

**Minutes
Sumter County Council
Regular Meeting
June 26, 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; Mr. Johnathan Bryan, County Attorney; Mrs. Lorraine W. Dennis; Deputy Administrator; Mr. Gary Mixon, Deputy Administrator; Mrs. Pamela Craven; Finance Director; Mr. George McGregor, Planning Director; Mrs. Angie Graham, Budget Analyst; Mrs. Keysa Rogers, Incoming Budget Analyst, and the Honorable Carolina b. Richardson, County Treasurer.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 23 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of June 26, 2007, to order.

INVOCATION: The Rev. D. D. White 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 June 26, 2007, agenda with any additions or deletions. The Clerk asked Council to consider the following amendments to the agenda.

1. Add One Item Under Land Use Matters And Rezoning Requests: MA-07-01.

ACTION: MOTION was made by Councilman Robinson, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the June 26, 2007, agenda as amended.

ACTION ON MINUTES OF JUNE 11, 2007, AND JUNE 12, 2007: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meetings of June 11, 2007, and June 12, 2007, as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant approval of the minutes of June 11, 2007, and June 12, 2007, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS - NONE

Planned Development/Rezoning Request –

1. MA-07-01, C-Cubed Carolina, LLC (County) – 07-648 -- (First Reading) -- A Request To Amend The Comprehensive Map Designation For Property Located At 4550 Peach Orchard Rd. From Agricultural Conservation (AC) To Residential Conservation (RC). Tax Map # 150-00-02-015.

Mr. McGregor, the Planning Director, stated that the Applicant, C-Cubed Carolina, LLC proposes amending the 2020 Comprehensive Plan Map from Agricultural Conservation (AC) to Residential Conservation (RC) for an approximately 29.27 acre parcel (the “Property”) on the north side of Peach Orchard Road, just east of Old Camden Road and Thomas Sumter Academy. The Property is undeveloped and contains some environmental features including woods and a stream.

The Applicant submitted a statement of justification, attached to this report, detailing future development plans if this amendment were adopted by County Council. These plans, showing a private-gated community with an approximate gross density of 1 unit per acre, are conceptual. A rezoning to an appropriate zoning district (R-9, R-15) is necessary subsequent to any map amendment.

As a matter of policy, changes or amendments to the 2020 Comprehensive Plan (the “Plan”) shall only occur when one of the following conditions are met:

- a. Where necessary to implement the community vision; or
- b. To correct an original mistake or manifest error in the regulations or map; or
- c. To recognize substantial change or changing conditions or circumstances in a particular locality; or
- d. To recognize change in technology, the style of living, or manner of doing business

Analysis

Where necessary to implement the community vision

The 2020 Comprehensive Plan designated this area for Agricultural Conservation, an area designed to “protect and preserve lands that are presently agricultural and rural in character and use” (p. 112). AC designated areas help protect open space, environmental features, wildlife. Although very low density residential development may be supported, these areas are presumed not needed to accommodate residential growth for the next two decades.

A change to Residential Conservation here is a clear change of the community vision and should be examined carefully. By designating this area for Residential Conservation—with future zoning districts such as R-15 and R-9—the County will be directing residential growth to a new area of the County. This area is defined as east of

521 and north of Peach Orchard Road. Designating the subject 30 acres for RC sets a potential precedent for a much larger area to become RC in the future.

The impacts of additional residential growth in this unplanned area on roads, schools, parks, and other public facilities/infrastructure are unknown, but higher densities will place additional expectations on the County.

To correct an original mistake or manifest error in the regulations or map;

No map error has been identified; this condition is not present.

To recognize substantial change or changing conditions or circumstances in a particular locality;

There is no evidence of changing conditions. Future speculation should not be a factor for consideration.

To recognize change in technology, the style of living, or manner of doing business;

There is no evidence of a change in any of the above conditions.

Mr. McGregor stated that after review of the information, the Planning staff made the following recommendation.

- ◆ Changing the Comprehensive Plan should occur only under extraordinary circumstances and after careful study. It should not be changed in a haphazard or arbitrary manner.
- ◆ The fundamental question that needs to be answered in this case is: Does the Planning Commission want to recommend new, additional residential growth opportunities to this area and why? Is this change in the best interest of the community?
- ◆ Staff finds that conditions recommended for amending the Comprehensive Plan have not been met and are not present at this time.
- ◆ Therefore, Staff recommends no change to the Comprehensive Plan for this individual 30 acre parcel. The Sumter City - County Planning Commission at its meeting on Wednesday, May 23, 2007, recommended approval for this request.

Chairwoman McGhaney asked Mr. McGregor what is the difference between this request and some of the most recent requests; Mr. McGregor stated that the difference is, in part, the change in Planning Directors. After all discussions, Council took action on first reading of this request.

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

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS –

- (1) 07-645 – An Ordinance Authorizing The Execution And Delivery Of A Fee Agreement Between Sumter County, South Carolina And Kaydon Corporation, Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, And Matters Relating Thereto. (After the public hearing on this proposed ordinance, Council will take action on second reading during Old Business or immediately after the public hearing.)

The Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in support of or opposition to this ordinance. No one spoke concerning this proposed ordinance; therefore, the Chairwoman closed the public hearing and Council took action on second reading listed under Old Business.

NEW BUSINESS –

- (1) 07-646 – First Reading -- Drug Paraphernalia: Unlawful To Advertise For Sale, Possess, Manufacture, Sell, Deliver Or Possess With Intent To Sell Or Deliver In The County Of Sumter, South Carolina.

The County Attorney stated that this ordinance was discussed during the Public Safety Committee meeting; it was recommended that first reading on this ordinance be deferred until the next meeting of the Public Safety Committee on July 10, 2007.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to defer first reading to this proposed ordinance as present. This ordinance is to be placed on the July 10, 2007, agenda. (Note: Council members having any suggestions to be included in this ordinance should contact the County Attorney or Councilman Byrd.)

- (2) 07-647 – First Reading -- An Ordinance To Amend Chapter 4, Article II Of The Sumter County Code Of Ordinances To Make It Unlawful To Own More Than A Certain Number Of Dogs Of Particular Breeds Or To Transport Dogs For The Purpose Of Participation In Dog Fighting Or Animal Fighting Or To Attend A Dog Fighting Or Animal Fighting Event As A Spectator And To Require Business Licenses For Dog Breeders.

Mr. Bryan, the County Attorney, presented this proposed ordinance as a request from Vice Chairman Baten. Mr. Bryan stated that attached to the proposed ordinance is information from state statutes concerning dog fighting, etc. The State law is regulating some activities relating to dog fighting and animal battling. If this ordinance is adopted, it would disclose other activities that are not regulated by the State statutes. Mr. Bryan asked Council members to read the State statutes in conjunction with the County's proposed ordinance.

The State statute does not have listed within in it language which would cover the paraphernalia which is used to train dogs to fight. However, this language would be included in the County's ordinance.

Also, there is a limit on the types of dogs a person could have on the premises. The Chairwoman stated that she is a little apprehensive about limiting a persons desire to own more than five dogs.

Councilman Robinson stated that he has concerns about people who breed dogs for financial assistance and not for fighting; this ordinance might affect their business.

Vice Chairman Baten stated that he asked for this ordinance to be brought before Council because of the recent problems with a citizen having over 30 dogs tied up which were fighting dogs. He added that normally dogs are sold after two months (eight weeks); however, the Vice Chairman asked the Attorney to include three months instead of two. Also, a person that is training a dog for fighting will have paraphernalia around that would depict fighting dogs instead of just breeding dogs. He also said that recent dog fighting violations reveals that the State law is not strong enough to deal with all the issues surrounding fighting dogs.

After all discussions, Council took action on first reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Robinson, and carried by Council to defer first reading and to place this item on the next Public Safety and Regular Agenda meeting schedules for July 10, 2007. Vice Chairman Baten voted in opposition.

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

The Chairwoman stated that Council members did not complete discussions on several executive session items during the Fiscal, Tax, and Property Committee meeting; therefore, she stated that she would entertain a motion concerning executive session.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Robinson, and unanimously carried by Council to enter executive session to discuss several contractual matters which were not discussed during Fiscal, Tax, and Property Committee.

At the conclusion of executive session, Council re-entered open session. No action was needed for two of the three items discussed; however, the following action was taken on the Feasibility Study For Rail Access.

Feasibility Study For Rail Access – The Committee discussed this potential for a contractual matter between Manning, Sumter, and Lee Counties concerning a jointly funded study for rail access to the MEGA Industrial site off I-95. Council recommended approval of co-funding the project and entering into a contractual agreement with the other two counties.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the recommendation of supporting the Feasibility Study for rail access to the MEGA Industrial site off I-95 and to fund this project (\$5,000) from Council 2006-2007 Contingency Fund.

OLD BUSINESS -

- (1) 07-640 – Third Reading -- An Ordinance To Provide For A Levy Of Taxes For County Purposes Of Sumter County, S. C., (Known As The Budget Ordinance) For The Fiscal Year Of Said County Beginning July 1, 2007, To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto.

The County Administrator, William T. Noonan, presented this proposed budget:

Ø Expenditures	\$46,377,321.00
Ø Revenue Stream	\$46,377,321.00
Ø Mills	Countywide -- \$260,050
Ø Mills	General 86.1 mills for general county-wide purposes
Ø Mills	14.1 Mills for General Obligation Bond purposes
Ø Fire District #1	27.2 Mills for fire protection (Mill = \$41,400)
Ø Fire District #2	16.4 Mills for fire protection (Mill = \$105,100)
Ø Capital Improvement	1.03 Mills
Ø Central Carolina Tech	3.2 Mills
Ø USC Sumter County	1.0 Mills
Ø Career Center	2.4 Mills
Ø Unfunded Mandates	1.0 Mills

After discussion on this ordinance, Council took action on third reading.

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

- (2) 07-645 – Second Reading -- An Ordinance Authorizing The Execution And Delivery Of A Fee Agreement Between Sumter County, South Carolina And Kaydon Corporation, Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, And Matters Relating Thereto.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council for second reading and public hearing. He stated that this ordinance would provide for a Fee In Lieu of Tax Agreement with Kaydon Corporation. This particular project was originally known as Project-Little when Kaydon first introduced the proposal. This ordinance would allow for a 6% assessment ratio.

Prior to taking action on this ordinance, the Chairwoman convened a public hearing on this ordinance. After the public hearing, Council took action on second reading.

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

COMMITTEE REPORTS:

(1) Public Safety Committee Meeting Held On **Tuesday, June 26, 2007, At 3:30 P.M.** In County Council's Conference Room At The County Administration Building (Baker, Baten, and Robinson.)

The Chairman of the Committee, Councilman Baker, left Council's regular meeting prior to presenting this report; however, Councilman Robinson, a member of the Committee gave the Committee report on behalf of Councilman Baker. All Committee members were present at the meeting.

- ◆ Ordinance No. 07-646 – Concerning Drug Paraphernalia: The Committee discussed issues surrounding a person possessing drug paraphernalia and how law enforcement need additional laws to help protect the citizens of this County from drug users and dealers. This matter will be discussed at the next meeting of the Committee.
- ◆ Executive Session: It May Be Necessary To Hold An Executive Session To Receive A Legal Briefing, Personnel Matter, or Contractual Matter. -- Discussion On Sumter Lee-Regional Detention Center Housing Federal Inmates: The Committee discussed this matter in executive session due to a potential contractual matter with the Federal Government. No action taken.

(2) Fiscal, Tax, and Property Committee Meeting Held On **Tuesday, June 26, 2007, At 4:00 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, Councilman Baker, left Council's regular meeting prior to presenting this report; however, Councilman Robinson, a member of the Committee gave the Committee report on behalf of Councilman Baker. All Committee members were present at the meeting.

- ◆ Presentation By Sumter County Summary Court – Magistrates – Judge Kathy Ward: The Summary Court Judges made their annual budget presentation before the Committee. This is a requirement of the Chief Justice that all Summary Court Judges make an official presentation each year. No action taken.
- ◆ Presentation By Sumter Airport Commission. The Sumter Airport Commission made a presentation concerning the need for additional hangers and who will own the hangers once the hangers are constructed. Mr. Lynam from the Airport Commission informed Council that there is a need for additional hangers for local businessmen to

park their airplanes and some of the planes are worth over two million dollars. No action taken.

- ◆ Update and Possible Action On Sumter Water Policy – (1) Commercial Rates and (2) Tap Fee Structures. The Committee received a presentation from Ginny Yonson on revisions in the Sumter Water Policy concerning Commercial Rates and Tap Fee Structures. The following action was taken. (Note: The tap fee structures for implementation were previously approved for July 1, 2007.

ACTION: MOTION and second was received from the Committee, and unanimously carried by Council to adopt the changes in the Sumter Water Policy as presented and to implement the rate changes on August 1, 2007.

- ◆ Sumter County As Of May 31, 2007, Financial Statement. Received as information.
- ◆ Continued Discussions On Proposed Budget Fiscal Year 2007-2008 Budget. Received as information.
- ◆ School District Budgets' Resolutions:
 - a. School District #17 – Approximately 135.0 Mills with a sum of \$19,456,825
 - b. School District #2 – Approximately 140.0 Mills with a sum of \$17,375,410.

Both resolutions will include the following statement:

*Notwithstanding any other provision of this resolution, should the total millage needed to fund any other amount appropriated herein exceed the **millage caps** imposed by Section 6-1-320, Code of Laws of South Carolina (1976), as amended, the amounts appropriated herein shall be automatically reduced to the amounts actually generated by the capped millage rate.*

ACTION: MOTION received from Councilman Robinson, seconded by Vice Chairman Baten, and unanimously carried by Council to adopt the resolutions as presented and directed the Chairman and the Clerk to execute and deliver the resolutions on behalf of the County. (Note: Councilman Baker was not present during the action on these two resolutions.)

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

No report given.

MONTHLY REPORTS:

- ◆ Financial Statement
- ◆ Letter To Mayor Concerning Ronnie Connor's Request.
- ◆ CDBG -- \$50,000 grant
- ◆ Carolina Gas Transmission
- ◆ N.Y. Gets To Keep \$50M For Voting Machines
- ◆ Voter Registration/Election Commission
- ◆ Historical Commission
- ◆ Emergency Management – Activity Report

ADMINISTRATOR'S REPORT:

The Administrator thanked Council and the staff for a good year and reminded Council of the pending issues such as low growth for Sumter County, state laws affecting Sumter County and its ability to increase revenues for the County, the Capital Projects Sales Tax, and other matters to help Sumter grow.

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:

- ◆ Harold Gillis and Toney Slater, the owners of C-Cubed Carolina, thanked Council for granting first reading to MA 07-01.
- ◆ Juanita Britton asked Council to review the material that she provided in Council's packets for the Rembert Area Community Coalition. She thanked Council for all they have done for the Rembert community. Ms. Britton also stated that there is a track team from the Community Center that will be traveling to national competition on July 9, 2007, in Nashville, TN. Two young people will be participating in the competition. Financial assistance is needed. Lastly she stated that the walking trail should be completed soon and it will be located at the Greater Township Community Center.
- ◆ Jeff Spann – Since the budget has been approved, will a copy of the budget be released to the general public? The Clerk informed Council and the public that the budget will be scanned and placed on-line at sumtercountysc.org.
- ◆ Edward Smith stated that he is before Council again about the road and that Mr. Noonan did speak to him. However, since his road is not going to be done, is it the proper procedure for his road; he also asked whether or not the County do the same thing for all areas when it comes to assisting with roads?

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney

Clerk to County Council
Sumter County Council

Mary W. Blanding

Chairman or Vice Chairman
Sumter County Council

Approved: July 10, 2007



Minutes- Regular Meeting of Sumter County Council

June 26, 2007

Page 10



.....
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: June 20, 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: June 20, 2007

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding