

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC  
SEPTEMBER 11, 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, Assistant City Manager Jeff Shacker, City Clerk Tina P. Wicker, Utilities Director Fred Yandle. Others Present: Tim Swygert, Deborah Smith, Mike Davenport, Blake Davis, Jimmy Bickley, R. J. Dowd, Bill Parr, Cheryl Starnes, Doug Currier. News Representatives: Lee Gray, 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 Boyd, to approve the minutes of the regular meeting of Newberry City Council held on August 14, 2007 as presented. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**FINANCIAL REPORT**

Mayor Kyzer indicated that members of Council had received copies of the Financial Report for the period July 1, 2007 through August 31, 2007 and 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 Tim Swygert, Fire Lieutenant, for twenty years of service to the City and presented him with a gift and longevity pin.

**CITY COUNCIL:                      Senate Resolution – Firehouse Conference Center**

Mayor Council read a Senate resolution submitted by Senator Cromer recognizing the City's achievements in the opening of the Firehouse Conference Center.

**CITY COUNCIL:                      Chamber of Commerce Video Presentation**

Mike Davenport, President of the Newberry County Chamber of Commerce, presented to City Council copies of the new video recently produced as a marketing tool for the Newberry community.

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**ORDINANCE (#2007-1018):**                      **City Code Amendment, Article 9 – Regulating  
Use of Water from Fire Hydrants – Second and  
Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance (#2007-1018) to amend Article 9 of the City Code to implement regulations on the use of water from City fire hydrants. He indicated that these regulations would govern the use of water for temporary commercial and developmental uses.

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.

**UTILITIES:**                                      **Refunds – Commercial Electric Accounts**

Mayor Kyzer advised that staff had realized an error in the calculation of three commercial electric accounts where the meters were erroneously set up as demand charge meters. He stated that authorization was being sought from City Council to allow a full refund to the customers of the overcharge which is not expected to exceed a total of \$3,000. He added that corrective actions had been taken to minimize the change of a similar error in the future.

Councilman DuBose made a motion, seconded by Councilman Boyd, to authorize the full refund of the amount overcharged to the three commercial accounts. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**RESOLUTION:**                                      **Acceptance of Deed (Hwy.219/I-26)**

Mayor Kyzer introduced a Resolution accepting ownership and maintenance of roads, storms drains, water and sewer infrastructure on the 17 acre tract of land owned by 219 Development Group, LLC located adjacent to S. C. Highway 219 and I-26. He noted that the resolution would also annex the property, now owned by the City, on which Landworks Avenue is constructed.

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

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**COUNCIL:** Retreat Summary and Work Plan

Mayor Kyzer advised that City Council held a planning retreat on August 25 at the Firehouse Conference Center. He noted that City Council needed to approve the retreat summary and work plan so implementation could go forward and that a copy would be attached to the official minutes.

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

## **UTILITIES:**                      **Stormwater Engineering Contracts**

Mayor Kyzer stated that in order to proceed with implementation of a stormwater management plan City Council need to authorize the execution of engineering contracts at a cost not to exceed \$300,000 and that supplemental funding would be incorporated in the mid-year budget.

Councilman Goudelock made a motion, seconded by Councilman Senn, to authorize execution of the stormwater engineering contracts. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**CITIZEN REQUEST:**                      **Oktoberfest Alcohol Sales**

Mayor Kyzer remarked that the City had received a request from the Newberry Opera House for permission to sell beer and wine at the Oktoberfest event scheduled for October 6.

Councilman Boyd made a motion, seconded by Councilman Goudelock, to grant permission for the Newberry Opera House to sell alcohol at Oktoberfest. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

## **UTILITIES:** **Drought Management Plan**

City Manager Budds reported that the Utilities Director had prepared a Drought Management Plan for Council's consideration and adoption. He noted that the Drought Management Plan would supplement to existing ordinance. He indicated that the plan outlined specific guidelines affecting the City's water supply that would trigger the implementation of water conservation efforts during drought periods.

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Councilman Glasgow made a motion, seconded by Councilman Summer, to approve the Drought Management Plan as presented. 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 Boyd, to enter an Executive Session at approximately 7:38 P.M. to discuss personnel and contractual matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Mayor Kyzer made a motion, seconded by Councilman Glasgow, to return to open session at approximately 8:45 P.M. Mayor Kyzer declared the motion carried by unanimous vote of City Council members present.

**APPOINTMENT:**

**Zoning Board of Appeals – Genell Ruff**  
**Planning Commission – Clark Kyzer, Evangeline Shells**

Councilman Goudelock made a motion, seconded by Councilman Boyd, to appoint Genell Ruff to a term on the Zoning Board of Appeals, said term expiring October 1, 2010 and to appoint Clark Kyzer and Evangeline Shells to three year terms on the Municipal Planning Commission. 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 Senn made a motion, seconded by Councilman Glasgow, to adjourn the meeting at approximately 8:47 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)