



Clarendon County Council Meeting
Monday, September 12, 2011, 6:00P.M.
Weldon Auditorium, Manning, SC
Meeting Minutes

Those in attendance:

County Council Chairman, Dwight L. Stewart, Jr.
County Council Vice Chairman, William J. Frierson
Councilman, Billy Richardson
Councilman, Benton Blakely
Councilman, A. C. English
County Administrator, William Houser
County Attorney, David Epperson

Press in attendance: Sharon Haley, The Citizen, Robert J. Baker, The Item and Vic MacDonald, The Manning Times.

Others in attendance:

Thomas L Harvin	Sandy Tucker	Pete Sharpe	Charles Smith
Patricia Pringle	Fred Tucker	Paula McNair	Joyce Wilson
Charlotte Johnston	Eleazer Carter	Joy Alford	Tamika Malone
Tammy Rodvansky	Willie Briggs	Carolyn Branson	
Lyndon Anthony	Robert McFadden	Jay Alford	
Bob Dennis	Jerome McCray	Judy Ross	
Vicky Williams	Michael Dukes	Tim Hegler	
Linda Lemon	Rusty Craven	L. Prothro	
Archie Lemon	J. McKenzie	Teress Edge	

Chairman Stewart called the meeting to order at 6:00PM. Following brief introductory remarks from Chairman Stewart, invocation was led by Councilman Richardson. The Pledge of Allegiance was recited in unison.

Chairman Stewart recommended that the order of the agenda be changed. On motion by Vice Chairman Frierson and seconded by Councilman English, council voted unanimous approval to change the agenda as recommended.

On motion by Councilman English and seconded by Vice Chairman Frierson, council voted unanimous approval to appointing Thomas L. Harvin, Jr. as Interim Clerk to Council until a permanent appointment is made.

On motion by Councilman English and seconded by Councilman Richardson, council voted unanimous approval to council meeting minutes for the following meetings, with minor corrections as needed:

July 25, 2011 Special Council Meeting
August 3, 2011 Regular Council Meeting
August 4, 2011 Redistricting Workshop Meeting
August 8, 2011 Regular Council Meeting

Following a brief presentation by Harvey Belser, Manager, South Carolina Forestry Commission, on motion by Councilman Blakely and seconded by Vice Chairman Frierson, council voted unanimous approval to accept a check from the Forestry Commission in the amount of \$22,041.48, generated from the sale of timber cut from forests in Clarendon County. The funds are to be evenly divided among the three (3) Public School Districts in Clarendon County.

Public Hearing:

Attorney Epperson gave brief description of Ordinance 2011-02 that authorizes the issuance and sale of Water System Revenue Bond of Clarendon County not to exceed two million dollars (\$2,000,000.00). There were no public comments, the hearing closed.

Attorney Epperson gave a brief description of Ordinance 2011-03 that indefinitely suspends Sunday work prohibitions and other related matters. Two issues were discussed concerning this ordinance. Councilman Blakeley expressed a concern that employees may be required to work on Sundays against their will. Attorney Epperson said that there were civil remedies to handle such issues.

Willie Briggs asked, "Would the approval of this ordinance mean that ABC stores can open on Sundays?" Attorney Epperson said "no". He continued by stating that the ordinance does not authorize Sunday alcohol sales. There were no other public comments, the hearing closed.

Attorney Epperson gave a brief description of Ordinance 2011-07 of Clarendon County Council that gives authority to provide procurement guidelines known as the Procurement Regulations Code. Councilman Blakely asked, "Was the concern over spending limits corrected?" Attorney Epperson answered "yes." He explained purchases of \$10,000 and under will require three (3) verbal quotes. Purchases from \$10,000 to \$25,000 will require three (3) written quotes, and all purchases over \$25,000 will require formal bids. There were no more public comments, the hearing closed.

Attorney Epperson gave a brief description of Ordinance 2011-08 to adopt Clarendon County Council Electoral Districts based upon the 2010 Census. Following Attorney Epperson's presentation, Attorney Eleazer Carter and Robert McFadden presented an alternate plan that they said was supported by the NAACP.

Mr. McFadden said their redistricting plan would split Clarendon County's representation into seven single-member districts. He further stated that the plan would have voters elect the seven council members to four-year staggered terms; those elected would meet after each two-year election cycle to select a chairman, who would serve for two years or longer if council members agree.

Chairman Stewart stated that he believes that single-member plan constitutes a shift in the form of government, and Clarendon County Attorney David Epperson concurred.

Attorney Carter disagreed, saying the law only suggests holding a referendum. He added that the county currently operates under an Administrator-County Council form of government, something the NAACP's plan doesn't change.

Mr. McFadden asked that council submits both plans to the Justice Department for approval and let the Justice Department decide which plan best meets the needs of the people. After much discussion the hearing closed.

Attorney Epperson gave a brief description of Ordinance 2011-09 that provides for noise control in the unincorporated areas of Clarendon County and to provide penalties thereof. Several residents of the Goat Island Community were present to speak in opposition to the ordinance. However, Mr. Pete Sharpe and Mr. Jim Hegler spoke in opposition of the ordinance on behalf of the group. There were no more public comments, the hearing closed.

Public Comment:

Grant Administrator, Vicki Williams presented a request to submit an application to the Bureau of Justice Edward Byrne Memorial Justice Assistance Grant for \$17,684 to provide a computer system upgrade for the Clarendon County Probate Judge Office. There were no public comments.

Rusty Craven, USDA Walterboro Office, requested that council approve a Letter of Conditions from USDA for Phase IB and Phase II of the water expansion project in the amount of \$6,000,000.00 (\$2,000,000.00 phase IB and \$4,000,000.00 Phase II). Mr. Craven further stated that by approving the USDA Grant Agreement, council will be approving the associated grant portion of both the above phases.

On motion by Vice Chairman Frierson and seconded by Councilman English, council voted unanimous approval to the USDA Letter of Conditions and the USDA Grant Agreement as presented by Rusty Craven.

On motion by Vice Chairman Frierson and seconded by Councilman English, council voted unanimous approval to a Loan Resolution (\$2,501,000) authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending the county's water system to serve an area lawfully within the jurisdiction to serve.

On motion by Councilman English and seconded by Vice Chairman Frierson, council voted unanimous approval to an Environmental Mitigation Resolution for the project consisting of the expansion of the county's water system into its Phase II Project area. The Environmental Review also included a well and tank located in the Phase I project area and which is being funded as a separate project known as Phase IB. Therefore, these mitigations also apply and cover the Phase IB as well.

On motion by Vice Chairman Frierson and seconded by Councilman English, council voted unanimous approval to a Loan Resolution (\$1,179,000) authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending the county's water system to serve an area lawfully within the jurisdiction to serve.

Ordinance(s):

On motion by Councilman Richardson and seconded by Councilman English, council voted unanimous approval to second reading of Ordinance 2011-03 that indefinitely suspending Sunday work prohibitions and other related matters.

On motion by Vice Chairman Frierson and seconded by Councilman Richardson, council voted unanimous approval to second reading of Ordinance 2011-07 of Clarendon County Council giving authority to provide procurement guidelines known as the Procurement Regulations Code.

On motion by Vice Chairman Frierson and seconded by Councilman English, council voted unanimous approval to the second reading of ordinance 2011-08 to adopt Clarendon County Council Electoral Districts based upon the 2010 census. Council also asked Epperson to research whether the NAACP's plan could be submitted with the county's plan.

On motion by Councilman Richardson and seconded by Councilman English, council voted unanimous approval to the second reading of Ordinance 2011-09 to provide for noise control in the unincorporated areas of Clarendon County; and to provide penalties thereof. Councilman English asked that council to consider adding a variance to the ordinance to allow music to only be played indoors. Council concurred.

On motion by Councilman English and seconded by Vice Chairman Frierson, council voted unanimous approval to the third reading of Ordinance 2011-02 authorizing the issuance and sale of a Water System Revenue Bond of Clarendon County not to exceed two million dollars (\$2,000,000).

On motion by Vice Chairman Frierson and seconded by Councilman Richardson, council voted unanimous approval to the third reading of Ordinance 2011-05 to repeal the 2001-05 Unified Development Code, and subsequent amendments thereto and the 1999 Zoning Classification Map and to adopt 2011-05 Unified Development Code, and the 2011 Zoning District Classification Map.

Before voting on Ordinance 2011-06, Councilman Blakely asked would the county reserve to right to refuse any offer on said properties. Attorney Epperson answered "yes". On motion by Councilman Richardson and seconded by Councilman English, council voted unanimous approval to third reading of Ordinance 2011-06 to authorize the sale of nine (9) parcels of county owned real property located within Clarendon County.

Requests:

On motion by Councilman Blakely and seconded by Councilman English, council voted unanimous approval to submit a grant application to FEMA for the Assistance to Firefighters Program in the amount of \$63,000 to support the purchase of new IT equipment including audio/visual components, books, and DVDs' needed to upgrade and sustain the required training for firefighters in Clarendon County. The county match will be \$6,300.

On motion by Councilman English and seconded by Vice Chairman Frierson, council voted unanimous approval to the Behavioral Health Services Proclamation to proclaiming the month of September 2011 as National Recovery Month.

On motion by Councilman Blakely and seconded by Vice Chairman Frierson, council voted unanimous approval to a resolution authorizing a Mutual Aid Agreement between City of Sumter Police Department and the Clarendon County Sheriff Department.

Chairman Stewart convened the Clarendon County Transportation Committee to hear a request from County Administrator Houser to use C-Funds to purchase reconstituted asphalt in the amount of \$75,000. Councilman Richardson asked was it possible to purchase more material due to the amount of dirt roads that will benefit from its application. Mr. Houser said unless council cancel some of the paving projects already approved, \$75,000 was all that can be spent at this time. On motion by Councilman Richardson and seconded by Vice Chairman Frierson, Clarendon County Transportation Committee voted unanimous approval to use \$75,000 of C-Funds to purchase reconstituted asphalt.

Having no more business relating to the Clarendon County Transportation Committee Chairman Stewart reconvened the Clarendon County Council Meeting.

In the Administrator's Report Mr. Houser briefly stated that county expenditures were in line with the budget for this period in the budget cycle. However, he reported that fines and forfeitures were coming in lower than expected and no C-Funds have been received at this point.

In the Chairman's Report Chairman Stewart thanked the members of the Historical Society for their work in the county and reported that construction had begun on the new Administration Building.

On motion by Vice Chairman Frierson and seconded by Councilman Blakely, council voted unanimous approval to go into executive session to discuss contractual and personnel issues.

On motion by Councilman Blakely and seconded by Vice Chairman Frierson, council voted unanimous approval to come out of executive session.

On motion by councilman Blakely and seconded by Councilman English , council voted unanimous approval to Administrator Houser negotiating with a Sheriff Department employee concerning salary and returning to work after retirement.

On motion by Councilman Blakely and seconded by Councilman English, council voted unanimous approval to ask the Lake Marion Water System to extend their contract with Clarendon County for an additional ninety (90) days.

On motion by Vice Chairman Frierson and seconded by Councilman Blakely, council voted unanimous approval to get formal bids from firms to help determine if citizens residing in Clarendon County are declaring legal residence in another state and other tax related concerns.

On motion by Councilman Blakely and seconded by Councilman English, council voted unanimous approval to adjourn.

Respectfully Submitted

Thomas L. Harvin, Jr.
Interim Clerk to Council
Clarendon County Council

CERTIFICATION OF PUBLIC AND MEDIA NOTIFICATION

I, Denise Fenters, an employee of Clarendon County, Manning, South Carolina, do hereby certify that public and media notification of the County Council Meeting of September 12, 2011 was given prior thereto by the following means:

PUBLIC NOTIFIED: Yes

MANNER NOTIFIED: Agenda placed on the Clarendon County Website, Clarendon County Courthouse and at Weldon Auditorium

DATE POSTED: September 12, 2011

MEDIA NOTIFIED: Yes

MANNER NOTIFIED: Agenda emailed to THE MANNING TIMES, THE ITEM, THE CLARENDON CITIZEN and THE FLORENCE MORNING NEWS

DATE NOTIFIED: September 9, 2011

**PUBLIC HEARING:
ADVERTISED** Yes

MANNER NOTIFIED: The Item Newspaper

Respectfully submitted,

Denise Fenters