

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

**Monday, April 19, 2010
6:30 p.m.**

**Breedin Assembly Room
City Hall**

Members Present:

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

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

News Media: Cathy Gilbert- *Clarendon Citizen*.

Jason Lesley- *Manning Times*.

Bobby Baker- *The Item*.

Others: Mayor James H. Corbett, Town of Paxville
Mr. Larry Williamson, Manning Board of Appeals
Mr. James Zimmerman, Manning Board of Appeals
Mr. Reggie Wood, RTA Board Member

- II. Invocation:** Councilmember Ervin Davis, Sr.

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

- IV. Swearing-In of Newly Elected Officials:**

District 2 - Diane D. Georgia

District 3 - Ervin Davis, Sr.

District 5 - Gregory Witherspoon

Mayor Johnson stated that because the Councilmembers for Districts 2, 3, and 5 ran unopposed and there were no write-in candidates, the city did not hold an election this year. Next, Mayor Johnson swore in Councilmembers Diane D. Georgia, Ervin Davis, Sr. and Gregory Witherspoon.

Following, Mayor Johnson congratulated the Councilmembers on their re-election and noted that the success that Council has enjoyed was due to the great working relationship that they share.

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.

Mayor Pro-tem Gordon nominated Councilmember Ervin Davis, Sr. as Mayor Pro-tem. Councilmember Witherspoon seconded the nomination.

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 Welle and was seconded by Councilmember Witherspoon 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 Davis' election as Mayor Pro-tem. All voted unanimously in favor of Councilmember Davis' nomination as Mayor Pro-tem. Mayor Johnson congratulated Councilmember Davis on his new position as Mayor Pro-tem and on his recent graduation from the Municipal Institute of Government. Mayor Johnson also commended the out-going Mayor Pro-tem Johnny Gordon for doing an outstanding job as Mayor Pro-tem for the past 8 years.

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. In addition, Mayor Johnson stated that he would like to address all issues with the full Council, but noted that there may be times when committees are needed to study a matter.

To that end, Mayor re-appointed the following Councilmembers to serve with him on the following committees:

Finance/Administration-

Mayor Johnson
Councilmember Diane D. Georgia
Councilmember Sherry A. Welle.

Public Safety- Mayor Kevin Johnson
Councilmember Clayton Pack
Councilmember Gregory Witherspoon.

Public Works- Mayor Kevin Johnson
Mayor Pro-tem Davis
Councilmember Johnny E. Gordon.

There were no objections from Council.

VII. Approval of Agenda:

A **motion** was made by Mayor Pro- tem Gordon and was seconded by Councilmember Georgia to approve the agenda as presented. In discussion Mayor Johnson stated that he would like to amend the agenda to add under Item XVII, Executive Session, a contractual matter in the Administration Department.

A **motion** was made by Councilmember Gordon and was seconded by Councilmember Georgia to amend the agenda to add under Item XVII, Executive Session, a contractual matter in the Administration Department. There was no further discussion. All favored the motion.

VIII. Minutes:

Minutes of the Regular Meeting of City Council, March 22, 2010.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve the Minutes of the Regular Meeting of City Council, March 22, 2010. There was no discussion. All favored the motion.

Mayor Johnson stated that this may be Council's last meeting at this location and that the next meeting hopefully would be held at Manning City Hall's new location, 29 West Boyce Street.

IX. Citizens' Comments: None.

X. Committee Reports: None.

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

XII. Public Presentation:

Proclamation.....Public Service Recognition Week

Mayor Johnson recognized May 3- 9, 2010 as Public Service Recognition Week. Next,

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Mayor Johnson presented the proclamation to Mrs. Connie Wood on behalf of all public service workers, for her service in the community as well as her service as a member of the Sumter Chapter of the National Active and Retired Federal Employees.

Mrs. Wood stated that Public Service Recognition Week has been celebrated since 1985 and thanked the Mayor and Council for the proclamation.

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

Sgt. Lee thanked Council for the opportunity to speak. Next, Sgt. Lee stated that on behalf of the American Cancer Society, the Clarendon County Relay For Life Event would be held May 7, 2010. Sgt. Lee stated that the City donated \$750.00 towards the event last year and asked Council to consider making a donation of the same amount this year.

A **motion** was made by Councilmember Witherspoon and was seconded by Councilmember Welle to make a donation of \$750.00 to Relay for Life. In discussion, Mayor Johnson stated that he and Mrs. Johnson were out of town during the City's donut sale benefiting Relay for life and noted that they would be making a donation. There was no further discussion. All favored the motion.

XIII. Finance Director's Report: Mrs. Prince gave the following report:

Finance Report for the month ending March, 2010

General Fund unrestricted:	\$1.2 million
General Fund restricted:	\$ 128,000.00
Interest Earned (GF):	\$ 1,292.00
Utility Fund unrestricted:	\$ 494,689.00
Utility Fund restricted/reserved:	\$1.1 million
Interest Earned (UF):	\$ 1,756.00
Special Fund:	\$ 69,165.00

REVENUE

YTD GF Revenue	\$2.1 million	55%
YTD UF Revenue	\$1.4 million	73%

EXPENDITURES

	<u>YTD Spent</u>	<u>Remaining</u>
YTD GF	\$ 3 million	78%
YTD UF	\$1.3 million	70%

- YTD GF Revenue figures does not reflect the business franchise fees that have yet to be collected.
- Fixed Services are at 75% and on target for this year.
- Collected \$3,415 in penalties.
- Served 2,922 water customers; 2, 207 sewer customers.

Mrs. Prince stated that the finance reports were included in Council's packet and asked if there were questions. There were none.

Mayor Johnson thanked Mrs. Prince for her report. Following, Mayor Johnson stated that the city was in the process of working on the new fiscal year budget and noted that Council would have a balanced budget by June 30th as required by law.

XIV. Administrator's Report: Mrs. Rhodes gave the following report:

- 1) **New City Hall** – The elevator has arrived and plans are to have it operating and permitted by April 30th. The Administration offices and Utility Department will be ready to be open for business at the new location on May 3rd. Mrs. Rhodes asked Council for consent to close the offices on April 29th and 30th so that the offices can be moved. Mayor Johnson asked Council if there were any objections and there were none. Mrs. Rhodes stated that notices would be listed on the water bills about the new location. Mayor Johnson authorized the Administrator to take the necessary time to move the Administration offices from 411 North Brooks Street to 29 West Boyce Street.
- 2) **Judicial Center**- The renovation of the courtroom is completed and operational. Mrs. Rhodes encouraged Council to visit the Judicial Center. Mrs. Rhodes asked Judge Dingle when court would be in session at the new location. Judge Dingle stated that he would speak with Mrs. Rhodes to determine the date.
- 3) **Clarendon County Purchase of Bulk Water**- Clarendon County accepted the City's offer for the price of bulk water rates. Mrs. Rhodes stated that she would be meeting with Mr. David Epperson, Clarendon County's Attorney, and Mr. William Johnson, the city's Attorney to work on an agreement for the County's purchase of water from the City.

XV. New Business:

- A. A Resolution to declare one person filed for the Office of Council for District #2 and no Write-in Candidate was declared, one person filed for the Office of Council for District #3 and no Write-in Candidate was declared, and one person filed for the Office of Council for District #5 and no Write-in Candidate was declared.**

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

Mayor Johnson stated that although the City did not have an Election this year, he would like to thank the Municipal Election Commission for all they do for the City of Manning. Mayor Johnson also thanked Mrs. Mary Adger for her hard work.

- B. Resolution Adopting the Updated Hazard Mitigation Plan for the Santee-Lynches Region of South Carolina.**

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Georgia to approve the Resolution. In discussion, Mrs. Rhodes stated that the plan included goals and objective for Clarendon County and the amended goals and objectives for the City of Manning. There was no further discussion. All favored the motion.

- C. Presentation and Acceptance of the USDA Letter of Conditions.**

Mayor Johnson introduced Mr. Kent Evans, USDA Area Loan Specialist, Mr. George Hicks, USDA Area 4 Director, Mr. Rob Dresher, P.E., Engineering Resources Corporation (ERC), and Justin Smith, P.E., ERC. Mayor Johnson asked Mrs. Rhodes to introduce the topic of discussion.

Mrs. Rhodes stated that Mr. Evans would like to present to Council the USDA Letter of Conditions for the Paxville Waterline and get acceptance from Council. Mrs. Rhodes stated that she had also asked Mayor Corbett to attend the Council Meeting. Following, Mayor Johnson asked Mr. Evans to come forward.

Mr. Evans stated that on behalf on the USDA State Director, Ms. Vernita Dore and Mr. George Hicks, he would like to present Council with the Letter of Conditions for the Paxville Watermain Extension Project. Mr. Evans thanked ERC for the hard work they have done. Mr. Evans reviewed the research components and highlighted the following:

Scope of the project: The preliminary design of the potable water system extension serving the Town of Paxville, involving the construction of 4.3 miles of 12” water main, about 2.7miles of 10” water main, and approximately 5 miles of 8” water main, approximately 6,400 feet of 6” water main and approximately 85 hydrant components. One 500,000 gallon elevated storage tank and other related equipment.

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- The funds come directly from USDA and is not a part of the stimulus funding through the American Recovery Reinvestment Act.
- Water will be supplied from the City of Manning existing's well system. Chlorine will be used to disinfect the water pumped from each well before introduction to the distribution system.
- The loan funds are not to exceed \$3,903,800 at a rate of 2.5% interest. The loan will be amortized over a period of 40 years with one year being an "interest only" payment. The monthly payment will be approximately \$13,078.00 a month.
- The construction will cost approximately \$3.2 million.
- The funding source- approximately \$17,000 from tap fees.
- The project will be secured through revenue bonds.
- The City currently has the funds needed for reserves.
- The City must provide certification that there are at least 3,050 bona fide users on the existing system after construction is complete.
- The City must provide a proposed operating budget and user rate schedule at the beginning of each fiscal year and provide insurance and bonding requirements.
- USDA must approve any agreements/modifications to the current engineering agreements already in place.
- The City must continue to certify that a Vulnerability Assessment and Emergency Response Plan are in place.
- The City is an Equal Opportunity Municipality.
- All permits must be acquired prior to construction.
- After review of all bids, final contract documents must be concurred with USDA before the disbursement of any funds.

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Pack to accept USDA's Letter of Conditions for the Paxville Water Line Project. There was no discussion. All favored the motion.

Mayor Johnson thanked everyone for their great working relationship. Then, Mayor Johnson congratulated Mr. Hicks on his promotion and for all he has done for the city.

Mr. Dresher thanked Mr. Evans and Mr. Hicks for their help with this project and stated that he appreciates the opportunity to work with the City of Manning.

Mayor Corbett thanked Manning City Council for all their help.

Mrs. Rhodes thanked USDA and ERC for working with the City of Manning.

D. Discussion of the Breedin Park.

Mrs. Rhodes stated that the Manning Junior Chamber of Commerce (Jaycees) had an interest to work with the City of Manning to convert the Breedin Park into a

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viable park for the children in the district. Mrs. Rhodes stated that the property owners were willing to give the City of Manning a "Quit Claim" Deed to Tax Map # 168-15-01-001. The Jaycees also agreed to give the City of Manning the property for Tax Map # 168-15-01-004. Next, Mrs. Rhodes met with Mr. Pro Prothro and Attorney David Epperson, members of the Jaycees who stated that they were willing to have the properties re-surveyed into one tract of land. A committee would be formed to develop a plan for the property to last over the next 15-20 years. They have asked that three people from the City of Manning be chosen as committee members. Mrs. Rhodes recommended Mr. Rubin Hardy and asked Council for approval of her recommendation as well as recommendations for two additional members.

Mayor Johnson recommended Councilmember Clayton Pack and Councilmember Sherry Welle. There were no objections to the recommendations. Mrs. Rhodes stated that the Jaycees would pay for the attorney fees, donate funds and help develop the property.

Councilmember Welle thanked Council, the Manning Jaycees, and Mrs. Rhodes for their help in making the park possible. Then Councilmember Welle stated that she had been working on this project during her six years on Council and that she is looking forward to the completion of the project for her district.

E. Discussion of Impact Fees for Hampton Estates.

Mayor Johnson stated that he would recuse himself from discussion and any action because his children own homes in that area. Mayor Johnson asked Mayor Pro-tem Gordon to preside over this discussion.

Mrs. Rhodes stated that when the subdivision for Hampton Estates was approved, the impact fees in 2006 were \$220 for water and \$220 for sewer. Mrs. Rhodes stated that impact fees were raised last year to a rate of \$440 for water and \$440 for sewer. Mrs. Rhodes stated that the developer had raised concerns in that he believes he has an agreement for his fees to remain at the 2006 rate. Mrs. Rhodes further stated that there is no agreement in writing between the developer and the City of Manning.

In reviewing the minutes and audio tapes from 2006, Council's agenda had discussion on the subdivision, but there was no discussion where Council gave approval for the 2006 rates to be applied to the developer over time. Mrs. Rhodes also stated that there was no service agreement on file outlining the rates. Mrs. Rhodes asked Council if they are aware of an approval given to the developer to keep the same rates as 2006. Councilmember Davis asked how many existing taps have been obtained on the property. Mr. Hardy stated that there will be approximately 50 homes in the subdivision and only 12 taps have been installed. After discussion, Councilmember Pack asked Mr. Hardy what would be his recommendation.

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A **motion** was made by Councilmember Witherspoon and was seconded by Councilmember Welle to allow the developer to pay impact fees at the Hampton Estates at the rate of \$220 for water and \$220 for sewer and that any future agreements be made in writing. In discussion, Councilmember Welle asked Mr. Hardy to answer the question concerning his recommendation. Mr. Hardy stated that he would recommend that the city allow the developer to pay the impact fees at the 2006 rate for that subdivision. Then Councilmember Welle asked Mr. Hardy how many homes remain to be built. Mr. Hardy stated that approximately 35 additional homes are to be built. Councilmember Davis stated that the developer must understand that the approval given by Council is only for the Hampton Estates subdivision and would not include any future projects. There was no further discussion. All favored the motion.

XVI. Councilmembers' Comments:

Councilmember Davis

Councilmember Davis thanked Council for electing him as Mayor Pro-tem and thanked them for their support.

Councilmember Pack

Councilmember Pack stated that the letters on the Billy S. Fleming Protective Services Building are not clearly visible and asked if the color of the lettering be changed from brown to black. Mrs. Rhodes stated that she would contact a sign company to get an estimate.

Mayor Pro-tem Gordon

Mayor Pro-tem Gordon thanked Council for giving him the opportunity to serve as Mayor Pro-tem for the last eight years.

Mayor Johnson

Mayor Johnson asked if there was an ordinance that addresses lawn contractors blowing lawn clippings and trash in the gutter drain. Mr. Hardy stated that there is an ordinance that prohibits depositing debris into the storm drains. Mayor Johnson asked if the ordinance could be enforced.

In addition, Mayor Johnson stated that he has been getting many complaints about the problems with the garbage pick-ups and that Mrs. Rhodes and Mr. Hardy have addressed their concerns with the managers at Waste Management.

Councilmember Welle

Councilmember Welle asked Mrs. Rhodes if the city has received responses to

annexation requests in the Pine Knoll area. Mrs. Rhodes stated that each individual would have to agree to be annexed and that the city cannot override the annexation laws.

XVII. Executive Session:

- 1) Police Department: Personnel Matter.**
- 2) Administration Department: Contractual Matter.**

A **motion** was made by Councilmember Pack and was seconded by Mayor Pro-tem Gordon to enter into Executive Session to discuss a personnel matter in the Police Department and a contractual matter in the Administration Department concerning a lease agreement for parking near the new City Hall. There was no discussion. All favored the motion.

After Executive Session, the following action was taken:

A **motion** was made by Councilmember Davis and was seconded by Mayor Pro-tem Gordon to approve the amended lease agree with *The Item* and to authorize the Administrator to sign the agreement. There was no discussion. All favored the motion.

XVIII. Adjournment:

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

Time: 7:55 p.m.

Respectfully submitted,

Daun Davis
Administrative Services Coordinator/Clerk