

**Minutes
Sumter County Council
Regular Meeting
November 13, 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 Councilman 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; Mr. George McGregor, Planning Director; Mrs. Pam Craven, Finance Director; Mrs. Lorraine Dennis, Deputy County Administrator/Human Resources Director; Mr. Gary Mixon, Deputy County Administrator; Keysa Rogers, Budget Analyst; and the Honorable Verna Moore, Sumter County Coroner.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 15 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of November 13, 2007, to order.

INVOCATION: Chairwoman 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 November 13, 2007, agenda with any additions, deletions, or as printed.

ACTION: MOTION was made by Councilman Blanding, seconded by Councilman Baker, and unanimously carried by Council to approve the November 13, 2007, agenda as presented.

ACTION ON MINUTES OF OCTOBER 23, 2007: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of October 23, 2007.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Byrd, and unanimously carried by Council to grant approval of the minutes of October 23, 2007, as prepared by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS -

Planned Development/Rezoning Request -

- (1) RZ-07-08, C-Cubed Carolina, LLC - Third Reading --Request To Rezone From Agricultural Conservation (AC) To Residential Conservation / Residential-15 (RC/R-15) Property Located At 4550 Peach Orchard Road And Identified By Tax Map #150-00-02-015. (Prior To Council Taking Action On Second Reading, The Chairwoman Will Convene A Public Hearing.)

Mr. George McGregor, the Planning Director, stated that there are no changes to third reading to this proposed rezoning request. However, he stated that he would like Council members to know that there was one adjacent property owner that did not make it to the public hearing; however, this neighbor's comments were filed with other matter relating to this rezoning request. After all comments, 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 approval and adoption to this rezoning request as resented.

- (2) OA-07-07 -- Sumter County Council - First Reading (07-655) -- Request to amend Section 8.i.6.d of the County Zoning Ordinance concerning Political Signs.

Mr. George McGregor, the Planning Director, stated that Sumter County Council instructed staff to forward this request to the Planning Commission for review and consideration. The request is to amend the County Zoning Ordinance relative to Political Signs. It was suggested by Council for the ordinance to be standard across the board for two reasons: (1) size equality for all locations across the entire County instead of breaking out different sizes for various zoning districts and also (2) to make it easier to enforce these type sign regulations. This amendment would also mirror the State Guidelines on size.

The Planning staff and Planning Commission recommend approval of the proposed change as outlined bellowed.

Section 8.i.6.d

Political Signs: Signs in this category are specifically designed to allow non-commercial speech that promotes the purposes of a democratic society. Signs in this category may be erected that support candidates for elected office at the local, state, or federal levels of government. Also, signs in this category may promote non-commercial speech covering issues or causes that the First Amendment of the U.S. Constitution may protect. Some examples of signs that promote non-commercial speech are signs announcing ballot initiatives, voter registration campaign signs, or signs that seek to advance special interest causes. (Note: this list is not intended to be all-inclusive). In no case should these regulations be used to sanction slander or language that deprives the community of its standards of moral decency. The following items are designed to implement the stated purpose herein; while insuring that the City and County of Sumter are protected against inordinate sign clutter, and deteriorated or abandoned signs that detract from the appearance of the community.

1. No sign allowed in this section may be erected or allowed within the public rights-of-way or on other public properties;
2. ~~No individual sign allowed in this section may be erected on a commercial, Agricultural or industrial zoned parcel that exceeds 16 square feet.~~
Political signs must not exceed 32 sq. ft. in size.
3. ~~No individual sign allowed in this section may be erected on a private Residential or conservation preservation zoned parcel that exceeds six (6) square feet.~~
3. Political signs erected for a specific election or referendum may be erected no more than ~~60~~ 90 days prior to that polling date and must be removed no later than 15 days after that date by the candidates.
4. No signs(s) allowed in this section shall become deteriorated or fall into disrepair. If a sign(s) becomes deteriorated or otherwise falls into disrepair the signs(s) shall be subject to removal; provided that adequate documentation shall be placed on file. The affected property owner shall be notified of the offense by certified mail, or by hand, and shall be given 15 days to repair the said signs(s), after which time the property owner shall be subject to fine(s) and the removal of the signs(s).

After all comments, Council took action on first reading.

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

Street Name Change – None

Grant Awards – None

OTHER PUBLIC HEARINGS – None

NEW BUSINESS

- (1) First Reading -- 07-654 -- An Ordinance Authorizing The Transfer Of In A Portion Of Lynette Drive To Sumter Transport Company.

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for first reading consideration. After review of the ordinance, Council took action on first reading as listed below.

WHEREAS, Lynette Drive, as shown on the Sumter County Auditor's Tax Map Sheet #208, extends from Cockerill Road (Road S-43-645) northwesterly to the CSX Railroad where it ends; and

WHEREAS, Sumter County Council previously determined that the section of Lynette Drive which begins at the CSX Railroad and extends 0.14 miles in a southeasterly direction is unnecessary for public use and abandoned the maintenance of that by Sumter County from its County Road Maintenance Program by its Resolution which was voted upon and passed on September 11, 2007; and

WHEREAS, the County neither claims nor denies that it has a dedicated right-of-way to the portion of Lynette Drive affected by this Ordinance, but acknowledges that the South Carolina Department of Transportation, by correspondence dated August 29, 2007, has abandoned its interest in that part of Lynette Drive and has removed that part of Lynette Drive from the State Highway System with the understanding that Sumter County will accept maintenance responsibility for this section of road even though previously the State of South Carolina Department of Transportation has, from time to time in the past, maintained Lynette Drive for the benefit of the general public; and

WHEREAS, the County has determined in regard to the portion of Lynette Drive proposed, to be conveyed pursuant to this Ordinance that there is little use thereof by the general public, that the persons traveling to and from other real property situated on the Lynette Drive have adequate access to and from such other property without using the portion of Lynette Drive proposed to be discontinued, that the cost of maintenance of the portion of Lynette Drive proposed to be discontinued is quite high compared to the low use thereof, and that the proposed discontinuance will result in the savings to the County in maintenance cost and that the proposed discontinuance will not adversely affect travel on the remaining portion of Lynette Drive ; and

WHEREAS, Sumter County does not currently need the property for any public purpose,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That Sumter County hereby affirms that it has previously abandoned its interest in and hereby deletes that part of Lynette Drive which begins at the CSX Railroad and extends 0.14 miles in a southeasterly direction from Sumter County's maintained road system.

2. That this Ordinance does not affect any rights in or to Lynette Drive other than the rights of Sumter County therein, should any there be.

3. The County Council Chairman has complete authority to execute any deeds or other legal instruments necessary to carry out the provisions of this resolution.

4. That Sumter County convey to Sumter Transport Company, a South Carolina Corporation, by quitclaim deed, its interest in the 0.14 miles of Lynette Drive which begins at the CSX Railroad and extends 0.14 miles in a southeasterly direction.

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

- (2) 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) Third Reading – 07-653 – An Ordinance To Enlarge The Jointly Owned And Operated Industrial/Business Park Created, In Conjunction With Clarendon County, By Sumter County Ordinance No. 95-283 And Clarendon County Ordinance No. 10-9-1955, And Last Enlarged, In Conjunction With Clarendon County, By Sumter County Ordinance No. 97-321; To Amend The Agreement Between Sumter County And Clarendon County Pertaining To Such Industrial/Business Park By Adding Thereto Certain Real Property And The Improvements Thereon In Sumter County South Carolina And In Clarendon County; And, To Approve A Revised Exhibit “A” To Such Agreement, Describing The Property Located In Such Park By Adding Thereto Descriptions Of The Additional Property In Sumter County And In Clarendon County As Exhibits A, B, C And D Herein.

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for third reading approval. He stated that this ordinance allows for Kaydon and Porter Fabrications to be added to the Multi-county Industrial Park with Clarendon County. Mr. Bryan stated that there are no changes to the ordinance; therefore, 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 to this ordinance as presented.

COMMITTEE REPORTS:

- (1) Public Safety Committee Meeting Held On Tuesday, November 13, 2007, At 3:30 P.M. In County Council’s Conference Room At The County Administration Building (Committee Members: Baker, Baten, and Robinson – All Council Members Are Asked To Attend This Meeting.)

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

- A. Discussion Concerning Asking SCDOT To Reverse Its Decision To Shut Down Public Access To The Sumter Side Of Wateree River. The Committee discussed this issue and recommended that the Chairwoman write a letter on behalf of Sumter County Council asking that SCDOT reverse its decision to shut down public access to the Sumter side of Wateree River.

ACTION: MOTION and second were received from the Committee to approve the recommendation as presented to ask staff to compile and send a letter to SCDOT requesting that they reverse its decision to shut down public access to the Sumter side of Wateree River.

B. Discussion Concerning Complaints Regarding A Local Night Club On Highway 76 In Sumter County, SC.

The Committee along with Sheriff Anthony Dennis and members of the public discussed this matter in detail. The County received reassurance from the Sheriff that this matter will be handled. No further action was taken.

C. Discussion On What Can Be Done About Under Aged Young People Being Allowed To Enter Night Clubs.

This matter was discussed; however, no action was taken.

D. Intersection Streetlight Requests And Discussion On Update To Current Intersection Streetlight Policy:

The Committee reviewed several intersection streetlight requests; the Committee recommended that Council approve intersection streetlights for Tequilla and Old Charleston Road and Reading Street and Cherryvale Drive. Streetlight requests for Highway 521 South and Boots Branch Road was recommended for denial, and West Emerald Lake Drive and Winfield Drive was recommended for denial.

ACTION: MOTION and second were received from the Committee to approve the recommendation as presented.

NOTE: The Committee also received a briefing concerning a proposed intersection streetlight policy which could be added to the Road Maintenance/Paving Policy. Council asked for information to be placed in the policy concerning a request at a school bus stop. This matter will be brought back to Council at a later time. No action was taken on the approval of the policy.

E. Letter To Santee Lynches Regional Council On Governments (SLRCOG) – Reference Highway 521 North.

The Committee discussed the need for Highway 521 to remain as the number one priority project for SLRCOG's highway construction projects. It was recommended that the Chairwoman of Sumter County Council write a letter to SLRCOG about this position of Sumter County Council.

ACTION: MOTION and second were received from the Committee to approve the recommendation as presented.

(2) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, November 13, 2007, At 4:30 P.M. In County Council's Conference Room At The County Administration Building (Committee Members: McGhaney, Blanding, and Edens – All Council Members Are Asked To Attend This Meeting.)

- ◆ Request For Funding (\$25,000) From Harvest Hope Food Bank. This matter was removed from the agenda.
- ◆ Request To Establish Two Historical Landmarks And Proper Upkeep Of Both Sites. (General Mabry Memorial Park And Bill Pinkney Memorial Park)

The Committee discussed the issues surrounding the proper upkeep of these two sites and the staff agreed to follow-up on this matter. The Committee also discussed the criteria for making these two parks Historical Landmarks. Staff was asked to review this request and follow-up with information regarding the criteria relating to this request. Lastly, the Committee asked that the “friends” of these parks to adopt these two parks for maintenance and other enhancements. The Administrator will update the Committee on this matter at its next meeting.

- ◆ Update On Airport Hangars. The Administrator informed the Committee the City of Sumter is willing to share the expenses for constructing the Hangars. However, decisions still need to be made regarding who would have the lead, the City or County, in securing bonds for this matter. Updates will be provided periodically.
- ◆ Discussion and Possible Action On A Date To Meet With Delegation. The Clerk will establish a date for a dinner meeting with input from the Delegation and report back to Committee.
- ◆ Executive Session Items:
The Committee discussed several executive session items including a contractual briefing from the Economic Development Director, Mr. Jay Schwedler. Also the Committee discussed the possibility of allowing the Administrator to conduct a feasibility study for establishing a Sumter County Planning/Building Department.

ACTION: MOTION and second were received from the Committee to approve the recommendation as presented.

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

- ◆ The Clerk announced that Councilman Larry Blanding, Councilman Jimmy Byrd, and Pam Craven are recent graduates of the South Carolina Economic Developers School 2007 year-long program.
- ◆ Chairwoman McGhaney, Councilman Edens, and Mr. Noonan have attended several Steering Committee meetings for South Carolina Association of Counties. Mr. Noonan and Councilman Edens are also members of the Board for SCAC.
- ◆ Council members have been attending awards presentations at local schools as part of the Chamber of Commerce Character recognition program. Vice Chairman Baten reported on this program and expressed his appreciation for the Chamber to recognize these students and allowing Council to be a part of the presentation process.
- ◆ Vice Chairman Baten also attended Santee Senior Services Annual Banquet.

MONTHLY REPORTS:

- ◆ Letter from Jan F. Litton, Manager, SCDHEC
- ◆ 2008 Capital Projects Information
- ◆ Letter From SCAC – Senate Spending Caps Study Committee Public Hearings
- ◆ Time Warner Cable
- ◆ Bids For Paving County Roads
- ◆ Letter from Phillip M. and Brenda S. Moseley
- ◆ Letter from Peggy Guinther
- ◆ Letter from Joseph Amen Rehby

ADMINISTRATOR’S REPORT:

- ◆ The letter in Council’s packets concerning Senate Spending Caps Study Committee needs to be monitored closely. The Administrator stated that this is a piece of legislation that does not need to be passed. If it is passed, it could truly hinder operations in County government statewide, but especially for a County such as Sumter.
- ◆ The Chairwoman, Councilman Edens, and the County Administrator will attend a Legislative Steering Committee Conference for SCAC on November 28-Decemeber 1, 2007.

PUBLIC COMMENT:

The Chairwoman asked if anyone from the public would like to make comments to members of Sumter County Council. No one spoke during public hearing.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney

Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding

Clerk to County Council
Sumter 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: November 8, 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: November 8, 2007

Respectfully submitted,

Mary W. Blanding
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