

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD AT COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC
JANUARY 11, 2005 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council Present: R. LeMont Glasgow, Zebbie D. Goude-lock, Boyce Lively, Gregg W. Summer, Andrew Shealy, Sarah F. Dipner.

Also Present: City Manager Eric G. Budds, Municipal Clerk Tina P. Wicker, Utility Director Charles Guerry. Others Present: Todd Chapman, Deborah Smith. News representative: Paul Gable.

CALL TO ORDER

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

MINUTES

Councilman Goude-lock made a motion, seconded by Councilman Lively, to approve the minutes of the Regular Meeting of Newberry City Council held on December 14, 2004 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, 2004 through December 31, 2004 and that a copy of the Financial Report would be attached to and made a part of the minutes.

ORDINANCE (#2004-1025): **Lease Agreement with the Astwood's - Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance authorizing the execution of a Lease Agreement with Phillip and Valarie Astwood for the properties located adjacent to 1325 Main Street for use as a public park.

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

COUNCIL: **Jury List for 2005**

Mayor Kyzer advised that the Municipal Court Clerk had submitted a memorandum explaining the procedures followed for requesting the list of registered voters in the City from the S. C. Election Commission to be utilized in compiling the jury roll for 2005.

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Councilman Shealy made a motion, seconded by Councilman Goudelock, to approve the Jury List for 2005. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2005-1001): Mid-Year Budget for FY2004-2005 - First Reading

Mayor Kyzer presented for first reading an Ordinance to amend the fiscal year 2004-2005 budget by adopting the Mid-Year Budget. He stated that the Ordinance was being read by title only and no additional information would be presented at this time.

Councilman Lively 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.

BID: Digger/Derrick Truck (Utilities) – Terex Utilities, \$152,582

Mayor Kyzer reported that the City had requested bids for a digger/derrick truck for the electrical division of the utility department. He indicated that the low bid was submitted by Terex Utilities in the amount of \$152,582. He stated that the staff was recommending the acceptance of the bid submitted by Terex Utilities and that an adjustment would be made in the mid-year budget to accommodate the \$10,000 increase over the budget estimate.

Councilwoman Dipner made a motion, seconded by Councilman Lively, to accept the bid submitted by Terex Utilities in the amount of \$152,582 as recommended. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

ORDINANCE (#2005-1002): Zoning Ordinance amendments to Sections 502, 504 and 506 (setbacks, etc.) – First Reading

Mayor Kyzer introduced for first reading an Ordinance to amend Sections 502, 504 and 506 of the City's Zoning Ordinance. He remarked that the proposed changes would eliminate redundant language from these sections of the Zoning Ordinance and would establish a clearer and more easily administered method of calculating side yard setbacks. He added that the proposed changes were recommended by the Municipal Planning Commission.

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Councilman Summer 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.

**BID: Architectural Service Contract – Firehouse
Conference Center**

Mayor Kyzer advised that the City had solicited proposals for architectural services for the firehouse conference center and a committee had been appointed to review the proposals. He explained that after a lengthy review process a recommendation to utilize the services of the firm of McMilan, Smith and Partners had been reached. He indicated that the staff was requesting authorization to negotiate and execute a professional services contract with this firm for a total not to exceed \$95,000.00. He added that the staff was also requesting authorization to proceed with the award of miscellaneous service contracts for such items as surveys, soil borings and hazardous material analysis in an amount not to exceed \$15,000.00.

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to approve the request to negotiate and execute a professional services contract with McMilan, Smith and Partners in an amount not to exceed \$95,000. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Goudelock made a motion, seconded by Councilwoman Dipner, to authorize the awarding of miscellaneous service contracts in an amount not to exceed \$15,000. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

BID: Audit Services

Mayor Kyzer stated that discussion of the proposals for audit services would be deferred to Executive Session.

APPOINTMENT: Municipal Planning Commission

Mayor Kyzer remarked that discussion of appointments to the Municipal Planning Commission would be deferred to Executive Session.

APPOINTMENT: Newberry Opera House Foundation Board

Mayor Kyzer indicated that discussion of appointments to the Newberry Opera House Foundation Board would be deferred to Executive Session.

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EXECUTIVE SESSION

Councilman Goude-lock made a motion, seconded by Councilman Lively, to enter an Executive Session at approximately 7:32 P.M. for the purpose of discussing contractual, personnel and legal matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Councilman Goude-lock made a motion, seconded by Councilman Lively, to return to open session at approximately 8:30 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

BID: **Audit Services – McKinley, Cooper and
Company - \$78,000 for four years**

Councilwoman Dipner made a motion, seconded by Councilman Shealy, to accept the bid for audit services submitted by McKinley, Cooper and Company for \$78,000 over four years or \$19,500 per year. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

APPOINTMENT: **Municipal Planning Commission**

Councilwoman Dipner made a motion, seconded by Councilman Goude-lock, to appoint Nancy Harvey to the Municipal Planning Commission. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

APPOINTMENT: **Newberry Opera House Foundation Board**

Councilwoman Dipner made a motion, seconded by Councilman Goude-lock, to appoint Walter Shealy to fill the vacancy created by the resignation of Mary Ellen Carter on the Newberry Opera House Foundation Board. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

COUNCIL: **Oktoberfest Coordination**

Councilwoman Dipner made a motion, seconded by Councilman Shealy, to authorize the city to take the lead role in coordinating this year’s Oktoberfest. 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 Lively made a motion, seconded by Councilman Goude-lock, to adjourn the meeting at approximately 8:33 P.M.

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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)