

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
OCTOBER 10, 2006 – 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, Municipal Clerk Tina P. Wicker, Assistant to the City Manager Jeff Shacker, Utility Director Fred Yandle, Building & Zoning Official Ward Braswell, Public Works Director Arnold Hiller, Police Chief Jackie Swindler, Fire Chief Joe Palmer, City Planner Doug Currier, City Judge Frank Partridge. Others Present: William Brown, Keith Minick, Lawrence Suber, Harry Longshore, Brian Moran, Angela Summer, Wendell Adams, Phil Rowe, Kevin Longshore, Al Shealy, Susan Lee, P. K. Fuller, George Burke, Andrew Shealy, John Glasgow, Ralph Liscio, Steve Sauer, Ed Rollins, Joan Kyzer, Clark & Evan Kyzer, Jennie DuBose, Alveena Goudelock, Narvis Boyd, Amanda Glasgow, Rick McCutcheon, Deborah Smith, Lou Coleman 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 Goudelock made a motion, seconded by Councilman Glasgow, to approve the minutes of the Regular Meeting of Newberry City Council held on September 11, 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 September 30, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes.

CERTIFICATION OF ELECTION

Mayor Kyzer read letters from the Municipal Election Commission certifying the results of the general and special elections held on September 12 and the run-off election held on September 26.

Councilman Summer made a motion, seconded by Councilman Senn, to accept the Commission report. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

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OATHS OF OFFICE

City Judge Partridge administered the Oaths of Office to Councilmen Boyd, DuBose, Glasgow and Goude-lock. These members were seated for their respective terms.

City Judge Partridge administered the Oaths of Office to Mayor Kyzer. Mayor Kyzer took his seat for a four-year term.

RECOGNITION OF WATER PLANT STAFF

Mayor Kyzer and City Manager Budds acknowledged the staff at the City's water treatment plant for their outstanding performance and recognized their achievements in receiving the 2005 Area Wide Optimization Performance of Excellence Award. It was noted that the award was presented by SCDHEC and that the water plant had received this award for five consecutive years.

RECOGNITION OF EMPLOYEE

Mayor Kyzer and City Manager Budds recognized William Brown, Electrical Lineman A, for completion of ten years of service; Keith Minick, Fire Captain, for completion of fifteen years of service; Lawrence Suber, Fire Engineer, for fifteen years of service; Harry Longshore, Meter Servicer, for twenty years of service; and Brian Moran, Automotive Mechanic, for completion of twenty years of service. Each received a longevity pin and gift in recognition of their service.

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

Mayor Kyzer submitted for second and final reading an Ordinance to strengthen the City's ability to collect administrative fees related to the Setoff Debt Collection Act.

Councilman Goude-lock made a motion, seconded by Councilman Boyd, to adopt 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 – Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance to repeal Section 9-24.3 entitled "Large Commercial Service" of the City Code.

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Councilman Senn 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 (#2006-1021): 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 – Second and Final Reading

Mayor Kyzer introduced for second and final 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 Goudeock made a motion, seconded by Councilman Boyd, to adopt the Ordinance as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE(#2006-1024): Lease/Purchase Agreement (\$195,000) – Public Works Equip. – First Reading

Mayor Kyzer offered for first reading an Ordinance authorizing the execution of a Lease/Purchase Agreement for an amount not to exceed \$195,000 for the purchase of equipment to be utilized in the Public Works Department. He noted that bids were being solicited for the equipment and from banks interested in financing the Lease/Purchase Agreement.

Councilman Goudeock 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.

STORMWATER

City Manager Budds reported that the staff committee had completed its review of the proposals submitted for engineering for a stormwater program for the City and had conducted interviews with the two finalists. He recommended that the City negotiate with the firm of B. P. Barber & Associates for the stormwater engineering services.

Councilman Goudeock made a motion, seconded by Councilman Glasgow, to accept the recommendation of the City Manager and proceed with employing the services of B. P.

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Barber & Associates for stormwater engineering. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE(#2006-1022): Zoning Ordinance Amendment – Core
Commercial District (arcades) – First Reading**

Mayor Kyzer introduced for first reading an Ordinance amending the City's Zoning Ordinance to allow arcades to be located in the downtown Core Commercial District. City Manager Budds noted that staff was opposed to the proposed change citing that this type of use was inconsistent with the theme being promoted for downtown and may generate inappropriate activities and other problems for the businesses and activities in the area. He stated that the Planning Commission was recommending the change with very strict guidelines for operation. He explained that City Council could reject, approve or remand the Ordinance to the Planning Commission.

Councilman Goudelock asked the location proposed and asked the Police Chief for his evaluation of arcades. Chief Swindler advised that arcades which are run appropriate usually do not last if security and strict regulations are implemented. He indicated his concern would then be that the displaced youths would venture onto the streets which could cause problems.

Councilman Senn stated that he had changed his mind on the location of an arcade in the downtown area after reading the report issued by the Planning Commission and the restrictions to be placed on the business. He also indicated he felt this was an activity that the youth of our community would enjoy.

Councilman Glasgow made a motion, seconded by Councilman Senn, to approve first reading of the Ordinance. Voting "Aye": Senn, Glasgow, Kyzer. Voting "Nay": Goudelock, Summer, Boyd, DuBose. Mayor Kyzer declared the motion rejected and the matter dead by a vote of four to three of City Council members present.

COUNCIL: October Work Session

City Council agreed to hold the Work Session on October 17 along with a brief City Council meeting to hold second reading of the Ordinance to set the tax millage for the fiscal year 2006-2007. The time for the meeting was set at 6:00 P. M.

ORDINANCE(#2006-1023): Tax Millage for FY2006-2007 – First Reading

Mayor Kyzer introduced for first reading, by title only, an Ordinance establishing the tax millage for fiscal year 2006-2007. He noted that second reading of the Ordinance would

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be held later during this month and the figure provided by the Newberry County Tax Assessor would be utilized to determine the tax millage rate.

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

City Manager Budds proceeded to provide information on the calculation of the millage in a re-assessment year and demonstrated his calculations on a spreadsheet.

COUNCIL: Mayor Pro Tempore

Mayor Kyzer announced that this item would be deferred to Executive Session.

COUNCIL: Appointment to CNNGA Board

Mayor Kyzer announced that this item would be deferred to Executive Session.

UTILITIES:

Mayor Kyzer indicated that the City Manager was seeking authorization from City Council to proceed with establishing written rules and procedures related to the disconnection of utility services for non-payment in compliance with recently enacted State law.

City Manager Budds indicated that a tragic death in the upstate resulting when a customers power was disconnected because of non-payment had prompted the legislature to require all investor-owned utilities to establish written policies and procedures that are utilized for the termination of service for non-payment. He reviewed with City Council the current procedures and the proposed changes which include establishing a payment plan option.

Councilman Senn made a motion, seconded by Councilman Goudeock, to authorize the City Manager to proceed with developing the procedures to be followed when utility service is terminated for non-payment. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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EXECUTIVE SESSION

Councilman Goude-lock made a motion, seconded by Councilman Boyd, to enter an Executive Session for the purpose of discussing personnel, legal and contractual matters as outlined on the agenda at approximately 7:56 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Council returned to open session at 8:55 P.M.

COUNCIL: Mayor Pro Tempore – Zebbie D. Goude-lock

Mayor Kyzer announced that Councilman Goude-lock would serve as Mayor Pro Tempore for the next two years.

COUNCIL: Appointment to CNNGA Board – Greg Summer

Mayor Kyzer announced that Councilman Summer would serve on the Clinton-Newberry Natural Gas Authority to replace outgoing Councilmember Shealy.

COUNCIL: Rhett Frazier Property Donation - .66 acres – Forest Ridge

Councilman Glasgow made a motion, seconded by Councilman Goude-lock, to accept the donation of .66 acres of property from Rhett Frazier for a tax write-off equal to the appraised value of the property for tax purposes. 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 Goude-lock made a motion to adjourn, Councilman Glasgow seconded the motion. Mayor Kyzer declared the meeting adjourned at 9:00 P.M. following a unanimous vote of City Council members present.

T. Edward Kyzer
MAYOR

ATTEST:

Tina P. Wicker, City Clerk
Newberry, South Carolina

(SEAL)

