

**Minutes
Regular Meeting
Sumter County Council
March 25, 1997 -- 6:00 P.M.
SUMTER COUNTY ADMINISTRATION BUILDING
County Council Chambers**

MEMBERS PRESENT:, James A. Campbell, Chairman; Frank E. Williams, Jr., Vice Chairman; Artie Baker, Carol Burr, Charles E. Fienning, Louis Fleming, and Naomi Sanders.

MEMBERS ABSENT:

STAFF MEMBERS PRESENT: William T. Noonan, County Administrator; Mary W. Lewis, Clerk to Council; Kathy Cuttino, County Attorney; John Duffie, Planning Coordinator; George McGregor, Planner; Martin E. Rogers, Assistant County Administrator/Human Resource Director; B. J. Jefferson, Appraiser; Carolina Richardson, Supervisor for Accounts Payable; William Houser, Comptroller; Eddie Newman, Public Works Director; Ed Owens, Interim Assessor; Verna Moore, County Coroner; George Smith, MIS Director; and Simon Major, Correction Center Major.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 23 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and the Reverend Herby Blyther, Pastor of Concord Baptist Church, gave the invocation.

ACTION ON MINUTES: MOTION was made by Councilman Fleming, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of March 11, 1997, as presented by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS
Planned Development/Rezoning Requests**

- (1) OA-97-01 -- First Reading (97-314) -- (Residential Care Facilities) -- A Proposed Ordinance Amendment Clarifying Use Restrictions Dealing With Residential Care Homes And Facilities.

Mr. George McGregor, Interim Planning Coordinator, presented this matter before Council. He stated that the ordinance amendment would assist in clarifying the provisions of the existing ordinance, and to emphasize the current State law. He added that the Sumter Zoning Ordinance currently requires all residential care homes to apply for conditional use; this requirement is not consistent with the existing State law §6-7-830.

The County Attorney added that the State law expressly prohibits requiring any special permits or review in connection with the facilities protected under §6-7-830. Therefore, the

County's Zoning Ordinance for the placement of residential care homes are to be treated no different than single-family dwellings for zoning purposes. Mrs. Cuttino further explained the State law and gave copies of the law to each Council member.

One of the Council members had concern that homeowners living within an area would not have any prior knowledge of residential care homes being placed in their community if this ordinance amendment is passed. The attorney reemphasized that the State law states that "...prior to locating the home for such handicapped persons the appropriate State agency or department or the private entity operating the home under contract must first give prior notice to the local governing body administering the pertinent zoning laws, advising of the exact site of any proposed home. The notice must also identify the individual representing the agency, department, or private entity for site selection purposes. If the local governing body objects to the selected site, the governing body must notify the site selection representative of the entity seeking to establish the home within fifteen days of receiving notice and must appoint a representative to assist the entity in selection of a comparable alternate site and/or structure. The site selection representative of the entity seeking to establish the home and the representative of the local governing body, shall select a third mutually agreeable person. The three persons shall have forty-five days to make a final selection of the site by majority vote..."

After discussion of this matter, Council took action on the ordinance amendment.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilwoman Sanders, and carried by Council to grant first reading to the ordinance amendment; Councilman Burr voted in opposition.

- (2) **RZ-97-03 -- Second Reading -- Carl J. Croft -- A Request To Rezone Property Located At 1207 Through 1229 North Main Street (Tax Map 247-00-01-007 And 230-13-03-003) In Order To Allow Extension Of The General Commercial District To A Depth Of 300 Feet From The Current 200 Feet Along North Main Street And To Allow Rezoning Of The Rear Portion Of The Property From Rural Agricultural To General Residential For Future Development. (Public hearing will be held prior to action on second reading.)**

Mr. John Duffie, Interim Planning Director, presented this matter before Council. He stated that the applicant has requested that he be allowed to extend the General Commercial District for his property fronting on North Main Street, to a depth of 300 feet instead of the current 200 feet. The applicant, Mr. Croft, has also requested that the rear portion of the property be rezoned from Rural Agricultural to General Residential.

The Planning Commission and Planning staff voted unanimously to recommend approval of this rezoning request. The Chairman then convened the public hearing. There were approximately nine people present in opposition to the rezoning request.

March 25, 1997

ACTION: After the public hearing, MOTION was made by Councilman Fleming, seconded by Councilman Burr, and unanimously carried by Council to defer second reading until such time that proper maps of the property can be given to community members and Council members. This matter will be listed on Council's April 8, 1997, meeting.

- (3) **RZ-97-05/PUD-97-02 -- Second Reading -- Coldwell Banker/Commins-Moses -- A Request To Rezone Property Located At The Intersection Of Carter Road And Terry Road (Tax Map 203-00-07-001 And 002) From Residential-15 To Residential-9/PUD, In Conjunction With A Residential Planned Unit Development. (Public hearing will be held prior to action on second reading.)**

Mr. Duffie presented this matter requesting that 36.75 acres of land be rezoned from Residential-15 to Residential-9/PUD. The property will be a mixed-use-planned residential development subdivision with approximately 71 households or approximately 205 persons based upon Sumter's average household size of 2.9 persons. The total lots vary in size from 9,000 square feet to 13,000 square feet.

The Planning staff has requested that a traffic engineer conduct a study of traffic in the area and ingress and egress into the proposed subdivision.

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

ACTION: After the public hearing, MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to grant seconding reading to the rezoning request.

- (4) **RZ-97-06/PUD-97-03 -- Second Reading -- Coldwell Banker/Commins-Moses -- A Request To Rezone Property Located At The Southwest Corner Of Kolb Road And Pinewood Road (Tax Map 208-16-05-001) From Residential-9 To General Commercial, In Conjunction With A Planned Unit Development. (Public hearing will be held prior to action on second reading.)**

This particular rezoning request is located adjacent to Hopewell Nursing Home at the corner of Pinewood Road and Kolb Road. Mr. Duffie stated that the 2005 Plan designates this corner as a Limited Business District. It is designed to bridge the distance between general business development and residential development. He added that the traffic count for this area is 7,100 vehicles per day, which is still within an "A" Level of Service for this type roadway. A development of this size could have a significant impact on traffic in this area, particularly at this intersection. A traffic study for a traffic signal has been requested.

The Planning Staff and the Planning Commission recommended approval of this rezoning request and the Planned Unit Development.

March 25, 1997

The Chairman then convened the public hearing. At the conclusion of the public hearing, Council took action on second reading.

ACTION: After the public hearing, MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and carried by Council to grant second reading to the rezoning request; Councilmen Fleming and Burr abstained from voting.

Street Name Change -- None

Grant -- None

PUBLIC HEARINGS

- (1) RZ-97-03 -- Carl J. Croft -- A Request To Rezone Property Located At 1207 Through 1229 North Main Street (Tax Map 247-00-01-007 And 230-13-03-003) In Order To Allow Extension Of The General Commercial District To A Depth Of 300 Feet From The Current 200 Feet Along North Main Street And To Allow Rezoning Of The Rear Portion Of The Property From Rural Agricultural To General Residential For Future Development.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to the rezoning request.

Mr. Charlie Hall of 121 Levern Street spoke in opposition to the request (also eight other people in attendance stood in opposition of the request). He added that he would prefer seeing the property listed as R-9 or R-15 instead of General Residential which would allow for mobile homes.

No one spoke in favor of the rezoning request; therefore, the Chairman closed the public hearing.

- (2) RZ-97-05/PUD-97-02 -- Coldwell Banker/Commins-Moses -- A Request To Rezone Property Located At The Intersection Of Carter Road And Terry Road (Tax Map 203-00-07-001 And 002) From Residential-15 To Residential-9/PUD, In Conjunction With A Residential Planned Unit Development.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to the rezoning request. Mr. Lad Owens, President of the Board of Covenant Place, spoke in opposition to the rezoning request. He stated that the Board is concerned about where the entrance of the subdivision will be located directly across Carter Road from Covenant Place entrance. Additionally, he also cited that the board is concerned about the appearance of the subdivision as it is viewed from the front of Covenant Place since the lots along Carter Road will face the subdivision, the view from Covenant Place will be of the backyards of the homes in the area.

March 25, 1997

Mr. Joe Davis, the Applicant, spoke in favor of the rezoning request. He stated that he is willing to work with Covenant Place to meet the needs of Covenant Place as well as the proposed subdivision. A homeowners association will be developed, 25-foot buffer will be created, and assistance with alleviating traffic problems will be investigated. The homes will range from a price of \$90,000 to \$140,000.

After all comments, the Chairman closed the public hearing.

- (3) RZ-97-06/PUD-97-03 -- Coldwell Banker/Commins-Moses -- A Request To Rezone Property Located At The Southwest Corner Of Kolb Road And Pinewood Road (Tax Map 208-16-05-001) From Residential-9 To General Commercial, In Conjunction With A Planned Unit Development.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to the rezoning request.

Corine (Tuddy) Newsom spoke in opposition to the request. Her opposition was based on traffic, concern for school bus traffic and the children riding buses. Mr. David Jones also spoke in opposition of the proposed rezoning request.

Mr. Joe Davis, the applicant, spoke in favor of the rezoning request, and stated that he will work with the community to ensure that this development will add to the area and not take from its growth.

After all comments, the Chairman closed the public hearing and Council then took action on second reading.

- (4) **97-317 -- An Ordinance Providing for the Withdrawal From Participation In the Santee-Lynches Regional Jail System Commission, as Created by Ordinance Number 94-262. (Third Reading will be held after public hearing or during Old Business.)**

Chairman Campbell convened the public hearing and inquired if anyone wished to speak in opposition to or in support of the proposed ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing. Then Council took action on third reading.

NEW BUSINESS:

- (1) Management Letter (Fiscal Year 1995-96) Action Updates.
The Administrator along with the Comptroller presented this update to Council. They informed Council that the report is a quarterly update of accomplishments toward implementing the recommendations by the independent auditor in the fiscal year 1995-96 Management Letter.

March 25, 1997

Twelve items have been addressed in three separate meetings during the quarter. The independent Auditor, Treasurer, Assistant Administrator/Human Resource Director, Finance Director, Comptroller and Administrator were in attendance at all meetings, with The Honorable O. V. Player, the Clerk of Court, and Mr. Larry Fudger, the Family Court Director, at one meeting.

They presented the following summary of actions for implementation of the various recommendations.

1. Investments

This problem has been dissected into three separate parts. The first part is reporting and developing spreadsheets for accounting and also developing a monthly investment report to present to County Council. Responsibility of actions has been assigned and a due date of June 30, 1997, has been established. The second part, currently in place, is to give the previous months financial report to County Council by the second meeting of the following month. The third part is to expedite bank wires, and properly enter checks on demand information into the AS400 financial system in a timely matter. Part three is complete and currently functioning very well.

2. Title IV-D Program

This has been discussed with O. V. Player and Larry Fudger. Suggestions have been made but currently allowing all parties time to contemplate the varying issues. This issue will be addressed again during the next quarter meeting.

3. Federal Assistance Reimbursement Requests

This problem has been corrected prior to issuance of the management letter.

4. Control Over Cash

This is another problem that has been dissected into various parts. The first part is that a summary sheet of all bank statements and monthly reconciliation's will be submitted to the finance department from the Treasurer's Office to confirm and substantiate the general ledger cash balances. The second part is to eliminate as many as possible demand check requests which includes jury pay, schools, library, highway and pass-through moneys. Various actions are planned with different individuals having assigned responsibilities. Completion should occur during second or third quarters.

5. Payroll Processing

This problem has been addressed in meetings, however, because of time restraints the independent Auditor has not been able to make evaluations and recommendations in regard to our payroll processing system. This problem is on going and should be completed during the second quarter of the year.

6. Voided Checks

This problem has been addressed with the Treasurer and has been corrected.

March 25, 1997

7. **Duplicate Accounts Payable and Purchasing System**

Due to scheduling problems this issue has not been addressed at this time. We will schedule meetings during the second quarter to correct this situation.

8. **Demand Checks for Jury Pay**

Great improvement has been achieved in this area for time and work savings. With the assistance of the MIS department, the Clerk of Court and Magistrate Court's jury payment system has been streamlined with improved control and checks that have simplified the daily operation. This issue has been corrected.

9. **NSF Checks from County Employees**

This recommendation has been addressed and the Treasurer's Office has established a County Employee Check Writing Policy effective March 1, 1997.

10. **Travel Reimbursement**

This recommendation has been addressed and a Memorandum of Policy was sent to all departments effective January 1997. However, consistency needs to be achieved which include County Council members. This issue needs some refining during the second quarter.

11. **Separate Checking Accounts**

This recommendation has been briefly discussed and corrective actions were established. However, the date of implementation is best achieved as of July 1, 1997; the beginning of the new fiscal year.

12. **Imprest Fund**

This recommendation has been discussed briefly and MIS was instructed to assist in the system processing of information. This problem will be finalized during the second quarter.

All other issues have not been addressed at this time. The committee will address the remaining five recommendations from the management letter during the next quarter.

ACTION: This report was received as information; no action was taken.

(2) **Financial Statement Through February 1997.**

Copies of the report was given to Council members for review.

ACTION: This report was received as information; no action was taken.

(3) **Forfeited Land Commission - Offer from The Town of Pinewood to Purchase An Approximately 3/4 Acre Parcel of Land in Pinewood, South Carolina in Connection with a Sewer Project.**

The Administrator informed Council members that they needed to recess from Council and convene as the County's Forfeited Land Commission in order to take action on this item.

March 25, 1997

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to recess from the County Council meeting and convene as the Forfeited Land Commission.

FORFEITED LAND COMMISSION IS IN SESSION:

The Administrator introduced this matter to Council. He received a letter from Mr. Walter G. Newman, Attorney At Law for the Town of Pinewood, requesting that the County allow land located in the Forfeited Land Commission to be conveyed to Mr. McLeod for use in a Town of Pinewood sewer project. The Town of Pinewood offered the County approximately \$1,300.00 for the 3/4 acre tract of land.

ACTION: MOTION was made by Commissioner Fienning, seconded by Commissioner Fleming, and unanimously carried by the Forfeited Land Commission to convey an approximately 3/4 acre-tract of land for sale (property map #169-01) on Benedict Street, in Pinewood, S. C. at an approximate cost of \$1,300.

ACTION: MOTION was made by Commissioner Burr, seconded by Commissioner Fleming, and unanimously carried, to adjourn from the Forfeited Land Commission and to reconvene County Council meeting.

COUNTY COUNCIL REGULAR MEETING CONTINUING

- (4) Suggested to Hold Executive Session To Discuss Contractual and/or Personnel Matters. (The Executive Session, if approved by Council, will be held after all business matters have been completed.)

This matter was held at the end of all business.

OLD BUSINESS:

- (1) Third Reading -- 97-317 -- An Ordinance Providing for the Withdrawal From Participation In the Santee-Lynches Regional Jail System Commission, as Created by Ordinance Number 94-262.

The Chairman introduced this matter and convened the public hearing. After the conclusion of the public hearing, Council took action on this matter.

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

COMMITTEE REPORT:

March 25, 1997

(1) **Internal Affairs Committee Meeting on Tuesday, March 25, 1997, at 4:30 p.m. in Council's Conference Room. (Members: Williams, Fienning, and Sanders).**

The Chairman of the Committee, Vice Chairman Williams, presented the following recommendations:

- Planning Commission: Appoint Mr. Frank O. Edwards replacing Mr. Eli Baker.
- Airport Commission: Appoint Mr. Leon McDonald.
- Tax Board of Appeals: Reappoint: Mr. Charles Moore, Ms. Mary Weir, Mr. Burke. Watson, Jr., and Mr. John T. Woodham.
- Building Codes Board of Adjustment: No Action Taken.
- Zoning Board of Adjustment: No Action Taken.
- South Sumter Resource Center Advisory Board: Appoint Rev. Marion Newton to replace Mr. Leroy McKenzie

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Fienning, and unanimously carried by Council to approve all recommendations as presented.

(2) **Waste Disposal Committee (Members: Fienning, Williams, and Baker) and Fiscal, Tax, and Property Committee (Members: Campbell, Fienning, and Fleming) Meeting Jointly on Tuesday, March 25, 1997, at 5:00 p.m. in Council's Conference Room.**

The Chairman of the Fiscal, Tax, and Property Committee, Chairman Campbell, gave the following recommendations:

- St. Francis Xavier High School wants to rent the County's School Street Property. It is recommended that the Administrator enter into discussions for a lease agreement with St. Francis Xavier High School and bring this matter back before Council.
- Shaw Air Force Base has requested that the County allow the disposal of ten tons of automotive and aircraft tires at the County's Landfill. The Committee recommended approval at an expense to the County of approximately \$900.
- Greenhouse Runaway Shelter has been requested by the South Carolina Department of Labor, Licensing and Regulation-Division of Life Safety to install a monitored automatic fire detection system at the Greenhouse. The estimated cost for the detection system is \$3,200 on an annual basis (approximately \$210 for the monitoring service). Also needed is a hooded fire suppression system installed over the stove in the kitchen so that the Greenhouse can resume surface frying at an estimated cost of \$1,500. The total funds for these two projects (\$4,700) would be secured from Council's contingency fund.
- NAACP's requested use of the County's Exhibition Center at the community interest rate for its annual NAACP banquet to be held in November of this year.

March 25, 1997

- Property for proposed transfer was discussed in executive session. After executive session, the Committee recommended that the Administrator and the Chairman of Council be authorized to enter negotiations and secure the property at an appropriate price.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve all recommendations of the Committee as listed above.

MONTHLY REPORTS:

The following monthly reports were given to Council for review:

- Sumter County Landfill Report.
- Public Safety Departmental Report.

COUNTY ADMINISTRATOR'S REPORT:

The Administrator provided the following information to Council:

- Department of Corrections has sent a letter concerning the facilities inspection of the Sumter County Correctional Center. Other than the continued overcrowding problem, the facilities inspection was rated favorably.
- Mr. John Duffie has accepted the position as County Engineer for Sumter County.
- A preliminary 1997-98 fiscal year budget report was given to each member of Council. The first reading of the budget will be held at the April 8, 1997, meeting of County Council.

PUBLIC COMMENTS:

- Alphonso Johnson thanked Council members for securing the radar detection system in his area. Also, he asked if it would be possible for City and County Council to have a joint meeting to discuss issues that effect the entire community.

He also asked Council to continue to support the Codes Enforcement Officers because they have a large job to do throughout the County.

- Mr. Willie L. James, Jr. voiced his concern about the number of traffic accidents that have been on Highway 15, South since the installation of the three new traffic lights. Mr. James requested a traffic report concerning the accidents in the area. The Administrator will follow-up on this matter through the Sheriff.

There were no additional comments from the public.

EXECUTIVE SESSION:

The Chairman stated that he would entertain a motion to enter executive session to discuss a personnel matter.

March 25, 1997

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to enter executive session to discuss a personnel matter. At the conclusion of executive session, Council re-entered open session.

OPEN SESSION:

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

The Chairman stated that no action needed to be taken from the executive session.

ADJOURNMENT: After all business and all comments by the public, the meeting was adjourned at 9:00 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 of the County Administrator's office and on the bulletin board on the first floor of the Administration Building.
- Date Posted: March 20, 1997
- Media Notified: Yes
- Manner Notified: Agenda sent to all radio stations in the Sumter area, to WBTW TV and WRJA TV, to the Item newspaper, Shaw AFB Community Planner, the Stateburg Gazette, and to the State newspaper.
- Date Notified: March 20, 1997

Respectfully submitted,

Mary W. Lewis