

**Minutes
Sumter County Council
Regular Meeting
February 23, 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. Simon Major, Corrections Center Director; Mr. John Duffie, County Engineer; Mr. Eddie Newsman, Public Works, Director; Mrs. Jeanette Mixon, Finance Director; Mr. Ed Owens, Deputy Assessor; Mrs. Pam Craven; Mrs. Lorraine Washington-Dennis, Human Resource Director, and Mr. Russell Elmore, EMS Director

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 30 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and Mrs. Mary Reed, Chairperson of the Emmanuel U.M.E. Council of Ministries, gave the invocation.

AMENDMENT TO AGENDA: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to amend the February 23, 1999, agenda by adding under **NEW BUSINESS:** A Cooperative Agreement Between The Development Board, The City of Sumter, and Sumter County Concerning Black River Economic Development Corporation.

ACTION ON MINUTES: MOTION was made by Councilman Edens, seconded by Councilman Singleton, and unanimously carried by Council to approve the minutes of February 9, 1999, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests –

- (1) RZ-98-37 – Robert Keith Carter – **Second Reading** – A request to rezone 1.9 acres of property at 1815 and 1825 Frierson Road across from the North Gate of Shaw Air Force Base (Tax Map 134-00-02-027 and 028) from Limited Commercial to General Commercial in order to allow the operation of a miniature golf course. **(Public hearing will be held prior to action on second reading.)**

Mr. Hoge, the Planning Coordinator, indicated that this second reading rezoning request is for approximately 2 acres of property owned by Mr. Robert Keith Carter. Mr. Carter wants to rezone the property from Limited Commercial to General Commercial in order to allow the operation and construction of a miniature golf course.

The request is in conjunction with a Conditional Use since a Conditional Use is requested in General Commercial. Shaw AFB has been contacted concerning this matter; Shaw has no problem with the request if all aspects of the Conditional Use is followed.

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 Councilman Singleton, seconded by Councilman Burr, and unanimously carried by Council to grant second reading to this rezoning request.

- (2) RZ-99-01/PUD 99-06 – Kurt Hendrickson – **Second Reading** – A Request To Rezone Property At 2805 Highway 15, South (Tax Map 223-00-01-011) From Rural-Agricultural District To General Commercial In Order To Develop The Property For Commercial Use. The Commercial Uses Include A Car Wash, A Convenience Store With Gas Pumps, A Restaurant, And A Storage Warehouse. (Public hearing will be held prior to action on second reading.)

The Planning Coordinator indicated that this rezoning request is in conjunction with a PUD. The property is a narrow deep piece of land that is located at 2805 Highway 15, South, on the north side of Lakewood Links. The applicant wants to build commercial ventures on the property such as a car wash, a convenience store with gas pumps, a restaurant, and mini-storage warehouse.

The Planning staff and Planning Commission recommended approval of this rezoning request in conjunction with the Planned Unit Development.

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

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

- (3) OA-98-10 (99-367) Planning Commission Staff – **Second Reading** – A Request To Amend Table II, Division I, Services –Page VI-13 Of The Sumter Zoning Ordinance By Adding Video Poker As A Separate Category Under SIC 7993. (Public hearing will be held prior to action on second reading.)

Mr. Hoge stated that this ordinance amendment request was developed by the Planning Commission and the Planning staff. It was reviewed in Council's Public Safety Committee meeting earlier, and it was recommended that this matter be deferred for second reading but to still hold the legally announced public hearing. This recommendation was based on additional legal questions that needed to be answered by both City and County Attorneys.

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 Fleming, and unanimously carried by Council to defer second reading to this rezoning request.

Street Name Changes -

- (1) SN-99-02 – Sumter County – **Second Reading** – A Request To Change The Street Name Of Quail Run Road Within Quail Hollow Subdivision (Tax Map 210-06) to Flight Road. (Public hearing will be held prior to action on second reading.)

Mr. Hoge gave Council a brief history of this street name request. He stated that the initial request by Mrs. Rainier (change Flight Road to Quail Run Road) was changed by Council based on concerns of the Public Safety Director, Mr. Vic Jones, and the City/County E-911 Director. Therefore, Council requested the Planning staff to change the street name request to read: change Quail Run Road within Quail Hollow Subdivision to Flight Road.

Mr. Hoge added that Mrs. Rainier and her neighbors are not in favor of the change to her original request.

After discussions on this matter between Council members and the Planning staff, the Chairman convened a public hearing on this matter. At the conclusion of the public hearing, Council, the Planning staff, and the County Attorney had further lengthy discussions.

Mr. Riles then volunteered to change his "Quail Run Road" to another name that he and others will decide on the name.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Edens, and unanimously carried by Council to amend the agenda by changing the request of SN-99-02 (A Request To Change The Street Name Of Quail Run Road Within Quail Hollow Subdivision -- Tax Map 210-06-- to Flight Road) to **A Request To Change The Street Name Of Flight Road Within Quail Hollow Subdivision -- Tax Map 210-06-- to Quail Run Road..**

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Edens, and unanimously carried by Council to grant second reading to the amended street name request to change Flight Road to Quail Run Road.

Grants: None

PUBLIC HEARINGS

- (1) RZ-98-37 – Robert Keith Carter – **Second Reading** – A request to rezone 1.9 acres of property at 1815 and 1825 Frierson Road across from the North Gate of Shaw Air Force Base (Tax Map 134-00-02-027 and 028) from Limited Commercial to General Commercial in order to allow the operation of a miniature golf course.

The Chairman convened the public hearing and asked if anyone wished to speak in favor of this rezoning request. Mr. Hoge informed the Chairman that the applicant was snow bound in Charlotte, North Carolina, but asked Mr. Hoge to express his support to this rezoning request. No one else spoke in support of the request. The Chairman then asked if anyone wished to speak against this issue; no one spoke in opposition; therefore, the Chairman closed the public hearing and Council took action on this matter during Land Use Matters and Rezoning Requests.

- (2) RZ-99-01/PUD 99-06 – Kurt Hendrickson – **Second Reading** – A Request To Rezone Property At 2805 Highway 15, South (Tax Map 223-00-01-011) From Rural-Agricultural District To General Commercial In Order To Develop The Property For Commercial Use. The Commercial Uses Include A Car Wash, A Convenience Store With Gas Pumps, A Restaurant, And A Storage Warehouse.

The Chairman then convened the public hearing and inquired if anyone wished to speak to this matter. Mr. Ben Abbott, representative of Plowden Holdings, stated that this company has properties in the Lakewood Links Subdivision and needs to be assured that there will be adequate buffering and screening especially along the Lakewood Drive area.

Mr. J. W. Morris, resident of Lakewood Links, spoke to the applicant about his concern in having the gas tanks and a gas station in his area. Mr. Morris also asked about video poker gaming machines at the store.

The applicant responded by stating that if the tanks are not approved to be placed underground, then no gas tanks will be at the proposed convenience store. Mr. Hendrickson also confirmed that NO video poker gaming machines will be at this location.

No one else 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. .

- (3) OA-98-10 (99-367) Planning Commission Staff – **Second Reading** – A Request To Amend Table II, Division I, Services –Page VI-13 Of The Sumter Zoning Ordinance By Adding Video Poker As A Separate Category Under SIC 7993.

The Chairman convened the public hearing and inquired if anyone wished to speak to this issue; no one spoke to the proposed ordinance amendment; therefore, the Chairman closed the public hearing and Council took action on this matter during Land Use Matters and Rezoning Requests. .

- (4) SN-99-02 – Sumter County – **Second Reading** – A Request To Change The Street Name Of Quail Run Road Within Quail Hollow Subdivision (Tax Map 210-06) to Flight Road.

The Chairman convened the public hearing and asked members of the public to keep their comments to three minutes and to avoid redundancies. The Chairman asked if anyone wished to speak in support of this matter:

- Mr. Raymond Riles spoke to this issue, he stated that he has already informed Council of his feelings regarding this issue and he still stands by his thoughts. He also apologized to Council for any embarrassment the article in The Item may have caused Council, but it certainly embarrassed him.

The Chairman then asked if anyone wished to speak in favor of this matter. The following persons spoke to this issue.

- Mrs. Dianne Anderson spoke in opposition to this request. She shared with Council some transparencies. She stated that she resides at 1850 Quail Run Road located in Quail Hollow Subdivision. Mrs. Anderson stated that this is a continuation of a matter that happened in the 80's when Mr. Riles tried to get the road name changed. She added that she opposes to her street name being changed to Flight Road. This property was purchased in 1984.
- Mrs. June Rainier stated that she resides at 1880 Quail Run Road; she is in opposition to renaming her street name to Flight Road. She added that she spoke with Mr. Jimmy Carr, County's Mapping Supervisor, and he indicated that he has recognized the problem of the two Quail Run Roads for many years. Mr. Hoge also recognized the problem due to her initial street name request.

Mrs. Rainier then gave Council a history of this matter including an Affidavit signed by Richard L. Booth, Report by Master in Equity Docket No. 88-CP-43-961, Title to Real Estate - Vol. 635 pg. 1721 dated 11-29-95, Plat prepared by Harold S. Wilson, Surveyor dated 11-08-85, Plat of Quail Hollow Subdivision prepared by Harold S. Wilson dated 1-25-79, Letter from T. L. Rogers, copy of hearing notes of Master In Equity hearing dated 2-22-90.

- Mr. Ray Richburg asked that everything remain as it is, but if there must be a change, then make sure the road he lives on remains as Quail Run Road.
- Robert Marshall Rainier spoke in opposition to this request.

The Chairman then closed the public hearing, and Council took action on this matter.

- (5) **99-365 ---An Ordinance Authorizing The Development And Operation Of A Joint Industrial/Business Park In Conjunction With Kershaw County. (Third reading will be held on this matter right after public hearing or during old business.)**

The Chairman convened the public hearing on this matter; no one spoke to this issue; therefore, Council closed the public hearing. Council took action on this matter during Old Business.

- (6) **99-366 --- 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. (Third reading will be held on this matter right after public hearing or during old business.)**

The Chairman convened the public hearing, and inquired if anyone wished to speak in support of this rezoning request. Mr. David Flint, represented Triton PSC Property Company, L.L.C., spoke to Council on behalf of his company. He asked Council to please support this proposed lease agreement which will be a monetary benefit for Council of \$12,000 for the five years and then will increase by 15% each five years of the ~~fifteen-year~~ lease. No one else spoke to this issue; therefore, the Chairman closed the public hearing.

NEW BUSINESS

- (1) **Junior County Council Member, Ashleigh Baun -- Vice Chairman of Junior County Council**
Ms. Baun thanked Council for establishing the Junior County Council, and she gave Council the following six-month report of the Council's activities:

- Christmas Caroling at McElveen Manor, National Health Care Center, and Mariner Health Care Center.
- Served as Hosts and Hostesses at the Christmas Link Drop-In at the Sumter County Museum.
- Participated in a Leadership Workshop Presented By Dr. Ramado James from Clemson University.
- Participated in National 4-H Week.

Ms. Baun added that Junior County Council is presently working on the following projects.

- March for Parts
- The Colgate Youth Foundation

- The Steven Elmore Foundation Project – This project is for a local teenage boy who was involved a hunting accident.

(2) January Financial Statement

Mrs. Carolina Richardson presented the January financial statement which covers period seven of the County. In January the County collected \$4,500,000 in taxes; therefore, the total collection of revenue was \$6,800,000. The year-to-date percentage is 62.9% or \$18,600,000 of revenue. The year-to-date expenditures as of January are \$16,000,000; therefore, the revenue currently exceeds expenses by \$2,500,000.

Councilman Singleton asked for a monthly report on the reserve fund.

(3) 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.)

An executive session was held at the end of the meeting.

OLD BUSINESS

(1) 99-365 – Third Reading --An Ordinance Authorizing The Development And Operation Of A Joint Industrial/Business Park In Conjunction With Kershaw County.

The Attorney, Ms. Cuttino, stated that Mr. Steve Rust requested that third reading on this matter be deferred until a later date.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Williams, and unanimously carried by Council to defer third reading until a later date.

(2) 99-366 –Third 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.

Ms. Cuttino presented proposed revision to the building rooftop option and lease agreement. Some of the changes included the identification of the leased premises and the change in the rental amount from \$10,000 per year to \$12,000 per year.

Changes were made on pages 1, 3, 5, 6, 7, and 8. After the receipt of the changes, Council had dialogue with Mr. Flint, the representative for Triton.

After discussion, the Chairman convened the public hearing; at the conclusion of the public hearing, Council took action on this matter

ACTION: MOTION was made by Councilman Burr, seconded by Councilwoman Sanders, and carried by Council to amend the ordinance by changing the rental fee from \$10,000 to \$12,000 for the initial annual rental fee and amending the language of the lease agreement as presented by the County Attorney. Councilman Singleton voted nay and Vice Chairman Fleming abstained.

ACTION: MOTION was made by Councilman Burr, seconded by Councilwoman Sanders, and carried by Council to grant third reading to amended ordinance. Councilman Singleton voted nay and Vice Chairman Fleming abstained.

(3) 99-368 – Second Reading – An Ordinance Authorizing the Lease of Real Property Located at 14 Law Range.

The Attorney, Ms. Cuttino, presented this proposed ordinance to Council. She stated that one of the construction company's working on the building construction at Tuomey Hospital wants to house its office at 14 Law Range. The agreement is for a \$400 monthly rental fee and should conclude no later than October of this year.

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

COMMITTEE REPORTS

(1) Public Safety Committee Meeting Tuesday, February 23, 1999, at 3:30 p.m. in County Council's Conference Room. (Fleming, Edens, and Singleton)

The Chairman of the Committee, Vice Chairman Fleming, gave the following report.

- **Waiver for Doctor In This Area** – This matter was deferred and the Attorney was asked to write a letter to the appropriate agency indicating that it was inappropriate for Council to take action on a waiver.
- **Video Poker** – The Video Poker was handled during Land Use Matters and Rezoning Requests.
- **Correctional Center Update:** The Committee received an update from the Engineer and Correctional staff concerning the pending construction of a new facility. It was suggested that Council members have a meeting to discuss location of the proposed sight, other costs, and funding. It was suggested that Council meet on Tuesday, March 9, 1999, at 2:00 p.m. in Council's Conference Room
- **Welfare-To-Work Program:** The Committee reaffirmed that Central Carolina Technical College would be the main One-Stop-Shop facility for Sumter County to help the

Temporary Need Assisted Families. Then the Committee recommended that Council get involve in the management of the funds so that Council can be assured that the funds are being routed where they are suppose to go. This will help alleviate the administrative costs.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Burr, and unanimously carried by Council that Council go on record that it will manage the Welfare-To-Work funds with Central Carolina Technical College being the main One-Stop Shop facility for Sumter County; thereby, alleviating a windfall of administrative costs. Council further directed the Administrator to write a letter to Mr. Darby informing him of Council's new direction in controlling the disbursement management of these funds..

(2) Internal Affairs Committee Meeting Tuesday, February 23, 1999, at 4:30 p.m. in County Council's Conference Room. (Williams, Campbell, and Edens)

The Chairman of the Committee, Councilman Williams, gave the following report and recommendation to Council.

- **Selection Review Committee for the Adolescent Pregnancy Prevention Proposals**
 - Appoint: Mrs. Naomi Sanders, Mr. Bobby Galloway, Ms. Lisa Peake, Mr. Howard McFadden, and Lt. Gary Metts.

ACTION: MOTION was made by Councilman Williams, seconded by Vice Chairman Fleming, and unanimously carried by Council to approve the appointments as presented.

(3) Sumter County Council, The Administrator, The Clerk, and Media Are Scheduled to Tour Sumter Gallery of Art Located at 421 N. Main Street Tuesday, February 23, 1999, at 5:00 p.m. in the Historic Elizabeth White House.

Council members attended this function and thanked the Gallery of Art for inviting them to view the displays.

MONTHLY REPORTS --

- S. C. Rural Development 1998 Annual Report
- Keep America Beautiful Program
- Sumter County Historical Commission
- Sumter County Treasurer's Interest Report

COUNTY ADMINISTRATOR'S REPORT --

- Departmental budgets are being prepared for upcoming budget workshops, which will be determined later.

- A Senate Hearing Committee on Penology was held last week and the Administrator and Councilman Fleming represented the County.

PUBLIC COMMENT:

- Mr. Kenneth Nims asked Council to help relieve him and his neighbors with by providing debris pick-up in the Briar Bend Subdivision.
- Mr. Roy McMickel spoke to Council in opposition to the video poker proposed ordinance.
- Mr. Alphonso Johnson spoke to Council about which road are going to be repaired with crush run and asphalt, report on the fees on-hand from the Road User Fee. He also asked how much money will be collected this year for the Road User Fee. Mr. Johnson also asked Council how much progress is being done with the litter problem in the community.

There were no additional comments from the public.

EXECUTIVE SESSION:

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Fleming, 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 Williams, seconded by Councilman Singleton, and unanimously carried by Council to approve the concept of working with the City of Sumter and the Development Board to facilitate a *Corporation Agreement with Black River Economic Development Corporation* as ~~an~~ to pursue economic development projects for this County and directed the County Attorney and the County Administrator to continue this process on behalf of the County. .

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Chairman or Vice Chairman
Sumter County Council

Clerk to County Council

Approved: March 9 1999

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: February 18, 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: February 18, 1999

Respectfully submitted,

Mary W. Lewis