

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
JULY 12, 2005 – 7:00 P.M.**

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

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Assistant to City Manager Jeff Shacker, Utility Director Charles Guerry. Others Present: Doug Haltiwanger, Evans Johnson, Susan and Robert Lee, Dwain Morris, P. K. Fuller, Stan and Sandra Lominick, Cornell Blakely, Deborah Smith, Rene Foulis, Peggy West, Jackie Perry and others. News Representatives: Heather Hawkins and Lee Gray.

CALL TO ORDER

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

MINUTES

Councilman Lively made a motion, seconded by Councilman Shealy, to approve the minutes of the Regular Meeting of Newberry City Council held on June 14, 2005 as presented and to approve the minutes of the Special Meeting of Newberry City Council held on June 21, 2005. 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 June 30, 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 Doug Haltiwanger, Police Sergeant, for five years of service and Evans Johnson, Heavy Equipment Operator in the Public Works Department, for five years of service to the City. They also recognized for fifteen years of service each: Susan Lee, Water Plant Operator A and Dwain Morris, Electrical Lineman A.

PUBLIC HEARING:

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the assignment of permanent zoning classifications to properties recently annexed into the City limits. He noted that one of the properties being zoned was located at 1326 Wilson

**Minutes of the Regular Meeting of Newberry City Council
July 12, 2005
Page -2-**

Road and the other contained approximately 1,000 acres owned by the Fretwell Family Trust.

City Manager Budds explained that the Fretwell Family Trust would be zoned OS-Open Space and there could be no further development on the property under this current zoning classification. He stated that any hunting on the property would have to be in compliance with state and federal hunting regulations.

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

CITIZEN REQUEST: P. K. Fuller – Storm Drainage

Mr. P. K. Fuller addressed City Council concerning flooding problems on his property following a recent heavy rainfall. He went into extensive detail describing the flow of water into Scotts Creek and its tributaries as well as the conditions of some of the underpasses. He reminded Council that the development along Wilson Road was the major contributing factor to the increased flooding problems along the creek. He recommended that the City attempt to obtain the right-of-way from Lindsay Street to Wilson Road. He suggested that all the pipes be cleared immediately after floods to keep the water flowing and that the bridge supports be tested after flooding.

Mayor Kyzer explained that the City could not go on private property to clean the creek and remove trees. He stated he had no problem in contacting the Corps of Engineers again about the project, but did not know what assistance they would provide.

ORDINANCE: Zoning – 1326 Wilson Rd. and Fretwell Family Trust - First Reading

Mayor Kyzer presented for first reading an Ordinance assigning a permanent zoning classification to properties recently annexed into the City limits. He noted that the property at 1326 Wilson would be zoned GC – General Commercial and that the property of the Fretwell Family Trust would be zoned OS – Open Space.

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

CITIZEN REQUEST: Newberry Opera House Guild

Mayor Kyzer reported that the City had received a request from the Newberry Opera House Guild to grant permission for the use of alcohol in Memorial Square during its

**Minutes of the Regular Meeting of Newberry City Council
July 12, 2005
Page -3-**

fund-raising even on August 27 and to allow for the closing of Boyce Street between McKibben and Nance Streets.

Councilwman Dipner made a motion, seconded by Councilman Lively, to approve the request made by the Newberry Opera House Guild. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCE: Refund Policy

Mayor Kyzer advised that the staff was recommending that a Refund Policy be established to clearly and consistently set forth the period of time for which the City will consider a refund for any overpayment.

City Manager Budds explained that requests for fairly substantial refunds had been received by the City over the past several months and that a clear policy needed to be in place to address these types of requests in a timely manner.

Councilman Shealy made a motion, seconded by Councilman Glasgow, to approve the Refund Policy as submitted. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

RESOLUTION: National Incident Management System

Mayor Kyzer presented for City Council's consideration a Resolution to adopt the National Incident Management System which will provide a more efficient and effective method to prevent, prepare for, respond to and recover from domestic incidents regardless of their size, cause or complexity.

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

RESOLUTION: Newberry College Educational and Governmental Access Agreement

Mayor Kyzer submitted for consideration a Resolution authorizing the execution of an agreement with Newberry College to provide for the operation of the education and government access channel.

Councilwoman Dipner made a motion, seconded by Councilman Shealy, to adopt the Resolution 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
July 12, 2005
Page -5-

Councilman Glasgow made a motion, seconded by Councilman Lively, to return to open session at approximately 9:32 P.M.

ADJOURNMENT

There being no further business before City Council, Councilman Goudeock made a motion, seconded by Councilman Lively, to adjourn the meeting at approximately 9:34 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)