

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

**Tuesday, January 17, 2017
6:30 p.m.**

**Council Chambers
Manning City Hall**

Members Present:

Mayor Nelson
Mayor Pro-tem Pack
Councilmember Davis
Councilmember Dukes
Councilmember Georgia
Councilmember Gordon
Councilmember Welle

I. Welcome/Introductory Remarks: Mayor Nelson welcomed everyone to the meeting.

II. Invocation: Councilmember Davis.

III.

III. Pledge: Councilmember Dukes.

IV. Approval of Agenda:

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

V. Minutes:

Minutes of a Regular Meeting of City Council, December 19, 2016.

A **motion** was made by Councilmember Gordon and was seconded by Councilmember Welle to approve the minutes of a Regular meeting of City Council, December 19, 2016. There was no discussion. All favored the motion.

VI. Citizens' Comments: None.

VII. Committee Reports: None.

VIII. Public Hearing:

- 1) **A proposed amendment to re-zone property located at 100 West Boyce Street, Tax Map # 169-15-03-018-00 and 169-15-03-019-00, owned by John Milton Odom and Pamela Stephens from Office Commercial (OC) to General**

Commercial (GC).

Mayor Nelson asked those in favor of or against the proposed amendment to complete the sign-in sheet before speaking.

Proponent

Mr. John Odom, Jr. - P.O. Box 184, Manning, SC

Mr. Odom stated that he was speaking in favor of the proposed amendment and that he was a Realtor representing Mrs. Stephens and Mr. Odom, Sr. Next, Mr. Odom stated that the property is a vacant lot located at the corner of W. Boyce and Boundary Streets and that he is working with a potential client. The proposal is for new construction for an independent business that would employ people from the local area. The hours of operation would be from 8am to 6pm, Monday through Friday and from 8 am to 1 pm on Saturdays. There would be no conflict with the adjoining churches in the area and that the construction would be an enhancement to the city. Mayor Nelson asked Council if there were any questions. There were none.

- 2) A proposed amendment to re-zone property located at 304 South Brooks Street, Tax Map # 187-03-02-020-00, owned by Charles Hodge, from Residential (RS-20) to General Commercial (GC).**

Mayor Nelson asked those in favor of or against the proposed amendment to complete the sign-in sheet before speaking.

Opponent

Mr. Arthur Lambert- 200 S. Brooks St., Manning SC

Mr. Lambert stated that he owns a house located two houses away from the property being proposed for re-zoning. Mr. Lambert stated that his property backs up to the property to be re-zoned and that he is also representing a person living on Church Street. Next, Mr. Lambert asked how the re-zoning would help the neighborhood as there is no commercial operations there and everything is separated from commercial property.

Mayor Nelson stated that the re-zoning would help the retail and businesses in town. Mr. Lambert asked if the neighborhoods were irrelevant. Mayor Nelson stated that there was a zoning hearing and that the appropriate time for citizens to voice their concerns would have been at the zoning hearing. In addition, Mayor Nelson stated that Council would still be open to hearing his concern.

Next, Mr. Lambert stated that the information showed an alleyway in between two houses on Church Street and that he was concerned about what the alleyway would be. Mayor Nelson asked staff that attended the zoning if anything was mentioned

concerning the alleyway.

Mrs. Adger stated that there was no mention of the proposed use of the alleyway. Mrs. Adger stated that the request was to have the property re-zoned for commercial use such as events, weddings and uses such as that and that the alleyway was part of the tract. In addition, Mrs. Adger stated that technically, tonight's hearing is concerning the proposed re-zoning request only. The Special Exception request is for a drinking establishment to be able to serve alcohol on the premises. Questions and concerns on the Special Exception request will go before the Board of Appeals next week. Following, Mr. Lambert stated that he is not particularly against the rezoning and asked if there will be a guarantee that the owners would not change their minds and put in a drinking bar after the re-zoning is approved? Mrs. Adger stated that she cannot speak for the owners on whether they plan to sell alcohol or just allow patrons to serve alcohol at events, but in order to do that they would have to go before the Board of Appeals to be granted a Special Exception for that purpose.

- 3) A proposed amendment to re-zone property located at 302 South Brooks Street Tax Map # 187-03-02-021-00, owned by Charles Hodge, from Residential (RS-20) to General Commercial (GC).**

Mayor Nelson asked those in favor or against the proposed amendment to complete the sign-in sheet before speaking.

Opponent

Mr. Arthur Lambert- 200 S. Brooks Street, Manning, SC

Mr. Lambert stated that he had the same views as stated in the proposed amendment for property located at 304 South Brooks Street.

- 4) A proposed amendment to re-zone property located on Weinberg Drive, Tax Map # 169-15-09-003-00, owned by Imogene K. Hodge, from General Commercial (GC) to General Residential (GR-2).**

Mayor Nelson asked those in favor of or against the proposed amendment to complete the sign-in sheet before speaking.

Proponent

Mrs. Imogene K. Hodge- P.O. Box 55, Manning SC

Mrs. Hodge stated that the property is located on Weinberg Street and that the proposed use would enhance the area. Mrs. Hodge stated that Ms. Neimann would explain the project.

Mrs. Neimann of Neimann Consulting, Inc., stated that she is representing Preswick Companies and that there is a proposal for a housing project to be located on the property of which approximately 7.5 acres will be used. Ms. Neimann distributed a site plan to Council with information concerning the proposed multi-family residential development. The use will not interfere with the school in the area and the traffic flow will not be of concern.

Some areas will be wetlands and used as natural buffers. Five acres will have three buildings and a clubhouse (business center for residential use, a leasing office, meeting room, fully equipped kitchen, fitness center and a laundry facility). Each individual unit will have a washer and dryer hook-up for those that purchase their own appliances. There is a proposed 2 and 3 bedroom mix.

Next, Ms. Neimann stated that she will be submitting to South Carolina an application for federal tax credit and plans to bring good quality housing to Manning. Following, Mayor Nelson stated that Manning needs additional quality housing. Then, Mayor Nelson stated that Mrs. Terry Land had completed the sign in sheet to speak.

Mrs. Land stated that she represents the real estate end of the project and noted that housing is an issue in Manning and Clarendon County and to be able to offer affordable housing is great for the city. Mrs. Land stated that if there are any questions she would be glad to answer them.

Mayor Nelson asked Ms. Neimann when did she anticipate ground breaking.. Ms. Neimann stated that if the application is submitted in March, they would anticipate breaking ground in December, 2017. There will be 53 units built. Mrs. Land stated that Ms. Neimann will be asking for a letter of support. Next, Mrs. Land thanked Mrs. Adger and stated that she has worked diligently on the project. Mayor Nelson thanked Mrs. Adger for working on this re-zoning.

5) Hearing on Business License Revocation.

Mayor asked those in favor of or against to complete the sign-in sheet.

Mayor Nelson called the hearing to order and explained the hearing process. Next, Mayor Nelson read a statement noting that the parties of the hearing are Mr. Adam Mandel, Esq., Special Counsel on behalf of the City of Manning, and the responding party, Mr. Cory Servance. Mayor Nelson stated that a Court Reporter would document the hearing. Next, each Councilmember introduced themselves. Also present was Attorney William H. Johnson, Esq. legal Counsel to Manning City Council.

After instructions were read, the attorneys proceeded with the hearing. ****A copy of the transcript of the hearing and testimony, taken by the Court Reporter, can be obtained by contacting the Clerk at Manning City Hall.****

A **motion** was made by Mayor Pro-tem Pack and was seconded by Councilmember Davis to enter into executive Session. There was no discussion. All favored the motion.

Time: 7:48 pm

A **motion** was made by Councilmember Welle and was seconded by Councilmember Welle to return to Open Session. There was no discussion. All favored the motion.

Time: 7:52 pm

Following, a **motion** was made by Councilmember Dukes and seconded by Councilmember Davis to suspend the hearing until February 7, 2017 to give Mr. Servance time to prepare himself and consult an attorney. There was no discussion. All favored.

Next, Mayor Nelson stated that no one should approach Council about the hearing because they cannot participate in any discussion on the hearing. Then, Mr. Servance asked Council if he can present an opening. Attorney Johnson said that the hearing is suspended until they meet again on February 7, 2017.

Then, Mr. Servance requested to reconvene on January 24th at 6:30 pm instead of February 7th. Council agreed to Mr. Servance's request and Mayor Nelson confirmed that the hearing would be suspended until January 24, 2017 at 6:30 pm.

IX. Finance Director's Report: Included in Council's packet as information. Mrs. Prince stated that we are 50% into the budget year

Report for month ending December, 2016

REVENUES

Type of Fund	Percent Collected
General Fund	26%
Utility Fund	125% due to USDA grants coming in

EXPENDITURES

Type of Fund	Percent Spent
General Fund	47%
Utility Fund	48%

Bank Balances and Notes Payables Balances

General Fund Unrestricted	Balances
Checking (A/R, A/P, Payroll, Cemetery)	\$ 3 million
Interest	\$ 2,800
GENERAL FUND RESERVE	
Police, Juror, Drug, Equitable, Fire, Farmers Market, Reserve	\$ 185,000
Fire Department Extension CD	\$ 786,000
UTILITY FUND UNRESTRICTED	\$ 2.8 million
Checking (A/R & A/P)	
Interest	\$ 2,100
UTILITY FUND RESTRICTED ACCOUNTS CD's	\$ 1.9 million
UTILITY FUND NOTES PAYABLES BALANCES	\$ 16.8 million
Special Fund Reserve (Victim's Rights, CDBG, Disaster Recovery)	\$ 120,000

Mrs. Prince asked Council if there were any questions concerning the report. There were none.

X. Mayor's Report:

Mayor Nelson thanked everyone for attending the Council Retreat. Mayor Nelson stated that there was beneficial discussion. Next, Mayor Nelson thanked Mr. Tanner and Ms. Davis for preparation of the Retreat information and that Council will continue strategically planning for Manning.

XI. Administrator's Report:

Mr. Tanner stated that he had submitted a Rural Infrastructure Grant Authority application to move the water line located on Hwy. 261 before the road is repaved later this year. However, the application did not get funded. The engineers met with representatives from the Rural Infrastructure Authority to make changes and re-submit the application as well as coordinating with SCDOT to make sure the waterline is moved before repaving.

Comprehensive Plan Update- This process is going well. The staff at Santee-Lynches RCOG is assisting the city with the update. A document on current conditions will be released and a link will be put on the city's website for community input. The plan should be in place by April, 2017 and then soon after, the zoning ordinance will be updated.

Mr. Tanner stated that he will be meeting with FEMA representatives to finalize the reimbursement submission from Hurricane Matthew. No issues anticipated.

Ethics Commission filing. Statement of Economic Interest forms must be submitted by March 31st.

Departmental Reports: Included in Council's Packet as information.

XII. Old Business:

A. Ordinance No. 2016-06 (Second Reading). An Ordinance to Amend the City of Manning Code of Ordinances, Chapter 2, Article IV. Purchasing.

Mr. Tanner stated that first reading of the ordinance was approved last month. The Department of Commerce held a monitor meeting of our latest CBDG project and during that meeting they noticed that the city's purchasing ordinance did not include language that allows losing bidders to appeal the decision and that there was no language to encourage women or minorities to apply or bid on projects. This ordinance would be an update to include the necessary language.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Gordon to approve the Ordinance for second reading. There was no discussion. All favored the motion.

B. Approval of Auditor's Report for Fiscal Year ending June 30, 2016.

Mr. Tanner stated that last month, Council did not formally adopt the report.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Georgia to adopt the Auditor's Report for Fiscal Year ending June 30, 2016. There was no discussion. All favored the motion.

XIII. New Business:

A. Zoning Ordinance No. 2017-01M (First Reading). An ordinance to re-zone property located at 100 West Boyce Street, Tax Map # 169-15-03-018-00 and 169-15-03-019-00, owned by John Milton Odom and Pamela Stephens from Office Commercial (OC) to General Commercial (GC).

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

- B. Zoning Ordinance No. 2017-02M (First Reading). An ordinance to re-zone property located at 304 South Brooks Street, Tax Map # 187-03-02-020-00, owned by Charles Hodge, from Residential (RS-20) to General Commercial (GC).**

A **motion** was made by Councilmember Dukes and was seconded by Mayor Pro-tem Pack to approve the Ordinance for first reading. In discussion, Councilmember Davis stated that he has spoken to residents in his District who were in favor of the ordinance being passed. There was no further discussion. All favored the motion.

- C. Zoning Ordinance No. 2017-03M (First Reading). An ordinance to re-zone property located at 302 South Brooks Street Tax Map # 187-03-02-021-00, owned by Charles Hodge, from Residential (RS-20) to General Commercial (GC).**

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve the Ordinance for first reading. In discussion, Councilmember Davis stated that in his district, his constituents approved the re-zoning. There was no further discussion. All favored the motion.

- D. Zoning Ordinance No. 2017-04 M (First Reading). An ordinance to re-zone property located on Weinberg Drive, Tax Map # 169-15-09-003-00, owned by Imogene K. Hodge, from General Commercial (GC) to General Residential (GR-2).**

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

- E. A Resolution Adopting the Municipal Association 2017 Advocacy Initiatives.**

Mr. Tanner stated that MASC asked that the Resolution be adopted stating their Advocacy Initiatives for 2017.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Gordon to adopt the Resolution. There was no discussion. All favored the motion.

- F. Council Approval to transfer \$5,500.00 from Utility Unbudgeted line item # 030-700-00020-00506 to Utility Vehicle Repair & Maintenance line item # 030-700-00040-00535.**

Mr. Tanner stated that the transfer was needed to cover the cost of unexpected repairs to vehicles.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Georgia to approve the budget transfer as noted above. There was no discussion. All favored the motion.

XIV. Councilmembers' Comments:

Councilmember Welle

Councilmember Welle asked Mr. Tanner for an update on the traffic light. Mr. Tanner stated that he would get an update from SCDOT this week.

Councilmember Georgia

Councilmember Georgia asked Mr. Tanner for an update on SCDOT's paving of Breedin Street. Mr. Tanner stated that Breedin Street is on the list, but there is no specific time frame when it will be paved.

XV. Executive Session:

- 1) **Administration Department: A legal matter concerning the sale of property.**
- 2) **Administration Department: A personnel matter concerning the Administration Department.**
- 3) **Public Works Department: A personnel matter concerning the Public Works Department.**

A **motion** was made by Councilmember Welle and seconded by Councilmember Georgia to enter into Executive Session to discuss a legal matter concerning the sale of property in the Administration Department, personnel matters in the Administration and Public Works Department. There was no discussion. All favored the motion.

Time: 8:13pm

A **motion** was made by Mayor Pro-tem Pack and was seconded by Councilmember Gordon to return to Open Session. There was no discussion. All favored the motion.

Time: 10:39 pm

XVI. Possible Action following Executive Session for items discussed in Executive Session:

No action was taken.

XVII. Adjournment:

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

Time: 10:40 pm

Respectfully submitted,

Daun Davis
Administrative Services Coordinator/Clerk