

Minutes
Sumter County Council
Regular Meeting
January 12, 1999
SUMTER COUNTY ADMINISTRATION BUILDING
County Council Chambers

MEMBERS PRESENT: James A. Campbell, Chairman; Louis Fleming; Vice Chairman; Carol Burr, Charles T. Edens, Naomi Sanders, Rudy Singleton, and Frank E. Williams, Jr..

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Ms. Mary W. Lewis, Clerk to County Council; Mr. William T. Noonan, County Administrator; Mr. Tony Criscitiello, Planning Director; Mr. Bill Hoge, Planning Coordinator; Ms. Kathy Cuttino, County Attorney; Mr. Tommy Mims, Sumter County Sheriff; Mr. Simon Major, Corrections Center Director; Mrs. Lorraine Washington-Dennis, Human Resource Director; Ms. Verna Moore, County Coroner; Mr. Gary Mixon, Recreation Director; Mrs. Jeanette Mixon, Finance Director; Mrs. Carolina Richardson, Accounting Supervisor; Mr. Eddie Newman, Public Works Director; Mr. Vic Jones, Public Safety Director; Mr. B. J. Jefferson, Appraisal Supervisor; Mr. Russell Elmore, EMS Director; Mrs. Patricia Jefferson, Election Commission Director; Ms. Faith Line, Librarian; Mr. Tom Douberly; Tax Collector; Mr. Latham Harris, County Assessor; and Mr. Ed. Owens, County Deputy Assessor.

MEDIA PRESENT: The Item and WIBZ Radio

PUBLIC PRESENT: Approximately 25 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and Reverend James Blassingame gave the invocation.

RECOGNITION OF PROBATE JUDGE: Chairman Campbell presented a retirement plaque to former County Probate Judge, The Honorable Bobby Rabon in honor of his recent retirement.

ELECTION OF COUNCIL OFFICERS:

The Chairman, the Honorable James Campbell, stated that all offices of Council were vacant at this time and that he would accept a MOTION for the office of Chairman.

ACTION: MOTION was made by Councilwoman Sanders to elect The Honorable Frank E. Williams, Jr. as Chairman of County Council. The motion died due to a lack of a second.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to elect The Honorable James A. Campbell as Chairman of Sumter County Council for the next two years.

The Chairman then asked for a motion to elect someone for Vice Chairman.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Burr to elect Councilman Frank E. Williams, Jr. as Vice Chairman. Then MOTION was made by

Councilman Singleton, seconded by Chairman Campbell, to elect Councilman Fleming as Vice Chairman.

Councilman Williams then asked that his name be withdrawn from the motion to nomination him as a candidate for Vice Chairman of Sumter County Council and that he would yield to Councilman Fleming for the seat of Vice Chairman. The MOTION was then carried unanimously to elect Councilman Louis Fleming as the Vice Chairman of Sumter County Council for the next two years.

ACTION ON MINUTES: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to approve the minutes of the December 8, 1998, meeting as presented by the Clerk.

NEW BUSINESS:

1. Audit Report for Fiscal Year 1997-98

Mr. Roger Long presented the Audit Report for Fiscal Year 1997-98 to Council. He suggested that Council review the report then, if Council desired, have the Administrator set-up a time for him to discuss the report in more detail with Council.

He stated that the Reserve Fund Balance as of June 30, 1998, is \$1,992,000 which is better than was predicted earlier by the financial staff. The County collected \$11,013,000 in ad valorem taxes which was \$1,400,000 short of the budgeted revenue. The County was able to use \$3,800,000 of Local Option Sales Tax revenue; it had been predicted that \$3,500,000 could be used. Total revenue was short \$1,100,000 within the County fiscal year 1997-98. The County expenditures were under budget by \$400,900.

The Management Letter will be given to Council members at its next meeting and will address new and existing internal controls.

ACTION: This matter was received as information.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests -

(1) Request from Venus Montgomery - A Request for Approval to Establish a Residential Care Center To Be Located At 25 Betley Lane, Sumter, South Carolina - Tax Map #224-05-05-024.

Mr. Bill Hoge stated that the Sumter County Zoning Ordinance Table I, Page VI-2 listed Residential Care Homes with a special footnote. The footnote states that the applicant is to notify the Chairman of County Council of the proposed site. The applicant has followed the process as necessary and outlined. County Council must then notify the applicant whether or not Council objects to the site. If Council objects to the site, then Council must find an alternate site for the applicant.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council to approve the request by Venus Montgomery as presented.

- (2) RZ-98-42 - SBA Towers, Inc. - **First Reading** - A Request To Rezone A Portion (2.1 Acres) Of Property Located At 1021 Cockerill Road (Tax Map 208-00-03-023 And 208-00-03-039) From Heavy Industrial And General Residential (Parcel Has Split Zoning) To Heavy Industrial For Both Parcels In Order To Construct A Communication Tower With A Height Of 275 Feet.

Mr. Hoge presented this request to Council. SBA Towers, Inc. requests to rezone the rear portion of the property located at 1021 Cockerill Road and property located at the corner of Cockerill Road and Campbell Court from General Residential to Heavy Industrial to retain one zoning classification for these properties.

The applicant plants to have a tower constructed on the rear of the property at 1021 Cockerill Road. The applicant wishes to retain one zoning district of Heavy Industrial for the entire parcel and to conform to the adjacent zoning of Heavy Industrial properties. The tower height exceeds the maximum of 100 feet in residential areas. If approved for rezoning, the tower would meet the height requirements of Heavy Industrial.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Burr, and unanimously carried by Council to grant first reading to this rezoning request.

- (3) OA-98-08 - Planning Commission Staff - **First Reading** - 98-362 - A Request To Amend Page X-27, Section 1008.23, Paragraph 6(f) Of The Sumter Zoning Ordinance, Temporary Uses, In Order To Provide Clarification For This Section Of The Ordinance. (**Public Comments will be continued on this item.**)

Mr. Hoge stated that the Planning Commission's staff have had problems with trying to approve requests from the public and interpreting the "intent" of this section of the ordinance. Therefore, he and the Planning Director recommended the following changes in the ordinance:

- (f) Temporary retail sales stands in the Neighborhood Commercial, Limited Commercial, General Commercial, and Industrial Districts for a period not to exceed (60) days, provided that:
- The sale stands are structures that are permanently affixed to the ground
 - They are accessory to the principal use on the property
 - The sale stands are located within the buildable area of the property
 - Powered or non-powered vehicles cannot be used as temporary retail sale stands
 - Seating accommodations may be permitted for no more than 14 persons
 - Any signs used must be in full compliance with Article XII of the Sumter Zoning Ordinance.
 - Non-profit and government sponsored events that last less than one week are exempted from Items 1, 2, and 4 above.

The Planning Commission and the Planning staff recommended approval of the request. Also, the City of Sumter has passed, approved, and adopted this change in the ordinance for City limits.

Council then allowed time for the Merchants Association to state its position on this proposed ordinance.

Mr. Rick Hines, member of the Merchants Association, stated that Sumter is no longer an agricultural community and is more urban. Several years ago, the Merchants Association sponsored a Peddler's License Ordinance to put more control on people coming into the community selling merchandise without any responsibility to the City, County, and citizens. It was thought that the Peddler's License would deter people from setting up shop in the County. However, some peddlers have started a "shared usage" habit - two merchants sharing the same property or facility. The Merchants Association would like for all merchants to pay the approved fees that have been approved by both Council and not have peddlers or other merchants to set-up temporary businesses and not be required to pay the required fees of this County. He asked Council to please approve this ordinance to not only help the merchants, but also Sumter County as a whole.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to the proposed ordinance amendment.

NOTE: Council asked the Planning staff to make sure that this ordinance did NOT cause hardship on the local farmers.

- (4) RZ-98-36 - PUD - 98-08 - Bob Belk (County) -- **Second Reading** - A Request To Rezone 107.91 Acres Of Property Located On Tillman Nursery Road, Off Highway 261 (Tax Map 128-00-01-003) From Rural Development District To General Residential, In Conjunction With A Planned Unit Development, In Order To Allow Development Of A 91 - Lot Mobile Home Subdivision. **(Public hearing will be held prior to action on second reading.)**

Mr. Hoge stated that there have been no changes to this rezoning request since first reading. He added that the request will allow for a 91-lot mobile home subdivision; the applicant is overlaying this request with a Planned Unit Development due to the private streets to be constructed within the subdivision.

The Planning Commission and the Planning staff recommended approval of this request.

The Chairman then convened a public hearing; after the public hearing, Council took action on this matter.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Singleton, and unanimously carried by Council to grant second reading to the proposed rezoning request.

Street Name Changes -

- (1) SN-98-05 - June Rainier (County) - **Second Reading** -- A Request To Change The Name Of Flight Road To Quail Run Road. Flight Road Is Located In Quail Hollow Subdivision Off Cains Mill Road (Tax Map 210-06)

Mr. Hoge presented the request from Ms. Rainier located in Quail Hollow Subdivision off Cains Mill Road. The road's present name is Flight Road and it is proposed to be changed to Quail Run

Road. The applicant has always used a Quail Run Road address and wishes to rename Flight Road to Quail Run Road to create one continuous street.

The history of this street indicates that the original properties in the early 70's where Mr. Riles and Mr. Johnson reside were recorded as Quail Run Road and is a private road. Mr. Burgess, a local developer, made plans for a subdivision named Quail Hollow Subdivision, which had a circular loop called Quail Run Road and Flight Road was the connector of the loop. The developer did not develop the second half of the subdivision; then Mr. Otis Catoe bought ten acres and the "road" which is located within the subdivision was called Quail Run Road. Therefore, both parties are using the approved names of Quail Run Road.

The Planning Commission and Planning staff recommended approval of the request. The Chairman then convened a public hearing on this matter. After the public hearing, Council took action on this matter.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Fleming, and unanimously carried to grant second reading to this street name change from Flight Road to Quail Run Road.

Grants: None

PUBLIC HEARINGS

- (1) RZ-98-36 - PUD - 98-08 - Bob Belk (County) -- A Request To Rezone 107.91 Acres Of Property Located On Tillman Nursery Road, Off Highway 261 (Tax Map 128-00-01-003) From Rural Development District To General Residential, In Conjunction With A Planned Unit Development, In Order To Allow Development Of A 91 – Lot Mobile Home Subdivision.

The Chairman convened the public hearing and inquired if anyone wished to speak in support of this ordinance. Mr. Bob Belk, the applicant spoke in support of the request. The Chairman then asked if anyone wished to speak in opposition. Mr. Hoge stated that he had several calls in opposition of this request. There being no additional comments, the Chairman closed the public hearing and Council took action on this matter during Land Use Matters and Rezoning Requests.

- (2) SN-98-05 - June Rainier (County) - A Request To Change The Name Of Flight Road To Quail Run Road. Flight Road Is Located In Quail Hollow Subdivision Off Cains Mill Road (Tax Map 210-06).

The Chairman convened a public hearing and inquired if anyone wished to speak to this issue. Mrs. June Rainier spoke in support of this request. The Chairman then inquired if anyone wished to speak in opposition to this request. Mr. Raymond Riles, Mr. Chris Brunson, and Mr. Steve Johnson spoke in opposition. After all comments, the Chairman closed the public hearing and Council took action on this matter during Street Name Changes.

NEW BUSINESS

- (1) Resolution Appointing The Director of Family Court and The County Administrator As Sumter County Family Court Constables.

This matter was removed from the agenda and will be discussed at a later time by Council.

- (2) Suggested To Hold Executive Session To Receive a Legal Briefing And/Or To Discuss Personnel Matters. (The Executive Session, If Approved By Council, Will Be Held After All Business Matters Have Been Completed.)

Council held an executive session after all business – see explanation at end of minutes.

OLD BUSINESS – None

COMMITTEE REPORTS

- (1) Public Safety Committee Meeting Affairs Committee Meeting Tuesday, January 12, 1999, at 4:30 p.m. in County Council's Conference Room. (Burr, Fleming, and Williams)

The Chairman of the Public Safety Committee gave the following report and recommendations:

- **Charter School Grant:** The County has received a \$31,900 grant award to study the “need” for Charter Schools in Sumter County. Council will write a letter to School District #2 and #17 asking them to collaborate with the study associated with the Charter School Grant.
 - **Jail Population Update:** The Correctional Center Director stated that there are approximately 271 inmates at the Correctional Center which is 90 inmates over the County’s limits.
 - **Animal Shelter:** The recently requested repairs at the animal shelter have been completed. Also, a local citizen wants to donate funds to help remodel the animal shelter beyond the repairs that were recently completed. The Administrator will follow-up on this matter with the Sheriff and bring an update to the Committee.
 - **RFP’s for Privatizing EMS Services:** The Committee recommended that the Administrator and his staff prepare and send out RFP’s for privatizing the County’s EMS services. This will assist the County in making a decision about how to provide EMS services to the citizens of this county.
 - **E-911:** The Committee will receive a report on E-911 at the next meeting.
- (2) Fiscal Tax and Property Committee Meeting Tuesday, January 12, 1999, at 5:00 p.m. in County Council's Conference Room. (Campbell and Fleming)

The Chairman of the Committee, Chairman Campbell, gave the following report.

- **Legal Actions Against The County – Runnymede Community:** After an executive session on this matter and discussions with Mr. Ernest A. Finney, III, Esquire, the Committee recommended that it was best, with the position stated in the legal motion presented by Ernest A. Finney, III for Buena Vista Development Corporation, et al’s, that it would indeed be an inherent conflict for Council to hear the appeal from his clients. Also, the Committee

recommended that this appeal be allowed to proceed directly to the Circuit Court in accordance with established law.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Burr, and carried by Council to approve the recommendation of legal counsel to proceed directly to the Circuit Court in accordance with established law as it relates to the appeal of Buena Vista Development Corporation, et al against the County concerning the construction of the correctional center. Council members Singleton, Williams, and Sanders voted in opposition to motion. Council members Burr, Edens, Campbell, and Fleming voted in the affirmative; the motion carried.

- **Funding Workshop for Junior County Council:** The Committee recommended that Council approve a meal each for four persons (Dr. Ramado James and staff of Clemson University) and the expenses of two rooms for the workshop presenters at a cost of approximately \$200. These funds will come from Council Contingency Fund.

ACTION: MOTION was made by Councilman Williams, seconded by Councilman Singleton, and unanimously carried by Council to approve the recommendation as presented.

MONTHLY REPORTS --

- SUATS Policy Committee Update
- HOME Funds for 1999 -- \$1,034,000
- Council's Budget Printout
- Fire Chief Doug Mathis' Report
- Clemson University Keep America Beautiful
- Public Safety Monthly Activity Report
- Office of Community Development - 21st Century Community Learning Center Grant Program
- Recreation News
- Sheriff's Department
- Expansion Management Special Issue

COUNTY ADMINISTRATOR'S REPORT --

- Financial Statement Ending November 1998
- Dabbs Crossroads -- \$8,125

PUBLIC COMMENT:

- Mr. Billy Shaw, President of the NAACP, spoke in non-support of the Charter School and asked Council to keep the community involved as this study takes place. He stated that his lack of support stems from the County's conflict of interest with public schools.

Mr. Shaw also stated that the NAACP will construct, with the support of others, a statue in support of Mary McLeod Bethune.

- Rita Johnson, student at Furman Middle School, stated her opposition of Charter Schools. She stated that this will take money from the public schools.
- Alphonso Johnson supported the statements by Mr. Shaw and Ms. Johnson. He asked Council to get aggressive on county-wide water and sewer. He also asked Council to get an evaluation on the Community Oriented Policing Program. Mr. Johnson asked Council to consider changing its meeting dates so that the citizens do not have to decide which meeting it wants to attend - the School Board meeting or County Council meeting. He ended his statements with his concerns about the jail overcrowding and pending construction.

There were no additional comments from the public.

EXECUTIVE SESSION:

Prior to entering executive session, the Chairman called for a motion to enter executive session to discuss a contractual matter.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Edens, and unanimously carried by Council to enter executive session to discuss a contractual matter. At the conclusion of executive session; Council re-entered open session.

OPEN SESSION:

ACTION: MOTION was made by Councilman Singleton, seconded by Vice Chairman Fleming, and unanimously carried by Council to re-enter open session.

REPORT FROM EXECUTIVE SESSION:

The Chairman reported that there was no action taken; therefore, Council would now adjourn its meeting at this time.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Chairman or Vice Chairman
Sumter County Council

Clerk to 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: Agenda posted on bulletin board outside the County Administrator's office and bulletin board on the Second floor of the Administration Building.

Date Posted: January 7, 1999

Media Notified: Yes

Manner Notified: Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities.

Date Notified: January 7, 1999

Respectfully submitted,

Mary W. Lewis