

**REGULAR MEETING  
OF THE  
MANNING CITY COUNCIL**

Monday November 19, 2007  
6:30 p.m.

Breedin Assembly Room  
City Hall

**Members Present:**

Mayor Pro-tem Gordon  
Councilmember Evans  
Councilmember Georgia  
Councilmember Pack  
Councilmember Withespoon

**Members Absent/Excused (E):**

Mayor Johnson- (E)  
Councilmember Davis- (E)

- I. Welcome/Introductory Remarks:** Mayor Pro-tem Gordon welcomed all present and stated that Mayor Johnson had an excused absence. Mayor Pro-tem Gordon stated that the media was notified and acknowledged the following:

Larry Williamson, Manning Board of Appeals  
Mr. and Mrs. Sam Tyson

- II. Invocation:** Mr. Larry Williamson.

- III. Pledge:** Councilmember Diane D. Georgia.

- IV. Approval of Agenda:** A **motion** was made by Councilmember Georgia and was seconded by Councilmember Welle to approve the agenda as presented. There was no discussion. All favored the motion.

**V. Minutes:**

**Minutes of the Regular Meeting of City Council, October 15, 2007.** A **motion** was made by Councilmember Welle and was seconded by Councilmember Witherspoon to approve the minutes as presented. There was no discussion. All favored the motion.

**VI. Citizen's Comments:**

Mayor Pro-tem Gordon stated that Mr. Sam Tyson had requested permission to speak to Council concerning a public nuisance and asked Mr. Tyson to address Council.

**Sam Tyson, 607 Pickwood Drive**

Mr. Tyson stated that there were dogs fenced in on neighboring property and to the rear of his house that bark excessively. Mr. Tyson stated that the house was vacant and that the owner of the dogs lived outside of the city limits. In addition, Mr. Tyson stated that he has tried to use a product called "No Dog Bark" to curb the barking, but discontinued using it because it was not effective. Mr. Tyson stated that he has also contacted Police Chief Garrett to get help in curbing the barking and that Chief Garrett recommended that he contact the Police Department when the dogs bark so that a complaint would be on file and can be acted upon. Mr. Tyson stated that he has called approximately 6 times and officers have responded but the problem has not been resolved. Mr. Tyson asked Council for help in controlling the dogs by enforcing the nuisance ordinance.

**Mrs. Sam Tyson, 607 Pickwood Drive**

Mrs. Tyson asked Council to help in enforcing the ordinance.

Mayor Pro-tem Gordon asked Council if there were any questions for Mr. and Mrs. Tyson.

Councilmember Welle stated that she had spoken with Mr. Tyson about his concerns and that she asked him to come before Council to see what could be done. Councilmember Welle asked for a copy of the noise ordinance for review to see if it addresses Mr. Tyson's concern.

Mrs. Rhodes, Administrator, stated that she was unaware of the situation until it was brought to her attention on November 13th. In addition, Mrs. Rhodes stated that the City has a noise ordinance that addresses dogs barking. However, Mrs. Rhodes stated that the owner of the dogs is not a city resident and that the Manning Police Department will try to locate him/her to cite him/her.

Councilmember Witherspoon stated that this type of nuisance has occurred before and stated that if the problem is not resolved, it would go through due process in a court of law.

Councilmember Georgia asked the Administrator how long has this problem been going on?

Mrs. Rhodes stated that the only complaint that is on record was from March 2007.

**VII. Committee Reports:** None

**VIII. Mayor's Report:** Included in Council's packets as information.

**IX. Public Hearings:**

**A. A proposed amendment to the zoning ordinance to re-zone properties located along Sunset Drive/South Carolina Highway 301, owned by Dr. Charles R. Mitchell, from Residential-20 (RS-20) to Neighborhood Commercial (NC), Tax Map Nos. 169-12-07-012-00; 169-12-07-018-00; and 169-12-07-028-00.**

Mrs. Rhodes stated that included in Council's packet was a tax map which showed the property to be re-zoned. Mrs. Rhodes stated that the owner is proposing to open a doctor's office on the property. In addition, Mrs. Rhodes stated that the Planning Commission has reviewed the request and recommended to Council that the re-zoning amendment be approved.

Mayor Pro-tem Gordon opened the Public Hearing and asked that any proponents and/or opponents to speak regarding the proposed amendment to come forward and to complete and sign the form on the table.

There were none.

**B. A proposed Text Amendment to the City of Manning Zoning Ordinance: Land Development Regulations.**

Mrs. Rhodes stated that the Land Development Regulations were reviewed by the Planning Commission and it was recommended that Council approve the text amendment. Mrs. Rhodes asked Council if there were any questions.

Mayor Pro-tem Gordon opened the Public Hearing and asked that any proponents and/or proponents to speak regarding the proposed text amendment to come forward and to complete and sign the form on the table.

There were none.

Mrs. Rhodes stated that there were two corrections to the definitions on Page 7:

- Section 3.1.1.a- Should read as "Defined by Chapter 2".
- Section 3.1.1.b -Should read as "the same as Section A".
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After some discussion, Mayor Pro-tem Gordon brought the hearing to a close.

**X. Finance Director's Report:**

**October 2007**

<b>General Fund Unrestricted:</b>	\$1,663,870.00
<b>Total Unrestricted GF</b>	<b>1,663,870.00</b>
<b>General Fund Restricted:</b>	\$ 61,005.00
<b>Total Restricted GF</b>	<b>61,005.00</b>
<b>Interest Earned (GF):</b>	<b>6,687.00</b>
<b>Utility Fund Unrestricted:</b>	\$1,277,465.00
<b>Total Unrestricted UF</b>	<b>1,277,465.00</b>
<b>Utility Fund Restricted/Reserved:</b>	\$1,312,551.00
<b>Total Restricted/Reserve UF</b>	<b>1,312,551.00</b>
<b>Interest Earned (UF)</b>	<b>4,081.00</b>
<b>Special Fund:</b>	\$ 52,959.00
<b>Total Special Fund</b>	<b>52,959.00</b>

We are 4 months into the budget year which is 33% with a remainder of 67%.

**REVENUE**

	<u>Current</u>	<u>Percent Collected</u>
YTD GF Revenue	\$748,806	21%
YTD UF Revenue	\$657,366	37%

**EXPENDITURES**

	<b>YTD <u>Spent</u></b>	<b>Percent <u>Spent</u></b>
<b>Legislative</b>	<b>\$ 26,074.00</b>	<b>27%</b>
<b>Judicial</b>	<b>\$ 20,324.00</b>	<b>22%</b>
<b>Administration</b>	<b>\$129,763.00</b>	<b>29%</b>
<b>Non-Departmental</b>	<b>\$145,539.00</b>	<b>48%</b>
<b>Police</b>	<b>\$365,065.00</b>	<b>32%</b>
<b>Fire</b>	<b>\$131,526.00</b>	<b>26%</b>
<b>street</b>	<b>\$253,372.00</b>	<b>25%</b>
<b>YTD GF</b>	<b>\$1,071,662.00</b>	<b>30%</b>

**UTILITY FUND**

	<b>YTD <u>Spent</u></b>	<b>Percent <u>Collected</u></b>
<b>Utility</b>	<b>\$545,439.00</b>	<b>31%</b>

**XI. Administrator's Report:**

Mrs. Rhodes gave the following report:

- 1) **Annexation-** Pine Knoll Phase II – A neighborhood meeting was held November 15, 2007, at Councilmember Welle's home to explain the annexation process and to distribute information. Letters and annexation forms would be mailed to residents for their response.
- 2) **Water & Sewer-** Highway 521 water tank was complete. However Highway 301 will need to be repainted to comply with DHEC regulations. The city received \$92,000 that was reimbursed for the Industrial Park Tank. Mr. Hardy has requested permission to use \$68,000.00 of the reimbursed funds to paint the inside and outside of the Highway 301 tank and to use the current contractor who painted the Highway 521 water tank.

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A **motion** was made by Councilmember Witherspoon and was seconded by Councilmember Welle to approve the request to use \$68,000 of the \$92,000 that was reimbursed from the Industrial Park Tank to paint the inside and outside of the Highway 301 water tank and to use the current contractor. There was no discussion. All favored the motion.

- 3) **Clarendon County Planning Commission Mtg.-** The Clarendon County Planning Commission would hold a meeting on November 20, 2007 at 6:00 p.m. to discuss the city's request to extend its franchise area to along Highway 261 and to the Town of Paxville.
- 4) **Historic Designation Workshop** – This workshop would be held November 29, 2007, 6:00 p.m. at Manning High School and was open to the public.
- 5) **City/County Liaison Committee met last week.**
- 6) **Dickson St. Park-** The basketball courts would be paved before Thanksgiving at a cost of approximately \$17,100. New basketball goals would be installed once the paving was done.
- 7) **Judicial Annex-** Renovations to the office side of the Judicial Building should be completed by the end of November. The contractor has indicated that the roof was in need replacement. Two cost estimates were received. One estimate was \$16,900.00 to install a metal roof with a 30-year warranty. The other estimate was \$27,675.00 to install a 4- ply hot asphalt roof.

The roof would be funded by using \$7,900 in Judicial Repair and Maintenance line item and the balance could be transferred from ARS Commercial Charges line item due to the changes in commercial and trash service. The city was 21% ahead in commercial and 7% ahead in residential trash service.

Councilmember Pack stated that the roof would need to have a place for the water to run off and it would also need gutters.

A **motion** was made by Councilmember Pack and was seconded by Councilmember Witherspoon to approve the purchase of a metal "A" shaped roof for \$16,900.00 and to include the purchase of gutters. There was no discussion. All favored the motion.

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- 8) **Christmas parade-** Saturday, December 1, 2007 at 11:00 a.m.
- 9) **Tree lighting-**Monday, December 3, 2007 at 5:30 p.m. on the Courthouse square facing W. Boyce Street.
- 10) **Clarendon County Chamber of Commerce Retreat-** January 25-27, 2008 in Savannah, Georgia. Reservation forms must be submitted by November 30, 2007.

Councilmember Welle stated that she would be attending the Ribbon Cutting for SMS Sportsworld.

- A) Departmental Reports- None.

**XII. Old Business:**

- A. Zoning Ordinance No. 2007-01M (Second Reading) An Ordinance to re-zone property located along Sunset Drive/South Carolina Highway 301, owned by Dr. Charles R. Mitchell, from Residential-20 (RS-20) to Neighborhood Commercial (NC), Tax Map Nos. 169-12-07-012-00; 169-12-07-018-00 and 169-12-07-028-00.**

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve second reading of the zoning ordinance. There was no discussion. All favored the motion.

- B. Zoning Ordinance No. 2007-1T (Second Reading) An Ordinance to amend the zoning text to regulate land development.**

A **motion** was made by Councilmember Witherspoon and was seconded by Councilmember Welle to approve the zoning ordinance to amend the zoning text to regulate land development. There was no discussion. All favored the motion.

- C. A Resolution to Amend Article IV, Section B, of the City of Manning Policy and Procedure Manual for the City of Manning, South Carolina.**

Mrs. Rhodes stated that the employees were polled concerning the City's list of observed holidays and that the consensus was to add the Day after Christmas to the city's list of observed holiday instead of President's Day.

A **motion** was made by Councilmember Pack and was seconded by Councilmember

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Georgia to amend Article IV, Section B, of the City of Manning Policy and Procedure Manual to add the Day after Christmas to the City's list of observed holidays. There was no discussion. All favored the motion.

**XIII. New Business:**

- A. Ordinance No. 2007-03- ( First Reading) An Ordinance to Annex County Tax Map No. 169-07-00-002- 00, owned by Clarendon County School District Number 2, located along West Boyce Street/South Carolina Highway 261.**

Mrs. Rhodes stated that Ordinance No's. 2007-03, 2007-04, and 2007-05 were requests to annex Manning High School, Manning Junior High School and the Manning Early Childhood Development Center. Mrs. Rhodes stated that tax maps highlighting the contiguity of the properties to the city limits were included in Council's packet for review.

In addition, Mrs. Rhodes stated she received a letter from the Superintendent of Clarendon School District Two indicating that the Board of Trustees met and unanimously accepted the invitation to annex into the city limits.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve Ordinance No's. 2007-03, 2007-04 and 2007-05 for first reading. There was no discussion. All favored the motion.

- B. Ordinance No. 2007-04- (First Reading) An Ordinance to Annex County Tax Map No. 169-07-00-001-00, owned by Clarendon County School District Number 2, located along West Boyce Street/South Carolina Highway 261.**

Approved Under New Business, Item A.

- C. Ordinance No. 2007-05- (First Reading) An Ordinance to Annex County Tax Map No. 169-00-02-008-00, owned by Clarendon County School District Number 2, located along Raccoon Road.**

Approved Under New Business, Item A.

- D. A Resolution Authorizing the Mayor, and/or as appropriate, His Designee, the City Administrator, to enter into an agreement with Progress Energy Carolinas, Inc. for street lighting service for Phase V and Phase VI of the Downtown Revitalization Project.**

Mrs. Rhodes stated that the Resolution was for the street lighting for Phases V and VI of the Streetscape Project. Mrs. Rhodes stated that cost for the purchase of the street poles would be broken down into monthly payments.

A **motion** was made by Councilmember Welle and was seconded by

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Councilmember Georgia to approve the Resolution. There was no discussion. All favored the motion.

**XIV. Councilmember's Comments**

**Councilmember Welle**

Councilmember Welle asked Mrs. Rhodes if Progress Energy had repaired the damage that was done to Capitol Way when installing poles.

Mrs. Rhodes stated that the County would be the one to contact because the road was owned by Clarendon County.

Councilmember Welle stated that she, Councilmember Pack and others had an opportunity to attend a City/County Liaison Committee Meeting to discuss on-going projects. Mrs. Welle stated that it was an informative meeting and encouraged others to attend.

**Councilmember Pack**

Councilmember Pack commended the Manning Fire Department for the work that was done in putting out a fire at his Mother's house. In addition, Councilmember Pack asked that the officers check the lighting on Dyson Street and to list street lights that are not illuminated so that it could be reported to Progress Energy.

Mr. Henry King asked to address Council concerning annexation.

Mayor Pro-tem Gordon approved Mr. King's request.

Mr. Henry King asked if there were any other properties that had been annexed recently along Highway 261.

Mrs. Rhodes stated that, if approved by Council next month, the schools would be the latest annexations along Highway 261. In addition, Mrs. Rhodes stated that in order for annexation to occur, properties must be contiguous to the city limits and the owner would have to give written permission to the city. Then, Mrs. Rhodes stated that other recent annexations have been the Super Wal-Mart and Sonic.

**Councilmember Georgia**

Councilmember Georgia asked Mrs. Rhodes the status of fencing behind Manning Gardens Apartments.

Mrs. Rhodes stated that Mayor Johnson was trying locate his correspondence to the owners. Mrs. Rhodes stated that the city's ordinance does not require the apartment

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complex to erect a fence on the property.

**Mayor Pro-tem Gordon**

Mayor Pro-tem Gordon stated that he and several citizens in his district were concerned about the condition of the neighborhood. Mayor Pro-tem Gordon stated that he had also received complaints about the cotton gin and feed mill in his District and asked for suggestions from Council to improve the appearance of the District.

Mrs. Rhodes stated that she would have the Codes Enforcement Officer check on the cotton gin and feed mill to check to see who owns the property and to see what their intentions were for the property.

**XV. Adjournment:**

A **motion** was made by Councilmember Welle and was seconded by Councilmember Pack to adjourn. There was no discussion. All favored the motion.

**Time: 7:30 p.m.**

**Respectfully submitted,**

**Daun Davis, City Clerk**