

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
May 9, 2006 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council: R. Lemont Glasgow, Foster Senn, Zebbie D. Goudelock, Gregg W. Summer, Andrew Shealy, Sarah F. Dipner.

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Assistant to City Manager Jeff Shacker, Fire Chief Joe Palmer. Others Present: Kyle Vaughn, Jim Parks, P. K. Fuller, and others.

News Representatives: Lee Gray.

CALL TO ORDER

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

MINUTES

Councilman Shealy made a motion, seconded by Councilman Goudelock, to approve the minutes of the Regular Meeting of Newberry City Council held on April 4, 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, 2005 through April 30, 2006 and that a copy of the Financial Report would be attached to and made a part of the minutes. City Manager Budds advised that the report represented 83% of the current fiscal year and that staff is pleased with both the year-to-date revenues and expenditures.

RECOGNITION OF EMPLOYEES

Mayor Kyzer and City Manager Budds recognized Kyle Vaughn, Fire Lieutenant, for completion of ten years of service with the City of Newberry.

CITIZEN REQUEST:

Donald Berry – Water/Sewer Billing

Mayor Kyzer advised that the City had been dealing with an appeal by Mr. Donald Berry of the City's practice of charging a minimum bill for water and sewer service from the point a tap is installed. He further advised that Mr. Berry had raised questions regarding the billing practices for his neighbors in the Loblolly subdivision and that City staff was conducting a door-to-door survey to ascertain that everyone is being billed properly. He added that the research to date had not revealed that anyone in similar circumstances to Mr. Berry were being billed differently.

**Minutes of the Regular Meeting of Newberry City Council
May 9, 2006
Page -2-**

Mayor Kyzer advised that Mr. Berry had applied for the taps, paid the discounted tap fees and had signed a statement acknowledging that he would be billed for minimum service from that point forward.

Councilman Shealy made a motion, seconded by Councilman Glasgow, to deny Mr. Donald Berry's request for a refund of the minimum charges paid as a result of him acquiring the taps and signing the document acknowledging that he would be billed for minimum service and further that the City offer to cap the taps and refund the tap fees previously paid adding that Mr. Berry would then be required to pay the appropriate tap fees if service is resumed. Mayor Kyzer declared the motion carried following a unanimous vote of the City Council members present.

**CITIZEN REQUEST: Jason and Kristen Ashcraft – Withdrawal of
Petition to Annex**

Mayor Kyzer stated that the Ashcraft's were requesting that their Petition to Annex property adjacent to Johnstone Street be withdrawn. He noted that the Ashcrafts' cited the expense of boring under Johnstone Street to provide water and sewer service for the reason for the withdrawal of the petition.

Councilman Shealy made a motion, seconded by Councilman Senn, to grant the request to withdraw the Petition to Annex in light of the changes in the City's tap policies. Mayor Kyzer declared the motion carried following a unanimous vote of the City Council members present.

ORDINANCE (#2006-1008): Annexation on Johnstone Street

Mayor Kyzer presented for second and final reading an Ordinance to annex 0.67 acres of land located adjacent to Johnstone Street. He indicated that City Council had approved the request of the Ashcraft's to withdraw their petition for annexation.

Councilman Goudelock made a motion, seconded by Councilman Shealy, to reject second reading of the Ordinance as presented and to deny annexation of the property in accordance with the property's owners request. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**ORDINANCE (#2006-1009): Land Use Map Amendment – Nby. Co.
Disabilities and Special Needs Board - 115
Nance Street – First Reading**

Mayor Kyzer presented for first reading an Ordinance to amend the Land Use Map of the City's Comprehensive Plan and to rezone the recently annexed property belonging to the

Minutes of the Regular Meeting of Newberry City Council

May 9, 2006

Page -3-

Newberry County Disabilities and Special Needs Board located at 115 Nance Street. He noted that the property would be zoned GC – General Commercial.

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

ORDINANCE (#2006-1010): Land Use Map Amendment – Don B. Mohler, Jr. and Shirley A. Mohler - 1427 Chapman Drive – First Reading

Mayor Kyzer presented for first reading an Ordinance to amend the Land Use Map of the City's Comprehensive Plan and to rezone the recently annexed property belonging to the Don B. Mohler, Jr. and Shirley A. Mohler located at 1427 Chapman Drive. He noted that the property would be zoned R8 – Medium Density Residential.

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

APPOINTMENT: Municipal Election Commission

Councilman Shealy made a motion, seconded by Councilman Goudelock, to appoint Mr. Perry Threat to a five-year term on the Municipal Election Commission to the fill the position held by Mr. James D. Perry and to name existing member, Mr. Ed Rollins, as Chairman of the Municipal Election 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 Shealy made a motion to adjourn, Mayor Kyzer seconded the motion and declared the meeting adjourned at 7:20 P.M. Mayor Kyzer announced that City Council would hold a budget work session.

ATTEST:

T. Edward Kyzer
MAYOR

Tina P. Wicker, City Clerk
Newberry, South Carolina

(SEAL)