

**NEWBERRY COUNTY COUNCIL
MINUTES
March 5, 2025**

Newberry County Council met on Wednesday, March 5, 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 (virtually)
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Travis Reeder, Council Member

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 – February 19, 2025.
- b. Newberry County Council Meeting – February 19, 2025.

- Mr. Scurry made a motion to adopt the agenda as presented; Mr. Smith provided the second and the motion carried 6-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agendas as presented; Mr. Fulmer provided the second and the motion carried 6-0.

3. Proclamation in Recognition of Disability Awareness Month in Newberry County.

- Mr. Sease made a motion to accept the Proclamation; Mr. Johnson provided the second and the motion carried 6-0.
- Mr. Johnson said on a personal note, having a son who has special needs and having seen what programs like DDSN (Department of Disabilities and Special Needs) and support of a community can do to make somebody thrive, I think he is a poster child for success and he is blessed beyond measure by Newberry County, the Whitmire community and DDSN.
- Jeffrey Coward and Crystal Carnes accepted the Proclamation on behalf of Pride.

4. Ordinance No. 02-02-2025. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes Zoning Classifications and Districts so as to rezone one (1) real estate parcel totaling two and seventy-eight hundredths (2.78) acres designated as TMS No. 741-79 from RS-Single Family Residential to GC-General Commercial.

a. Third Reading.

- Mr. Sease made a motion to accept third reading; Mr. Smith provided the second and the motion carried 6-0.
5. Ordinance No. 02-03-2025. An Ordinance to amend Chapter 154 of the Code of Ordinances of the County of Newberry, South Carolina, to adopt updated Newberry County Land Development Regulations.
- a. Second reading.
- Mr. Fulmer made a motion to remove this from the Table; Mr. Sease provided the second and the motion carried 6-0.
 - Mr. Johnson made a motion to postpone and run it concurrently with the moratorium they are considering; Mr. Fulmer provided the second and the motion carried 6-0.
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. Public Hearing.
- Mr. Shealy declared the Public Hearing open.
 - Mr. Forrest Byrd said he believes everyone in the county should be able to join in HOA, to get together with other people in the neighborhood and decide whether they want this or don't want that in their area and sign agreements. He said it is voluntary, and it is freedom, and it is liberty and by their own choice. What he does not believe is that a big group can tell an individual they don't like what he's doing and tell him he cannot do that. He said freedom to choose is important, but when things are taken against your will it is not freedom it is basically tyranny of the masses. Mr. Byrd said when he read the regulations they

sounded good on the surface, but the chicken house almost has to be in the person's living room or on their deck because the setback is the same as their house from the lake or right at it. He said there really is not a practical way to follow those instructions. He said you've given permission for people to have chickens, but the rules are so strict they pretty much prohibit having chickens.

- Mr. Shealy declared the Public Hearing over as no one else was signed up.

b. Second Reading.

- Mr. Sease made a motion to accept second reading, Mr. Fulmer provided the second.
- Mr. Johnson said they worked really hard to address all the concerns that were made and to give people something they want to do but also consider their neighbors. Saying he thinks staff has done a good job drafting the ordinance.
- The motion carried 6-0.

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. Public Hearing.

- Mr. Shealy declared the Public Hearing open. With no one signed up to speak, Mr. Shealy declared the Public Hearing closed.

b. Second Reading.

- Mr. Smith made a motion to accept second reading; Mr. Fulmer provided the second and the motion carried 6-0.

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. First Reading.

- Mr. Shacker said South Carolina law gives cities and counties that have land development and zoning programs to enact moratoriums, but they have to be limited and temporary in scope and duration. This Ordinance proposes a 270-day moratorium and if Council reads the Ordinance for the first time tonight, second reading on March 19 and third reading on April 2, the 270 days would begin counting on that point and expire on December 27. In terms of the scope, staff proposes limiting it to subdivisions of five lots or more.
- In South Carolina, there is Pending Ordinance Doctrine which allows, with this Ordinance, it would become effective immediately upon first reading, while the “clock” doesn’t begin until third reading, the Ordinance takes effect after first reading.
- The Ordinance does provide for an extension for 30 days, but it has to be reasonable and there is a due-diligence requirement. They would have to show why it is necessary to do that.
- Mr. Sease made a motion they accept first reading, Mr. Fulmer provided the second.
- Mr. Johnson said this is something they want to get right and not fix it later and he thinks it is a wise move for Newberry County.
- Mr. Shealy said they know growth is coming, but they want to make sure they do it the right way.
- The motion carried 6-0.

9. Consideration and Approval of a Bid for Debris Removal from Lynch's Woods Park (Bid Number 2025-1).

- Mr. Shacker said this is to remove fallen trees and hazard trees within 100 feet of the road going through Lynch's Woods Park. This would be FEMA eligible, to recoup expenses. He said staff received five bids and the low bid was from Sligh Construction in the amount of \$123,582.
- Mr. Smith made a motion to approve the low bid from Sligh Construction; Mr. Scurry provided the second and the motion carried 6-0.

10. Appointments.

a. Airport Commission -- District 5.

- Mr. Smith made the motion to appoint Mr. Jimmy Bickley to the Airport Commission; Mr. Scurry provided the second and the motion carried 6-0.

b. Upper Savannah Workforce Development Board – Newberry County Representative.

- Mr. Sease made a motion to appoint Ms. Stacie Phylcia to the Upper Savannah Workforce Development Board; Mr. Smith provided the second and the motion carried 6-0.

11. Public Comments.

- Mr. David Adams asked regarding setbacks, on the lake, what are the setbacks. Mr. Shacker said if it is six hens or fewer, 25 feet from the side or rear property line and 50 feet from the 360 Contour on Lake Murray.

12. Comments/Requests from County Administrator.

- Mr. Shacker said Whitmire Street Scape is moving forward, a project with CBDG funding (\$750,000). They also have one CPST project where the bid documents are done, the Detention Center, and that is in process. CPST projects are also in process to go out for bid.

13. Comments/Requests from Council.

- Mr. Fulmer said he appreciated everyone coming to the meeting and they welcomed their comments. He said he can personally speak for each council member, and they are committed to do the best they can for Newberry County residents. He said they do try and take everything into consideration. He asked everyone to keep the Newberry County volunteers in their thoughts and prayers as some volunteers went to the coast to help with the fires.
- Mr. Smith thanked everyone for coming to the meeting. He said he concurred with what Mr. Fulmer and the volunteers had a very busy week.
- Mr. Scurry thanked everyone for coming out, especially those with Newberry County Disabilities and Special Needs.
- Mr. Johnson thanked the first responders, and he thanked Mr. Shacker for assisting with a few projects in Whitmire. Mr. Johnson asked Mr. Shacker if there was an update on the Whitmire sidewalk project.
 - Mr. Shacker said they are still trying to finalize the construction easement. Once that is done, the project will be ready to bid.
- Mr. Sease thanked everyone for coming to the meeting. He said he thinks Council made the right decision by putting the moratorium in effect. He said they know they will have to have growth, but they want to make sure it is planned

properly, and the county's infrastructure can handle the growth.

- Mr. Shealy said they need a little bit more time to make that decision. He said they know growth is coming but they need to prepare for it the right way.

14. Future meetings:

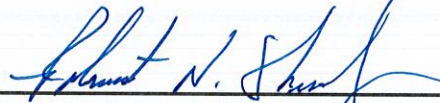
- a. Newberry County Economic Development Committee – March 10 at 5 p.m.
- b. Newberry County Council Work Session – March 19 at 5 p.m.
- c. Newberry County Council Meeting – March 19 at 6 p.m.
- d. Newberry County Finance Committee – March 24 at 5 p.m.
- e. Newberry County Council Work Session – April 2 at 5 p.m.
- f. Newberry County Council Meeting – April 2 at 6 p.m.

- Mr. Shealy also announced a quorum of Newberry County Council would be present during a Hurricane Helene debriefing on March 12, but no action would be taken. There would also be a meeting with the auditor on March 12 where a quorum will be present, but no action will be taken.

15. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 6-0.
- Newberry County Council adjourned at 6:32 p.m.

NEWBERRY COUNTY COUNCIL



Robert "Nick" Shealy, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 3-19-2025