

**REGULAR MEETING
OF THE
MANNING CITY COUNCIL**

Monday, August 21, 2006
6:30 p.m.

Breedin Assembly Room
City Hall

Members Present:

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

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

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

Others: Larry Williamson, Manning Zoning Board of Appeals
Rev. Sampson Pearson

- II. Invocation:** Councilmember Ervin Davis.

- III. Pledge:** Councilmember Gregory Witherspoon.

- IV. Approval of Agenda:** A **motion** was made by Councilmember Davis and was seconded by Mayor Pro-tem Johnny Gordon to approve the agenda. There was no discussion. All favored the motion.

- V. Minutes:**

Minutes of the Regular Meeting of City Council, July 17, 2006.
Minutes of a Special Called Meeting of City Council, July 31, 2006
Minutes of a Special Called Meeting of City Council, August 3, 2006

Mayor Johnson stated that there were three sets of minutes that need approval and asked

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Council how they would like to proceed. A **motion** was made by Mayor Pro-tem Johnny Grdon and was seconded by Councilmember Pack to approve all the minutes as one motion. 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 updated Council on the housing project.

- Rehabilitating houses in the areas of West Huggins, Breedin, Hampton and Boundary Streets.
- Income survey in progress.
- Application deadline is September 18, 2006.
- Additional assessments are on-going to facilitate the budget for the grant.
- Next month, will provide the number of houses included in the grant and match needed for the project.

Following, Mayor Johnson asked for clarification of the landlord's requirements for rental homes. Mayor Johnson stated that, based on the report last month from Vickie Williams of Santee-Lynches, he understood that the landlord was required to pay 10% of the cost for rehabilitation.

In response, Mrs. Durden stated that the Department of Commerce has changed the requirements for the grant they are currently working on. Mrs. Durden stated that under the new guidelines, if the landlord has one house, he is required to pay 10%; for two to four houses, the percentage is 30%, and for more than four houses, the percentage is 50%. Also, the homeowner will have the option to choose whether or not to participate in the grant.

Next, Mayor Johnson asked if there were any additional questions. There were none. Mayor Johnson thanked Mrs. Durden for sharing the information with Council.

Dean Richardson, C.C. McGregor Co. Mayor Johnson stated that the city's auditor, Dean Richardson, was involved in an accident and would not be able to attend the meeting. Mayor Johnson stated that the audit report for the year ending June 2005 is not ready and asked that Mr. Richardson be placed on the agenda for September.

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Anna Holmes, The Artisan Holiday Festival. Mayor Johnson stated that information on the presentation is included in Council's packet and asked Mrs. Holmes to make her presentation to Council.

Mrs. Holmes distributed additional information to Council describing the objectives of the festival, how the charity auction will function and who will benefit within the community. In addition, Mrs. Holmes distributed to Council two letters of support.

Mayor Johnson stated that the clerk would read the letters of support at the appropriate time.

Mrs. Holmes shared the following information about the festival:

- The festival would be held at the Cypress Center.
- Include 23 artists, photographers, and craftsmen.
- Each artist will donate one or more pieces of artwork to the charity art auction.
- All funds from the auction will go to the Cypress Foundation to help reinstate the car seat campaign and to purchase car seats and safe cribs for newborns in Clarendon County.

Following, Mrs. Holmes requested Council to waive the business license fee or reduce it for artists participating in the festival so that it would be more affordable for them to participate.

Mayor Johnson stated that he understood the value and the contribution to the community that the festival would make, but that his concern is that the city's business license structure is by ordinance. Mayor Johnson stated that there is no provision to honor the request except under Section 14-36 of the City of Manning Code of Ordinances.

At this time, Mayor Johnson read Section 14-36 of the City of Manning Code of Ordinances which addresses deductions, exemptions and charitable organizations.

Mrs. Holmes asked Mary Adger, Interim Administrator what information they discussed.

Mrs. Adger stated that she spoke to Mrs. Holmes about *Temporary Retail Sales*. In addition, Mrs. Adger stated that information concerning *Temporary Retail Sales* was also included in Council's packet as information.

Mrs. Holmes stated that she felt that the festival would be classified under the *Temporary Retail Sales* and that it would be similar to the guidelines of the Striped Bass Festival sponsored by the Chamber of Commerce.

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After much discussion, Mayor Johnson stated that, in order to be exempt from the business license fee the festival would have to be sponsored by a non-profit organization.

Then, Mayor Johnson asked Mrs. Holmes to see the Administrator concerning business license exemptions through a non-profit organization. In addition, Mayor Johnson stated that the city's Codes of Ordinances are listed on the city's website at www.cityofmanning.org.

At this time, Sharon Haley, The Item, asked the cost of a business license.

Mayor Johnson stated that it is based on the classification of a business and the amount of gross sales of a business.

X. Public Hearing:

Mayor Johnson stated that the Public Hearing was on the proposed amendment to the City of Manning Zoning Ordinance to re-zone property located on Bradham Street, Tax Map # 169-16-03-004-00 and #169-16-03-007-00 and #169-16-03-008-00 from Residential-6 (RS-6) to General Residential-2 (GR-2).

Mayor Johnson stated that this request was presented to the Planning Commission, which approved it unanimously and has recommended to Council that the property be re-zoned.

At this time, Mayor Johnson asked anyone in the audience that would like to make comments in favor 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.

XI. Finance/Administrator's Report. The Administrator gave the following report:

A. Financial Report to Council. The Administrator gave the following finance report as of August 21, 2006:

General Fund- Checking Accounts-

<u>Unrestricted</u>	<u>Restricted</u>
\$1,732,887.00	\$ 52,322.00

Utility Fund- Checking Accounts-

<u>Unrestricted</u>	<u>Restricted</u>
\$ 989,342.00	\$

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<i>Utility Fund- Reserve Fund and CD's</i>	<u><i>Unrestricted</i></u>	<u><i>Restricted</i></u>
	\$100,994.00	\$1,118,030.00
 <i>Total Utility Accounts</i>	 <u><i>Unrestricted</i></u>	 <u><i>Restricted</i></u>
	\$1,090,336.00	\$1,118,030.00
 <i>Grand total of all funds</i>	 <u><i>Unrestricted</i></u>	 <u><i>Restricted</i></u>
	\$2,823,223.00	\$1,170,352.00

Interest Earned/July 2006:

General Fund	\$8,115.00
Utility Fund	\$4,710.00
 <i>Total Interest Earned</i>	 \$12,825.00

Special Fund Accounts: CDBG, Victim's Rights, Water Tower and RIF Grant-
\$69,415.00

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

Mrs. Adger stated that the cover of Council's packet was designed in recognition of the beginning of the first day of school and Council's participation in Clarendon School District II's Character Education Program. Also, Mrs. Adger stated that a sign has been placed on the grounds at City Hall and at other entrances into the city's corridors to identify Manning as a City of Character.

1. ***RIF Grant.*** Interviews are scheduled this week for the Comprehensive Master Plan and Market Analysis. Clarendon County has approved up to \$5,000.00 for the project.
2. ***USDA/Rural Development Grant-Loan.*** The grant has been increased from \$35,000.00 to \$55,000.00 and the loan has been increased from \$856,000.00 to \$867,000.00 with an additional \$30,000.00 to put in an elevator. A special called meeting will be necessary to adopt a resolution to enter into an agreement and sign a letter of conditions.
3. ***Holiday.*** City Hall will be closed on September 4th in observance of Labor Day.
4. ***Phase V of T-21 Grant.*** There is a cost increase of \$100,000.00. Information has been given to Council earlier. Administrator will need direction from Council on how to proceed.

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5. ***Lake Marion Regional Water Authority.*** There will be a TAG meeting on August 30th at 9 a.m.
6. ***Sweet Sounds and Hearing.*** The Ribbon Cutting and Grand Opening will be held on August 31th at 5:30 p.m. at 102 S. Brooks Street.
7. ***Municipal Clerks Treasurer's Institute.*** The Administrator will be attending this meeting on September 15-13, 2006. The Administrator will graduate from this Institute.
8. ***SC Summary Court Judges Association.*** Judge Dingle will attend this conference September 13- 16, 2006.

Mayor Johnson asked the Administrator to let the city attorney review the agreement for the USDA/Rural Development Grant before calling a meeting.

XII. Old Business:

- A. **Ordinance No. 2006-3M (Second Reading) An Ordinance zoning property located on Bradham Stret, Tax Map #'s 169-16-03-004-00 and 169-16-03-007-00 and 169-16-03-008-00 from Residential-6 (RS-6) to General Residential-2 (GR-2).**

Mayor Johnson stated that the Public Hearing was held earlier on the Agenda.

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

XII. New Business:

- A. **Ordinance No. 2006-06(First Reading) An Ordinance relating to the recovery costs of delinquent debts collected pursuant to the Setoff Debt Collection Acts.**

Mayor Johnson stated that Council received a draft ordinance from the Municipal Association who strongly recommended that all municipalities adopt the language of the proposed ordinance exactly as drafted to be in line with the Setoff Debt Collection Act.

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

B. Zoning Ordinance No. 2006-4M (First 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).

A **motion** was made by Councilmember Davis and was seconded by Councilmember Evans to approve first reading of the ordinance.

Mayor Johnson asked if the request had been presented to the Planning Commission.

Mary Adger stated that the Planning Commission has recommended to Council that the property be re-zoned. There was no further discussion. All favored the motion.

C. Zoning Ordinance No. 2006-3TA (First Reading) An Ordinance to amend the zoning text to regulate tattoo parlors.

Mayor Johnson stated that the ordinance was before Council for first reading.

A **motion** was made by Mayor Pro-tem Gordon and was seconded by Councilmember Pack to approve first reading, in title only, of the ordinance.

Mayor Johnson stated that someone wanted to locate a tattoo parlor in the City Limits and it was necessary that the Zoning Ordinance be amended to regulate tattoo facilities. Mayor Johnson also stated that Mr. Pete Hipps, Planner for Santee-Lynches and the City's Zoning Advisor, has stated that this use is allowed in certain areas.

Then, Mrs. Adger stated that Pete Hipps drafted an ordinance to allow it in a General Commercial District with conditions, but that the Municipal Association has recommended that this use be permitted in a Light Industrial (LI) District.

Councilmember Davis asked where the tattoo facility would be located.

Mayor Johnson stated that Council would have to decide where they would like to have this use located, whether in a General Commercial District as recommended by Pete Hipps, or in a Light Industrial District as recommended by the Municipal Association.

At this time, Mayor Johnson asked the Administrator the areas where Light Industrial Districts are located.

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

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There was no further discussion. The vote on the motion is as follows:

In Favor

Mayor Pro-tem Gordon
Councilmember Witherspoon
Councilmember Georgia
Mayor Johnson

Opposed

Councilmember Davis
Councilmember Evans
Councilmember Pack

Mayor Johnson voted in favor of approving first reading of the ordinance, thereby making the vote 4 to 3 in favor of approving the ordinance for first reading.

Mayor Johnson stated that the Planning Commission would hear the request and make a recommendation to Council and then there will be a Public Hearing in September where citizens could voice their concerns before second and final reading of the ordinance.

D. Discussion of Clarendon County's request regarding the Accommodations Tax.

Mayor Johnson stated that there have been discussions in the past concerning the accommodations tax, and that based on the prior Administrator's recommendation, Council voted against Clarendon County's request to charge an Accommodations Tax on the motels within the city limits.

In addition, Mayor Johnson stated that the surrounding municipalities, Turbeville and Summerton have approved Clarendon County's request to charge the accommodations tax. Mayor Johnson stated that if Council approves the request, Clarendon County will be allowed to charge a higher accommodations tax rate, not more than 1 1/2%, on any motel in the city limits.

A **motion** was made by Councilmember Davis and was seconded by Councilmember Evans to approve Clarendon County's request to charge an accommodations tax not in excess of 1 1/2% within the city limits. There was no further discussion. All favored the motion.

Mayor Johnson asked the Administrator to contact the County Administrator to advise that Council approved their request.

XIV. Councilmembers' Comments

Councilmember Evans

Councilmember Evans commended the Fire Department on their job in putting out a house fire in the Pine Knoll Subdivision.

Councilmember Evans asked for an update from the Public Works Director on the construction line in the Pine Knoll Subdivision.

At this time, Rubin Hardy, Public Works Director, stated that Globe Communications Company is putting in lines for Farmers Telephone Company. Mr. Hardy stated that the workers should not be in the homeowner's yard, however, some homeowners have extended their landscaping into the right-of-way so that it appears to be their yard.

Mr. Hardy stated that if the land within the right-of-way has to be disturbed, Globe Communications Company is required to repair the yard as it was before it was disturbed.

Mayor Johnson

Mayor Johnson commended Mrs. Adger, Department Heads, and all the employees for their hard work in the midst of personnel changes.

Next, Mayor Johnson noted that the railroad company has a lot of cross ties piled along the tracks on Memorial Street and need to be removed. In addition, Mayor Johnson noted that there are several convenience stores along West Huggins Street with litter on their property.

Following, Mayor Johnson noted that Councilmember Davis had concerns about the Public Works Department needing a building for an employee breakroom. Mayor Johnson asked that this be placed on the agenda for September.

And lastly, Mayor Johnson stated that Council has information in their packet from the Association on Hometown South Carolina which will help highlight cities and towns. Mayor Johnson stated that Hometown South Carolina will be traveling throughout the state doing "road shows" and that he would like as much participation from city officials as possible. Mayor Johnson stated that a road show will be in Florence, SC on October 9.

XV. Executive Session

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| 1. Contractual Matter: | Utility Department |
| 2. Personnel Matter: | Administration Department |

A **motion** was made by Councilmember Davis and was seconded by Councilmember Witherspoon to enter into executive session to discuss a contractual matter in the Utility Department concerning water and sewer and a personnel matter in the Administration Department. There was no discussion. All favored the motion.

Following executive session, no action was taken

XVI. Adjournment

A **motion** was made by Councilmember Evans and was seconded by Councilmember Pack to adjourn. All favored.

Time: 7:50 p.m.

Respectfully submitted,

Daun Davis
Administrative Services Coordinator