

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
JANUARY 9, 2007 – 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, Police Chief Jackie Swindler, Fire Chief Joe Palmer, City Planner Doug Currier.

Others Present: Mike Meadow, Ronnie Taylor, Deborah Smith, Andrew Morris, Ben Bowers, Rick McCutcheon, Brian Beck, Stuart Smith, Greg Taylor 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 Senn, to approve the minutes of the Regular Meeting of Newberry City Council held on December 12, 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 December 31, 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 Mike Meadow, Fire Captain, for twenty years of service and Ronnie Taylor, Electrical Lineman A, for twenty years of service. Each received a longevity pin and gift in recognition of his service.

POLICE DEPARTMENT: Re-accreditation by SCLEAC

Mayor Kyzer and City Manager Budds announced that the Police Department had been approved for re-accreditation by the S. C. Law Enforcement Accreditation Council for a third three-year period. Chief Swindler received the plaque on behalf of the City Police Department in recognition of this accomplishment.

Minutes of the Regular Meeting of Newberry City Council
January 9, 2007
Page -2-

POLICE DEPARTMENT: AAA's Traffic Safety Community

Mayor Kyzer and City Manager Budds acknowledged that the City had been selected as AAA's Traffic Safety Community of the Year. Chief Swindler received the plaque in recognition of this accomplishment.

RESOLUTION: Newberry High School Football

Mayor Kyzer presented for Council's consideration a Resolution acknowledging the accomplishments of the Newberry High School football team and coaching staff during its recent season.

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

RESOLUTION: Newberry College Football

Mayor Kyzer presented for Council's consideration a Resolution recognizing the accomplishments of the Newberry College football team and coaching staff during its recent season.

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

**ORDINANCE: Agreement – Newberry County's Enforcement
of the Animal Control and Exotic Animal
Ordinances – First Reading**

Mayor Kyzer introduced for first reading an Ordinance authorizing the execution of an agreement with Newberry County whereby the County would enforcement both the Animal Control and Exotic Animal ordinances within the corporate limits of the City.

Councilman Summer 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.

Minutes of the Regular Meeting of Newberry City Council
January 9, 2007
Page -3-

RESOLUTION:

**Opposition to Palmetto Baptist's Certificate of
Need**

Mayor Kyzer offered for Council's consideration a Resolution opposing Palmetto Baptist Hospital's proposed construction of a seventy-six bed inpatient facility in the Lake Murray Boulevard area.

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

ORDINANCE:

Amendments to the FY 2006-2007 Budget

Mayor Kyzer presented by title only an Ordinance to amend the Fiscal Year 2006-2007 Budget.

Councilman Goudelock made a motion, seconded by Councilman Boyd, to approve by title only the Ordinance to amend the FY 2006-2007 Budget. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

JURY LIST

Mayor Kyzer reported that the Municipal Court Clerk had ordered the jury list composed of registered voters within the City limits in electronic format from the appropriate agency.

Councilman Glasgow made a motion, seconded by Councilman Summer, to approve the jury list for use during 2007. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CITY COUNCIL:

**Schedule for City Council Meeting and Work
Sessions for 2007**

City Manager Budds provided members of City Council with a listing of proposed City Council meetings for 2007 as well as a schedule for quarterly work sessions. City Council rescheduled the April quarterly work session to April 24 and the October City Council meeting to October 2 and noted that one additional City Council meeting would be scheduled on June 19 for second reading of the budget.

**Minutes of the Regular Meeting of Newberry City Council
January 9, 2007
Page -4-**

BUDGET: Authorizing City Manager to Borrow from Funds

Mayor Kyzer remarked that in lieu of the staggered payment option approved by County Council for the payment of property taxes the City Manager was requesting authorization to borrow money from other funds to supplement the General Fund cash flow until such time as tax revenues are sufficient to cover General Fund expenses. He noted that the borrowing of funds would be limited to a maximum period of 180 days unless extended by Council.

Councilman Goude-lock made a motion, seconded by Councilman Senn, to authorize the City Manager to utilize his discretion to borrow money from other City funds to supplement the General Fund cash flow until such time as normal cash flow is resumed due to the delay of implementation of reassessment and the extension of time payment options to the City's taxpayers and that said borrowing not to exceed 180 days unless authorized by City Council. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

FINANCIAL: Project Funding and TIF District

Councilman Goude-lock pointed out that the renovations to the Firehouse Conference Center had been completed and did not involve the use of property tax funds. City Manager Budds confirmed this statement and acknowledged funding from the one-cent sales tax and other grants had been utilized for this project.

City Manager Budds also explained the Tax Increment Financing District, how citizens living in the TIF were billed for tax purposes noting that receiving two tax bills did not mean they were paying more than any other taxpayer. He pointed out that the separate tax billing was utilized for accounting purposes only.

EXECUTIVE SESSION

Councilman Goude-lock made a motion, seconded by Councilman Glasgow, to enter an Executive Session for the purpose of discussing legal and contractual matters as outlined on the agenda at approximately 7:39 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Goude-lock made a motion, seconded by Councilman Glasgow, to return to open session at 8:20 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

CULTURAL ARTS AND TOURISM

Mayor Kyzer called on the City Manager Budds to present a prepared motion. City Manager Budds read for Council's consideration the following motion: (i) authorize the creation of a Cultural Arts and Tourism Division for the City of Newberry, (ii) authorize the Division to be set up as a self-sustaining special fund to be financed exclusively by existing funding appropriated by Council for tourism promotion and funds otherwise restricted by the State of South Carolina for tourism promotion and development, (iii) ratify the hiring of up to two new employees to assist with the joint Newberry Opera House and Firehouse Conference Center operations, (iv) ratify conversion of existing Newberry Opera House employees to full-time equivalent City positions to assist with the joint Newberry Opera House and Firehouse Conference Center operations; and (v) authorize the City Manager to execute an employee sharing agreement with the Newberry Opera House Foundation and to take all other steps necessary to proceed with the implementation and the creation of a Cultural Arts and Tourism Division for the City of Newberry to be responsible for joint operation of the Newberry Opera House and Firehouse Conference Center.

Councilman Glasgow made a motion, seconded by Councilman Boyd, to approve and pass the motion as presented by the City Manager. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

ADJOURNMENT

There being no further business before City Council, Councilman Goude-lock made a motion to adjourn, Councilman Boyd seconded the motion. Mayor Kyzer declared the meeting adjourned at 8:22 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)