

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
SEPTEMBER 8, 2009 – 7:00 P.M.**

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

Also Present: City Manager Eric G. Budds, Assistant City Manager Jeff Shacker, City Clerk Tina P. Wicker, City Planner Doug Currier, Utility Director Fred Yandle, Fire Chief Keith Minick, Public Works Director Arnold Hiller. Others Present: Ben Bowers, Glenn Adams, Ben Dukes, Jerry Summer, Jeff Wicker, Laurie Wicker, Robin Hazel, George Routon, Henry Summer, Mary Jane Smith, Jamie Smith, Polly Davis, Bonnie Lyon, Barbara Franklin, Carl Horne, Manning Dukes, Tim Swygert, Stuart Smith, Blake Davis, Deborah Shaw, Mick Zais, Billye West, Cile Hursey, Danielle Shull, Jeremy Oropeza, June Seymore and others News representatives: Heather Hawkins, Brice Zimmerman, Holly Astwood.

CALL TO ORDER

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

MINUTES

Councilman Goudelock made a motion, seconded by Councilman Boyd, to approve the minutes of the regular meeting of Newberry City Council held on August 11, 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 a copy of the Financial Report for the period ending August 31, 2009. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes.

CITIZEN REQUEST:

Newberry Community Players Update

Heather Hawkins appeared on behalf of the Newberry Community Players to provide an update on programs planned for the 2009 – 2010 season. She reviewed the productions and several members of the Newberry Community Players provided brief overviews of the plays. She also presented information on a plan to begin exploring options for the building.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized Ben Bowers, Fire Engineer, and Glenn Adams, Water Plant Operator B, for five years of service. They also recognized Ben Dukes, Fire Engineer, for ten years of service and Jerry Summer, Wastewater Treatment Plant Operator A, along with Jeff Wicker, Heavy Equipment Operator in the Public Works Department, for their twenty years of services. Each employee received a longevity pin and gift.

**Minutes of the Regular Meeting of Newberry City Council
September 8, 2009
Page -2-**

ORDINANCE (#2009-1008):

**Zoning Ordinance Amendment – Creation of
Campus Transition Overlay (CTO) Zoning
District – Second and Final Reading**

Mayor Kyzer submitted for second and final reading an Ordinance (#2009-1008) to amend the text of the Zoning Ordinance of the City of Newberry creating the Campus Transition Overlay (CTO) Zoning District.

Councilman DuBose made a motion to amend the text to require setbacks where the CTO boundary adjoined residential property, proposing the setbacks be 25 feet for one-story structure, 50 feet for two-story structure and 75 feet for three-story structure. There was no second to the motion.

Councilman Senn made a motion, seconded by Councilman Glasgow, to adopt the Ordinance as presented. Voting “Aye” on the motion: Glasgow, Senn, Goudelock, Summer, Boyd and Kyzer. Voting “Nay” on the motion: Dubose. Mayor Kyzer declared the motion carried following a six-to-one vote of City Council members present.

ORDINANCE (#2009-1009):

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

Mayor Kyzer introduced for second and final reading an Ordinance (#2009-1009) to amend the Zoning Map of the City of Newberry establishing the initial Campus Transition Overlay (CTO) Zoning District Boundaries.

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

ORDINANCE (#2009-1012):

**Article V of City Code – Solid Waste Collection
and Disposal – Second and Final Reading**

Mayor Kyzer offered for second and final reading an Ordinance (#2009-1012) amending several sections of Article V of the City Code entitled Solid Waste Collection and Disposal.

Councilman Summer made a motion to table action on this Ordinance until October for further study by City Council. Councilman Goudelock seconded the motion to table. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**Minutes of the Regular Meeting of Newberry City Council
September 8, 2009
Page -3-**

ORDINANCE (#2009-1011):

**Section 11-33 of City Code – Residential
Vehicle, Trailer and Lawn Equipment Sales –
Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2009-1011) establishing Section 11-33 of the City Code entitled Residential Vehicle, Trailer and Lawn Equipment Sales. He stated that a change had been made to the Ordinance to insert the language: “for purposes of enforcement action, the residential property owner, tenant and/or any occupant of the property may be held responsible for violations of this Ordinance jointly or severally”.

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

ORDINANCE (#2009-1013):

Conveying Real Property - First Reading

Mayor Kyzer introduced for first reading an Ordinance (#2009-1013) to convey a one acre parcel of land to Bruce W. Neel, heir of Burnest Wilson Neel. He explained that in 1978 Mr. Neel conveyed the property to the City for a sewer lagoon. He advised that the deed stipulated that should the City cease to use the property it would be re-conveyed to Mr. Neel or his heirs.

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

CITY COUNCIL:

Alcohol Sales for Oktoberfest

Mayor Kyzer advised that the City had received a request from the Newberry Opera House for permission to sell beer and wine within a designated area during Oktoberfest on October 3. He reported that the Opera House would obtain all the necessary licenses and insurances required for such activity.

Councilman Goudelock made a motion, seconded by Councilman Boyd, to approve the request of the Newberry Opera House and permit the sale of beer and wine sales at Oktoberfest on October 3rd. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**Minutes of the Regular Meeting of Newberry City Council
September 8, 2009
Page -4-**

CITY COUNCIL:

Newberry Shrine Club – Closing Streets/Alcohol Consumption

Mayor Kyzer reported that the Newberry Shrine Club would be hosting an event at the Newberry Opera House on October 30-31 and were requesting the closing of McKibben Street from Boyce to Harrington Streets and Boyce Street from McKibben to Nance Streets during the hours of 9:00 A.M. to 5:00 P.M. on October 31. He stated that in addition to the street closings the Newberry Shrine Club was requesting that the consumption of alcohol be authorized on the closed rights-of-way on the date and times mentioned. He advised that the host, Newberry Shrine Club, would be required to comply with all state alcohol regulations and also name the City as an additional insured on a liability policy in the amount of at least \$1,000,000.

Jamie Smith appeared representing the Shriner's and indicated that they would have security for the event.

Councilman Goudelock made a motion, seconded by Councilman Boyd, to approve the request of the Newberry Shrine Club for the closing of McKibben and Boyce Streets as specified and for the consumption of alcohol as requested. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CITY COUNCIL:

Retreat Summary

Mayor Kyzer indicated that members of City Council had been provided with a copy of a summary (copy attached) from the Retreat held in August.

Councilman Glasgow made a motion, seconded by Councilman Boyd, to approve the Retreat Summary as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

UTILITIES:

Water Service to 643 Meadow View Lane and 699 Pope Circle

Mayor Kyzer reported that the City had received requests from the property owners of 643 Meadow View Lane and 699 Pope Circle for the extension of water service. He reported that both property owners were agreeable to executing annexation covenants and that water lines were located adjacent to both sites.

Councilman Summer made a motion, seconded by Councilman Boyd, to approve the requests and allow the extension of water service to 643 Meadow View Lane and 699 Pope Circle. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

RESOLUTION:

**CDBG Local Match for Water & Wastewater
Improvements – Oakland Mill Neighborhood**

Mayor Kyzer introduced a Resolution committing the City to providing match funds in the amount of \$67,000 for the previously announced Community Development Block Grant of \$450,000 to upgrade water and wastewater infrastructure in the Oakland Community. He noted that the project and matching funds were contained in the current budget.

Councilman Glasgow made a motion, seconded by Councilman Boyd, to adopt the Resolution as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

RESOLUTION:

**CDBG Local Match for Streetscape
Improvements – Oakland Mill Neighborhood**

Mayor Kyzer presented a Resolution committing the City to providing match funds in the amount of \$50,000 for a Community Development Block Grant of \$500,000 for streetscape improvements in the Oakland Community. He stated that the project and matching funds were contained in the FY2009-2010 budget.

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

ORDINANCE (#2009-1015):

**City Code Sections 8-20, 8-21, 8-40 - Unlawful
Accumulations of Weeds, Garbage, Rubbish,
Motor Vehicles - First Reading**

Mayor Kyzer submitted for first reading an Ordinance (#2009-1015) to amend Sections 8-20, 8-21 and 8-40 of the City Code which deal with the unlawful accumulations of weeds, garbage, rubbish and motor vehicles. He explained that the recommended amendments provide for enforcement against the tenant, property owner or both and the amendment would eliminate any loopholes which might be exploited during prosecution of these cases.

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

**Minutes of the Regular Meeting of Newberry City Council
September 8, 2009
Page -6-**

CITIZEN REQUEST:

June Seymore – College Zoning

Ms. June Seymore expressed her displeasure at not being given the opportunity to speak prior to the passage of the Ordinances approving the zoning changes for Newberry College. She stated she had contacted the Mayor and several members of City Council about her concerns and felt the citizens should be heard.

Mayor Kyzer explained that there had been many opportunities for the public to be involved in the process and to express opinions through the Planning Commission meetings, a public hearing before City Council and during first reading of the Ordinance. He apologized for not recognizing that Mrs. Seymore wanted to offer comments.

COUNCIL

Councilman Summer requested an opportunity to publicly recognize and thank the Newberry Housing Authority and its staff for the work they do and the way the property and facilities at the Housing Authority are maintained. He also noted that Jan Piersol had recently been recognized for her outstanding accomplishments as the Executive Director.

EXECUTIVE SESSION

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

Councilman Boyd made a motion, seconded by Councilman Glasgow to return to open session at approximately 8:05 P.M.

APPOINTMENT:

Municipal Planning Commission – Ted Smith

Councilman Goudelock made a motion, seconded by Councilman Senn, to re-appoint Ted Smith to a three-year term on the Municipal Planning Commission. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Minutes of the Regular Meeting of Newberry City Council
September 8, 2009
Page -7-

ADJOURNMENT

There being no further business before City Council, Councilman Glasgow made a motion to adjourn the meeting at approximately 8:06 P.M. Councilman Senn 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)