

**Minutes
Sumter County Council
Regular Meeting
January 26, 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; Mr. Jimmy Carr; Mapping Supervisor; Mrs. Jeanette Mixon, Finance Director; Mrs. Carolina Richardson, Accounting Supervisor; Mr. John Duffie, County Engineer; Mr. Vic Jones, Public Safety Director; and Mr. Russell Elmore.

MEDIA PRESENT: The Item and WIBZ Radio

PUBLIC PRESENT: Approximately 37 members of the public were in attendance.

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

ACTION ON MINUTES: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, that the minutes of January 12, 1999, be amended as listed below and then unanimously approved as amended.

Correction: **Public Comment:** Mr. Billy Shaw, President of the NAACP, spoke ~~in non-~~ ~~support of the~~ against the Charter School and asked Council to keep the community involved as this study take places. He stated that his lack of support stems from the County's conflict of interest with public schools.

NEW BUSINESS

- (1) A Resolution In Support of The University of South Carolina at Sumter to Receive \$1,500,000 from the Legislative Delegation to be used for the Purchase and renovation of the property presently known as Alice Drive Baptist Church, Miller Road, Sumter, South Carolina.

Dr. Les Carpenter, Dean of the University of South Carolina at Sumter, presented the following resolution to Council for their approval and support.

Whereas, the property known as Alice Drive Baptist Church is on the open real estate market; and

Whereas, the University of South Carolina Sumter has requested a Capital Appropriation of \$1,500,000 in state funds for the purchase and renovation of Alice Drive Baptist Church; and

Whereas, USC Sumter's request for this capital appropriation has been forwarded to the Office of the Governor by the State Commission on Higher Education; and

Whereas, the University of South Carolina Sumter has formally requested the support of the Sumter County Legislative Delegation for appropriation of these funds;

Now Therefore Be It Resolved, that we, the members of Sumter County Council, do hereby express our support for legislative action to allow the University of South Carolina Sumter to receive \$1,500,000 of proposed capital appropriations to purchase and renovate Alice Drive Baptist Church for use by the University in its continual efforts to provide education to this and surrounding counties.

After discussions, Council took action on this matter.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Burr, and unanimously carried by Council to grant approval of the resolution and directed the Chairman, or the Vice Chairman in his absence, and the Clerk to execute and deliver the resolution on behalf of the County.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests –

- (1) RZ-98-42 – SBA Towers, Inc. – **Second 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. (Public hearing will be held prior to action on second reading.)

Mr. Bill Hoge, the Planning Coordinator, stated that this request is from SBA Towers, Inc. to construct a communications tower in a heavy industrial zone. The Planning Commission and the Planning staff both recommended approval of this request.

Council then entered into a public hearing on this matter; at the conclusion of the public hearing, Council took action on second reading.

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

- (2) OA-98-08 – Planning Commission Staff – **Second 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 hearing will be held prior to action on second reading.)**

Mr. Hoge presented this proposed ordinance amendment to Council. He stated that during Council's last meeting, he was requested to answer two related questions concerning yard/garage sales and farm produce sales.

Yard/Garage Sales

- Chapter 70, Section 70.33 controls the number and length of yard and/or garage sales within the City of Sumter. Those sales are limited to two-day sales no more than twice per year for a one dollar permit fee for each sale.
- No comparable ordinance was found for Sumter County.

Farm Produce Sales

- The Sumter Zone Ordinance, Section 1008.16 allows road side stands for self-grown products for farmers. These stands would be on the farmer's land and meet normal setback requirements.
- The Sumter Business License Office does not require a Business License for people selling self-grown farm and garden produce. People who sell produce purchased from a wholesaler would be required to have either a seasonal or regular Peddler's License. A seasonal license has a basic fee of \$5.00 and would cover one, three-day time frame. Only two are allowed per year. A regular license has a basic fee of \$175.00.

The Chairman then convened a public hearing. At the conclusion of the public hearing, Council took action on this matter.

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

- (3) RZ-98-36 - PUD – 98-08 – Bob Belk (County) -- **Third 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.**

Mr. Hoge stated that there have been no changes to this proposed rezoning request and PUD since its first and second readings. The Planning Commission and Planning staff recommended approval of the request.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Burr, and unanimously carried by Council to grant third reading and adoption to this rezoning request and PUD to proposed ordinance amendment.

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 stated that this request is by Ms. June Rainier to change Flight Road to Quail Run Road. The Planning Commission recommended approval of this street name change.

However, Council received a letter from Ms. Kathy Miles, E-911 Coordinator, asking Council to deny the street name change as requested by Ms. Rainier. Ms. Miles indicated in her letter that there would still be two non-connecting segments of Quail Run. Duplicate road names are not acceptable according to City-County Public Safety E-911 Ordinance.

Then Mr. Hoge added that he has spoken to the County Attorney concerning this matter, and it has been recommended that the request not be approved as presented. It was recommended that the private road Quail Run remain as Quail Run Road because it was officially approved first as Quail Run Road. Then change the public Quail Run Road to Flight Road. Thereby allowing a continuous street of Flight Road and resolving the issue of having two Quail Run Roads.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Fleming, and unanimously carried by Council to deny second reading and direct the Planning Commission to bring a new street name change to Council which would address the concerns of Ms. Rainier and E-911 requirements.

Grants: None

PUBLIC HEARINGS

- (1) RZ-98-42 – SBA Towers, Inc. – 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.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to this rezoning request. No one spoke to this issue; therefore, the chairman closed the public hearing, and Council took action on this matter during Land Use Matters and Rezoning Requests.

- (2) OA-98-08 – Planning Commission Staff – 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.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of this request. Mr. Rick Hines spoke in support of this ordinance amendment. Then the Chairman inquired if anyone wished to speak in opposition to the request. Mr. Randolph Black spoke in opposition to this matter. He stated that he plans to open a “business on wheels” selling suits for men. He hopes that this ordinance will not prevent him from providing a meaningful living for him and his family. He feels that if he wants to set-up shop for eight hours at a time at one location, then the County should not prevent him from doing this. After all comments, the Chairman closed the public hearing, and Council took action on this matter during Land Use Matters and Rezoning Requests.

NEW BUSINESS CONTINUED

- (1) Recognition of Former Board Members.

The following former board members were recognized for this contribution on Council’s Commissions or Boards:

| | |
|--------------------|-----------------------------------|
| Mr. Lee Knuckles | Historical Commission |
| Mr. C. I. Thompson | Historical Commission |
| Dr. Bob Ferrell | Historical Commission |
| Mr. Thomas Dabbs | Alcohol and Drug Abuse Commission |
| Dr. R. Bligen | Tax Board of Appeals |
| Mr. Herbert Boone | Tax Board of Appeals |
| Mr. Steve Jackson | Tax Board of Appeals |

- (2) A Resolution In Support and Implementation of the National Flood Insurance Program Regulations By Sumter County Council.

Mr. Tony Criscitiello presented the following resolution to Council. He stated that this request must be completed by February of 1999 in order to maintain good standings with the National Flood Insurance Program.

Whereas, the Sumter County Council recognizes the vast importance of the National Flood Insurance Program to the citizens of Sumter County; and

Whereas, the Sumter County Council constantly endeavors insurance full and consistent compliance with the NFIP regulations particularly those specified in Section 60.3 © of the program; and

Whereas, the Sumter County Council in order to place the full weight of codes enforcement in the implementation of the NFIP regulations incorporates NFIP standards within the Sumter City-County Zoning and Development Standards Ordinance, and

Whereas, when certain flood plain management measurers are promulgated in new regulations or maps said changes are incorporated by reference into the Zoning and Development Standards Ordinance as soon as is practicable.

Now Therefore Be It Resolved, that the Sumter County Council do hereby express the continued commitment to fully implement the NFIP regulations that the citizens of Sumter County rely on to protect the environment and to receive federal assistance should natural disasters strike Sumter

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council to grant approval of the resolution and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County.

(3) A Resolution By Sumter County Council Expressing Its Zero Tolerance To Drug Abuse and Drug Dealers.

The Chairman introduced this ordinance to Council. Councilwoman Sanders stated that the resolution is fine, however, she wants Council to be mindful about the plans to work with the resolution. Then Council took action on this matter.

Whereas, the Sumter County Council recognizes that the use of drugs and related crimes associated with drugs not only in Sumter, but throughout South Carolina and the entire Nation, has continuously grown over the last ten years, and

Whereas, law enforcement agencies throughout the nation are struggling, along with the citizens and governmental officials of the community, to find ways to eradicate this problem, and

Whereas, Sumter County Council understands that it will take an entire "village" of citizens, businesses, industries, governmental officials, educational institutions, religious sectors, and the will of the drug users to help decrease this social conflict;

Now Therefore Be It Resolved, that we the members of Sumter County Council do hereby express our "Zero Tolerance" to drug abuse and drug dealers in our neighborhoods, schools, and community as a whole. We pledge to work together with local agencies to help resolve these problems associated with this plague which has caused many social disorder throughout our community.

Be it Further Resolved that as County Council works to support this resolution, it is believed that law enforcement agencies must develop new relationships with local citizenry, businesses, industries, educational institutions, religious sectors and governmental agencies which will then provide an avenue for all to improve the overall quality of life in our county, city, state, and nation.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and carried by Council to grant approval of the resolution and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County. Councilwoman Sanders voted in opposition to the resolution.

(4) 99-365 – First Reading -- An Ordinance Authorizing The Development And Operation Of A Joint Industrial/Business Park In Conjunction With Kershaw County.

Mr. Steve Rust, Sumter Development Board Director, presented this proposed ordinance to Council. He stated that Kershaw County approached the Development Board requesting that they be a part of the new multi-county industrial park which would be called the Kershaw County Industrial Park. Located within this park would be the Steeplechase Industrial Park of Kershaw County at the intersection of I-20 and Highway 521. If approved, Sumter County will receive 1% of the revenue from all industries located in the Steeplechase Industrial Park. Hopefully, the citizenry of Rembert will be able to benefit from this industrial park which is only nine miles away from then.

Additionally, Mr. Rust added that Sumter County proposes to place Millgrove Industrial Park into the Kershaw County Industrial Park and will give Kershaw County 1% of the revenue from all industries located in the Millgrove Industrial Park.

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

(5) 99-366 –First Reading -- An Ordinance Approving a Building and Rooftop Lease Agreement for Property Located at 115 North Harvin Street for the Purpose of Installing and Mounting Antennae.

The County Attorney, Kathy Cuttino, stated that the Sumter County Purchasing Director was approached by a company that wants to enter into a lease agreement with Sumter County by placing several antennae on the roof of the seven story office building known as the County Office Building. This company wants to lease the space at an annual cost of \$10,000 per year for one five year term and renew the lease in five year periods for four additional five-year terms. After the first five-year term, the rental cost would increase automatically by 15% per five year term.

Ms. Cuttino stated that the actual agreement will be presented to Council at its second reading. She added that she is negotiating the terms of the contract as it relates to liability to the County should one of the towers fall from the building.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to grant first reading approval of this proposed ordinance and directed the Attorney to continue negotiations on behalf of the County..

(6) December Financial Report.

The financial report was presented to Council by Mrs. Carolina Richardson. After her presentation, Council members were asked to peruse the report and contact the Administrator if they had any additional questions.

ACTION: The report was received as information.

(7) 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

(1) 98-361 – Third Reading -- An Ordinance Expanding The Franchise of the Oswego Rural Water Company, Inc. Service Area Boundaries.

Ms. Kathy Cuttino presented the proposed ordinance to Council. She stated that this ordinance has been amended in the seventh paragraph as listed below:

Whereas, the Oswego Rural Water Company, Inc. will be eligible to expand upon its pending application for funding from the United States of America, Farmers Home Administration, for the purpose of constructing and expanding the requisite water service facilities into said designated area, upon the granting of a franchise for the extended service area by the County pursuant to the Water and Sewer Regulations; provided, however, that during the initial eighteen-month period, water service shall be provided to serve applicants on Prescott Lane, while additional service within the remaining expanded service area may be done on a phase by phase basis;...

Ms. Cuttino stated that this amendment would allow the extension of the existing service area boundary southeasterly from a point beginning at the intersection of the centerlines of East Brewington Road (SC43-35) and Congruity Road (SC43-417) for a distance of 3,000 feet (0.6 miles) along Brewington Road, and extending out 1,000 feet from the centerline of

Brewington Road on the west side and extending out 2,500 feet from the centerline of Brewington Road on the east side.

The Attorney added that the Attorney for Oswego Rural Water Company, Inc. and the Public Utilities Commission are both familiar with this ordinance and support the amendments as presented to Council. The Attorney also stated that should Oswego Rural Water Company become unable to offer water to individuals that are in need of water services, the County has the right to remove boundary lines and then the County can provide the needed service to the citizenry.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council to amend the proposed ordinance as presented to Council.

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

COMMITTEE REPORTS

(1) Internal Affairs Committee Meeting Tuesday, January 26, 1999, at 5:30 p.m. in County Council's Conference Room. (Williams and Sanders)

The Chairman of the Committee, Councilman Williams, presented the following report.

- Alcohol and Drug Abuse Commission: Appoint Mr. Carl Holmes.
- Santee-Lynches Private Industrial Council: Appoint Mr. Thomas Garrity.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Singleton, and unanimously carried by Council to grant approval of the appointments as presented.

MONTHLY REPORTS --

- Public Safety Committee
- Sheriff's Department
- Clemson Extension Keep America Beautiful

COUNTY ADMINISTRATOR'S REPORT -- None

PUBLIC COMMENT:

The following persons spoke to Council:

- Dr. Agnes Burgess spoke to Council about her and her neighbors hopes that Council would NOT build the new correctional center in the Runnymede community.
- Mr. Randolph Black spoke to Council about his opposition to Council wanting to resolve a legal matter through the court system instead of solving its problem with the Runnymede community over discussions.
- Alphonso Johnson spoke to Council about his opposition to the Correctional Center being built in the Runnymede community, the condition of dirt and rocked roads in Sumter County, and the problems with litter in Sumter.
- Rev. Robert McCants, Sr. also spoke in opposition to the Correctional Center being expanded at its present location.

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 Vice Chairman Fleming, seconded by Councilman Singleton, 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 8:30 p.m.

Respectfully submitted,

Chairman or Vice Chairman
Sumter County Council

Clerk to County Council

Approved: _____

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 20, 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 20, 1999

Respectfully submitted,

Mary W. Lewis