

**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**March 27, 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; Mrs. Mary W. Blanding, Clerk To County Council; Lorraine W. Dennis; Deputy Administrator; Mr. Gary Mixon, Deputy Administrator; Donna McCullum, Zoning Administrator; and Mr. George McGregor, Planning Director.

**MEDIA PRESENT:** The Item

**PUBLIC PRESENT:** Approximately 13 members of the public were in attendance.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of March 27, 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 March 27, 2007, agenda with any additions or deletions.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve the agenda as presented by the Clerk.

**ACTION ON MINUTES OF MARCH 13, 2007, AND MARCH 22, 2007:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meetings of March 13, 2007, and March 22, 2007, as presented by the Clerk.

**ACTION:** MOTION was made by Councilman Robinson, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the minutes of March 13, 2007, and March 22, 2007, as presented by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS**  
**Planned Development/Rezoning Request –**

- (1) PD-07-03 – Thomasina Portis -- Second Reading and Public Hearing (07-637) – A Request To Rezone From Residential Conservation (RC) To Planned Development Property Located On N. Kings Highway and McLester Road – Tax Map #077-00-01-020. (Prior to action on second reading, Council will hold a public hearing on this Planned Development.)

Mrs. Donna McCullum, the Planning Administrator, stated that this request has not changed since first reading. However, during Council's last meeting, Councilman Edens asked for a copy of the Planned Development Map to be given to Council members. A copy of the Planning Development Map was placed in Council's packets.

Chairwoman McGhaney asked Mrs. McCullum to give a brief synopsis of this request since it is up for public hearing.

Mrs. McCullum, the Zoning Administrator, stated that the applicant wishes to develop a 27-lot Residential Planned Development. The lots to be developed will be one half (.50) acres in size. The setbacks within the development will follow those standards set forth in the Sumter County Zoning Ordinance for Residential-15 (R-15), Front: 35'; Rear: 25'; Sides: 12'; corner lots will have an exterior side setback of 17.5' and an interior side setback of 12'.

The permitted uses within this Planned Development will be as follows and no others:

1. Residential accessory uses, such as home offices; including home day care for up to five (5) children or fewer children including the day care provider's own children.
2. Home Occupation signs may be used within the subdivision as required, not to exceed 2 sq. ft. in size.
3. All roads interior to the subdivision must be paved with standard curbs and gutters in accordance with Sumter County Public Works Department.
4. Builders are required to sod front lawns before receiving certificate of occupancy.

**PUBLIC HEARING:**

After Mrs. McCullum's comments, Chairwoman McGhaney convened a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to the proposed ordinance as presented. The following persons spoke in support of the ordinance.

- ◆ Dr. Thomasina Portis spoke in support of the Planned Development. She asked Council to support the second reading request on this item so that the project can proceed.
- ◆ Snyder Davis spoke to Council concerning this request. He stated that he was not speaking in opposition of the request. Since he has now seen the Planned Development, he likes what he sees and hopes that Dr. Portis will develop the property just as the plan outlines.

Chairwoman McGhaney stated that once Council approves this matter; it cannot be changed without this project coming back to Council for any change approval. After all comments, Chairwoman McGhaney closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Robinson, and carried by Council to grant second reading approval. Councilman Edens voted nay.

- (2) OA-07-02 - Chuck Bullock - Second Reading and Public Hearing (07-638) - A Request To Change County Zoning Ordinance To Allow Specialty Trade Contractors As A Conditional Use In General Commercial Zoning District And To Mirror The City Ordinance. (Prior to action on second reading, Council will hold a public hearing on this Ordinance Amendment.)

Mrs. McCullum presented this proposed Ordinance Amendment for second reading and public hearing. She stated that there have been no changes to this proposed ordinance since first

reading. Mrs. McCullum then gave a brief synopsis of the request. She stated that the applicant, Mr. Bullock, is a licensed swimming pool specialty contractor. He has just purchased property at 4070 Broad Street and currently operates his Retail Business for pool supplies and lawn and garden supplies, such as fencing and different top-soils and, also rents heavy equipment. He would like to also be able to have his pool contractors business from this location but the current Zoning Ordinance does not permit this in General Commercial. The City's Ordinance permits this as a Conditional Use with the notation for no outside storage of heavy equipment. The applicant would like to have the County's Ordinance match the City's Ordinance with the same verbiage.

Councilman Edens voiced his concerns about the uncertainty of distinguishing between a piece of equipment for rental and a piece of equipment for operation. Mrs. McCullum stated that the conditional use designation will give Mr. Bullock some flexibility; however, if Mr. Bullock violates the requirements of the ordinance he would be warned and/or cited for the violation.

#### PUBLIC HEARING

After all comments, the Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in support of or position to this ordinance. No one spoke to this issue; therefore, the Chairwoman closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant second reading approval.

- (3) OA-07-03 – Sumter County Administration – Second Reading and Public Hearing (07-639) – A Request To Make The Performance Standards For The Noise Attenuation District (NA) In Section S: Range Compatibility District (RCD) Match The Performance Standards For Section R: Airfield Compatibility District (ACD) In The County Zoning and Development Standards Ordinance.  
(Prior to action on second reading, Council will hold a public hearing on this Ordinance Amendment.)

Mrs. McCullum stated that this proposed ordinance amendment is a request from Sumter County and it is up for second reading and public hearing. She also stated that Councilman Edens had requested maps for the proposed area; the maps are included in Council's packets. Then she briefed Council on this proposed ordinance by stating that the County Attorney on behalf of the Sumter County Administration is requesting that the performance standards for all of the Noise overlay districts around Shaw AFB and the Poinsett Bombing Range have the same requirement as it pertains to noise notification signs in subdivisions. At the present time, only the Airfield Compatibility District (ACD) as part of its Performance Standards requires Noise Hazard Signs to be installed by the developer of the subdivision before building permits are issued. The applicant is asking to have the same verbiage placed in the other two overlay districts—(Range Compatibility and the Noise Attenuation) so to insure prospective buyers of lots know they are purchasing in an aircraft noise area.

Vice Chairman Baten asked whether or not there would be any requirements to go back to previously built subdivisions and have the notice erected for future purchases. Mrs. McCullum stated that it is her understanding that this would be a requirement for future subdivisions.

#### PUBLIC HEARING

After all comments, Chairwoman McGhaney convened a public hearing on this proposed ordinance. She asked if anyone wished to speak in favor of or opposition to this proposed

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ordinance. No one spoke to this issue; therefore, the Chairwoman closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant second reading approval.

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS – None

NEW BUSINESS –

- (1) It May Be Suggested To Hold Executive Session To Receive A Legal Briefing From The County Attorney Or Discuss Contractual Or Personnel Matters.

No public hearing was held.

OLD BUSINESS -

- (1) 07-635 – Third Reading -- An Ordinance Authorizing The Transfer Of Approximately 2.96 Acres Of Property Located On North Wise Drive, Sumter, SC To Black River Economic Development Corporation.

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for third reading and public hearing. He stated that this property is located on Wise Drive and was formerly designated as the Biopure property. Black River Economic Development Corporation would like for this property to be returned to them since Biopure is not a viable project for Sumter County at this time. After the presentation, Council took action on third reading.

**ACTION:** MOTION was made by Councilman Baker, seconded Vice Chairman Baten, and unanimously carried by Council to grant third reading and adoption of this ordinance.

- (2) Second Reading – Ordinance No. 07-636 – An Ordinance Authorizing Sumter County, South Carolina, To Enter Into An Intergovernmental Agreement With The Santee Wateree Regional Transit Authority; To Enter Into A Loan Agreement With The Bank In The Amount Of \$1,800,000; Approving The Form And Terms Of The Intergovernmental Agreement, And The Loan Agreement, In Connection With The Construction Of An Intermodal Transit Facility In The County; And Other Matters Related Thereto.

Mr. Bryan stated that this proposed ordinance provides for an intergovernmental agreement between Santee Wateree Regional Transportation Authority and Sumter County. There have been no changes since first reading and no public hearing is required. Then Council took action on second reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to grant second reading approval of this ordinance.

**COMMITTEE REPORTS:**

- (1) Public Safety Committee Meeting Held On **Thursday, March 22, 2007, At 4:30 P.M.** In County Council's Conference Room At The County Administration Building (Baker, Baten, and Robinson).

No report was given since the results of the meeting were listed in Council's meeting of March 22, 2007.

- (2) Public Works Committee Meeting Held On **Tuesday, March 27, 2007, At 4:30 P.M.** In County Council's Conference Room At The County Administration Building (Robinson, Baker, and Edens).

Councilman Roland Robinson, the Chairman of the Committee, stated that Council received a presentation concerning Livingwood Subdivision. No action was taken; however, the Administrator and/or the County Attorney will follow-up on this matter and report their findings to Council.

- (3) Fiscal, Tax, and Property Committee Meeting Held On **Tuesday, March 27, 2007, At 5:00 P.M.** In County Council's Conference Room At The County Administration Building (McGhaney, Blanding, and Edens -- All Council Members Are Asked To Attend This Meeting.)

Chairwoman McGhaney, the Chairman of the Committee, gave the following report and recommendations for Council's action.

- ◆ **Request For Assistance From The Residents of Greenwood Subdivision:** The Committee received a presentation from the residents of the Greenwood Subdivision concerning their plight with sewer problems. The Committee did not take any formal action; however, it was requested that the Administrator along with other County officials work with the residents by contacting appropriate local, federal, and state agencies to acquire funding to install sewer lines to alleviate this health problem.
- ◆ **Sumter County Youth Park:** The Committee received a presentation concerning the Patriot Park Athletic Complex. It was stated that the proposed park as presented to Council earlier would cost approximately \$6,832,800. However, to scale down the project, it was suggested that the cost would be \$4,027,100. Therefore, it was recommended by Council to proceed with the bond to fund the proposed park (Plan B) at a cost of \$4,027,100 and direct the County Attorney to develop a bond ordinance accordingly.

**ACTION:** MOTION and second received from the Committee to approve the recommendation from the Committee and to direct the County Attorney to develop an ordinance which will provide for issuance of bonds to cover the \$4,027,100 cost for the Construction of the Youth Park, Plan B. The motion carried. Council members Larry Blanding and Jimmy Byrd voted in opposition.

- ◆ **Executive Session – Contractual Matter:** The Committee went into executive session to discuss a contractual matter; after the executive session, the committee voted in open session

to recommend to Council to spend \$20,000 from Council's Contingency Fund to cover attorney fees concerning a lawsuit.

**ACTION:** MOTION and second received from the Committee to approve the recommendation from the Committee to allow \$20,000 to be secured from Council's Contingency Fund to cover the cost of attorney fees in a lawsuit. The motion carried.

- ◆ **Executive Session – Contractual Matter:** The Committee went into executive session to discuss a contractual matter pertaining to the County Administrator's Employment Contract. The Committee recommended that the County Attorney finalize the Contract between the Administrator and the County as discussed and to grant approval of the contact.

**ACTION:** MOTION and second received from the Committee, and carried by Council to approve the recommendation from the Committee to finalize and approve the Administrator's Contract. Councilman Blanding voted nay.

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

- **Planning and Land Use Conference:** Councilman Edens and Chairwoman McGhaney attended this conference in Charleston, SC. The conference was sponsored by Governor Mark Sanford and Mayor Joe Riley.

**MONTHLY REPORTS:**

- ◆ Financial Statement As Of February 2007
- ◆ Detailed Budget Report By Category for Sumter County Council's Departments
- ◆ Letter To Tuomey – Recommendation Of Mitchell Williams
- ◆ News Article – City Debates Uses For Hospitality Revenue
- ◆ Letter From Shaw M. Clarke – DHEC
- ◆ Letter From James A. Richardson – Town Of Pinewood
- ◆ Sumter County Sheriff's Office Monthly Activity Report

**ADMINISTRATOR'S REPORT:**

- ◆ **Request From Senator Leventis:** The Administrator shared a letter with Council members sent to Senator Leventis upon the Senator's request for the submission of a project. The Administrator sent in a request for funding to extend Wise Drive from the Speculative Building to the Airport. This will hopefully increase economic ventures in this area.
- ◆ **South Carolina Department Of Corrections:** Information was placed in Council's packets concerning the pending problem.
- ◆ **Employee Supervisory Program:** This program is currently underway with 26 employees involved in the leadership training. The University Of South Carolina Institute of Government is conducting the training.
- ◆ **Deputy Administrators:** The Administrator announced the appointment of two Deputy Administrators – Mrs. Lorraine Dennis and Mr. Gary Mixon.

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**PUBLIC COMMENT:**

The Chairwoman asked if anyone from the public would like to speak during public comment and the following persons spoke.

- Josephine Young stated that she will be moving to Murphy Street, Sumter, SC, coming from Georgia. She stated that there are many lots that are vacant and trashy in this community. Mrs. Young asked Council for relief from the debris on these lots. Her name was given to the Administrator for follow-up.
- Ralph Robeteau stated that he lives in Emerald Lake Subdivision. He talked about why the subdivision does not have proper lighting and proper resurfacing of the streets in the area. He stated that he has talked with Mr. Eddie Newman, but found out that the streets in his area are not on any resurfacing list. He asked Council to help this subdivision with its needs.

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney

Chairman or Vice Chairman  
Sumter County Council

Mary W. Blanding

Clerk to County Council

Approved: \_\_\_\_\_

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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:**         **March 22, 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 notification was sent to Sumter County's Home Page, WIBZ, The Item, The Chamber, Time Warner Cable.**

**Date Notified:**       **March 22, 2007**

**Respectfully submitted,**

**Mary W. Blanding**  
**Mary W. Blanding**