

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC  
APRIL 4, 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: Lisa Perez, Allen Wicker, David Hendrix, Clarissa Hendrix, Mike Bedenbaugh, P. K. Fuller, Bill Shull and others.

News Representatives: Heather Hawkins, Lee Gray.

**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 Shealy, to approve the minutes of the Regular Meeting of Newberry City Council held on March 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 March 31, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes. City Manager Budds pointed out that the current real property tax line item amount was slightly under the same period as last year but stated this was attributable to the fact that homestead exemption monies had not been received from the State.

**RECOGNITION OF EMPLOYEES**

Mayor Kyzer and City Manager Budds recognized Allen Wicker who retired effective March 31, 2006 after ten years of service in the Public Works Department. In addition, David Hendrix was recognized upon his retirement on March 31, 2006 after thirty-three years of service in the Utility Department.

**CITIZEN REQUEST:                      **Newberry Community Players****

Mr. Mike Bedenbaugh, Chairman of the Grants Committee for the Newberry Community Players, appeared before City Council to express appreciation for the award of State Accommodations Tax Funds to NCP and to inform City Council that NCP had been successful in obtaining a grant from the S. C. Arts Commission. He indicated that the

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funds received from the State Accommodations Tax Fund would serve as NCP's match to the grant.

**CITIZEN REQUEST:**                      **Lisa Perez - Sidewalks/Traffic Signal**

Ms. Lisa Perez appeared before City Council to request that consideration be given to installing sidewalks on Smith Road from College Street to Wilson Road (Hwy. 76) and that consideration be given to the installation of a traffic signal at the intersection of Smith Road and College Street. She presented the Mayor with a petition supporting her request.

City Manager Budds reported that letters from the S.C. Department of Highways and Public Transportation indicated that there was insufficient traffic and/or accidents to justify a traffic signal. He added that the difficulty with the installation of a sidewalk was complicated by the fact that the road was partially in and partially outside the City and there were no identified funds for this project.

**CITIZEN REQUEST:**                      **Donald Berry – Water/Sewer Billing**

Mayor Kyzer advised that the staff had not completed its research into some of the issues raised by Mr. Berry at the previous Council meeting. He indicated that a report and recommendation would be prepared for the May meeting.

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

Mayor Kyzer introduced for second and final 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.

Councilman Senn stated that it was his understanding that sandwich board signs were not included in the prohibition. City Manager Budds confirmed.

Councilman Goudelock made a motion, seconded by Councilman Senn, to adopt the Ordinance as presented. Voting "Aye": Senn, Goudelock, Kyzer, Summer, Shealy, Dipner. Voting "Nay": Glasgow. Mayor Kyzer declared the motion carried by a six-to-one vote of City Council members present.

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

Mayor Kyzer presented for second and final 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.

City Planner Currier responded to an inquiry concerning the recommendation of the Municipal Planning Commission by advising that the rezoning would be considered “spot” zoning and that the land use was not compatible with the surrounding uses. He added that there was an internal family conflict regarding the rezoning.

Mayor Kyzer made a motion, seconded by Councilman Senn, to approve the rezoning request and adopt the Ordinance as presented. Mayor Kyzer declared the motion defeated by a unanimous vote of City Council members present.

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

Mayor Kyzer offered for second and final reading an Ordinance authorizing the execution of a Lease Agreement with the Newberry County School District for the J. D. Rook Field. 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.

Councilwoman Dipner made a motion, seconded by Councilman Shealy, to adopt the Ordinance authorizing the Lease Agreement with the Newberry County School District. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**SCOTTS CREEK**

Councilwoman Dipner questioned when the property owners would be contacted concerning the donation of rights-of-way. City Manager Budds stated that the research had been done but the letters would not be sent until late next week. He advised that Senator DeMint had not been optimistic concerning funds from the Corps of Engineers.





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**ORDINANCE (#2006-1008):            **Annexation on Johnstone Street****

Mayor Kyzer presented for first reading an Ordinance to annex 0.67 acres of land located adjacent to Johnstone Street. He indicated that the zoning for the property was recommended to be R-6 High Density Residential.

City Manager Budds indicated that utilities were adjacent to the property but it would have to be determined whether or not boring of Johnstone Street would be necessary. He stated that City Council would be advised prior to second reading if there were any problems.

Councilwoman Dipner made a motion, seconded by Councilman Summer, 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 Glasgow, to enter an Executive Session at approximately 8:05 P.M. to discuss personnel matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to return to open session at 8:55 P.M.

**ADJOURNMENT**

There being no further business before City Council, Mayor Kyzer declared the meeting adjourned at 8:57 P.M.

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**T. Edward Kyzer**  
MAYOR

ATTEST:

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Tina P. Wicker, City Clerk  
Newberry, South Carolina

(SEAL)