

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL  
HELD AT COUNCIL CHAMBERS, CITY HALL, NEWBERRY, SC  
MARCH 8, 2005 – 7:00 P.M.**

Members Present: Mayor T. Edward Kyzer. Council Present: R. LeMont Glasgow, Zebbie D. Goudelock, 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, Fire Chief Joe Palmer. Others Present: Stuart Smith, Audra and Katie Smith, Mike Meadow, Brian Beck, Ben Bowers, Don Cochell, Todd Chapman and others.

**CALL TO ORDER**

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

**MINUTES**

Councilman Goudelock made a motion, seconded by Councilman Glasgow, to approve the minutes of the Regular Meeting of Newberry City Council held on February 8, 2005 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 February 28, 2005 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 Stuart Smith, Fire Lieutenant, for his fifteen years of longevity with the City of Newberry.

**PUBLIC HEARING:**

**Zoning Ordinance Amendments**

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the proposed amendments to Sections 501, 503 and 505, Article 5 of the Zoning Ordinance to reclassify Bed and Breakfast establishments from Special Exceptions to Conditional Uses in the R-10 and R-8 district and to add Bed and Breakfast establishments as a Conditional Use in the R-6 district and to delete the handicap parking requirements in Sections 801 and 803, Article 8 of the Zoning Ordinance because these requirements are specified in the International Building Code.

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No one appeared to offer comment concerning the proposed Zoning Ordinance amendments and Mayor Kyzer declared the public hearing closed.

**PUBLIC HEARING: Justice Assistance Grant**

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the application for a Justice Assistance Grant for funds totaling \$10,722 to be utilized by the Police Department to upgrade the dark room and camera equipment used in crime scene investigations.

No one appeared to offer comment concerning the proposed Justice Assistance Grant and Mayor Kyzer declared the public hearing closed.

**ORDINANCE (#2005-1003): Zoning Ordinance Amendment (Secs. 501, 503, 505, 801 & 803) - First Reading**

Mayor Kyzer presented for first reading an Ordinance to amend Sections 501, 503 and 505 of Article 5 of the Zoning Ordinance concerning Bed and Breakfast establishments and to delete from Sections 801 and 803 of Article 8 handicap parking requirements.

Councilwoman Dipner 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.

**RESOLUTION: Natural Hazards Risk Assessment and Mitigation Plan**

Mayor Kyzer introduced a Resolution adopting the All Natural Hazards Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina. He explained that in order for the City to continue to be eligible for FEMA funding for disasters it would be necessary to adopt this plan.

Councilman Shealy made a motion, seconded by Councilwoman Dipner, to adopt the Resolution as presented. Mayor Kyzer declared the motion carried by a unanimous vote of City Council member present.

**RESOLUTION: Newberry College – Education & Government Access Channel**

Mayor Kyzer presented for Council's consideration a Resolution authorizing the City Manager to execute an agreement with Newberry College for the operation of an

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education and government access channel on the cable system. He noted that this was a step in completing the negotiations for the new franchise agreement.

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

### **UTILITIES:**

#### **Water Service Annexation Agreement – 726 Gray Street**

Mayor Kyzer stated that the property owner, Yegennia Kelly, of 726 Gray Street had requested water service to her property and had executed the required annexation agreement. He indicated that the staff recommended the acceptance of the agreement and the extension of water service to the property.

Councilman Goudelock made a motion, seconded by Councilman Shealy, to accept the agreement and authorize the extension of water service to 726 Gray Street. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

### **ORDINANCE (#2005-1004):**

#### **Rezoning 1103 Calhoun Street from Core Commercial to R-10 – First Reading**

Mayor Kyzer introduced for first reading an Ordinance to rezone the property located at 1103 Calhoun Street from CC – Core Commercial to R-10 Low Density Residential.

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

### **FIRE DEPARTMENT:**

#### **Aerial Fire Truck**

Mayor Kyzer advised that this matter would be deferred to Executive Session.

### **EXECUTIVE SESSION**

Councilman Goudelock made a motion, seconded by Councilman Lively, to enter an Executive Session at approximately 7:20 P.M. for the purpose of discussing legal and personnel matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

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Councilwoman Dipner made a motion, seconded by Councilman Goudelock, to return to open session at approximately 9:03 P.M. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

**FIRE DEPARTMENT:                      Aerial Fire Truck**

Councilwoman Dipner made a motion, seconded by Councilman Shealy, to authorize the City Manager to negotiate the purchase of an aerial fire truck at a price not to exceed \$720,000 and to prepare for Council's consideration an Ordinance for a Lease/Purchase financing for the truck and an Ordinance to amend the FY2004-2005 budget to reflect the purchase. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

Mayor Kyzer then publicly thanked Newberry County for its agreement to pay for 30% of the annual debt service on the truck, provided that the truck is available for County-wide mutual aid response. Mayor Kyzer noted that this assistance made it possible for the City to proceed with the purchase of the aerial truck.

**ADJOURNMENT**

There being no further business before City Council, Councilman Goudelock made a motion, seconded by Councilman Lively, to adjourn the meeting at approximately 9:06 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)