

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
July 14, 2009 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. LeMont Glasgow, Foster Senn, Zebbie D. Goude-lock, Thomas Louis Boyd, David E. DuBose. Member Absent: Gregg Summer

Also Present: City Manager Eric G. Budds, Assistant City Manager Jeff Shacker, City Clerk Tina P. Wicker, City Planner Doug Currier. Others Present: Greg Taylor, Deborah Smith, Phillip Astwood, Deborah Shaw, Tony Chapman, Kathy Dennis, Polly Davis, Barbara Miller, David Dorroh, Sam Price, Gordon Henry, Stuart Smith, Ben Dukes, Randy Malloy, Robert Lake, Frances Abrams, Ben Bowers, Gary Roberts, Henry Summer, Mick Zais, Kay Banks, Josh Barnes, Susan Hurley, Teddy Bonds, Representative Walt McLeod and others. News representatives: Jimmy Coggins, Holly Astwood.

CALL TO ORDER

Mayor Kyzer called the meeting to order and Councilman Glasgow gave the invocation.

MINUTES

Councilman Goude-lock made a motion, seconded by Councilman Boyd, to approve the minutes of the regular meeting of Newberry City Council held on June 9, 2009 as presented and to approve the minutes of the special meeting of Newberry City Council held on June 16, 2009 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer reported that members of City Council had been provided with a copy of the Financial Report for the period ending June 30, 2009 which provides preliminary year-end results. Mayor Kyzer acknowledged that the City had experienced a good year financially despite the current economic conditions with a modest contribution to fund balance expected and commended the City staff for its diligence in financial matters. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEE

Mayor Kyzer and City Manager Budds recognized Greg Taylor, Fire Engineer, for his five years of service. He received a longevity pin and gift from the City.

PUBLIC HEARING:

**Renaming the C-1 Zoning District; Establishing
the Campus Main (CM) Zoning District;
Providing for other Permitted and Special
Exception Uses**

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the proposed Ordinance to amend the City's Zoning Ordinance to rename the C-1 Zoning District; establish the Campus Main (CM) Zoning District and provide for other Permitted and Special Exception Uses.

Dr. Mick Zais, President of Newberry College, addressed City Council speaking in favor of the proposed zoning changes indicating that he felt the changes would give the College better order and discipline over students and their activities.

Mr. Henry Summer spoke in opposition to the proposed zoning changes in that the College should not infringe upon the neighboring residents and that future leadership at the College may not be willing to work with the community on the same level as the current administration. He indicated that he thought the changes would make it easier for the College to acquire property for parking lots and mentioned the effect paved parking lots would have on the flooding of Scotts Creek.

Mr. Tony Chapman voiced concerns about run-off from the development of property by Newberry College and the behavior of the students both off-campus and on-campus.

Mr. Teddy Bonds indicated that he was concerned about the College acquiring property in the vicinity of Speers Street School as well as the behavior of the students and their lack of respect for authority. He also expressed concerns about safety issues related to student activities.

Dr. Zais responded that the property at Speer Street School, if acquired, would be used for a practice field.

Mrs. Frances Abrams indicated that her mother lived on Wheeler Street and currently experienced problems with run-off from Luther Street. She was concerned about the potential for increased problems as development occurs at the College and about other developers being granted rights and privileges similar to what Newberry College was seeking.

Mr. David Dorroh who resides on Fair Street expressed concern that Newberry College could move forward with its development by simply going before the Planning Commission each time a change was needed instead of granting the College carte blanche by making these wholesale changes. He indicated he felt the College was being granted too much leeway.

Mayor Kyzer declared the public hearing closed at the end of comments.

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In response to an inquiry about the next steps in this process, City Manager Budds stated that the matter had reached a point where an Ordinance Summons would be issued and Mr. Astwood would be required to appear in Municipal Court.

ORDINANCE (#2009-1007): **Zoning Ordinance Amendments – Renaming the C-1 Zoning District; establishing the Campus Main (CM) Zoning District and providing for other Permitted and Special Exceptions – First Reading**

Mayor Kyzer presented for first reading an Ordinance amending the text of the Zoning Ordinance of the City of Newberry renaming the C-1 Zoning District; establishing the Campus Main (CM) Zoning District and providing for other Permitted and Special Exception uses.

Councilman Senn made a motion, seconded by Councilman Goudeock, to approve first reading of the Ordinance as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2009-1008): **Zoning Ordinance Amendment – Creation of Campus Transition Overlay (CTO) Zoning District – First Reading**

Mayor Kyzer submitted for first reading an Ordinance to amend the text of the Zoning Ordinance of the City of Newberry creating the Campus Transition Overlay (CTO) Zoning District.

Councilman DuBose expressed concerns about the CTO Zoning District and applying an overlay onto property not owned by the College indicating he felt property owners should have the right to opt in or opt out of the Campus Transition Overlay. He also mentioned concerns with the proposal allowing the structures to be within close proximity of the property line and felt a buffer would be needed. He felt that the College should not have the right to demolish structures within the zoning district and said these and several other items should be referred back to the Planning Commission for further discussion.

Councilman DuBose made a motion, seconded by Councilman Senn, to table action on this Ordinance and refer the matter back to the Planning Commission. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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ORDINANCE (#2009-1009):

**Zoning Map Amendment – Establishing the
Campus Transition Overlay (CTO) Zoning
District Boundaries – First Reading**

Mayor Kyzer introduced for first reading an Ordinance to amend the Zoning Map of the City of Newberry establishing the initial Campus Transition Overlay (CTO) Zoning District Boundaries.

Councilman DuBose made a motion, seconded by Councilman Senn, to table action on this Ordinance and refer the matter back to the Planning Commission. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

UTILITIES:

Water Service – Oakland Mill

Mayor Kyzer reminded members of City Council that West Development is proposing to rehabilitate the Oakland Mill building and convert it into market rate and college housing. He explained that the building is currently served by a three-inch water tap billed at outside the City rates with a minimum monthly bill of \$314 for water and \$508 for sewer service. He noted that the developer intends to master meter the building for water and sewer service utilizing the three-inch meter after completion of the rehabilitation project. He stated that during the construction phase there will be very little water used and the developer has requested relief from the high minimum monthly bill associated with the three-inch meter.

Mayor Kyzer indicated that the City Manager had approved temporarily charging a minimum equivalent to a five-eighths inch out-of-City commercial tap subject to City Council's ratification. He said that the staff did not believe requiring the installation of a five-eighths inch meter solely for construction made sense.

Councilman Goudelock made a motion, seconded by Councilman Boyd, to ratify the City Manager's action and bill the developer a minimum bill equivalent to a five-eighths inch out-of-City tap for water and sewer service through the duration of the construction period. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2009-1010):

**Lease Agreement – Newberry Dove Club – First
Reading**

Mayor Kyzer offered for first reading an Ordinance authorizing the execution of a Lease Agreement with the Newberry Dove Club for approximately 13.5 acres of land adjoining the City's Bush River Waste Treatment Plant on S. C. Highway 34/121. He explained that the lease would be for a three year period and could be terminated by either party with thirty (30) days notice.

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Councilman Goudelock made a motion, seconded by Councilman Boyd, to approve first reading of the Ordinance as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

EXECUTIVE SESSION

Councilman Glasgow made a motion, seconded by Councilman Goudelock, to enter an Executive Session to discuss personnel and contractual matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Goudelock made a motion, seconded by Councilman Boyd, to return to open session at approximately 9:08 P.M. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

ADJOURNMENT

There being no further business before City Council, Councilman Goudelock made a motion to adjourn the meeting at approximately 9:08 P.M. Councilman Glasgow seconded the motion which was carried by a unanimous vote of City Council members present.

T. Edward Kyzer
MAYOR

ATTEST:

Tina P. Wicker, City Clerk
Newberry, South Carolina

(SEAL)