

**Minutes  
Regular Meeting  
Sumter County Council  
April 22, 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; Carolina Richardson, Supervisor for Accounts Payable; William Houser, Comptroller; Jeanette Mixon, Finance Director; Elizabeth Hair, County Treasurer; George Smith, MIS Department Head; and Hembie Smith, Correctional Personnel.

**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 The Rev. Elizabeth R. Givens, Associate Pastor, of Mt. Zion 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 April 8, 1997, as presented by the Clerk.

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

- (1) OA-97-01 -- Third 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 reminded Council that at its last meeting, Council amended the proposed ordinance amendment by designating Council as the notification and reviewing body for all residential care facilities requests with less than nine people.

**ACTION:** MOTION was made by Vice Chairman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to approve third reading and adoption of the ordinance amendment as previously amended.

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- (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. McGregor also presented this second reading request to Council. He stated that the property owner, Mr. Carl J. Croft, has requested that the rezoning request be changed by withdrawing the section that reads as follows: *"And to Allow Rezoning Of The Rear Portion Of The Property From Rural Agricultural To General Residential For Future Development.* Mr. McGregor asked that County Council act only on the first portion of the request. Additionally, the members of the public that were previously in opposition to this rezoning request were pleased with the deletion of the aforementioned portion of the rezoning request.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to amend the rezoning request to read as follows: *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.*

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to grant second reading to the rezoning request as amended.

- (5) **RZ-97-04 -- Second 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 requested rezoning of three parcels from Residential-9 to Rural Agricultural in order to allow for a mobile home on the property. The property is located near Ebenezer Middle School and South of Yank Haven Subdivision.

The Planning Commission recommended approval of this rezoning request. The Chairman conducted public hearing prior to Council taking action on this item.

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

**Street Name Change -- None**

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**Grant - None**

## **PUBLIC HEARING**

- (1) RZ-97-04 --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.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of the resolution.

Ms. Deloris N. Council, the applicant, spoke in support of her rezoning request. She stated that she wants to place a mobile home on the property instead of purchasing other property which is already zoned for a mobile home. Additionally, she said that the land surrounding her property which is proposed to be rezoned, is family property. Her family is in support of the rezoning request.

The Chairman, then inquired if anyone wished to speak in opposition to the rezoning request; no one spoke in opposition to the rezoning request. Then the Chairman declared the public hearing closed.

## **NEW BUSINESS:**

- (1) Youth Representative -- Natia Loney -- Crestwood High School

Ms. Loney stated that she is a Junior at Crestwood High School and participates in several activities at school and church. Additionally, Ms. Loney is a member of the Leadership for Sumter Youth. She stated that she enjoys the monthly meetings of the group and learns much from the speakers.

- (2) A Resolution by Sumter County Council Expressing Its Opposition To House Bill 3863.

The Chairman presented this proposed resolution to members for discussion. Councilmen Fleming and Burr stated their support of this resolution and Councilwoman Sanders stated that there are several positive aspects to the pending House Bill H.3863.

The resolution was presented to Council as listed below.

**Whereas,** *H.3863 was introduced in the South Carolina House of Representatives on April 9, 1997, and provides that elected county officers be given complete autonomy from county administrators, appointed monitors and supervisors, and county governing body members; and*

**Whereas,** *H.3863 provides that once the county budget process has been completed, elected county officers have complete and unrestricted control over their budgets, unsubjected to reallocation, funds denial, funds withholding, or delay in funding; and*

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**Whereas,** *the provisions of H.3863 undermine the home rule authority of county councils to manage the affairs of their counties, greatly diminishing their ability to exercise control over county departments as they were elected to provide; and*

**Whereas,** *H.3863 allows elected county officers and their departments to be granted privileges and immunities not provided to other county officials and departments, putting in place a hierarchy among officials and departments that disregards county policies, priorities, and needs; and*

**Whereas,** *were H.3863 to pass, the losers would be the taxpayers of this state who look to their county councils to provide accountability and control over county departments, agencies, and their budgets.*

**Now Therefore Be It Resolved,** *that the Sumter County Council, duly assembled this 22nd day of April 1997, does hereby express its strong opposition to House Bill 3863 and all the home rule principles it seeks to destroy.*

**Be It Further Resolved,** *that the Sumter County Council's opposition to H.3863 be made known by sending a copy of this resolution to every member of the Sumter County Legislative Delegation, the Speaker of the House of Representatives, and the Chairman of the House Judiciary Committee.*

After discussion of the resolution, Council then took action on this matter.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Burr, and carried by Council to approve the resolution as presented. Councilwoman Sanders abstained.

(3) **A Proclamation Recognizing April As Child Abuse Prevention Month.**

The Chairman presented this proposed proclamation for Council's consideration. After discussion. Council took action on the proclamation as listed below.

**WHEREAS,** *child abuse prevention is a community problem, and finding solutions depends on involvement among people throughout the community; and*

**WHEREAS,** *statistics of children who are abused and neglected escalate each year; and*

**WHEREAS,** *the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and*

**WHEREAS,** *effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community; and*

***WHEREAS**, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and*

***WHEREAS**, all citizens should become more aware of child abuse and its prevention within the community and to become involved in supporting parents to raise their children in a safe, nurturing environment.*

***NOW THEREFORE**, I, James A. Campbell, Chairman of Sumter County Council, Sumter County, South Carolina, do hereby proclaim April 1997 as*

**CHILD ABUSE PREVENTION MONTH**

*throughout the County and encourage all citizens of Sumter County to increase their participation in the effort to prevent child abuse, thereby, strengthening the communities in which we live.*

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously approved by Council to adopt the proclamation as presented.

(4) Update on Community Oriented Policing Program and Curfew Ordinance.

The Sheriff, Tommy Mims, presented the update on the Curfew Ordinance. He stated that from the middle of 1996 to the end of that year, there were sixteen violations to the Curfew Ordinance. However, since January 1, 1997, to-date, there has been a total of ten violations to the ordinance. As of this date, there have been no second occurrence violations to the ordinance.

Sergeant Freddie Gilbert gave Council an update on the COP's program. Sergeant Gilbert stated that the purpose of the COP's program is a philosophy where a police officer is assigned to a specific community to try to improve the overall quality of life in the community. Additionally, he stated that the officers are working with young people to try to instill in them that there are other options other than breaking the law.

The COP's officers are pleased with the sub-stations that have been funded jointly by County Council and the Sheriff's Office. There are three officers assigned to South Sumter, two in Cherryvale, two in Shiloh-St. John, two in Rembert, and one on Highway 441. To help enhance the program, the Sheriff has also given the Community Oriented Policing Program its own Captain and Lieutenant. Sergeant Gilbert said that it takes approximately five to seven years for a Community Oriented Policing program to show significant differences in the attitude and behavior of the community. More community groups need to be developed to work along with the officers. The officers also have the ability to work flexible hours to meet the demands of the community. Hours are rotated during the week and there is always someone on duty during the weekend. The Sheriff's deputies also respond to calls in areas as needed.

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Sergeant Gilbert ended his presentation by saying that the Curfew ordinance has been a big help in the South Sumter community.

**ACTION:** This matter was received as information.

- (5) **First Reading -- 97-321 -- An Ordinance To Enlarge The Jointly Owned And Operated Industrial/Business Park Created, In Conjunction With Clarendon County, By Sumter County Ordinance No 95-283; To Amend The Agreement Between Sumter County And Clarendon County Pertaining To Such Industrial/ Business Park By Adding Thereto Certain Real Property And The Improvements Thereon In Sumter County, South Carolina, Known As The Airport Industrial Park; And, To Approve A Revised Exhibit "B" To Such Agreement, Describing The Property Located In Such Park In Sumter County By Adding Thereto A Description On The Said Property Of The Airport Industrial Park.**

The Executive Director of the Development Board, Mr. Steve Rust, presented this matter before Council. He stated that Caterpillar Company wants to participate in the industrial/business park created in conjunction with Clarendon County by Sumter County's Ordinance No. 95-283. He recommended that Council approve first reading to this proposed ordinance after a change is made to the caption. (Exhibit "B" should be changed to Exhibit "A").

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Burr, and unanimously carried by Council to change Council's April 22, 1997, agenda caption for this proposed ordinance to read Exhibit "A", instead of Exhibit "B" as listed on the agenda.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Burr, and unanimously carried by Council to grant first reading to the proposed ordinance amendment as amended.

- (6) **First Reading -- 97-322 -- An Ordinance Authorizing A Fee Agreement Between Sumter County, And Caterpillar, Inc. (The "Company:) To Provide For A Fee In Lieu Of Taxes To Be Payable By Such Company ("FILOT Payments"); Granting The Company Economic Development Improvement Credits Against Such FILOT Payments; And Other Matters Relating To The Foregoing.**

Mr. Rust also presented this proposed Fee in Lieu of Taxes ordinance for Caterpillar, Inc. Additionally, he stated that if the millage rate is fixed now and the county's millage rate goes down next year, Caterpillar would be fixed at this year's higher rate if this ordinance is given all three readings.

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

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- (7) 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 after all business matters were heard.

**OLD BUSINESS:**

- (1) Second 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 matter before Council. New "green" budget sheets were given to Council to replace the white sheets in the budget notebooks. He further stated that after several budget workshops, there is a deficit of 1.6 million dollars to the 1997-98 proposed budget. Council members then discussed the need for additional budget meetings prior to giving third reading to the budget ordinance.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Burr, and unanimously carried by Council to defer second reading until a later date and to schedule public hearing at Council's May 13, 1997, meeting.

- (2) Second 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 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 Executive Director of the Development Board, introduced this matter before Council. He stated that the ordinance was first presented to Council stating that the Inducement Agreement is between Sumter County and Rainaire Products of Carolina. However, the ordinance needs to be between Sumter County, the City of Sumter, and Rainaire Products of Carolina. Also, this ordinance is to authorize a mortgage instead of a lease agreement.

Mrs. Cuttino, the County Attorney, stated that the City of Sumter will adopt a similar ordinance. The Ordinance caption should read as follows:

An Ordinance Authorizing An Inducement Agreement Among Sumter County (The "County"), The City Of Sumter (The "City") And Rainaire Products Of Carolina (The "Company"); The Sale Of The Company Of Approximately 10 Acres Of Land Currently Owned By The County And The City Pursuant To Such Inducement; Acceptance Of A Promissory Note From Such Company Evidencing Its Contingent

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Obligation To Pay \$70,000 As The Purchase Price For Such Land And A Mortgage From The Company To The City And The County As Security For Its Obligations Under The Note; And Other Matters Relating To The Foregoing.

The Attorney recommended to amend the ordinance as previously written at first reading by substituting both the new ordinance and caption as presented to Council at second reading.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to amend ordinance #97-320 by deleting both the ordinance and caption at first reading and inserting the new caption and ordinance as presented by the County Attorney at second reading.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to grant second reading to the amended ordinance.

**COMMITTEE REPORT:**

- (1) Public Safety Committee Meeting **Tuesday, April 22, 1997, at 4:00 p.m. in Council's Conference Room.** (Members: Burr, Fleming, and Williams)

The Chairman of the Committee, Councilman Burr, stated that the Administrator would give an update on EMS Services. The Administrator, Mr. Noonan, stated that after the last Council meeting when an EMS salary schedule was adopted by Council, a manager for EMS has been hired. Mr. Russell Elmore, the new EMS manager, will begin work immediately. He has been charged to assist in the transition of EMS Services from Tuomey Hospital to under the County's control and operation. The effective date of this transfer is July 1, 1997.

- (2) Fiscal, Tax, and Property Committee Meeting on **Tuesday, April 22, 1997, at 5:00 p.m. in Council's Conference Room.** (Members: Campbell, Fienning, and Fleming)

The Chairman of the Committee, Chairman Campbell, presented the following report and recommendations for approval:

- **Lake Marion Regional Water System:** The Steering Committee of the Lake Marion Regional Water System asked the County to decide whether or not it wants to participate in creating a Joint Municipal Water Agency. Also, all participating counties were asked to continue their commitment of \$7,000 per year to fund this project as it progresses towards regionalization of the water system. If approved, a resolution would be developed by the County Attorney concerning Sumter County's commitment to this organization. The committee recommended approval of this resolution and the \$7,000 for this project. The money would come from Council's contingency fund.

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- **Salterstown Community Organization:** This organization has asked that the County use a facility located in the Salterstown community as a recreational community center. The County's Director of Recreations also recommended approval of this project.
- **Development Board's Request:** The Development Board requested that the County handles it fiscal affairs (writing checks, depositing moneys, etc.) so that its funds will be separate from those of the Greater Sumter Chamber of Commerce. If approved, this matter would take effect July 1, 1997. The Administrator will write a letter to the Development Board and the Chamber concerning Council's actions on this matter.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approval all recommendations as presented by the Committee.

**MONTHLY REPORT:**

The following monthly reports were presented to Council:

1. Financial Report through the end of March 1997.
2. Sheriff's Department
3. Landfill Department
4. Convenience Centers (March and February)

**COUNTY ADMINISTRATOR'S REPORT:**

- RFP's for the Transfer and Disposal of the County's Household waste has been received. Meetings will be conducted to further discuss the RFP's with the vendors.
- RFP's for the County's Correctional facility are due Monday, April 28, 1997, at 3:00 p.m.
- The Correctional Center's inspection was completed and the only problem cited is still overcrowding.
- Calcium Chloride to control dust on County's roads will be applied to the County's roads as funds are available through the County's Road User Fee.
- The South Carolina Association of Counties has asked Council to review its existing constitution and bylaws. Suggestions should be sent in by May 2, 1997.
- The Fire Code Ordinance will be discussed by the County Attorney at an upcoming meeting.
- A Resolution will be placed on Council's agenda concerning inmates damaging county property.
- An update concerning the closing of Old Pocalla Road will be given by the County Attorney in the near future.

**PUBLIC COMMENTS:**

- Mr. Steve Rust thanked Council members for their involvement in the South Carolina Economic Development School.

There were no additional comments from the public.

**EXECUTIVE SESSION:**

The Chairman stated that he would entertain a motion to go into executive session to discuss a contractual and legal matter.

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**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning and unanimously carried by Council to enter executive session to discuss a contractual as well as legal matter. At the conclusion of executive session, Council re-entered open session.

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

**OPEN SESSION:**

Council then adjourned its meeting of April 22, 1997.

**ADJOURNMENT:** After all business and all comments by the public, the meeting was adjourned at 8:18 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 16, 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 16, 1997

Respectfully submitted,

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Mary W. Lewis