

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN MUNICIPAL COURT ROOM, PUBLIC SAFETY BUILDING,
NEWBERRY, SC
JUNE 14, 2005 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council Present: R. LeMont Glasgow, Boyce Lively, Zebbie D. Goude-lock, Gregg W. Summer, Andrew Shealy. Member Absent: Sarah F. Dipner.

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Assistant to City Manager Jeff Shacker, Utility Director Charles Guerry. Others Present: Terry Jones, Donald Berry, Todd Chapman, Louis Boyd, Deborah Smith, Edward Mills, and others. News Representatives: Heather Hawkins and Paul Gable.

CALL TO ORDER

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

MINUTES

Councilman Goude-lock made a motion, seconded by Councilman Lively, to approve the minutes of the Regular Meeting of Newberry City Council held on May 10, 2005 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, 2004 through May 31, 2005 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 Terry Jones, Heavy Equipment Operator in the Public Works Department, for fifteen years of service to the City and also recognized Charles Guerry, Utility Director, for ten years of service.

CITIZEN REQUEST:

Donald Berry – Water Tap Removal

Mr. Berry addressed City Council concerning the minimum charge being billed to him by the City for a water tap on a piece of property he owns. He explained that there was no connection to the water system at this location. He presented information explaining that he did sign for the tap and the agreement that he would be billed the minimum amount. He indicated that the tap had now cost him over \$1,000. He complained that he did not request a meter, but a water tap therefore he did not feel he should be billed the minimum.

Minutes of the Regular Meeting of the City of Newberry
June 14, 2005
Page -2-

Mayor Kyzer requested that this matter be referred to the City Attorney for review. Mr. Berry indicated he was in agreement with this approach. City Manager Budds clarified the circumstances related to the water and sewer services provided in the Loblolly subdivision and concluded that the practices and policies that the City follow are accepted throughout the industry.

Mr. Berry also requested time to discuss an issue involving electrical service. He indicated that he had requested that electric service be provided to a property he owns and it had been coded as a commercial property. Mayor Kyzer instructed the City Manager to refer this matter to the City Attorney as well.

PUBLIC HEARING: FY2005-2006 Budget

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the proposed budget for FY2005-2006.

City Manager Budds presented the FY06 Budget information. He explained that the budget was composed of three segments which for next fiscal year would total \$27,210,842 representing a .34% increase. He stated that the General Fund totaled \$6,771,602. He gave an overview of the special funds, mentioning major changes in each fund total and explaining the reason behind these changes. He pointed out that this year's budget did contain a new special fund entitled the Firehouse Conference Center Fund with a total budget of \$1,236,200. He also informed City Council that the Utility Fund totaled \$20,709,486.

City Manager Budds pointed out that expenditures did exceed revenues so part of the proposal in the new budget would call for a slight increase in recreation fees. He stated that the City proposed to adjust the millage the 2.7 allowed in a reassessment year therefore increasing the millage rate from 94 mills to 96.5 mills. He explained that it would be necessary to adjust the millage rate once the reassessment was completed.

City Manager Budds also mentioned that the budget did grant salary adjustments and increase the number of positions by 3.5 persons in various departments. He provided more detailed information on each of the division codes in both the general fund and the utility fund. In reviewing the utility fund, he mentioned that there was a proposal calling for a 3.5% water rate increase and a 4.5% sewer rate increase. He noted that there was no across the board increase in electric rates, but due to some billing changes from PMPA there would be an average impact on the residential customer of \$1.80 per month and approximately a 2% increase to commercial and industrial customers.

No further comments were offered and Mayor Kyzer declared the public hearing closed.

**Minutes of the Regular Meeting of Newberry City Council
June 14, 2005
Page -3-**

PUBLIC HEARING: Vested Rights

Mayor Kyzer opened a public hearing to receive comments concerning adoption of an Ordinance establishing vested rights.

Mayor Kyzer declared the public hearing closed when no comments were submitted.

PUBLIC HEARING: Zoning Ordinance Amending – Section 509

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the proposed amendment to Section 509 of the Zoning Ordinance.

No comments were offered and Mayor Kyzer declared the public hearing closed.

PUBLIC HEARING: Land Use Map of Comprehensive Plan

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the proposed amendment to the Land Use Map of the Comprehensive Plan.

Mayor Kyzer declared the public hearing closed after receiving no comments.

ORDINANCE (#2005-1007): Franchise Agreement with NEC – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance authorizing the execution of a Franchise Agreement with the Newberry Electric Cooperative for electrical service to a portion of the Fretwell Family Trust property.

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

ORDINANCE (#2005-1009): Land Option – 2 acres on Cockrell Drive (\$15,000) – Second and Final Reading

Mayor Kyzer presented for second and final reading an Ordinance authorizing the execution of a Land Option with the Fretwell Family Trust for two acres located on Cockrell Drive for the price of \$15,000. He noted that the property could be utilized by the City for public safety facilities should the property develop.

**Minutes of the Regular Meeting of Newberry City Council
June 14, 2005
Page -4-**

Councilman Lively 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 (#2005-1010): Lease Agreement Amendment – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance authorizing the execution of an amended lease agreement with the Fretwell Family Trust for two sites to be utilized at some point by the City for the location of entrance signs.

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

ORDINANCE (#2005-1011): Vested Rights – Second and Final Reading

Mayor Kyzer introduced for second and final reading an Ordinance amending the land development ordinances of the City to provide vested rights for developing properties.

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

ORDINANCE (#2005-1012): Zoning Ordinance Amendment – Section 509 – Second and Final Reading

Mayor Kyzer presented for second and final reading an Ordinance to amend Section 509 of the City's Zoning Ordinance to correct an oversight and allow hospitals as a permitted use in the Office Commercial zoning district.

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

STREETS: One-Way Streets – Gallman School

Councilman Goudelock requested that the City Manager proceed with taking steps to have the traffic flow patterns in the vicinity of the Gallman School reviewed and modified accordingly.

**Minutes of the Regular Meeting of Newberry City Council
June 14, 2005
Page -5-**

**CITIZEN REQUEST: Newberry Opera House – Alcoholic Beverages in
Memorial Park – Taste of Newberry Event –
June 17, 2005**

Mayor Kyzer reported that the Newberry Opera House Foundation had requested permission to serve alcoholic beverages in Memorial Park between the hours of 5:00 P.M. and 10:00 P.M. on Friday, June 17, in conjunction with the Taste of Newberry event.

Councilman Goudeock made a motion, seconded by Councilman Shealy, to approve the request made by the Newberry Opera House Foundation. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2005-1013): Street Lighting Standards and Specification –
First Reading**

Mayor Kyzer offered for first reading an Ordinance establishing street lighting standards and specifications. He remarked that with the issuance of franchise agreements with the Newberry Electric Cooperative to serve electricity in some of the recently annexed areas it had become necessary to establish a set of standards and specifications for street lighting.

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

PETITION TO ANNEX: Crooks Property – 1326 Wilson Road

Mayor Kyzer reported that the City had received a Petition to Annex from the property owners of 1326 Wilson Road. He noted that the front portion of the property was currently inside the city limits and that the petition requested that the remaining portion of the property be annexed. He added that the property would remain with a zoning classification of GC-General Commercial.

Councilman Goudeock made a motion, seconded by Councilman Summer, to accept the Petition to Annex as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2005-1014): Annexation of 1326 Wilson Road – First Reading

Mayor Kyzer submitted for first reading an Ordinance to annex the property located at 1326 Wilson Road and to zone the property GC-General Commercial.

**Minutes of the Regular Meeting of Newberry City Council
June 14, 2005
Page -6-**

Councilman Lively 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.

ORDINANCE (#2005-1015): Business License Amendment – First Reading

Mayor Kyzer submitted for first reading an Ordinance to amend the Business License Ordinance. He explained that the proposed Ordinance established a cap on the declining rate at 90% of the base charged per \$1,000 of sales and amends the business license rate for automobile and equipment dealers.

Councilman Goudelock made a motion, seconded by Councilman Lively, 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 (#2005-1016): Recreation Fee Increase – First Reading

Mayor Kyzer introduced for first reading an Ordinance to amend Section 12-4 of the City Code to increase recreation fees. He stated that the recreation fees would increase by \$5.00 per youth participant and \$15.00 per adult participant. He added that the funds generated would help offset the cost of adding a new program coordinator position in the Recreation Department.

Councilman Goudelock 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 (#2005-1017): Utility Rate Increase (Water and Sewer) – First Reading

Mayor Kyzer introduced for first reading an Ordinance to amend sections of the City Code to increase utility fees for water and sewer services and to implement billing changes from PMPA for electrical service.

Councilman Lively 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.

ORDINANCE (#2005-1018): FY2005-2006 Budget – First Reading

Mayor Kyzer introduced for first reading an Ordinance to adopt the budget for FY2005-2006.

**Minutes of the Regular Meeting of Newberry City Council
June 14, 2005
Page -7-**

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

STATE ACCOMMODATIONS TAX AWARD:

Mayor Kyzer stated that City Council had previously authorized the award of \$2,500 in State Accommodations Tax proceeds to the Historic Newberry Events Committee for its Oktoberfest event. He added that since the City was now coordinating this event City Council needed to amend the original award of \$2,500 from the Historic Newberry Events Committee to the City of Newberry.

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to award \$2,500 in State Accommodations Tax proceeds to the City of Newberry for the Oktoberfest event. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CITIZEN REQUESTS:

**Water Service – 1279 Brown Chapel Rd., 2643
Wilson Rd., 1025 Cockrell Dr.**

Mayor Kyzer advised that the City had received requests from the property owners at the following addresses: 1279 Brown Chapel Rd., 2643 Wilson Rd., and 1025 Cockrell Dr. for water service to their properties. He noted that annexation agreements had been signed by all property owners.

Councilman Goudelock made a motion, seconded by Councilman Shealy, to approve the requests for water service and the annexation agreements for the properties cited above. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2005-1019):

Land Use Map Amendment – First Reading

Mayor Kyzer presented for first reading an Ordinance to amend the Land Use Map of the Comprehensive Plan to reflect recent annexations into the city limits, most notably the Fretwell property.

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

**Minutes of the Regular Meeting of Newberry City Council
June 14, 2005
Page -8-**

STREETS: Wilson Road

Councilman Goudeock requested that the City Manager discuss the possibility of locating a pedestrian crosswalk across Wilson Road especially in the vicinity of S. C. Highway 219 and S. C. Highway 34.

STREETS: Johnstone Street

Councilman Goudeock suggested that the City make an effort to procure sidewalks along Johnstone Street.

EXECUTIVE SESSION

Councilman Goudeock made a motion, seconded by Councilman Shealy, to enter an Executive Session at approximately 8:35 P.M. to discuss personnel and contractual matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

UTILITIES: Mollohon Water/Sewer Project

Councilman Shealy made a motion, seconded by Councilman Goudeock, to approve change orders for the Mollohon Water and Sewer Rehabilitation Project (Phase I) in an amount of \$88,119. 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 Lively made a motion, seconded by Councilman Goudeock, to adjourn the meeting at approximately 9:30 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)