

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

**Monday, August 15, 2016
6:30 p.m.**

**Council Chambers
Manning City Hall**

Council Present:

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

I. Welcome/Introductory Remarks: Mayor Nelson welcomed everyone to the meeting.
The following media representatives were present:

II.

News Media present: *Bobby Baker, The Manning Times*

II. Invocation: Mr. Larry Williamson.

III. Pledge: Mayor Pro-tem Clayton Pack.

IV. Approval of Agenda:

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

V. Minutes:

Minutes of a Regular Meeting of City Council, July 18, 2016.

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

VI. Citizens' Comments: None.

VII. Committee Reports: None.

VIII. Public Presentations:

1) Service Award.....Mayor Julia Nelson

Mrs. Beatrice Simon.....Municipal Election Commission

Mayor Nelson presented Mrs. Simon with a plaque recognizing her for service to the City of Manning as a member of the Municipal Election Commission from 2011 to 2016. Mayor Nelson noted that Mrs. Simon is now a serving as a member of the Clarendon County Election Commission

2) Tree City USA Award.....Mrs. Lois Edwards

Mrs. Edwards stated that, on behalf of the National Arbor Day Foundation and the SC Forestry Commission, she would like to present the Tree City USA Award to the City of Manning for their 16th consecutive year. Next, Mrs. Edwards stated that in order to be a Tree City USA, the following criteria must be met:

1. A Tree Board must be established.
2. The City must adopt a Tree Ordinance.
3. Establish a Community Forestry Program with an annual budget of \$2.00 per capita.
4. Have an Arbor Day celebration and sign a proclamation recognizing Arbor Day.

Mrs. Edwards thanked Council for supporting the Tree Board and credited the staff for keeping the program going through all weather related issues. In addition Mrs. Edwards stated that the city has done tree inventories in the past as well as programs and other things. Then Mrs. Edwards presented Mayor Nelson with the awards and thanked Council for their leadership.

IX. Finance Director's Report: Due to year end close-out processes, there will not be a report this month.

X. Mayor's Report:

Mayor Nelson commended all city staff for the work that they do. In addition, Mayor Nelson stated that she was pleased to see the Manning Police Department helping with traffic during the first day of school and encouraged the citizens to watch out for children and buses.

Mayor Nelson noted that car break-ins have slowed down and asked Chief Shaffer to give an update. Chief Shaffer stated that they have identified some suspects and that the car break-ins have stopped. Mayor Nelson encouraged all citizens to keep their vehicles and houses locked.

XI. Administrator's Report:

Property purchase. The city has purchased the property adjacent to the treatment plant that was approved by Council last month. Mr. Tanner stated that closing on the property was held last week.

Mills St. Streetscape. The bid opening was held in June and came in well over budget. The City's engineers have made changes to the project, but the figures are still \$50,000-60,000 over budget. Mr. Tanner stated that the City may be able to get additional transportation funds from the County and the project should be able to bid in October. Next, Mr. Tanner stated that there was a recent court case dealing with County Transportation Funds which ruled that those funds can no longer be used to pave parking lots.

Parks and Recreation. Mr. Tanner stated that there is extra Parks and Recreation money available at the State level and that he has asked Senator Johnson to check on the additional \$20,000 in funding recently allocated. Mayor Nelson asked the Councilmembers interested in making improvements and parks in their districts to contact Senator Johnson also.

Economic Development Grant. This grant is offered by the Municipal Association of SC. Mr. Tanner stated that he will make application for the grant to get assistance with the City's Retail Strategies Initiative which is in the second phase. Mr. Tanner stated that the grant would help with the tuition for the Retail Strategies upcoming conference.

City Hall Expansion. Mr. Tanner stated that he has begun the preliminary application process with USDA for the expansion of the building at City Hall.

Regional Advocacy Meeting. The Municipal Association has scheduled a Regional Advocacy Meeting for September 24th in Sumter. Mr. Tanner asked Council to contact Mrs. Davis to register.

Senator Tim Scott will be at Cornerstone Fellowship FWB Church August 16th at 1:30 pm. Council has been invited.

- 1) Departmental Reports: Included in Council's packet as information.

XII. New Business:

A. Ordinance No. 2016-04. (First Reading). An Ordinance to Amend Chapter 34, Article IV. Fireworks, Section 111, Permitted dates of sale and discharge.

Mayor asked Council if they had a chance to review the ordinance. Mr. Tanner stated that in reference to the proposed ordinance, some municipalities have banned fireworks except for a few times during the year. However, the Supreme Court has

ruled that fireworks cannot be banned. In addition, Mr. Tanner stated that the new ordinance would only restrict fireworks as to the times of days and dates around the holidays. Fireworks cannot be discharged on other people's property or public property without permission.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Gordon to approve the ordinance for first reading.

In discussion, Mayor Nelson stated that she had asked the Administrator to look into amending the ordinance because she had received complaints from citizens about the use of fireworks on their property and at different hours and also to look at the ordinance to see how it could be adjusted so that Chief Shaffer's department could enforce the ordinance. Mayor Nelson asked for Council's vote on the motion. Those in favor of approving the ordinance for first reading were Councilmember Gordon and Councilmember Welle. Those not in favor of approving the ordinance for first reading were Councilmember Davis.

Following, Mayor Nelson stated that since there was opposition, she would like to see Council's votes by raising their hands. At this time, Mayor Pro-tem Pack asked about the times fireworks can be discharged during the July 4th holiday and asked if changes could be made. Councilmember Welle stated that there were more questions, but that the motion was to get it on the floor for first reading. In addition, Councilmember Welle stated that she had also received complaints and stated that the ordinance needs tightening up.

Then, Mayor Nelson asked those in favor of approving the ordinance for first reading to raise their hands. Those in favor were Councilmember Gordon and Councilmember Welle. Those against approving the ordinance for first reading were Councilmember Davis, Mayor Pro-tem Pack and Councilmember Georgia. Therefore the ordinance did not pass. Mayor Nelson asked Mr. Tanner where the current ordinance stands as far as enforcement. Mr. Tanner stated that the ordinance remains as is. Fireworks can only be discharged from December 15th through January 15th and July 1st through July 15th.

Chief Shaffer stated that although it's not allowed under the city's ordinance, under the constitution, we can't make any restrictions. Chief Shaffer stated that currently, there's no time restriction under the ordinance. Mayor Nelson stated that she wanted the records to reflect that she made an attempt to adjust the fireworks ordinance to make a better environment for the citizens of Manning as requested by the citizens.

- B. A Resolution authorizing the Mayor, and/or, as appropriate, Her Designee, the City Administrator, to enter into an agreement with the South Carolina Department of Juvenile Justice for the secure detention of juveniles for the fiscal year 2016-2017.**

Mr. Tanner stated that this was an agreement that is executed annually for the secure detention of juveniles. Councilmember Welle asked Mr. Tanner if there have been changes within the agreement. Mr. Tanner stated that there have been no changes. Mr. Tanner asked Chief Shaffer whether there have been any changes. Chief Shaffer confirmed that there have not been any changes. In addition, Chief Shaffer stated that the City has not housed any juveniles recently.

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

C. Council Approval to Award the Bid for the Fleming Neighborhood Demolition Contract to East Coast Environmental, LLC in the amount of \$34,211.00.

Mr. Tanner stated that the bid award was for Phase II of the Fleming Neighborhood Demolition project. The low bidder was East Coast Environmental.

A **motion** was made by Councilmember Welle and was seconded by Mayor Pro-tem Pack to approve the bid award for the Fleming Neighborhood Demolition Contract to East Coast Environmental, LLC in the amount of \$34,211.00. There was no discussion. All favored the motion.

D. Council Appointments to Boards (replacement needed).

Zoning Board of Appeals

Leon Brewer

Fill unexpired Term

June 30, 2018

Mayor Nelson stated that a replacement is needed to fill the unexpired term of Mr. Leon Brewer. Mr. Brewer resigned from the board because he will be moving out of state. Mayor Pro-tem Pack nominated Mr. Jerome Kindell and stated that Mr. Kindell indicated that he would be willing to serve. Councilmember Welle stated that she had someone to nominate, but had not yet contacted them. There were no other nominations.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Georgia to appoint Mr. Jerome Kindell to the Zoning Board of Appeals to fill an unexpired term ending June 30, 2018. There was no discussion. All favored the motion.

XIII. Councilmembers' Comments:

Councilmember Gordon

Councilmember Gordon stated that he had some concerns about a tree in the park that needed to be limbed. Mr. Tanner stated that bids have been submitted to trim street trees and that the work should be done soon.

Mayor Pro-tem Pack

Mayor Pro-tem Pack stated that there is a drainage problem on Spann Street where the re-pavement has been done. Mr. Hardy stated that he would contact SC DOT about it.

XIV. Executive Session:

1) Administration Department.....Discussion of land acquisition.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Gordon to enter into Executive Session to discuss land acquisition in the Administration Department. There was no discussion. All favored the motion.

Time: 7:05 pm

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

Time: 7:27

XV. Possible Action Following Executive Session:

No action was taken following Executive Session:

XVI. 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: 7:27

Respectfully submitted,

Daun Davis
Administrative Services Coordinator/Clerk