannah Chapman      5 years      Treasurer's Office
- Erika Moon            5 years      Treasurer's Office
- Gary Ball              15 years     Facilities
- Sharon McClanahan   20 years     NCSO
- Judy Sanders         30 years     Magistrate
- Mike Pisano            Retirement   Public Works

- 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. Ordinance No. 06-01-2024. 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, to establish regulations for the issuance of permits for the keeping of chickens on a non-commercial basis on residential properties in Newberry County.

- Mr. Johnson said there has been an incredible amount of misinformation about what this ordinance is and who it will impact. He said they wanted to walk through the ordinance and what the purpose is and how this came to be and how it will impact a very small portion of the county.
- Mr. Shacker explained the ordinance as he did during the 5 p.m. Newberry County Council Work Session. Including the fact the majority of the county is R2-Rural, which allows as many chickens as you want, and this ordinance does not change that fact.
- Mr. Shacker said what they attempted to do with this was correct a mistake, and that current staff and members of council were not here at the time this was adopted. However, currently, under the current zoning ordinance chickens are not allowed in all areas. This was brought to the county's attention by a resident who had concerns about a neighboring property owner who had chickens and said chickens are not allowed. Mr. Shacker said they feel this was an oversight.
- The ordinance would take the county from no chickens to up to six chickens, provided they are hens, they are in an enclosure, etc. He said the only



way to ensure those requirements are met is via a permit.

- Mr. Shacker said right now, they have 20,092 parcels zoned Residential, 13,091 are R2-Rural. The remaining are zoned in one of the other categories.
- Mr. Fulmer asked for a little more clarification, he asked Mr. Shacker based on the current implementation of the Zoning Ordinance for the county, in those districts, chickens would not be allowed in those residential areas (not including R2-Rural), to which Mr. Shacker answered in the affirmative. Mr. Fulmer said what council has in front of them would be less restrictive compared to what the county currently has in place, to which Mr. Shacker answered in the affirmative.
- Mr. Reeder said he appreciated all of that being clarified so that more citizens could understand.
- Mr. Johnson said this is a rural county, they love their agriculture, they stand behind their agriculture and this is not an attempt to regulate or overregulate but an attempt to deregulate so people can use their property more freely and have chickens in this difficult economy. He added that if you are in R2, no one is changing anything and that this is for those little spots.

a. Public Hearing

- Mr. Johnson declared the public hearing open.
- Mr. Forrest Byrd said there should not be an endless number of laws and rules, he said he tried to go through the zoning rules and that it was a mess. He said they will have all these rules on the books, but no one will enforce them, until years later. He said

they expect most of this stuff going away because they want less rules and less government.

- Mr. John Gresham said he did not see an express prohibition on chickens and would ask someone to point it out to him; Mr. Shacker said the way the use table works with permitted uses, if it is not listed then it is not allowed, he said in R2-Rural it is noted. Mr. Gresham discussed other counties and their zoning ordinances regarding chickens. He said if you have a five-acre lot not zoned R2-Rural, could you rezone it to keep chickens. Mr. Johnson said you could make a petition to rezone and that is not unheard of. Mr. Gresham said they are hearing most of the noise about chickens from the lake lots, and it is his experience if you have a land use that is currently permissible or not permissible, if it is not enforced it is not a real law. He said buy the land beside you if you do not want someone doing something you don't want next to you. He said he suggested there be a reasonable grandfather clause so people can come under the regulations and be within compliance.
- Mr. Brent Bannister said he thinks the proposed ordinance focuses on chickens for their egg production not meat production. He said his family raised 50 chickens last year and slaughtered them. He said he saw in the minutes, screening was suggested to hide from the neighbors, but what would be the reasoning for not allowing on-site slaughter if there is screening in place. He also said if you coop chickens up 24-hours a day that is a nightmare and breed diseases and free roaming is the only way chickens should be kept. He said he understands the need for the ordinance but likes the way the City of Newberry does it, which is limited.



- Ms. Marlene Spurgin said her concern is the fact the residential zoning districts have minimum limits to the size of the lots but don't have any maximum. She said some of the areas could be as much as 100 acres. She said she brought this up at the last meeting, if someone has the property to handle more than six chickens they can. She said 7,000 lots to her, you are impacting a fair number of taxpayers. She said she agreed that those who have chickens now should be grandfathered in. She recommends it be tabled.
- Ms. Karin Berley said for almost 250 years things have been a certain way in this county and state, and her bigger concern was you had one person out of 40,000 and immediately you are going to change the way of life for a lot of people. Her concern is you have to register and have permits and is the county making money off of that, she said it is not benefiting the taxpayers per se.
- Mr. David Thompson said he is in R2 area, and this one does not impact him. He said the issue he has is the way it is not explicitly said it is against the law, he said through his experience in law enforcement if it is not explicitly said it is not illegal. He added that the people who already have those chickens, should be grandfathered in. He asked what the cost would be attached to apply for this permit or if it had been discussed. Mr. Johnson said they have not addressed that. Mr. Shacker said the standard zoning permit fee is \$75, but council has the ability to specifically address that.
- Mr. Robert Wright said they do not have any chickens and they are in RSM, and they have 14 acres. He said he retired out here to do what they wanted.

- Following all the speakers, Mr. Johnson declared the public hearing closed.

#### b. Second Reading

- Mr. Hipp said for point of clarification, there was a recommendation to table this, if they let it die they cannot revisit it for a year. He said there may be some extenuating circumstances people may not be aware, he said all his life he has been a believer in limited government, but there are extenuating circumstances sometimes when what a neighbor does to their property impacts his neighbor, can impact the value and lifestyle. He said if you have a neighbor who puts a chipper mill on his property, that is his property he can do what he wants, but you cannot go outside of your house because a chipper mill is going 24 hours a day, so it is a balancing act they are faced with when they have to moderate a freedom whether it is an imposition on someone. He said chickens are not much of an imposition, you have 15 acres a couple of chickens is not going to impact a neighbor, if you had a chicken farm move in right next to you processing tons of manure every day because of their imposition and value of your property, that is when the balance comes into play. He said he does not like too much government regulations, he request that they table this, do some additional research and better define who is impacted. He said if you have 15 acres and live in RSM, a better action would be to have your property rezoned to R2-Rural. Mr. Hipp said he thinks they should never be smarter than the people they work for.
  - Mr. Hipp made a motion to table; Mr. Sease provided the second.



- Mr. Fulmer said for clarification, this will only be tabled to such time they can reconvene, not a year. He said at this point, the way he sees it right now, there isn't really a problem they are trying to solve. He said he knows they had a complaint, and he has a concern they are trying to fix that doesn't exist, except they need to make it such that their ordinance states that this is an acceptable use.
- Mr. Johnson said they are all about deregulations and small government. He said this was at its heart was to let people who cannot have chickens, have chickens.
- Mr. Shacker said the way the table motion works the second reading would come back at the next meeting, but if they think they need more times the motion should specify the date.
- Mr. Hipp amended his motion to postpone until the second meeting in September; Mr. Sease amended his second and the motion was approved 6-0.

5. Ordinance No. 06-02-2024. An Ordinance establishing a Building, Fire and Nuisance Codes Board of Appeals for the County of Newberry, S.C.

a. First Reading

- Mr. Shacker said Newberry County, like all cities and counties in the state with building codes, utilizes the International Code (the adopted state standard) and Newberry County also has fire codes in place. This ordinance would create a means for property owners, building owners that are subject to a decision of the building official or fire inspector to appeal that. This ordinance would establish that board, once



established by ordinance, council would have the ability to appoint seven individuals to that board to hear appeals.

- Mr. Johnson said there are some suggested qualifications, but not mandated, so they have some construction type background.
- Mr. Hipp made a motion to accept first reading; Mr. Reeder provided the second and the motion was approved 6-0.

6. Consideration and award of a bid for full-depth repairs to Summerset Place (Invitation to Bid # 2024-02).

- Ms. Waldrop said they received two responses, the first from Steed Paving in the amount of \$58,530.30 and the second from Satterfield Construction in the amount of \$64,275.00. Ms. Waldrop said staff recommends the low bidder (Steed Paving).
- Mr. Johnson asked if this was in budget, Ms. Waldrop said this is being absorbed through the Newberry County Public Works Department.
- Mr. Hipp said the pricing is broken down to the unit price, full depth and also an overlay per square yard. He said looking at that, Steed Paving has a higher price.
  - Ms. Waldrop said the amount of paving that would be done for this, for the full depth patch is 310 square yards and for the overlay it is 1,200 square yards. The amount that they are asking for and the unit pricing is for any additional that may need to be done.
  - Mr. Hipp said it looks to him like Satterfield is going to be a lower bid when you figure up the 310 of the full depth. Ms. Waldrop said their bid

was based on the amount that the county gave them in the solicitation, they are doing it for the \$58,500 for that amount of square yards for the full depth and then for the overlay. The square unit pricing would be for any additional and she does not think they are expecting any additional.

- Mr. Fulmer said the per unit full depth is if they have to do anything extra over what has been marked; to which Ms. Waldrop answered in the affirmative. Mr. Fulmer asked has the area been marked; Mr. Rowe said everything has been marked and they do not expect it to go over.
- Mr. Reeder made a motion to accept the bid from Steed Paving; Mr. Fulmer provided the second and the motion was approved 6-0.

7. County Council may take action(s) following executive session on matters discussed during executive session.

- No action was taken.

8. Appointments.

a. Board of Zoning Appeals – District 6

- Mr. Scurry said he would have an appointment during the next meeting.

b. Newberry County Memorial Hospital Board – District 6



- Mr. Scurry made a motion to appoint Ms. Tonya Lyles Dean; Mr. Reeder provided the second and the motion was approved 6-0.

c. Newberry County Memorial Hospital Board – District 7

- Mr. Reeder made the motion to appoint Ms. Denise Marshall; Mr. Sease provided the second and the motion was approved 6-0.

9. Public Comments.

- Ms. Michelle Senn said she has lived in the Helena Community for the past three and a half years, she said she is homeless due to underemployment and the escalating cost of housing. On June 14 while her fiancé was filling their water jugs at the Helena Community Center, two Newberry County Sheriff's deputies pulled up and forced him to stop, alleging there had been complaints about them getting water from there. She said he questioned it being a community center and was then told he needed to leave. She said he informed her of the incident, and she took her wagon and water jugs to find the turn knobs had been removed. She asked who in the immediate area has the right to make a complaint meriting the dispatch of two deputies with the authority to dictate water usage. Who has the authority without the express consent of the council prior to a vote by the council to alter water access. Is the water at the community center available for citizens of the community. If denying an animal water and shelter cause for resulting charges of being inhumane and cruel then is it not also the opinion of this council considered inhumane and cruel to deny human beings of a basic

need as it is an imperative need affecting her and her fiancé and two dogs, she would greatly appreciate any assistance concerning the Helena Community Outreach Ministry water access and usage.

- Mr. Alan Jenkins, who spoke at the June 5 Newberry County Council meeting regarding a request to change the form of government, he provided an update, he was able to meet with Ms. Lominack and Ms. Smith and they agreed that they all want what is best for Newberry County and agreed not just anyone can do their jobs. He said they put in a lot of years of service to their jobs and is not something an 18-year-old who is registered to vote (the current requirement) could walk-in and be qualified. He said they agreed to suspend the petition for the change of the form of government, but they will work together with the legislators to add qualifications for auditors and treasurers, impacting state-wide. He said the legislature already looked at adding qualifications for state treasurer so this would be in line with that. He said he wanted to apologize to Ms. Lominack and Ms. Smith if anything he said was offensive to them and this current requirement is something that is not good to have in the future, but they are by far the most qualified for the job in the county. He thanked them both for their service.
- Ms. Donna Lominack, Auditor, said she agreed to contact the South Carolina Auditors Treasures and Tax Collectors, after meeting with Mr. Jenkins. She has reached out to a few key players in their association for their input for having auditors and treasurers. She said she realizes having one delegation from Newberry County will get nowhere with this bill without the help of their association. She said there is no quick fix on this, it will take time and effort. She said she will continue to work with Mr. Jenkins as long as the qualifications have



experience listed and not just a degree. She has heard from one of her peers and he likes the idea.

- Mr. Johnson said he has spoken to other councilmembers, and he feels they are blessed with their Treasurer and Auditor, but he does think one day they won't be here anymore and the qualifications for someone being 18 and can vote to handle \$80 million just doesn't equate in his mind and he does think putting minimum qualifications would be a good thing for all of them.
- Mr. John Gresham wanted to clarify if it is not expressly permitted it is against regulations.
  - Mr. Shacker said that is directly and limited to the use table, and this is standard and not just Newberry County, this is standard to zoning. You have the districts and within the district you typically have different types of uses, the first type doesn't require a permit (permitted use) and specifically list the things that are permitted. Things that are not permitted, are not listed. Then you have conditional uses, and this ordinance would make chickens conditional uses. He said it is not just a description, but a code from the North American Industrial Classification System.
- Ms. Marguerite Girard, who lives up Bush River Road, said there was a fatality last week on Pope Street. She said she drives up that road often and was once even rear-ended because she slowed down due to foot traffic. She said she understands this is probably DOT's problem. She said sidewalks are years down the road, but if they could get light, regular maintenance. She said between Pope Circle and 121 at Country Corner there is a lot of foot traffic. She said she would hope council could

collaborate with DOT to get something, so they do not have another fatality.

- Mr. Jim Heilman said at the last meeting Mr. Jenkins made a request to add something to the ballot this year, he said one of those things has been removed, the other was that there are no education requirements for Newberry County Treasurer and Auditor and that was discussed. Mr. Heilman said he wanted to make sure that they talk about education requirements and that is not what they are talking about specifically, they are talking about experience, they have to have experience. Education is part of that process, but it is not the only thing. He added that there are many jobs today that have a degree requirement and he does not know why. He said in 2017, Harvard Business School had a paper called Dismissed by Degrees: How the Degree Inflation is Undermining the United States Competitiveness and Hurting the Middle Class. He said what it amounts to is that the notion of having a degree is hurting how we get our jobs and the experience you have to have. He said if you go out looking at colleges what you'll find is colleges say that one thing you must do while you are in college is get work experience, on the job training, not college. He said when you talk about the job requirements for auditor and treasurer, it is not just a degree but experience.
- Mr. David Thompson said he appreciates council clarifying that to better understand, he said he appreciates the intent of the ordinance and what they are trying to do, but he thinks limiting something is better suited for municipalities and HOAs and that is not the county, and the county should not limit.
- Ms. Karen Lindler Smith, Treasurer, said they did meet with Mr. Jenkins, and they do agree they need to look at



this further, and a degree may be wonderful, but she is for it if experience is with it too.

- Mr. Tyler Johnson said something was brought up tonight that troubled him, he said his profession was brought up in a demeaning manner and as a chicken farmer proudly since 2001, and they do not cause issues with their neighbors and in no way have they hurt property values. He knows it was brought up as an example, but with it being on the record he didn't feel comfortable letting it go.

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

- Mr. Shacker did not have comments.

#### 11. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming and they appreciated the comments. He added that Mr. Hipp said it is a good day whenever they can listen to their constituents and try to do what they are asking them to do, and they will try.
- Mr. Hipp said he was not attempting to offend their poultry producers and maybe his example was an incorrect example, but they certainly do appreciate all agriculture in Newberry County, and that the county is the egg and dairy county.
- Mr. Sease thanked everyone for coming out and acknowledged Mr. Rowe as they had road issues in his district, and he went out and took care of it. He said his constituents called him and thanked the county for doing that and they were happy with him for taking care of that issue.
  - Mr. Johnson said he even got a text message of appreciation over that issue.

- Mr. Reeder said he appreciates everyone coming out tonight and the only way they know what is going on is to hear from them.
- Mr. Scurry thanked everyone for coming and said if someone has questions, he has answers and whatever is on their mind, they want to hear it.
- Mr. Johnson said he wishes it was this full every night and get involved because they do work for the people, and he thinks they proved tonight that they can do it in a way where they do not disrespect each other and get the intended outcome when reasonable people sit down and talk through things.
- Mr. Johnson made mention of a SLED K9 giving his life in the line of duty here in Newberry County and saved a couple of police officers in doing so, he said they don't give their law enforcement and public safety near enough credit for what they go through with someone pointing a shotgun and shooting and a dog jumping in the way to save lives. He said he doesn't think most of them can comprehend that and he commends law enforcement and thinks this council has some kind of obligation to honor the memory of the dog that was killed here protecting Newberry County citizens.

## 12. Future meetings:

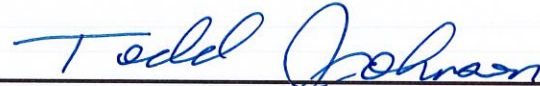
- a. Independence Day – July 4 – Offices Closed.
- b. Public Safety and Courts Committee – July 8 at 6 p.m.
- c. Newberry County Council Work Session – July 17 at 5 p.m.
- d. Newberry County Council – July 17 at 6 p.m.
- e. S.C. Association of Counties Annual Conference – July 29-31.



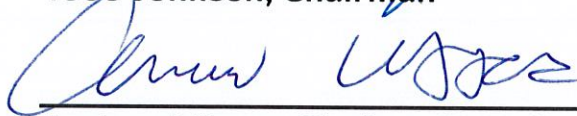
13. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Fulmer provided the second and the motion was approved 6-0 at 7:37 p.m.

**NEWBERRY COUNTY COUNCIL**



**Todd Johnson, Chairman**



**Andrew Wigger, Clerk to Council**

Minutes Approved: 7-17-24