

**Minutes
Sumter County Council
Regular Meeting
April 10, 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; Mrs. Lorraine W. Dennis; Deputy Administrator; Mr. Gary Mixon, Deputy Administrator; Mr. George McGregor, Planning Director; Mrs. Pamela Craven; Finance Director; and Mrs. Angie Graham, Budget Analyst .

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 33 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of April 10, 2007, to order.

INVOCATION: Mrs. Francis Hill, staff member of Wateree Community Actions, Inc., gave the invocation. After the Pledge of Allegiance, Mrs. Hill introduced the 20 young people that she brought to Council's meeting. These young people are in Wateree Community Actions' Leadership Training Classes learning lessons in character; then they will be placed in jobs throughout the City and County.

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 April 10, 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 April 10, 2007, agenda by adding two items from the Fiscal, Tax, And Property Committee Meeting -- (1) Memorandum of Understanding between the City and County Of Sumter and Discussion of Incinerators and (2) Animal Disposal.

ACTION ON MINUTES OF MARCH 27, 2007: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meetings of March 27, 2007, as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Robinson, and unanimously carried by Council to grant approval of the minutes of March 27, 2007, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Request -

- (1) RZ-06-14 - Elaine Fuller - First Reading - A Request To Rezone +/- 29.94 Acres From Agricultural Conservation To Residential-15 (R-15) Located At N. Kings Highway And Meeting House Road. Tax Map # 093-00-01-024; 093-00-01-025; 093-00-01-027; 093-00-01-028; 093-00-01-030; 093-00-01-031; and -03-00-01-032.

Mr. George McGregor, the Planning Director, presented this proposed rezoning request from Elaine Fuller. Mrs. Fuller, the applicant, proposes to rezone approximately 29.94 acres of land to Residential-15 (R-15) zoning in order to have the ability to build up to a maximum number of 86 residential lots. There may be a lesser number of lots since DHEC requires a minimum of 22,000 square feet per lot for septic tanks. Currently, under the Agricultural Conservation (AC) zoning designation the property owner is limited to 1 acre lot sizes. It is their wish to create a single-family and townhouse residential development utilizing approximately ½ acre lots that comply with DHEC's standards for septic systems. Under Residential-15 (R-15) zoning single-family detached dwellings are a permitted use; townhouses are a conditional use subject to Staff Level review.

Mr. McGregor further stated that the property is located to the east of the Military Protection District (MPD) and in close proximity to Shaw AFB, making this location appropriate for new residential development. This request was deferred at the January 24, 2007, meeting by Planning Commission to discuss the possibility of rezoning the property to Residential-15 (R-15) rather than Residential-9 (R-9). The Planning Staff has been in contact with the applicant via email and the applicant agrees with the suggestion of Residential-15 (R-15) zoning for this development.

After all discussions, Council took action on first reading.

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

- (1) RZ-07-02 - H. C. Edens, Jr. - First Reading - A Request To Rezone +/- 135 Acres From Agricultural Conservation (AC) To Residential-15 (R-15) Located On The West Side Of Black River Road, North Of The Intersection Of Black River Road And Edens Road. Tax Map # 191-00-01-002; 191-00-01-021; 191-00-02-010 (Part).

Mr. McGregor also presented this proposed ordinance to Council. (*Prior to Mr. McGregor presenting this rezoning request, Councilman Edens left Council Chambers and did not participate in discussions or action on this matter.*) Mr. McGregor stated that this request is from Mr. H. C. Edens, Jr. On June 27, 2006, County Council approved the Comprehensive Plan Map Amendment (MA-06-02) changing the parcels in question from Agricultural Conservation (AC) to Residential 15 (R-15)

The applicant proposes to rezone three pieces of land that are +/- 135 acres from Agricultural Conservation to Residential-15. After rezoning is complete it is the applicant's desire to create a residential development of single-family homes. With a minimum lot size of 15,000 sq. ft, the gross yield for this development is approximately 330 lots.

It should be noted that lot sizes will be dictated by DHEC requirements for septic tanks.

The roads impacted by development are as follows:

Black River Rd 1950 vpd LOS "A"

Peach Orchard Rd 1900 vpd LOS "A"

Camden Highway 4400 vpd LOS "A"

Queens Chapel Rd 1150 vpd LOS "A"

A major development would cause a significant increase in traffic for this area. A Traffic Impact Study would be required should future development have 50 or more lots.

After all discussions, Council took action on first reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Robinson, and unanimously carried by Council to grant first reading approval. *(NOTE: Councilman Edens was not in Council Chambers when this matter was discussed or voted upon; however, all Council members present during the discussions and action of this item voted in the affirmative.)*

- (2) PD-07-03 – Thomasina Portis – Third Reading – (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.

Mr. McGregor stated that this is third reading for the Planned Development Request. He stated that no changes have occurred since first reading. Then Council took action third reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and carried by Council to grant third reading approval and adoption. Councilman Edens voted in opposition. The motion carried.

- (4) OA-07-02 – Chuck Bullock – Third Reading (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.

Mr. McGregor stated that this is third reading for the Ordinance Amendment from Mr. Chuck Bullock. He said that no changes have occurred since first reading. Then Council took action third reading.

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

- (5) OA-07-03 – Sumter County Administration – Third Reading (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.

Mr. McGregor stated that this is third reading for the Ordinance Amendment. He said that no changes have occurred since first reading. Then Council took action third reading.

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

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS – None

NEW BUSINESS –

(1) A Resolution Designating April 2007 As Fair Housing Month., In Sumter County, South Carolina.

The Clerk To Council, presented the proposed resolution to Council. After review of the resolution, Council took action on its adoption as listed below.

WHEREAS, Sumter County Council desires that its citizens be offered the opportunity to attain a decent and sanitary living environment; and,

WHEREAS, Sumter County Council recognizes that 2007 marks the 39th anniversary of the passage of the Fair Housing Act, the federal law that prohibits discrimination in housing; and in 1989, South Carolina passed a Fair Housing Law that provides rights and remedies substantially equivalent to those found in the Federal Fair Housing Act; and

WHEREAS, Sumter County Council rejects discrimination on the basis of race, color, sex, national origin, religion, ancestral status, and disability; and,

WHEREAS, Sumter County desires that every citizen be offered the opportunity to live in the home of his or her choice; hence, Sumter County Government does not discriminate in its housing practices;

NOW THEREFORE BE IT RESOLVED, that we the members of Sumter County Council do hereby designate April as Fair Housing Month in the County of Sumter, South Carolina and recognize the importance of Fair Housing benefits for its citizenry; Council will continue to promote and advocate fair housing for all of its citizens.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to adopt the resolution as presented and to authorize the Chairwoman and the Clerk to execute and deliver the resolution on behalf of Sumter County, South Carolina and Sumter County Council.

(2) Discussion Of Incinerators And Animal Disposal.

The County Attorney, Johnathan Bryan, stated that he was asked to investigate the extent to which incinerators are allowed in Sumter County for the purpose of disposing of poultry remains. Sumter County has several businesses within Sumter County and sometimes these

turkeys or chickens will die. The only means Sumter County currently has to dispose of dead animals is to bury the animals or compositing of the animals.

Mr. Bryan stated that a law passed by the S. C. General Assembly in 2006, states preempts local laws as it relates to Agricultural activities. He stated that he did not find information that specifically related to incinerators. Mr. Bryan did review the local zoning ordinance, and it is listed in Exhibit 5 of the Zoning Ordinance – SIC Code #4953. However, it refers only to manned convenience centers. Also in *Section W* which deals with farming states that commercial reduction of animals or vegetable matter on the premises is prohibited. Therefore, if Council is of the mind to allow incineration of dead poultry on premises; then Council will need to direct the Planning staff to submit this information through the Planning process for review and then on to the Planning Commission for a change to Section W to allow the incineration and give some consideration to amending the Zoning Ordinance Exhibit 5 relating to incineration. Ultimately, this matter will be brought to Council for action.

Councilman Edens, stated that it has been reported at times that Sumter County is the only County in South Carolina that does not allow incinerations of poultry.

After discussions, Council took action on this request.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to direct the Planning staff to review the matter concerning incineration of dead poultry through the normal planning process, which would allow this matter to come back before Council for review.

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

No executive session was held during Council's regular meeting.

OLD BUSINESS - None

COMMITTEE REPORTS:

- (1) City-County Liaison Committee Meeting Held On Monday, April 9 2007, At 8:30 A.M. In First Floor Conference Room At City Hall (Edens, Byrd, and McGhaney.)

The Chairman of the Committee, Councilman Edens, was not present at the meeting on Monday, April 9, 2007; however, the County Administrator informed Council members about the Memorandum of Understanding that was presented to each person present at the Liaison Committee meeting. After discussion on this matter, the following action was taken.

Vice Chairman Baten stated that it seems as though the City and County has not yet agreed on the types of recreational activities that would draw people to Sumter for tourism, etc. He also mentioned that the County is asking the City to work with the County to expand the Youth Park; however, it appears that expansion of the proposed Youth Park is not a priority of the City. Therefore, the City and County, through the Liaison Committee, need to come together to explore joint ventures for recreation for the City and County and try to go in the same direction.

Vice Chairman Baten further stated that it appears that the City wants to help the County through meager means. Lastly, he stated that the County needs to go Class A all the way and to provide the very best for the children of Sumter County and extend the tournament possibilities in the future as quickly as possible.

Councilman Baker stated that it is his understanding that the County is moving on with the Youth Park through issuance of bonds. He also asked Deputy Administrator Mixon about the approximate number of kids that participate in the different programs through recreation. Mr. Mixon stated that approximately 2,000 to 3,000 kids participate in the baseball and softball programs, about 700 kids in the football program, and the soccer program is expected to have a great deal of growth with the new soccer fields.

Councilman Edens stated that the County is charged with providing recreation for the youth in Sumter County. Therefore, the staff needs to come back to Council with the appropriate ordinance for this matter and include the irrigation for this project. Additionally, it was Councilman Edens' vision that several of these items which were listed in "Plan A" could be incorporated into the project in the future.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to defer this matter until Council members have had time to review this matter. (Note this item was placed on Council's Special Meeting Agenda of April 17, 2007.)

(2) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, April 10, 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.)

The Chairman of the Committee, Chairwoman McGhaney, presented the following report and recommendations to Council for action.

- Ø **Budget Information:** The Finance staff presented the Budget workbooks to Council members and other staff. No action required at this time.
- Ø **Executive Session – Master-In-Equity** was discussed; however, no action is taken at this time.
- Ø **Personnel Matter –** Council members, the Administrator, the Attorney, and the Clerk received a letter from the Executive Director of the Alcohol and Drug Abuse Commission concerning a personnel issue. The Committee recommended that the Chairwoman write a letter to the Executive Director in response to the letter that was received.

ACTION: MOTION and second received from the Committee, and carried by Council to write a letter to the Executive Director of the Sumter County Alcohol and Drug Abuse Commission in response to the correspondence that has been received from the Director about a personnel matter pertaining to a Commission member. (NOTE: Vice Chairman Baten did not participate in the executive session to the extent that he was not in the room during discussion on this matter during the Committee meeting. Also, Vice Chairman Baten did not vote on this matter at any time.)

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- Ø **E-911 System:** The Committee received a presentation from the Purchasing Director, Mr. Robert Galloway, concerning needs to upgrade the E-911 System jointly owned and operated by the City and County of Sumter. The Committee recommended approval of this request.

ACTION: MOTION and second received from the Committee, and unanimously carried by Council to direct the County Administrator to coordinate with the City officials to ensure that the upgrading of the E-911 system is implemented as needed.

- Ø **Assessment of Airplanes In Sumter County:** This matter was deferred until Council's meeting of April 24, 2007.

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

No reports given.

MONTHLY REPORTS:

- ◆ **Public Notice Of a Draft Permit Shaw Air Force Base County, DHEC**
- ◆ **Clemson University – Plant Cogongrass**
- ◆ **Time Warner Cable – Extension Of Agreements With Carriage Of Programming Services.**
- ◆ **Friday Report – Elimination of county Inmate Quotas Within Reach**
- ◆ **First Baptist Missionary Church**

ADMINISTRATOR'S REPORT:

- ◆ **State Newspaper Article:** Road issues in Lexington County were highlighted in the State Newspaper. The Administrator asked Council members to review this article.
- ◆ **South Carolina Department Of Corrections** – The Administrator received information from the Department of Corrections concerning Elimination Of Intake Quotas. Council members were asked to review this letter.
- ◆ **Sumter County Auction:** Items that the Sheriff Department had in its position were auctioned and the County received \$8,912 for the sale over the internet. Since the implementation of the sale of property over the internet, the County has brought in approximately \$375,000 to the general fund.
- ◆ **Legislative Day:** The Sumter City-County Legislative Day is scheduled for April 1, 2007; Council members, the Administrator, the Clerk, and other staff members have been invited to participate in this event.

PUBLIC COMMENT:

The Chairwoman asked if anyone from the public would like to speak during public comment; no one spoke during public comment. The Chairwoman thanked Mrs. Hill for bringing the young people to the meeting and thanked the young people for being present.

ADJOURNMENT:

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There being no further business and no additional comments from the public, the meeting was adjourned at 6:49 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: **April 5, 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: **April 5, 2007**

Respectfully submitted,

Mary W. Blanding
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