

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
May 1, 2024

Newberry County Council met on Wednesday, May 1, 2024, at 5:00 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 N. Shealy, Vice Chairman
Leon Fulmer, 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
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Tommy Long, Emergency Services Director
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 5:00 p.m.

1. 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 informed council that the proposed ordinance, before it comes before council for a vote, must go to the Joint Planning Commission. They will not meet again until May 21, 2024.
- This will allow council to consider the ordinance at the June 5, 2024, meeting for first reading. Assuming it advances, second reading and public hearing will be on June 19, 2024, and final reading during the July 17, 2024, meeting as there is just one council meeting in July.

2. Discussion of SCDOT Bulk Agribusiness / Husbandry Annual Permit Program for hauling 90,000 pounds Gross Vehicle Weight (GVW) on state roads and the concept of extending to county roads.

- Mr. Shacker said prior to this act passing, there was a limitation of a little over 84,000 of agriculture product that can be transported on state roads. What is in place now with DOT, unless it is a heavy truck route, a 90,000-pound gross vehicle weight applies, and it is an annual permit for shielded roads (state roads and U.S. highways). If they want to transfer on secondary roads, that are in the state maintenance system, they would apply for a permit for each of those roads.
- Mr. Shacker said they had a hauler of agricultural products approach the county and asked if they would formally approve them doing that in Newberry County. He added that the reality is they probably have haulers right now hauling loads that are above the approximate 84,000 gross vehicle weight.
- In this particular case, the hauler has sites in Newberry County only accessible by county roads (which are gravel). Mr. Shacker said a concept they could address is an ordinance that would adapt regulations mirroring

the DOT and establish a permitting process. This process could involve an application very similar to DOT, just to make it easier for those haulers.

- Mr. Shacker said he spoke with Mr. Mike Pisano and Mr. Josh Rowe and they both felt that additional weight would not pose a problem for the county in terms of impacting roads. However, he was curious about giving consideration to having language in the code that would allow the county to recoup the cost of repairs when they have roads that are damaged, through extraordinary use, and hauling heavy weights like that could be defined as extraordinary use. This could also apply to when the county has for-profit entities doing work within county road right-of-way.
- Mr. Reeder said he agrees with that because you just don't know.
- Mr. Shacker added that council has a commitment to supporting agriculture and this would enable more cost-efficient hauling.
- Mr. Shealy said the reality of it is they are going to use the roads anyway. Mr. Shacker said it would be nice to have the requirement in place and to be able to track it.
- Mr. Sease asked how it will be enforced if someone doesn't have a permit. Mr. Shacker said it would be on Newberry County to enforce. He added that it would be a case where Newberry County employees are asked to be vigilant.
- Mr. Hipp said, in his mind, that backtracks the proposal to charge someone if they are doing damage because how do you know who did the damage. He added that you have 10 vehicles go down a road one day and they're not weighed, who will you pick out and say you damaged this road.
- Mr. Shealy added that the only way you'd know if it is a hauler that uses the road every day and they are the

only one. Mr. Hipp said who will keep up with that, who will log it, weigh it, etc.

- Mr. Johnson said he thinks the repairs could be done not just by overweight haulers, but if they substantially damage the road because they have a lot of logging outfits that will rut out a county road and people cannot get to their homes.
- Mr. Hipp said they have asphalt roads in the county system and does the design cover 90,000 lbs. Mr. Shacker said he can double check that, but in the conversations with Mr. Pisano and Mr. Rowe, they said the roads can cover that.
- Mr. Shacker added that extraordinary use would be defined without a reference to weight, and it would come down to the use of heavy equipment or trucks.
 - Mr. Hipp asked if that is in place now, or newly applied. Mr. Shacker said it would be newly applied.
- Mr. Fulmer said some of the issues DOT ran into with this are similar to what other members of council pointed out. One of which was the design issue, most of the roads have a design factor weight exceeding 90,000 lbs. so they should be capable of handling it. That also gets you into a problem when there is damage done to a road, if you try and start pinpointing an entity, that entity comes back and says our trucks did not exceed 90,000 weight limit and then say the road was not up to spec. The other issue Mr. Fulmer mentioned was their lack of scales to verify the weight of the truck.
- Mr. Fulmer said it is a good concept and he agrees, and it makes sense but the implementation of it gets to be cumbersome.
- Mr. Shacker said on the recoupment side, the most frequent instance they'd be trying to recover cost would be work being done in the right-of-way, like street cuts.

- Mr. Johnson said he thinks at the end of the day, they are going to help the people who want to do the right thing, do the right thing. If you don't get the permit, won't be a whole lot they can do to enforce that.
- Mr. Shealy said he'd like the permit idea to go forward with replicating the DOT version.
- Mr. Fulmer said DOT's reasoning behind the permit gives DOT and the permit holder an opportunity to discuss potential problems.
- Mr. Hipp said if someone has a permit and is complying that is good, but if someone doesn't have a permit and does damage, they don't have a leg to stand on.
- Mr. Shacker asked council if they would like staff to go ahead and create the ordinance in terms of recoupment of damage for review. Council answered in the affirmative.

3. Executive Session:

a. Contractual Matter(s):

i. Discussion of matters related to real estate owned by Newberry County pursuant to SC Code of Laws Section 30-4-70(a)(2).

- Mr. Shealy made a motion to go into Executive Session; Mr. Sease provided the second and the motion was approved 7-0.
- Newberry County Council went into Executive Session at 5:17 p.m.
- Mr. Shealy made a motion to come out of Executive Session; Mr. Reeder provided the second and the motion was approved 7-0.
- Newberry County Council came out of Executive Session at 5:56 p.m. Mr. Johnson said there was no action taken.

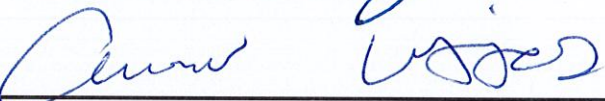
4. Adjournment.

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion was approved 7-0 at 5:57 p.m.

NEWBERRY COUNTY COUNCIL



Todd Johnson, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: May 15, 2024