

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
September 4, 2024**

Newberry County Council met on Wednesday, September 4, 2024, at 5:01 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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

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

ABSENT: Johnny Mack Scurry, Council Member

MEDIA: Kelly Duncan, The Newberry Observer

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

1. 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 1-12 of the recently revised Chapter 91 (which governs the roads that are accepted into the county system) of the Code of Ordinances (attached with these minutes). During his review, the following questions were asked by members of council:
 - Regarding a requirement that all roads be 50 feet in width for the right-of-way, Mr. Shealy asked if that was a local easement or a standard, he added that he believes the state standard is 66 feet. Mr. Rowe said they tried to mirror the DOT standard, but the 50 feet rule ensures that gives you enough room for any potential work. Mr. Shacker said they also have language in Chapter 91 to require more room, if needed. Mr. Fulmer said 50 feet would definitely be a minimum and you don't normally want to get too carried away because anything you accept within that right-of-way you're bound to maintain.
 - Mr. Hipp asked regarding small roads in the City of Newberry, that are state highway system roads, that are just a neighborhood road, what is the right-of-way from the center of the road to the roadway. Mr. Fulmer said it is highly variable and depends on each individual roadway, he added that he deals with this all the time in the City of Greenwood, and he is sure Newberry is similar.
 - Mr. Sease asked when the subdivisions are built, they have to meet a certain grade and spec to meet Newberry County's requirements to be taken over, but what happens if they get in a situation where the builder goes bankrupt and does not finish the final layer and they want the county to take over the roads because there's already houses completed, he asked would the county take that bond that was issued and use it to finish it up. Mr. Shacker said yes, they would use that performance bond and after that period of time when they've accepted a surety bond and that is all about the workmanship and potential defects in the road.

- Mr. Shealy said but ultimately, if they do not get it up to par, they do not accept it, and Mr. Shacker said that is correct.
- Mr. Hipp asked if all of the existing county roads meet the requirements contained in this ordinance. Mr. Shacker answered in the negative. Mr. Hipp then asked if they do not, are they grandfathered in or are they brought up to this requirement. Mr. Shacker said they can do some homework to try and calculate how much it would cost to bring up current county roads. He said this would be for any new roads to be brought into the road system. Mr. Fulmer said DOT probably has roads that cannot meet this spec, he also referenced 91.03 where it states, “roads that have previously been met the applicable requirements and have been accepted and maintained by the county are not affected.” Mr. Fulmer said it is basically new roads coming in and Mr. Hipp said you are basically grandfathering.
- Regarding encroachment permits, Mr. Fulmer added that the responsibility for that period needs to go beyond the time period when they are doing the work, if for some reason they are doing work and are repairing something and down the road they are having an issue, like a sinkhole forms due to their work, they are not just held to the timeframe they are out their working, but also after the fact, if any damage is due to the work they did in the county’s right-of-way. Mr. Rowe said the language will include that to some extent.
- Mr. Sease asked, regarding a driveway needing to be five feet from the existing property line, what if neighbors want to put in a secondary driveway they can both use for access to areas, would they need an exception to that on a permit. Mr. Shacker answered in the affirmative, and Mr. Rowe said they would probably be on the zoning side. If it is a state road, they will need to go through DOT.

- Mr. Hipp said if you read number five, you can read it as access points must be installed a minimum of five feet from the property line, and you could read it as you have to have your access point within five feet. He said it is semantics, but staff may want to look into the wording.
- Mr. Fulmer mentioned a reference to SCDHEC and said that doesn't exist anymore.
- Mr. Fulmer asked if they had a standard diameter pipe they would generally use for driveways. Mr. Rowe said typically, they are going to stick to 15 inches.
- Mr. Fulmer asked if they had a subdivision that came in and put in special decorative signs, does this ordinance have anything stating if they are accepted, and they need to be replaced, that the sign will go back to the standard sign, or the subdivision will have to provide the decorative sign. Mr. Shacker said they do not have anything stating that, but they need to add that to the ordinance.
- Mr. Sease asked if they need to put something in the ordinance involving different types of paving to reflect the heat away, so maybe in the future the county can get money from the federal government. Mr. Shacker said he is not familiar with that, but they can do more research.
- Mr. Fulmer suggested rather than actually providing the seeding chart in subsection two, they would be better served to say all seeding needs follow all SCDOT seeding requirements.
- Mr. Johnson said this is very comprehensive and has a lot to digest and they will revisit in another Work Session.
- Mr. Fulmer told staff they did a great job, and this looks good.

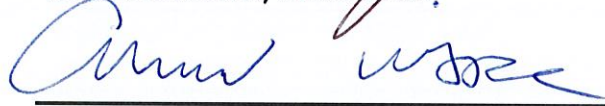
2. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Shealy provided the second and the motion carried 6-0 at 5:54 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman.



Andrew Wigger, Clerk to Council

Minutes Approved: 9-18-2024