

**MINUTES OF THE REGULAR MEETING  
OF  
MANNING CITY COUNCIL**

Monday, April 21, 2008  
6:30 p.m.

Breedin Assembly Room  
City Hall

**Members Present:**

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

- 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.  
Sharron Haley, The Item.

Others: Students from Wateree Community Actions, Inc.  
Mrs. Beulah Roberts, Clerk of Court, Clarendon County  
Attorney William Johnson; Johnson, McKenzie & Robinson, LLC  
Mr. Larry Williamson, Manning Zoning Board of Appeals

- II. Invocation:** Councilmember Ervin Davis.
- III. Pledge:** Councilmember Diane D. Georgia.
- IV. Swearing-In of Newly Elected Officials:**

Mayor- Kevin L. Johnson  
District 1- Clayton Pack  
District 4- Johnny E. Gordon  
District 6- Sherry A. Welle

Mayor Johnson stated that the General Election for the City of Manning was recently held and that the officials are to be sworn in. Mayor Johnson stated he was honored to be officially sworn in by Senator John Land, III at 5:30 p.m. today at City Hall. Following, Mayor Johnson swore in the Councilmembers for District 1, District 4 and District 6 who were re-elected for another four year-term..

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**V. Election of Mayor Pro-tem of the City of Manning:**

Mayor Johnson stated that according to State Law, after each General Election, Council must appoint a Mayor Pro-tem. Mayor Johnson opened the floor for nominations for Mayor Pro-tem.

Councilmember Witherspoon nominated Councilmember Johnny Gordon to be re-elected as Mayor Pro-tem.

Councilmember Pack nominated Councilmember Sherry A. Welle as Mayor Pro-tem.

Mayor Johnson asked if there were any more nominations. There were no other nominations. Mayor Johnson asked this question two additional times. There were no other nominations.

A **motion** was made by Councilmember Georgia and was seconded by Councilmember Davis to close the nominations. There was no further discussion. All favored the motion.

Mayor Johnson asked for a vote of those in favor of Councilmember Johnny Gordon's re-election as Mayor Pro-tem. Those voting in favor were Councilmembers Georgia and Witherspoon. Following Mayor Johnson asked for a vote for those in favor of Councilmember Sherry A. Welle as Mayor Pro-tem. Those voting in favor were Councilmembers Davis and Pack. The vote was tied 2 to 2.

Following, Mayor Johnson cast his vote in favor of Councilmember Johnny Gordon to be re-elected as Mayor Pro-tem, thereby breaking the tie which resulted in Councilmember Johnny Gordon being re-elected to serve another term.

**VI. Committee Assignments:**

- Finance/Administration
- Public Safety
- Public Works

Mayor Johnson stated that after each Election, the Mayor appoints members of Council to serve on various committees.

The Mayor appointed the following Councilmembers to serve on the following committees:

Finance/Administration Committee- Councilmembers Georgia and Welle.

Public Safety Committee- Councilmembers Pack and Witherspoon.

Public Works Committee- Mayor Pro-tem Gordon and Councilmember Davis.

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**VII. Approval of Agenda:**

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

**VIII. Minutes:**

**Minutes of the Regular Meeting of City Council, March 17, 2008.**

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

**Minutes of the Special Called Meeting of City Council, March 31, 2008.**

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

**IX. Citizens' Comments:**

Mayor Johnson asked Mrs. Hiott to come forward and stated that Council would take her report as information to be discussed in Executive Session as a legal issue.

**Mrs. Camille Hiott, 2527 Paxville Highway, Manning, SC**

Mrs. Hiott stated that she was speaking on behalf of her husband, Mr. Floyd Hiott, who was unable to attend due to a very serious illness. Mrs. Hiott stated that on December 11, 2007, while at work, she received a call from her daughter stating that there was a sewer backup in their home. Mrs. Hiott stated that she arrived home at approximately 2:30 p.m. to find her mother attempting to remove raw sewage water from the home.

Mrs. Hiott stated that her husband suffers from renal cell carcinoma and must take chemotherapy orally in which one of the side effects is severe diarrhea. Mrs. Hiott stated that she believes that the sewage had been building up for several months as a result of a gas line that was bored through. In addition, Mrs. Hiott stated that the sewer backed up throughout the house and on the hardwood floors.

Next, Mrs. Hiott stated that she had contacted the city's Public Works Department and that it was about 5:00 p.m. before someone was able to come to assess the problem. Mrs. Hiott stated that she was informed that there was another emergency in the city that prevented them from coming earlier. Mrs. Hiott stated that she called several times to find out what to do and that she was unable to find a plumber to help with the problem. Mrs. Hiott stated that once the city workers came, they ran a line to the highway, and

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found the problem. Mrs. Hiott showed Council the damage to her house as a result of the sewer backup.

Following, Mrs. Hiott asked Council what is the procedure to follow when similar problems occur. Mrs. Hiott stated that she contacted her insurance company and that they stated that her policy did not cover the damage because the problem did not occur on her property, but occurred at the turn on valve. Mrs. Hiott stated that Mrs. Rhodes, City Administrator had pictures showing the gas line resting on a sewer line and stated that she does not have the money to replace her floors or to clean them as they should be. Mrs. Hiott stated that she had contacted a representative from the City's Insurance Company, Companion Property and Casualty Group, who met with her and stated that the insurance company had determined that the city was not at fault. Mrs. Hiott stated that she had also contacted a representative at South Carolina Electric and Gas and that the company stated that they were not at fault.

Mrs. Hiott asked Council if there is a record of the calls made notifying the city of the sewer back up.

Mrs. Rhodes, City Administrator, stated that a work order was generated on the first call which listed the date and time of the call. In addition, Mrs. Rhodes stated that city workers were first called to repair a broken 8" water line on Hwy. 521 and that the workers responded to Mrs. Hiott's problem as soon as they were able to leave the first emergency.

Mrs. Hiott asked if the city has record of her subsequent calls.

Mrs. Rhodes stated that there was no record of subsequent calls.

Mrs. Hiott stated that local plumbing contactors were unwilling to work on her sewer problem until it was determined whether it was the city's problem or the property owner.

Next, Mrs. Hiott asked if the city has contacted residents to install a backflow device or sent letters to residents explaining what to do in similar circumstances.

Mrs. Rhodes stated that there is something that residents can put in the sewer lines similar to a backflow device but that it was not required.

Mrs. Hiott asked if the city operates under the International Building Codes rules.

Mrs. Rhodes stated that the city does operate under the International Building Codes rules.

Mrs. Hiott stated that the city did not cause the problem and that the problem was not created until the gas company bored a hole in the line.

Mrs. Hiott stated that she appreciated Council's time and consideration in the matter.

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Mayor Johnson thanked Mrs. Hiott for coming and stated that he understood her frustrations. Next, Mayor Johnson stated that Council would consult with the city's Attorney concerning the matter in Executive Session.

**X. Committee Reports:** None.

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

In addition, Mayor Johnson stated that he had one item to report that would require action. Mayor stated that the Mayor's Blue Chip Investment Program is a program sponsored by the South Carolina Council on Economic Education at the University of South Carolina.

Next, Mayor Johnson noted the object of the program is to have representatives visit various school districts to teach children the importance of investing, saving and good financial habits. Mayor Johnson noted that the winning class is awarded dinner with the Mayor and at the city's expense and each team member (approximately 4) is awarded a \$50.00 cashier's check paid for by the city. Following, Mayor stated that the winning team this year is Mrs. Ginny Jordan's team from Manning Elementary School in Clarendon School District II. Mayor asked Council to allocate funding of approximately \$500.00 to cover the cost of dinner with the Mayor and cashier's checks for the winning team members.

A **motion** was made by Councilmember Pack and was seconded by Councilmember Davis to approve funding for the winners of the Mayor's Blue Chip Investment Program to have dinner with the Mayor at the city's expense and to issue a \$50.00 cashier's check to the winning team members. There was no discussion. All favored the motion.

**XII. Public Presentation:**

**Boys to Men Club.....Mr. Alex L. Montgomery, Sr., Executive  
Boys To Men Club, Inc.**

Mayor Johnson stated that Mr. Montgomery was not in attendance. However, Mayor Johnson stated that he attended a meeting in Kingstree with Mr. Montgomery and other Mayors from Williamsburg and Clarendon Counties. Mayor Johnson stated that Mr. Montgomery's organization was interested in extending their organization into Clarendon County.

**Proclamation.....ETV Day**

Mayor Johnson stated that Manning will be featured in the ETV Road show would be filmed on the Court House grounds beginning at 7 p.m. on May 19, 2008. In honor of the upcoming event, Mayor Johnson read a proclamation proclaiming May 19, 2008 at ETV

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Day in the City of Manning. Mayor Johnson encouraged everyone throughout the city and county to participate in this important event showcasing the City of Manning and Clarendon County to the rest of South Carolina and other regions.

**XIII. Public Hearing:**

Mayor Johnson opened the Public Hearing and asked that those in favor of or against the proposed amendments to come forward and sign their name and address on the form.

**1. A proposed amendment to the zoning ordinance to re-zone property owned by South Brooks Properties located along Richburg Street from General Commercial (GC) to General Residential-1 (GR-1), Tax Map Nos. 169-06-07-022 and 169-10-02-053.**

At this time, Mrs. Rhodes presented Council with copies of preliminary drawings of the proposed complex. Mrs. Rhodes stated that Mrs. Sarah Neimann and Mr. Shawn Richburg were in attendance representing the property owner. Mrs. Rhodes stated that the property was located behind the Clarendon County Public Service Facility. Mrs. Rhodes stated that the owners proposed to re-zone the property from General Commercial to General Residential-1 to allow a family affordable apartment complex. Mrs. Rhodes stated that if Council approves the re-zoning request, the developer would have to come before the Planning Commission to get approval on the proposed site plan, parking and landscaping.

**Opponent**

**Mrs. Eva Spry, 3658 Paxville Highway, representing the Estate of Moses McDuffie.**

Mrs. Spry stated that if Council approves the proposed re-zoning request, she would expect that the property of the McDuffie Estate would be approved also.

Mayor Johnson stated that each property and each property owner would have to go through the same process to re-zone the property. In addition, Mayor Johnson stated that once a property owner submits an application for re-zoning their property, the Planning Commission would review their request and make a recommendation to Council whether to approve the request. Next Mayor Johnson stated that Council would then have first reading on the re-zoning request, followed by a Public Hearing and second and final reading the following month.

**Ms. Sarah Baker, 103 Richbrug Street**

Mrs. Baker stated that she was not against the re-zoning request. However, Mrs. Baker stated that she had concerns about the water runoff and that the property was on low land and holds water. Mrs. Baker asked Council what effect the water drainage would have on the existing homes once the property was built up.

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Mayor Johnson stated that Council was only addressing the property owner's request to re-zone the property and reiterated that the property owner would have to come before the Planning Commission to have their site plan reviewed to address concerns such as water drainage, parking, and other specifications.

Mrs. Rhodes stated that each new development must handle the drainage on their property.

**Proponent**

**Mrs. Sarah Niemann, President of Neimann Consulting, Inc.  
6205 Wild Timer Road, Sugar Hill, GA 30518**

Mrs. Neimann stated that she represents the property owner. Mrs. Neimann stated that proposed site plan shows that apartments would be built away from current residential houses so that the large tracts of land coming down Commerce Street toward W. Huggins Street would remain undeveloped. Mrs. Neimann also stated that South Carolina law requires that the developer follow very specific guidelines in developing the property and to ensure that the development is affordable.

**2. A proposed text amendment to the zoning ordinance to amend Article 6 District Regulations, Section 612: Table of Permitted Uses (Table 1) by amending Section 2.24, Subsection 2.25 to delete the operation of Churches and Related Facilities in the Core Commercial (CC) District as a Special Exception.**

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

**Opponent**

No one came forward.

**Proponent**

No one came forward.

Mayor Johnson closed the Public Hearing.

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

**April 2008**

<b>General Fund Unrestricted:</b>	<b>\$2,010,335.00</b>
<b>Total Unrestricted GF</b>	<b>\$2,010,335.00</b>

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<b>General Fund Restricted:</b>	\$ 48,889.00
<b>    Total Restricted GF</b>	<b>\$ 48,889.00</b>
<b>Interest Earned (GF):</b>	<b>\$ 4,030.00</b>
<b>Utility Fund Unrestricted:</b>	\$1,313,567.00
<b>    Total Unrestricted UF</b>	<b>\$1,313,567.00</b>
<b>Utility Fund Restricted/Reserved:</b>	\$1,312,561.00
<b>    Total Restricted/Reserve UF</b>	<b>\$1,312,561.00</b>
<b>Interest Earned (UF)</b>	<b>\$ 2,270.00</b>
<b>Special Fund:</b>	\$ 48,307.00
<b>    Total Special Fund</b>	<b>\$ 48,307.00</b>

We are 9 months into the budget year which is 75% with a remainder of 25%.

**REVENUE**

	<u>Current</u>	<u>Percent Collected</u>
<b>YTD GF Revenue</b>	<b>\$2,305,116</b>	<b>64%</b>
<b>YTD UF Revenue</b>	<b>\$1,421,441</b>	<b>80%</b>

**EXPENDITURES**

General Fund

	<u>YTD Spent</u>	<u>Percent Collected</u>
<b><u>Legislative</u></b>	<b>\$ 58,607.00</b>	<b>62%</b>
<b>Judicial</b>	<b>\$ 72,960.00</b>	<b>66%</b>
<b>Administration</b>	<b>\$ 258,668.00</b>	<b>58%</b>

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**Non-Departmental      \$ 126,630.00                      43%**

**Police                      \$ 862,006.00                      75%**

**General Fund**

	<b><u>YTD Spent</u></b>	<b><u>Percent Collected</u></b>
<b>Fire</b>	<b>\$ 324,234.00</b>	<b>62%</b>
<b>Street</b>	<b>\$ 620,180.00</b>	<b>63%</b>
<b>YTD GF</b>	<b>\$2,352,682.00</b>	<b>65%</b>

**Utility Fund**

	<b><u>YTD Spent</u></b>	<b><u>Percent Collected</u></b>
<b>Utility</b>	<b>\$1,129,640.00</b>	<b>64%</b>

**XV. Administrator’s Report:**

- 1) Streetscaping for Phase V and VI – The area will be secured during the Striped Bass Festival for pedestrian traffic. The curbing will be up, but the sidewalks will not be completed in time. Mrs. Rhodes stated that there is another grant available and that the deadline for applications is May 19, 2008. The next phase of the city’s streetscaping project will be the area on Keitt Street in front of the Post Office and the other side of S. Mill Street in front of Daniels Building. This will complete the streetscaping in the areas surrounding the Court House.
- 2) The ETV Road Show will be held on the Court House grounds on May 19<sup>th</sup>. Mrs. Rhodes stated that she anticipates the street clock to be erected and in place in time for this event.
- 3) The Minutes from meeting of the Administrators for the Countywide Water/Sewer Commission was distributed to Council. Mrs. Rhodes stated that the next meeting will be held on May 9<sup>th</sup>.
- 4) Exit 119 and I-95 Water Line Extension- The engineers have begun working on easements and the routes and work may begin soon.

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- 5) Budget Workshop- Council agreed to have the Budget Workshop on Tuesday, May 6, 2008 at 6:00 p.m.
- 6) Council Retreat- Mrs. Rhodes stated that she would like to schedule a One-day Retreat for Council. Mrs. Rhodes asked Council for ideas that they would like discussed.

A) Departmental Reports. In Council's packet as information.

**XVI. Old Business:**

- A. Zoning Ordinance No. 2008-03M (Second Reading). An Ordinance re-zoning property owned by South Brooks Properties located along Richburg Street from General Commercial (GC) to General Residential-1 (GR-1), Tax Map No.'s 169-06-07-022 and 169-10-02-053.**

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

- B. Zoning Ordinance No. 2008-01T (Second Reading) An Ordinance to amend Article 6 District Regulations, Section 612: Table of Permitted Uses (Table 1) by amending Section 2.24, Subsection 2.25 to delete the operation of Churches and Related Facilities in the Core Commercial District as a Special Exception.**

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

**XVII. New Business:**

- A. A Resolution to declare the results of the general election held in the City of Manning, South Carolina, on April 8, 2008.**

A **motion** was made by Councilmember Davis and was seconded by Councilmember Georgia to approve the resolution. In discussion, Mayor Johnson stated that the votes for Councilmember for District 4 were as follows:

Johnny E. Gordon*	60 votes
Vernoid Goodine	9 votes

There was no further discussion. All favored the motion.

- B. A Resolution to declare one person filed for the Office Of Mayor and no Write-in**

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**Candidate was declared, one person filed for the Office of Council for District #1 and no Write-in Candidate was declared, and one person filed for the Office of Council for District # 6 and no Write-in Candidate was declared.**

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

**C. A Resolution Proclaiming April as Fair Housing Month.**

Mayor Johnson read a Resolution proclaiming April as Fair Housing Month in the city of Manning. In addition, Mayor Johnson stated that a resolution is required each year in order remain eligible for CDBG funding.

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

**D. Discussion of the Regular Meeting of Council for May 2008.**

Mayor Johnson stated that the ETV Road Show would be held on Monday, May 19, 2008, the same day as the regular scheduled Council Meeting. Mayor Johnson stated that he anticipated that the City of Manning would be heavily represented at that event and asked Council's approval to change the meeting day of Council meeting from Monday, May 19, 2008 to Tuesday, May 20, 2008.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Witherspoon to change the regular scheduled meeting of Manning City Council from Monday, May 19, 2008 to Tuesday, May 20, 2008. There was no discussion. All favored the motion.

**XVIII. Councilmembers' Comments:**

**Councilmember Welle**

Councilmember Welle asked to keep District 6 in mind for developing a park when preparing the budget.

**Councilmember Pack**

Councilmember Pack stated that he had received complaints about standing water in the ditches that breed mosquitoes in his district.

Mrs. Rhodes stated that the ditches belong to the South Carolina Department of Transportation (SCDOT). Mrs. In addition, Rhodes stated that the city could spray for mosquitoes.

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**Councilmember Welle**

Councilmember Welle stated that she had received calls concerning the car dealership on Winfield Street and the parking hazards at that location.

Mrs. Rhodes stated that the Police Department is currently investigating complaints about the business.

**Mayor Pro-tem Gordon**

Mayor Pro-tem Gordon spoke about a hazardous tree on Grace Street.

Mayor Johnson stated that he believes that the tree is located on private property.

**Mayor Johnson**

Mayor Johnson thanked everybody for attending the Council Meeting and especially the young people from Wateree Actions Community, Inc. for attending.

**XIX. Executive Session:**

Public Works Department: Contractual Matter  
Legal Matter

A **motion** was made by Councilmember Davis and was seconded by Councilmember Pack to enter into Executive Session to discuss a contractual matter in the Public Works Department and to discuss a legal matter. There was no discussion. All favored the motion.

Following Executive Session, no action was taken.

**XX. Adjournment:**

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

**Time:** 8:07 p.m.

Respectfully submitted,

Daun Davis  
Administrative Services Coordinator/Clerk