

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
FEBRUARY 14, 2006 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. Lemont Glasgow, Foster Senn, Zebbie D. Goudelock, Gregg W. Summer, Andrew Shealy, Sarah F. Dipner (late).

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Assistant to City Manager Jeff Shacker, Building & Zoning Official Ward Braswell. Others Present: Judge Frank Partridge, Sharon Senn and children, Jimmy Bickley, Ken Swygert, Rev. Floyd Sides, Mac Bartley, Cindy Bartley, Burt Mohler, Don Cochell, P. K. Fuller, Jim Pope, Huger Caughman, Pat Wilkes, Jac Ullman, Kay Braswell and others.
News Representatives: Heather Hawkins, Lee Gray.

CALL TO ORDER

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

OATHS OF OFFICE:

Councilman Foster Senn

Judge Partridge administered the Oaths of Office to Councilman Foster Senn.

MINUTES

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to approve the minutes of the Regular Meeting of Newberry City Council held on January 10, 2006 as presented. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer stated that members of City Council had received copies of the Financial Report for the period July 1, 2005 through January 31, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes. City Manager assured Council that the property tax line item in revenue is at the appropriate level for this time of the year.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized the following volunteers with the Newberry Fire Department for their dedication and service: Butch Price (absent), 19 years; Ken Swygert, 18 years; Rev. Floyd Sides, 17 years; Mac Bartley, 13 years; and Huger Caughman, 11 years.

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Mayor Kyzer and City Manager Budds recognized Jimmy Bickley, Fire Engineer, for his ten years of service to the City. He was presented with a longevity pin and gift from the City.

PROCLAMATION: Reverend Dr. John Bachman

Mayor Kyzer signed a Proclamation recognizing the contributions made to the community by the Reverend Dr. John Bachman and honoring his service to Newberry College as its first President.

MID-YEAR BUDGET

City Manager Budds provided City Council with a memorandum outlining, in detail, recommended budget adjustments and providing documentation in support of these changes. He proceeded with an excel presentation providing a review of the mid-year budget. He explained that the City operates three funds: general fund; special funds; and utility (enterprise) fund.

City Manager Budds requested that City Council consider an amendment to adjust the General Fund from \$6,771,602 to \$7,136,394 for a total increase of \$364,792. He reviewed each of the categories in the Special Funds in detail and recommended that the Special Funds be adjusted from \$8,934,112 to \$9,900,330 for a total increase of \$966,218. He indicated that the Utility Fund would be adjusted from \$20,709,486 to \$20,826,038 for a total increase of \$116,552. He proceeded to review both revenues and expenditures in more detail within the general fund and the utility fund.

ORDINANCE (#2006-1001): FY05-06 Budget Amendment – Second and Final Reading

Mayor Kyzer presented for second and final reading an Ordinance to amend the Fiscal Year 2005-2006 Budget.

Councilwoman Dipner made a motion, seconded by Councilman Shealy, to adopt the Ordinance to amend the FY2005-2006 Budget as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2006-1003): Annexation – Chapman Drive – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance to annex the property of Don and Shirley Mohler on Chapman Drive. He indicated that temporary zoning of the property would be R-8 Medium Density Residential.

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

**ORDINANCE (#2006-1002): City Code Section 12-3 (5) & (6) Amendment –
Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance to amend Section 12-3, paragraphs (5) and (6) of the City Code. He explained that the ordinance establishes a maximum rental period of four hours and new fees for the use of the barbeque pits.

Councilman Glasgow made a motion, seconded by Councilman Shealy, to adopt the Ordinance to amend Section 12-3 (5) and (6) of the City Code. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2005-1030): Zoning Ord. Amendment – Secs. 511 & 513 -
Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance to amend Sections 511 and 513 of the City Zoning Ordinance. He explained that proposed amendments would require a Type “D” buffer when General Commercial property is located contiguous or within fifty feet of residentially zoned property and would require an additional five trees per hundred linear feet of buffer area.

City Manager Budds stated that one request had been received to clarify the language in the Ordinance and recommend a change to the first paragraph in Section 513 which would add a statement that: “ if designated as a conditional use”.

Councilman Goude-lock made a motion, seconded by Councilman Shealy, to adopt the Ordinance to amend Sections 511 & 513 of the Zoning Ordinance with the recommended amendment. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2005-1032): Rental Housing Registration - Second and Final
Reading**

Mayor Kyzer presented for second and final reading an Ordinance to establish a rental housing registration program. He stated that the proposed ordinance required that all rental housing units be registered with the City and changes in the number and location of rental units and designated local agents be reported to the Building & Zoning Department

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promptly. He further noted that no fee would be established at this time, but would be deferred until the costs associated with administering this program could be evaluated.

Councilwoman Dipner emphasized the importance of providing proper notification to owners of rental property. City Manager Budds indicated that the staff would exercise more leniency during this first year of registration as long as rental property owners were responsive.

Councilman Shealy made a motion, seconded by Councilman Summer, to adopt the Ordinance to establish a rental housing registration program. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2006-1004): Lease/Purchase Agreement (P.W. Equipment) -
First Reading**

Mayor Kyzer introduced for first reading an Ordinance authorizing the execution of a Lease/Purchase Agreement for equipment to be utilized in the Public Works Department. He noted that more complete information concerning the financing of the lease/purchase agreement would be presented at second reading of the Ordinance.

Councilwoman Dipner made a motion, seconded by Councilman Goudelock, to approve first reading of the Ordinance to authorize the Lease/Purchase Agreement. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

COUNCIL: Budget Calendar (FY2006-2007)

Mayor Kyzer reminded City Council members that they had received a proposed budget calendar for consideration and asked if there were any changes to be made. He indicated that Budget Work Sessions would be scheduled for May 9, 10, 11 and that first reading of the budget would be on June 6 with second reading on June 20.

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

**SCOTTS CREEK: Submission of Funding Requests to U.S. Army
Corps of Engineers**

Mayor Kyzer informed City Council that the City Manager had submitted letters requesting assistance from the U. S. Army Corps of Engineers with evaluating and developing a corrective action plan for flooding issues related to Scotts Creek. He

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ADJOURNMENT

There being no further business before City Council, Councilman Shealy made a motion, seconded by Councilman Goudelock, to adjourn the meeting at approximately 9:07 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)