

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
October 14, 2008 – 7:00 P.M.**

Members Present: Mayor Pro Tem Zebbie D. Goudelock. Council: R. LeMont Glasgow, Foster Senn, Gregg Summer, Thomas Louis Boyd, David E. DuBose. Member Absent: Mayor T. Edward Kyzer.

Also Present: City Manager Eric G. Budds, Assistant City Manager Jeff Shacker, City Clerk Tina P. Wicker, Acting Fire Chief Keith Minick, Municipal Judge Frank Partridge. Others Present: Joseph Brogdon, Eric Miller, Deborah Smith, Mike Davenport, Bob Montgomery, Frances and Everett Sterling, Deborah Shaw, John Davenport, Randy Malloy, Anthony Rembisz, Adrian Navarette, Richard Mercer, Doug Haltiwanger, Shay Sheppard, Jennie DuBose, Beverly Summer, Mike Davenport, Sharon Senn and children, Lee Barnette, Mike Meadow and others.

News Representatives: Leslie Moses, Heather Hawkins.

CALL TO ORDER

Mayor Pro Tem Goudelock 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 September 2, 2008 as presented. Mayor Pro Tem Goudelock declared the motion carried following a unanimous vote of City Council members present.

CERTIFICATION OF ELECTION RESULTS

Mayor Pro Tem Goudelock presented documentation from the Municipal Election Commission certifying the results of the Municipal Election held on September 9. He advised that Councilmen Senn, Summer and DuBose had each been re-elected to serve another four-year term.

Councilman Boyd made a motion, seconded by Councilman Glasgow, to accept the election results as presented. Mayor Pro Tem Goudelock declared the motion carried following a unanimous vote of City Council present.

OATHS OF OFFICE

Municipal Judge Frank Partridge administered the Oaths of Office to Councilman Senn, Councilman Summer and Councilman DuBose.

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FINANCIAL REPORT

Mayor Pro Tem Goudelock reported that members of City Council had been provided with a copy of the Financial Report for the period ending September 30, 2008. City Manager Budds advised that staff was very carefully monitoring finances in light of the economic downturn. Mayor Pro Tem Goudelock indicated that the report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEES

Mayor Pro Tem Goudelock and City Manager Budds recognized Jay Brogdon, Police Lieutenant, for his fifteen years of service and Eric Miller, Police Lieutenant, for his thirty years of service and his retirement on October 15. Each received a longevity pin and gift from the City.

CITIZEN REQUEST:

Small Business Development Center

Mayor Pro Tem Goudelock announced that on July 11, 2008 an agreement was reached between the Frank J. Roddey Small Business Development Center (SBDC) and Newberry College to house the newest small business development center in South Carolina. He explained that the SBDC was a consortium of four universities with 14 offices located throughout the State that provide a variety of services and management training courses tailored to meet the needs of small and medium sized businesses. He noted that SBDC consultants provide managerial and technical assistance to individuals wishing to start or expand an enterprise.

Mr. Bob Montgomery, Newberry County representative to the SBDC, stated that first year operating expenses were estimated to total \$30,000 and that the State SBDC would fund one-half of the operating budget and the local community would be responsible for the remaining \$15,000. He requested that City Council give consideration to making a contribution to this effort.

Mr. Mike Davenport explained that his 36 year career in banking had been in small communities where he dealt with many small businesses and had seen the myriad of difficulties faced by individuals wanting to start and grow their businesses. He extolled the benefits the SBDC would contribute to small business entrepreneurs.

Councilman Summer made a motion, seconded by Councilman DuBose, to appropriate \$5,000 from the PMPA annual economic development grant to assist in funding the local SBDC for the initial year. Mayor Pro Tem Goudelock declared the motion carried by a unanimous vote of City Council members present.

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ORDINANCE (#2008-1019):

**Zoning of Frazier Property – GC-General
Commercial – Second and Final Reading**

Mayor Pro Tem Goudelock submitted for second and final reading an Ordinance (#2008-1019) to assign a permanent zoning classification of GC-General Commercial to the Frazier property located adjacent to S.C. Highway 219 and the I-26 corridor.

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

ORDINANCE (#2008-1020):

**Zoning of Kohl Property – GC-General
Commercial – Second and Final Reading**

Mayor Pro Tem Goudelock offered for second and final reading an Ordinance (#2008-1020) to assign a permanent zoning classification of GC-General Commercial to the Kohl property located adjacent to Dusty Road and the I-26 corridor.

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

AGREEMENT:

**Memorandum of Understanding – Loblolly
Green Power, LLC**

Mayor Pro Tem Goudelock reminded City Council that the terms and conditions of a Memorandum of Understanding (MOU) to provide utility service to an unspecified industry were authorized at the September meeting. He noted that the MOU was executed with Loblolly Green Power, LLC in early October. He indicated that City Manager Budds had requested that the execution of the MOU be ratified by City Council.

Councilman Boyd made a motion, seconded by Councilman DuBose, to approve and ratify the execution by the City Manager of the Memorandum of Understanding with Loblolly Green Power, LLC on September 24, 2008. Mayor Pro Tem Goudelock declared the motion carried following a unanimous vote of City Council members present.

CITIZEN REQUEST:

**John Davenport – Appeal of Recreation League
Disciplinary Action**

Mr. John Davenport appeared before City Council to appeal the disciplinary action of banning him from future participation in the City PRT programs and the trespass notice issued preventing him from attending events at City PRT recreation facilities.

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Councilman Senn made a motion, seconded by Councilman DuBose, to uphold the disciplinary action and the trespass notice for one year. Mayor Pro Tem Goudelock declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2008-1021): NEC Franchise Agreement Amendment – First Reading

City Manager Budds recapped that in 2005 the City and the Newberry Electric Cooperative Inc. entered into a Franchise Agreement to define how electric service would be provided to the property annexed along S.C. Highway 219 towards Interstate 26. He indicated that both parties desired to amend the Franchise Agreement to include the recently annexed areas on the east side of Interstate 26, being the property of Frazier and Kohl, in the agreement under the defined “Annexed Areas” section. He requested that City Council give first reading approval to the Ordinance amending the Franchise Agreement with Newberry Electric Cooperative Inc.

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

RESOLUTION: Identity Theft Protection Program

Mayor Pro Tem Goudelock reported that in response to the Fair and Accurate Credit Transactions Act of 2003, the City has developed an Identify Theft Prevention Program designed to identify, detect, prevent and mitigate identity theft in connection with the opening of a utility account and the continuous service of said account as defined in the Red Flag Rules. He stated that the program is intended to control reasonably foreseeable risks in the area of identity theft as it pertains to the City’s utility customer accounts. He requested adoption of the Resolution which would approve the City’s Identity Theft Prevention Program and would authorize the City Manager to revise said program as necessary to maintain compliance with the state and federal regulations.

Councilman Summer made a motion, seconded by Councilman DuBose, to adopt the Resolution as presented and give the City Manager authority to amend the policies as needed to stay in compliance with federal regulations. Mayor Pro Tem Goudelock declared the motion carried following a unanimous vote of City Council members present.

STREETS & HIGHWAYS: Harrington Street Speed Limit

Mayor Pro Tem Goudelock indicated that in response to a request by City Council to research the possibility of lowering the speed limit on Harrington Street the SCDOT had conducted an evaluation of the section of Harrington Street between Calhoun and Nance Streets. He acknowledged that the SCDOT did not observe any conditions that would warrant the lowering

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of the speed limit from 30 mph to 25 mph. He added that SCDOT indicated it would agree to lower the speed limit if requested to do so by City Council.

Mayor Pro Tem Goudeock indicated that he did not feel lowering the speed limit by 5 mph would make a great difference and felt that it may be too slow, but would defer to the preference of City Council.

Councilman Senn made a motion, seconded by Councilman Glasgow, to request that SCDOT lower the speed limit on Harrington Street between Calhoun and Nance Streets from 30 mph to 25 mph effective the posting of the appropriate signage. Mayor Pro Tem Goudeock declared the motion carried following a unanimous vote of City Council members present.

PARKING:

Fire Lane Parking Enforcement

City Manager Budds remarked that the Fire Department had implemented a program of issuing warning tickets to motorists who park in fire lanes but that this practice had not produced the desired deterrent effect. He recommended that the City begin effective November 1, 2008 issuing ordinance summons tickets to offenders and that a base fine of \$125.00 be established for violations. He further suggested that the City utilize the time until November 1 to educate the public about the impending use of the ordinance summons.

Mayor Pro Tem Goudeock made a motion, seconded by Councilman Senn, to begin issuing ordinance summons tickets effective November 1, 2008 for vehicles parked in designated fire lanes and that the fine for such violation be established at \$125. Mayor Pro Tem Goudeock declared the motion carried following a unanimous vote of City Council members present.

CITY COUNCIL:

Staff Work Plan for 2008-2009

City Manager Budds presented a work plan for each City department based on the Council retreat summary approved by City Council in September. He noted two additions to be made concerning promoting housing in the code enforcement section, and in the stormwater area.

Councilman Boyd made a motion, seconded by Councilman Summer, to approve the Staff Work Plan as presented and amended by the City Manager. Mayor Pro Tem Goudeock declared the motion carried following a unanimous vote of City Council members present.

STREETS & HIGHWAYS:

McKibben Street Traffic Flow

Mayor Pro Tem Goudeock reported that staff had completed evaluation of the possibility of limiting traffic flow on McKibben Street to a one-way direction from Main Street to Harrington Street. He indicated two options were possible and requested City Council's preference on either making McKibben one-way from Main to Harrington Streets or on making McKibben one-way from Main to Boyce Streets.

Mayor Pro Tem Goudeock also suggested considering removing one parking space on Main Street to eliminate the sight problem. Councilman Boyd said he felt there was actually a sight problem in both directions.

City Manager Budds offered the further suggestion of simply closing that small section of McKibben Street between Main and Boyce Streets by inserting ballards.

Mayor Pro Tem Goudeock noted it was the consensus of City Council to authorize a public hearing on modifying the traffic flow pattern on McKibben Street at the November meeting.

CITY COUNCIL:

Baseball Tomorrow Fund Grant Application

City Manager Budds indicated that the City and Newberry College had prepared and submitted a grant application to the Baseball Tomorrow Fund for grant assistance to enhance and expand the City's baseball programs and to facilitate the City's use of the College's new baseball field for participants in older age groups. He mentioned that the grant will include two free coaching and player clinics using professional staff from the college, improvements to the field and operating support to facilitate joint use of the facility. He added that the grant will not require any monetary match from the City. He requested that City Council ratify submission of the grant application.

Mayor Pro Tem Goudeock made a motion, seconded by Councilman Summer, to ratify the submission of the grant application to the Baseball Tomorrow Fund. Mayor Pro Tem Goudeock declared the motion carried by a unanimous vote of City Council members presented.

CITYCOUNCIL:

Economic Impact Study

Ms. Deborah Smith, Executive Director of the Newberry Opera House, advised that the Newberry Opera House is in the process of developing a capital campaign for an endowment and that the consultant had advised that an updated Economic Impact Study would be beneficial. She remarked that the cost of the study would be \$7,500 and that Newberry County would be contributing \$2,400, the NOH Foundation would be contributing \$2,500 and requested that the City contribute \$2,500. He stated that funds from the annual PMPA economic development grant could be utilized for this purpose.

authorizing the City Manager to make an offer to the property owner(s) to acquire said easement up to monetary limits established in Executive Session, in the event that this offer is rejected, further authorization is given the City Manager to proceed with filing the necessary documents on behalf of the City to proceed with condemnation action. Mayor Pro Tem Goudelock declared the motion carried following a unanimous vote of City Council members present.

ADJOURNMENT

There being no further business before City Council, Councilman DuBose made a motion, seconded by Councilman Glasgow, to adjourn the meeting at approximately 9:05 P.M. Mayor Pro Tem Goudelock 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)