

**REGULAR MEETING
OF THE
MANNING CITY COUNCIL**

Monday April 20, 2009
6:30 p.m.

Breedin Assembly Room
City Hall

Members Present:

Mayor Johnson
Councilmember Davis
Mayor Pro-tem Gordon
Councilmember Georgia
Councilmember Welle
Councilmember Witherspoon

Members Absent-

E=Excused/U=Unexcused:

Councilmember Pack – U

- I. Welcome/Introductory Remarks:** Mayor Johnson welcomed all present and stated that the media was notified. Mayor Johnson acknowledged the following:

News Media: Cathy Gilbert, *Manning Times*

Others: Attorney William Johnson, Johnson, McKenzie & Robinson, LLC
Mrs. Shirley Keels, Manning Housing Advisory Committee
Mr. James Zimmerman, Manning Zoning Board of Appeals
Wateree Community Action Youth Leadership and WIA participants

- II. Invocation:** Councilmember Ervin Davis.

- III. Pledge:** Mayor Pro-tem Johnny E. Gordon.

IV. Approval of Agenda:

A **motion** was made by Councilmember Davis and was seconded by Councilmember Georgia to approve the agenda as presented. There was no discussion. All favored the motion.

V. Minutes:

Minutes of the Regular Meeting of City Council, March 16, 2009.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve the minutes as presented. There was no discussion. All favored the motion.

VI. Citizens' Comments: None.

VII. Committee Reports: None.

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

IX. Public Presentation:

Proclamation.....National Volunteer Week

Mayor Johnson read the proclamation proclaiming April 19-25, 2009 as National Volunteer Week. Next, Mayor Johnson especially thanked all volunteers for their contribution to their communities and especially to the volunteers that serve on various Boards for the City of Manning. Following, Mayor Johnson presented the proclamation to Mr. James Zimmerman (Manning Zoning Board of Appeals), Mrs. Shirley Keels (Manning Housing Advisory Committee) and Mrs. William Walker (Municipal Election Poll worker).

**Relay for Life.....Sgt. Carroll Harrington and Sgt. Allen Lee
City of Manning Police Department**

Sgt. Lee thanked Council for their support of the American Cancer Society's Relay for Life. Sgt. Lee stated that the City of Manning raised approximately \$4,000 last year which included Council's donation of \$750. Next, Sgt. Lee stated that the Relay for Life Event would be held May 8-9, 2009 and asked for Council's continued support with a donation this year.

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Georgia to donate \$750.00 towards Clarendon County's Relay For Life. There was no discussion. All favored the motion.

Mrs. Rhodes also noted that the Main Street Manning Committees have decided to "Paint The Town Purple" by placing purple bows on the street lights in the downtown area after the Striped Bass Festival and they would remain until the Relay For Life Event.

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On behalf of Manning City Council, Mayor Johnson thanked all employees for their contributions toward a worthy cause.

**Rural Business Enterprise Grant and.....Elder Langhorne,
Rural Utilities Grant for Have Faith CDC Have Faith CDC**

Mayor Johnson stated that Have Faith Community Development Corporation would like to apply for federal stimulus funding on several projects. In order for the corporation to proceed, a municipality would have to make the application on their behalf.

Elder Langhorne stated that the corporation is working on getting a sewer extension toward an 11- acre subdivision and they have identified stimulus funds for this project through the local USDA Rural Development. Elder Langhorne stated that they have isolated two grant opportunities to get water, storm drainage and sewer to the subdivision through a Rural Business Enterprise Grant and a Rural Business Opportunity Grant. However, a municipality would have to complete the application on the corporation's behalf. Elder Langhorne asked the city to make the application on their behalf.

Mrs. Rhodes stated that the corporation's engineers would be doing the work for the corporation and there is no match required from the city. In addition, Mrs. Rhodes stated that the city would not be applying for those particular grants, but would be applying for a Rural Utilities Service (RUS) Grant.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Georgia to proceed with an application for stimulus funding on behalf of Have Faith Community Development Corporation. In discussion, Mrs. Rhodes stated that it would be a good opportunity for the city to make the application because it would result in an expanded water and sewer system and an increase in the city's customer base. There was no further discussion. All favored the motion.

X. Public Hearing:

- 1) **A proposed text amendment to the zoning ordinance to amend Article 7 Supplementary Regulations, Section 715, regarding garage sales, yard sales, and rummage sales.**

Mayor Johnson asked those in favor and or against the proposed text amendment to come forward.

Mrs. Rhodes stated that the text amendment would change the language regarding garage sales, yard sales and rummage sales so that it mirrors the language listed in the Code of Ordinances. In addition, Mrs. Rhodes stated that the change would list the maximum period of each yard sale as two (2) days and the maximum number of yard sales allowed per year as two (2) per address per address on commercial areas and only two per year, per address on residential areas by the occupants of the property.

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No one came forward. Mayor Johnson brought the Public Hearing to a close

2) A proposed application for a Justice Assistance Grant Direct Award for the City of Manning.

Mayor Johnson stated that the Manning Police Department has applied for a Justice Assistance Grant, as part of the federal stimulus funding, to purchase a patrol vehicle for the police department. Mayor Johnson asked those in favor or against the proposed application to come forward and complete the sign in sheet.

Mrs. Rhodes stated that the Police Department received a Direct Award from the Federal Government based on the number and types of calls the Police Department received. Mrs. Rhodes commended Chief Shaffer for his work in applying for the grants that are available. Mayor Johnson also commended Chief Shaffer for applying for the grants that would help the police department.

XI. Finance Director's Report:

Mrs. Prince stated that the Finance Report was included in Council's packet and asked Council if there were any questions.

Mrs. Rhodes stated that due to reassessments that were done on real estate and personal property taxes, Council would see an increase in revenues in that line item.

Mayor Johnson stated that he had questions about the business license fees and fines and forfeiture line items.

Mrs. Rhodes stated that the bulk of the business license fees would be received in late June.

Mrs. Prince stated that Chief Shaffer would be able to answer any questions concerning fines. There were no other concerns expressed by Council.

Finance Report for the month ending March, 2009

General Fund Unrestricted:	\$1,890,372
Total Unrestricted GF	\$1,890,372
General Fund Restricted:	\$ 115,936
Total Restricted GF	\$ 115,936
Interest Earned (GF):	\$ 1,807
Utility Fund Unrestricted:	\$ 1,109,590
Total Unrestricted UF	\$ 1,109,590

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Utility Fund Restricted/Reserved:	\$1,100,209
Total Restricted/Reserve UF	\$1,100,209
Interest Earned (UF)	\$ 3,053
Special Fund:	\$ 89,646
Total Special Fund	\$ 89,646

XII. Administrator's Report :

Council was given a draft budget for the fiscal year ending June 30, 2010 for review. Mrs. Rhodes asked that Council recommend a date to hold a budget workshop.

- 1) **Update on the Public Works Building--** Work is still in progress. Mrs. Rhodes invited Council to a tour of the buildings to see the improvements that have been made.
- 2) **Paxville Waterline Project-** All of the requested changes will be forwarded to the USDA by the end of May, 2009.
- 3) **Wyboo Utilities-**Included in Council's packet was a copy of the County's permit to pump and haul wastewater to the City of Manning's Wastewater Treatment Plant. Approximately 469,000 gallons of wastewater have been pumped to the city's plant. The City has invoiced the County for approximately 209,000 gallons at a cost of \$11,725.
- 4) **Administrative Review Committee-** The committee met on April 2nd and notes from the meeting were sent to Council in their weekly packet.
- 5) **Regional Wastewater Agreement-** Changes have been made to the agreement and delivered to the Chamber Infrastructure Committee for their review. Mrs. Rhodes stated that she is awaiting a response from the committee whether the changes have addressed their concerns.
- 6) **Main Street Manning-**
 - 1) A table would be set up at the Striped Bass Festival on April 25th and at the Taste of Clarendon on May 16th.
 - 2) Mrs. Rhodes invited Council to the Merchants Round Table meeting at the Clarendon County Fire Department and distributed an agenda of the meeting to Council.
 - 3) The Farmers Market will be moving this season to the downtown area at the corner of E. Boyce Street and N. Church Street
 - 4) Mrs. Sandi Tucker has printed a brochure that shows a layout of the businesses in the downtown area. These brochures will be given to the Clarendon County Chamber of Commerce and others to distribute to the public.
- 7) **Historical Society Walking Tour-** This event will be held May 7th at 9:30 a.m.
- 8) **Weldon Auditorium Ghost Light Tour-** This event will be held May 2nd from 5-7 p.m. The tour will highlight the improvements that have been made and what will be done next.

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Mayor Johnson thanked Mrs. Adger and her committee on the work that has been done on Main Street Manning and the good results received thus far. In addition, Mayor Johnson stated that Main Street Manning has been noticed throughout the state.

Next, Mayor Johnson asked Council to schedule a date for the budget workshop. Council agreed to schedule the budget workshop for April 27, 2009 at 6 p.m.

- A) Departmental Reports – Included in Council’s packet as information. In addition, Mayor Johnson stated that Chief Shaffer asked to address Council.

Chief Shaffer distributed to Council information on a T-3 motion electronic security vehicle that he would like to purchase for the Police Department. The vehicle is a three-wheeled electric vehicle that runs on batteries and could reach speeds up to eighteen (18) miles per hour. Chief Shaffer stated that the Police Department received \$6,438 from the DEA for their portions of drug seizure monies last month and \$2,500 from a Wal-Mart Community Grant. In addition, Chief Shaffer stated that the cost of the vehicle was \$9,938.00 and asked Council’s approval to use the monies received from the drug seizure, the Community Grant and to an additional \$1,000 from the police supplies line item to purchase the vehicle. The vehicle would be used to patrol the downtown areas. Chief Shaffer stated that he would be applying for a grant to obtain two additional electric vehicles.

Mrs. Rhodes stated that the vehicle would be used for patrolling the various parades and festivals.

A **motion** was made by Councilmember Davis and was seconded by Mayor Pro-tem Gordon to purchase the T-3 motion electronic vehicle. There was no discussion. All favored the motion.

XIII. Old Business:

- A. Ordinance No. 2009-02. (Second Reading) An ordinance to amend the Code of Ordinances, Chapter 42, Offenses and Miscellaneous Provisions, Article I. In General.**

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve the ordinance as presented. There was no discussion. All favored the motion.

- B. Ordinance No. 2009-03. (Second Reading) An ordinance to amend the Code of Ordinances, Chapter 50, Second Hand Goods, Article II, Rummage Sales.**

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Welle to approve the ordinance as presented. There was no discussion. All favored the motion.

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C. Ordinance No. 2009-04 (Second Reading) An ordinance authorizing the lease with an option to purchase of property located in the City of Manning.

A **motion** was made by Councilmember Welle and was seconded by Mayor Pro-tem Gordon to table discussion of the ordinance until after Executive Session. There was no discussion. All favored the motion.

D. Zoning Ordinance No. 2009-01T (Second Reading) An ordinance to amend Article 7 Supplementary Regulations: Section 715 of the Zoning Ordinance.

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Welle to approve the ordinance as presented. There was no discussion. All favored the motion.

XIV. New Business:

A. Ordinance No. 2009-05. (First Reading) An ordinance to annex County Tax Map No. 187-04-03-004, owned by Clarendon Hospital District, located on South Church Street Pursuant to Section 5-3-110, Code of Laws of South Carolina (1976 as amended).

Mrs. Rhodes stated that as part of the hospital's expansion, the property was purchased to be used as a parking lot. A portion of the property was located out of the city limits and would have to be annexed into the city.

A **motion** was made by Councilmember Welle and was seconded by Mayor Pro-tem Gordon to approve the ordinance as presented. There was no discussion. All favored the motion.

B. Ordinance No. 2009-06. (First Reading) An ordinance authorizing the lease of property located in the City of Manning for the Manning Farmers Market.

Mrs. Rhodes stated that the property was located at the corner of E. Boyce Street and N. Church Street and owned by the Attorneys of Johnson, McKenzie & Robinson, LLC. Mrs. Rhodes stated that the owners would give the city permission to use the lot for the Farmers Market during the season. In addition, Mrs. Rhodes stated that a stipulation in the grant was to relocate in the downtown area.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Welle to approve the ordinance for first reading. There was no discussion. All favored the motion.

- C. Zoning Ordinance No. 2009-02M. (First Reading) An ordinance to re-zone property located on N. Barfield Street, Tax Map No. 187-02-05-017-00, owned by United Bonded Warehouse (Kirby Johnson) from Light Industrial (LI) to Planned Unit Development (PUD).**

Mrs. Rhodes stated that the property would be part of a Habitat Village. The Planning Commission reviewed the request and the site plan and recommended that Council re-zone the property as a Planned Unit Development (PUD). A Public Hearing would be held during the Council Meeting held in May.

Mayor Johnson stated that the Public would have an opportunity at that time to address Council with their concerns.

A **motion** was made by Councilmember Georgia and was seconded by Mayor Pro-tem Gordon to approve the ordinance for first reading. There was no discussion. All favored the motion.

- D. Zoning Ordinance No. 2009-03M. (First Reading) An ordinance to re-zone property located at the corner of Durant and Dinkins Street, Tax Map No. 187-02-04-020-00, owned by Clarendon County from Residential-6 (RS-6) to Planned Unit Development (PUD).**

A **motion** was made by Councilmember Georgia and was seconded by Mayor Pro-tem Gordon to approve the ordinance for first reading. There was no discussion. All favored the motion.

- E. Council's Authorization to write off uncollectible Utility debt.**

Mayor Johnson stated that the city's Auditor had recommended that Council authorize the write-off of uncollectible debt in the Utility Department. Mrs. Rhodes stated that information was distributed to Council last month to review. In addition, Mrs. Rhodes stated that the debt is uncollectible because it is either too old or uncollectible through the Municipal Association's Set-off Debt program. Mrs. Rhodes stated that the amount of the write-off is \$52,959 which had accumulated over three or four years. Mrs. Rhodes stated that the Auditor recommended that Council write-off the debt yearly.

A **motion** was made by Councilmember Davis and was seconded by Mayor Pro-tem Gordon to authorize the write-off as presented. There was no discussion. All favored the motion.

- F. Discussion of allocation to purchase property for a Habitat Village.**

A **motion** was made by Councilmember Welle and was seconded by Councilmember Davis to table the discussion until after Executive Session. There was no discussion. All favored the motion.

G. Discussion of donation to Get Weldon Going! Project.

Mayor Johnson stated that the project would be of benefit to the City of Manning and all of Clarendon County. Mrs. Rhodes stated that Clarendon County had obtained most of the funding for the project and have asked the city for a donation. Mrs. Rhodes distributed to Council a brochure listing several “naming opportunities” as part of the donation.

Councilmember Davis asked Mrs. Rhodes for a recommendation on the amount of the donation. Mrs. Rhodes stated that she would recommend donating between \$5,000- \$1000.00 Councilmember Davis asked Mrs. Rhodes where the funds would come from. Mrs. Rhodes stated that she would recommend the funds come from Fund Balance. Mayor Johnson stated that he had met with Mrs. Rhodes and that he recommended that the city donate \$10,000.00 to the Brooks Street Plaza.

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Davis to donate \$10,000.00 to Get Weldon Going! for the naming opportunity for the Brooks Street Plaza. There was no discussion. All favored the motion.

XV. Councilmembers’ Comments

Mayor Pro-tem Gordon

Mayor Pro-tem Gordon asked about the open ditches and the condition of the streets.

Mrs. Rhodes asked Mayor Pro-tem Gordon to give her the names of the streets and that she would contact SC Department of Transportation (SCDOT). In addition, Mrs. Rhodes stated that second phase of the grant for the CDBG Renaissance Village project would go towards fixing the ditches in the area.

Councilmember Georgia

Councilmember Georgia stated that she also had concerns about the ditches in her District. Mrs. Rhodes asked Councilmember Georgia to give her the list of the ditches that are of concern so that she may forward them to SCDOT. Mayor Johnson stated that a copy of his email to SCDOT concerning this subject was included in his Mayor’s report.

Councilmember Welle

Councilmember Welle asked about the status of annexing the remainder of the Pine Knoll Subdivision. Mrs. Rhodes stated that developer did not file a petition to annex into the city for Phase II of the subdivision and that the individual property owners would have to apply to be annexed into the city and the developer could apply for the lots they still own. Mrs. Rhodes stated that she had spoken with the developer about annexing Phase III into the city.

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Councilmember Welle recommended a community meeting to focus on the annexation so that the owners would benefit from city services.

XVI. Executive Session

Administration Department: Contractual Matters

A **motion** was made by Councilmember Georgia and was seconded by Councilmember Welle to enter into Executive Session to discuss contractual matters in the Administration Department concerning the Farmers Market and the two purchases of city property. There was no discussion. All favored the motion.

Following Executive Session, the following action was taken:

A **motion** was made by Councilmember Davis and was seconded by Mayor Pro-tem Gordon to approve Ordinance No. 2009-04, under Old Business, Item C. In discussion, Mayor Johnson stated that the ordinance states that the Mayor is authorized to sign the lease on behalf of the City of Manning. There was no further discussion. All favored the motion.

Mayor Johnson stated that Council discussed Item F, under New Business, concerning the allocation to purchase property for a Habitat Village.

A **motion** was made by Councilmember Georgia and was seconded by Mayor Pro-tem Gordon to allocate the necessary funds to purchase the property for the Habitat Village. There was no discussion. All favored the motion.

Following, Councilmember Georgia stated that on Thursday morning, April 23rd, Mrs. Rhodes would be the speaker to the Summerton Rotary Club at the Summerton Baptist Church and invited Council to attend.

XVII. Adjournment:

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Welle to adjourn. There was no discussion. All favored the motion.

Time: 8:45 p.m.

Respectfully submitted,

Daun Davis
Administrative Services Coordinator