

**REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, NEWBERRY, SC
November 9, 2021 – 7:00 P.M.**

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 of Police Kevin Goodman, Director of Utilities Tim Baker, Assistant Director of Utilities David Eldridge, PRT Director Scott Sawyer, Fire Chief Keith Minick, HR Director Jana Boice, Tourism and Events Director Bridget Carey, audience members

Media Present: Andy Husk

CALL TO ORDER:

Mayor Senn called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance. Councilmember Glasgow gave the invocation.

MINUTES:

Councilmember Glasgow made a motion, seconded by Councilmember Holmes to approve the minutes of the meetings of Newberry City Council held on October 12, 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 October 31, 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 October 2020, the City saw a decrease in water and sewer units sold, while electric units were flat. He noted the city received \$138,238 from the CDBG grant for demolition and \$149,439 in CTC funds for the Main Street patching project. Mr. DeWitt informed council local hospitality and accommodation tax revenues continued their recent run of all-time highs. Finally, he informed council that the City of Newberry was planning premium pay for city employees that continued to work from April 2021-April 2022. American Rescue Plan funds would be used to reward employees that worked through COVID to ensure city services were delivered to citizens. Council requested more information on the tier qualifications and payouts.

ANNOUNCEMENT:

**City of Newberry Selected as the South Carolina Municipal
Insurance and Risk Financing Fund Risk Management Award
Winner for 2021**

The City of Newberry was selected as the South Carolina Municipal Insurance and Risk Financing Fund Risk Management Award (over 150 full and part-time employees) winner for 2021. The City of Newberry continues to successfully reduce the frequency and severity of losses.

The competition criterion consisted of member experience modifier and gross (uncapped) loss ratio. The member with the lowest overall score wins.

The top finishers in each division were recognized earlier today at the Risk Management Services Annual Members Meeting, will be featured in Risk Letter, will receive engraved plaques, and receive a \$2,500 monetary award. City Manager Matt DeWitt and HR Director Jana Boice were on hand to accept the award on behalf of the city.

ANNOUNCEMENT: **Proclamation for Arbor Day**

Mayor Senn issued a proclamation naming Friday, December 3 as Arbor Day in the City of Newberry. He noted this year's Arbor Day celebration would take place on December 3, 2021, at Gallman Elementary School. Details will be shared with the public once finalized.

UPDATE: **Main Street Lights Update**

Tourism and Events Manager Bridget Carey was in attendance to provide the update to council. She noted the Christmas tree arrives downtown Tuesday, November 16th from Avery Farms in North Carolina. By Design, SC will decorate the tree and downtown, in cooperation with public works.

Mrs. Carey announced the addition of Christmas ornaments to the tree this year. Five different designs in red, gold, and royal blue will adorn the 20-foot tree. Main Street lights will take place Friday, November 19th from 6-9 pm.

The Victorian Society will be singing before and after the tree lighting. They will break off into groups and stroll down Main Street and continue to serenade the public. Newberry College Madrigal Singers will be performing at the tree lighting.

Snow will fall will take place in Memorial Park in addition to the tree lighting, and on Dec. 3, 10, 17. In addition to snow in December, Santa will make his tour of Newberry on Dec. 3, 10, and 17 in a fire truck, ending his tour at Memorial Park where he will then be available for pictures.

As a special treat, after the tree lighting, the Newberry Opera House will have Spanish Brass performing at 6:30 pm (soon after the tree lighting) under the awning adjacent to Memorial Park, adding to the holiday atmosphere of Main Street lights.

2021 Community Christmas Co-Chairs James and Christina Henricks were also in attendance. James thanked all the sponsors that make the event possible and noted how important it is for families to have the option to experience a local, downtown Christmas event.

ANNOUNCEMENT: **Good News and Correspondence**

Mayor Senn shared good news and correspondence from around the City of Newberry. He highlighted a note received for work done by the fire department's A Company, in which they responded to a call and took the time to install smoke and carbon dioxide detectors in the residence. He noted correspondence

Newberry City Council Minutes
November 9, 2021

for an out-of-town guest that was visiting for a funeral, praising the police department for continuing to service as escorts for funerals. He thanked the department for their professionalism and courtesy.

Mayor Senn went on to share another note received from a citizen, in which Utility Locator Ben Hughes went above and beyond to assist an elderly resident in burying their beloved pet that had just passed. He noted a communication received thanking Bike Baby for assisting a bicyclist who was riding from the upstate to attend their son's US Marine Corps boot camp graduation on Paris Island. He shared praise for city staff from Jamie Smith after a successful Shriner's Weekend, and also noted the Newberry Academy volleyball team recently secured a second state championship in as many years.

Mayor Senn continued by recognizing WKDK's 75th anniversary and noting the display in the Newberry Observer. He recognized PRT's efforts in hosting all upcoming recreation baseball play, after city, county and YMCA leaders decided to play as one league, and he also shared a note from Clint Ott praising city parks.

NEW BUSINESS: **Council Approval to Encumber Wise Street Park with a Declaration of Restrictive Covenants**

The City was awarded a Land and Water Conservation Fund grant for improvements to Wise Street Park. It was noted during the fiscal briefing with South Carolina Parks Recreation and Tourism that the Wise Street Park deed does not have the necessary language to restrict use of the land.

The Declaration of Restrictive Covenants states, "It is now the intent of the City of Newberry, S.C. to encumber and subject the above-described property to the following restrictive covenants and conditions:

1. This property has been acquired or developed with the Federal Financial Assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C., Section 4601-5 et seq. (1970 ed). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing Comprehensive Statewide Outdoor Recreation Plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

Councilmember Kinard made a motion, seconded by Councilmember Wicker to approve the encumbrance of Wise Street Park with a declaration of restrictive covenants. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS: **Approval of the FY2022-2023 Budget Calendar**

Newberry City Council Minutes
November 9, 2021

City staff proposed that Council begin review of the budget on May 4, 2022, and continue on evenings of May 5 and May 10 if needed. The work sessions are suggested to start at 6:00 p.m. and a light meal will be provided. It is also recommended that the Regular Council Meeting remain at its normal time and date of May 10 at 7:00 p.m. If needed, the May 10 work session would follow the regular council meeting.

Councilmember Glasgow made a motion, seconded by Councilmember Holmes to approve the FY2022-23 Budget Calendar as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

NEW BUSINESS: **Approval of the 2022 Regular Council Meetings and Work Session Dates**

The regular meetings of city council will be held on the second Tuesday of each month in 2022 at 7 p.m., with the exceptions of June 7 and September 6. The second reading of FY2021-2022 budget will be held on June 21, 2021, at 6 p.m. A work session will be held on May 4 at 6 p.m. and again on the nights of May 5 and May 10, if needed.

Councilmember Holmes made a motion, seconded by Councilmember DuBose to approve the 2022 regular council meetings and work session dates as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

NEW BUSINESS: **Approval of the 2022 Jury List**

South Carolina State law requires City Council to annually approve the jury list for the City of Newberry Municipal Court. Enclosed, please find a letter from Deana Linowski, Clerk of Court, indicating that the jury list has been ordered from the South Carolina Election Commission. The jury list consists of the registered voters within the city limits of the City of Newberry and is provided in electronic format. City staff respectfully recommends that City Council approve the above-described jury list for use during the 2022 calendar year.

Mayor Senn made a motion, seconded by Councilmember DuBose to approve the current Voter Registration List as the Jury List for the Newberry Municipal Court in 2022. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

NEW BUSINESS: **First Reading of Ordinance #2021-1017 to Amend the Zoning Ordinance to Remove the Prohibition of Illumination of Digital Signs from 11:00 p.m. until Sunrise**

Ordinance #2021-1017 would remove the prohibition of illumination of digital signs from 11:00 pm until sunrise. This ordinance would amend Section 907.7 of the Zoning Ordinance to read:

“In addition to any other standard in this Ordinance, digital signs must meet all of the following requirements:

Newberry City Council Minutes
November 9, 2021

- A) The digital sign may not contain any form of animation and must remain static for at least eight (8) seconds with a transition time of no greater than two seconds.
- B) The digital sign may not be located within five hundred (500) feet of a residential area.
- C) From sunset until sunrise, the dimmer for digital signs, displays and devices shall not be set to exceed 342 nits in full white mode for signs that are smaller than 672 square feet in area and 300 nits in full white mode for signs that are equal to or larger than 672 square feet in area.
- D) Digital signs, displays and devices shall be equipped with an automatic device to ensure compliance with the requirements of 907.7, except for signs displaying amber alerts and other governmental emergencies. The automatic device shall have the ability to dim display through a photoelectric sensor that detects ambient light levels and adjusts the display intensity automatically to ensure maximum nit levels are enforced.
- E) Owner of any outdoor advertising that wants to convert an existing sign to a digital sign must apply for a permit with the Planning and Zoning Department following the procedures set forth in this Ordinance."

A public hearing and second reading will take place Tuesday, December 14.

Councilmember Holmes made a motion, seconded by Councilmember Wicker to approve first reading of ordinance 2021-1017. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS:

**First Reading of Ordinance #2021-1018 to Annex Certain
Areas (TMS 397-1-2-37) Contiguous to the City Limits into the
City of Newberry**

City staff received an annexation petition from Kenneth W. Harrell to annex a property (Tax Map # 397-1-2-37) totaling .991 acres, more or less, fronting Chapman Drive. Currently, the land contains a single-family residence.

Property Description: (Tax Map # 397-1-2-37)

All that certain piece, parcel or tract of land, together with any improvements thereon, situate, lying and being in the State of South Carolina, County of Newberry, containing 0.991 acres, more or less, known as 1407 Chapman Drive, Newberry, SC 29108, and being more particularly shown on a plat prepared by Hugh F. Longshore, dated April 21, 1999, and recorded April 30, 1999, in the office of the Clerk of Court for Newberry County in Plat Book B-138, at page 7, said plat being incorporated herein by reference.

Parcel 397-1-2-37 was conveyed to Kenneth W. Harrell by deed of David S. Schmelter recorded December 27, 2018, in Deed Book 2092 at Page 279.

Newberry City Council Minutes
November 9, 2021

Second reading will take place Tuesday, December 14.

Councilmember Glasgow made a motion, seconded by Councilmember DuBose to approve first reading of ordinance 2021-1018. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS: **First Reading of Ordinance #2021-1019 to Assign a Zoning Classification and Amend the Zoning and Future Land Use Map for TMS# 397-1-2-37 Located at 1407 Chapman Drive**

The proposed assignment of zoning classification and future land use and Zoning Map amendment is the result of the owner's petition to reclassify parcel 397-1-2-37 upon annexation into the city limits. The parcels intended purpose would allow for low density residential use.

The Newberry Planning Commission recommended a zoning classification of R-10 Residential and to amend the zoning and future land use maps.

A public hearing and second reading will take place Tuesday, December 14.

Councilmember Wicker made a motion, seconded by Councilmember Force to approve first reading of ordinance 2021-1019. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS: **First Reading of Ordinance #2021-1020 to Authorize the Lease Purchase of an Automated Side-Loader Truck**

Ordinance 2021-1020 would authorize city staff to enter into a lease-purchase finance agreement to finance the purchase of a side-loader truck. The principal amount of the agreement is not to exceed \$298,920.

The City Finance Director solicited proposals from financial institutions for the provision of such financing, and Truist Bank (the "Lender") provided the proposal most advantageous to the City, at an interest rate of 1.07% for a term not exceeding three years.

The Agreement shall be subject to appropriation of funds on an annual basis by the City. In the event of non-appropriation, the agreement will terminate on the last day of the fiscal year for which appropriation has been made and no debt shall accrue to the City subsequent thereto.

Second reading will take place Tuesday, December 14.

City Manager DeWitt noted the average lifespan of one of these vehicles is five years. The plan is to move the current side-loader to a backup role, and to sell the current backup. Councilmember Glasgow asked city staff to explore more liquidation methods than just GovBids to ensure we're getting top market value for assets that are being sold off.

Newberry City Council Minutes
November 9, 2021

Councilmember DuBose made a motion, seconded by Councilmember Holmes to approve first reading of ordinance 2021-1020. 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 288-24) Located at 907 Kendall Road**

Mayor Senn indicated that the property owner of 907 Kendall Road submitted a request to receive out-of-city water and sewer 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. No bore is required, but the owner will pay a \$1,200 sewer tap fee in addition to the \$1,400 outside water tap fee.

Councilmember Wicker made a motion, seconded by Councilmember Kinard to allow out-of-city water and sewer service for 907 Kendall Road. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS: **Consideration of a Resolution to Add a Color to the
Architectural Review Board's Color Palette**

At the October 21, 2021, meeting of the Architectural Review Board, the owner of 1109 Caldwell Street requested painting the trim a Sherwin Williams color of SW2847 Roycroft Bottle Green. This color is not on the Council approved color palette and is only being recommended as a trim color.

Councilmember Kinard made a motion, seconded by Councilmember Holmes to add Sherwin Williams SW2847 Roycroft Bottle Green as trim color to the Architectural Review Board's color palette. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

NEW BUSINESS: **Recreation and Capital Project Sales Tax Discussion**

Mayor Senn opened the discussion by praising PRT Director Sawyer and his staff for the work done at Wells Japanese Garden.

Mayor Senn then discussed council's trip to the Newberry Recreation Complex on November 2, in which they were able to review and visualize recommendations made in a conceptual master plan developed by Dr. Bob Brookover. He noted items in the budget that can be accomplished this fiscal year: finish and polish around concession/scorer/bathroom building and out to far end of the dugout pads, fitness equipment, entrance gate, signage, batting cages, sand volleyball courts, shade structures, grass and landscaping, a feature roundabout, netting for backstops, and a butterfly garden. Council recommended pausing the sand volleyball courts and roundabout to allow for more planning of the entire complex.

Next, council went through the remaining recommendations in Dr. Brookover's plan and prioritized 11 items they'd like to see most:

1. Expansion of the splash pad
2. Miracle field

Newberry City Council Minutes
November 9, 2021

3. Multiuse cabin, parking, and road access
4. Improvements around Hidden Lake, including a fishing dock and an aerator
5. Research a third-party operator for a zip line course
6. Paved walking trail and improvements around the retention pond
7. Arboretum
8. Additional shelters
9. Skateboard park
10. Playground additions
11. Frisbee golf

Other items of interest in Dr. Brookover's plan included a concrete service road, maintenance buildings, bathrooms, and additional complex parking. Council identified an RV park, a primitive camping site, and mountain bike trails as items of the lowest interest at the moment.

Mayor Senn reiterated to council that the Drayton Street bridge was the city owned bridge most in need of replacement, adding that the bridge replacement was estimated to be \$1.5 million. City Manager DeWitt informed council that the City of Newberry has applied for a grant for bridges, but that a timeframe was not currently available.

Mayor Senn also reminded council that the Newberry Opera House Board is still exploring options for a downtown amphitheater and that it may also be under future consideration as a submission.

Councilmember Kinard made a motion, seconded by Councilmember Force to submit 2022 Capital Project Sales Tax notices of intent to submit to Newberry County for the Newberry Recreation Complex and the Drayton Street bridge. Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

EXECUTIVE SESSION

Councilmember Holmes made a motion to enter Executive Session for the purpose of a discussion of matters as outlined in the agenda. Councilmember DuBose 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.

7A- Discussion of a Contractual Matter Related to Real Estate

Information was received and no action was taken.

7B- Discussion Related to Property Acquisition

Information was received and no action was taken.

7C- Discussion Related to One Appointment to the Planning Commission

8A- One Appointment to the Planning Commission

Newberry City Council Minutes
November 9, 2021

Councilmember Glasgow made a motion to reappoint Mark Scott to the Planning Commission. Councilmember Holmes seconded, and Mayor Senn declared the motion carried following a unanimous vote of the Council members present.

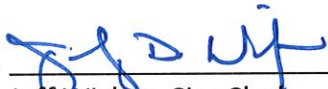
ADJOURNMENT

There being no further business before City Council, Councilmember DuBose made a motion to adjourn the meeting at 9:27 P.M. Councilmember Wicker seconded, and Mayor Senn declared the motion carried following a unanimous vote of the Council members present.



Foster Senn
MAYOR

ATTEST:



Jeff Wicker, City Clerk
Newberry, South Carolina

