

**Minutes  
Regular Meeting  
Sumter County Council  
April 8, 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:** None

**STAFF MEMBERS PRESENT:** William T. Noonan, County Administrator; Mary W. Lewis, Clerk to Council; Kathy Cuttino, County Attorney; John Duffie, Interim Planning Director; George McGregor, Interim Planning Coordinator; B. J. Jefferson, Appraiser; Carolina Richardson, Supervisor for Accounts Payable; William Houser, Comptroller; Jeanette Mixon; Finance Director; Eddie Newman, Public Works Director; Vic Jones, Public Safety Director; Don Johnson; RMC Director, Elizabeth Hair, County Treasurer; and Hembie Smith, Correctional Personnel.

**MEDIA PRESENT:** The Item

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

**CALL TO ORDER:** The meeting was called to order by Chairman Campbell, and The Rev. Dr. James R. Chandler, Pastor of Grace Baptist Church, the invocation.

**ACTION ON MINUTES:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to approve the minutes of March 25, 1997, as presented by the Clerk.

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

- (1) OA-97-01 -- Second Reading (97-314) -- (Residential Care Facilities) -- A Proposed Ordinance Amendment Clarifying Use Restrictions Dealing With Residential Care Homes And Facilities. (Public hearing will be held prior to action on second reading.)

Mr. George McGregor presented this matter before Council. He stated that proposed ordinance amendment, if approved, will clarify the Sumter Zoning Ordinance concerning Residential Care Homes and Facilities. He stated that residential care homes are with nine or fewer mentally or physically handicapped persons living in a home which require 24-hour supervision. The proposed amendment would allow for these homes (nine or fewer people) to be treated no differently than the Sumter Zoning Ordinance treats single family homes.

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Residential Care facilities would be defined as a facility providing residential care on a twenty-four hour basis to more than nine mentally or physically handicapped persons, an approved by licensed by, or under contract with a state agency or department for such purpose.

Councilmen Burr and Baker voiced concern about the lack of definition for those individuals who are classified as mentally or physically handicapped that would be allowed to live in the residential care homes. Councilman Burr also stated his concern about who would be considered the "site selection committee."

**ACTION:** After discussion MOTION was made by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to amend the proposed ordinance amendment to delete the Planning Commission from section 8, and insert the Sumter County Council which would allow for County Council to serve as the governing body to be notified, review, and serve or choose a site selection committee concerning alternative sites for residential care homes.

The Chairman then convened public hearing. At the conclusion of public hearing, Council took action on seconding reading to the amended ordinance amendment.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Vice Chairman Williams, and unanimously carried by Council to approve second reading.

- (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 was held at the March 25, 1997, meeting of County Council.)**

Mr. John Duffie, the interim Planning Director, presented this matter before Council. He stated that at the last meeting it was brought to the attention of Council that neither Council nor the public were given maps which indicated the present zoning in the vicinity. Therefore, new maps have been given to the citizens in the area and County Council members.

Mr. Croft, the applicant, wants to extend the general commercial district of his property to a depth of 300 feet from the current 200 feet along North Main Street and to rezone the rear portion of the property from Rural Agricultural to General Residential in order to allow for future development.

Second reading was deferred at the March 25, 1997, meeting of County Council; in addition, public hearing was also held at this same meeting.

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The Chairman inquired if anyone wished to speak in opposition to this matter. Mr. Charles Hall of 121 Laverne Street spoke in opposition to this matter; there were approximate eight other persons in the audience in opposition to this rezoning request. Mr. Hall gave Council members pictures of the area which indicated Edwin Street, Sterling Street, and Fairfax Street. Fairfax dead ends at Levern Street and there is no continuation of that street to the property that is proposed to be rezoned -- there is only wooded area. Levern Street stops at the end of Fairfax. There is a small path that goes beyond Fairfax; however it is gated off by SCE&G (there is no public access road at this point on Levern Street). A third picture was given to Council which is an area east of Fairfax that is a right-of-way for the power company and not a street as indicated on the maps. Mr. Hall indicated additional flaws in the map and asked Council to not rezone this property until such time that Mr. Croft can tell Council what he plans to do with this property.

Mr. Duffie stated that the Planning Commission's staff uses the tax maps which is a base map to show the location of the proposed rezoning activity. The tax map does reflect dedicated rights-of-way. He added that he could get the most recent aerial photography and transpose the proposed rezoning on to it; however, it will not show the dedicated rights-of-way.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to defer second reading until Council can receive more information from Mr. Croft about his development plans and receive clearer maps.

- (3) RZ-97-05/PUD-97-02 -- Third 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.

Mr. Duffie presented this matter to Council and stated that there were no changes in the proposed rezoning request from first and second reading approvals.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilwoman Sanders, and unanimously carried by Council to grant third reading and approval of the rezoning request.

- (4) RZ-97-06/PUD-97-03 -- Third 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.

Mr. Duffie presented this matter to Council and stated that there were no changes in the proposed rezoning request from first and second reading approvals.

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**ACTION:** MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and carried by Council to grant third reading and approval of the rezoning request. Councilman Burr abstained from voting.

- (5) RZ-97-04 -- **First Reading** -- Deloris N. Council, Et al -- A request to rezone three parcels of land located on Ebenezer Road (Tax Maps 200-00-01-003, 005, and 011) from Residential-9 to Rural Agricultural in order to allow a mobile home.

Mr. McGregor introduced this matter before Council. He stated that the applicant has requested to rezone three parcels from Residential-9 to Rural Agricultural in order to allow for a mobile home on the proper located at 339 Ebenezer Road. The property is located nor to Ebenezer Middle School and South of Yank Haven Subdivision. Ms. Council wishes to subdivide her parcel (200-00-01-003) into two (2) parcels, and place a mobile home on the rear parcel. The adjacent property owners (Tax Map 200-00-01-005 and 011) have agreed to be a part of this rezoning request.

The Planning Commission Recommended approval of this rezoning request.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Vice Chairman Williams to grant first reading to rezoning request.

- (6) RZ-97-01 -- **First Reading** -- R. L. Tidwell, Jr.-- RZ-97-09 -- John W. Morris -- A request to rezone approximately 10 acres of property located at 2805 Highway 15 South (Tax Map 223-00-01-011) from Rural Agricultural to Heavy Industrial in order to allow an automobile repair shop, in addition to a precast concrete septic tank operation. Additionally, a request to rezone the rear portion (approximately 2.8 acres) of property located at 2785 Highway 15 (Tax Map 223-00-012-010 part) from Rural Agricultural to Heavy Industrial.

Mr. McGregor stated that RZ-97-01 and RZ-97-09 have been presented together in this rezoning request. The applicant is requesting that this property be rezoned in order to allow a precast septic tank operation in addition to the existing automotive repair company. The automotive repair business is currently a non-conforming use at this location in accordance with Section 904.1 of the Sumter Zoning Ordinance. The surrounding uses of property are currently all residential.

Also, the application is proposing to locate another building on this same property next to the existing structure. The proposed structure would be buffered by existing natural growth. The pouring and storage of any tanks would take place to the extreme rear of this property and would also be buffered by existing natural growth. The manager of the existing automotive repair operation has indicated that he plans to construct a new building sometime next year and once that has been completed, he will demolish the existing building. He has indicated that often times when an accident occurs on Highway 15 South, right at Bethel Church Road, the automobiles sometimes damage cars that are being repaired at the shop. Therefore, he feels if he relocates the building and places the

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necessary landscaping along Highway 15, this will help to prevent this from occurring in the future.

The Planning Commission recommended denial of the request of RZ-97-09 as well as 97-01 because of incompatibility with the Land Development Plan.

**ACTION:** MOTION was made by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to defer first reading until such time that Council can receive an opinion from the Planning Commission concerning the Land Development Plan as it relates to this matter.

### **Street Name Change -- None**

### **Grant**

- (1) Santee-Lynches Regional Council of Governments HUD CDBG FY 96 Planning Grant  
Mr. James Darby, the Director of the Santee-Lynches Regional Council on Governments, stated that annually, the South Carolina Department of Commerce makes a determination as to how, in the best interest of the state, it intends to spend its HUD CDBG Planning Grant appropriation.

The state has determined that the fiscal year 1996 HUD CDBG Planning Grant should be used to identify and locate quality of life assets: schools, hospitals, emergency facilities, surface transportation, certain retail trade outlets, etc. and their proximity to concentration of low to moderate income populations. In addition, the S. C. Department of Commerce is interested in economic development as well as the physical relationship of these assets to low to moderate income families. Guidelines have been developed as to how the work is to be conducted and the lead County (Sumter County Council) will be the recipient of these funds which will pass through to Santee-Lynches Regional Council of Governments to carry out the work program outlined by the state.

The application was presented to Council and Mr. Darby asked that the application be approved and executed by the Chairman of County Council.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the application as presented and authorized the Chairman and the Clerk to execute and deliver the application on behalf of the County.

### **PUBLIC HEARINGS**

- (1) OA-97-01 -- **(97-314)** -- (Residential Care Facilities) -- A Proposed Ordinance Amendment Clarifying Use Restrictions Dealing With Residential Care Homes And Facilities. **(Public hearing will be held prior to action on second reading.)**

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The Chairman convened the public hearing and inquired if anyone wished to speak to this issued. No one spoke to this matter; therefore, the Chairman closed the public hearing and Council took action on second reading.

**NEW BUSINESS:**

- (1) Recognition of Former Board Member -- Mr. Leroy McKenzie

Mr. Leroy McKenzie, former Board member of the South Sumter Resource Center Advisory Board, was presented with a certificate and a "Legacy" print for his work as a board member.

- (2) Youth Representative -- Elizabeth Cuttino

Ms. Cuttino stated that she is a member of Wilson Hall School and she is a participant of Leadership Sumter for Youth. She thanked Council for their help with Clemson Extension Teen program; however, she asked Council to try providing additional recreational and entertainment for the youth of Sumter.

- (3) A Resolution Designating April as Fair Housing Month in the County of Sumter, State of South Carolina.

The Chairman presented the following resolution to Council for action.

***Whereas, Sumter County Council desires that its citizens be offered the opportunity to attain a decent, safe, and sanitary living environment, and***

***Whereas, Sumter County Council rejects discrimination on the basis of race, color, sex, national origin, religion, ancestral status, and disability, and***

***Whereas, Sumter County desires that every citizen be offered the opportunity to live in the home of his/her choice; hence, Sumter County Council does not discriminate in its housing practices;***

***Now Therefore Be It Resolved, that we the members of Sumter County Council do hereby designate April as Fair Housing Month in the County of Sumter, State of South Carolina and will continue to promote and advocate fair housing for all of its citizens.***

***DONE AND RATIFIED, in County Council regular meeting held this 8th day of April 1997.***

**ACTION:** MOTION was made by Vice Chairman Williams, seconded by Councilman Fienning, and unanimously carried by Council to approve the resolution as presented and authorized the Chairman and the Clerk to execute and deliver the resolution on behalf of the County.

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(4) 1996 Annual Report -- Register of Mesne Conveyances

The Chairman presented this matter before Council and stated that it is to be received as information.

(5) Welcome Sign Designating Sumter County Line.

The County Administrator, Mr. Noonan, presented this matter before Council. He stated that he received a letter from S. C. Department of Transportation indicating that Senator John Land had requested that the Department allow the Sumter County 4-H Club to erect Welcome signs on the Department's right-of-way. In response to this request, Mr. Richard B. Werts, Director of Traffic Engineering of SCDOT, indicated that in 1994 Legislature passed a bill which provided an exception to the Outdoor Advertising act to allow:

...A Welcome sign or other sign providing directions to a public facility or event erected by the governing body of a county, municipality, or organized church if the sign presents no traffic hazards. If the sign is placed on a highway right-of-way, it must meet the approval of the department for size, location, and supports.

Legal section of SCDOT, considered the above law and advised that the 4-H could be allowed to erect a County Welcome sign if the County agreed. This sign would take the place of the normal County Line sign that the Department of Transportation has previously erected, and it would be the ONLY sign designating the County line.

**ACTION:** MOTION was made by Councilman Burr, seconded by Vice Chairman Williams, and unanimously carried by Council to ask the 4-H Club to coordinate the erection of a Sumter County Welcome sign with the City of Sumter, Sumter Green, and other concerned parties as it works toward this project.

(6) **First Reading -- 97-319** -- An Ordinance To Provide For A Levy Of Taxes For The School And County Purposes Of Sumter County, S. C, For The Fiscal Year Of Said County Beginning July 1, 1997, To Direct The Expenditures Of Said Taxes And Other Revenues Of Said County, And To Provide For Other Matters Related Thereto.

The County Administrator presented this proposed ordinance to Council and asked Council to consider having budget workshops on Tuesday, April 15, 1997, at 4:00-6:00 p.m. and April 28 and 29, 1997 from 4:30-6:30 in Council Chambers.

**ACTION:** After discussion of this proposed budget, MOTION was made by Councilman Fienning, seconded by Councilman Burr, and carried by Council to approve first reading to the proposed ordinance. Councilpersons Fleming and Sanders abstained.

(7) **First Reading -- 97-320** -- An Ordinance Authorizing An Inducement Agreement Between Sumter County And Rainaire Products Of Carolina; A Lease Purchase Agreement Between Sumter County, As Lessor, And Rainaire Products Of Carolina, As Tenant; The Sale Of

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Approximately 10 Acres Of Land Currently Owned By The County Pursuant To Such Lease Purchase Agreement; Acceptance Of A Promissory Note From Such Tenant Evidencing Its Contingent Obligation To Pay \$70,000 As The Purchase Price For Such Land; And Other Matters Relating To The Foregoing.

Mr. Steve Rust, the Director of the Development Board, presented this proposed ordinance to Council. He stated that 50 new jobs will be added through the expansion of this Company within the next five years. This Company will develop in the South Guignard Industrial Park. After discussion, Council took action on this matter.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve first reading to the proposed ordinance.

- (8) 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.)**

No executive session was held.

**COMMITTEE REPORT:**

- (1) **Public Works Committee Meeting Tuesday, April 1, 1997, at 2:00 p.m. in Council's Conference Room.** (Members: Sanders, Baker, and Williams)

The Chairperson of the Committee, Councilwoman Sanders, presented the following report for action:

- Aid-to-industry for Rainaire: Request that work be completed on the expansion of their industry as outlined in the County's aid-to-industry policy. The committee recommended approval of this request.

**ACTION:** MOTION was made by Councilwoman Sanders, seconded by Councilman Burr, and unanimously carried by Council to approve the aid-to-industry request.

- (2) **Personnel Committee (Members: Fleming, Fienning, and Burr) and Public Safety Committee (Members: Burr, Fleming, and Williams) Meeting Jointly on Tuesday, April 8, 1997, at 4:30 p.m. in Council's Conference Room.**

The Chairman of the Personnel Committee, Councilman Fleming, presented the following report for recommendation to Council.

- EMS Administrator: The Committee recommended that the County hire an EMS Administrator to assist in the transition of developing the County's own EMS facility and personnel effective July 1, 1997.

**ACTION:** MOTION was made by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to the immediate hiring of an EMS Operations Manager.

- EMS Projected Salary Schedule: The Committee recommended the following pay schedule for EMS Personnel:

EMS Salary Schedule

Title	Grade	Minimum	Mid-Range	Maximum
EMT	11	18,343	22,013	25,680
EMT 1	13	20,675	24,810	28,945
Paramedic	15	23,006	27,607	32,208
Shift Supervisor	16	24,172	29,006	33,841
Asst. Operations Manager	18	26,503	31,804	37,737
Operations Manager	21	30,001	36,001	42,001

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Burr, and unanimously carried by Council to approve the entire salary schedule for EMS as presented above.

- Consultant for the Construction of the New Jail: The Administrator recommended that a consultant be hired immediately and until the completion of the construction of the new jail facility. It is recommended that that Council grant authority to the Administrator to hire a consultant aforementioned.

**ACTION:** MOTION was made by Councilman Burr, seconded by Councilman Fleming, and unanimously carried by Council to authorized the Administrator to hire a Jail Consultant immediately and to continue until the completion of the Jail construction.

- Noise Ordinance -- The committee recommended that the Administrator and Legal Counsel draft a noise ordinance for consideration by Sumter County Council

**(3) Fiscal, Tax, and Property Committee (Members: Campbell, Fienning, and Fleming) and Waste Disposal Committee (Members: Fienning, Williams, and Baker) Meeting Jointly on Tuesday, April 8, 1997, at 5:00 p.m. in Council's Conference Room.**

The Chairman of the Fiscal, Tax, and Property Committee, Chairman Campbell, presented the following report:

- St. Francis Xavier High School -- Additional discussion will be handled by the Administrator.
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- Transfer Station -- This property matter was discussed by the committee members and the following motion was made to full Council.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Vice Chairman Williams, and unanimously carried by Council to authorize the Administrator and staff to proceed with the development and construction of a transfer station at the Brewington Road location rather than in the western part of the County.

The Construction, demolition, and debris facility will continue at the Brewington Road landfill; however, the solid waste portion of the Brewington Road Landfill will be closed as of June 1998.

### **MONTHLY REPORT:**

- March Monthly Report of the Public Safety Department

### **COUNTY ADMINISTRATOR'S REPORT:**

The Administrator provided the following information to Council:

- Bids for the Construction of the Transfer Station will be discussed with Council at a later date.
- EMS Personnel were met with during the week of April 1, 1997, additional meetings will be held as needed.
- Winn Street School Project Demolition Project is progressing, but it is behind schedule.
- Airport Road Sewer Project funding sources is being identified by the S. C. Department of Commerce. Council will be kept informed of this project.
- Privatization and Downsizing at Coastal Carolina University, Conway, May 7-9. The Administrator requested approval from Council to attend this meeting. It is sponsored by the State Budget and Control Board.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to approve all cost for the Administrator to attend this session.

### **PUBLIC COMMENTS:**

- Alphonso Johnson spoke to Council about Law Enforcement, EMS, Winn Street School, Mayesville Elementary School, and Codes Enforcement.

There were no additional comments from the public.

**ADJOURNMENT:** After all business and all comments by the public, the meeting was adjourned at 8:00 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 of the County Administrator's office and on the bulletin board on the first floor of the Administration Building.

Date Posted:              April 2, 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:            April 2, 1997

Respectfully submitted,

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Mary W. Lewis