

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
NOVEMBER 13, 2007 – 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, Finance Director Marie Hickman, Police Chief Jackie Swindler, Planning and Development Services Ward Braswell, City Planner Doug Currier. Others Present: Jim Perry, Henry Reeder, Otis Taylor, Toni McKinley, Deborah Smith, Evangeline Shells, Daniel Alexander, Jr., and others. News Representatives: Lee Gray, 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 Goudelock, to approve the minutes of the regular meeting of Newberry City Council held on October 2, 2007 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer indicated that members of Council had received copies of the Financial Report for the period July 1, 2007 through October 31, 2007 and noted that the Financial Report would be attached to and made a part of the original minutes of the meeting.

RECOGNITION OF CITIZENS:

Mayor Kyzer recognized Mr. Jim Perry for his many years of service on the Municipal Election Commission and presented him with a plaque. He also recognized Mr. Henry Reeder and presented him with a plaque recognizing his years of service on the Municipal Planning Commission. He then recognized Mr. Otis Taylor, noting his service to the City on both the Planning Commission and the Architectural Review Board and presented him with the appropriate plaque.

AUDIT

Ms. Toni McKinley of the auditing firm, McKinley, Cooper and Company, LLP, presented an overview of the 2006-2007 audit report to City Council. She explained the table of contents and highlighted a few items in the various financial statements.

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CITY COUNCIL:

**Finance Department – Certificate of
Achievement for Excellence in Financial
Reporting**

Mayor Kyzer and City Manager Budds recognized the Finance Department staff and Director, Marie Hickman, for receiving the Certificate of Achievement for Excellence in Financial Accounting and presented Ms. Hickman with the plaque.

CITY COUNCIL:

**Police Department – Traffic Safety Community
of the Year Award**

Mayor Kyzer and City Manager Budds recognized the Police Department staff and Chief, Jackie Swindler, for receiving the Traffic Safety Community of the Year Award in the population category 10,000 – 30,000 and presented Chief Swindler with the plaque.

PUBLIC HEARING:

**Rezoning – 3195 Hazel St., 1311 Trent St., 1313
Trent St.**

Mayor Kyzer declared a public hearing for comments on the proposed rezoning of 3195 Hazel & 1311 and 1313 Trent Streets from General Commercial to R-6 High Density Residential. No one appeared to offer comments on the property rezoning and Mayor Kyzer declared the public hearing closed.

PUBLIC HEARING:

**Rezoning – 713, 715, 723 and 726 Drayton & 722
Brantley Streets**

Mayor Kyzer declared a public hearing for comments on the proposed rezoning of properties located at 713, 715, 723 and 726 Drayton & 722 Brantley Streets from Limited Industrial to R-6 High Density Residential. No one appeared to offer comments on the property rezoning and Mayor Kyzer declared the public hearing closed.

PUBLIC HEARING:

**Zoning Ordinance Amendment – Sec. 525.4
(ARD appointments)**

Mayor Kyzer declared a public hearing for comments on the proposed amendment to Section 525.4 of the Zoning Ordinance pertaining to appointments to the Architectural Review Board. No one appeared to offer comments on the proposed amendment and Mayor Kyzer declared the public hearing closed.

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**ORDINANCE (2007-1009): Chapter 10 of City Code – Business License –
Second and Final Reading**

Mayor Kyzer submitted for second and final reading an Ordinance (#2007-1009) to amend Chapter 10 of the City Code pertaining to business licenses. He advised that with adoption of the Ordinance to City would utilize the North American Industrial Classification System (NAICS) as the method to classify businesses for the calculation of license fees.

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

**ORDINANCE (2007-1020): Lease/Purchase Ordinance – Second and Final
Reading**

Mayor Kyzer introduced for second and final reading an Ordinance (#2007-1020) authorizing the execution of a Lease/Purchase agreement for a knuckleboom loader for the Public Works Department and a service truck for the Fire Department in an amount not to exceed \$235,000 with a financing interest rate of 3.48% from BB&T.

Councilman Goudelock 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 (2007-1019): Zoning Ordinance Amendment (Sec. 525.4) –
ARB – Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2007-1019) to amend Section 525.4 of the City's Zoning Ordinance addressing appointments to the Architectural Review Board. He explained that the change would expand the membership of the ARB from five to seven and provides greater flexibility in appointments to this Board.

Councilman Glasgow 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.

UTILITY SERVICE: Water Service – 2407 Wilson Road

Mayor Kyzer advised that an Annexation Agreement and request for water service to the property located at 2407 Wilson Road from the property owner, Brigman Properties,

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LLC, had been received by the City. He reported that there was a water line adjacent to the property and service could be provided as requested.

Councilman Goudelock made a motion, seconded by Councilman Summer, to accept the Annexation Agreement and extend water service to the property at 2407 Wilson Road. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

UTILITY SERVICE: Water Service – 34 Kookie Land

Mayor Kyzer advised that an Annexation Agreement and request for water service to the property located at 34 Kookie Lane from the property owner, Nura Ray Matthews, had been received by the City. He reported that there was a water line adjacent to the property and service could be provided as requested.

Councilman Boyd made a motion, seconded by Councilman Goudelock, to accept the Annexation Agreement and extend water service to the property at 34 Kookie Lane. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**COMPREHENSIVE PLAN: Community Facilities and Transportation
Elements**

Mayor Kyzer reported that Council members had received the Community Facilities and Transportation component of the Comprehensive Plan as recommended by the review committee.

Councilman Boyd made a motion, seconded by Councilman Senn, to approve the Community Facilities and Transportation Elements of the Comprehensive Plan. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (2007-1021): Rezoning – 3195 Hazel, 1311 Trent, 1313 Trent –
General Commercial to R-6 High Density
Residential – First Reading**

Mayor Kyzer introduced for first reading an Ordinance (#2007-1021) to amend the Future Land Use Map and the Zoning Map by rezoning the properties located at 3195 Hazel Street, 1311 Trent Street and 1313 Trent Street from General Commercial to R-6 High Density Residential.

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

**ORDINANCE (2007-1022): Rezoning – 715, 723 and 726 Drayton & – 722
Brantley Streets – Limited Industrial to R-6
High Density Residential – First Reading**

Mayor Kyzer introduced for first reading an Ordinance (#2007-1022) to amend the Future Land Use Map and the Zoning Map by rezoning the properties located at 713,715 Drayton Street, 723 Drayton Street, 726 Drayton Street and 722 Brantley Street from Limited Industrial to R-6 High Density Residential. Mayor Kyzer read a letter from the property owners of 713 Drayton Street, Mr. J. E. Caldwell and Mrs. Patricia H. Caldwell, requesting that their property not be rezoned

Councilman Glasgow made a motion, seconded by Councilman Boyd, to approve first reading of the Ordinance excluding 713 Drayton Street. Voting “Aye” on the motion were: Glasgow, Senn, Kyzer, Summer, Boyd and DuBose. “Abstaining”: Goudelock. (Mr. Goudelock recused because he owns the property at 722 Brantley Street.) Mayor Kyzer declared the motion carried following a unanimous vote of City Council members voting.

EXECUTIVE SESSION

Councilman Goudelock made a motion, seconded by Councilman Boyd, to enter an Executive Session at approximately 8:04 P.M. to discuss personnel, legal and contractual matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Newberry City Council returned to open session at 9:35 P.M. Mayor Kyzer provided a brief summary of the general issues discussed in Executive Session. He stated that the City Manager would proceed with preparation of a contingent contract for the acquisition of additional office space pursuant to the terms and conditions discussed in Executive Session and prepare a recommendation on financing options for Councils’ consideration in the near future.

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APPOINTMENTS:

**George Routon & Rhett Frazier – NOH Board
George Summer - Municipal Planning Comm.
Clarence Chick – Nby. Housing Authority**

Mayor Kyzer made a motion, seconded by Councilman Goudelock, to appoint George Routon and Rhett Frazier to the Newberry Opera House Foundation Board, to appoint George Summer to the Municipal Planning Commission and to re-appoint Clarence Chick to the Newberry Housing Authority Board. 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, seconded by Councilman Boyd, to adjourn the meeting at approximately 9:40 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)