

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
May 13, 2008 – 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, Assistant City Manager Jeff Shacker, City Clerk Tina P. Wicker, City Planner Doug Currier. Others Present: Gary Roberts and family, Yank Floyd, Dan and Frances Abrams, Deborah Smith. News Representatives: Leslie Moses, Heather Hawkins.

CALL TO ORDER

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

MINUTES

Councilman DuBose made a motion, seconded by Councilman Boyd, to approve the minutes of the regular meeting of Newberry City Council held on April 8, 2008 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer noted that the Financial Report showed the revenue and expenditure transactions through April 30, 2008. He noted that the Financial Report would be attached to and made a part of the original minutes of the meeting.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized Gary Roberts, Waste Treatment Plant Operator, for his ten years of service and Yank Floyd, Park Buildings & Facilities Specialist, for his thirty years of service. Each received a longevity pin and gift from the City.

CITIZEN REQUEST:

Abrams – 1446 Calhoun St.

City Manager Budds acknowledged that a sewer back-up in any residence was an unpleasant experience and expressed regret for the event that occurred at 1446 Calhoun Street explaining that the City had no knowledge of any problem in that area.. He reviewed statutory exemptions that are provided in State law. He remarked that the City had no prior knowledge of any defects, conditions or problems on that particular sewer line at any residence in that vicinity of Calhoun Street. He stated that as a result of these factors and the information provided by the city personnel who immediately responded to the homeowner's call the adjuster for the City's insurance denied the claim. He noted that the City had accepted liability in other sewer back-ups when it felt it contributed to the sewer back-up, but that was not the case in this instance.

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Mr. and Mrs. Abrams of 1446 Calhoun Street appeared before City Council pertaining to an insurance claim denied by the City's insurance provider. Mr. Abrams stated that they experienced a sewer backup into their home located at 1446 Calhoun Street on March 4 during a heavy rainstorm. Mr. Abrams explained his actions on the date of the event and provided a statement and photographs of the occurrence. Mrs. Abrams detailed the extent of the damages in the house.

Councilman Senn mentioned that it was black, dirty sewer that backed up into the house and the Abrams' had not been able to live in their home. He requested that the City refer this back to the insurance carrier for a review because he did not feel with the quick turnaround of the claim they could have fully investigated the event.

City Manager Budds stated that he was not opposed to having an engineering firm determine if this event could have occurred in a manner that would show that the City had some liability. He indicated that without this study he did not feel the insurance company would change its denial.

Councilman Senn made a motion, seconded by Councilman Goudebeck, to conduct the engineering study of the sewer lines in the Calhoun area. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

ORDINANCE (#2008-1006):

**International Property Maintenance Code –
First Reading**

Mayor Kyzer introduced by title only an Ordinance (#2008-1006) to repeal the adoption of the International Property Maintenance Code by reference under authority of S. C. Code of Laws, Section 6-9-80 and re-adopt the International Property Maintenance Code by reference under authority of S. C. Code of Laws, Section 5-7-80 and Section 5-7-30. He explained that this action was being taken to clarify the enforcement process during court proceedings regarding violations of the International Property Maintenance Code.

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

ORDINANCE (#2008-1004):

**Rezone & Amend Future Land Use Map –
Hillbrook Lane (Tax Map #398-10) from R-10 to
R-8 – First Reading**

Mayor Kyzer presented for first reading an Ordinance (#2008-1004) to amend the future land use map and to rezone the property adjacent to Hillbrook Lane identified as Tax Map #398-10 from R-10 Low Density Residential to R-8 Medium Density Residential. He mentioned that the

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developer had experienced higher than anticipated preparation costs and in order to keep the homes affordable proposed a reduction in lot size to allow for the construction of six additional units in the subdivision.

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

FINANCE:

Credit Card Acceptance Policy

Mayor Kyzer advised that the staff was recommending the phasing in of a credit card acceptance policy to: (1) limit initial acceptance of credit card payments to on-line transactions; (2) process on-line payments through the State of South Carolina's portal and payment engine; (3) pass on all associated fees to the customer choosing this method of payment; (4) establish a link on the City's website to allow on-line payments; (5) establish an on-line payment station at City Hall and then expanded to other City facilities if needed; (6) evaluate data to determine continuance and/or expansion of the policy.

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to approve the credit card acceptance policy as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2008-1005):

**Newberry Opera House Foundation Board
members – First Reading**

Mayor Kyzer submitted for consideration an Ordinance (#2008-1005) to amend the composition of the Board of Directors of the Newberry Opera House Foundation to include the President of the Newberry Opera House Guild and the President of Newberry College as ex officio members.

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

CITY COUNCIL:

Taste of Newberry

Mayor Kyzer remarked that the Newberry Opera House was requesting authorization for the sale and consumption of beer and wine in Memorial Park during the Taste of Newberry scheduled for June 20. He stated that the Police Department concurred with the request.

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Councilman Goudelock made a motion, seconded by Councilman Boyd, to authorize the sale and consumption of beer and wine in Memorial Park for the Taste of Newberry on June 20. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

UTILITIES:

M. B. Kahn Construction Co. (Wastewater Treatment Plant) - \$1,321,000

City Manager Budds stated that the City had received a bid from M. B. Kahn Construction Company in the amount of \$1,321,000.00 for the installation of aeration equipment at the wastewater treatment plant to complete Phase 1 of the plant upgrade. He requested that City Council approve the contract and authorize the use of the remaining Capital Sales Tax revenue in the amount of \$891,785.00 to move forward with the project. He added that the balance of funds for the completion of this project would be appropriated by City Council during the upcoming budget process.

Councilman Boyd made a motion, seconded by Councilman Goudelock, to approve the award of the contract with M. B. Kahn Construction Company in an amount up to \$1,321,000 for the purchase and installation of replacement aeration equipment at the wastewater treatment plant and to authorize staff, if necessary, to separate the equipment and installation portions of the contract and award them separately provided the combined price does not exceed \$1,321,000. 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 Goudelock made a motion, seconded by Councilman Glasgow, to adjourn the meeting at approximately 7: 55 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)