

**Minutes
Sumter County Council
Regular Meeting
July 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, and Jimmy Byrd.

MEMBERS ABSENT: Charles T. Edens and Roland Robinson

STAFF MEMBERS PRESENT: Mr. William T. Noonan, County Administrator; Ms. Denise McLeod, Office Manager for County Administrator; 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; and Mrs. Keysa Rogers, Incoming 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 July 10, 2007, to order.

INVOCATION: The Chairwoman of Council, Vivian Fleming McGhaney, 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 July 10, 2007, agenda with any additions or deletions. It was recommended by Councilman Byrd to remove Ordinance #07-647 from the July 10, 2007, agenda.

1. Delete One Item Under New Business –Ordinance #07-647.

ACTION: MOTION was made by Councilman Byrd, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the July 10, 2007, agenda as amended.

ACTION ON MINUTES OF JUNE 26, 2007: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meetings of June 26, 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 26, 2007, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS - NONE
Planned Development/Rezoning Request –

1. OA-07-06 -- Sumter County Council -- 07-650 -- First Reading – A Request To Amend Various Sections Of The County Zoning Ordinance In Order To Permit Poultry Incinerators.

The Planning Director, Mr. George McGregor, stated that on April 10, 2007, County Council directed the Planning Commission's staff to review and prepare a draft Ordinance Amendment aimed at permitting the incineration of poultry on location at poultry farming operations in Sumter County.

According to DHEC and USDA—Natural Resources Conservation Service, incineration is a suitable method of disposing of dead animals as a part of farm operations. DHEC is the regulatory agency charged with permitting animal incinerators in South Carolina. Due to the nature of the use, it is reasonable and recommended that the County place additional, specific conditions or criteria for approval of poultry incinerators.

Mr. McGregor stated that the Planning staff is considering the following amendments to the County Zoning Ordinance:

1. Add Poultry Incinerators as a Special Exception, reviewable by the Board of Appeals, in the AC Zoning District. Amend Section 3.n.4. to include new subsection: *j. Poultry Incinerators (SIC Code 4953)*
2. Add Poultry Incinerators as a Special Exception, reviewable by the Board of Appeals, in the AC-10 Zoning District. Amend Section 3.p.4. to include new subsection: *g. Poultry Incinerators (SIC Code 4953)*
3. Amend Exhibit 5. Add Poultry Incinerators as a new line item in Exhibit 5 as "S" in both AC and AC-10.
4. Revise Section W: Farming. Amend Section 3.w.1.3. such that the development standard is as follows : *Commercial reduction of inedible animal or vegetable matter on the premise is prohibited See ~~5.b.3.f.~~, except that poultry incinerators shall be permitted pursuant to Section 5.b.3.s. (new text in bold).*
5. Revise Section 5.b.2 Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities. Add *n. Poultry Incinerators* to Section 5.b.2
6. Amend Section 5.b.3 Special Design Review Criteria for Applicable Items in 5.b.2. Add the following entry:

s. Poultry Incinerators (SIC Code 4953):

1. *The incinerator is located on a poultry farm, is accessible to the farm operations, and is owned and operated by the farm owner or operator.*
2. *The incinerator is used solely to dispose of poultry originating on the farm where the incinerator is located.*
3. *The incinerator complies with all applicable state and federal regulations.*

4. ***The incinerator shall not be located within 1,000 feet of any residential, religious, educational, historic, medical, or public use, or any residential zoning district.***
5. ***Reductions to the required setbacks may be approved by DHEC in accordance with DHEC Standards for Permitting of Agricultural Animal Facilities.***

Lastly, Mr. McGregor stated that the City – County Planning Commission at its meeting on Wednesday, June 27, 2007, recommended approval for this request with the requirement that setbacks be 400 ft. from all property lines.

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

2. **RZ-07-05 -- H. C. Edens (County) -- First Reading -- A Request To Rezone Property Located On The Northeast Corner Of Black River Road And Edens Road From Agricultural Conservation To Residential-15, Tax Map # 191-00-02-010 And 191-00-02-011.**

Mr. McGregor also presented this rezoning request. He stated that on June 27, 2007, County Council approved the Comprehensive Plan Map Amendment (MA-06-02) changing the parcels in question from Agricultural Conservation (AC) to Residential Conservation (RC). On May 8, 2007, County Council approved the rezoning of +/- 135 acres of nearby land from AC to R-15 (RZ-07-02) northwest of the intersection of Edens Road and Black River Road. RZ-07-02 has a potential gross yield of 330 lots. The applicant now proposes to rezone two pieces of land across Black River Road.

Mr. McGregor further stated that the request is to rezone +/- 185 acres from Agricultural Conservation to R-15 Residential. After the 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 457 lots. It should be noted that lot sizes will be dictated by DHEC requirements for septic tanks.

It was further stated by Mr. McGregor, that a good portion of the subject property falls within the critical analysis area identified by the Ad-Hoc Committee for Prevention of Encroachment at Shaw. This Ad-Hoc Committee recommended consideration of a purchase of development rights program for certain parcels adjacent to Shaw Air Force Base in order to prevent further encroachment and encourage compatible land uses.

The Planning staff has reviewed the request, visited the site, and spoken with the applicant. The staff recommends approval of this request. The request complies with the Comprehensive Plan. It should be noted that taken in tandem, the two Edens rezoning represent potentially over 750 new homes. At build out, these new units will have an impact on schools, roads, parks, public safety, and other County services.

The Sumter City – County Planning Commission at its meeting on Wednesday, June 27, 2007, forwarded this request to County Council with no recommendation.

The Commission restated its previous recommendation from March of this year that prior to approval of any new rezoning in this area, a Joint Land Use Study (JLUS) should be

completed and that the County analyzes opportunities for the purchase of development rights.

Vice Chairman Baten asked if this request would have encroachment issues to Shaw AFB. Mr. McGregor stated that there are no encroachment issues to Shaw AFB.

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

3. MA-07-01 -- C-Cubed Carolina, LLC - 07-648) -- Second Reading And Public Hearing - 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. (Prior to action on second reading, Council will hold a public hearing on this matter.)

Mr. McGregor stated that this is a Map Amendment to change the County's Comprehensive Land Use Plan to allow approximately 30 acres to be changed from Agricultural Conservation to Residential Conservation. The property is located on the north side of Peach Orchard Road and is currently undeveloped.

The Planning Commission recommends approval of this application.

Public Hearing

After Mr. McGregor's presentation, the Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to the request. The following person spoke.

- Ø Dottie Perkins spoke in opposition to the proposed Map Amendment. She stated that she lives very near the property that is seeking a change. Ms. Perkins is concerned about the natural ambiance of this area and would not like to see the trees cut down which would cause the birds and the squirrels to not have a safe haven to live.

The Chairwoman asked Ms. Perkins to talk to Mr. McGregor and the property owners about the possibility of buffering the proposed development from her home and to leave as many trees as possible on the development. After all comments, the Chairwoman closed the public hearing and Council took action on second reading.

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

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS - None

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, Johnathan Bryan, presented this proposed ordinance to Council for first reading consideration. This particular ordinance mirrors what the City of Sumter currently has in place in handling problems with drug paraphernalia. Mr. Bryan asked Council to grant first reading to this proposed ordinance.

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

- (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.

This item was removed from the agenda as requested by the Public Safety Committee.

- (3) 07-649 – First Reading -- An Ordinance Abandoning The County's Interest In Hideaway Court And Authorizing The Transfer Of Hideaway Court To Andrew Merck And Mary Merck

The County Attorney, Mr. Bryan, asked Council to defer action on this matter until the next meeting.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd and unanimously carried by Council to defer action at this time.

- (4) 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 -

- (1) 07-645 – Third 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.

Mr. Bryan presented this proposed ordinance to Council for third reading approval. He stated that there have been no changes to this ordinance since first reading.

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

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held On Tuesday, July 10, 2007, At 3:30 P.M. In County Council's Conference Room At The County Administration Building (Byrd, Blanding, and Robinson.)

The Committee Chairman, Councilman Byrd, presented the following issues for action by Council.

1. First Tee Advisory Committee -- (Need one female appointee): The Committee recommended Patty Wilson to represent Sumter County Council on this Committee

ACTION: MOTION received from the Committee, seconded, and unanimously carried by Council to approve the recommendation as presented.

2. Cultural Commission -- Eligible For Reappointment: Wygelia Palmer, Stephen Winn, and Michael D. Duffy; Vacancy: One (formerly held by Eric Bultman): The Committee recommended that Wygelia Palmer, Stephen Winn, and Michael Duffy be reappointed to the Cultural Commission and no action was taken on the vacancy of Eric Bultman.

ACTION: MOTION received from the Committee, seconded, and unanimously carried by Council to approve the recommendation as presented.

3. Development Board -- Andre McBride (eligible for reappointment): The Committee recommended that Andre McBride be reappointed to the Development Board.

ACTION: MOTION received from the Committee, seconded, and unanimously carried by Council to approve the recommendation as presented.

4. Zoning Board of Adjustment And Appeals -- Eligible For Reappointment: Albert Douroux, Liz Harrington, and J. Cabot Seth: The Committee made the following recommendations for appointment to the Zoning Board of Adjustment And Appeals – Sam Lowery, Luke Hall, and reappoint Albert Douroux.

ACTION: MOTION received from the Committee, seconded, and unanimously carried by Council to approve the recommendation as presented.

5. Library Board -- Eligible For Reappointment: Harrison Brown, Delcia Harper-Baxter, and Jack Howle, Jr., Request For Special Consideration: Virginia K. Ray and Glenda W. Denny. The Committee recommended that Mr. Brown, Mrs. Harper-Baxter, and Mr. Jack Howle be reappointed to serve on the Library Board. It was further recommended that Virginia Ray and Glenda Denny and Ben Griffith be granted extended time to hire a new Library Director. The extension of the terms is until October 1, 2007.

ACTION: MOTION received from the Committee, seconded, and unanimously carried by Council to approve the recommendation as presented.

(2) Public Safety Committee Meeting Held On Tuesday, July 10, 2007, At 4:00 P.M. In County Council's Conference Room At The County Administration Building (Baker, Baten, and Robinson.)

The Chairman of the Committee, Councilman Baker, gave the following report and recommendations.

1. Discussion On Fees To Be Charged To Inmates At Sumter-Lee Detention Center.

Discussion on this matter was for information only.

2. Continued Discussion On Proposed Ordinance No. 07-646 - Concerning Drug Paraphernalia.

Council granted first reading to this ordinance; however, the Attorney will work on making a few changes to the ordinance prior to second reading.

3. Continued Discussion On Proposed Ordinance No. 07-647 -- 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.

The committee discussed this matter in detail and decided not to take any action on first reading at the July 10, 2007, meeting. The County Attorney was asked to revamp the ordinance and bring it back before Council at the July 24, 2007, meeting.

4. Executive Session -- Contractual Matter Pertaining To Sumter Lee Detention Center Housing Federal Inmates.

No action taken.

(3) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, July 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.)

Ø Approval of One Part-time Position for the Sheriff's Office. The Committee discussed and approved a request from the Sheriff's Office for a part-time attorney to be located in the Sheriff's Department.

ACTION: MOTION and second received from the Committee, and unanimously carried by Council to approve a part-time Attorney position and the funding for the position will come from the Administrator's Legal Funds Line item.

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

Minutes- Regular Meeting of Sumter County Council

July 10, 2007

Page 8

No report given.

MONTHLY REPORTS:

- Ø Sumter County Shiloh Water System.
- Ø Sumter Development Board
- Ø Yardley Research Group Report
- Ø South Carolina Department Of Corrections
- Ø Senate Bill S-237
- Ø Letter To the Editor – Eleanor McLeod
- Ø Lake Marion Regional Water Agency

ADMINISTRATOR'S REPORT:

- Ø The Administrator asked Council members to review the Letter from Jon E. Ozmint, Director of South Carolina Department of Corrections. It states that all the 2007-2008 State Budget includes funding that will allow the State to increase Randle E Processing capacity and open more inmate beds. The budget also includes a proviso related to the topic of inmate admissions.

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:

- Ø Robert Hall, stated that he moved from Nevada to Sumter approximately four years ago. He stated that he found a lot in Emerald Lake Subdivision. While they were negotiating to purchase this lot, they were told that Emerald Lake was on the docket to have the road paved. This has gone on for three years. He asked Council what will be done about this problem.
- Ø Ann August stated that the construction of the Intermodal Center is continuing as scheduled. The Archives and History of the State of South Carolina is continuing to monitor the construction.
- Ø Rev. Howard spoke to Council about the problems at Emerald Lakes Subdivision.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:40 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 24, 2007

.....
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: July 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: June 5, 2007

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding