

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
DECEMBER 12, 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, City Planner Doug Currier.
Others Present: Freddie Wingard, Deborah Smith and others.
News Representatives: Lee Gray, Heather Hawkins.

CALL TO ORDER

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

MINUTES

Councilman Goudelock made a motion, seconded by Councilman Boyd, to approve the minutes of the Regular Meeting of Newberry City Council held on November 14, 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 November 30, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized Freddie Wingard, Maintenance Worker in the Recreation Department, for five years of service. He received a longevity pin and gift in recognition of his service.

NEWBERRY OPERA HOUSE: Request for Permission to Consume Alcohol in Memorial Park on New Year's Eve

Mayor Kyzer announced that the Newberry Opera House had submitted a request for permission to allow for the consumption of alcohol in Memorial Park during its planned celebration for New Year's Eve. He indicated that the Opera House would provide the required insurance.

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Councilman Boyd, made a motion, seconded by Councilman Glasgow, to approve the request from the Newberry Opera House and allow the consumption of alcohol in Memorial Park on New Year's Eve. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

STORM WATER ENGINEERING: B. P. Barber

Mayor Kyzer informed City Council that the City had received four engineering proposals from B. P. Barber and Associates for services associated with the storm water project. He noted that phases of the project were bid with a low to high estimate as follows: (1) Development of storm water utility - \$100,000 to \$120,000; (2) Scotts Creek Flood Basin Study - \$80,000 to \$120,000; (3) GIS Services to Support Engineering Studies - \$68,000 to \$78,000; and (4) Phase II Permit Preparation - \$16,000 to \$18,000. He remarked that the City Manager recommended initial funding be from the fund balance of the utility and general funds with the understanding that the reimbursement of these fund balances would be the first priority when a storm water utility fee is implemented.

Councilman Goudelock, made a motion, seconded by Councilman Boyd, to authorize the approval of the contracts with the exception of Phase II with B. P. Barber & Associates and authorize the City Manager to proceed with awarding the contract when it can be determined that the City would not experience any cash flow difficulties. Mayor Kyzer declared the motion carried following a unanimous vote of City Council.

APPOINTMENTS: Architectural Review Board

Mayor Kyzer advised that Margaret Collins, Marian Crosson and Franklin Miller are willing to continue serving on the Architectural Review Board.

Councilman Glasgow made a motion, seconded by Councilman Goudelock, to approve the appointments of Margaret Collins, Marian Crosson and Franklin Miller to the Architectural Review Board. Mayor Kyzer declared the motion carried following a unanimous vote of City Council.

BLUE LAWS

Councilman Senn voiced his objection to repeal of the Blue Laws by Newberry County on a permanent basis during the holiday season. Others member of City Council indicated their support of his position.

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EXECUTIVE SESSION

Councilman Glasgow 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 7:18 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Glasgow made a motion, seconded by Councilman Goudelock, to return to open session at 8:12 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CULTURAL ARTS AND TOURISM DIVISION

Mayor Kyzer called on City Manager Budds regarding a proposal to create a Cultural Arts and Tourism Division and special funds to provide for expenses related to the operation of the Firehouse Conference Center, Visitor Center and absorption of the Newberry Opera House full-time employees as employees of the City of Newberry.

City Manager Budds emphasized that this move would not have any impact on the City's general or utility fund budgets. He indicated that all expenses would be covered by existing funds appropriated for cultural arts and tourism activities as well as future Local Accommodations and Hospitality Fee revenue. He added that all funds to be utilized for this purpose were either currently restricted by City Council for tourism and cultural arts use or by other state and federal regulations.

Councilman Boyd made a motion, seconded by Councilman Goudelock, to approve the concept subject to the City Manager bringing back to Council a final plan at the January meeting and submitted budget amendments necessary to fund this plan as part of the mid-year budget process. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

LAND DONATION: 4.4 Acres at Kendall Park

Councilman Glasgow made a motion, seconded by Councilman Senn, to accept the donation of 4.4 acres of property owned by Martijin Van Zadelhoff which is adjacent to the City's Mollohon park facilities, noting that said donation would be subject to the City Manager being satisfied that there were no environmental problems associated with the property and that the property would be in usable condition at the time of donation to the City. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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ADJOURNMENT

There being no further business before City Council, Councilman Goudelock made a motion to adjourn, Councilman Boyd seconded the motion. Mayor Kyzer declared the meeting adjourned at 8:15 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)