

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC  
JUNE 12, 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, City Clerk Tina P. Wicker, City Planner Doug Currier. Others Present: Deborah Smith, P. K. Fuller, and others.  
News Representatives: Lee Gray, Heather Hawkins.

**CALL TO ORDER**

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

**MINUTES**

Councilman Glasgow made a motion, seconded by Councilman Goudelock, to approve the minutes of the Regular Meeting of Newberry City Council held on May 8, 2007 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 May 31, 2007 and that a copy of the Financial Report would be attached to and made a part of the minutes.

**PUBLIC HEARING:                      **FY 2007-2008 Budget****

Mayor Kyzer declared a public hearing on the budget for fiscal year 2007 – 2008.

There being no comments from the public, Mayor Kyzer declared the public hearing closed.

**PUBLIC HEARING:                      **Land Use Map/Zoning Map – 1033 Wallace Dr.****

Mayor Kyzer declared a public hearing on the proposed amendment to the Land Use Map of the Comprehensive Plan and the Zoning Map to reflect the recent annexation of the property at 1033 Wallace Drive.

No one offered any comments. Mayor Kyzer declared the public hearing closed.

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**PUBLIC HEARING:                      Subdivision Regulations**

Mayor Kyzer declared a public hearing on the proposed amendment to the subdivision regulations to establish a process for reviewing subdivision plans.

No one offered any comments. Mayor Kyzer declared the public hearing closed.

**PUBLIC HEARING:                      Zoning Ordinance – Sign Regulations**

Mayor Kyzer declared a public hearing on the proposed amendment to the sign regulations of the Zoning Ordinance to permit business in the core commercial district to have a maximum of three signs on their property.

There being no comments from those present, Mayor Kyzer declared the public hearing closed.

**ORDINANCE (#2007-1012):              Chapter 9: Electrical and Sewer Rate Increases –  
First Reading**

Mayor Kyzer presented for first reading an Ordinance to amend sections of Chapter 9 of the City Code to implement electrical and sewer rate increases. He advised that the increase in the electric rates was to offset anticipated increases in the cost of purchasing wholesale power and the increase in the sewer rates were to provide revenue to offset anticipated debt service on the upgrade and expansion of the waste treatment plant. He noted that the electric rates would increase by 2.09% and sewer rates would be adjusted by 5%.

Councilman Boyd made a motion, seconded by Councilman Goudelock, 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 (#2007-1009):              Chapter 10: Business License to Reflect Use of  
NAICS Codes – First Reading**

Mayor Kyzer introduced for first reading an Ordinance to amend sections of Chapter 10 of the City Code to reflect the use of the North American Industrial Classification System Codes and Statistical Data as the method to classify businesses for the calculation of license fees. He added that the conversion to the NAICS code is designed to be revenue neutral to the City.

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Councilman Glasgow made a motion, seconded by Councilman Boyd, 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 (#2007-1011):            **Adopt Budget & Levy Taxes – First Reading****

Mayor Kyzer introduced for first reading an Ordinance to adopt the Budget and Levy Taxes for Fiscal Year 2007-2008. He remarked that the millage rate for next year would increase from 86 mills to 89.7 mills.

City Manager Budds explained that there had actual been a shortfall in the current year's revenue based on reassessment issues and the fact that a large number of rental cars had been registered in another county. He remarked that the 3.7 increase in the millage rate would adjust for this shortfall in revenue going forward and would also fund an approximate \$34,000 increase in revenue.

Councilman Boyd 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 (#2007-1013):            **Amend FY 2006-2007 Budget – First Reading****

Mayor Kyzer presented for first reading, by title only, an Ordinance to amend the current FY 2006-2007 budget to allow staff the flexibility to recommend changes for corrective action and housekeeping purposes.

Councilman Senn made a motion, seconded by Councilman Boyd, 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 (#2007-1007):            **Amend Comprehensive Plan/Zoning Map for Annexation of 1033 Wallace Dr. – First Reading****

Mayor Kyzer offered for first reading Ordinance to amend the Land Use Map of the Comprehensive Plan and the Zoning Map to reflect the recent annexation of property located at 1033 Wallace Drive.

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

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**ORDINANCE (#2007-1010):            **Amend Land Development Regulations  
Ordinance to establish a Subdivision Review  
Process – First Reading****

Mayor Kyzer introduced for first reading Ordinance to amend the Land Development Regulations (subdivisions) to establish a staff review and approval process for minor subdivisions.

City Manager Budds explained that once the original plat of a subdivision is approved by the Planning Commission and recorded it can not be amended without going through the formal process. He stated that this would allow defined minor changes to the subdivision plats and would assist the developers in managing small unanticipated changes that might occur when the property is developed.

Councilman Summer 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 (#2007-1008):            **Zoning Ordinance, Article 9, Signs – First  
Reading****

Mayor Kyzer introduced for first reading Ordinance to amend Article 9 of the Zoning Ordinance related to the number and types of signs permitted in the Core Commercial District. He indicated that the proposed change would allow the business owner a total of three signs of any type giving the business owner more flexibility.

Councilman Senn made a motion, seconded by Councilman Boyd, 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 (#2007-1014):            **Zoning Ordinance, Article 7, Landscaping –  
First Reading****

Mayor Kyzer presented for first reading Ordinance to amend Article 7 of the Zoning Ordinance to lower the threshold of redevelopment activity on existing property that triggers a requirement to bring the existing development up to the highest level of compliance with the revised landscape codes.

Councilman Goudelock 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.

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**NEWBERRY OPERA HOUSE:     **Alcohol Permit for Taste of Newberry****

Mayor Kyzer advised that the City had received a request from the Newberry Opera House to allow the sale and consumption of alcohol (beer and wine) in Memorial Park for the Taste of Newberry event scheduled for Friday, June 22.

Councilman Goude-lock made a motion, seconded by Councilman Boyd, to approve the request made by the Newberry Opera House for the sale and consumption of alcohol in Memorial Park on June 22. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

**RECREATION:                             **Academic Performance Standards****

Mayor Kyzer remarked that Councilman Senn had requested that City Council discuss the possibility of implementing academic performance standards as a requirement for participation in City recreational programs.

City Manager Budds reported that the school district can comply with out request to provide the academic information and they are establishing a procedure to handle this request. He indicated that if approved by City Council it would be possible to implement this program prior to the registration for the football season.

Councilman Senn informed City Council that this was a program sponsored by the Pop Warner Organization and that it should encourage youth who wanted to play sports to excel in the classroom as well.

Councilman Boyd made a motion, seconded by Councilman Glasgow, to approve moving forward with this program. Mayor Kyzer declared the motion carried by a unanimous vote of City Council members present.

**SCOTTS CREEK**

Councilman Goude-lock asked if any further discussion had been held with the Army Corps of Engineers. City Manager Budds stated that he intended to meet with B. P. Barber & Associates to receive an update on the stormwater project.

**EXECUTIVE SESSION**

Councilman Senn made a motion, seconded by Councilman Summer, to enter an Executive Session for the purpose of discussing a contractual matter as outlined on the agenda at approximately 7:35 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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Councilman Goudeock made a motion, seconded by Councilman Glasgow, to return to open session at 8:10 P.M. Mayor Kyzer reviewed the topics discussed in Executive Session and announced that City Council would not be taken any formal action on the item discussed in Executive Session.

**ADJOURNMENT**

There being no further business before City Council, Councilman Glasgow made a motion, seconded by Councilman Goudeock, to adjourn the meeting at approximately 8:12 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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**T. Edward Kyzer**  
MAYOR

ATTEST:

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Tina P. Wicker, City Clerk  
Newberry, South Carolina

(SEAL)