

Minutes
Sumter County Council
Regular Meeting
May 11, 1999 - Held at 6:00 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; Mr. John Duffie, County Engineer; Major Simon Major, Correctional Director; Mr. Ed Owens, Deputy Assessor; Mr. Eddie Newman, Public Works Director; Mr. George Smith; MIS Director; Mr. Jimmy Carr; Mapping Supervisor; Mr. Hemby Smith, MIS Staff Member; Mr. Vic Jones, Public Safety Director; The Honorable Elizabeth Hair, County Treasurer, The Honorable Verna Moore, County Coroner; and Mrs. Lorraine Washington-Dennis, Human Resource Director.

MEDIA PRESENT: The Item, and WIBZ Radio

PUBLIC PRESENT: Approximately 65 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and the Chairperson of Junior County Council, Miss Tomeka Bennett, gave the invocation.

ACTION ON MINUTES: MOTION was made by Councilwoman Sanders, seconded by Councilman Edens, and unanimously carried by Council that the minutes of April 27, 1999, be approved as presented by the Clerk.

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

- (1) RZ-99-09 - Marvin G. Byerly - **First Reading** - A Request To Rezone Property Located On The East Side Of Hialeah Parkway (Tax Map 208-00-02-005, 015, And 017) From Residential-9 And General Residential District To Rural Agricultural District In Order To Build A Residence And Horse Barns On The Property.

Mr. Hoge presented this first reading request to Council. He stated that applicant, Mr. Byerly, hopes to have his property rezoned to Rural Agricultural District in order to build a residence and horse barns. The property consists of approximately three tracts of land equaling to 29.69 acres.

The Planning Commission staff has visited the site, reviewed the request, and recommends approval. The Planning Commission also recommended approval of the request.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to grant first reading to the rezoning request.

- (2) RZ-99-10 - Otis Atkinson - **First Reading** - A Request To Rezone Property Located On Highway 15, South Across From Pocalla Springs Golf Course (Tax Map 225-00-03-013) From Rural Agricultural To General Commercial District In Order To Market The Property For Commercial Use.

The Planning Coordinator, Mr. Hoge, stated that the Developer of this Property, Mr. Atkinson, hopes to have this property rezoned to General Commercial District in order to market the property for commercial use. He added that the property consists of a 4-acre tract of property and measures 436.6 feet by 400 feet.

The Planning staff and the Planning Commission recommended approval of the rezoning request.

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

- (3) RZ-99-12 - Terry L. McIntosh - **First Reading** - A Request To Rezone Property Located At 2275 Thomas Sumter Highway (Tax Map 202-00-01-001) From Rural Agricultural To General Commercial District In Order To Allow For Retail Motorcycle Sales.

Mr. Hoge informed Council that Mr. McIntosh plans to purchase this 1.53-acre tract of property. Presently the property is vacant. The applicant hopes to rezone the property from Rural Agricultural to General Commercial District. The applicant proposes to construct a 50 x 100 ft. building for retail sales of motorcycles. The business will require 14 parking spaces and a 50-ft. setback from the rear line adjacent to the residential property.

The Planning Commission visited the site, reviewed the request, and recommended approval. The Planning Commission also recommended first reading approval of the rezoning request.

Street Name Changes -

- (1) SN-99-03 - Sumter County - **Third 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).

Mr. Hoge presented this third and final reading to Council. He stated that Council had previously granted first read and second reading to this request. Also, the Planning Commission and Planning staff recommended approval of this request.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilwoman Sanders, and unanimously carried by Council to grant third reading and approval of the street name change. The appropriate street name signs will be placed at Tantay Trail and Quail Run Road (the public road) as soon as possible. County maps will also be updated to indicate these changes.

- (2) SN-99-04 -March Spencer -- **Third Reading** - To Hear A Request To Change The Street Name Of Tempie Circle To Bossie Way Located Off Highway 261 Onto Sumter Landing Road (Near Willow Grove Church) (Tax Map 031-00-01-013).

Mr. Hoge stated that Council has given first and second reading to this street name change and a public hearing has been held on this matter. The Planning Commission and the Planning staff both recommended approval of this street name change.

ACTION: MOTION was made by Councilman Burr, seconded by Councilwoman Sanders, and unanimously carried by Council to grant third reading and approval of the street name change.

Grant Awards: None

PUBLIC HEARINGS

- (1) 99-372 - 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.

Prior to the public hearing, Council asked the Planning Director to give an overview of the proposed ordinance. Then the Chairman convened the public hearing and inquired if anyone wished to speak in opposition of this proposed ordinance.

- **Sherry Woodward**, staff member of Black River Electric Cooperative, spoke in opposition of the proposed ordinance as it is presently written. Black River is concerned about that the appeals process is not user friendly, and they are concerned about the replacement of all utilities from above ground to underground. She added that the public should be allowed to speak at the Planning Commission meetings and all fees should be reasonable and should not impose undue restraints on the less fortunate citizens of Sumter County. Lastly, Mrs. Woodward stated that Black River Electric Cooperative would like for the County to readopt the current Subdivision Ordinance, Section 4.5 regarding underground utilities. Additionally, the ordinance should be rewritten to allow Shaw AFB the opportunity to accept the cost of underground transmission lines around its facility.
- **Mr. Charles Shannon** stated that there would be no need for the Zoning Ordinance if there were no Comprehensive Plan. Also, this ordinance is not user friendly to the average taxpayer.
- **Mr. Dwayne Williams** stated that he represents new money to South Carolina and would like to see this ordinance be more flexible in its requirements to a family starting out with its own business.
- **Sylvia Loney** stated that she was concerned about the negative impact this ordinance could have on those that live on a fixed income. She added that she is in support of beautifying Sumter County, but not at the expense of those that are economically deprived. Mrs. Loney ended her comments by asking Council to give the public an opportunity to help them re-write the Plan and the Zoning Ordinance.

- **Jerry Price** a local manufactured home dealer, stated that he received a publication entitled "1997 Census On Sumter County" from the Chamber of Commerce. The salary statistical information in the document indicated that 62% of Sumter County's families make an average of \$35,000 annually. Consequently, most of these families are choosing to live in manufactured homes. These families will be the ones effected adversely by the requirements of this ordinance.

There being no more comments in opposition, the Chairman then inquired if anyone wished to speak in support of this proposed ordinance. The following persons spoke in support of the ordinance.

- **Coleen Yates** stated that the FORUM does support the ordinance, but would like to be included in making changes in the ordinance as necessary.
- **Kay Detrich** stated that she is a member of the Planning Commission as Council's representative. She is in support of the ordinance and Comprehensive Plan and asked Council to take all segments of the community into consideration as the ordinance is developed.
- **Bill Horne** stated if it is the goal of the Chamber of Commerce to beautify Sumter, then the Chamber should conduct a funding campaign to fund the beautification project. He offered to donate \$5,000 to this project. He added that if beautification were addressed outside the ordinance, then some of the cost to the developers to beautify subdivisions would drop and consequently would not be passed onto the customers who are the citizens of Sumter. Mr. Horne also expressed his concern about designated agricultural property as it is written in the new ordinance.
- **Dr. L. Latham** stated that he has only been in Sumter for three years and he applauded the City and County's citizens for their warm welcome for him and his family. However, he added that his first impression of Sumter was not favorable because of the aesthetics of the town. He said Council to support this ordinance and land use plan.
- **Mr. Jacob Moore** stated that he returned to South Carolina three years ago to retire. He stated that this ordinance is suppressive and should not be passed as it is presently written.

There being no additional questions, the Chairman closed the public hearing. The Chairman informed the public that as meetings are scheduled to discuss the proposed Zoning Ordinance, the public would be notified.

NEW BUSINESS

- (1) A Request From The Santee-Lynches Private Industry Council and Its Administrative Entity, Santee-Lynches Regional Council of Governments Petitioning Council On Behalf Of The Existing Four Counties To Be Designated As The Local Focal Point For Workforce Policy and Programs Authorized Under The New Workforce Investment Act.

Mr. Darby presented a request to Council asking them to designate the existing four county Private Industrial Council as the local focal point for Workforce Policy and Programs as authorized under

the new Workforce Investment Act. He stated that he would need the Chairman to enter into a multi-county (Clarendon, Lee, Kershaw, and Sumter Counties) to receive Workforce Investment Act funding. He further stated that he would need Council to authorize the filing of an application with the South Carolina Employment Security Commission as the agency to receive designation requests from local governments. Mr. Darby gave Council supporting documentation concerning the Workforce Investment Act, which is effective July 1, 2000. Also he stated that there are advantages to keeping the current service area - Central Carolina Technical College serves all four counties and three of the counties participate in the Inter-State Alliance.

Mr. Darby added that in order for the Santee-Lynches Service Delivery Area to be grandfathered by the Governor as a Workforce Investment Area, it must meet the following criteria:

- Have a population of 200,000 or more and that functioned as a Service Delivery Area under the Job Training Partnership (JTPA) on August 6, 1998. *The four county areas meet estimated population and the in-service test.*
- Have performed successful, in each of the last two years prior to the request for which data are available, in the delivery of services to participants under part A, Title II and Title III of the JTPA. *The Santee-Lynches SDA meets these criteria with the exception of Title III in PY 96. The SDA failed to meet the Entered Employment Rate Performance Standard by two percentage points.*
- Sustained the fiscal integrity of the funds used by the Service Delivery Area to carry out activities under the Act. *The SDA has met all financial accountability tests.*

The designation will be for a two-year period. At the end of the two-year period, the Workforce Investment Board must be evaluated by State officials to determine if it can be re-designated. Accountability and responsibility is weighed heavily in this program.

After Mr. Darby's comments, Council members discussed this matter in detail. Comments were also received from the public. At the conclusion of all comments, Council took action on this matter.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fleming, and unanimously carried by Council to have a special meeting of County Council with Mr. Darby on Tuesday, May 18, 1999, at 1:00 p.m. to discuss this matter in further detail.

ACTION: MOTION was made by Councilman Williams, seconded by Vice Chairman Fleming, and unanimously carried by Council to defer action on this matter until the May 18, 1999, meeting of County Council.

- (2) 99-373 - **First Reading** -- 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, 1999, To Direct The Expenditures Of Said Taxes And Other Revenues Of Said County, And To Provide For Other Matters Related Thereto.

The Administrator briefed Council on the budget. He stated that the revenue projected for fiscal year 1999-2000 is \$31,320,000 and the expenses projected at this point are \$32,500,000, which is deficit of \$1,196,000. If the budget is left as presented to Council, it would have a 6.5% mill increase. After receiving additional information on the budget, Council decided to have a budget workshop on Tuesday, May 18, 1999, at 11:00 a.m.

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Fleming, and unanimously carried by Council to grant first reading and to meet on May 18, 1999, for a budget workshop at 11:00 a.m.

- (3) Discussion By County Council to Consider Placing On Its Upcoming Agenda "An Ordinance Establishing A Local Option Sales Tax" with A Sunset Date of One Year From Its Implementation To Assist In the Construction of The County's Correctional Center.

Councilman Burr thanked Councilman Singleton for collecting data from the State concerning laws relating to the establishment of a Local Option Sales Tax. Councilman Burr stated that Council might need to have a 15-year bond issue of \$7,000,000 to construct the correctional facility. However, he suggested that the citizens and Council consider adding a one-cent Local Option Sales Tax for one year. The tax would collect approximately \$8,000,000 and would save the County over \$4,000,000 in interest due to finance charges. He stated that additional information will be forthcoming concerning this matter, and he hopes that the public will support Council with this needed project.

Councilman Burr ended his comments by asking that this process begin between now and early fall.

ACTION: Received as information.

- (4) 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 -- None

COMMITTEE REPORTS

- (1) Public Works Committee Meeting, Tuesday, May 11, 1999, at 4:00 p.m. in County Council's Conference Room. (Edens, Williams, and Singleton)

The Chairman of the Committee, Councilman Edens, gave the following report:

- **Street Lights:** The Committee plans to work with the Administrator to write a policy as to the criteria needed to place a street light at a particular location.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Williams, and unanimously carried by Council to approve the recommendation as presented.

- **Relocation of Kingsbury Recycling Center:** The Committee recommended withdrawing its application for that site (Callen and South Guignard Parkway) at this point.

- **Crusher Run of County Roads:** Approximately 8.6 miles of roads in the County will receive crusher run material before the end of July this year.

(2) Internal Affairs Committee Meeting Tuesday, May 11, 1999, at 4:30 p.m. in County Council's Conference Room (Williams, Campbell, and Edens)

The Chairman of the Committee, Councilman Williams gave the following report and recommendations to Council for action:

- **Alcohol and Drug Abuse Commission:** Appoint Mr. Ben Ross to replace Mr. Leroy James.
- **Accommodation Tax Board:** Send a recommendation to the City for review.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to grant approval as presented by the Internal Affairs Committee.

(3) Fiscal Tax, and Property Committee Meeting Tuesday, May 11, 1999, at 5:00 p.m. in County Council's Conference Room. (Campbell, Fleming, and Edens)

The Chairman of the Committee, Chairman Campbell, gave the following report:

- **Airport Road Sewer Project:** It was recommended to revise the budget for this project to \$251,230 (increase of about \$17,230 over the previous recommended cost). The additional cost is due to redirection of the sewer lines for this project. Therefore, it is hoped that the City of Sumter will assist in funding the cost of this project.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Williams, and unanimously carried by Council to grant approval as.

- **Approval of Airport Road Sewer Project Bid Contract:** It was recommended to approve TNT, Inc. of Chapin, South Carolina as the low bidder for this project in the amount of \$218,908.50. This approval is subject to the approval of the Federal Government's Rural Development Department.

ACTION: MOTION was made by Councilman Edens, seconded by Vice Chairman Fleming, and unanimously carried by Council to grant approval of the bid contract as presented by the Committee to TNT, Inc. of Chapin, South Carolina in the amount of \$218,908.50.

- **Cellular Phone Policy:** A copy of the proposed Cellular Phone Policy for Council Members was discussed and recommended for approval. (See policy below.)

It is the policy of Sumter County to provide cellular phones for its Council members under the following conditions.

1. The phone and all attachments will be the property of Sumter County and will be issued to each Council member upon request.

2. Once a Council member is no longer a member of Sumter County Council, the phone and all attachments shall be returned to the County prior to the last day of employment.
3. The Council member agrees that the phone shall be used primarily for Council's business. The incidental *de minimis* use of the phone for personal matters while the Council member is engaged in Council business or in route to or from Council business shall be permitted. Provided, however, in no event shall the Council member use the County phone for business related purposes other than County business.
4. If the phone is lost or stolen, the Council member shall immediately notify the Clerk or the Administrator so that appropriate actions can be taken. Another phone will be issued to the Councilperson if he/she is to remain on Council for more than thirty days.
5. Council members will be allowed to choose from the following two plans:
 - 90 Minutes at a rate of \$19.95 monthly
 - 150 Minutes at a rate of \$35.95 monthly

Provided, however, in exigent circumstances additional costs may be paid by the county upon a showing by the user that special circumstances beyond the normal day-to-day scope of business has required excessive usage. Excessive usage beyond the limits set fourth herein may be subject to approval by County Council.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council to grant approval as presented.

MONTHLY REPORTS --

- Sheriff
- Public Safety
- Recreation

COUNTY ADMINISTRATOR'S REPORT --

- Upcoming CDBG Grants - The Grants Writers will apply for all upcoming CDBG grants as they become available. There is approximately \$700,000 worth of funds that the County can apply for through CDBG.

PUBLIC COMMENT:

- John Keyannie spoke on behalf of families in Warwick Estates. He asked Council to please work with the City and the developer to relieve the Warwick Estates community from this problem.
- Elaine Miller also spoke to Council about Warwick Estates problem. She added that she feels that the City and County are responsible because the permits were approved by City and County officials, which cased the problem in their area.
- Carolyn Castleberry stated that she has lived in Warwick Estates for 17 years and the ditch is truly a potential death trap for kids and a bed for all types of bugs and rodents.
- Bill Knox spoke to Council about the need for a new library building and asked Council to consider imposing a One-Cent Local Option Sales Tax to construct the Library.
- Dana Miller stated that he never would have bought a house in Warwick Estates if he knew it had a ten-foot drainage ditch behind the property. He added that no consideration was given to any of the residences when the truck dug the ditch. The ditch is causing devaluation of property.

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 8:45 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.

Date Posted: May 6, 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: May 6, 1999

Respectfully submitted,

Mary W. Lewis