

**MINUTES OF REGULAR MEETING OF NEWBERRY CITY COUNCIL
HELD IN MUNICIPAL COURT ROOM, PUBLIC SAFETY BUILDING,
NEWBERRY, SC
APRIL 12, 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, Assistant to City Manager Jeff Shacker. Others Present: Kevin Goodman, James Amerson, Larry Millstead and family, Nancy Singley, Willie Johnson, Bill Botham, Deborah Smith, Winnie Doss, Louis Boyd, Todd Chapman, Bubba Griffith and others. News Representatives: Heather Hawkins

CALL TO ORDER

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

MINUTES

Councilman Goudelock made a motion, seconded by Councilman Lively, to approve the minutes of the Regular Meeting of Newberry City Council held on March 8, 2005 as presented and to approve the minutes of the Special Meeting of Newberry City Council held on April 5, 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 March 31, 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 recognized City Manager Eric Budds upon his completion of five years of service to the City of Newberry.

Mayor Kyzer and City Manager Budds recognized Kevin Goodman, Police Sergeant, for his ten years of longevity. They also recognized James Amerson, Meter Servicer, for twenty years of service, Larry Millstead, Meter Services Supervisor, for twenty years of service, and Nancy Singley, Computer Services Coordinator, for twenty years of service.

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PUBLIC HEARING: **Rezoning 1103 Calhoun Street – Withdrawn by
Property Owner**

Mayor Kyzer advised that the property owner of 1103 Calhoun Street had requested that the rezoning application be withdrawn. He remarked that there would be no need to hold the scheduled public hearing.

PUBLIC HEARING: **Comcast Cable Television Franchise**

Mayor Kyzer declared a public hearing for the purpose of receiving comments on the renewing of the franchise agreement with Comcast Cable Communications, Inc. He indicated that while the public may desire to make comments on a wide-range of topics many of those may not be considered under the terms of the franchise agreement.

Councilman Shealy announced that several people had spoken to him about dissatisfaction with the current service provided by Comcast. He indicated that these comments addressed a wide-range of concerns from billing to quality of service. He specifically explained a billing problem and asked the representative to address this matter and the other concerns of the citizens of Newberry.

Mayor Kyzer asked that Comcast provided more information to the citizens about the levels of service offered.

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

CITIZEN COMPLAINT: **Winnie Doss – Dogs**

Ms. Winnie Doss appeared before City Council to complain about dogs barking and running loose in neighborhoods. She asked if the City had a leash law. City Manager Budds explained that there was no leash law, but an ordinance prohibiting dogs running at large. Mayor Kyzer also explained that Newberry County animal control enforced animal problems in the City.

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

Mayor Kyzer introduced for second and final 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.

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Mayor Kyzer made a motion that this matter be tabled until further information could be obtained concerning parking issues. Councilman Goudelock seconded the motion which was carried following a unanimous vote of City Council members present.

ORDINANCE (#2005-1004): **Rezoning 1103 Calhoun Street from Core Commercial to R-10 – Withdrawn**

Mayor Kyzer advised that the property owner of 1103 Calhoun Street had requested that this rezoning application be withdrawn.

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

ORDINANCE (#2005-1005): **Lease/Purchase Agreement – Aerial Fire Truck – Second and Final Reading**

Mayor Kyzer presented for second and final reading an Ordinance to approve execution of a Lease/Purchase Agreement for the aerial fire truck.

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.

RESOLUTION: **Fair Housing Month (April)**

Mayor Kyzer presented for City Council's consideration a Resolution designating April as Fair Housing month.

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

ORDINANCE (#2005-1006): **Budget Amendment – Aerial Fire Truck Purchase – First Reading**

Mayor Kyzer introduced for first reading an Ordinance to amend the FY2004-2005 Budget to reflect the purchase of the aerial fire truck.

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

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EXECUTIVE SESSION

Councilman Goudelock made a motion, seconded by Councilman Shealy, to enter an Executive Session at approximately 7:56 P.M. for the purpose of discussing personnel and legal matters as outlined on the agenda. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

City Council returned to open session at 9:12 P.M.

AGREEMENT: **Settlement Agreement (City, NEC, Fretwell Family Trust)**

Councilwoman Dipner made a motion, seconded by Councilman Goudelock, to ratify and approve the Settlement Agreement negotiated between the City of Newberry, the Newberry Electric Cooperative and the Fretwell Family Trust dated April 11, 2005 pertaining to utility services and annexations. Mayor Kyzer declared the motion carried following a unanimous vote of City Council members present.

AGREEMENT: **Fretwell Family Trust**

Councilwoman Dipner made a motion, seconded by Councilman Glasgow, to ratify and approve the Agreement with the Fretwell Family Trust dated April 11, 2005 to obtain an option on a two acre tract of land for possible use as a satellite fire/police station and to lease property for welcome signs into the City. 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 Goudelock made a motion, seconded by Councilman Lively, to adjourn the meeting at approximately 9:15 P.M. 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)