

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
January 13, 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, Police Chief Jackie Swindler, Public Works Director Arnold Hiller. Others Present: Joe Kitchen, and others.

News Representatives: Leslie Moses, Heather Hawkins.

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 Glasgow, to approve the minutes of the regular meeting of Newberry City Council held on December 9, 2008 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 with a copy of the Financial Report for the period ending December 31, 2008. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEES:

Mayor Kyzer and City Manager Budds recognized Joe Kitchen, Maintenance Worker in the Street Division of the Public Works Department, for his five years of service and Tina Wicker, Human Resources Director/Municipal Clerk, for her thirty years of service. Each received a longevity pin and gift from the City.

SPECIAL RECOGNITION:

AAA Traffic Safety Award

Mayor Kyzer presented Police Chief Swindler with the AAA Traffic Safety Community of the Year Award in the 10,000 to 30,000 population category. He remarked that this was the fourth consecutive year the City had received this award.

FINANCE:

GASB 45 Funding

Mayor Kyzer explained that based on the approved OPEB Substantive Plan the City's actuary has estimated the Annual Required Contribution (ARC) to be less than \$50,000. He indicated that staff was seeking approval from City Council to book the liability and not

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participate in an irrevocable trust at this time. He noted this would give the City more flexibility in retaining access to the funds which would offset the very small monetary advantage of joining a trust and earning slightly more interest.

Councilman Boyd made a motion, seconded by Councilman Goudelock, to authorize the booking of the ARC as recommended by the City Manager. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2008-1026):

Zoning Ordinance – Amendments to R-6 Zoning District; General Commercial Zoning District; Mixed Residential Zoning District – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance (#2008-1026) to amend the text of the Zoning Ordinance, by amending the R-6 zoning district, permitting multi-family development in the General Commercial zoning district, and creating the Mixed Residential (R-Mx) zoning district. He explained that the Planning Commission had reviewed the proposed and amendments and recommended adoption of the Ordinance.

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

ORDINANCE (#2009-1000):

Amending Fiscal Year 2008-2009 Budget – First Reading

Mayor presented for first reading, by title only, an Ordinance (#2009-1000) to amend the Fiscal Year 2008-2009 Budget. He explained that a detailed presentation of proposed changes to the budget would be presented at the February meeting.

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

CITY COUNCIL:

Council Meeting/Work Session Dates

Mayor Kyzer presented for Council's consideration a 2009 schedule of City Council Meeting and Work Session dates. He noted that a copy of the schedule would be attached as part of the official minutes.

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Councilman Senn made a motion, seconded by Councilman Boyd, to approve the schedule as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CITY COUNCIL: Fiscal Year 2009-2010 Budget Calendar

Mayor Kyzer presented for Council's consideration a schedule for the fiscal year 2009-2010 budget process. He indicated a copy of the budget calendar would be attached to the minutes.

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

RESOLUTION: Emergency Pay Procedure Policy

Mayor Kyzer explained that FEMA requires units of local government to have in place a written policy to allow for the reimbursement of exempt employees for overtime hours worked during an emergency. He stated that the Resolution before Council would establish the required policy.

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

RESOLUTION: Sewer Rate Increase

Mayor Kyzer explained that the State Revolving Fund loan application requires the City to demonstrate that its utility system revenues are sufficient to cover operational cost, debt service and any additional debt associated with the SRF loan. He stated that it was projected that a 15% increase in sewer rates would be necessary to meet this requirement and that a 7.5% increase was implemented July 1, 2008. He indicated that the Resolution before Council would be a commitment to implement the remaining 7.5% increase July 1, 2009.

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

SCOTTS CREEK: Survey of Western Portion

City Manager Budds stated that the City had obtained an estimate from B. P. Barber & Associates to conduct a study on the impact the conditions of Scotts Creek beyond the City limits might have on flooding within the City. He reported the study would provide information on the

