

**REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS/ONLINE, NEWBERRY, SC
May 11, 2021 – 7:00 P.M.**

This month's City Council meeting was held using an online platform. Audience members had the option to visit <https://cityofnewberrysc.webex.com/cityofnewberrysc/onstage/g.php?MTID=e625d7d4d696b1ee640898b15dbe56305> on their computer, tablet or smart phone device to allow them to view the meeting

Members Present: Mayor Foster Senn, Councilmember R. LeMont Glasgow, Councilmember Edwin E. Wicker, Councilmember Carlton L. Kinard, Councilmember David T. Force, Councilmember Jackie Holmes, and Councilmember David E. DuBose

Also Present: City Manager Matt DeWitt, City Clerk Jeff Wicker, Chief Kevin Goodman, Director of Utilities Tim Baker, PRT Director Scott Sawyer, PRT Events Coordinator Mary Alex Kopp, Director of Public Works Mac Bartley, Newberry Opera House Executive Director Molly Fortune, City Attorney Robert Lake, virtual audience members

Media Present: Elyssa Haven

CALL TO ORDER:

Mayor Senn called the meeting to order at 7:02 p.m. and led in the Pledge of Allegiance. Councilmember Glasgow gave the invocation.

MINUTES:

Councilmember Glasgow made a motion, seconded by Councilmember Kinard to approve the minutes of the meetings of Newberry City Council held on April 13, April 21, May 4, and May 5, 2021 as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT:

City Manager DeWitt advised that members of City Council received a copy of the Financial Report and Financial Summary for the period ending April 30, 2021 and noted that the report would be attached to the minutes. City Manager DeWitt gave a summary of the financial report highlighting that when comparing units sold this month to April 2020, the City saw decreases in all systems attributable to the pandemic as hotels, schools and restaurants have decreased utility usage.

SPECIAL RECOGNITION: PMPA Scholarship Recipients

Mayor Senn recognized this year's PMPA scholarship recipients:

- Sydney Glasgow- Newberry High School
- London Huggins- Newberry Academy
- Alex Lin- Newberry Academy
- Philip Livingston- Newberry High School

SPECIAL RECOGNITION: **Utility Department Named Safety Award of Excellence Recipient**

The City of Newberry Utilities Department has earned the American Public Power Association's Safety Award of Excellence for safe operating practices in 2020. The utility earned the first-place award in the category for utilities with 15,000-29,999 worker-hours of annual worker exposure.

SPECIAL RECOGNITION: **City Council Named to MASC's Municipal Elected Officials Institute of Government 2021 Honor Roll**

The City of Newberry has been recognized by the Municipal Association of South Carolina as an honoree on the Municipal Elected Officials Institute of Government's Honor Roll. They join the ranks of 15 other cities and towns across the state with this achievement. There are 270 municipalities in the state, meaning only 5.5% of state municipalities received this recognition.

SPECIAL RECOGNITION: **PRT Director Scott Sawyer Inducted into Horseshoe Tour Hall of Fame**

In recognition of his outstanding contributions to the Tour in tournament hosting, sponsorship, and service, the Horseshoe Tour inducted PRT Director Scott Sawyer into their Hall of Fame April 16, 2021. Previously, the only way to be inducted was to earn points through pitching in tournaments. Scott is the only non-pitcher/participant in the Hall of Fame. Newberry has hosted a Tour event every year since it was created in 2009. No other site has done that.

UPDATE: **Newberry Recreation Update**

Parks, Recreation and Tourism Director Scott Sawyer provided an update for Council on the Newberry Recreation Complex and other Parks, Recreation and Tourism endeavors, highlighting that construction on the concession/bathroom/scorers building is complete. Sidewalks to the building are in progress. Landscaping continues on the perimeter of the ping pong and pickleball pads, and the large ballfield will hopefully be ready for play this year.

Construction of the Wise Street Park Trail is complete. Benches have arrived and will be installed.

Ponds at Wells Japanese Gardens have excavated and are waiting to dry out before being reinforced.

Construction has started on a new bathroom at Marion Davis Park.

ANNOUNCEMENT: **Newberry Named Tree City USA 2020 Recipient**

The City of Newberry was named a 2020 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management. Newberry achieved this recognition by meeting the program's four requirements: a tree board or department, a tree care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation. Newberry is one of more than 3,600 Tree City USA communities, with a combined population of 155 million.

PUBLIC HEARING:

**Public Hearing on Ordinance #2021-1007 to Amend the
Zoning Map for TMS# 342-2-3-14 at 2639 Preston Street**

Mayor Senn convened a public hearing for the purpose of receiving comments concerning ordinance #2021-1007 to amend the zoning map for TMS# 342-2-3-14 at 2639 Preston Street.

No one submitted comments in favor of ordinance #2021-1007. No one submitted comments in opposition of ordinance #2021-1007.

Mayor Senn declared the public hearing closed.

OLD BUSINESS:

**Second and Final Reading of Ordinance #2021-1007 to
Amend the Zoning Map for TMS# 342-2-3-14 at 2639 Preston
Street**

The proposed assignment of zoning classification and future land use and Zoning Map amendment is the result of the owner's petition to reclassify parcels from GC – General Commercial to R8- Residential. The owner has the property for sale and all potential buyers are seeking it for residential purposes. The Newberry Planning Commission recommended a zoning classification of R8 – Residential for the zoning and future land use maps. Per Article 10.02, the landowner will have to install buffer yards of six trees per linear 100 feet or 18 shrubs per linear 100 feet to get the parcel to code after the rezoning.

Councilmember Kinard made a motion, seconded by Councilmember Wicker to approve second and final reading of ordinance 2021-1007. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

OLD BUSINESS:

**Second and Final Reading of Ordinance #2021-1008 to Repeal
and Replace Article 1 of Chapter 10, Pertaining to
Occupational Licenses, Taxes and Regulations**

Complying with the SC Business License Tax Standardization Act, this ordinance repeals the existing license ordinance and replaces it with the revised, standardized model business license ordinance. This ordinance will be effective for the business license year beginning May 1, 2022.

Councilmember Holmes made a motion, seconded by Councilmember Kinard to approve second and final reading of ordinance 2021-1008. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

**First Reading of Ordinance #2021-1011 to Amend Utility
Rates as Established in Ordinance #2020-1023**

Council established utility rates for FY21 in ordinance 2020-1009, which established the FY21 budget, and ordinance 2020-1023, which ratified the budget and amended utility rates. As part of the city's bond covenant, staff is requesting the following 5-year structure:

| | New Proposed Rate | New Proposed Rate | New Proposed Rate |
|-------------|------------------------------|------------------------------|------------------------------|
| Year | Water Increase | Sewer Increase | Electric Increase |
| FY2022 | 2.5% | 1.25% | 0% |
| FY2023 | 2.5% | 1.25% | 0% |
| FY2024 | 2.5% | 1.25% | 1% |
| FY2025 | 2.5% | 1.25% | 0% |
| FY2026 | 2.5% | 1.25% | 0% |

These rate increases are needed to enable the water and sewer systems to pay for their respective portions of the bond issue debt as well as position both systems to enable and maintain anticipated inflationary increases in the future. As such, staff is requesting to amend the prior rate with the new rate structure listed above. A public hearing will be held June 8, 2021.

Councilmember Glasgow made a motion, seconded by Councilmember Holmes to approve first reading of ordinance #2021-1011. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

**Approval of Ordinance #2021-1012 to Temporarily Suspend the
Normal Operating Procedures and to Provide for Emergency
Procedures Applicable to Public Meetings During the Continuance
of Such Emergencies**

In March, City Council passed an emergency ordinance update temporarily suspending normal operating procedures of City of Newberry public meetings. This allowed the Mayor, Council members and City Boards and Commissions to remotely participate in voting and operations procedures by telephone or other means of electronic communication provided that they comply with the provisions of the South Carolina Freedom of Information Act.

Enacted due to the circumstancing the city faces in combating the spread of COVID-19, the ordinance will expire and will need to be revisited by Council if they wish to continue the suspension of normal operating procedures.

This ordinance only requires one reading and shall expire automatically as of the sixty-first day following the date of enactment, which is July 13, 2021.

Councilmember Glasgow made a motion, seconded by Councilmember Holmes to approve first and final reading of ordinance #2021-1012. Mayor Senn declared the motion carried following a 6-1 vote of the Council members present, with Councilmember Force voting against.

NEW BUSINESS: **Approval of Ordinance #2021-1013 to Amend Ordinance #2021-1010 Requiring Individuals to Wear Face Coverings in Certain Circumstances and Matters Related so as to Extend its Duration.**

Based on Gov. McMaster's executive order earlier in the day, and on the advice of City Attorney Robert Lake, council determined the proposed ordinance could not be enforced if enacted. Thus, council did not take up first reading ordinance 2021-1013.

NEW BUSINESS: **Authorization to Allow City of Newberry Police Department to Execute Mutual Aid Agreements with Surrounding Law Enforcement Departments**

Chief of Police Kevin Goodman submitted proposed mutual aid agreements for council's consideration. Mayor Senn presented agreements between the City of Newberry Police Department and the following agencies:

1. Town of Prosperity Police Department
2. Fairfield County Sherriff's Office
3. Newberry County Sherriff's Office
4. Saluda County Sherriff's Office
5. Whitmire Police Department

Councilmember Holmes made a motion, seconded by Councilmember Wicker to approve the mutual aid agreements. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS: **Consideration of an Outside Water Request for a Property (TMS 399-165) Located on Adelaide Street**

Mayor Senn indicated that the property owner of TMS 399-165 located on Adelaide Street submitted a request to receive out-of-city water service. The owner has agreed to execute an annexation covenant indicating a willingness to annex the property if Council determines it is in the best interest of the City to annex the property. This property is not located adjacent to an existing water line, so a bore will be required. The customer will pay for the bore and outside tap connection.

Councilmember Wicker made a motion, seconded by Councilmember Kinard to table the request and revisit at the June 8, 2021 meeting. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

**Consideration of an Authorization to Allow Alcohol in
Designated Areas of the Main Street Shop and Dine Nights**

Main Street Shop & Dine Nights are the monthly first Friday promotional nights for the downtown district. The monthly event takes place from 4pm to 9pm when Main Street is closed to vehicular traffic and open to pedestrians only.

The Newberry Parks, Recreation, and Tourism Department requested permission to allow beer and wine ONLY, served and sold from inside downtown businesses with a current alcohol license ONLY, using plastic cups to be no larger than 16 ounces, to be taken from said businesses into the outdoor event area. This would allow for event patrons to travel the event area with an alcoholic beverage of beer or wine only, by foot, if they are carrying the allowed beverage in a plastic cup. Liquor consumption is NOT to be permitted in the event area.

The event area includes Main Street from Nance to Holman Street ONLY.

PRT staff requested approval of Council to allow alcoholic beverages to be within the event area as described above in conjunction with the Main Street Shop & Dine event nights for June 4, July 2, and August 6, from 4pm to 9pm.

Councilmember Glasgow made a motion, seconded by Councilmember Force to approve the request by Newberry PRT. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

**Consideration of an Authorization to Allow Alcohol in
Designated Event Area for Juneteenth Celebration on June
19, 2021**

PRT staff requested approval of Council to allow alcoholic beverages to be within the event area as described below in conjunction with the Newberry Juneteenth, on June 19, from 10am to 3pm, ONLY.

The Newberry Parks, Recreation, and Tourism Department requested permission to allow beer and wine ONLY, served and sold by approved event vendors ONLY, using plastic cups to be no larger than 16 ounces, to be taken from said vendors into the event area. This would allow for event patrons to travel the event area with an alcoholic beverage of beer or wine only, by foot, if they are carrying the allowed beverage in a plastic cup. Event patrons will be carded and an over 21 wristbands provided to them by the approved event vendors. Liquor consumption is NOT to be permitted in the event area.

The event area includes Main Street from Nance to Holman Street, McKibben Street from Main to Boyce Street, Caldwell Street from Friend to Boyce Street, Boyce Street from College to Nance Street, and the Newberry County Courthouse Parking Lot.

Councilmember Kinard made a motion, seconded by Councilmember Holmes to approve the request by Newberry PRT. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

**Consideration of an Authorization to Allow Alcohol in
Designated Event Area for Swinging Medallions Outdoor
Concert on June 12, 2021**

The Newberry Opera House Foundation requested permission to allow alcoholic beer and wine, served by designated event venue staff, using plastic cups for the wine and beer, as part of their Outdoor Concert "Rock the Tower" event on June 12, 2021, from 6:00-9:30 pm.

The event will be held on the grassy section of the City property bounded by Nance, Trench, Caldwell Street. All guests would have a wrist band to identify themselves as ticket holders and 21 and over. No beverages will be allowed outside of the set perimeter of the function.

Councilmember Wicker made a motion, seconded by Councilmember Glasgow to approve the request by the Newberry Opera House Foundation. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

Proclamation Designating May as Older Americans Month

Mayor Senn issued a proclamation designating May as Older Americans Month.

EXECUTIVE SESSION

Councilmember Wicker made a motion to enter Executive Session for the purpose of a discussion of matters as outlined in the agenda. Councilmember Force seconded and Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

There was a call of the chair (Mayor Senn) to return to open session. With no objections, council entered open session.

10A- Discussion Related to Property Acquisition

Information was received and no action was taken.

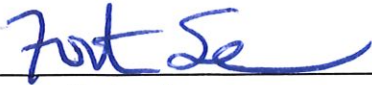
10B- Personnel Issue Related to City Employees

Information was received and no action was taken.

ADJOURNMENT

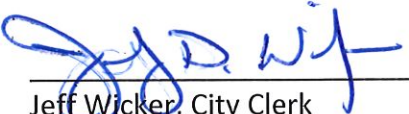
There being no further business before City Council, Councilmember Wicker made a motion to adjourn the meeting at 9:23 P.M. Councilmember Glasgow seconded and Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

Newberry City Council Minutes
May 11, 2021



Foster Senn
MAYOR

ATTEST:



Jeff Wicker, City Clerk
Newberry, South Carolina

