

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
August 11, 2009 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. LeMont Glasgow, Foster Senn, Zebbie D. Goude-lock, 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, Planning and Development Director Ward Braswell. Others Present: Barbara Miller, Lenny Mack, Polly Davis, Kathy Dennis, Nancy Harvey, Henry Summer, Ken Riebe, David Dorroh, Frances Abrams, Deborah Shaw, Mick Zais, and others News representatives: Heather Hawkins, Holly Astwood.

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 Goude-lock, to approve the minutes of the regular meeting of Newberry City Council held on July 14, 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 July 31, 2009. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes.

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 – Second and Final Reading

Mayor Kyzer submitted for second and final reading an Ordinance (#2009-1007) 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 Glasgow, 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 (#2009-1008):

**Zoning Ordinance Amendment – Creation of
Campus Transition Overlay (CTO) Zoning
District – First Reading**

Mayor Kyzer presented for first 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. He noted that this matter had been referred back to the Municipal Planning Commission for further review regarding a request that buffers be increased in the CTO where college uses adjoin non-college uses. He explained that the MPC rejected the request and the Ordinance presented does not contain any text changes from the original version presented to City Council in July.

Mr. Doug Currier, City Planner, provided an overview of the process leading up to the changes in zoning around Newberry College and stated that the Municipal Planning Commission had been working on a transition plan for the past two years which involved input from the Planning Commission, Newberry College and local residents. He stated that the resulting plan allowed for college growth with the least pain and disruption to the neighborhoods surrounding the college. He noted that items addressed at the behest of citizen participation included student housing and storm water issues. He pointed out that uses in the transition zone had been restricted and limited to minimize impact to the neighborhoods.

Councilman DuBose indicated that he would still like to see some type of setback or additional buffer included in the draft Ordinance.

President Zais stated he was speaking on behalf of the staff, students and graduates of Newberry College and expressed his appreciation to the Planning Commission for its diligence in formulating a plan demonstrating a balanced compromise. He asked the support of City Council for the plan and its boundaries. He spoke against any more restrictive setbacks than proposed.

Mrs. Barbara Miller, resident of College Street, spoke in favor of the plan in particular its consideration of the historic aspects of the community and properties within the boundaries.

City Manager Budds advised that a change was made to remove the special exceptions which were originally included in the Ordinance.

Councilman DuBose reiterated that he would like to see setbacks for future development within the zone where the college property adjoined non-college property at the boundary lines established in the CTO.

Councilman Summer offered that Council proceed with first reading and continue discussion of the setback requirements at the August retreat.

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Councilman Summer made a motion, seconded by Councilman Boyd, to approve first reading of the Ordinance as presented with further discussions to continue at the City Council August retreat. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2009-1009):

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

Mayor Kyzer offered for first 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. He stated that this Ordinance had been referred back to the Municipal Planning Commission with a request to modify the boundaries of the CTO. He indicated that the Speer's Street school property had been removed from the boundaries but that the MPC did not remove the four lots fronting on Forest Street or the three lots fronting on Evans Street as suggested.

Councilman Senn stated that he attended the MPC and requested that the school property be removed until the School District makes a decision on the use of the property. He also stated he had requested that the Forest Drive and Evans Street properties also be removed.

Councilman Senn made a motion, seconded by Councilman Goude-lock, to approve the Ordinance as presented with the exception that the four lots on Forest Drive and the three lots on Evans Street are excluded from within the CTO boundary. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2009-1010):

**Lease Agreement – Newberry Dove Club –
Second and Final Reading**

Mayor Kyzer introduced for second and final reading an Ordinance (#2009-1010) 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.

Councilman Goude-lock 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 (#2009-1012):

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

Mayor Kyzer presented for first reading an Ordinance (#2009-1012) amending several sections of Article V of the City Code entitled Solid Waste Collection and Disposal. He summarized the most significant changes as: (1) the second residential garbage cart would be billed at the actual cost of service, not the actual cost less tax subsidy; (2) the language regarding cart placement for collection, storage and removal has been clarified; (3) the City may require medical proof of handicap for rear yard collection requests; (4) all commercial establishments and industries must receive solid waste collection services and may contract with a licensed hauler instead of the City, provided proof of a contract with a licensed hauler is furnished to the City; (5) commercial solid waste accounts are not entitled to yard trash or free special collections; (6) the type, location and quantity of permissible yard trash are clearly specified; (7) a five cubic yard per week yard trash collection cap applicable to both resident and contractor waste generated from routine yard maintenance is established and “routine yard maintenance” is defined; (8) the intentional disposal of yard refuse or other material by raking, blowing, scattering or otherwise diffusing the material across another property, sidewalk or street is prohibited; and (9) the collection of construction materials, automobile parts, tires and yard waste mixed with debris is prohibited.

Councilman Boyd made a motion, seconded by Councilman Glasgow, to approve first reading of the Ordinance as presented.

Councilman Senn questioned the five dollar charge to downtown businesses and asked that this charge be removed.

Councilman Senn offered an amendment to the motion to exclude the five dollar charge. There was no second to the motion.

Mayor Kyzer called for the vote on the motion to approve the Ordinance and declared the motion carried following a six-to-one vote of City Council members present with Councilman Senn voting against the motion.

ORDINANCE (#2009-1011):

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

Mayor Kyzer presented for first reading an Ordinance (#2009-1011) establishing Section 11-33 of the City Code entitled Residential Vehicle, Trailer and Lawn Equipment Sales. He indicated there was concern about the perpetual display of vehicles and other items for sale on residentially zoned lots in the City. He stated that the proposed Ordinance establishes a limit of two vehicles,

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responsibility of the city during the recognition period and that at the end of the recognition period the sign(s) become the property of the party being recognized.

Mayor Kyzer requested that this policy be discussed at the retreat in August.

EXECUTIVE SESSION

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

Council returned to open session at approximately 8:51 P.M.

APPOINTMENT:

**Capital Project Sales Tax Commission – Al
Harvey and Lisa Toland**

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to appoint Al Harvey and Lisa Toland to the Capital Project Sales Tax Commission. 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 Senn made a motion to adjourn the meeting at approximately 8:53 P.M. Councilman Goudelock 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)