

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
AUGUST 14, 2007 – 7:00 P.M.**

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

Also Present: City Manager Eric G. Budds, Assistant City Manager Jeff Shacker, City Clerk Tina P. Wicker, Planning and Development Services Director Ward Braswell, City Planner Doug Currier, Water/Sewer Superintendent Jim Liptak, Utilities Director Fred Yandle. Others Present: Bennie Havird, Corey Shealy, Arnold Hiller, W. A. Harvey, and others. News Representatives: Lee Gray, Heather Hawkins.

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 July 10, 2007 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer indicated that members of Council had received copies of the Financial Report for the period July 1, 2007 through July 31, 2007 and noted that the Financial Report would be attached to and made a part of the original minutes of the meeting.

RECOGNITION OF EMPLOYEES:

Mayor Kyzer and City Manager Budds recognized Bennie Havird, Water/Sewer Road Maintenance Worker and Corey Shealy, Waste Treatment Plant Operator D, each for five years of service to the City and presented each employee with a gift and longevity pin. They also recognized Arnold Hiller, Public Works Director, upon completion of forty years of service. He received a gift and longevity pin in recognition for his years of service.

Mayor Kyzer remembered the service of Mr. Preston McAlhaney as a member of City Council from 1967 to 1972.

PUBLIC HEARING:

Rezoning 1330 and 1328 Evans Street

Mayor Kyzer declared a public hearing to receive citizen comments concerning the proposed rezoning of 1330 and 1328 Evans Street from R-10 low density residential to

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C-1 core campus. No one offered public comment and Mayor Kyzer declared the public hearing closed.

PUBLIC HEARING: Rezoning 2217 College and 1222 Pope Streets

Mayor Kyzer declared a public hearing to receive citizen comments concerning the proposed rezoning of 2217 College and 1222 Pope Streets from R-10 low density residential to C1 core campus. City Manager Budds noted that this matter had been referred back to the Planning Commission for additional review but was left on the Public Hearing list because it had been advertised. He stated that there was no action for City Council to consider on this month's agenda.

Mr. Jurgen Schnackenberg said he had received a letter advising of the next Planning Commission meeting and requested that the time be changed if possible. Mayor Kyzer advised that there would be an opportunity to voice opinions at the public hearing and/or City Council meetings which would be held in the evening.

City Manager Budds noted that the College was pursuing special exceptions for both of these two properties before the Zoning Board of Appeals.

PUBLIC HEARING: Zoning Ordinance Amendment for Landscaping Requirements

Mayor Kyzer declared a public hearing to receive citizen comments concerning the proposed Zoning Ordinance amendment to require landscape compliance for redevelopment of existing properties. No one appeared to offer comment regarding this matter and Mayor Kyzer declared the public hearing closed.

ORDINANCE (#2007-1015): Rezoning 1330 and 1328 Evans Street from R-10 to C1 – Second and Final Reading

Mayor Kyzer submitted for second and final reading an Ordinance (#2007-1015) to rezone the properties located at 1330 and 1328 Evans Street from R-10 low density residential to C1 core campus. He advised that the Planning Commission had reviewed this request and recommended approval.

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

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ORDINANCE (#2007-1017): **Lease Agreement – School District of Newberry
– Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2007-1017) authorizing the execution of a Lease Agreement with the School District of Newberry County for the use of baseball, softball and tennis facilities on the Newberry High School campus to supplement the City's existing facilities and programs. He mentioned that the City would be able to pursue grants to make improvement to these facilities.

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

ORDINANCE (#2007-1014): **Zoning Ordinance Amendment, Article 7 –
Landscape Regulations - Second and Final
Reading**

Mayor Kyzer introduced for second and final reading an Ordinance (#2007-1014) amending Article 7 of the Zoning Ordinance to require landscape compliance for the redevelopment of existing properties.

Councilman Boyd 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.

PLANNING COMMISSION

Mayor Kyzer reported that the Planning Commission had requested that City Council remand Newberry College's FLUM and rezoning request for the property at 1814 College back to the Planning Commission for further study. He mentioned that the request was being made because of a lack of clarity in state law concerning the amount of time allotted for review of these types of requests.

Councilman DuBose made a motion, seconded by Councilman Boyd, to remand Newberry College's request for the property at 1814 College Street back to the Planning Commission. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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CITY COUNCIL: Retreat

Mayor Kyzer advised that City Council needed to set the time, date and location for a retreat. The consensus of City Council was to meet on Saturday, August 25, beginning at 9:00 A.M. at the Firehouse Conference Center.

Councilman DuBose made a motion, seconded by Councilman Boyd, to hold a City Council Retreat on Saturday, August 25, at the Firehouse Conference Center beginning at 9:00 A.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**RESOLUTION: PRT Department designated as Tourism Promotion
Agency for the City of Newberry**

Mayor Kyzer submitted for City Council's consideration a recommendation to designate the Parks, Recreation and Tourism Department as the Tourism Promotion Agency for the City of Newberry retroactive to April 1, 2007.

Councilman DuBose made a motion, seconded by Councilman Glasgow, to designate the PRT Department as the City's Tourism Promotion Agency. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

UTILITY SERVICE REQUEST: Water Service at Louis Rich

Mayor Kyzer indicated that Louis Rich had made a request for a new water tap to support a facility upgrade. He remarked that Louis Rich was an existing industrial water customer and that staff recommend approval of the request for a new water tap.

Councilman Boyd made a motion, seconded by Councilman Goudelock, to approve the request by Louis Rich for a new water tap. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CITY HALL: Carpet

Mayor Kyzer reported that the staff would like to have concurrence on the selection of new carpet for City Hall.

Mayor Kyzer made a motion, seconded by Councilman Boyd, to approve the carpet choices. Mayor Kyzer declared the motion carried by unanimous vote of City Council members present.

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**ORDINANCE (#2007-1018): City Code Amendment, Article 9 – Regulating
Use of Water from Fire Hydrants – First
Reading**

Mayor Kyzer offered for first reading an Ordinance (#2007-1018) to amend Article 9 of the City Code to implement regulations on the use of water from City fire hydrants. He indicated that these regulations would govern the use of water for temporary commercial and developmental uses.

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 Goudelock made a motion, seconded by Councilman Boyd, to enter an Executive Session at approximately 7:40 P.M. to discuss contractual and personnel matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Mayor Kyzer made a motion, seconded by Councilman Glasgow, to return to open session at approximately 8:30 P.M. Mayor Kyzer declared the motion carried by unanimous vote of City Council members present.

FIRE DEPARTMENT: SAFER Grant Application

Councilman Glasgow made a motion, seconded by Councilman Senn, to authorize staff to submit a federal SAFER grant application to hire up to six additional firefighters. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ADJOURNMENT

There being no further business before City Council, Councilman Glasgow made a motion, seconded by Councilman Boyd, to adjourn the meeting at approximately 8:32

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P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

T. Edward Kyzer
MAYOR

ATTEST:

Tina P. Wicker, City Clerk
Newberry, South Carolina

(SEAL)