

**Minutes
Sumter County Council
Regular Meeting
May 8, 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 20 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of May 8, 2007, to order.

INVOCATION: Rev. Cooper, Pastor of High Hills AME Church, 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 May 8, 2007, agenda with any additions or deletions.

Prior to action on the Agenda, the Clerk to Council asked Council members to consider adding one item to the agenda under New Business -- Update On Bond Information - Youth Park - as item #3 and renumber all other items thereafter under New Business.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Robinson, and unanimously carried by Council to approve the May 8, 2007, agenda as recommended by the Clerk.

ACTION ON MINUTES OF APRIL 24, 2007: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meetings of April 24, 2007, as presented.

ACTION: MOTION was made by Councilman Robinson, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the minutes of April 24, 2007, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS
Planned Development/Rezoning Request -

- (1) RZ-06-14 – Elaine Fuller – Third 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 093-03-00-01-032.

Mr. McGregor, the Planning Director, presented this proposed ordinance to Council. He stated that he has informed the Clerk to Council and the County Attorney that the Planning staff discovered between the second and third reading that a “notice error” had occurred on this item on both the notice itself and the legal ad. This rezoning request was incorrectly advertised as a Residential-9 request and not Residential-15 which was recommended for approval by the Planning Commission. Mr. McGregor further stated that he has talked with the County Attorney and it is recommended that Council defer third reading until June 12, 2007, which would allow for enough time to have another public hearing on this matter with the correct notification that this request is a Residential-15 request and not Residential-9 request.

After all discussions, Council took action on deferral.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to defer third reading to this rezoning request.

- (2) RZ-07-02 – H. C. Edens, Jr. – Third 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).

(Prior to action on this item, Councilman Charles T. Edens left County Council’s meeting while discussion and action was taken on this matter. After Council voted on third reading, the Clerk informed Councilman Edens to return to the meeting in Council Chambers.)

The Planning Director, Mr. McGregor, stated that there are no changes to the original request since first reading. Therefore, Council took action on third reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Vice Chairman Baten, and unanimously carried by Council to grant third reading and adoption to this rezoning request. (Note six Council members voted in the affirmative; Councilman Edens was not in Chambers during the voting on this matter.)

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS – None

NEW BUSINESS –

- (1) A Proclamation Proclaiming May 18, 2007, as Relay for Life Day In Sumter, South Carolina.

The Clerk to Council presented this proposed proclamation to Council for adoption. She stated that this proclamation is in reference to the County's Relay For Life Day. She asked Council to adopt the proclamation and asked the Chairman to be present at the opening ceremonies on Friday, May 18, 2007, at 6:00 p.m. at Hillcrest Middle School.

WHEREAS, the American Cancer Society is the nationwide, community based, voluntary health organization that is dedicated to eliminating cancer as a major health problem, by preventing cancer, saving lives from cancer, and diminishing suffering from cancer through research, education, advocacy, and service; and

WHEREAS, the 2007 cancer statistics study indicates that 1.36 million Americans will be diagnosed with cancer in 2007, approximately 1,500 Americans a day will die of cancer in 2007, accounting for about one in four deaths – second only to heart disease; and

WHEREAS, Cancer is the second leading cause of death among children between the ages of one and fourteen, and it is the leading cause of death in women 40 to 79, and men 60 to 79; and

WHEREAS, it is the goal of the American Cancer Society to sponsor an annual event to raise funds to be used in the fight against cancer, to recognize the survivors of cancer, and to hold a candlelight ceremony in honor of loved ones touched by cancer; and

WHEREAS, Relay for Life Day is one such activity which will allow the community, the families, and the nation to work together in combating cancer as a dominant health issue;

NOW THEREFORE, I, Vivian Fleming McGhaney, Chairwoman of Sumter County Council, Sumter County, South Carolina, do hereby proclaim May 18, 2007, as

RELAY FOR LIFE DAY

in Sumter County, South Carolina and urge all citizens to support this day by participating in the official Relay for Life Day festivities and fundraising events sponsored by the American Cancer Society for use in research, education, and service for all that are affected by this disease.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to adopt the proclamation and direct the

Chairwoman and the Clerk to execute and deliver the proclamation on behalf of Council.

(2) 07-641 – First Reading -- An Ordinance Abandoning The County’s Interest In Velletrude Drive And Authorizing The Transfer Of Velletrude Drive To The Arbors Of Sumter, LLC.

The County Attorney presented this proposed ordinance to Council for first reading consideration. He stated that this ordinance is requesting that Council abandon its interest in Velletrude Drive and authorize the transfer of Velletrude Drive to the Arbors of Sumter, LLC. A group of investors, known as the Arbors of Sumter, LLC, have acquired all the land around Velletrude Drive. The Arbors would like to close the road and redesign the property. The street is now in the City limits and no one currently has a home on the property; this property is near Covenant Place.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant first reading to this proposed ordinance as presented.

(3) Update On Bond Information – Youth Park.

The County Bond Attorney, Frannie Heizer, stated that Council has on its agenda, first reading of a bond ordinance for a general obligation (GO) bond of not to exceed \$4,500,000. The purpose of this briefing before Council takes action on ordinance 07-642 explaining the recommendation of the bond.

Ms. Heizer stated that approximately two years ago Council authorized a GO Bond for the County’s landfill and other matters. Approximately two months ago the County adopted a resolution authorizing the balance of the bond to be issued in the amount of \$2,600,000. Ms. Heizer’s firm has been working on the bond and would be ready to sell the bond the next three or four weeks. Since approving the resolution, Council has been in the process of preparing to sell bonds for a park project and other capital needs. It is the recommendation of the bond attorney for Sumter County to consider slowing up the Landfill Bond and allow the Youth Park/Capital Project Bond to catch up with the Landfill Bond in order to issue one bond instead of two separate bonds. The total bond amount that would be issued when both bonds are combined is \$7,100,000 (\$2,600,000 for the landfill, approximately \$3,000,000 for the Youth Park, and approximately \$1,500,000 for other capital projects.) There will be cost savings, economy of scale, and efficiency for the County to issue one bond if Council decided to bring the bonds together.

ACTION: This item was for information only; the explanation above relates to ordinance 07-642; Council members did agree to allow for the bonds to be combined and sold at the same time as suggested by Ms. Heizer.

(4) 07-642 – First Reading -- An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, Series 2007 Or Such Other Appropriate Series Designation, Of Sumter County, South Carolina, In The Principal Amount Of Not Exceeding \$4,500,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator Or His Lawfully Authorized Designee To Determine Certain Matters Relating To The Bonds; Providing For

The Payment Of The Bonds And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.

(See explanation about this first reading request listed under #3 of New Business.)

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and carried by Council to grant first reading approval. Councilman Blanding voted in opposition.

- (5) 07-643 – First Reading -- An Ordinance To Amend The Code Of Ordinances Of Sumter County, South Carolina, By Providing For The Assessment Of Aircraft Subject To Property Tax In Sumter County, South Carolina; To Establish The Assessment Ratio Of The Fair Market Value Of Such Aircraft; To Provide For A Public Hearing; And To Provide For Other Matters Relating Thereto.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council. He stated that ordinance would amend the ordinances of Sumter County to change the assessment of aircraft. Mr. Bryan stated that Council had a vote that was received from Fiscal, Tax, and Property Committee meeting recommended this change and Council approved the recommendation. He asked Council to approve first reading allowing assessment to be changed from 10.5% to 4.0% assessment.

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

- (6) 07-644 – First Reading -- An Ordinance Authorizing The Sale Of 13.34 Acres Of Property Located In The Live Oak Industrial Park, Highway 15 South, Sumter, SC.

Mr. Johnathan Bryan presented this proposed ordinance to Council for first reading approval. He stated that this ordinance is requested by Sumter Coatings to purchase approximately 13.34 acres of property in the Live Oak Industrial Park on Highway 15, South. The property is being purchased by Sumter Coatings to purchase property adjacent by its existing plant.

Mr. Bryan informed Council that there is a contract that is goes along with the ordinance (see attached document) which outlines the conditions of the purchase. After all comments, Council took action on first reading.

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

- (7) 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.

OLD BUSINESS - None

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, May 8, 2007, At 4:30 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 gave the following report and recommendation:

- ◆ Update On Other Post-Employee Benefits (OPEB) As Described By GASB45. A presentation on this matter was given by Pam Craven; however, no action was taken at this time. Once Mrs. Craven has additional information, she will bring it to Council for consideration.
- ◆ Request To Revise A Resolution Pertaining To The Shiloh Water I-95 Expansion Project. The Committee received a request to include the following paragraph in the Shiloh Water I-95 Expansion Project Resolution. (*Sumter County Council is further committed to provide the 10% required match plus any additional funds necessary to complete the project.*) After review of the request, Council took action on its adoption.

ACTION: MOTION and seconded was received from the Committee, and unanimously carried by Council to approve the addition to the resolution as presented and directed the Chairwoman and the Clerk to execute and deliver the resolution on behalf of the County.

- ◆ Continued Discussions On Proposed Budget Fiscal Year 2007-2008. Received as information – There will be a budget workshop on May 15, 2007, at 5:00 p.m. in County Council Chambers.
 - ◆ Executive Session Items. The Committee discussed three executive session items; but no action was taken.
- (2) Report From Council Members On Other Meetings, Trainings, and/or Conferences.

No reports were given.

MONTHLY REPORTS:

- ◆ Soil and Water Conservation Minutes
- ◆ SCDP Notice Effective June 1, 2007 – 6% Sales and Use Tax Rate Increase In June 2007
- ◆ SCAC Legislative Alert – H.3615 – Spending Limitation On Local Governments
- ◆ Airport Commission
- ◆ SCDOT – Plowden Mill Road and SC Route 763 – Stop Sign Approved For Location
- ◆ Clerk of Court Letter -- Location Of Master-In-Equity Office
- ◆ Legislative Day Proposed Budget Review

ADMINISTRATOR'S REPORT:

- **Sumter City-County Fire Audit:** The Administrator stated that the Fire Audit has been completed and the report received has Fire District #1 as a public protection classification of two and Fire District #2 as a public protection classification of four.
- **House Bill H.36-15:** Mr. Noonan informed Council that the House Bill that has been introduced in the S. C. House of Representatives is actually placing more restrictions on County Government. He asked Council members to call the Representatives to let them know that this proposed bill will hurt local government. He and other Sumter County staff members will attend a hearing on this matter.

PUBLIC COMMENT:

The Chairwoman asked if anyone from the public would like to make comments to members of Sumter County Council. The following persons spoke:

- ◆ Mr. McCloghry spoke to Council about RZ-06-14. He stated that he has concerns about the errors in the advertisement with the phone number of Mrs. Roodman and error in the type of rezoning was advertised. He is also concerned about Sumter County wanting to approve this rezoning request for one-half acre lots instead of for one-acre lots.
- ◆ Mr. D. D. White spoke to Council about a matter concerning a recent Master In Equity sale that he had concerns about. The Chairwoman asked Mr. White to talk to the County Attorney as appropriate.
- ◆ Ms. Kathy Knox asked which member of Council is her Council member (Councilman Roland Robinson).
- ◆ Mr. Jerry Burkett stated that he is concerned about a petition that was started over 22 years ago to have a road paved. (Broom Street, Jessica, Bermuda, etc. – near Hopewell Nursing Home.)

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney

Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding

Clerk to County Council

Approved: _____



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

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Public Notified: Yes

Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.

Date Posted: May 3, 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: May 3, 2007

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Sumter County and the City of
Sumter,

Sellers

Sumter Coatings, Inc

Purchaser

CONTRACT FOR SALE OF REAL ESTATE

This Agreement is made this ____ day of May, 2007.

1. Sumter County and the City of Sumter, hereby agree to sell and BGN Company, Ltd agrees to purchase approximately 10 acres on Corporate Way for the price of Three Thousand (\$7,000.00) Dollars per acre for a total purchase price of approximately \$93,380.00 with the ultimate purchase price to be determined when a plat of survey has been prepared indicating the precise acreage to be purchased. The property to be purchased has been sketched and the sketches are attached hereto and incorporated by reference. The parties acknowledge that the sketches are approximations intended to show generally the location and dimensions of the property but the actual dimensions will be ultimately determined by a survey of the property.

2. The Purchaser has paid no earnest money.

3. The Sellers agrees to deliver the premises and to give the Purchaser a limited warranty deed conveying a good and marketable title in fee simple to the premises described upon payment of the purchase price, at which time taxes, improvement bond payments and special assessments, if any, will be prorated, being payable by the Seller to that date and by the Purchaser thereafter. Buyer will pay the recording tax formerly known as deed stamps, if any. Closing shall be on or before August 31, 2007.

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4. In the event the Purchaser reaches certain investment and employment goals within 5 years after purchase, the purchase price will be reduced to \$5.00 per acre for a total of+_____.

5. As used in this Contract, the masculine, feminine, or neuter gender, and the singular or plural number, shall each be deemed to include the other whenever the context so indicates.

This contract is contingent upon three readings of Sumter County Council and two readings of the City Council for the City of Sumter.

IN WITNESS WHEREOF, the Sellers and the Purchaser have caused this instrument to be executed and have set their hands and seals the day and year first above written.

WITNESS:

As to Sumter County:

As to the City of Sumter

As to Sumter Coatings, Inc.

Sumter County, a Body Politic

By: _____
Its: _____

The City of Sumter,

By: _____
Its: _____

SELLERS

Sumter Coatings, Inc.

By: _____
Its: _____

PURCHASER