

**REGULAR MEETING
OF THE
MANNING CITY COUNCIL**

Monday, September 18, 2006
6:30 p.m.

Breedin Assembly Room
City Hall

Members Present:

Mayor Johnson
Mayor Pro-tem Gordon
Councilmember Evans
Councilmember Georgia
Councilmember Pack
Councilmember Witherspoon

Members Absent:

Councilmember Davis- E

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

News Media: Cathy Gilbert and Eric Gould, Manning Times
Sharon Haley, The Item

Others: Charles Boykin of Boykin, Davis, Hawkins, Caldwell
Larry Williamson, Manning Zoning Board of Appeals
James Darby, Executive Director, Santee-Lynches
Sharon Durden, Santee-Lynches
Todd Heldreth- Clarendon School District II
Rusty Craven, USDA Rural Development

- II. Invocation:** Councilmember Clayton Pack.

- III. Pledge:** Councilmember Sherry Evans.

- IV. Approval of Agenda:** A **motion** was made by Councilmember Evans and was seconded by Mayor Pro-tem Johnny Gordon to accept the amended agenda. During the discussion, Mayor Johnson asked Council to allow Executive Session to follow Public Presentations

Page 2. Minutes of Manning City Council Meeting, September 18, 2006.

on the agenda, to allow the Finance Director to meet in Executive Session to discuss a personnel matter in the Administration Department and Mr. James Darby and Attorney Boykin to meet with Council in Executive Session to discuss a contractual matter concerning the Sumter- Clarendon Regional Wastewater Contract. There was no further discussion. All favored the motion.

V. Minutes:

Minutes of the Regular Meeting of City Council, August 21, 2006.

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

VI. Citizens Comments: None.

VII. Committee Reports: None

VIII. Mayor's Report: Included in Council's packets as information.

IX. Public Presentation:

Sharon Durden, Santee Lynches. Mrs. Durden gave an update on the application process for the City of Manning CDBG housing grant. Mrs. Durden stated that the application had been delivered to Columbia, SC, and that approval for the five (5%) required local match for the CDBG grant was needed. Mrs. Durden stated that the CDBG amount requested in the grant was approximately \$459,000 and the required five (5%) match would be approximately \$22,954 and that Council would have to adopt a Resolution stating that the city would provide a match of \$22,954 should the application be approved for the City of Manning.

Following, a **motion** was made by Councilmember Pack and was seconded by Mayor Pro-tem Gordon to provide the required match of \$22,954.00 for the CDBG grant.

In the discussion, Mayor Johnson stated that Councilmember Witherspoon abstained from discussion and voting due to a conflict of interest because his house was in the targeted area and that it was possible for him to receive assistance from the grant.

All favored the motion with the exclusion of Councilmember Witherspoon.

Mayor Johnson also noted that the funds would come from the expenditure line for Grant Matches.

Page 3. Minutes of Manning City Council Meeting, September 18, 2006.

Todd Heldreth, Clarendon School District II- Character Counts Week and Kids Day.

Mayor Johnson thanked Mr. Heldreth for presenting Council with a certificate for the City's support in Character Development.

Mr. Heldreth distributed to Council information listing activities planned for Character Counts Week and Kids Day and gave a brief explanation of the activities. In his explanation, Mr. Heldreth emphasized the importance of businesses and churches being a model to the children and asked for participation from the community. Mr. Heldreth stated the cost for the events during Kids Day would be free. Mr. Heldreth also spoke on the following:

- Businesses recognizing employees for doing a good job.
- Community service learning project- which would involve all citizens.
- City participation during Character Counts Week- December 4- December 8.
- Sponsorship and advertising
- Council participation in the conference on Building Communities of Character in Conway, SC.

Next, Mr. Heldreth stated that he would have additional information on the conference in Conway, SC for those who are interested in attending.

Mayor Johnson stated that he would ask the Clerk to forward the information on the conference to Council. In addition, Mayor Johnson stated that Council pledged to partner with the school district to help make Manning a better place to live and thanked Mr. Heldreth for his role in the area of character education.

Pastor D. L. Johnson and Pastor James Langhorne, Have Faith Community Development Corp.

Pastor Langhorne, Operations Officer, reviewed with Council the Corporation's revitalization project for property in Alcolu, SC. Pastor Langhorne stated that the project would consist of a 400 acre mixed- use development that would consist of four residential communities and approximately 50 acres of general commercial use.

Pastor Langhorne requested that the city partner with the corporation to bring infrastructure to the area in Phase 1 of the development. Pastor Langhorne also spoke about the following:

- The grand opening on August 29, 2006 of the 5,000 square foot marketing and sales office.
- Getting sewer to the lots in Phase 1 of the project.
- Requesting grant funds to assist with getting sewer to the site.

Page 4. Minutes of Manning City Council Meeting, September 18, 2006.

- The cost for obtaining a pump station.

Pastor Langhorne stated that he had requested a report from Timmons Engineering on bringing sewer to the site; however, after a review of the report, it was found that the option presented was not feasible for the corporation. Pastor Langhorne also read a report he received from Engineering Resources Corporation (ERC) stating that the infrastructure would adequately serve the area intended to provide residential housing; however, construction costs for the infrastructure quoted in the letter was \$380,047.00 with \$50,872.50 of that amount specified for engineering costs.

Following, Pastor Langhorne stated that he would like a commitment from Council to consider providing the engineering costs and would entertain any questions.

Mayor Johnson asked if the County had made a contribution toward the project.

Pastor Langhorne stated that Mr. Houser, County Administrator, stated that the County would check to see if funding was available to make a contribution.

Councilmember Evans asked if the Corporation was designated as a non-profit agency.

Pastor Langhorne stated that the corporation has its 501C-3 non-profit status.

Mayor Johnson asked that once the infrastructure has been built, would the corporation be willing to deed the lines over to the City?

Pastor Langhorne stated that the corporation would agree to deeding the lines over to the City.

Mayor Johnson asked Mr. Darby how would this request fit into the Sumter-Clarendon Regional Wastewater Project?

Mr. Darby stated that there would be no conflict with the current process.

After further discussion, Mayor Johnson asked the Administrator and the Public Works Director to get together and come back to Council next month with recommendations on the corporation's request.

Mayor Johnson also stated that Council would provide a letter of support, if needed, to help with the grant process.

X. Executive Session

- 1. Personnel Matter: Administration Department**
- 2. Contractual Matter: Public Works Department**

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Pack to enter into executive session to discuss a personnel matter in the Administration-Finance Department concerning personnel performance and a contractual matter in the Public Works Department concerning a proposed Sumter-Clarendon Regional Wastewater Project. There was no discussion. All favored the motion.

Following executive session, the following action was taken:

A **motion** was made by Councilmember Evans to approve the Resolution to proceed with the planning of the Upper Santee River Regional Wastewater System and was seconded by Councilmember Pack. There was no further discussion. All favored the motion.

XI. Public Hearing

Proposed amendment to re-zone property, Tax Map # 187-01-02-003.

Mayor Johnson stated that the Public Hearing was on the proposed amendment to the City of Manning Zoning Ordinance to re-zone property located at 120 N. Brooks Street, Tax Map # 187-01-02-003, owned by Lisa B. Durant, from Office Commercial (OC) to General Commercial (GC).

Mayor Johnson announced if there was anyone in the audience that wanted to make comments in favor of or against the proposed amendment to please come forward to sign in and state their position. No one came forward. Mayor Johnson brought the Public Hearing to a close.

Proposed amendment to the Zoning Ordinance to permit tattoo facilities.

Mayor Johnson stated that the Public Hearing was on the proposed amendment to the Zoning Ordinance to permit tattoo facilities in Light Industrial Districts (LI) as a Special Exception.

Mayor Johnson announced if there was anyone in the audience that wanted to make comments in favor of or against the proposed amendment to please come forward to sign in and state their position. No one came forward. Mayor Johnson brought the Public Hearing to a close.

XII. Finance/Administrator's Report.

A. Financial Report to Council. Mrs. Prince, the Finance Director gave the following finance report as of August 31, 2006:

General Fund- Unrestricted Accounts-

| | |
|------------------------------------|--------------------|
| Accounts Receivable Checking Acct. | \$1,475,686.00 |
| Cemetery Upkeep | <u>\$ 9,727.00</u> |
| Total Unrestricted General Fund | \$1,485,413.00 |

General Fund Restricted Accounts-

| | |
|-------------------------------|--------------------|
| Fire Fund | \$ 5,123.00 |
| Police Fines | \$ 38,994.00 |
| Lola Clark Park (CD) | <u>\$ 7,753.00</u> |
| Total Restricted General Fund | \$ 51,870.00 |

Utility Fund- Unrestricted Accounts-

| | |
|------------------------------------|----------------------|
| Accounts Receivable Checking Acct. | <u>\$ 989,513.00</u> |
| Total Unrestricted Utility Fund | \$ 989,513.00 |

Utility Fund Restricted/Reserved Accounts:

| | |
|---------------------------------|----------------------|
| 1976 Cushion Fund checking | \$ 1,652.00 |
| 1994 Cushion Fund checking | \$ 99,457.00 |
| Water/Sewer Contingency | \$ 464,572.00 |
| Water/Sewer Depreciation | \$ 464,572.00 |
| 1976 Cushion Fund (CD) | \$ 100,506.00 |
| 1994 Cushion Fund (CD) | <u>\$ 106,933.00</u> |
| Total Unrestricted Utility Fund | \$1,237,692.00 |

Mrs. Prince gave a financial update on each department as follows:

- **Legislative-** Expenses should be at 17% into the budget year. Expenses incurred in 'FY 05-06 for Council District 2 expenditure line for the Annual Municipal Conference is reflected in the current fiscal year.

Recommended a fuel line item be added to cover the fuel expenses for the Mayor's vehicle. Recommended a transfer of \$1,500.00 from the Administration fuel line item to Legislative since the car came from that department.

- **Judicial-** Spent 97% of their line item for computer hardware. This is a final purchase for that line item.
- **Administration-** Spent 46% on Insurance Tort.

Page 7. Minutes of Manning City Council Meeting, September 18, 2006.

- **Police Department-** Spent 72% on Insurance Tort and 21% on prisoner fees. Both items will have an anticipated increase. The computer hardware line item has almost been depleted. There are no more planned purchases for computer hardware this fiscal year.
- **Fire Department-** Spent 58% on Insurance Tort and 83% on Computer Hardware. There are no more planned purchases for computer hardware this fiscal year.
- **Street Department-** This department will spend over \$10,400 in Health Insurance. They have spent 55% in Insurance Tort and 55% on repair and maintenance.
- **Utility-** Spent 21% on retirement, 44% on permits and licenses and 66% on potable water DHEC.
- All departments should expect an overrun on the Insurance Tort line item due to an anticipated increase in premium coverage in January, 2007.

Next, Mrs. Prince gave an overall review of the Revenue:

General Fund Revenue- After adjusting out the prior year 05-06 taxes and state shared revenues, the city has only collected about 7% of the anticipated revenue. Tax revenues will begin to come in at the end of 2006 and business license fees will begin coming in around March, 2007.

Utility Fund Revenue- The city has received about 83% of revenue which is in line with projections.

B. Administrator Report. The Administrator gave the following report:

1. **Clean Up/Railroad Cross-ties:** CSX contracts out the removal of cross ties. However, CSX will provide rail cars to the area within about 30 days for the removal of ties. With the flooding in Wilmington, NC, that area was the first priority in supplying rail cars.
2. **USDA/Rural Development Grant-Loan.** The grant has again been increased from \$35,000.00 to \$113,040 and the loan has been increased from \$856,000.00 to \$879,600.00. These figures include the addition of an elevator for the building. Mr. Rusty Craven, USDA/Rural Development, was in the audience.
3. **Narcotics Interdiction Program.** The grant period has ended as of August 15, 2006. The final pay request has been submitted.

Page 8. Minutes of Manning City Council Meeting, September 18, 2006.

4. **Grand Openings and Ribbon Cuttings.**
 - a. **Peebles-** Grand opening September 28th at 8:45 a.m. (old B.C. Moore's building).
 - b. **Harvin Clarendon County Library's Mobile Library-** Thursday, September 21st at 5:30- 7:00 p.m. at 102 S. Mill Street- Judicial Center. (Chamber's After Hours follows at Land, Parker & Welch Law Firm, 29 S. Mill Street)
5. **Purchased Christmas Tree Lights.** Trees are in need of trimming. Will cost \$2000.00- \$3,000.00.
6. **Technical Advisory Group Meeting.** September 20th at 2:00 p.m. at Clark's Restaurant in Santee, SC.
7. **Lake Marion Regional Water Project.** A public presentation will be given to legislators, council members and economic development personnel on October 5th at 12:00 noon, Holiday Inn, Santee, SC.
8. **Phase V** (Area from Boyce Street to South Mill Street in front of Senator Land's office). We are waiting on a reply from SCDOT on the status of this phase.
9. **Phase VI** (Area from Keitt Street to West Huggins Street in front of the County's Judicial Building). The Big Check Presentation will be held at our October Council Meeting.
10. **Bellewood Park.** Shredded recycled tires have been spread around the park area on Lawson Street.
11. **Council Retreat.** Tentative areas submitted to hold the retreat are Charleston and Myrtle Beach. Ed Thomas from USC will be the facilitator. Available dates include October 28th and any weekend in November.

XIII. Old Business:

- A. Ordinance No. 2006-06. (Second Reading) An ordinance relating to the recovery costs as a part of delinquent debts collected pursuant to the Setoff Debt Collection Act.**

A **motion** made by Councilmember Evans and was seconded by Mayor Pro-tem Gordon to approve second and final reading of the ordinance.

Mayor Johnson stated that the Municipal Association highly recommended that all municipalities adopt the ordinance. There was no further discussion. All favored the motion.

- B. Zoning Ordinance No. 2006-4M. (Second Reading) An ordinance re-zoning property owned by Lisa B. Durant located at 120 N. Brooks Street, Tax Map # 187-01-02-003, from Office Commercial (OC) to General Commercial (GC).**

Page 9. Minutes of Manning City Council Meeting, September 18, 2006.

Mayor Johnson stated that first reading of the ordinance had passed, a recommendation from the Planning Commission to re-zone the property was received, and the Public Hearing was held earlier on the Agenda.

A **motion** was made by Councilmember Pack and was seconded by Councilmember Georgia to approve second and final reading of the ordinance. There was no further discussion. All favored the motion.

C. Zoning Ordinance No. 2006-3T. (Second Reading) An ordinance to amend the zoning text to permit tattoo facilities in a Light Industrial District (LI) as a Special Exception.

A **motion** was made by Councilmember Witherspoon and was seconded by Mayor Pro-tem Gordon to approve second and final reading of the ordinance.

During the discussion, Mayor Johnson stated that the amendment had passed First Reading, had been reviewed by the Planning Commission, and a Public Hearing had been held earlier on the Agenda.

In addition, Mayor Johnson stated that if the ordinance passes second reading, tattoo facilities would have to be located in a Light Industrial District (LI). Mayor Johnson also noted that the amendment states that a tattoo facility cannot come within one thousand (1,000) feet of a church, school or playground.

Cathy Gilbert, The Manning Times, asked where Light Industrial Districts (LI) were located.

Mrs. Adger stated that Light Industrial Districts (LI) were located on Sykes Street, Memorial Street by the Wastewater Plant, and on Hwy 260, to name a few.

There being no further discussion, the vote was as follows:

In Favor

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

Against

Councilmember Evans

XIV. New Business:

A. Ordinance No. 2006-5M (First Reading). An Ordinance rezoning property

owned by Tom Oxley, located at 110 Breedin Street, Tax Map # 169-14-17-026-00 from Residential-10 (RS-10) to Office Commercial (OC).

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

B. Resolution to enter into an agreement with the United States Department of Agriculture and Rural Development.

A **motion** was made by Councilmember Pack and was seconded by Councilmember Georgia to adopt the resolution. There was no discussion. All favored the motion.

C. Resolution to make an application for funding from the Community Development Block Grant (CDBG) Program.

This resolution was approved in Item # 9 Public Presentations.

D. Resolution authorizing Clarendon County to impose an increase in the local accommodations tax in excess of one and one-half (1 ½) percent not to exceed three (3) percent in the City of Manning.

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

E. Resolution to approve the proposed service agreement for the Upper Santee River Regional Wastewater System.

See Item X.

F. Discussion of the S.C. Department of Mental Health's request for the City of Manning to own, operate, and maintain lines.

The Administrator asked the Public Works Director, Rubin Hardy to explain.

Mr. Hardy stated that the Dept. of Mental Health, owners of the new apartments currently under construction at Collins and Huggins Street, is asking Council to take ownership of the water and sewer lines on the property.

A **motion** was made by Councilmember Pack and was seconded by Councilmember Georgia to approve the request.

G. Discussion of a building for the Public Works Department.

Mayor Johnson stated that the Public Works Department employees do not have an adequate building for a break room; however, there is a need for one, but the expense for a building was not a budgeted item and asked Council how would they like to proceed on the matter.

Following, Mayor Johnson asked the Administrator and the Public Works Director (Rubin Hardy) to meet and present a plan for Council to consider.

H. Discussion of Chamber of Commerce First Annual Golf Tournament.

Mayor Johnson stated that the Chamber of Commerce is looking for sponsorship for the tournament and has asked Council to participate in this event.

A **motion** was made by Councilmember Pack and was seconded by Mayor Pro-tem Gordon to give \$150.00 as a sponsor for the tournament and to donate items for their gift bags. There was no further discussion. All favored the motion.

XIV. Councilmembers' Comments

Mayor Pro-tem Gordon

Mayor Pro-tem Godon asked that someone check Davis Street to see if it is a city owned road and if it can be repaired. Mayor Johnson asked Mr. Hardy, Public Works Director, to check on the road.

Councilmember Witherspoon

Councilmember Witherspoon asked to the Administrator to check along West Huggins Street, near his house to see if another light can be added in that area. In addition, Councilmember Witherspoon asked that Depot Street be checked to see if additional lighting is needed.

Councilmember Pack

Councilmember Pack commended the city workers for their hard work in cleaning the city park on Spann Street.

Page 12. Minutes of Manning City Council Meeting, September 18, 2006.

Mayor Johnson

Mayor Johnson stated that on behalf of the Municipal Association, he would like Council's participation in the Hometown South Carolina Road Show at the Hilton Garden Inn in Florence, SC on October 9th.

Mayor Johnson stated that he would like Council to re-visit the dates mentioned earlier for the retreat and would like acknowledgment from Council if it was its desire to go forward with having a retreat.

A **motion** was made by Councilmember Pack and was seconded by Mayor Pro-tem Gordon to have a Council Retreat beginning October 27th through October 29th. There was no further discussion. All favored the motion.

Next, Rusty Craven, USDA Rural Development, asked permission to issue the Letter of Conditions for the USDA/Rural Development Grant-Loan to Council as part of the meeting. Also, Mr. Craven asked Council if there were any questions. There were none.

Following, Mr. Craven stated that in order to start construction and to close the loan in the grant, the Letter of Conditions and the resolution needed to be signed.

Mayor Johnson stated that the documents were being reviewed by the City's attorney.

XVI. Adjournment

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Pack to adjourn. All favored.

Time: 8:57 p.m.

Respectfully submitted,

Daun Davis
Administrative Services Coordinator