

**NEWBERRY COUNTY COUNCIL WORK SESSION**  
**MINUTES**  
**February 5, 2025**

Newberry County Council met on Wednesday, February 5, 2025, 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:** Karl Sease, Vice-Chairman  
Leon Fulmer, Council Member  
Todd Johnson, Councilman  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Stuart Smith, Council Member  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Karen Brehmer, Deputy County Administrator  
Debbie Cromer, Finance Director  
Rick Farmer, Economic Development Director  
Eric Nieto, I.T. Director  
Katie Werts, Director of Planning and Development  
Andrew Wigger, Clerk to Council/PIO

**ABSENT:** Robert Shealy, Chairman

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

1. Presentation of FY 2023-2024 Audit – David Usefara, Mauldin and Jenkins
  - Mr. Usefara said they found an unmodified, clean opinion for the governmental activities in each major fund and aggregate fund information. He said where they have a

qualified opinion was on the component units, with the Newberry County Library and Westview Behavioral Services as they did not file financial statements in time.

- During the audit, Mr. Usefara said they noted two findings, which are repeat findings from the past few years. Per staff, these items are being addressed, he said.
- The first finding was the General Ledger system not working properly for rolling forward into the new fiscal year and running reports and issues balancing the different funds together. The county is in the process of switching over to a new system.
- The second finding was segregation of duties, Mr. Usefara said that is something that happens with some counties where there are not enough employees to cover all the different areas that need to be segregated. He said the county has several instances of overlapping duties where someone might be preparing a bank reconciliation and then there is no one to review it, so someone is reviewing their own work. Another example is someone who is depositing the money into the bank and is also recording it in the General Ledger. Mr. Usefara said this can be difficult in counties with lack of personnel.
- When it comes to recommendations, Mr. Usefara said depreciation is currently being calculated manually on a spreadsheet, as opposed to in a system, and they said with the new system, that it will have an aspect of calculating depreciation.
- Under inventory, he said they noted the general fund inventory did not change from last year and Mr. Usefara said they wanted to bring that to the attention of management.
- Mr. Usefara said they encountered no difficulties with management and Ms. Cromer was once again helpful and great throughout this process. They also did not encounter any disagreements with management over the application

of significant accounting principles. Mr. Usefara said they requested written representations from management relating to the accuracy of information included in the financial statements and they had no issues receiving that. There were also no significant issues discussed with management related to business conditions, plans, or strategies that may have impacted the risk of material misstatement of the financial statements.

- Mr. Usefara reviewed the numbers from the audit, including that there is a net position of \$20 million, \$18 million of which is invested in capital assets. He also said that the county has \$16.7 million in fund balance, \$15.6 of which is unassigned, and \$1 million is committed to the subsequent year's budget. That total fund balance is an increase of \$2.5 from the prior year.
- Mr. Johnson said this has been a concern of his for a while, he said it seems like every year they say separation of duties. He asked Mr. Usefara if it was possible for his firm to give recommendations for what those checks and balances should be and how the county could adjust that.
  - Mr. Usefara said they have a specific practice in their firm which does this and they've been doing this a lot more for other governments, they come in and see what the operations are and give recommendations and help implement those policies that they find might be more helpful. In regard to the audit, it does not get in the way of their independence.
- Mr. Sease asked, regarding depreciation, if we were using that manual sheet because they went to a new software and they are not used to it yet and doesn't the new software have a module to do depreciation.
  - Mr. Shacker said once the Tyler software is implemented they will do depreciation with the software.

- Mr. Johnson asked Mr. Shacker if there was a time frame on the new software.
  - Mr. Shacker said last he heard it would be this fall but deferred to Ms. Cromer. Ms. Cromer said that is what they are hoping, but the hardest thing to do is the accounts and the new account numbers, which they are still working on. Ms. Cromer said with the new software, once you scan a piece of equipment into that system, it will automatically show up on a report.
- Mr. Reeder said his concern is with the different regulations going on with the federal government, do they foresee any money not coming toward the state, county, that is going to affect anything.
  - Mr. Shacker said the county does have some grants that are frozen, at the moment.

2. Update on a proposed ordinance to allow the keeping of hens (not roosters) as a conditional use within residential zoning districts, subject to minimum standards.

- Mr. Shacker reviewed the draft ordinance, as attached with these minutes, to get Mr. Smith up to speed.
- In the current zoning ordinance, with the exception of R2 (which is 90% of Newberry County) the other four residential districts, the keeping of chickens is prohibitive as they are not explicitly permitted, like they are for horses.
- This ordinance has been recommended by the Joint Planning Commission.
- Mr. Johnson said they talked about the fees associated with this at a prior meeting, he wanted to know if it would be possible to do a stay period before they move forward with the fee. He said this would give folks an opportunity if they already have chickens.
  - Mr. Shacker said they can address the fees in the ordinance.

- Mr. Fulmer suggested that they should make it a year after the ordinance is adopted.
- Mr. Johnson said there was a local publishing of an article with a headline saying the county was going to limit the number of chickens, and the truth is the exact opposite. He said he hopes they can work with local media outlets a little bit, so they get a much clearer explanation of what is going on.
  - Mr. Shacker said they will work on that.
- Mr. Fulmer asked what the steps regarding enforcement of this ordinance are.
  - Mr. Shacker said they'd follow the same corrective action (with a written agreement with a deadline) agreement the county has in the nuisance codes. He said if there is an instance where someone does not comply, they will get an ordinance summons and the case would go to Magistrate Court.
  - Mr. Shacker also said they would work with residents to give them time to comply with the ordinance.

### 3. Adjournment.


- Mr. Reeder made a motion to adjourn; Mr. Smith provided the second and the motion carried 6-0.
- The Newberry County Council Work Session adjourned at 5:40 p.m.

NEWBERRY COUNTY COUNCIL



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Karl Sease, Vice-Chairman



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Andrew Wigger, Clerk to Council

Minutes Approved: 2-19-2025

STATE OF SOUTH CAROLINA )  
 )  
 NEWBERRY COUNTY )

**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.**

**WHEREAS**, there is increased interest in Newberry County for small-scale, subsistence food production to include chicken keeping; and

**WHEREAS**, the raising and keeping of chickens on a non-commercial basis on a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and

**WHEREAS**, the County permits various accessory structures and land uses; and

**WHEREAS**, the County desires to ensure that the keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Newberry County, and to not create a public nuisance; and

**NOW, THEREFORE BE IT ORDAINED** by the County Council of the County of Newberry, South Carolina in Council duly assembled this ??<sup>th</sup> day of ??? 2025 that the official Zoning Ordinance of the County of Newberry, South Carolina is amended as follows:

**ZONING DISTRICT REGULATIONS**

**§ 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.**

(D) *Zoning district table of permitted uses.*

ZONING DISTRICT TABLE OF PERMITTED USES										
<i>Description of Use</i>	<i>2017 NAICS</i>	<i>R2</i>	<i>R5</i>	<i>RSV</i>	<i>RSM</i>	<i>RG</i>	<i>LC</i>	<i>GC</i>	<i>IND</i>	<i>C/SE Reference</i>
<b>ACCESSORY USES TO RESIDENTIAL USES</b>										
Keeping of Chickens, Accessory to Residential	NA	P	C	C	C	C	-	-	-	§ 153.129

## **CONDITIONAL USE REGULATIONS**

### **§ 153.129 Keeping of Chickens, Accessory to Residential**

The keeping of chickens as an accessory use to a single-family detached dwelling as detailed in the following subsections shall meet the following requirements where conditionally permitted. Such use shall be an accessory use to a single-family residential use.

#### **(A) *Keeping of Chickens.* The following are requirements for the keeping of chickens as an accessory use to single-family detached dwellings.**

- (1) Chickens shall only be allowed as accessory uses to single-family detached dwellings and manufactured homes on individual properties. They shall not be allowed in manufactured home parks.
- (2) Roosters are prohibited.
- (3) No more than 18 hens are permitted.
- (4) On-site slaughter of chickens is prohibited.
- (5) Chickens shall not be allowed to roam free.
- (6) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards.
- (7) Chickens must have adequate access to feed, clean water, and shelter at all times.
- (8) Feed must be stored in secure containers to prevent rats, mice, insects, and other vermin from infesting.
- (9) Chickens must be housed in a designated coop, pen, or enclosure, separate from any portion of residential structures or garages.
- (10) Chicken enclosures must be properly designed to provide adequate security from rodents, wild birds, and other predators and must provide sufficient ventilation and protection from the elements for the animals.
- (11) All chicken enclosures must adhere to the requirements for Accessory Structures as provided in § 153.049.
- (12) Chicken enclosures of any type shall not individually or collectively exceed two-hundred (200) square feet in size.
- (13) Chicken enclosures of any type must be in the rear yard of the property. All enclosures must be located on the same property as the residential use. Such enclosures shall be separate from any portion of residential structures or garages.



- (14) When the number of chickens kept is less than or equals 6 hens, chicken enclosures of any type shall be located no closer than:
- a. Twenty-five (25) feet to the side or rear property lines
  - b. Fifty (50) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 50 feet, whichever is greater.
- (15) When the number of chickens kept is greater than 6 hens, but less than or equal to 12 hens, chicken enclosures of any type shall be located no closer than:
- a. Fifty (50) feet to the side or rear property lines
  - b. Seventy-five (75) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 75 feet, whichever is greater.
- (16) When the number of chickens kept is greater than 12 hens, but less than the maximum allowance of 18 hens, chicken enclosures of any type shall be located no closer than:
- a. Seventy-five (75) feet to the side or rear property lines
  - b. One hundred (100) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 100 feet, whichever is greater.
- (17) When the side or rear property line is shared with a property zoned R2 – Rural, the standard side and rear yard setback for accessory structures, as provided in § 153.172, is applicable to the setback of the chicken enclosures from the shared property line. **7 side / 20 rear**
- (18) Chicken enclosures must be designed so that waste, wastewater, and any and all by-products of the keeping of chickens remains within the footprint of the enclosures and does not impact adjoining properties, drainage systems and receiving waters.
- (19) Chicken enclosures must be cleaned regularly and maintained in a healthy and sanitary manner to avoid potential health hazards and minimize odors.
- (20) Manure must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or health risks. Waste shall not be stored in the front yard and must be stored no closer than 50 feet from the side and rear property lines or no closer than the applicable setback for chicken enclosures, whichever is greater.

- (21) There shall be no emission of odorous gasses or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.
- (22) Noise associated with the keeping of chickens shall meet the standards of Chapter 90, Section 04 of the Newberry County Code of Ordinances.

**NEWBERRY COUNTY COUNCIL**

(SEAL)

BY:

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**Robert N. Shealy, Chairman**

ATTEST:

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**Andrew Wigger, Clerk to Council**

Approved as to form:

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**Joanie Winters, County Attorney**

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**Jeff Shacker, County Administrator**

<b>1<sup>st</sup> Reading:</b>	<b>February 19, 2025</b>
<b>2<sup>nd</sup> Reading:</b>	<b>March 5, 2025</b>
<b>Public Hearing:</b>	<b>March 5, 2025</b>
<b>3<sup>rd</sup> Reading:</b>	<b>March 19, 2025</b>