

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
OCTOBER 13, 2009 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. LeMont Glasgow, Foster Senn, Zebbie D. Goudelock, 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, Fire Chief Keith Minick, Planning & Development Services Director Ward Braswell, City Planner Doug Currier. Others Present: Tim Cogdell, Rick and Judy McCutcheon, Burt Mohler, John Mark Hall, Bob Montgomery, Deborah Shaw, and others. News representatives: Brice Zimmerman, Holly Astwood.

CALL TO ORDER

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

MINUTES

Councilman Boyd made a motion, seconded by Councilman Summer to approve the minutes of the regular meeting of Newberry City Council held on September 8, 2009 as presented and to approve the minutes of the special meeting of Newberry City Council held on September 24, 2009 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 a copy of the Financial Report for the period ending September 30, 2009. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes. City Manager Budds reminded Council that the City had been advised that the State made an error in estimating State Aid to Subdivisions and the estimate for the City would be reduced by \$8,666. He stated that an adjustment would be made at mid-year to reflect this decrease in revenue.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized Tim Cogdell, Wastewater Treatment Plant Supervisor, for five years of service. They also recognized Rick McCutcheon, Electrical Supervisor, for his twenty-five years of service. Each employee received a longevity pin and gift.

SMALL BUSINESS DEVELOPMENT CENTER

Mr. Bob Montgomery appeared before City Council to provide an update on the progress made by the SBDC and to discuss their budget for next year. He announced that the Newberry office had counseled 25 clients with 4 new business starts and 2 more pending by December of 2009.

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He stated that clients in the Newberry SBDC raised \$25,000 in equity and created 11 jobs. He added that 47 citizens attended four workshops. He requested a one-year continuance of the program with another support contribution of \$5,000 for the upcoming year. He remarked that in addition to the City, Newberry County, several banks and the Newberry Business Alliance had all contributed to the financial support of this endeavor.

Mayor Kyzer indicated City Council would take the funding request under consideration.

CITIZEN REQUEST:

John Mark Hall – Water Heater Permits

Mayor Kyzer presented a recap of the justification for requiring permits and inspections for the installation of water heaters.

Mr. John Mark Hall appeared before City Council to protest a change in policy whereby permits and inspections are being required for the installation of hot water heaters. He expressed his opinion that he felt it was an undue burden on him as a licensed contractor and on the homeowners.

Planning and Development Director Ward Braswell explained that the code already required permits and inspections for the installation of water heaters. He stated that his staff had seen several units installed incorrectly which could result in serious hazards.

Mayor Kyzer requested that this item be added to the agenda for next Tuesday's work session.

City Manager Budds explained that due to rising costs for plumbers and the value of the heaters it was now necessary to inspect water heaters because the work exceeded the \$300 threshold and that combined with the public safety issue precipitated the City staff to determine a need to implement the permit and inspection program.

ORDINANCE (#2009-1013):

Conveying Real Property - Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance (#2009-1013) to convey a one acre parcel of land to Bruce W. Neel, heir of Burnest Wilson Neel. He explained that in 1978 Mr. Neel conveyed the property to the City for a sewer lagoon. He advised that the deed stipulated that should the City cease to use the property it would be re-conveyed to Mr. Neel or his heirs.

Councilman Glasgow 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.

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ORDINANCE (#2009-1014):

Repeal Section 4-28 – Sprinkler Systems - First Reading

Mayor Kyzer presented for first reading an Ordinance (#2009-1014) to repeal Section 4-28 of the City Code pertaining to the installation of sprinkler systems. He stated that the International Building Code contains code requirements for sprinkler systems and in order to avoid duplication staff recommended the repeal of Section 4-28.

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

ANNEXATION PETITION:

Oakland Mill Property

Mayor Kyzer reported that the City had received an Annexation Petition from Oakland Mill Development Group, LLC requesting that the Oakland Mill property containing approximately 16.52 acres be annexed into the City effective July 1, 2010. He indicated that the City would provide water and sewer service to the property which is being developed for mixed use college housing and market rate apartments but that electric service to the site would remain with Duke Energy.

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

AGREEMENT:

Intergovernmental Agreement with Newberry County – Oakland Mill Project

Mayor Kyzer submitted for City Council's consideration an Intergovernmental Agreement with Newberry County to provide the terms and conditions of the City advancing funds for the construction of a streetscape for the Oakland Mill Project and receiving reimbursement from the multi-county industrial park revenue stream on the property.

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

RESOLUTION:

Oakland Redevelopment Area

Mayor Kyzer offered for Council's consideration a Resolution establishing the Oakland Mill Village as a redevelopment area. He stated that this action emphasizes Council's desire to use

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available resources and innovative policies and procedures to affect positive change that will revitalize the area and insure the availability of decent, safe and affordable housing in the area.

In addressing questions raised by Councilman Boyd, City Manager Budds explained that the purpose of the Resolution was to provide a strong support for the projects in the Oakland community in seeking grants. He added that nothing in the Resolution would circumvent current policies and procedures and would not expend any funds that were not appropriated by City Council.

Councilman Boyd stated he took the Resolution to mean that the City would allocate available resources to this project and would not extend the same considerations to others.

City Manager stated that this Resolution addressed a wide area which included the entire Oakland Mill village community not simply the mill building itself. He stated the Resolution was a tool to foster private development and investment in the community.

Councilman Boyd made a motion to table the Resolution for further discussion. Councilman Goudelock seconded the motion.

Councilman Senn said he felt the Resolution was important and the City should be supportive of this project in this community. He indicated he would defer to Councilman Boyd's request for further discussion.

Voting "Aye" on the motion were: DuBose, Boyd, Goudelock and Senn. Voting "Nay" on the motion were: Summer, Kyzer, Glasgow. Mayor Kyzer declared the motion carried following a four-to-three vote of City Council members present.

CITY COUNCIL:

Work Session Agenda

Mayor Kyzer advised that City Council's next work session would be held on Tuesday, October 20 at 6:00 P.M. at City Hall and that topics for the meeting would include the Resolution regarding the Oakland Mill Community, hot water heater permits and inspections and the solid waste ordinance. Mayor Kyzer indicated that the rental registration inspection program would most likely be carried over to another work session.

Councilman Boyd made a motion, seconded by Councilman DuBose, to approve the topics for the work session. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

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BID: Pumper Truck – E-One, \$349,446

Mayor Kyzer remarked that although the City did not receive grant funds to assist with the purchase of a new pumper truck, staff recommended proceeding with the replacement of the 22 year old truck currently in use. He indicated that E-One has submitted the low bid of \$349,446 and staff requested authorization to proceed with the purchase utilizing fund balance to complete the transaction.

Councilman Senn made a motion, seconded by Councilman Glasgow, to authorize the use of up to \$350,000 in fund balance to purchase the pumper truck from E-One in the amount of \$349,446. 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 Boyd, to enter an Executive Session to discuss legal, personnel and contractual 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 DuBose to return to open session at approximately 8:42 P.M.

PERSONNEL: City Manager Jeff Shacker

Councilman Glasgow made a motion, seconded by Councilman Boyd, to authorize Mayor Kyzer to negotiate and sign all documents related to the hiring of Jeff Shacker as City Manager effective December 19, 2009. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ADJOURNMENT

There being no further business before City Council, Councilman Goudelock made a motion to adjourn the meeting at approximately 8:43 P.M. Councilman Glasgow seconded the motion which was carried by a unanimous vote of City Council members present.

ATTEST:

T. Edward Kyzer
MAYOR

Tina P. Wicker, City Clerk
Newberry, South Carolina

(SEAL)