

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
OCTOBER 11, 2005 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council Present: R. LeMont Glasgow, Boyce Lively, Zebbie D. Goudelock, Gregg W. Summer, Andrew Shealy, Sarah F. Dipner(late).

Also Present: City Manager Eric G. Budds, Acting Municipal Clerk Bette Brannon, Assistant to City Manager Jeff Shacker, Utility Director Charles Guerry. Others Present: Jamie Monts, Stephen Davis, Deborah Smith, Todd Chapman, Pat Wilkes, Darrell Horne, Stewart Rushing and other residents of Boundary Street, Gordon Johnson and others. News Representatives: Heather Hawkins and Lee Gray.

CALL TO ORDER

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

MINUTES

Councilman Goudelock made a motion, seconded by Councilman Summer, to approve the minutes of the Regular Meeting of Newberry City Council held on September 13, 2005 as presented and to approve the minutes of the Special Meeting of Newberry City Council held on September 20, 2005 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 September 30, 2005 and that a copy of the Financial Report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEE

Mayor Kyzer and City Manager Budds recognized Jamie Monts, Heavy Equipment Operator in the Public Works Department Street Division, for 5 years of service. They presented him with a longevity pin and a gift from the City.

PUBLIC HEARING:

Rezoning of Boundary Street Property

Mayor Kyzer announced that a public hearing would convene to receive comments on the proposed rezoning of properties along Boundary Street from R-6 High Density Residential to R-10 Low Density Residential.

Pat Wilkes and several others made comments in favor of the rezoning of Boundary Street.

**Minutes of the Regular Meeting of Newberry City Council
October 11, 2005
Page -2-**

Darrell Horne and Stewart Rushing, owners of rental property in or near the area proposed for rezoning, spoke in opposition.

Mayor Kyzer declared the public hearing closed at the conclusion of the comment period.

**PUBLIC HEARING: Zoning Ordinance Amendments: Sec. 602 and
Sec. 7-2E(H)**

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the proposed text amendments to Section 602 and Section 7-2E(H) of the Zoning Ordinance.

No comments were offered and Mayor Kyzer advised that the public hearing was closed.

**PUBLIC HEARING: Planned Development & Site Plan –
Harrington/Martin/McMorris Streets property**

Mayor Kyzer acknowledged the opening of a public hearing for the purpose of receiving comments on the proposed zoning changes to the property bounded by Harrington, Martin and McMorris Streets.

Mr. Stephen Davis, property developer, appeared before City Council and provided details regarding the plans for the property. He indicated that the neighborhood would consist of ten single-family lots and eight town home lots. He provided renderings of the property which revealed an internal alley system to provide service and access to the properties and a small green space within the development.

Mr. Gordon Johnson questioned the arrangements between the City and the developer. Mr. Johnson was advised by City staff that details were still being negotiated.

Councilwoman Dipner asked Mr. Davis what the price range would be for these single-family and town home lots. Mr. Davis replied that the single-family and town homes would run from the high \$100,000's to the low \$200,000's depending on the size of the structure.

No further comments were rendered and Mayor Kyzer declared the public hearing closed.

**ORDINANCE (#2005-1025): Newberry Opera House Base Lease Amendment
- Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance to amend the Base Lease with the Newberry Opera House Foundation to remove the old fire station property

**Minutes of the Regular Meeting of Newberry City Council
October 11, 2005
Page -3-**

and associated land from the leased premises. He explained that this action was necessary in order to secure financing for the Fire House Conference Center project.

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

ORDINANCE (#2005-1022): **Rezoning of Boundary Street Properties – R-6 to R-10 - Second and Final Reading**

Mayor Kyzer introduced for second and final reading an Ordinance to rezoning several properties along Boundary Street from R-6 High Density Residential to R-10 Low Density Residential. He noted that the Planning Commission had reviewed the rezoning request and had recommended adoption of the Ordinance.

Councilwoman Dipner asked about the rezoning of the duplex. City Manager Budds responded that use of the duplex and the four-unit apartment building would be grandfathered.

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

ORDINANCE (#2005-1023): **Zoning Ordinance Amendments (portable storage units and sod requirements) - Second and Final Reading**

Mayor Kyzer introduced for second and final reading an Ordinance to amend Section 602 of the Zoning Ordinance to restrict use of portable storage units and to amend Section 7-2E(H) to require the use of sod for commercial development. He remarked that these recommended changes to the Zoning Ordinance were being made by the City's Planning Commission.

Councilman Lively 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 (#2005-1026): **Zoning of Planned Development and Site Plan Approval (Harrington/Martin/McMorris Streets) - Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance to approve the site plan and to establish a Planned Development zoning for the property bounded by Harrington, McMorris and Martin Streets.

Councilman Shealy 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.

ORDINANCE (#2005-1013): **Street Lighting Standards and Specifications - Second and Final Reading**

Mayor Kyzer offered for second and final reading an Ordinance which would establish street lighting standards and specifications for areas of the city franchised to other electric providers. He noted that first reading of the Ordinance was held on June 14, 2005 and that current version of the Ordinance now requires that fees or assessments applied to customers in the franchised area for street lighting shall be uniform in manner and may vary by rate class.

Councilwoman Dipner 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.

RESOLUTION: **Worker's Compensation Coverage of Prisoners**

Mayor Kyzer provided for City Council's consideration a Resolution authorizing worker's compensation coverage for prisoners used by the City. He noted that the City Manager had advised that prisoners would only be utilized in areas of work with a low probability of worker's compensation claims.

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

PETITION: **Annexation of Disabilities and Special Needs Board property – Nance St./Dixie Dr.**

Mayor Kyzer presented for consideration a Petition to Annex property of the Newberry County Disabilities and Special Needs Board located adjacent to Dixie Drive.

**Minutes of the Regular Meeting of Newberry City Council
October 11, 2005
Page -5-**

Councilman Goude-lock made a motion, seconded by Councilman Glasgow, to accept the Petition to Annex. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2005-1028): Annexation of Disabilities and Special Needs
Board property - First Reading**

Mayor Kyzer presented for first reading an Ordinance to annex property of the Newberry County Disabilities and Special Needs Board located adjacent to Dixie Drive. He indicated that a portion of the NCDSN Board property was currently inside the City and the proposed annexation would bring the entire parcel into the corporate limits.

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

**ORDINANCE (#2005-1029): Rezoning 115 Nance Street – R-6 to General
Commercial - First Reading**

Mayor Kyzer introduced for first reading an Ordinance to rezone property of the Newberry County Disabilities and Special Needs Board located at 115 Nance Street from R-6 High Density Residential to GC – General Commercial. He noted that the Planning Commission had recommended the rezoning of the property.

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

**RESOLUTION: Permissible Uses on Property Zoned
General Commercial**

Mayor Kyzer introduced for City Council's consideration a Resolution to change the current zoning regulations defining permissible uses on property zoned with a General Commercial (GC) zoning classification which could have the potential to allow uses which are incompatible with adjoining residential properties. He advised that the Resolution was substituted for an Ordinance to change the GC-General Commercial zoning classification regulations on the recommendation of the City Manager and City Attorney. He explained that the Resolution referred review of the issue to the Municipal Planning Commission and requested that the MPC make a recommendation to modify the Zoning Ordinance by November 8, 2005.

**Minutes of the Regular Meeting of Newberry City Council
October 11, 2005
Page -7-**

ADJOURNMENT

There being no further business before City Council, Councilman Shealy made a motion, seconded by Councilman Goudelock, to adjourn the meeting at approximately 9:37 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)