

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
MARCH 14, 2006 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. Lemont Glasgow, Foster Senn, Zebbie D. Goudelock, Gregg W. Summer, Andrew Shealy, Sarah F. Dipner.

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Assistant to City Manager Jeff Shacker, City Planner Doug Carrier. Others Present: Donald Berry, P. K. Fuller, Johnny Lindsay, Bobbie Smith, William Smith, Jim Parks, Wayne and Sharon Golden, Janie Partain, Dot Epting, Deborah Smith, Louis Boyd, Tommy Pope, Dot Miskelly, Representative Walt McLeod, and others.
News Representatives: Heather Hawkins, Lee Gray.

CALL TO ORDER

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

MINUTES

Councilman Shealy made a motion, seconded by Councilman Goudelock, to approve the minutes of the Regular Meeting of Newberry City Council held on February 14, 2006 as presented. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer stated that members of City Council had received copies of the Financial Report for the period July 1, 2005 through February 28, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes. City Manager Budds advised that the staff was pleased with the expenditures and revenues as reflected in the Financial Report.

PUBLIC HEARING:

Amending Sign Regulations of Zoning Ordinance

Mayor Kyzer declared a public hearing for the purpose of discussing proposed amendments to the Zoning Ordinance to define off-site, portable, snipe and vehicle/mobile signs and to include them on the prohibited signs list.

No one appeared to speak in favor or against the proposed amendments and Mayor Kyzer declared the public hearing closed.

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Mr. Berry raised two additional issues. He questioned the fact that the City did not minimum bill rental property during the period when the property was vacant and he raised a question concerning classifying his property on Washington Street as a commercial establishment.

City Manager Budds clarified the matter concerning vacated rental property not being charged a minimum bill advising that the minimum bill applied to occupied residences which was an interpretation of the code. He further advised that Mr. Berry had been refunded a sum on the classification of the property on Washington Street as commercial property.

CITIZEN REQUEST:

P. K. Fuller – Scotts Creek

Mayor Kyzer remarked that the staff had been instructed to proceed with determining the level of cooperation of existing property owners along Scotts Creek and to maintain the creek to the best of the City's ability during the interim period. He advised that little can be done without the cooperation of the property owners along the creek and asked those present to contact their neighbors to encourage them to cooperate with the City regarding rights-of-way. He added that the staff had been instructed to explore other funding options as well.

Mr. P. K. Fuller presented to City Council a request that the City initiate action on Scotts Creek drainage improvements while waiting on any funding from the U. S. Army Corps of Engineers. He specifically requested that the City meet with Newberry County officials to bring them up-to-date on the flooding problem, check bridges and pipes for debris after storms, regularly check the creek for debris such as logs and brush, proceed with the acquisition of rights-of-way, and hire an engineer to evaluate the creek. He re-emphasized the problems associated with continued development and gave examples of flooding problems in the past year. He stated that the City was responsible for the health and safety of its citizens.

Representative Walt McLeod informed City Council that Congressman Spratt's office had called and reported that they had applied for \$100,000.00 in funds from the Army Corps of Engineers for the study. He added that Congressman Spratt's office had indicated that the City and/or County may have to contribute to the costs of the study. He said he had no other news at this time to report.

City Manager Budds pointed out that the City is in full compliance in enforcing regulations requiring retention ponds. He added that the City would be directing its resources to storm water management problems. He indicated that the Corps has stated that the engineering design on the project must be done by one of their staff engineers.

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He stated that the Corps has also informed the City that no funds spent in advance of an agreement with the Corps would qualify as matching funds. He emphasized that without access to the creek across individual property the debris removal would not be practical.

Councilman Senn thanked the citizens group for their continued efforts in keeping this matter in the forefront, thanked the Mayor and City Council for making storm water a priority issue and thanked Representative McLeod for his efforts with the Army Corps of Engineer for funding.

Councilman Goudelock acknowledged the continued flooding problems along Scotts Creek but cautioned that both segments of the creek need to be looked at. He also remarked that the problem would not be resolved by stopping at the city limit and that the project would have to extend beyond the boundaries of the city.

Councilman Shealy stated that many people who live in the City feel that they have no investment in the issue of Scotts Creek, but that water run-off into all creeks and streams created a multitude of problems throughout the City.

County Councilman John Caldwell asserted that he would involve County Council as much as possible in joining in the resolution of the flooding problem along Scotts Creek.

Mr. Jim Parks stated that in reference to the south segment of Scotts Creek it was his understanding that the Corps would look into all tributaries that feed into Scotts Creek as far as Bush River.

Mr. Jay Hawkins asked if condemnation would be pursued. Mayor Kyzer advised that condemnation would be given consideration.

ORDINANCE (#2006-1005): **Amending Sign Regulations of Zoning Ordinance – First Reading**

Mayor Kyzer introduced for first reading an Ordinance to amend the City's Zoning Ordinance by defining off-site, portable, snipe and vehicle/mobile signs and including these type signs on the "Prohibited Signs" list.

Councilwoman Dipner asked if it would be feasible to table until it can be given further study expressing that she had several concerns with the Ordinance. Councilman Glasgow also indicated he had several questions about the limitations of the Ordinance. Councilman Shealy had concerns about the enforcement issues involved with an Ordinance of this magnitude.

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Councilman Goude-lock made a motion, seconded by Mayor Kyzer, to approve first reading of the Ordinance as presented. Voting "Aye": Senn, Goude-lock, Kyzer, Summer. Voting "Nay": Glasgow, Shealy, Dipner. Mayor Kyzer declared the motion carried following a four-to-three vote of City Council members present.

ORDINANCE (#2006-1006): **Rezoning of 2700-2704 College Street from GC – General Commercial to R-6 High Density Residential – First Reading**

Mayor Kyzer presented for first reading an Ordinance to rezone the property located at 2700 – 2704 College Street from GC-General Commercial to R-6 High Density Residential. He advised that the Municipal Planning Commission had recommended that the rezoning request be denied. He added that in accordance with law City Council should hold first reading approval of the Ordinance.

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

CITIZEN REQUEST: **Waiver of Fees – Temporary Sheriff’s Office**

Mayor Kyzer advised that Sheriff Foster had requested that City Council give consideration to waiving building permit fees associated with the temporary relocation of his department’s office to the old National Guard Armory on Wilson Road. He noted that City staff had concurred and were recommending that the building permit fees be waived for this temporary relocation.

Councilman Shealy made a motion, seconded by Councilman Glasgow, that the building permit fees for the temporary relocation of the Sheriff’s Department be waived. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2006-1007): **Lease Agreement – Newberry County School District – J. D. Rook Ballfield**

Mayor Kyzer offered for City Council’s consideration an Ordinance authorizing the execution of a Lease Agreement with the Newberry County School District for the J. D. Rook Ballfield. He explained that the City had obtained grant funds for upgrades to the field but that a formal lease agreement would need to be executed.

Councilman Goude-lock made a motion, seconded by Councilman Shealy, to approve first reading of the Ordinance authorizing the Lease Agreement with the Newberry County

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School District. 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 Glasgow, to enter an Executive Session at approximately 8:51 P.M. to discuss a legal matter as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Newberry City Council returned to open session at 9:35 P.M.

ADJOURNMENT

There being no further business before City Council, Councilman Glasgow made a motion, seconded by Councilman Goudelock, to adjourn the meeting at approximately 9:36 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)