

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
August 12, 2008 – 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, City Planner Doug Currier, Police Chief Jackie Swindler, Interim Fire Chief Keith Minick, Planning and Development Services Director Ward Braswell. Others Present: Gail Folk, Burt Mohler and family, Adrian Navarrete, Kevin Atkins, P. K. Fuller, William Smith, Wayne Golden, Deborah Smith.
News Representatives: Leslie Moses, Heather Hawkins.

CALL TO ORDER

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

MINUTES

Councilman Goude-lock made a motion, seconded by Councilman Boyd, to approve the minutes of the regular meeting of Newberry City Council held on July 15, 2008 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer noted that the Financial Report showed the revenue and expenditure transactions through July 31, 2008. He noted that the Financial Report would be attached to and made a part of the original minutes of the meeting.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized Gail Folk, Warehouse Inventory Agent in the Utility Finance Department, for her fifteen years of service and Burt Mohler, Fire Engineer in the Fire Department, for his fifteen years of service. Each received a longevity pin and gift from the City.

RECOGNITION:

**Newberry Opera House – 2008 Outstanding
Historic Theatre**

Mayor Kyzer recognized Deborah Smith and the Newberry Opera House for being selected as a recipient of the “2008 Outstanding Historic Theatre” award presented by the League of Historic American Theatres.

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RECOGNITION:

Patrol Officer Adrian Navarrete – Medal of Valor

Mayor Kyzer recognized Patrol Officer Adrian Navarrete for receiving the “Medal of Valor” from the S. C. Police Chiefs Association. Police Chief Swindler related Officer Navarrete’s display of heroism and presented him with the award.

UTILITIES:

Storm Water Utility (update)

City Manager Budds advised City Council of the status of the development of the storm water utility. He provided a review of the four separate studies to support establishing a storm water management program which included mapping the storm water system, establishing technical and financial systems to support the storm water utility, city-wide flood study, and NPDES permit compliance. He reported that the program has an estimated cost of \$479,000 broken down as follows: \$258,000 for city-wide flood study; \$70,000 for mapping; \$25,000 for the NPDES permit; and \$126,000 for utility development.

City Manager Budds reported that approximately \$100,000 per year has been budgeted for the storm water work: \$15,000 was expended in FY07, \$101,000 in FY08, and \$10,000 thus far in FY09. He stated that the focus for the first two years was mapping and utility set up and gave additional details on the completed work. He remarked that the mandatory compliance date likely will continue to move forward because of compliance issues with cities in the first phase of the program. A copy of the presentation is attached to the original minutes.

Councilman Senn questioned the need to proceed at the current level in the development of a program if it is not mandated by the State. City Manager Budds indicated that it may be difficult to implement a storm water utility fee if it is not mandated by the State. He indicated that the first decision facing Council will be whether to proceed with the city-wide flood study.

ORDINANCE (#2008-1014):

Amendment to FY07-08 Budget – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance (#2008-1014) to amend the Community Housing and Development Fund of the Fiscal Year 2007-2008 Budget. He explained that the amendment would reduce this fund by transferring \$515,472.00 to fund balance.

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

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ORDINANCE (#2008-1012): Sections 9-137(a) and 9-139(c) – Second and Final Reading

Mayor Kyzer presented for second and final reading an Ordinance (#2008-1012) to amend Sections 9-137(a) and 9-139(c) of the City Code which will codify the solid waste fees implemented in the Ordinance adopting the budget for Fiscal Year 2008-2009.

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

ORDINANCE (#2008-1013): Sections 2-7 and 8-40 – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance (#2008-1013) to amend Sections 2-7 and 8-40 of the City Code related to code enforcement issues. He remarked that the amendment would correct an omission of a phrase inadvertently left out of an earlier revision.

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

ORDINANCE (#2008-1015): TIF Bond Refinancing – Second and Final Reading

Mayor Kyzer offered for second and final reading an Ordinance (#2008-1015) authorizing the refinancing of the TIF Bond.

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

PRT: Demolition of Oakland Multi-purpose Court

Mayor Kyzer advised that City staff was seeking authorization from City Council to proceed with the demolition of the multi-purpose court located at the Oakland Park. He noted that the facility had been unused for many years and had become a visual nuisance.

Councilman Senn made a motion, second by Councilman Summer, to authorize the demolition of the multi-purpose court at Oakland Park. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

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ORDINANCE (#2008-1017):

**Annexation – Frazier Property (26 acres) – SC
Hwy. 121 & Dusty Road - First Reading**

Mayor Kyzer introduced for first reading an Ordinance annexing approximately 26 acres located adjacent to S. C. Highway 219 and Dusty Road near Interstate 26. He advised that approximately 16 acres would be developed by a national travel stop and country store chain. He indicated that the proposed zoning for the parcel was GC – General Commercial.

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

ORDINANCE (#2008-1018):

**Annexation – Kohl Property (5 acres) – Dusty
Road - First Reading**

Mayor Kyzer introduced for first reading an Ordinance annexing approximately 5 acres located adjacent to Dusty Road near Interstate 26. He noted that the annexation ordinance established an interim GC – General Commercial zoning classification for the property.

Councilman Summer made a motion, seconded by Councilman DuBose, to approve first reading of the Ordinance and acceptance of the Petition to Annex 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 Senn, to enter an Executive Session to discuss a contractual matter as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Senn made a motion, seconded by Councilman Goudelock, to return to open session at approximately 8:15 P.M. Mayor Kyzer 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, Councilman Goudelock made a motion, seconded by Councilman Senn, to adjourn the meeting at approximately 8:16 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)