

Minutes
Sumter County Council
Regular Meeting
January 23, 2007 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

MEMBERS PRESENT: Vivian Fleming-McGhaney, Chairwoman, Eugene Baten, Vice Chairman; Artie Baker, Larry Blanding, Jimmy Byrd, Charles T. Edens, and Roland Robinson.

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Mr. William T. Noonan, County Administrator; Mr. Johnathan Bryan, County Attorney; Mrs. Mary W. Blanding, Clerk To County Council; The Honorable Carolina B. Richardson, Mr. Ron Haynes, Risk Manager; Mr. Charlie Holmes, SUATS Manager; Mrs. Angie Graham, Budget Analyst; and Mrs. Pamela Craven, Finance Director.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 26 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of January 23, 2007, to order.

INVOCATION: Dr. Thomasina Portis gave the invocation.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge of Allegiance.

APPROVAL OF AGENDA: Councilwoman McGhaney stated that she would entertain a motion to approve the January 23, 2007, agenda with any additions or deletions. The Chairwoman asked that Item #4 Under New Business be removed from this agenda and placed on a Committee Agenda for February 13, 2007. The Clerk to Council asked Council to consider adding one item under New Business and three items under Executive Session as listed below:

- **New Business #4:** Defer Item Number #4 until February 13, 2007.
- **Executive Session:** All Executive Session Items will be heard after all business and after public comments.
- **Executive Session:** Add two Property Matters Under Executive Session (School District #17, and Airport Road).
- **Awards Presentation:** Right After Action On Minutes, Council would hear a presentation by John Henderson, Risk Management Director, from the South Carolina Association of Counties.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Blanding, and unanimously carried by Council to approve the agenda as amended.

ACTION ON MINUTES OF JANUARY 9, 2007: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of January 9, 2007, as presented.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant approval of the minutes of January 9, 2007, as presented by the Clerk.

NEW BUSINESS:

Presentation By John Henderson, SCAC Risk Management Director:

Mr. Noonan, the County Administrator stated that he had the privilege of attending the Annual Risk Managers Meeting for the South Carolina Association Of Counties (SCAC). Mr. John Henderson also attended that meeting and is at Council's meeting to make several presentations.

Mr. Noonan also stated that he is very pleased with the work that Ron Haynes has done and will continue to do in the area of Risk Management. Then John Henderson thanked Council, the Administrator, Ron Haynes and the employees of Sumter County for their work which has been carried out in the area of risk management.

Sumter County received the Outstanding Achievement Award for the Sumter County Safety Action Team and the Most Improved County Safety Award for the County that has put into action safety measures which help reduce accidents and safety problems.

ACTION: Received as information.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Request –

- (1) **MA-06-06 – Thomasina Portis -- Second Reading and Public Hearing – (06-632) – A Request To Change Comprehensive Plan Map Designation From Agricultural Conservation (AC) To Residential Conservation (RC) For Property Located In The Vicinity Of North Kings Highway And West McLester Road. (Tax Map #077-00-01-020).(Prior to action on second reading, Council will hold a public hearing on this matter.)**

Mr. Charlie Homes, SUATS Coordinator for the planning Commission, presented this proposed request to Council for second reading and public hearing. He stated that this request is to change the Comprehensive Plan Map designation from Agricultural Conservation to Residential Conservation for property located in the vicinity of North Kings Highway and West McLester Road.

Mr. Holmes further stated that the property owner and developer and other interested parties desire to rezone these properties to create a Residential Subdivision with approximate ½ acre lots. The land is situated at the end of W. McLester Road off of North Kings Highway northwest of Shaw AFB. Future plans involve rezoning this parcel through a rezoning request to Planned Development but at this time a request could not be processed because the properties lie within the Comprehensive Plan area designated as Agricultural Conservation (AC) and a Planned Development is not an alternate zoning district.

He further stated that this request is to change the Comprehensive Plan map designation to Residential Conservation (RC). The 17.7 acres of land are bounded to the North and East by the

Limited Business Development (LBD) and Agricultural Conservation Comprehensive Plan Designations. To the West, this tract is bounded by Agricultural Conservation. To the South the property is bounded by Agricultural Conservation. Planned development is an alternate zoning district under the Residential Conservation Comprehensive Plan Designation. With this change to the Comprehensive Plan map, the rezoning action could be processed and be in compliance with the Comprehensive Plan.

Lastly, Mr. Holmes said that the proximity of this property to an existing school and in an area designated for future Limited Business Development makes this ideal for a small scale residential development. The Planning Staff and Planning Commission recommended approval of the request as presented.

PUBLIC HEARING:

The Chairwoman asked if any Council member wished to speak to this issue; no Council member spoke; then, the Chairwoman convened a public hearing on this request. She asked if anyone wished to speak in favor of the request. The following person spoke in support of the request.

Ø Dr. Thomasina Portis spoke in support of the request. She stated that she has been before Council earlier with the same request; however, this time the request is for Residential Conservation. Dr. Portis stated that she has completed research on what the 2020 Comprehensive Plan has stated and what are some of the needs for Sumter County in the future. One of the needs is lots for subdivisions; thereby, this request meets the needs of the 2020 Plan. She presented points of benefits from this subdivision (1) the community can benefit from a moderate family housing subdivision, (2) moderate income families can benefit from homes to meet their desires, needs, and income, (3) the potential quality of educational success at Rafting Creek School will be increased, (4) the potential for county school enrollment may be increased, (4) the aesthetics provided by the development may attract families who can receive benefits from the development while offering benefits to the community, (5) with the property approximately 10 miles from US 76, approximately 12 miles from I-20 north, it is conceivable that the subdivision could attract other moderate income families into the county.

No one else spoke in support of the request; therefore, the Chairwoman asked if anyone wished to speak in opposition to the request. The following persons spoke in opposition.

Ø Patsy Toppin stated that she lives approximately one-mile from this proposed subdivision. She stated that she has the same concerns that she had earlier about this proposed development by allowing ½ acre lots, with traffic onto Highway 261 being the primary concern. Ms. Toppin also stated that she has a concern about the precedence that is being set by a change in the master plan designation. She added that the master plan was created with a lot of integrity; the change would alter the original philosophy and setting a stage for future parcels to come back and ask for a change in the master plan designation. Ms. Toppin also stated that she believes that if the landowner is going to request such a change, then the landowner ought to be required to give back to the community – open space, park space, village space, etc.

Ø Snyder Davis stated that he lives on McLester Road which is adjacent to the proposed development. He stated that if the original plan was for one-acre lots, then why is Council trying to do “slipper slop” and now changing the plan to ½ lots. He added that most schools

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have a turning lane to enter the school's property. This school does not have this; therefore, as the development is taking place, a turning lane should be considered for this school.

The Chairwoman asked if there were any additional comments, there were no additional comments; therefore, she closed the public hearing and entertained a motion on second reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Robinson, and carried by Council to grant second reading approval. Councilman Edens voted in opposition.

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS – None

NEW BUSINESS:

(1) Ratification Of County Council's Committee Appointments.

The Chairwoman presented the proposed Council Committee appointments for Council's review and ratification. After review of the Committee assignments as listed below, Council took action on its adoption.

COMMITTEE NAME	CHAIRMAN	MEMBERS
City/County Liaison	Charles T. Edens	Vivian Fleming-McGhaney Jimmy Byrd
Fiscal, Tax, and Property	Vivian Fleming-McGhaney	Larry Blanding Charles T. Edens
Internal Affairs	Jimmy Byrd	Roland Robinson Larry Blanding
Military Affairs S. C. Military Base Task Force Committee	Larry Blanding	Artie Baker Eugene Baten
Public Safety	Artie Baker	Eugene Baten Roland Robinson
Public Works and Waste Disposal	Roland Robinson	Artie Baker Charles Edens
Technology/Personnel	Eugene Baten	Jimmy Byrd Vivian Fleming-McGhaney
COUNTY COUNCIL LIAISONS		
Cultural/Fine Arts Liaison (2)	Charles T. Edens and Eugene Baten	
Economic Development Liaison (2) (Ex officio members Chairman or Designee and Administrator or Designee)	Vivian Fleming-McGhaney and Charles T. Edens	

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Education Liaison(2)	Roland Robinson and Jimmy Byrd
COMMITTEE NAME	
SUATS Committee (Chairman and one other member)	Vivian Fleming-McGhaney and Jimmy Byrd
Lake Marion Regional Water (Chairman and Administrator, or appointee)	Vivian Fleming-McGhaney and William T. Noonan (John Duffie)
Lynches River Advisory Council	Charles T. Edens
Santee Lynches Council On Governments (appointed by Chairman)	Vivian Fleming-McGhaney, Charles T. Edens and Larry Blanding --James A. Campbell, Earl Wilson, and Jay Schwedler
Career Center	Eugene Baten
Wateree Community Actions (appointed by Chairman)	Lorraine Dennis

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to grant approval of Council's Committee appointments as developed by the Chairwoman and distributed by the Clerk.

(2) A Resolution Of Sumter County Council Supporting Santee Wateree Regional Transportation Authority In Submitting A Grant Application For Its 2007-2008 5311 (Rural) and State Mass Transit Funds.

The Clerk presented the proposed resolution to Council. She stated that this resolution is required by the local transportation authority to receive funds from State Mass Transit. As Council's representative on this Board and on behalf of Santee Wateree Regional Transportation Authority, the Clerk asked Council to consider approving the resolution as presented.

After review of the resolution, Council members took action on its adoption.

WHEREAS, the Santee Wateree Regional Transportation Authority is the public transportation provider in the Santee-Lynches Region and the designated lead agency in a coordinated transportation project sponsored by the South Carolina Department of Transportation/Division of Mass Transit;

WHEREAS, the Santee Wateree Regional Transportation Authority is authorized to receive funding for capital purposes, operating and administrative purposes as related to state mass transit; and

WHEREAS, the members of the Sumter County Council of the County of Sumter, South Carolina, have jurisdiction over the area in which these services are performed; and

WHEREAS, the said members of County Council recognize the need for service delivery by the Regional Transportation Authority and that transportation is a vital link between education and economic development; and

NOW, THEREFORE, BE IT RESOLVED that the Sumter County Council supports the grant application by Santee Wateree Regional Transportation Authority for funding of Transportation Services during fiscal year 2007-2008 for 5311 (Rural) and State Mass Transit Funds and all other funds as appropriate.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant approval of the resolution as presented and directed the Chairwoman and the Clerk to execute and deliver the resolution on behalf of Sumter County Council and Sumter County Government.

(3) Mid-Year Financial Review For Fiscal Year 2006-2007.

Mrs. Angie Graham, Budget Analyst for the County, presented the mid-year financials to Council. She stated that the information, listed in a new format, which she presented to Council, indicates 50% of the budget year. At this time, the revenue collection is at 40.70%; last year revenue collection was at 42.5%. This is primarily due to State Shared Revenues not being received as of the time of this report being prepared.

Departmental expenditures are at 45.05% and were at 47.4 last year this same time. Most departments that have expenditures over 50% are attributed to onetime expenditures, timing of payments, and increased expenses.

There were not questions concerning the report; however, chairwoman McGhaney reminded Council members that the Finance Department has an open door policy to explain matters to Council members.

ACTION: Received as information.

(4) Discussion And Possible Action On Fee In Lieu Of Funds For School District Two.

ACTION: This item was removed from the agenda and will be placed on Council's Fiscal, Tax, and Property Agenda for February 13, 2007.

(5) May Be Suggested To Hold Executive Session To Receive A Legal Briefing From The County Attorney Or Discuss Contractual Or Personnel Matters. [\(The Executive Session Items May Be Discussed At The End Of The Meeting Or During New Business.\)](#)

This matter was discussed as the last item of Council's meeting after public comments. The Chairwoman asked for a motion to enter executive session.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to enter executive session to discuss contractual matters, personnel matter, and board appointments. After the executive session, the Chairwoman entertained a motion by Councilman Byrd, seconded by Councilman Blanding, and unanimously carried by Council to re-enter open session to take action on the executive session matters.

- a) Discussion On A Contractual Matter Pertaining To Water: No action taken.
- b) Discussion On A Contractual Matter Pertaining To Property On Airport Road: The Attorney will contact the interested party and inform the person that Council is not interested in selling the property at this time.

ACTION: Motion made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the action as presented.

- c) Discussion On A Contractual Matter Pertaining To Property With School District #17: The County Administrator will continue negotiations on this matter.

ACTION: Motion made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the action as presented.

- d) Discussion On A Personnel Matter. No Action Taken.

- e) Discussion On Possible Appointments To The Following:

- ◆ **Santee Lynches Regional Council On Governments:** Appoint Jay Schwedler and Earl Wilson to fill two new seats.

ACTION: Motion made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve the appointments as presented.

- ◆ **Alcohol and Drug Abuse Commission:** Appoint Bev Fran to replace Rev. Phillips

ACTION: Motion made by Councilman Byrd, seconded by Councilman Baker, and carried by Council to approve the appointments as presented. Vice Chairman Baten did not participate in the discussions nor did he vote on this matter.

- ◆ **Planning Commission:** Refer this matter to the City County Liaison Committee for discussion.

ACTION: Motion made by Councilman Byrd, seconded by Councilman Blanding, and unanimously carried by Council to forward this matter to the City County Liaison Committee for action.

- ◆ **Wedgfield Advisory Council:** Appoint Councilman Roland Robinson to the Wedgfield Advisory Council.

ACTION: Motion made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to appointment Councilman Robinson to the Wedgfield Advisory Council.

OLD BUSINESS -

- (1) 06-631 - Third Reading - An Ordinance To Amend Sumter County Ordinance No. 04-550 To Add Two Board Members To The Sumter Development Board.

The County Attorney, Johnathan Bryan, presented the proposed ordinance to Council for review and third reading consideration, see below. After review of this ordinance, Council took action on third reading.

WHEREAS, Sumter County Council reorganized and renamed The Sumter Development Board in 2004 by Ordinance Number 04-550 as amended in 2005 by Ordinance Number 05-564; and

WHEREAS, funding for the Sumter Development Board has historically been provided primarily by the Sumter County Council and the City Council for the City of Sumter; and

WHEREAS, Civic-minded individuals and businesses recently have organized under the name of Sumter Smart Growth Initiative, Inc. for the purpose of augmenting the budget and efforts of the Sumter Development Board; and

WHEREAS, it is appropriate to recognize and incorporate the efforts of Sumter Smart Growth Initiative, Inc. by creating a board position on the Sumter Development Board to be filled by the governing body of Sumter Smart Growth Initiative, Inc.; and

WHEREAS, to maintain the administrative advantages of having an odd number of votes on the Sumter Development Board, it is appropriate to create a second new board position on the Sumter Development Board to be filled by the Sumter County Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETINGS DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That Ordinance #04-550, as amended, is hereby further amended as follows:

The number of members of the Board shall be increased from seven (7) to nine (9) with one of the new members appointed by the governing body of Sumter Smart Growth Initiative, Inc. and the other new member appointed by Sumter County Council.

The new appointment from Sumter Smart Growth Initiative, Inc. shall begin to serve immediately and shall serve the remainder of this year and one more year. The term for this new appointment will expire June 30, 2008.

The new appointment from Sumter County Council shall begin to serve immediately and shall serve the remainder of this year and two more years. The term for this new appointment will expire June 30, 2009.

The terms of the Board Members currently serving shall remain unchanged.

2. That as a consequence of the amendments, paragraph one of the ordinances shall read, in pertinent part, as follows:

1. Sumter Development Board created; Members; Terms; Appointments. There is hereby created a board in and for Sumter County to be known as the Sumter Development Board (hereinafter, "BOARD"), which shall be composed of nine (9) members to be appointed as follows: four (4) by the majority vote of the County Council for Sumter County, two (2) by the majority vote of the City Council for the City of Sumter, two (2) by the majority vote of the Board of Directors for the Greater Sumter Chamber of Commerce, Inc. and one (1) by the governing body of Sumter Smart Growth Initiative, Inc. The terms of office shall be for three (3) years and until their successors are appointed and qualified....

3. That in all other respects Ordinance 04-550, as modified by Ordinance 05-564, remains unchanged.

4. Repeal. All acts or parts of acts inconsistent herewith are repealed.

5. Effect. This Ordinance shall take effect upon third reading of the Ordinance.

ACTION: MOTION was made by Councilman Baker, and seconded by Councilman Edens, and unanimously carried by Council to grant third reading approval and adoption to this ordinance as presented.

(2) Update On Industrial Signage – May Require Action By County Council.

Mr. Noonan, the County Administrator reminded Council that the County was asked to place signs at three strategic locations for the Highway 15 South or Live Oak Industrial Park. It was discussed earlier to include the Career Center in development of these signs. The timeframe for beginning and ending the project did not work out for the Career Center. Since that time, the Career Center's administration and staff have stated that they are willing to work on this project to develop the industrial signs.

In reviewing the cost effectiveness in allowing the Career Center to carry out this project; the Administrator asked Council to consider an alternative. His request is based on the schedule of the Career Center students – three-hour block of time to work each day; 30 minutes traveling to the site, 30 minutes back which would leave only one to two hours of actual work time. This would not allow the students much time to complete the project this school year since there are three signs to complete.

The Administrator secured bids for the signs, which would be constructed with brick and vinyl interface and lighting at a cost of \$49,911 (Materials \$19,700, concrete and labor \$2,500, brick, block and labor \$9,900).

Chairwoman McGhaney asked if other entities were asked to participate in funding this project; the Administrator stated that the Live Oak Industrial Park is basically the County's park and no other entities have been asked to assist in the funding.

Councilman Byrd asked if other construction material could be used instead of the brick. Mr. Noonan stated that the construction material was based on mirroring the sign at the Pocotaligo Industrial Park on Highway 521 South; and alternatives to brick signs.

Councilman Baker stated that even if the County decides to engage a contractor to construct two of the signs, one of the signs should be left for the Career Center students to construct for experience of the students.

Vice Chairman Baten also asked for the Administrator to find out whether or not some of the existing industries are willing to participate in the construction cost of the signs.

The Chairwoman asked for a motion to defer until this matter can be discussed in the Fiscal, Tax, and Property Committee on February 13, 2007.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to defer action until February 13, 2007.

COMMITTEE REPORTS

(1) Report From Council Members On Other Meetings, Trainings, and/or Conferences.

No report was given.

MONTHLY REPORTS:

- ◆ USTnews – S. C. DHEC News Letter
- ◆ Historical Commission
- ◆ Urban Land Institute – Growing By Choice or Chance: South Carolina
- ◆ Development Board Monthly Meeting
- ◆ SCAC Lobby Day
- ◆ SCAC FY 2007-2008
- ◆ Rembert Area Coalition
- ◆ SC Military Base Task Force
- ◆ Letter From Nicole Norris

ADMINISTRATOR'S REPORT:

- ◆ **The City Managers and County Administrators Association Annual Meeting:** The Administrator attended this annual function and impact fees were discussed in detail. Sumter's City Manager was also in attendance at this meeting and he and the Administrator will work with

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the Planning Department concerning upcoming issues with impact fees. Also, the Administrator has asked the County Attorney to review these issues in a legal perspective.

- ◆ Lake Marion Regional Water Authority: The Authority voted to proceed with the project and to restart construction. The County does not have any liability for the \$4,000,000 which is being provided by Orangeburg County as the funding source to restart this project.

PUBLIC COMMENT:

The chairwoman asked if anyone from the public would like to speak to Council. The following person spoke.

- ◆ Inez Young stated that she lives in Sumter, and she is still concerned about the lack of pavement of McClary Lane. She asked Council to please come visit this area after a rain.

There were no further comments; then the chairwoman entertained a motion to enter executive session to discuss contractual matters, appointments, and a personnel matter. After the executive session, Council re-entered open session and took action on the executive session items. These items are listed under new business.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney

Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding

Clerk to County Council

Approved: February 13, 2007

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I certify that public and media notification of the above-mentioned meeting was given prior thereto as follows:

- Public Notified: Yes
- Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.
- Date Posted: January 18, 2007
- Media Notified: Yes
- Manner Notified: Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities. Also, E-Mail

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notification was sent to Sumter County's Home Page, WIBZ, The Item, The Chamber, Time Warner Cable.

Date Notified: January 18, 2007

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding