

**NEWBERRY COUNTY COUNCIL WORK SESSION  
MINUTES  
November 20, 2024**

Newberry County Council met on Wednesday, November 20, 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: 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  
Eric Nieto, I.T. Director  
Andrew Wigger, Clerk to Council/PIO

ABSENT: Todd Johnson, Chairman

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

1. Discussion and review of proposed revisions to Chapter 152 of the Code of Ordinances of Newberry County to adopt updated standards and specifications for the prevention and mitigation of flood damage.
  - Mr. Shacker reviewed the proposed changes, as attached along with the minutes, to Chapter 152 of the Code of Ordinances of Newberry County to adopt standards and specifications for the prevention and mitigation of flood damage.
  - Mr. Hipp said that this may be covered somewhere else within the ordinance, but the highest point of the field point or

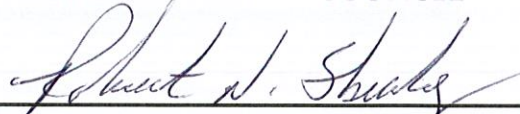
aeration point of any gas/liquid storage tank, should be below what the expected floodplain is. He said if you have a tank in the ground, if it is in the ground below that 500-year floodplain, then the pipes should extend up higher than that level. He said while the tanks won't float, all the fuel in the tanks could if the water level goes above that point. Mr. Fulmer said the vent tube would have to be higher.

- Mr. Shacker said he will look into that and if they need to add language they will or if it is already in the ordinance, he will clarify that with council.
- Mr. Sease mentioned that in the definitions, he did not see LOMA (which is referenced in Section 152.36(D)(1)(c)) listed. Mr. Shacker said they will include that within the definitions and clarified that it meant, "Letter of Map Amendment."
- Mr. Hipp asked if there were any residents that would be put into non-compliance if they pass the change in Section 152.36(M). Mr. Shacker said as long as they did not increase the footprint of their building, they'd be able to continue repairing and would be grandfathered.
  - Mr. Fulmer said he knows there are some under construction at the lake; Mr. Shacker said they'd be grandfathered.
- Mr. Reeder asked how often the flood zone is reevaluated; Mr. Shacker said it is every five years.
- Mr. Shacker said they will look into the requested changes and asked if council was comfortable with this coming before them for first reading on December 4, 2024, to which council answered in the affirmative.

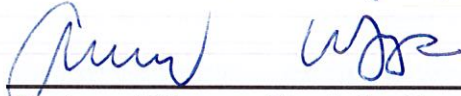
## 2. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Reeder provided the second and the motion carried 6-0.
- The meeting adjourned at 5:39 p.m.

**NEWBERRY COUNTY COUNCIL**



**Robert Shealy, Vice-Chairman**



**Andrew Wigger, Clerk to Council**

Minutes Approved: 12-4-2024



# Flood Damage Prevention Ordinance Review and Updates

- **§152.04(A)** – Removed the reference to a specific FIS date and instead referenced best available date as defined in §152.23(J).
- **§152.04(B)** – Removed entire section as it is not included in the model ordinance and because the base flood elevation could change when new flood studies are completed.
- **§152.10 Definitions.**
  - **Accessory Structure:** Added “minimal investment is no more than \$5,000.00” after the phrase “minimal investment” to better define minimal investment with less ambiguity. The intent of this language is to enable small sheds in backyards without triggering a permit requirement. Over time, the \$5,000.00 may need to increase.
  - **Increased Cost of Compliance (ICC):** Added “of the National Flood Insurance Act of 1968” after “Section 1361.”
  - **New Construction:** Revised to include the initial ordinance date of December 11, 1990, as the effective date.
- **§152.24(G)** – Revised from “not less than 60 days” to “no more than 180 days.” This change will now match the model ordinance and still allow the administrator to set a lesser time period if deemed necessary.
- **§152.35(E)** – “(0.2% annual chance flood event)” was inserted after each reference to “500-year” to better align with language in the FEMA Flood Insurance Study.
- **§152.35 (I)** -“floatation and lateral” was revised to “floatation or lateral” to align with §15.35 (B) as it is more protective to the structure.

- **§152.35(K)** – Deleted “(Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless the enlargement or reconstruction is accomplished in conformance with the provisions of this chapter)”. The additional language adds confusion to the user and the language can be ambiguous for what could be interpreted as the “bulk of the building or structure.”
- **§152.36(C)(1)** – “collapse, and lateral movement” was revised to “collapse, or lateral movement” as it is more protective to the structure.
- **§152.36(C)(2)** – “collapse, and lateral movement” was revised to “collapse, or lateral movement” as it is more protective to the structure.
- **§152.36(C)(3)** – “collapse, and lateral movement” was revised to “collapse, or lateral movement” as it is more protective to the structure.
- **§152.36(C)(3)** – Revised “40-29-10” to “40-29” to follow guidance in the model ordinance.
- **§152.36(D)(1)(c)** – added “If the Lowest Adjacent Grade (LAG) is between the BFE and the freeboard, openings are still required until a LOMA has been approved.” after the sentence currently in §152.36(D)(1)(c).
- **§152.36 (L)(2)** – The current ordinance language could be interpreted that an access road is required for individual residential or commercial properties, however, the intent is to provide access to public utility facilities during the 1% storm even. For a better understanding “to public utilities and facilities such as sewer, gas, electrical, and water systems was added.
- **§152.36(M)** – Deleted entire standard. This requirement is inconsistent with the other freeboard requirements in the Newberry County ordinance and is not in the South Carolina model ordinance.