MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL

HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC

#### DECEMBER 11, 2012 – 7:00 P.M.

Members Present: Mayor Foster Senn, Councilmember R. LeMont Glasgow, Councilmember Edwin E. Wicker, Councilmember Zebbie D. Goudelock, Councilmember Gregg Summer, Councilmember Thomas Louis Boyd, Councilmember David E. DuBose.

Also Present: City Manager Jeff Shacker, City Clerk Tina P. Wicker, Assistant City Manager Matt Dewitt, Finance Director Shannon Smith, Police Chief Jackie Swindler, Assistant Utility Director Marc Regier, Public Works Director Mac Bartley. Others Present: Cheryl Medders, Joyce Vigus, Denise Polifrone, Keith Avery, Debbie Partain, Lee Potts, Kathy and Clark Kyzer, Munson Summer, Robert Summer, Bill Shull, Michele Long, and others. News representatives: Tammy Kitchen and Cindy Pitts.

# CALL TO ORDER

Mayor Senn called the meeting to order and led in the Pledge of Allegiance. Councilmember Summer gave the invocation.

**MINUTES**

Councilmember Boyd made a motion, seconded by Councilmember Goudelock, to approve the minutes of the regular meeting of Newberry City Council held on November 6, 2012 as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**FINANCIAL REPORT**

Mayor Senn advised that members of City Council had received a copy of the Financial Report for the period ending November 30, 2012 and noted that the report would be attached to the minutes.

City Manager Shacker commented on the positive progress with the budget at this point in time.

**COUNCIL: Robert Summer**

Mayor Senn recognized Robert Summer who presented a book to the City Manager highlighting the houses and gardens of Newberry.

**COUNCIL: Christmas Decorations**

Ms. Joyce Vigus appeared to offer compliments to the City on its contributions to the new Christmas decorations and the Christmas lighting event. She thanked Council for the opportunity to lead the project and the great team effort. She presented a framed photograph to

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the City picturing the Christmas tree and again thanked all who contributed and assisted in this endeavor.

**COUNCIL: Audit Presentation**

Ms. Sheryl Medders of McKinley, Cooper and Company, appeared before City Council to present the results of the annual audit for Fiscal Year 2011-2012. She reviewed the contents of the audit following the table of contents and advising that her firm was presenting an unqualified or clean opinion. She complimented the City and its staff on its diligent efforts to stay within budget estimates.

Mayor Senn thanked Ms. Medders for her presentation.

**CITIZEN REQUEST: Downtown Development & Special Events**

Mayor Senn recognized Ms. Denise Polifrone who requested an opportunity to speak to City Council to stress the importance of time with regard to downtown business sustainability and growth. She encouraged the City to move quickly to meet and discuss with downtown merchants their concerns and ideas.

Mr. Clark Kyzer appeared to address City Council about concentrating some efforts on the downtown. He expressed his concerns about the decline in activity that encourages visitors downtown and the way parades and festivals are conducted. He mentioned the streetscape project and the ideas for that project that need to include the downtown merchants. He suggested that a broader scope of what “Main Street is” needs to be developed and promoted. He indicated that the City needs to start with small things like trash containers, benches, dog waste containers, downtown directories and similar items. He mentioned parking on the upper end of Main Street and in particular the property where the old transmission shop was located and the condition of the walkway from the parking lot behind the Ritz to Main Street. He offered to undertake the task of reorganizing the Downtown Merchants Association and requested a $5,000 contribution from the City as start-up funding.

Mayor Senn thanked both Mr. Kyzer and Ms. Polifrone for their comments. He indicated that there were varying opinions among the merchants about when to hold the parade and it was his personal recommendation to adjust the time of the parade after listening to these merchants.

Mayor Senn asked about current spending for downtown promotions. City Manager Shacker indicated that current funding is at $70,000 which is used for billboards on Highway 219 and three on I-26 as well as seasonal billboards to promote special events and activities. Mayor Senn indicated that he walked Main Street and counted business noting that 80% are occupied.

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City Manager Shacker said he had been and was continuing to meet with downtown merchants to develop ways to promote downtown and re-emphasize Shop Newberry First. He remarked that two group meetings with merchants and business owners in the downtown were scheduled for this Thursday. He reported that there were currently 12 events primarily downtown, but he had asked staff to add additional events for next year. He indicated that staff would compile this information on a spreadsheet to be able to judge the costs and success and timing of the new events.

City Manager Shacker addressed the proposed streetscape project and the difficulties in planting trees on Main Street in regard to traffic signals. He stated that he hoped to discuss with the downtown merchants their preferences on the allocation of the funds towards facade and other improvements.

**ORDINANCE (#2012-1017): Zoning Ordinance amendment – Elimination of Multi-family residential development in General Commercial Zoning District – Second and Final Reading**

Mayor Senn submitted for second and final reading an Ordinance (#2012-1017) amending the City’s Zoning Ordinance to eliminate the permissibility of multi-family residential development within the General Commercial (GC) Zoning District. He explained that Council and staff had discussed at its August work session the criteria that should be used to identify properties for which the rezoning to Mixed Residential (RMX) would be appropriate. He noted that the equity property owners have in their homes is an asset that the City would like to see protected. He advised that Council’s discussions had resulted in a recommendation to remove multi-family housing from the table of permitted uses within the General Commercial (GC) District regulations and that multi-family residential developments would be considered in the Mixed Residential (RMX) Zoning District.

Councilmember Boyd made a motion, seconded by Councilmember Wicker, to adopt the Ordinance as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2012-1016): Rezoning - Future Land Use Map and Zoning Map amendment – (College Park, Springfield Place, Newberry Arms, and 428 Wilson Road) – Second and Final Reading**

Mayor Senn presented for second and final reading an Ordinance (#2012-1016) to rezone the below mentioned properties by amending the City’s Future Land Use Map and Zoning Map to rezone properties, College Park on Kendall Road (TMS 286-3-31), Springfield Place at 200 Springfield Circle (TMS 342-2-7-15), Newberry Arms on Wilson Road (TMS 399-51) and

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vacant property at 428 Wilson Road (TMS 399-106-7), to City FLUM Mixed and City Zoning RMX (Mixed Residential) District.

Councilmember DuBose made a motion, seconded by Councilmember Wicker, to adopt the Ordinance as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2012-1018): Zoning Ordinance, Section 900 – Sign Regulations and Section 901 – Permitted Signs amendment – Second and Final Reading**

Mayor Senn introduced for second and final reading an Ordinance (#2012-1018) to amend Section 900 - Sign Regulations and Section 901 – Permitted Signs of the City’s Zoning Ordinance to limit the size, number and location of LED (Light Emitting Diodes) signs. He noted that the Ordinance would limit LED signage to properties within the General Commercial (GC), Limited Industrial (LI) and Basic Industrial (BI) Zoning Districts. He added that the Ordinance would limit property owners to no more than one LED sign of a size no greater than 32 square feet and a single dimension no larger than 8 feet in length.

Councilmember DuBose made a motion, seconded by Councilmember Boyd, to adopt the Ordinance as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2012-1019): Rezoning - Future Land Use Map and Zoning Map amendment – (Wilson Road – Tax Map Nos. 399-49, 399-50, 399-120, 399-124, 399-126, 399-128, 399-129 and 399-136) – First Reading**

Mayor Senn offered for first reading an Ordinance (#2012-1019) to rezone the below mentioned properties by amending the City’s Future Land Use Map and Zoning Map to rezone properties located adjacent to Wilson Road designated by Tax Map Nos.: 399-49, 399-50, 399-120, 399-124, 399-126, 399-128, 399-129 and 399-136 from R-6 Residential and LI-Limited Industrial to GC-General Commercial. He reported that the property at the corner of Wilson Road and Dixie Drive intended to establish a commercial business on the property and needed to have the property rezoned in order to accommodate the proposed use. He stated that the staff had reviewed the surrounding area and suggested that other adjacent properties be rezoned at this time. He noted that all property owners had been contacted and were in agreement to the rezoning of their properties.

Councilmember Boyd made a motion, seconded by Councilmember DuBose, to approve first reading of the Ordinance as presented. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

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**COUNCIL: 2013 Jury List**

Mayor Senn advised that the Court Clerk had submitted a request to the S. C. Election Commission for a disk of all registered voters located within the City limits which will be used to compile the 2013 Jury List for Municipal Court.

Councilman Goudelock made a motion, seconded by Councilman Wicker, to approve the action of the Court Clerk in the compilation of the 2013 Jury List. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**APPOINTMENT: Accommodations Tax Advisory Committee – Clayton Palmer**

Mayor Senn made a motion, seconded by Councilman Boyd, to appoint Mr. Clayton Palmer to the Accommodations Tax Advisory Committee. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**EXECUTIVE SESSION**

Councilmember Goudelock made a motion, seconded by Councilmember Boyd, to enter an Executive Session for the purpose of discussing a contractual matter as outlined on the agenda. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

Councilmember Goudelock made a motion, seconded by Councilmember DuBose, to return to open session at approximately 9:25 P.M. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

**UTILITIES: Water Tank Maintenance Contract – Utility Services Co., Inc.**

Councilman Glasgow made a motion, seconded by Councilman Boyd, authorizing the City Manager to execute a contract with Utility Services Company, Inc. for the maintenance of the City’s elevated water storage tanks located on Player Street and near the Town of Silverstreet. Mayor Senn declared the motion carried following a unanimous vote of City Council members present.

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**ADJOURNMENT**

There being no further business before City Council, Councilmember Goudelock made a motion to adjourn the meeting at approximately 9:27 P.M. Councilmember DuBose seconded the motion which was carried by a unanimous vote of City Council members present.

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MAYOR

ATTEST:

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Tina P. Wicker, City Clerk

Newberry, South Carolina

(SEAL)