

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
SEPTEMBER 11, 2006 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. LeMont Glasgow, Foster Senn, Zebbie D. Goude-lock, Gregg Summer, Andrew Shealy.

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Assistant to the City Manager Jeff Shacker, Utility Director Fred Yandle, Fire Chief Joe Palmer, Building & Zoning Official Ward Braswell, City Planner Doug Currier. Others Present: Michael Surrett, Michael O'Connell, Sharon Cromer and family, Jim Liptak, Mike Graham, David DuBose, and others.
News Representatives: Cindy Pitts, 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 Shealy, to approve the minutes of the Regular Meeting of Newberry City Council held on August 8, 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, 2006 through August 30, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEE

Mayor Kyzer and City Manager Budds recognized Michael Surrett, Water/Sewer Crew Leader, for completion of five years of service; Michael O'Connell, Police Lieutenant, for completion of fifteen years of service; and Sharon Cromer, Utility Department Senior Secretary, for completion of twenty-five years of service. Each received a longevity pin and gift in recognition of their service.

ORDINANCE(#2006-1018):

**Future Land Use Map and Zoning Map
Amendments – Cheek Properties, LLC – Second
and Final Reading**

Mayor Kyzer offered for second and final reading an Ordinance to establish a General Commercial Future Land Use Map designation and General Commercial zoning classification for the property owned by Cheek Properties, LLC located on Wilson Road.

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charge. He pointed out that no public rights-of-way would be closed and consumption of alcohol would not be permitted on public rights-of-way.

Mayor Kyzer stated that Mr. Mike Graham has requested that Martin Street be closed from his business, Martin Street Beer Parlor, to Lindsay Street and that he be allowed to utilize the area for a DJ to set up and for additional space for dancing. He noted that the request also include the authorization to allow the consumption of alcohol in the public right-of-way. Mayor Kyzer indicated that the City staff did not recommend granting this request. Mr. Graham indicated he would provide a certificate of insurance for the event.

Councilman Glasgow made a motion, seconded by Councilman Senn, to grant the request made by Mr. Mike Graham to close Martin Street and allow him to locate DJ and dancing in the area and allow for the consumption of alcohol within the designated right-of-way. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

ORDINANCE(#2006-1019): **Recovery of Collection Costs related to the Setoff Debt Collection Act – First Reading**

Mayor Kyzer presented for first reading an Ordinance to strengthen the City's ability to collect administrative fees related to the Setoff Debt Collection Act.

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

ORDINANCE(#2006-1020): **Repeal Sec. 9-24.3 – Large Commercial (Electric) Service – First Reading**

Mayor Kyzer introduced for first reading an Ordinance to repeal Section 9-24.3 entitled "Large Commercial Service" of the City Code. He noted that the City's rate consultant recommended that this classification of rate service be repealed.

Councilman Goudelock 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.

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ORDINANCE (#2006-1021): Amend Secs. 4-1, 4-24, 4-44, 4-54, 4-64, 8-20, 8-22, 8-24 and to Repeal Sec. 8-21 and Article III of Chapter 8 – First Reading

Mayor Kyzer offered for first reading an Ordinance to amend Sections 4-1, 4-24, 4-44, 4-54, 4-64, 8-20, 8-22, 8-24 and to repeal Section 8-21 and all of Article III of Chapter 8 of the City Code. He pointed out that the proposed changes would increase the re-inspection fees from \$15.00 to \$30.00 and remove inconsistencies with the International Property Maintenance Code and current sections of the City Code and also to establish the height of 12 inches at which an overgrown lot becomes a nuisance.

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

RESOLUTION: CDBG Match for Wi-Fi Project (\$50,000)

Mayor Kyzer presented for Council's consideration a Resolution authorizing a 10% local match of \$50,000 for a CDBG application in the amount of \$500,000 to fund a citywide wireless system to offer free internet access to our citizens and businesses. He stated that the staff anticipates that the Wi-Fi system will require significant improvements to the City's fiber optic network and that such improvements will enhance the capabilities of our utility system as well as providing internet access.

Councilman Summer made a motion, seconded by Councilman Goudelock, to authorize the execution of the Resolution as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

RESOLUTION: Closing McKibben Street between Friend & Johnstone Streets

Mayor Kyzer submitted for Council's consideration a Resolution authorizing the filing of Petition with the Circuit Court and recommending the closing of McKibben Street between Friend and Johnstone Streets. He advised that this action was necessary to provide sufficient space for the construction of the new library.

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

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COUNCIL:

Andrew Shealy

Councilman Shealy thanked the citizens for supporting him as a candidate and then member of City Council and expressed his appreciate to the employees of the City for their hard work and encouragement. He noted that he had had the privilege of working under all the City Manager's that the City had ever had. He thanked his fellow Council members for their assistance and the cooperative way in which Newberry City Council works together. He also expressed appreciate to the news media for its support.

STORMWATER

City Manager Budds announced that ten proposals from engineering firms were submitted two weeks ago for the stormwater project and the proposals are being reviewed at this time. He indicated that he was hoping to pare the number to about three firms to be interviewed and expected to have a recommendation for City Council by November.

CODE ENFORCEMENT

City Manager Budds stated that City Council had indicated a desire to pursue greater code enforcements efforts, purchase software to facilitate the program and to improve the notification procedures so that violators can be processed quicker. He stated that these efforts should meet the expectations as indicated by City Council to resolve these cases more expeditiously. He reported that a total of 341 cases have been issued with 150 having been resolved satisfactory. He stated that the majority of the remaining violations were less than thirty days old.

UTILITIES:

Sewer Line Replacement

City Manager Budds indicated that the City had discovered a major problem with the 27 inch sewer line to the plant that must be repaired. He informed Council that bids for the project were requested and that it would cost approximately \$84,000 to repair the problem. He advised that the City would proceed with the necessary repair and that budget adjustments for the project would be accommodated in the mid-year budget.

MARTIN STREET PROJECT

City Manager Budds reported that the developer had a meeting last week with some potential investors. He stated that Mr. Davis felt the meeting went well and anticipated moving forward with the project shortly.

