

Minutes
Sumter County Council
Regular Meeting
April 27, 1999 - Held at 5:00 p.m.
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; Ms. Kathy Cuttino, County Attorney; Mr. Tony Criscitiello, Planning Director; Mr. Bill Hoge, Planning Coordinator; Mrs. Carolina Richardson, Accounts Payable Supervisor; Mrs. Jeanette Mixon, Finance Director; Mrs. Pam Craven, Grants Writers; Major Simon Major, Correctional Director; Mr. Latham Harris, County Assessor; Mr. Ed Owens, Deputy Assessor; Mr. Tommy Mims, Sumter County Sheriff; Mr. John Duffie, County Engineer; Lt. Roger Richardson, Law Enforcement Officer; Ms. Faith Line, County Librarian; and Mrs. Lorraine Washington-Dennis, Human Resource Director.

MEDIA PRESENT: The Item, and WIBZ Radio

PUBLIC PRESENT: Approximately 85 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and Councilman Rudy Singleton Fleming, gave the invocation.

ACTION ON MINUTES: MOTION was made by Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council that the minutes of April 13, 1999, be approved as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests -

- (1) 99-371 - Third Reading - An Ordinance Adopting A Comprehensive Plan for Sumter County Entitled "2020 Comprehensive Plan," Pursuant to the S. C. Local Government Comprehensive Planning Enabling Act of 1994, As Specifically Required by Section 6-29-510. et seq.

Mr. Bill Hoge, the Planning Coordinator, presented this request. He provided Council with some changes made by City Council. Mr. Hoge added that it is the goal of the Planning staff and Planning Commission to make sure that the City and County Council's approve the Comprehensive Plan in like manner so that the staff will operate from one Land Use Plan.

The Chairman voiced his concern about the need for more information in the history section of the Plan as well as several other sections. The Chairman further suggested that there should be information listed within the Comprehensive Plan indicating that George W. Murray was the last Black Congressman in the 19th century and his relative, James Clyburn, was the first Black

Congressman to serve South Carolina in the 20th Century. Then the Chairman asked Council to allow him to organize an ad-hoc committee to review and make further suggestions for this portion of the document should the Governor delay the implementation date for all Counties.

Councilman Singleton gave a copy of the enabling legislation to each Council member and to Mr. Hoge.

ACTION: MOTION was made by Councilman Burr, seconded by Councilwoman Sanders, and unanimously carried by Council to defer third reading of the Comprehensive Plan based on waiting to hear from the Governor who may defer the enactment of this legislation from May 4, 1999, to December 31, 1999.

NOTE: If the Governor does not defer enactment of this legislation, then Council will meet at 8:00 a.m. on Tuesday, May 4, 1999, to take action on this ordinance; otherwise, Council will defer action until a later date as it reviews the entire document in closer details. Council will also meet on Monday, May 3, 1999, to discuss issues concerning the proposed Sumter City-County Zoning Ordinance beginning at 2:30 p.m.

- (2) OA-98-10 (99-367) Planning Commission Staff - **Third 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.

Mr. Hoge presented this proposed ordinance amendment to Council. He added that the following are recommended for the County:

-Accessory Use

- 5 or less machines
- At least 2000 square feet of GFA
- Less than 40% of gross income from machines
- Located in districts where principle use is permitted or conditionally allowed.

-Add Video Poker to Section 904.2 of SZ with two year amortization period (BOA may extend)

-Separate Line Item for Video Power - SIC 7993

Conditional Use in GA and LI-W

- One parking space per 50 square feet GFA
- State Law for separation distances
- 500 feet in county from church, school, or playground/park

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

- (3) 99-372 -- **First Reading** - An Ordinance Adopting A Sumter City-County Zoning Standard For Sumter County Entitled "Sumter City-County Zoning And Development Standards Ordinance," Pursuant To The S. C. Local Government Comprehensive Planning Enabling Act Of 1994, As Specifically Required By Section 6-29-510, et seq.

Mr. Tony Criscitiello, the Planning Director, presented the proposed ordinance to Council. He stated that the City-County Planning Commission has recommended approval of this proposed ordinance, and asked that Council consider giving first reading of this ordinance. Mr. Criscitiello stated that the ordinance is designed to improve the aesthetics, image, and character of the City and County of Sumter. Eighty percent of the Zoning Ordinance is reflective of the existing ordinance, fifteen percent of the ordinance is required in order to conform with the State's enabling legislation, and five percent of the ordinance language are recommendations of the Planning Director.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Fleming, and carried by Council to defer first reading to this proposed ordinance and to acknowledge receipt of recommendations and changes from Councilman Burr's ad-hoc committee.

Street Name Changes -

- (1) SN-99-03 - Sumter County - **Second Reading** - To Hear A Request To Change The Street Name To Quail Run Road (Private Road) To Tantay Trail Located Off Cains Mill Road Next To Quail Hollow Subdivision (Tax Map 210-00-02-012, 044, And 046). (Public Hearing Will Be Held On This Item Prior To Council Taking Action On Second Reading)

Mr. Hoge indicated that this street name change is a follow-up from a previous street name change of Quail Run Road which is a public road located within Quail Hollow Subdivision. This street name is recommended to be changed so that no two streets would possess the same name and then cause a conflict in the E-911 system. The County's Auditor, the Planning staff, and Planning Commission all recommended approval of this proposed street name change.

The Chairman then convened a public hearing, at the conclusion of the public hearing; Council took action on this request.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Singleton, and unanimously carried by Council to grant second reading to this street name change request.

- (2) SN-99-04 - March Spencer - **Second Reading** - To Hear A Request To Change The Street Name Of Tempi Circle To Bossie Way Located Off Highway 261 Onto Sumter Landing Road (Near Willow Grove Church) (Tax Map 031-00-01-013) (Public Hearing Will Be Held On This Item Prior To Council Taking Action On Second Reading)

Mr. Hoge informed Council that this street name change is west of Horatio and in the vicinity of Willow Grove Church. If approved, this would allow a street currently known as Tempi Circle to be named Bossie Way. This is a private road of approximately 900 feet in length. There are no signs on the roads and no name on the County's map; therefore, there will be no cost incurred by the County to change this street name. The Planning staff and Commission recommended approval as well as the County's Auditor.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilwoman Sanders, and unanimously carried by Council to grant second reading to this street name change request.

Grant Awards: None

PUBLIC HEARINGS - Public Hearings Will Be Held At 6:00 P.M. Or As Soon Thereafter.

- (1) SN-99-03 - Sumter County - To Hear A Request To Change The Street Name To Quail Run Road (Private Road) To Tantay Trail Located Off Cains Mill Road Next To Quail Hollow Subdivision (Tax Map 210-00-02-012, 044, And 046). (Public Hearing Will Be Held On This Item Prior To Council Taking Action On Second Reading)

The Chairman convened the public hearing and inquired if any one 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. Council then took action on this matter during Street Name Requests.

- (2) SN-99-04 - March Spencer - To Hear A Request To Change The Street Name Of Tempi Circle To Bossie Way Located Off Highway 261 Onto Sumter Landing Road (Near Willow Grove Church) (Tax Map 031-00-01-013) (Public Hearing Will Be Held On This Item Prior To Council Taking Action On Second Reading)

The Chairman convened the public hearing and inquired if any one 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. Council then took action on this matter during Street Name Requests.

- (3) 99-369 - **Third Reading** -- An Ordinance Authorizing The Execution And Delivery Of An Inducement Agreement By And Between Sumter County, South Carolina, And A Company - Project Swan -- (Cooper Hand Tool Division Sumter Plant) -- (The Company), Whereby Under Certain Conditions Sumter County May (1) Acquire Title To Certain Industrial Property For Lease To The Company; (2) Covenant In Such Lease Or Enter Into A Separate Form Of Agreement With The Company Whereby The Company Will Pay To The County A Fee In Lieu Of Ad Valorem Property Taxes (FILOT) Payments; And (3) Make Available To The Company The Benefits Of A Multi-County Industrial Park Agreement. (Third Reading on this proposed ordinance will be held immediately after public hearing.)

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to this proposed ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing. Council took action on this matter during Old Business.

NEW BUSINESS

- (1) March Financial Report Update

Mrs. Richardson stated that 75% of the County's fiscal year has been concluded and the actual revenue for the month of March was 1.8 million dollars; therefore, the County has collected \$22,100,000. Last year the County had only collected 69% of its revenue year-to-date. Most

departments are right in line with the 75% expenditures for the departmental budgets. The expenditures for the month of March were \$2,131,370 and year-to-date actual expenditures are \$20,168,497. Revenues continue to exceed expenditures by \$2,018,791 year-to-date actual. If the County's revenues continue to exceed the expenditures, then those funds left over at the end of this fiscal year will roll over into the County's reserve account.

The unaudited fund balance at present (reserve fund) is listed as \$1,992,97.

ACTION: This was received as information.

(2) Presentation by Santee-Lynches Regional Council of Governments Housing Director Concerning How Home Funds Are Expended.

Ms. Sallie Griffith, Housing Director with the Santee-Lynches Regional Council of Governments, gave Council a briefing on how a person should apply for HOME funds. She stated that the names of persons which are received by Santee Lynches Regional Council of Government's staff will be surveyed by the staff to meet Low to Moderate-Income requirements. These houses are also surveyed for a cost estimate on repairs needed. The names of the qualified LMI individuals whose houses meet the required criteria on repairs are brought before County Council by one of the staff members of Santee-Lynches Regional Council of Governments. Council must approve the applicant before work can be done on these homes.

ACTION: This report was received as information.

(3) Approval of Eight HOME Fund Projects.

Ms. Sallie Griffith presented the following names to Council for approval of HOME funds to complete the recommended projects:

- Rose Portee, 5490 McDaniel Road, Rembert, SC, \$35,000
- Emma Mickens, 352 Farrell Road, Sumter, SC, \$25,000
- Bertha McCoy, 5186 Burros Road, Sumter, SC, \$25,000
- Mary F. Wactor, 2685 Yank Haven Drive, Sumter, SC, \$30,000
- Annie Mae Wactor, 5245 Cotton Acres Road, Sumter, SC \$35,000
- Margaret Rubin, 209 E. Sumter Street, Mayesville, SC \$45,000
- Mr. and Mrs. Ronald Moses, 4095 Third Street, Mayesville, SC, \$46,000
- Ira and Helen Hargrove, 104 Penn Street, Sumter, SC, \$40,000

The total of funds for all the units comes to \$281,000.00 leaving a remaining balance of \$98,569.00.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the names, projects, and amounts as presented by Sallie Griffith.

- (6) 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.)

No executive session was held.

OLD BUSINESS

- (1) 99-369 - Third Reading -- An Ordinance Authorizing The Execution And Delivery Of An Inducement Agreement By And Between Sumter County, South Carolina, And A Company - Project Swan -- (Cooper Hand Tool Division Sumter Plant) -- (The Company), Whereby Under Certain Conditions Sumter County May (1) Acquire Title To Certain Industrial Property For Lease To The Company; (2) Covenant In Such Lease Or Enter Into A Separate Form Of Agreement With The Company Whereby The Company Will Pay To The County A Fee In Lieu Of Ad Valorem Property Taxes (FILOT) Payments; And (3) Make Available To The Company The Benefits Of A Multi-County Industrial Park Agreement.

The County Attorney presented this proposed ordinance to Council for consideration. She asked that Council hold a public hearing and then defer third reading on this ordinance until a later date.

ACTION: After the public hearing, MOTION was made by Councilman Williams, seconded by Councilman Edens, and unanimously carried by Council to defer third reading on this proposed ordinance as recommended by the County Attorney.

- (2) 99-365 - Third Reading --An Ordinance Authorizing The Development And Operation Of A Joint Industrial/Business Park In Conjunction With Kershaw County.

Kathy Cuttino, the County Attorney, presented this proposed ordinance to Council. She stated that a revision to the ordinance since first and second reading is the exclusion of a Joint County Development Advisory Board. Other than that change, the ordinance has received no significant changes.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Williams, and unanimously carried by Council to amend the ordinance as presented to Council by deleting the Joint Development Advisory Board.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Williams, and unanimously carried by Council to grant third reading and adoption of the ordinance as amended.

COMMITTEE REPORTS

- (1) Personnel/Technology Committee Meeting Tuesday, April 27, 1999, at 3:00 p.m. in County Council's Conference Room. (Fleming, Sanders, and Burr)

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

- **Comptroller's Position:** The Committee asked that this position be reinstated into the 1999-2000 fiscal year budget and allow the Chairman of the Committee to obtain additional information on the role of the Comptroller in other like counties within South Carolina. This information will be shared with the Committee members, Administrator, and full Council.

ACTION: No action was taken.

(2) Waste Disposal Committee Meeting Tuesday, April 27, 1999, at 3:30 p.m. in County Council's Conference Room. (Burr, Edens, and Williams)

The Chairman of the Committee, Councilman Burr, gave the following report.

- **Landfill Closure:** The Committee members recommended that a contract be awarded to the low bidder to close the Municipal Solid Waste Landfill. The company is L-J, Inc. of Columbia, SC in the amount of \$1,220,000. The money has been allocated in a bond issue. There were a total of eleven bids that were received. Two local companies that presented bids came in at \$3,143,000 (Plowden Construction Company) and \$2,129,600 (Newman Construction, Inc.).

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Williams, and unanimously carried by Council to grant approval of the low bidder L-J, Inc. of Columbia, to complete the closure construction work for the County's municipal solid waste landfill.

(3) Fiscal, Tax, and Property, Committee Meeting Tuesday, April 27, 1999, at 4:00 p.m. in County Council's Conference Room. (Campbell, Fleming, and Edens)

The Chairman of the Committee, Chairman Campbell, stated that the Committee received information from Mr. Robinson, an Attorney representing Black River Electric Cooperative. Those comments were accepted as information concerning the proposed Zoning Ordinance.

MONTHLY REPORTS --

- Recycling Centers
- Public Works
- Keep America Beautiful
- Sheriff's Department

COUNTY ADMINISTRATOR'S REPORT --

- **Budget Notebooks** -Council members were given their budget notebooks and were encouraged to call the Administrator if they have questions. First reading will be held at the next Council meeting.

PUBLIC COMMENT:

- **Rev. Ted Clark:** spoke to Council about the Comprehensive Plan and the Zoning Ordinance. He stated that the Plan looks like an automobile without an engine. He added that he has approximately 40 different Comprehensive Land Use Plans and Zoning Ordinances from other counties and would be glad to share them with Council.

- **Ms. Coleen Yates:** spoke to Council about the Comprehensive Plan and the Zoning Ordinance. She added that women are interested in this Plan and would like the opportunity to give input concerning these two documents. She added that she represents the FORUM, which consists of approximately 60 women.
- **Dwayne Williams:** stated that he and his family moved here from Ohio, and they represent new money for Sumter County. He added that he plans to open a business here in Sumter very shortly. His concern is his understanding of the requirements in the Zoning Ordinance about purchasing no less than two acres of land for a mobile home.
- **Ms. Joyce Miller:** spoke to Council about her support of the pending Zoning Ordinance and Comprehensive Plan.
- **Mrs. Carolyn Bishop McLeod:** stated that she is a member of the Pilot Club and representing those women of Sumter County. She added that the Pilot Club members are in support of these documents. She stated that Mr. Criscitiello has a clear vision of how he would like to see Sumter County grow; therefore, she supports this vision for the county.
- **Mr. David Peaks:** spoke to Council about making sure that all people are inclusive in helping develop this Comprehensive Plan so that the have-nots will not be left out.
- **Warwick Estate Subdivision:** There is a 30 ft. road that has been constructed in Warwick Estate with a 12-15 ft. ditch in the back of the property. Forty-six residences of this community signed a petition stating that they oppose the ditch but would like the City and County to relieve them of the ditch and the drainage problem in this subdivision.

ACTION: Councilman Burr will follow-up on this matter.

There were no additional comments from the public.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 7:20 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.

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Date Posted: April 22, 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: April 22, 1999

Respectfully submitted,

Mary W. Lewis