

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC  
MARCH 9, 2010 – 7:00 P.M.**

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

Also Present: City Manager Jeff Shacker, City Clerk Tina P. Wicker, Fire Chief Keith Minick, City Planner Doug Currier. Others Present: Stuart Smith and family, Debra Smith, Deborah Shaw, Tim Swygert, Benji Morris and others. News representatives: Holly Astwood and Brice Zimmerman.

**CALL TO ORDER**

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

**MINUTES**

Councilman Boyd made a motion, seconded by Councilman DuBose, to approve the minutes of the regular meeting of Newberry City Council held on February 9, 2010 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 February 28, 2010. City Manager Shacker called Council's attention to the shortfalls in the permit and inspection revenue and the local government fund noting that the combined shortfalls represented approximately 2 mills of tax. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes.

**RECOGNITION OF EMPLOYEES**

Mayor Kyzer and City Manager Shacker recognized Stuart Smith, Lieutenant in the Fire Department, for twenty years of service and presented him with a certificate along with the City's employee recognition package.

**PUBLIC HEARING:**

**Rezoning – Copeland Street/DeLoache Ave. –  
General Commercial to R-6 High Density  
Residential**

Mayor Kyzer opened a Public Hearing to discuss the request to rezone four parcels of land located at the corner of Copeland Street and DeLoache Avenue from General Commercial to R-6 High Density Residential.

No one appeared to provide comments in favor of or opposed to the rezoning request and Mayor Kyzer declared the Public Hearing closed.

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**RESOLUTIONS:**

**Capital Project Sales Tax: (1) 20 inch Water Main, (2) Newberry Opera House repairs**

Mayor Kyzer submitted for Council's consideration a Resolution in support of the request for \$3,570,000 in capital project sales tax proceeds to replace a 20-inch water transmission main paralleling S. C. Highway 121 from the water treatment plant to the booster pump station located near Dixie Drive. He noted that the funding request represented approximately 60% of the estimated cost of the project and the City would fund the remaining 40% of the project through other sources.

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

Mayor Kyzer presented for Council's consideration a Resolution in support of the request by the Newberry Opera House Foundation for \$656,991 to make repairs and upgrades to the facility. He stated that the Resolution would commit the City to funding any construction cost overruns for this project.

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

**PLANNING & DEVELOPMENT:**

**Land Use Element (Comprehensive Plan)**

Mayor Kyzer explained that the citizen committee working in conjunction with City staff and the consultant hired to assist in the development of the nine mandated elements of the comprehensive plan along with the Planning Commission were recommending the approval of the draft of the Land Use Element. He noted that once all draft elements were preliminarily approved the complete Comprehensive Plan would be formally submitted for adoption by Council.

Councilman Glasgow made a motion, seconded by Councilman Boyd, to approve the draft of the Land Use Element of the Comprehensive Plan as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2010-1001):**

**Rezoning at Copeland & DeLoache – G.C. to R-6  
– First Reading**

Mayor Kyzer introduced for first reading an Ordinance (#2010-1001) to rezone four parcels of land located at the corner of Copeland Street and DeLoache Avenue from General Commercial to R-6 High Density Residential. He indicated that the Planning Commission approved the

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rezoning requested by the property owner, Dennis Wayne Catoe, who planned to construct up to five modest homes in the 1,300 to 1,400 square foot range on the property.

Councilman DuBose made a motion, seconded by Councilman Summer, to approve first reading of the Ordinance as presented. Councilman Glasgow abstained from voting because of a conflict of interest. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present and voting.

**CITY COUNCIL:**

**March Work Session**

Mayor Kyzer indicated that City Manager Shacker had requested that City Council hold a work session in March to discuss several strategies directed toward balancing the budget for next fiscal year. He suggested that City Council hold the work session on Thursday, March 25, at 6:00 P.M.

Mayor Kyzer made a motion, seconded by Councilman Goudelock, to conduct a City Council work session on March 25<sup>th</sup>. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**APPOINTMENT:**

**Robert Montgomery - ARB**

Mayor Kyzer stated that Mr. Robert (Bob) Montgomery had submitted a Citizen Board Application indicating a desire to serve on the Architectural Review Board for the City. He recommended that Mr. Montgomery be appointed to fill a current vacancy for a two-year period ending December 31, 2011.

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

**ORDINANCE (#2010-1002):**

**Solid Waste Amendments – Article V of City Code – First Reading**

Mayor Kyzer presented for first reading an Ordinance (#2010-1002) to amend sections of Article V of the City Code revising the delivery of solid waste services to the citizens. He indicated the intent of the revisions is to improve the efficiency of the City's collection system but also preserve the level and quality of service the residents and businesses of the City have come to expect.

City Manager Shacker reviewed the major changes proposed in the Ordinance which addressed the fee for a second cart, placement of the cart for storage at the residence and a revised time for removal of the cart from the curbside. He reviewed the changes related to the collection of household goods, yard refuse, building materials generated by the resident or a contractor. He

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explained that special pick-ups exceeding specified amounts would be billed in accordance with the fee schedule included in the Ordinance. He addressed the changes related to absentee owners, renters and commercial establishments.

Councilman Senn asked when the ordinance would take effect. City Manager Shacker indicated that City Council could specify an effective date and he suggested that a sufficient time be allowed to advise residents of the changes in the solid waste collection practices.

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.

**EXECUTIVE SESSION:**

Councilman Goudelock made a motion, seconded by Councilman Senn, to enter an Executive Session for the purpose of discussing a contractual matter related to development agreements. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Goudelock made a motion at 8:05 P.M. to return to open session, Councilman Boyd seconded the motion which was carried following 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 8:06 P.M. Councilman Glasgow seconded the motion which was carried by a unanimous vote of City Council members present.

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**T. Edward Kyzer**  
MAYOR

ATTEST:

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Tina P. Wicker, City Clerk  
Newberry, South Carolina

(SEAL)