

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
December 9, 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, Utilities Director Fred Yandle. Others Present: Debra Smith, Jim Liptak, Tina Liptak, Roy McClurkin, Dr. Mitchell Zais, Dr. James Wiseman and others.
News Representatives: Leslie Moses, 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 November 11, 2008 as presented and the minutes of the special meeting of Newberry City Council held on November 24, 2008 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL REPORT

Mayor Kyzer reported that members of City Council had been provided with a copy of the Financial Report for the period ending November 30, 2008. Mayor Kyzer indicated that the report would be attached to and made a part of the minutes.

RECOGNITION OF EMPLOYEES:

Mayor Kyzer and City Manager Budds recognized Jim Liptak, Water/Sewer Supervisor, for his five years of service and Roy McClurkin, Investigator (Lieutenant) with the Police Department, for his twenty-five years of service. Each received a longevity pin and gift from the City.

NEWBERRY OPERA HOUSE:

New Year's Eve

Mayor Kyzer remarked that the City had received a request from the Newberry Opera House for permission to allow the consumption of alcohol in Memorial Park on New Year's Eve. He indicated that the consumption of alcohol will be limited to a toast at midnight and would be subject to compliance with all South Carolina Department of Revenue requirements related to special events permits.

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

NEWBERRY COLLEGE

Dr. Mitchell Zais, President of Newberry College, addressed City Council on recent initiatives, programs and activities of the College. He provided updates in the areas of finances, facilities, academics and athletics. He reported that financially the college was very stable, primarily because of increased enrollment. He reviewed current facility locations and discussed plans for facility expansion to include a new dormitory on the old softball and soccer field and relocate these athletic facilities to the Smith Road site. He added that the college also needed to construct a nursing building to accommodate the nursing program. He talked about academics advising that there were over 140 majors offered at the college. He boasted about the success of the various athletic programs.

PUBLIC HEARING:

**Zoning Ordinance: Amend R-6 Zoning District,
Permit Multi-Family Development in GC Zoning
District; Create Mixed Development (R-Mx)
Zoning District**

Mayor Kyzer advised that a Public Hearing for receiving comments on the proposed changes to the Zoning Ordinance to amend the R-6 zoning district; permit multi-family development in the General Commercial zoning district and create a Mixed Development (R-Mx) zoning district.

Mayor Kyzer declared the Public Hearing closed when no one offered comments.

ORDINANCE (#2008-1023):

**Amendments to Chapter 4 of the City Code –
Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2008-1023) to amend several sections of Chapter 4 of the City Code in order to eliminate duplicative or unclear language related to license requirements for plumbing work and also to eliminate the need for frequent ordinance updates to adopt the latest version of the International Code.

Councilman Boyd 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.

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ORDINANCE (#2008-1024):

**Amendment to Sec. 10-8(A) of the City Code –
Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2008-1024) to amend Section 10-8(A) of the City to require contractors to display license identification stickers/decals when working in the city.

Councilman DuBose 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 (#2008-1025):

**Lease/Purchase – Public Works Equipment -
\$185,300 – Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2008-1025) authorizing the execution of a Lease/Purchase Agreement in the amount of \$185,300.00 for the purchase of an automated residential garbage truck for the Public Works Department. He announced that the low bid was submitted by BB&T at an interest rate of 3.06 percent for a four year term.

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

RESOLUTION:

**Loan Application to the SC Water Quality
Revolving Fund - \$18,000,000**

Mayor Kyzer remarked that the SC Water Quality Revolving Loan Program had been identified as the most cost effective and expedient manner to borrow funds for the completion of the expansion and rehabilitation of the city's wastewater treatment plant. He presented for Council's consideration a Resolution authorizing the submission of the application for a loan not to exceed \$18,000,000.

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

RESOLUTION:

Reimbursement of Expenses from SRF Loan

Mayor Kyzer indicated that the SRF program had agreed to allow the City to reimburse itself for some of the cost related to propriety equipment incurred during Phase I of the rehabilitation of the wastewater treatment plant. He offered for Council's consideration a Resolution authorizing

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that the approved expenses incurred prior to the closing of the SRF loan be reimbursed from the SRF loan proceeds.

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

JURY LIST

Mayor Kyzer reported that the Court Clerk had a copy, in electronic format, of the registered voters in the City of Newberry to be used to compile the jury list for 2009. He stated that City Council is required to approve this process each year.

Councilman DuBose made a motion, seconded by Councilman Boyd, to approve the 2009 jury list. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2008-1026):

Zoning Ordinance – Amendments to R-6 Zoning District; General Commercial Zoning District; Mixed Residential Zoning District – First Reading

Mayor Kyzer introduced for first reading an Ordinance (#2008-1026) to amend the text of the Zoning Ordinance, by amending the R-6 zoning district, permitting multi-family development in the General Commercial zoning district, and creating the Mixed Residential (R-Mx) zoning district. He explained that the Planning Commission had reviewed the proposed and amendments and recommended adoption of the Ordinance.

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

ECONOMIC DEVELOPMENT:

Buxton Study (Market Analysis)

Mayor Kyzer reported that the staff had secured the services of the Buxton Group to conduct a market analysis for a cost of \$63,000. He advised that the Newberry County Chamber of Commerce and the Newberry Business Alliance had each pledged \$5,000 towards the study. He reported that staff recommended that the additional \$53,000 be funded from the PMPA Economic Development Grant in an amount of \$12,500 and from the 2006-2007 CNNGA Economic Development Grant in an amount of \$40,500.

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Councilman Senn made a motion, seconded by Councilman Boyd, to approve the appropriation of the funds for the market analysis to be conducted by the Buxton Group. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

EXECUTIVE SESSION

Councilman Goudelock made a motion, seconded by Councilman Summer, to enter an Executive Session to discuss a personnel matter related to appointments to Boards and Commissions. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Mayor Kyzer made a motion, seconded by Councilman Boyd, to return to open session at approximately 8:05 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

APPOINTMENT:

Municipal Planning Commission – Ted Smith

Councilman Glasgow made a motion, seconded by Councilman Senn, to appoint Ted Smith to the Municipal Planning Commission. 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 Boyd made a motion, seconded by Councilman Glasgow, to adjourn the meeting at approximately 8:07 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)