

**NEWBERRY COUNTY COUNCIL
MINUTES
May 1, 2024**

Newberry County Council met on Wednesday, May 1, 2024, 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: Todd Johnson, Chairman
Robert N. Shealy, Vice-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
Karen Brehmer, Deputy County Administrator
Wesley Boland, Chief Deputy NCSO
Captain Ben Chapman, NCSO
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Tommy Long, Emergency Services Director
Desiree Monts, Deputy Coroner
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development Services
Andrew Wigger, Clerk to Council/PIO

Mr. Johnson called the meeting to order at 6:00 p.m.

Mr. Scurry led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – April 17, 2024.
- b. Newberry County Council Meeting – April 17, 2024.
 - Mr. Shealy made a motion to adopt the minutes as presented; Mr. Reader provided the second and the motion was approved 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Hipp made a motion to adopt the agenda as presented; Mr. Shealy provided the second and the motion was approved 7-0.

3. Public Appearance:

- a. David Stumbo, Solicitor.
 - Mr. Johnson said Mr. Stumbo was unable to attend the meeting.
- b. Gavin Brown, VP of Advancement for Midlands Housing Alliance.
 - Mr. Brown said they are the Midlands largest homeless services provider based in Columbia, they are a part of the Midlands Area Consortium of Homelessness, which encompasses 13 counties, from York County to Aiken County -- Newberry County being included.
 - He said they have 260 beds at their shelter in Columbia and serve an additional 70 as day users. They are for men and women over the age of 18 and are a low barrier shelter (meaning they have very few requirements).

- Last year, their case managers identified eight residents of Newberry County that came through their shelter. He said they believe that number is higher because a lot of folks end up in the downtown Columbia area, unhoused; for example, they may have come to one of the Columbia area hospitals and are unable to get home. Mr. Brown said they do not have the current data by HUD to determine each of the homeless in each county for 2024. He said once they do have that, it will be published and provided to the county administrator.
- Mr. Brown said they provide a full range of services, including mental and emotional health care, serve three meals a day and their goal is to get people permanently housed.
- They are the largest homeless veterans' providers in the Midlands and one of the largest in the state.
- Mr. Brown said they want to continue serving Newberry by continuing to partner not only the council and City of Newberry, but also partner with law enforcement to address where they are seeing the unhoused populations; empower them to know how the county can treat that.
- He said in this day in time, we should not see people living on the street.
- Mr. Brown said 28% of their clients are what they would call chronically homeless (homeless for more than a year). He said that means three out of every four are experiencing homelessness for the first time in their life.
- Mr. Reeder asked if he was talking about the homeless in Newberry coming to Columbia or shelters here in Newberry.
 - Mr. Brown said they have no intention of expanding their footprint. They are available to the counties they serve if the counties want to adopt services. But they do serve those counties.
- Mr. Reeder asked if they have transportation for those individuals.

- Mr. Brown said they've seen a lot of times law enforcement agencies will usually transport someone. They also have bus ticket vouchers available.
 - Mr. Hipp asked what their major sources of funding are.
 - Mr. Brown said it is about half between federal and local funding, they also get funding from the City of Columbia, Richland County, United Way. It is his job to go out and get individual funding.
- 4. Resolution 03-2024. A resolution acknowledging the service of Public Safety Telecommunications Officers as First Responders in Newberry County, South Carolina.
 - Mr. Shealy made a motion to adopt the Resolution; Mr. Fulmer provided the second and the motion was approved 7-0.
- 5. Ordinance No. 04-01-2024. 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 classification and districts so as to rezone one (1) real estate parcel totaling seventy-six hundredths (.76) acre designated as TMS No. 741-45 from RS-Single Family Residential to R2-Rural.
 - a. Third Reading.
 - With there being no changes, Mr. Sease made a motion to accept third reading; Mr. Scurry provided the second and the motion was approved 7-0.

6. Ordinance No. 04-02-2024. 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 classification and districts so as to rezone one (1) real estate parcel totaling two and forty-four hundredths (2.44) acres designated as TMS No. 457-9 from GC-General Commercial to R2-Rural.

a. Third Reading.

- With there being no changes, Mr. Shealy made a motion to accept third reading; Mr. Reeder provided the second and the motion was approved 7-0.

7. Ordinance No. 04-03-2024. An Ordinance regulating public nuisances and unfit dwellings within Newberry County and providing procedures for enforcement and penalties for violation and matters related thereto.

a. Public Hearing.

- Mr. David Wicker said he had four problems with this ordinance.
 - The first issue was first-class mail, he referenced third-class mail, a copy of The Newberry Observer. He said he lives out of state and a March 27, 2024, edition of the newspaper was delivered on April 29, 2024. He said third-class mail does not do any good. Other mail for his bills in Newberry County, he has found that going online or pay in advance because they cannot get to him in time to pay them. He said any notice about property he owns, his family owns (they've been here since 1754 in Broad River) they may not receive in time. He requested council change it to a signed receipt and go from that date and the post office is not reliable.

- The second issue he said was confusing. Under 157-008, Item E, the date for completion of abatement not to exceed seven-calendar days following notification. He said he interprets that as the county is giving him seven days to clean up anything the code enforcement officer does not like. Mr. Wicker said he cannot even get people to mow his lawn in seven days and that needs to be revisited to a reasonable period. He said the county gives in other areas of structural and everything a time to be agreed upon by the abatement officer. He said if you have something that is heavy to move, like bricks, it will take more than seven days and if you are his age, it'll take a bit longer.
- The third issue involved appeals, under 157-011, where demolition is required, an appeal may be made to the Newberry County Building, Fire and Nuisance Codes Board of Appeals by such person. He said this is only where demolition is required, there is no other method of appeal. He said the code enforcement officer is judge, jury and executioner and something needs to be redone with that one.
- The fourth issue involved public abatement under 157-013 where it states owner or occupant fails to remedy the abatement proposed by the code enforcement officer, if it is deemed necessary, they can take it at county expense and perform that abatement and then perform a lien on your taxes. Mr. Wicker said up in Whitmire, a lot of the older homes are in poor shape, his brother worked for J.P. Stevens and when that folded a lot of people lost a steady income and a decrease in pensions and social security, living on limited funds and they may not be able to do an abatement in a time period the code enforcement officer comes up with and they will put

that cost on someone already poor and then charge it to their tax lien, if they can't pay, the county will sell their property. To him, that is a poor use of eminent domain, taking property without just compensation. He added there has been numerous law cases in other states with people doing this, particularly the elderly.

- Mr. Wicker said he thinks these need to be addressed and he does congratulate council because there are a lot of nuisances out there and everyone tries to keep their properties up, but there are issues that need to be addressed before this ordinance can be adopted.
- Ms. Robin Kruger said she wanted to speak generally in support of the ordinance. She said she and her husband have lived in Newberry County for 10 years and at least one time every year they do a litter pickup on their road and an adjoining road, she said that to say she wants to be part of the solution, not the problem. She said she lives on one of those typical lake roads, where you have a huge house, then you have a normal house, then a trailer, then a falling apart dwelling. Her concerns are the falling apart dwellings, they have one about three houses to the left and another two houses to the right. One of the issues, she said, is that no one lives in the dwellings and haven't in the decade she and her husband have lived on that street. Ms. Kruger said they are falling apart, there are feral cats, armadillos, and the story is, at one point, there was a homeless man living in one, but she is not sure if that is true because that was before her time. She said she feels this reflects negatively on the county and the property values. Ms. Kruger said she works in healthcare and may have a unique perspective and in keeping with what Mr. Brown discussed, they do have a problem discharging people because of the living conditions they're going back to. She said if these dwellings

were not available, they wouldn't get moved into as a last resort.

b. Second Reading.

- Mr. Johnson said they can make changes between now and third reading if they deem that to be needed.
- Mr. Shealy made a motion to approve second reading; Mr. Sease provided the second.
- Mr. Hipp requested the council clerk to capture the comments made so they have an opportunity to look at those prior to third reading, beyond just having heard them. He requested they are emailed so that prior to third reading they can consider those specifics.
- Mr. Shealy said he appreciates the residents coming forward, so they have a chance to look into their problems with it.
- Mr. Sease thanked both residents for their comments, and council worked on this long and hard and a lot of times you read through stuff, and you don't get the same impression or don't think about an item until someone else brings it up.
- Mr. Johnson said the elderly issue was something they talked about long and hard at their work session and that is not something they are going to let happen. He said the intent of this ordinance is for people to live in their home without dilapidated things falling in around them and destroying their tax values and home values.
- Mr. Shealy said they had to set a timeframe and if it is addressed, the county will work with you, and they had to set a time and that is not concrete.

- Mr. Hipp said they did have this proposed ordinance on the website encouraging comments for a month so they could get as many comments as possible.
- The motion was approved 7-0.

8. Ordinance No. 05-01-2024. 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 classification and districts so as to rezone one (1) real estate parcel totaling eleven and seventy hundredths (11.70) acres designated as TMS No. 336-3 from GC-General Commercial to Ind-Industrial.

a. First Reading.

- Ms. Werts said the property owner and applicant came before the Joint Planning Commission in March and then in April. They are asking to rezone for the purpose of a temporary portable asphalt plant, Reeves Construction has been awarded and are doing the repaving on I-26 and are doing a lot of the bridge repairs. At present, they are hauling from Laurens and with asphalt, they have a certain amount of time they have to get it on the roads. Having this location at the interstate will benefit them for meeting times and be able to do more production in the evenings.
- When this was presented in March, there was a neighboring property owner that had some concerns, so the Joint Planning Commission decided to postpone their decision. At the April meeting, the concerns were addressed and JPC then voted in favor of the rezoning.

- Mr. Shealy made a motion to approve first reading; Mr. Reeder provided the second and the motion was approved 7-0.

9. Ordinance No. 05-03-2024. An Ordinance to provide appropriations for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, for the Newberry County budget for County Ordinary purposes and for other County purposes for which the County may levy a tax and receive revenues; to provide for the levy of taxes on all taxable personal and real property in Newberry County for all county purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Newberry County payable during said fiscal year; to provide for matters relating to Newberry County; and to provide for the expenditure of said taxes and other revenues received by the county during said fiscal year, and to provide for borrowing in anticipation of tax collections by the issuance of one or more tax anticipation notes, if necessary.

a. First Reading.

- Mr. Shacker gave a brief review of the proposed fiscal year 2024-25 budget. He said there are four main categories of funds, a General Fund proposed at \$40.5 million, an increase of \$7.6 million; 13 Special Revenue Funds totaling \$3.165 million; a Debt Service Fund (long term debt) at \$375,058; and a Capital Projects Fund at \$41.8 million (Capital Project Sales Tax).
- Mr. Shacker said since they are proposing this budget at an all-funds level, they have to back transfers out. There are transfers between these funds and you don't want to double count that money. By doing so, the total budget is \$82.627 million, roughly \$7 million increase.

- Mr. Shacker said the major increase is in the General Fund and that is because there are items that were not in the General Fund but now are. They were not presented in the totals for the General Fund in the past. Some examples are funding for the Newberry County Library, Piedmont Technical College and Newberry County Disabilities and Special Needs. There is also the creation of a new debt services division, which transfers some short-term debt to the General Fund, which saves the county about \$35,000.
- Mr. Shacker said the apparent 23% increase in the budget is largely a function of some of the restructuring and capital purchases.
- On the revenue side, the only recommended change is a two-mill property tax increase. The impact of that increase on an owner-occupied residence that is valued at \$100,000 would be eight dollars a year.
- Mr. Johnson thanked Mr. Shacker for the detailed explanation, adding there were misnomers out there about what was going on and he hopes it clears up any confusion that the county is dramatically increasing the budget and in fact, he thinks they have done an incredible job trying to hold the budget as tight as they could.
- Mr. Reeder made a motion to approve first reading; Mr. Sease provided the second.
- Mr. Johnson abstained from anything related to Nicholson Business Systems and WTH Technology due to an employment situation.
- The motion was approved 7-0.

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

- There was no action taken.

11. Appointments.

- There were no appointments.

12. Public Comments.

- Dr. Oscar Lovelace Jr. spoke on behalf of the Living Water Foundation with a request. Living Water Foundation is a 501(c)3 with a mission to improve the quality of life of all people. He requested Newberry County Council help them provide and meet the needs of people who have no funds who show up in labor and delivery or call and need prenatal and obstetrical care. This is a request to help all providers who are providing that care for free under the Medicaid Emergency Assistance Act, the hospital does get covered but the providers providing those services are not, there are often no funds for the Hispanic Community – which is the primary community they are asking for assistance. Dr. Lovelace added that Laurens County no longer offers obstetrical care and there is no hospital in Saluda County or Fairfield County offering obstetrical care.
 - Mr. Hipp asked what the specific request for this budget was. Dr. Lovelace said \$28,000.
- Ms. Jennifer Coleman said on the second reading of the budget, she was hoping to hear more about what the funds for the increase in property taxes would be used for specifically.

13. Comments/Requests from County Administrator.

- Mr. Shacker said on Monday (May 6, 2024) they will have important meetings with property owners for the Capital Project Sales Tax projects and they will be going over their budgets, prioritizing scope.

14. Comments/Requests from Council.

- Mr. Reeder said he was glad to see everyone out and taking advantage of county government because that is what you're supposed to do. He said he appreciates the job administration has done working on the budget and bringing it to council.
- Mr. Sease thanked everyone for their input and coming out and participating. He thanked staff and acknowledged the great job they've been doing. He also thanked first responders call center staff for answering their calls when they are in need.
- Mr. Johnson thanked everyone for being present and said they want to be receptive to what their needs are.
- Mr. Shealy said he appreciates everyone coming out and all their hard work. He added that he also appreciates the hard work of the 9-1-1 operators.
- Mr. Hipp said he appreciates everyone coming out and taking part in county government. He said as a reminder to everyone, their proposed budget is posted on the Newberry County website, so if you want to see the details for every line item, there is a lot of information there and prior to their public hearing, will give an opportunity to make specific comments. He said there were years in the past when they had public comments on the budget, but the

budget was not to be found and that is no longer the case.

- Mr. Fulmer thanked staff for putting together the budget for them and all the hard work they put into that. He said it is appropriate they have their first responders at the meeting, he said Mr. Shacker alluded to this, but the county is purchasing one fire truck this year, which is a minimum of what the county needs, and there is an immediate need of seven trucks and that is something the county will need to face in the future. He said a raise in taxes is not something they take lightly, and they understand they have people out there with fixed incomes and in the world of inflation, it impacts not only everything Newberry County Council has to do to keep bills paid, but individuals as well and that is not something they take lightly, and it is something unfortunately given the nature of the expenses coming, they'd much rather try and eat the elephant one bite at a time rather than swallow it all at once. He added that he thinks there are areas they can look at and make changes to and they have done some of that in this budget, and he thanks staff for this,. He said he wants the public to understand it is not something they take lightly, and he thinks he can speak for all his fellow councilmembers about that. He thanked everyone for coming out and their comments and they will never be led astray when they listen to the citizens and that is what they are here for.

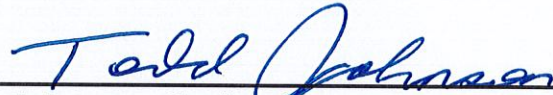
15. Future meetings:

- a. Economic Development Committee – May 6 at 6 p.m.
- b. Newberry County Council Work Session – May 15 at 5 p.m.
- c. Newberry County Council – May 15 at 6 p.m.
- d. Public Safety and Courts – May 20 at 6 p.m.
- e. Memorial Day – May 27 – Offices Closed.
- f. Finance Committee – May 27 at 6 p.m.

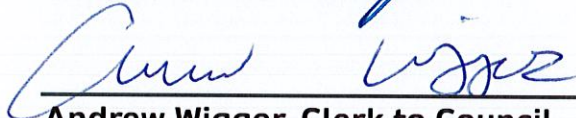
16. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Sease provided the second and the motion was approved 7-0 at 6:53 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: May 15, 2024