

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

Tuesday, August 25, 2009
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

Members Absent-

E=Excused/U=Unexcused:

Councilmember Pack ó E

- I. Welcome/Introductory Remarks:** Mayor Johnson welcomed all present and stated that the media was notified. Mayor Johnson stated that Councilmember Pack had an excused absence. Next, Mayor Johnson acknowledged the following:

News Media: Cathy Gilbert- *Manning Times*.
Bobby Baker- *The Item*.

- II. Invocation:** Councilmember Ervin Davis.

- III. Pledge:** Councilmember Diane D. Georgia.

IV. Approval of Agenda:

Mayor Johnson asked Council to amend the agenda to include an Executive Session to discuss a contractual matter in the Public Works Department.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to amend the agenda to include an Executive Session. There was no discussion. All favored the motion.

V. Minutes:

Minutes of the Regular Meeting of City Council, July 20, 2009.

A motion was made by Mayor Pro-tem Gordon and was seconded by Councilmember Georgia to approve the minutes of the Regular Meeting of City Council, July 20, 2009, 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. Mayor Johnson thanked Councilmembers Welle, Georgia and Pack for attending the meeting hosted by the Manning Branch of the NAACP and Clarendon County concerning Clarendon County's proposed ordinance on saggy pants. In addition, Mayor Johnson thanked Mayor Pro-tem Gordon for attending the Neighborhood Watch event held in the Bellewood community. Next, Mayor Johnson reminded Council of the Municipal Association's Regional Meetings scheduled throughout the state. Mayor Johnson stated that the meetings are very informative and concern the legislative issues for the coming year. Mayor Johnson asked Council to attend. Next, Mayor Johnson stated that the Business After Hours, sponsored by Main Street Manning, would be held September 15th at 5:30 p.m. at the French Hens.

IX. Public Presentation:

Tree City USA Award.....Lois Edwards,
Forester, Pee Dee Region Urban
Commission South Carolina Forestry

Mayor Johnson thanked Mrs. Edwards, the Tree and Beautification Board, and the city staff for their work in helping the City of Manning achieve the award. Mayor Johnson asked Mrs. Edwards to present the award to the Tree and Beautification Board on behalf of the City of Manning.

Mrs. Edwards stated that, on behalf of the South Carolina Forestry Commission and the National Arbor Day Foundation, she would like to present the Tree City USA Award to the City of Manning for the 9th year. Mrs. Edwards thanked Council for appropriating the funds to support the program and stated that in order to be a Tree City USA, the following criteria must be met:

- A Tree Board must be established.
- The city must adopt a Tree Ordinance.
- A Community Forestry Program must be established with an annual budget of at least

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\$2.00 per capita.

- A city must have an Arbor Day Observance and Proclamation.

Mayor Johnson thanked Mrs. Edwards for the presentation.

**3rd Annual Pig Tales BBQ Cook-off and Festival.....Jane Powell, Chairman,
Friends of the Library Committee**

Mayor Johnson asked Mrs. Powell to come forward.

Mrs. Powell stated that on behalf of Harvin Clarendon County Library, she would like to thank Council for their continued support and invited Council to the 3rd Annual festival which would be held October 2nd and 3rd. The events include the "Anything But Pork" contest and musical entertainment on Friday, a BBQ Cook-off and a variety of entertainment on Saturday. Mrs. Powell stated that the festival's goal is to promote literacy, provide support for the mobile library, purchase computers and host speaking events at the library. Mrs. Powell thanked Mr. Rubin Hardy and his staff for their help with the festival last year. In addition, Mrs. Powell asked Council for permission to use the Municipal Parking lot located at Church and Rigby Streets for the event, asked for support from the Utility Department as well as financial support from Council.

Councilmember Welle asked Mrs. Powell how much money was raised last year for the library. Mrs. Powell stated that the library realized a net profit of approximately \$10,400. Councilmember Davis asked Mrs. Powell what the previous amount of support the library received from Council. Mrs. Powell stated that the amount was \$500.00.

Mayor Johnson stated that he had spoken to Mrs. Rhodes about the event and stated that Mrs. Rhodes recommended that Council make a donation at the same level as last year.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Davis to sponsor the Pig Tales Festival, for the benefit of Harvin Clarendon County Library, with a donation of \$500.00. There was no discussion. All favored the motion.

Mrs. Rhodes stated that the donation was included in the budget for the fiscal year 2009-2010.

X. Finance Director's Report:

Mayor Johnson stated that the financial reports included in Council's packet were for the month of June, 2009 for the fiscal year ending June 30, 2009 and a report for the month of July, 2009 for the fiscal year beginning July 1, 2009.

Mrs. Prince stated the report for the year ending June 30, 2009 is un-audited and that there were a few items received after the year end close-out.

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Mrs. Prince asked if there were any questions from Council concerning the reports.

Mayor Johnson stated that he had a few questions, which were already answered by Mrs. Prince. Mayor Johnson asked Council to contact the Administrator or Finance Director if there are any questions.

Next, Mayor Johnson stated that the year ended in good financial shape considering that non-budgeted additions were made during the year. Mayor Johnson stated that there were some outstanding receivables, notably reimbursements from South Carolina Department of Transportation (SCDOT) and that the finances were in good shape.

Mayor Johnson thanked the Administrator and all the employees for how well the funds are expended.

Mrs. Rhodes stated that the end of the year number looks like the balance is in a negative. Mrs. Rhodes stated that the city's auditor recommended that if Council approves using fund balance for something not budgeted for, the line item should be allowed to show a negative at the end of the year.

Next, Mrs. Prince provided Council with the following:

Finance Report for the month ending July, 2009

General Fund unrestricted:	<u>\$1,919,814.00</u>
Total unrestricted GF	1,919,814.00
General Fund restricted:	\$ <u>122,705.00</u>
Total restricted GF	122,705.00
Interest Earned (GF):	\$ 2,719.00
Utility Fund unrestricted:	<u>\$ 1,013,988.00</u>
Total unrestricted UF	\$ 1,013,988.00
Utility Fund restricted/reserved:	<u>\$ 1,112,697.00</u>
Total restricted/reserve UF	1,112,697.00
Interest Earned (UF)	\$ 10,864.00
Special Fund:	\$ <u>69,467.00</u>
Total Special Fund	\$ 69,467.00

We have completed the first month into the budget year which is 8% with a remainder of 92%. As of the close of the the month July 31, 2009, the General Fund expended

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\$332,503.00, or 9% of the budget. The Utility Fund expending \$143,838.00 or 7% of the budget. Mrs. Prince stated that General Fund Revenues of \$46,163.00, 1% of the budget, are off because tax revenues will not be received until January, 2010. Mrs. Prince stated that the Utility Fund Revenues of \$175,218.00, 9% of the budget, are on task at this time.

XI. Administrator's Report:

- 1) **Paxville Waterline Project** - The bid opening for the portion going under Interstate-95, will be held on Thursday, August 27th at 2 p.m, City Hall. The bid award will be approved by Council at their September meeting. Mrs. Rhodes stated that she would like to have a groundbreaking ceremony in September.
- 2) **Main Street Manning-** The committee will be partnering with the Chamber of Commerce for a Business After Hours on September 15th at 5:30 p.m. at French Hens. The event will be a business expo for the downtown businesses to showcase their goods and services. Mrs. Rhodes invited Council to attend.
- 3) **Wastewater Treatment Plant Upgrade-** Mrs. Rhodes stated that the cost to change the study to a PER, to do the Environmental Report and to make the application would be approximately \$23,000.00. Mrs. Rhodes stated that these funds could be taken out of the Utility engineering line item and asked Council for direction.

A **motion** was made by Councilmember Witherspoon and was seconded by Mayor Pro-tem Gordon to authorize the Administrator to obtain a PER, Environmental Report and make the application for the Wastewater Treatment Plant Study Upgrade. There was no discussion. All favored the motion.

- 4) **Department of Justice Grants-** A letter of award or denial for the two Department of Justice Grants that the city had applied for should be received by August 28th. Mrs. Rhodes stated that one grant was for equipment for vehicles and another grant was a multijurisdictional drug task force grant.
- 5) **Judicial Courtroom Renovation-** Mrs. Rhodes asked Mrs. Davis to provide Council with an update. Mrs. Davis provided Council with a copy of the plans for the renovation prepared by John B. Jackson, Jackson & Sims Architects. Mrs. Davis stated that a pre-bid conference was held on August 6th and that the bid opening was held on August 20th. In addition, Mrs. Davis stated that there were 9 contractors that had submitted bids. The lowest apparent bid was received from Gamble & Stuckey at a base bid of \$141,000. The highest bid received was a base bid of \$208,650.00. Mrs. Davis stated that the plans were for:
 - A new facade on the front with one entry door as opposed to two.
 - The removal of the brick infill in the existing window openings on the side of the building near the alley to expose the windows and allow light into the lobby area.

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- Public restrooms in the front of the building.
- A seating area in the courtroom for the public.
- A witness stand.
- Jury seating area in the courtroom with a jury conference room.
- Seating area for the judge and Judicial Clerk.

Mrs. Davis stated that the lowest bidder, as well as the sub-contractors, were from the Manning area.

Mrs. Rhodes stated that original estimates, received over a year ago of approximately \$110,000.00, did not include the facade improvements. Mrs. Rhodes stated that the cost of \$141,000 includes everything except chairs in the courtroom and that the plans would meet all the requirements that South Carolina Supreme Court Justice Jean Toal has issued for courtroom safety.

Mayor Johnson stated that although the cost is more than what Council had approved to come out of fund balance, he would recommend that Council approve the increase of \$31,000.00 to be taken out of Fund Balance and to move forward with the renovations.

A **motion** was made by Councilmember Davis and was seconded by Mayor Pro-tem Gordon to approve the increased amount of \$31,000 to be taken out of fund balance for the courtroom renovation project. In discussion, Councilmember Welle asked if the building would qualify for the facade grant in the downtown area. Mrs. Rhodes stated that the city does not qualify for the facade renderings. In addition, Mrs. Rhodes stated that the architect would try to bring the facade back to the original look.

Councilmember Welle asked Mrs. Rhodes if she thought it was alright to pull the funds from the fund balance for the project. Mrs. Rhodes stated that the fund balance should be used for large capital expenditures and that with the renovation, the courtroom would meet all requirements from Justice Toal. There was no further discussion. All favored the motion.

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

- A) Fire Department- Chief McElveen gave a presentation to Council on the recent purchase of the mini-pumper truck (Squad One) from the New Hamburg Fire Department in New Hamburg, NY. Chief McElveen thanked Council for approving the purchase. The truck, a 1998 model, with only 4,900 miles, came fully equipped. Chief McElveen stated that Squad One would be used as a first responder for medical calls, wood and debris fires, vehicle fires and vehicle accidents with extrication.

- B) Police Department- Chief Shaffer gave Council an update on recent local robberies. Chief Shaffer stated that an arrest had been made for an armed robbery that occurred at the New York Fashion store in the downtown area. In addition, two arrests were made in connection with the armed robbery at the Catoø store. Chief Shaffer stated that there have been two robberies this year which resulted in three arrests and that his department continues to work on leads and that officers have been working overtime in an effort to reduce the number of break-ins in the downtown area. Mrs. Rhodes asked Chief Shaffer how long generally takes to get fingerprint results from SLED. Chief Shaffer stated that he had placed a rush on his request and did not receive the results until two months later. Chief Shaffer stated that in the future the City and County may be able to pursue a federal grant to get their own lab so that they can do their own testing and crime scene investigations.

XII. New Business:

A. Resolution authorizing the Mayor, and, as appropriate, His Designee, the City Administrator, to execute a Memorandum of Understanding between Clarendon County and the City of Manning for the Operation and Maintenance of the Clarendon County Utility System at Wyboo Plantation.

Mayor Johnson stated that information was included in Councilø packet. In addition, Mayor Johnson stated that the memorandum of understanding had been reviewed and approved by the attorneys.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Welle to authorize the Mayor or Administrator to execute the Memorandum of Understanding. In discussion, Mrs. Rhodes stated that the city worked with the County Attorney, the Cityø Attorney and Leigh Polhill of the Municipal Associationø Insurance and Risk Management Division to make sure that there was enough liability coverage. There was no further discussion. All favored the motion.

B. Resolution to make an application for funding from the CDBG program for the revitalization of the city of Manning's downtown central business district.

A **motion** was made by Councilmember Welle and was seconded by Councilmember Georgia to approve the Resolution. In discussion, Mrs. Rhodes stated that the CDBG program allows applicants to apply for funding up to \$500,000. Mrs. Rhodes stated that this would allow the city to include both sides of Mill Street and both sides of Rigby Street from Mill Street down to Brooks Street. Mrs. Rhodes stated if the application is approved, it would include improvements for the parking lot, as well as, all entrances into the parking lot, installation of sidewalks, street lighting and landscaping.

Mrs. Rhodes stated that the match of \$50,000 was included in the budget. There was no further discussion. All favored the motion.

C. Resolution authorizing the Mayor, and, as appropriate, His Designee, the City Administrator, to enter into an agreement with Carolina Power & Light, d/b/a Progress Energy, with regards to street lighting for the Manning Village Renaissance Project.

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

D. Discussion of Contractor Award for the Manning Village Renaissance Project.

Mrs. Rhodes stated that the apparent low bidder for the project was CNA Construction, Inc. of Sumter, SC. Mrs. Rhodes stated that the bid of \$76,030.50 was much lower than the budgeted amount of \$350,801. Next, Mrs. Rhodes stated that Mr. Doug Clary, Hybrid Engineering, had identified additional sidewalks that could be installed in the following areas:

- On Reardon Street- from Dickson Street to Church Street.
- Depot Street- from Dinkins Street to Memorial Street.
- Barfield Street- from Dinkins Street to East Boyce.

Following, Mrs. Rhodes stated that she would ask the Department of Commerce to approve the change order to add the additional sidewalks to the project. Mr. Clary stated that in addition to the installation of sidewalks, 400 feet of storm drain piping would go in on Dickson Street, pedestrian cross walks and signs placed in the intersection of Dinkins, Church Street and Rigby Street. A pre-construction meeting would be held on August 27th at 10 a.m.

E. Discussion of amendments to the Regional Wastewater System Master Agreement.

Mrs. Rhodes stated that the Chamber of Commerce Infrastructure Committee presented some concerns to Council concerning the agreement. Mrs. Rhodes stated that the oversight committee met and presented Council with the approved contract with the changes. Mrs. Rhodes stated that the agreement made clear that everything would be determined by a participation agreement.

F. Discussion of the 2007-2008 Audit Report.

Mr. Richardson stated that the audit for the fiscal year ending June 30, 2008 has been completed and stated that city received an unqualified opinion. Adjusted results

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showed that an approved transfer of \$100,000 from the Utility Fund to the General Fund resulted in an increase of \$109,000 in the General Fund Balance for the 07-08 year and did not include budgeted carryovers from the previous years. In addition, Mr. Richardson stated that there were big improvements made and tighter controls used to safeguard assets and to prevent fraud, compared to prior years.

Mayor Johnson stated that he met with Mr. Richardson, Mrs. Rhodes, and Mrs. Prince to discuss recommendation on improving internal controls and safeguarding the city's assets. Mayor Johnson stated that he recommended that the Finance Director present recommendations to the Administrator who, in turn, would bring the information to Council. Mrs. Rhodes stated that one recommendation was to make a few changes with the Judicial Department that would make it easier for the auditor to audit that department. Mrs. Rhodes stated that she asked the Auditor to come up with procedures to make sure the city safeguards its assets properly.

Mayor Johnson stated that, although the staff is small, the city wants to make sure that the responsibilities are segregated and that there is proper oversight. Mr. Richardson stated that the goal is to minimize the risk of fraud. Mr. Richardson congratulated Council for concerted effort in making sure there are strong controls in place.

A **motion** was made by Councilmember Welle and was seconded by Mayor Pro-tem Gordon to approve the Audit Report for 2007-2008. There was no discussion. All favored the motion.

XIII. Councilmembers' Comments

Mayor Pro-tem Gordon

Mayor Pro-tem Gordon stated that he received concerns about the upkeep at the cemetery and stated that there is debris lying around the cemetery and that it is not kept up properly. Mrs. Rhodes stated that some of the stumps cannot be removed as it will disturb the actual grave and headstones. Mayor Johnson asked that the lawn be kept up and to let Council know if more people are needed to assist with the upkeep. In addition, Mayor Johnson stated that it is a bad reflection on the city when people visit the cemetery and it is not kept well. Mrs. Rhodes stated that the Public Works Director would be hiring an additional person who would help with the upkeep and other duties. Councilmember Davis asked about the road around the cemetery and whether it could be fenced in. Mayor Johnson stated that the road is an access area for the public. Rebecca said that if Council is interested in paving the road, she could get cost estimates for the portion that belongs to the City. The Mayor stated the main point is to make sure the cemetery is kept up and maintained. Mrs. Rhodes also noted that the city no longer sells cemetery plots and does not charge an upkeep fee. Mrs. Rhodes stated that the city has records of the plots from years ago for informational purposes.

XIV. Executive Session:

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1) Public Works Department: Contractual Matter.

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

Following Executive Session, no action was taken.

XIV. Adjournment

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

Time: 8:20 p.m.

Respectfully submitted,

Daun Davis
Administrative Services Coordinator/Clerk