



Minutes
Clarendon County Council
Regular Council Meeting
Monday, August 8, 2011
Weldon Auditorium, Manning, SC

COUNCIL MEMBERS PRESENT:

1. County Council Chairman Dwight L. Stewart, Jr.
2. County Council V-Chairman W. J. Frierson
3. County Councilman A.C. English, Jr.
4. County Councilman Billy Richardson
5. County Councilman Benton Blakely

COUNTY STAFF MEMBERS PRESENT:

- William F. Houser, County Administrator
- Mia R. Jackson, Clerk to Council
- David W. Epperson, County Attorney
- Linda P. Lemon, Dir. of Human Resources

MEDIA PRESENT: Bobby Baker, The Item
Sharon Harley, The Clarendon Citizen
Vic MacDonald, The Manning Times

- I. Chairman Stewart called to order at 6:02P.M.
- II. Invocation was performed by Vice Chairman Frierson
- III. Pledge of Allegiance recited in unison.
- IV. Approval of Council Agenda: Upon motion by Vice-Chairman Frierson, seconded by Councilman Richardson.
- V. Approval of the July 11, 2011 Minutes: Upon motion by Councilman Blakely, seconded by Vice-Chairman Frierson pending corrections given to the Clerk.

***Chairman Stewart noted under the Chairman's report the following corrections:
The check for \$6000 went to Clarendon School District One not the Clarendon County Development Board. Of the \$6000 donated to CSD-1, \$4100 given by the Ford Motor Company and the balance by the staff at Stokes Craven dealership.*

VI. **PUBLIC HEARING:**

At 6:10P.M., by a unanimous vote council convened the public hearing for the August 8, 2011 council meeting.

Ordinance 2011-05 Ordinance adopting the 2011 Unified Development Code and the 2011 Zoning District Classification Map.

Chairman Stewart introduced Planning Director Maria Rose who introduced Garry Smith of Smith & Burkhold Planning and Management. Upon request, Ms. Rose introduced one of her staff members, Lucille O'Brien, and the members of the Planning Commission: Chairman David Bradham, Vice-Chairman, Lannes Prothro, Marilyn Fletcher, and Bobby Gibbons.

Mr. Smith began by reviewing the revisions and additions to the Unified Development Code and the Zoning Map. Mr. Smith noted the following changes: 1. Includes a Performance Zoning District. The performance zoning allows for multiple use of land within the same development. 2. Restrictive covenants will require public notice to the planning commission. The public will be required to notify the planning commission when application permits are requested and restrictive covenants are in place. 3. The Right to Farm Act - This statute change protects the farms within the county. The Act protects the farms within the county from more restrictive covenants, than those in the state statute. The county will now have two agricultural zones. This will regulate where animal production will be located. There will be separation between heavy animal productions, vegetation crops (those who require a permit from DHEC to operate) and residential housing.

(Referred to the zoning map being displayed)

Vested Rights policy - Rights to developers given during the time of development will remain in place throughout the life of the development.

Mr. Smith briefly reviewed the definition changes, mobile home age limit change, and the state statute change. Chairman Stewart thanked Mr. Smith and asked council if they had any questions.

Vice-Chairman Frierson: *Was the major objective to cluster the zones together?*

Mr. Smith: The objective of “Agricultural 1 and Agricultural 2 zones” was to allow for some residential zones between the heavy animal production areas. The Agriculture 1 zone acts as a buffer between the two zones. This will place separation between residential, agricultural 1 and 2 zones. Mr. Smith said, “We strategically mapped out areas in which the zoning can be done. There were some areas that will be grandfathered into the zones.”

Vice-Chairman Frierson: *In some areas, would that constitute spot zoning?*

Mr. Smith: No, spot zoning refers to two acres or smaller. The map shows the vast areas affected by the zoning change are much larger acreages of land.
(Council discussed the map with Planning Director Maria Rose.)

Questions from the Public:

Henry King, Jr.: Referring to the wild hogs, he too finds them a problem on the land he leases to hunters. The wild hogs are a nuisance throughout the county. *What is the orange area on the map?* *(Referring to the zoning map on display.)*

Maria Rose: That is the performance zone district.

Mr. Smith: The performance zones are areas within the county that allow for flexibility in land development. This will allow for mixed land use when permitting property within the county for development.

Patricia Pringle: What is your definition of a Park Model Home and, when does that type of home fall under real estate property as opposed to personal property?

Mr. Smith: A mobile home receives a federal designated sticker that allows the home to be lived in and a park model home does not.

Ms. Pringle: There are a lot of park model homes at the Carolina Kings area. Many of the park model homes have porches, air conditioning units and permanent fixtures; should they be taxed as real property or personal property?

Mr. Smith: That is a separate issue from the planning and zoning revisions. He advised that during assessment is when the designation is decided for property throughout the county.

Ms. Marilyn Fletcher, a member of the Planning Commission, thanked Maria Rose and her staff for working hard on revising the UDC. She commended them for working hard and diligently going through each page of the book.

Chairman Stewart thanked Maria and the Planning Commission members for the hard work in serving Clarendon County. After no further questions or comments from council or the public, Chairman Stewart closed the public hearing on Ordinance 2011-05.

Ordinance 2011-06 Ordinance authorizing the sale of (9) nine parcels of county owned real property, located within Clarendon County, South Carolina.

Administrator Houser explained the purpose of the ordinance. He advised that the sale of nine parcels of land is included in the 2012 budget in order to augment a balanced budget. Mr. Houser reviewed the parcels included in the ordinance: 169-15-07-010-00: current assessor's building located on Boyce Street. Mr. Houser explained that the assessor's office would be moving into the new administrative building when it is opened. He advised that the church that is adjacent to the building has a written agreement for the right of first refusal. He explained that the church will have the right to match any offer submitted on the parcel before it is sold. 186-04-03-001-00/186-04-03-002-00: Planning Commission Office on Brooks Street and the parcel of property adjacent to it as well. The Planning Commission will be moving into the new building as well. Being (2) two parcels of land in the area they will either be sold collectively or separately. 187-02-05-011-00/ 012-00/ 013-00: three properties on Boyce Street adjacent to the John Deere store. The final parcels are the Economic Development Building 169-15-04-012-11/169-15-04-010-00. After three readings and the public hearing, the properties will be advertised for sale and sealed bids will be accepted. **Councilman Blakely asked "Do we have the right to refuse?"** Administrator Houser replied, "Yes. Council will have the right to refuse any bid that is presented." **Councilman Blakely, "What is the status of the Bi-Lo building?"** Administrator Houser replied: "The plumbers have begun working this week ripping up the floors to install new plumbing for the bathrooms. There will be heavy construction during the next three weeks or so."

Chairman Stewart opened the floor to the public for questions or comments on Ordinance 2011-06: **With no questions or comments from the public, council closed the public hearing on Ordinance 2011-06.**

With no further matters under Public Hearing; council closed the public hearing portion of the August 8, 2011 county council meeting at 6:41pm.

VII.

- i. Consideration of second reading of Ordinance 2011-02-** An Ordinance Authorizing the Issuance and Sale of a Water System Revenue Bond of Clarendon County not to exceed Two Million Dollars. **Chairman Stewart** advised the public that the first reading of this ordinance was read during a special called meeting on July 25th at the request of USDA. He stated that the law requires a 15 day notice for public hearings and therefore the public hearing will be held during the September meeting. Administrator Houser explained the purpose of the loan is to allow a high pressure water system down 301 to tie into the county line at Hwy 260 down Raccoon Road. The ordinance is an extension of the current water project. Mr. Houser stated: “initially we did not know of the total cost of phase IA so we felt having the loan not to exceed two million dollars would cover the cost of the phase IA and we would not have to come back to council a third time. USDA has come back with a cost of one million seven thousand eight hundred (**\$1,007,800.00**) dollars; this loan will suffice and more than meets the requirements of the project.” Mr. Houser turned the floor over to Michael Kozlarek, Bond Attorney, Parker Poe, LLC. Mr. Kozlarek concurred with Mr. Houser and stated that the interest rate for phase IA is currently 3.38%. Phase I is 3.50%. With no further questions or concerns from council, *a motion by Vice-Chairman Frierson, seconded by Councilman English to accept second reading of ordinance 2011-02. Motion passed unanimously.*

DISCUSSION: Chairman Stewart advised that the public will have an opportunity to comment during the September 12, 2011 council meeting.

- ii. Consideration of second reading of Ordinance 2011-05-** An Ordinance of the County Council of Clarendon County, South Carolina to repeal the 2001-05 Unified Development Code Ordinance, Subsequent Amendments thereto and the 1999 Zoning Classification Map. With no further discussion by council, *a motion was made by Councilman Blakely, seconded by Councilman Richardson to accept second reading of ordinance 2011-05. Motion passed unanimously.*
- iii. Consideration of second reading of Ordinance 2011-06-** An Ordinance to Authorize the Sale of Nine (9) Parcels of County Owned Real Property Located within Clarendon County. With no further discussion by council, *a motion was made by Councilman Richardson, seconded by Councilman Frierson to accept second reading of ordinance 2011-05. Motion passed unanimously.*
- iv. Consideration of first reading of Ordinance 2011-03-** An Ordinance Indefinitely Suspending Sunday Work Prohibitions and Other Related Matters. Attorney Epperson presented before council ordinance 2011-03. He explained that the ordinance would indefinitely suspend the Sunday work prohibitions countywide. This ordinance would permit businesses within the county to be open for business during normal business hours if they so choose. Currently the county follows a statute of prohibiting the sale of certain items before 1:30 pm. Mr. Epperson noted that the ordinance does

not mandate any business to change their current hours if they do not wish to and it prohibits businesses from penalizing employees who do not wish to work during the new hours (*Attorney Epperson read the ordinance in its entirety*). **Vice-Chairman Frierson** asked Mr. Epperson whether the last portion of the ordinance conflicts with federal employment law. Mr. Epperson stated that he was not sure but the ordinance mirrors that of the state law. Administrator Houser commented that he inquired with the Chamber of Commerce on this matter and he received a positive response. **Councilman Blakely** asked whether this is mandatory. Mr. Epperson answered in the negative, that each business could decide whether they would like to open for business. With no further discussion by council, *a motion was made by Councilman Richardson, seconded by Vice-Chairman Frierson to accept the second reading of ordinance 2011-03. Motion passed unanimously.*

- v. **Consideration of first reading of Ordinance 2011-07-** An Ordinance of Clarendon County Council giving Authority to Provide Procurement Guidelines known as the Procurement Regulations Code. Attorney Epperson explained the regulations within the procurement policy. He explained that the current procurement policy was enacted more than ten years ago. He acknowledged Tamika Malone, Procurement Director, who assisted in rewriting the current procurement code. He highlighted the main parts of the ordinance which are mainly on purchases of \$25,000 or less. Any purchases under \$10,000 will require at least an oral quote, \$10-25,000 would require 3 oral quotes and any purchases \$25,000 and above would require a formal solicitation (RFP). He noted certain circumstances would prohibit these measures such as emergencies and, the funding source. Also included in the ordinance is the local buyer preference. He noted that the county receives a large amount of federal and state aid. The funding source procurement guidelines will regulate what guidelines will be followed in the procurement department. **Vice-Chairman Frierson** asked how the ordinance compares to surrounding municipalities. Procurement Director Tamika Malone answered that it is comparable, albeit more liberal, to surrounding counties. She noted that the ordinance is very similar to that which is currently in effect except for adding the local vendor option into the ordinance. **Councilman Blakely** commented on the matter of considering \$10,000 a small purchase. He suggested that bids should be received for every purchase. With no further discussion by council, *a motion was made by Councilman English, seconded by Councilman Richardson to accept a second reading of ordinance 2011-07. Motion passed unanimously.*

- vi. **Consideration of first reading of Ordinance 2011-08-** An Ordinance to Adopt Clarendon County Council Electoral Districts Based upon the 2010 Census. Chairman Stewart stated that the results of the 2010 census resulted in the county

growing overall 7.6%. He noted that the growth was not evenly distributed among the county and therefore the county is required to redistrict to ensure proper representation. He continued by stating that Attorney Epperson and Clerk Jackson traveled to Columbia, SC to meet with the staff at the State Office of Research and Statistics (ORS) to discuss the redistricting process. He also stated that Mr. Bobby Bowers and his staff met with council on August 4th for a redistricting workshop to discuss the redistricting map. Chairman Stewart then turned the floor over to Mr. Epperson. Mr. Epperson discussed the process in which Clarendon County must redistrict. He stated that the current population of the county is 34,971 which must be evenly distributed among the council members. This number would amount to 8,743 per council member. He continued by giving the guidelines in which the redistricting process should be followed as well as the deviation measures that are approved by the Department of Justice. Attorney Epperson advised council and the public that during the September meeting council will hear public comment on this matter as well as public suggestions for redistricting.

Attorney Epperson presented council with the resolution that adopts the guidelines in which the redistricting process should be followed. *Upon motion by Vice-Chairman Frierson, seconded by Councilman Blakely; Council unanimously adopted the redistricting criteria for the 2011 redistricting process.*

There being no further questions or concerns by council, *Councilman Richardson motioned to accept first reading of Ordinance 2011-08, which was seconded by Vice-Chairman Frierson. Motion unanimously passed.*

- vii. Consideration of first reading of Ordinance 2011-09-** An Ordinance to Provide for Noise in the Unincorporated areas of Clarendon County; and to Provide Penalties thereof. Attorney Epperson read the ordinance in its entirety and explained to council that the ordinance before them was an ordinance to provide regulations in the unincorporated areas of Clarendon County. Council stated that they would like to look into this matter further. Council stated that they are not familiar with some of the terms of the ordinance particularly pertaining to the noise levels. Sandi Tucker of Weldon Auditorium offered to set-up a system for council to hear the different noise levels during the next council meeting. With no further questions, *a motion was made by Councilman English, seconded by Vice-Chairman Frierson to accept the first reading of ordinance 2011-09.*

DISCUSSION: *Chairman Stewart asked, "For firing ranges or hunting, does this apply?" Attorney Epperson stated, "Yes. Unless it falls under the exceptions, it would apply."*

VIII. **Requests:**

a. **2012 School Resource Officer Agreement(s)** - School District One, Two, and Three. Attorney Epperson reviewed the agreements and stated that each school district has agreed to the terms of the Agreements. With no further discussion, motion was made by Councilman Richardson, seconded by Councilman Blakely. **Motion passed unanimously.**

b. **Department Special Needs Board Appointment** - Reappointment and Appointment of New Members. After reviewing the applications presented before council being that of Judge Wright Turbeville (new appointment) and Deloris Israel (re-appointment) to serve four year terms on the Board of Disabilities and Special Needs; *a motion was made by Councilman Richardson, seconded by Councilman English to accept the applications for appointment to the Clarendon County Disability and Special Needs Board. Motion unanimously passed.*

IX. **Administrator's Report:** Administrator Houser presented before council the financial report for the month of July (Financial report attached).

X. **Chairman's Report:** Chairman Stewart advised that council received a copy of his report in the council packets.

XI. **Executive Session:**

At 7:46 pm a motion to enter into executive session was made by Councilman English seconded by Vice-Chairman Frierson to discuss a legal matter, contractual matter, and personnel matter.

Upon unanimous vote to reconvene open session Chairman Stewart reviewed to the matters discussed in Executive Session.

i. Contractual: Administrator Houser requested the authorization to purchase .34 acres of property adjacent to the new administrative building. A motion by *Councilman Richardson, seconded by Vice-Chairman Frierson to authorize Administrator Houser to proceed with the purchase of the property as discussed.*

ii. Contractual Matter: Administrator Houser requested the authorization to enter into a lease agreement with F. E. DuBose Career Center to lease the TASK Force Building located on their property. The lease payments are funded through grant money; however, the county must enter into the agreement with the school. *Upon motion by Councilman English and seconded by Councilman Blakely, a Motion authorizing the execution of a lease agreement with FE DuBose Career Center was approved.*

- iii.* Personnel Matter: After discussion, council has agreed to change the county council policy regarding the clerk to council. *Upon motion by Vice-Chairman Frierson, seconded by Councilman Richardson Council changed the policy for the Clerk to Council to report directly to the Administrator for both operational and disciplinary matters to include terminations.*

XII. Adjournment:

After exhausting the meeting agenda, council unanimously adjourned the August 8, 2011 council meeting.

CERTIFICATION OF PUBLIC AND MEDIA NOTIFICATION

I, Mia R. Jackson, Clerk to Council, Clarendon County Council, Manning, South Carolina, do hereby certify that public and media notification of the County Council Meeting of August 8, 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: August 5, 2011

MEDIA NOTIFIED: Yes

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

DATE NOTIFIED: August 5, 2011

PUBLIC HEARING: Yes

ADVERTISED

MANNER NOTIFIED: The Item Newspaper

Respectfully submitted,

Mia R. Jackson

Mia R. Jackson, Clerk to Council