

**Minutes  
Sumter County Council  
Regular Meeting  
January 9, 2007 - Held at 6:00 p.m.  
County Administration Building County Council Chambers  
13 E. Canal Street, Sumter, SC**

**MEMBERS PRESENT:** Vivian Fleming-McGhaney, Councilwoman; Eugene Baten, Councilman; Artie Baker, Larry Blanding, Jimmy Byrd, Charles T. Edens, and Roland Robinson.

**MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Mr. William T. Noonan, County Administrator; Mr. Johnathan Bryan, County Attorney; Mrs. Mary W. Blanding, Clerk To County Council; Mrs. Donna McCullum, Interim Planning Director and Zoning Administrator; Mrs. Patricia Jefferson, Voter Registration/Election Commission Director; Mr. Gary Mixon, Recreation Director; Mr. Eddie Newman; Public Works Director; Pamela Craven, Finance Director; and Mr. Charlie Holmes, SUATS Manager.

**MEDIA PRESENT:** The Item

**PUBLIC PRESENT:** Approximately 29 members of the public were in attendance.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of January 9, 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 January 9, 2007, agenda with any additions or deletions. The Clerk to Council asked Council to consider adding one item under New Business and three items under Executive Session as listed below:

- **New Business #3:** Request For Funding From Legislative Action Group.
- **Executive Session:** (c) Discussion On Contractual Property Matter, (d) Discussion On Possible Appointments To Boards And Commissions (Santee Lynches Regional Council On Governments, Alcohol and Drug Abuse Commission, and Planning Commission, And (e) Legal Briefing Concerning Proposed Policy For County's Commissions and Boards.

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

**ACTION ON MINUTES OF DECEMBER 12, 2006:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of December 12, 2006, as presented.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Byrd, and carried by Council to grant approval of the minutes of December 12, 2006, as presented by the Clerk. Councilman Larry Blanding abstained.

**NOTE: Election Of Sumter County Council Officers Will Be Held Immediately After Action On The Minutes.)**

- (1) Election Of County Council's Officers: Chairman and Vice Chairman. (This matter will be heard as the first item on the agenda after action on the minutes of December 12, 2006.)

Councilwoman McGhaney, as the presiding officer for this meeting, asked for nominations for Chairman of Sumter County Council; only one nomination was given.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to elect Vivian Fleming-McGhaney as Chairwoman of Sumter County Council beginning immediately and until the next election of Chairman of Council.

Then the Chairwoman asked for nominations for Vice Chairman of Sumter County Council.

**ACTION ON VICE CHAIRMAN**

MOTION was made by Councilman Baker and seconded by Councilman Byrd to elect Charles T. Edens as Vice Chairman of Sumter County Council.

Then Chairwoman asked if there were other nominations. The following nomination was made:

MOTION was made by Councilman Robinson and seconded by Councilman Blanding to nominate Councilman Eugene Baten as Vice Chairman of Sumter County Council.

The Chairwoman asked if there were any additional nominations; there were none; then she took action on the two motions by beginning with the last motion.

**Vote By Show Of Hands:**

**Yes Votes:** Councilmen Baten, Robinson, Blanding, and Chairwoman McGhaney

**Nay Votes:** Councilmen Baker, Byrd, and Edens.

The Motion carried for Council Baten to be elected as Council Vice Chairman beginning immediately and extending until the next election of Vice Chairman of Sumter County Council

**LAND USE MATTERS AND REZONING REQUESTS**

**Planned Development/Rezoning Request -**

- (1) MA-06-06 - Thomasina Portis -- First Reading - (06-632) - A Request To Change Comprehensive Plan Map Designation From Agricultural Conservation (AC) To North Kings Highway And West McLester Road. (Tax Map #077-00-01-020).

Mrs. Donna McCullum, Interim Planning Director, stated that this request is from Dr. Thomasina Portis to change the County Comprehensive Plan Map Designation from Agricultural Conservation for property located at North Kings Highway and West McLester Road. The applicant asked Council to consider placing a new request on Council's agenda to consider Agricultural Conservation instead of Residential Conservation.

The Property owner and developer and other interested parties desire to rezone these properties to create a Residential Subdivision with approximately ½ acre lots. The land is situated at the end of W. McLester Road off of North Kings Highway northwest of Shaw AFB. Future plans involve rezoning this parcel through a rezoning request to Planned Development but at this time a request could not be processed because the properties lie within the Comprehensive Plan area designated as Agricultural Conservation (AC) and a Planned Development is not an alternate zoning district.

This request is to change the Comprehensive Plan map designation to Residential Conservation (RC). The 17.7 acres of land are bounded to the North and East by the Limited Business Development (LBD) and AC Comprehensive Plan designations. To the West this tract is bounded by AC. To the South the property is bounded by AC. Planned development is an alternate zoning district under the RC Comp Plan Designation. With this change to the Comprehensive Plan map, the rezoning action could be processed and be in compliance with the Comprehensive Plan.

The proximity of this property to an existing school and in an area designated for future Limited Business Development makes this ideal for a small scale residential development.

Mrs. McCullum stated that the Planning staff recommended approval of the request and the Planning Commission recommended approval of the request. She also showed Council the plans for the property layout. Afterwards, Council members had dialogue about this request.

Councilman Edens asked for the minutes of the Planning Commission meeting which were not available at this meeting. He also asked Mrs. McCullum whether or not the Planning Commission discussed this request as setting precedence throughout the County; he also asked since this property is beside a school does it make a difference in how the request is presented.

Mrs. McCullum stated that there was not much discussion about this matter because the Planning Commission was actually in support of the initial request. Councilman Edens stated that he is not against a residential development in this area; however, he is concerned with the request as it relates to what the Comprehensive Plan indicates in its verbiage. He further stated that he would like for County Council, the Planning Commission, and the Planning Staff to review the Comprehensive Plan in its current state.

Mrs. McCullum stated that if it is the mission, vision, or goal of Council to review the Comprehensive Plan along with the Planning Commission and staff, then that is what we would be glad to do at this point. She also stated that by reviewing the Comprehensive Plan it would also give the Planning staff some direction as to what is expected of the staff from County Council. Lastly, Mrs. McCullum stated that during the last two years, in different areas of the County, approval has been given to changes within the Comprehensive Plan to change location to Reservation Conservation which allowed developers to develop property. This request would allow the Planning staff to be consistent with previous requests.

Councilman Edens stated that Council needs to consider changing the Comprehensive Plan; if Council is sure it wants one-half acre lots in Agricultural Conservation, the Comprehensive Plan could be changed by changing the Plan to reflect one-half acre lots throughout the County instead of one acre-lots.

After all discussions, Council took action on first reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Robinson, and carried by Council to grant first reading approval as presented. Council Edens voted nay.

**NOTE:** Councilman Edens asked Council to consider having discussions on the Comprehensive Plan before the next meeting concerning the pros and cons on changing the Plan in the manner requested.

- (2) OA-06-21 – Planning Commission Staff – (06-629) – Third Reading – A Request To Revise Article Five, Section 5.b.7, Flood Hazard Areas Of The Zoning And Development Standards Ordinance To Incorporate New Revisions Of Our Flood Insurance Rate Map Dated February 16, 2007, To Meet The Requirements Of Our Flood Damage Prevention Ordinance And The FEMA'S Flood Plain Model Ordinance.

Mrs. McCullum stated that this request is before Council for third reading. There have been no changes since first reading. Then Council took action on third reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Blanding, and unanimously carried by Council to grant third reading approval as presented. Councilman Byrd was not in Chambers during action on this item.

- (3) OA-06-23 – Planning Commission Staff – (06-630) – Third Reading – A Request To Revise Section 130, Land To Which This Ordinance Applies And Section 210, Definitions, Of The Flood Damage Prevention Ordinance To Incorporate New Revisions And Additions To Meet The Requirements Of FEMA's Flood Plan Model Ordinance And Our New Flood Insurance Rate Maps Dated February 16, 2007.

Mrs. McCullum also stated that this request is before Council for third reading and there have been no changes since first reading. Then Council took action on third reading.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant third reading approval as presented. Councilman Byrd was not in Chambers during action on this item.

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS – None

NEW BUSINESS

- (2) A Request To Support A Resolution From Beaufort County Council Concerning Enforcing The United States Immigration and Nationality Act.

The County Administrator presented the proposed ordinance which refers to the Immigrations and Nationality Act, Section United States Code 8 U.S. C. §1101 et seq. After review of the resolution from Beaufort County, Council took action on supporting the resolution.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, unanimously carried by Council to grant support of the resolution as presented and directed the Chairwoman to write a letter informing Beaufort County of Sumter County's support.

(3) Request For Funding From Legislative Action Group To Market Sumter County

The Administrator, William T. Noonan, presented a request from the Chamber of Commerce for Sumter County to join with the City of Sumter, the Chamber, and private sector to have a Sumter Legislative Day in Columbia, SC to "sell Sumter" to the State General Assembly. The cost for the marketing is \$30,000 and each partner would pay a fair share of the cost. The event would require Sumter to set-up a reception, dinner, etc. to try to teach other legislators about what is going on in Sumter County and why Sumter needs support of its requests.

Councilman Baker stated that he has concerns in funding this project since the Sumter County Legislative Delegation stated at a meeting between Council and the Delegation on December 19, 2006, that many funding approvals are based on "numbers of legislators" from a given area. He further stated that Sumter County might want to consider joining forces with other Counties to fund this event instead of Sumter going at this project alone.

Councilman Robinson asked if there is a need for Sumter County to hire a lobbyist. The Administrator stated that if the County is doing an effective job in the roles that Council and the Administrator have in its dealings with the Legislative Delegation and the Association of Counties, then it might not be necessary to hire a lobbyist.

Mr. Noonan stated that the affairs would be an evening event on April 11, 2007. Then Council members asked Councilman Blanding his thoughts on this matter. Councilman Blanding stated that it has been a while since he was in the State House, but based on what Mr. Noonan has described, this event could be a waste of time. If an issue is not affecting a legislator's particular area, the legislators will find something else to do or just go home.

Chairwoman McGhaney stated that she would hope that Council would not bow-out at this time since so much work has gone into the planning of this event. Councilman Edens was interested in which items would be discussed during the gathering. Mr. Noonan informed Council that this still needs to be developed.

Councilman Edens also asked for the Administrator to find out which, if any, other Counties have participated in such an event and what were the results of their efforts. After discussion, Council took action on this matter.

**ACTION:** MOTION was made by Councilman Baker to approve this request contingent upon other entities committing their equal share of funds, resources, etc. in participating in the event and to see if any other surrounding Counties would be interested in participating in this event. The Chairwoman called for the second to the motion, no second was received; therefore the motion died.

- (4) May Be Suggested To Hold Executive Session To Receive A Legal Briefing From The County Attorney Or Discuss Contractual Or Personnel Matters. (The Executive Session Items May Be Discussed At The End Of The Meeting Or During New Business.)

Chairwoman McGhaney stated that she would entertain a motion to enter executive session to discuss items “a, b, c, d, and e”.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Vice Chairman Baten, and unanimously carried by Council to enter executive session to discuss items a, b, c, d, and e, as listed below. After all executive session items were discussed, Council re-entered open session to take action on the aforementioned items.

- a) Contractual Matter Pertaining To Lake Marion Regional Water Authority

No Action Taken.

- b) Contractual Matter and Legal Briefing Pertaining To Wedgefield Stateburg Rural Water Company

Chairwoman McGhaney stated that she would entertain a motion concerning action on a contract with Wedgefield Stateburg Rural Water Company.

**ACTION:** MOTION was made by Councilman Robinson, seconded by Councilman Baker, and unanimously carried by Council to direct the County Attorney along with the County Administrator to enter into a contract with Wedgefield Stateburg Rural Water Company.

- c) Discussion On Contractual Property Matter (Airport Road).

Chairwoman McGhaney stated that she would entertain a motion concerning action on a contractual property matter.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Robinson, and unanimously carried by Council to direct the County Attorney along with the County Administrator to continue negotiations on this matter and report their negotiation results to Council at its next meeting

- d) Discussion On Possible Appointments To Boards And Commissions (Santee Lynches Regional Council On Governments, Alcohol and Drug Abuse Commission, and Planning Commission.

This matter will be placed on the first meeting of Internal Affairs. No action taken.

- e) Legal Briefing Concerning Proposed Policy For County’s Commissions and Boards.

No action taken. The County Attorney will continue to review this matter.

- (5) 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) 06-631 – Second Reading – An Ordinance To Amend Sumter County Ordinance No. 04-550 To Add Two Board Members To The Sumter Development Board.

The County Attorney, Johnathan Bryan, stated that this ordinance will allow for two members to be added to the Sumter Development Board. One of the members would be selected by the Sumter Smart Growth Initiative, Inc. and the other member would be appointed by Sumter County Council. No changes since first reading.

**ACTION:** MOTION was made by Councilman Robinson, seconded by Councilman Baker, and unanimously carried by Council to grant second reading approval to this proposed ordinance as presented.

**COMMITTEE REPORTS**

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

No Committee Reports.

**MONTHLY REPORTS:**

- Letter From Donna McCullum and Julie Scarborough, Planning Secretary
- School District #17
- Lake Marion Regional Water System Minutes
- DHEC Letter Dated December 28, 2006
- Letter From Jay Schwedler Project Watson
- Letter To James J. Feda, Jr. (I-95 Rest Area)

**ADMINISTRATOR'S REPORT:**

1. Update On Industrial Signage – May Require Action By County Council. This matter was not discussed at Council's January 9, 2007, meeting.
2. Financial Statement: Council members were given copies of the financial statement covering the period of July 1, 2006, through November 30, 2006.
3. Budget Schedule/Workshop: Council members were given a copy of the proposed budget schedule for 2007-2008. A budget workshop will be scheduled at a later date, since the date of January 30, 2007, was not agreed upon by all Council members.
4. Awards Banquet: Approximately 463 persons participated in the Service Awards Banquet. The Administrator thanked Council for sponsoring this event which was held on December 22, 2006.
5. Letter From Department Of Corrections: The Administrator stated that the S. C. Department of Corrections has written a letter (Dated January 4, 2007) allocating slots for various counts and various crimes. Sumter County's slots have been reduced in total numbers. Mr. Noonan stated

that a correctional/detention center cannot allocate slots for sentenced inmates. The Association of Counties is challenging the actions of the Department of Corrections. The Administrator will keep Council informed about this matter. The Sheriff's Association and the Jail Administrator's Association are working on this matter too.

- a) The Shaw Sumter Concert Association: This group made a request before Council during 2006 and asked for funding of \$10,000 for their fiscal year which runs from September 2006-June 2007. The funds were not requested prior to the County's 2005-2006 fiscal year end of June 30, 2006. Therefore, the funds were rolled over into the County's general fund. In order for the Association to receive its approved funding, Council is requested to re-appropriate the funds from Council's 2006-2007 Contingency Funds. The Association will be notified by the Clerk to request the funds through the Finance Department.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant approval of the request as presented.

**PUBLIC COMMENT:**

The Chairman stated that she would entertain comments from the public.

- Mrs. Carrie Sinkler-Parker an Associate State Director For Communities For AARP South Carolina. She asked Council to partner with AARP for a free Tax Aid Program for individuals with low to moderate income; the taxing sites are as follows: Central Carolina Technical College, Morris College, South Hope Center, North Hope Center, and Bernie Hope Center. Also, Mrs. Sinkler-Parker stated that AARP has a driver's safety program which is an eight hour course at a cost of \$10 per person, which might result in a vehicle insurance discount for persons 50 and above. NOTE: South Sumter Resource Center will provide taxing services at its center; however, it is not through AARP.

**ADJOURNMENT:**

NOTE: Prior to adjourning, Councilman Blanding asked for the following statement to be placed in Council's records: Mrs. Mary W. Blanding, the Clerk to Sumter County Council, is not related to Councilman Larry Blanding by blood or by marriage. Councilman Larry Blanding has a sister named Mary Blanding; however, the Clerk and his sister are not one in the same person.

There being no further business and no additional comments from the public, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney  
Chairman or Vice Chairman  
Sumter County Council

Mary W. Blanding  
Clerk to County Council

Approved: January 23, 2007



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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:** January 4, 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:** January 4, 2007

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

**BEAUFORT COUNTY, SOUTH CAROLINA  
RESOLUTION**

**A RESOLUTION IMPLORING AND URGING PRESIDENT GEORGE W. BUSH AND THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNEMENT AND THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES (CONGRESS) TO STRONGLY ENFORCE THE UNITED STATES IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. §1101 *et seq.* (THE "ACT") AND TO APPROVE INTO LAW ANY AMENDMENTS NECESSARY TO FURTHER ADDRESS OUR CITIZENS' CONCERNS ABOUT THE NEGATIVE IMPACT OUR POROUS BORDERS ARE HAVING ON OUR NATIONAL SECURITY AND THE QUALITY OF LIFE IN OUR CITIES AND IN OUR STATES AND NATION.**

**WHEREAS, our country was founded on the basic principle that we were a country of laws, not of men, and the absolute necessity to both obey and respect the law; and**

**WHEREAS, these principles of government and being a good citizen have been adhered to since our independence was declared on July 4, 1776, with the stirring words of our Declaration of Independence, the final ratification of the United States Constitution in 1789, and the Bill of Rights in 1791, and we have passed these principles on to each generation, and particularly to our school children; and**

**WHEREAS, the Immigrations and Nationality Act, Section United States Code 8 U.S.C. §1101 *et seq.*, amended substantially in 1986 and 1996, has throughout our history been and continues to be one of our country's most important laws, virtually any country's most important laws, as it relates directly to the security of our borders, the security of the country, and our only means by which we can reasonably assure our citizens that those coming into our country from other countries are good citizens who will be loyal to this country and respect the Rule of Law and contribute to the overall welfare of our citizens and this country; and**

**WHEREAS, in the last ten (10) or more years, the Act has not been strongly enforced and literally millions of individuals have come into our country in flagrant violation of the Act, most of the illegal aliens coming in across our most southerly border; and**

**WHEREAS, it has been estimated that there are currently tens of thousands of illegal aliens living in the State of South Carolina and thousands in Beaufort County; and**

**WHEREAS, our country's open, porous borders are a clear threat to our national security, which threat was heightened significantly after 9/11; and**

**WHEREAS, the citizens of this state and nation and the citizens of the Beaufort County are concerned, worried, upset, frustrated, and downright mad that President Bush and the Executive Branch of the United States government has and is totally failing in the enforcement of the Act as it relates to the influx of illegal aliens; and**

**WHEREAS, the citizens of the Beaufort County are just as concerned that our legislative delegation has been unable to assert itself enough to result in the Executive Branch carrying out its sworn responsibilities to enforce the Act; and**

**WHEREAS**, if the Executive Branch and our legislative delegation believe the current Act is inadequate to address the problems of millions of illegal, undocumented aliens in our country, then Congress should set aside its partisan differences, its sectional differences, its philosophical differences, and agree on amendments to the immigration law that are needed and that will enable the Executive Branch to address the issues; and

**WHEREAS**, our local citizens are worried and concerned about the impact of illegal aliens on our national security, crime rates, illicit drug trade, the negative impacts on property values, public schools, park lands, public hospitals, taxes, welfare costs, and other potential major problems, as reflected in the multitude of letters and e-mails received at County offices and our local newspapers relative to this issue; and

**WHEREAS**, even though the issues are complex, the underlying important principle is the necessity in this country to obey and respect the laws, the Rule of Law, and that is not what is happening and is not what has been happening in this country for at least the last ten (10) years; and

**WHEREAS**, as witnessed by the letters and e-mails, the citizens of Beaufort County, due to the inaction of the Executive and Legislative branches of our Federal Government to enforce the Act, are imploring, urging, and demanding their Council to enact its own laws to help in the enforcement of the Act; and

**WHEREAS**, the Beaufort County Council is not only sympathetic to the pleas of its citizens, but is in agreements with the major concerns expressed and is, consequently, carefully reviewing the role the County can take to help support and enforce the United States immigration laws,

**NOW THEREFORE**, the Beaufort County Council urges the President to take positive and meaningful steps to enforce the immigration laws and further urges Congress to move forward to approve meaningful legislation, legislation that will assist the Executive Branch in enforcing the law,

**Section 1:** That all matters in the above recited preamble are found to be true and correct and are incorporated into the body of this resolution as if copied in their entirety.

**Section 2:** (A) That the County Council of the Beaufort County urges and implores President Bush and the Executive Branch to commence immediately to enforce our immigration laws and address the serious problem of the breakdown of the Rule of Law in this country as it relates to the millions of illegal aliens within our boundaries.

(B) That the United States Congress and particularly our Congressional Delegation from the State of South Carolina, the Honorable Lindsey Graham, the Honorable Jim DeMint, the Honorable Joe Wilson, the Honorable James Clyburn, the Honorable Henry Brown, the Honorable Bog Inglis, the Honorable John Spratt, the Honorable J. Gresham Barrett, exert all of their combined wisdom, strength, influence, and dedication to the Rule of Law to see that a meaningful amended "Act" is expeditiously approved that addresses the many concerns of the citizens of Beaufort County and of this state and nation.

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**Section 3: That a copy of this resolution with an accompanying letter signed by the Chairman and each member of the Beaufort County Council be sent to the Honorable George W. Bush, President of the United States; to the Honorable Congressional Delegation of the State of South Carolina; to the Honorable Mark Sanford, Governor of the State of South Carolina; and all members of the General Assembly, all County, Municipal, and School District offices in the State of South Carolina.**

**Adopted this 27<sup>th</sup> day of November, 2006.**