

**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**May 25, 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; Ms. Maggie Lane, Correctional Center Captain; Mrs. Janice Rearden, Register of Deeds; Mrs. Linda Hamm, Deputy Register of Deeds; Mrs. Pam Craven, Grants Writer; Mr. Russell Elmore; EMS Director; Mr. Lath Harris, Assessor; and The Honorable Verna Moore, County Coroner.

**MEDIA PRESENT:** The Item, and WIBZ Radio

**PUBLIC PRESENT:** Approximately 60 members of the public were in attendance.

**CALL TO ORDER:** The meeting was called to order by Chairman Campbell, and the Rev. Willie Benton, Chaplain at Tuomey Regional Medical Center, gave the invocation.

**ACTION ON MINUTES:** MOTION was made by Vice Chairman Fleming, seconded by Councilwoman Sanders, and unanimously carried by Council that the minutes of May 11 and May 18, 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 - **Second 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. **(Public hearing will be held prior to action on second reading.)**

Mr. Hoge presented this request to Council. He stated that Mr. Byerly hopes to construct horse barns on the property and to have a horse farm. The request consists of three parcels of land located off the Pinewood Road. The property is approximately 29.69 acres in size. Currently, there are similar usages of other properties in this same area. If approved, this will not have any impact on traffic on Pinewood Road. Also, there is no City water and sewage at this location and the property is presently vacant.

The Planning staff and the Planning Commission recommended approval. After comments, the Chairman convened a public hearing on this matter. At the conclusion of the public hearing, Council took action on this matter.

**ACTION:** MOTION was made by Councilman Williams, seconded by Councilwoman Sanders and unanimously carried by Council to defer second reading until such time that Mr. Byerly and his neighbors along with the Planning staff can meet to decide on a reasonable agreement concerning this rezoning request and the impact it will have on the surrounding properties.

- (2) RZ-99-10 - Otis Atkinson - **Second 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. (Public hearing will be held prior to action on second reading.)

Mr. Hoge indicated that this property is located on Highway 15 South just past Pack Road. He stated that the owner is requesting to rezone a four-acre tract of land to market it for commercial use. Currently the property is vacant. City water and sewer could be made available to this property if needed.

The Planning staff and the Planning Commission recommend approval of this request. The Chairman then convened a public hearing. After the hearing, Council took action on this matter.

**ACTION:** MOTION was made by Councilman Burr, seconded by Councilwoman Sanders, and unanimously carried by Council to grant second reading to this rezoning request as presented.

- (3) RZ-99-12 - Terry L. McIntosh - **Second 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. (Public hearing will be held prior to action on second reading.)

Mr. Hoge stated that this request to rezone property located at 2275 Thomas Sumter Highway would allow Mr. Terry L. McIntosh to locate a Retail Motorcycle Sales business at this location. Currently the property is vacant; however, Mr. McIntosh plans to have a 50 x 100 foot building on this property. Space is available for the required parking. The Planning Commission and Planning staff recommended approval of this request. The Chairman then convened a public hearing. After the hearing, Council took action on this matter.

**ACTION:** MOTION was made by Councilman Singleton, seconded by Councilwoman Sanders, and unanimously carried by Council to grant second reading to this rezoning request as presented.

**Street Name Changes - None**

**Grant Awards: None**

#### **PUBLIC HEARINGS**

- (1) RZ-99-09 - Marvin G. Byerly -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.

The Chairman convened a public hearing and inquired if anyone wished to speak in favor of this rezoning request:

- **Marvin G. Byerly** spoke in support of the request. He stated that he purchased the property in 1996 with the purpose of having a horse barn built on the property. He stated that the present zoning prohibits him from constructing buildings on the property. Mr. Hoge informed him that this particular zoning was the only way that he could build a building and a house on the same property.
- **Ms. Linda Montegue** stated that her family previously owned most of this property and they decided to subdivide it. This area was developed with street names of horses. Ms. Montegue stated that her property consists of hay fields, barns, and a trail for riding the horses. She supports this request because it is in alignment with the development objectives of the area. Also, Ms. Montegue stated that most of the area has restrictive covenants which would not allow mobile homes.
- **Nancy Cromer** spoke in support of this request; she added that her family has purchased some property in the same area and has yet to build. She wants to make sure that she and her family does not have to endure the problems that Mr. Byerly has had to endure.

The Chairman then inquired if anyone wished to speak in opposition to this proposed rezoning request. The following persons spoke in opposition.

- **Leland Brown** stated that he resides at 1714 Hialeah Parkway. He said that he does not have a problem with the horse barns; however, he does have problems with what is to be built and how it will be constructed. Mr. Brown added that he has asked that the Byerly's come up with some type of specifications or plans to ensure neighbors that he will not construct an unsightly building in the area or place it where it would be a problem to the neighbors. Mr. Brown asked that this property have a PUD Type B placed on it.

Also, Mr. Brown stated that there are concerns about this request beyond the rezoning issue. He added that a dilapidated mobile home was moved to this property without a proper certificate, a citation was written for the mobile home to be moved and then the date to move the mobile home was extended by the Codes Department, and the mobile home on the property was being used for storage which was not a permitted use for the existing zoning.

- **Robert Klees** spoke in opposition; he stated that he lives on Hialeah Parkway and the property was purchased in 1994 without knowing that farm animals were in the immediate neighborhood. He added that rezoning this parcel would cause the property in this area to drop in value.

After discussions, the Chairman closed the public hearing and Council took action on this matter during Land Use Matters and Rezoning Requests.

- (2) RZ-99-10 - Otis Atkinson - 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 Chairman convened the public hearing and inquired if anyone wished to speak in favor of this request. Mr. Otis Atkinson spoke in favor of his request. He stated that since this area of Sumter County is starved for commercial development, he hopes to provide commercial services for the community if the rezoning is approved. No one else spoke to this issue; therefore, the Chairman closed the public hearing. Council took action on this matter during Land Use Matters and Rezoning Requests.

- (3) RZ-99-12 - Terry L. McIntosh - 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.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to this request. Mr. Terry McIntosh spoke in support of this request. No one else spoke to this issue; therefore, the Chairman closed the public hearing. Council took action on this matter during Land Use Matters and Rezoning Requests.

- (4) 99-373 -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. (Action on second reading will be held during old business or right after public hearing.)

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

- **Mr. Charles Shannon** spoke in opposition to the proposed budget ordinance. He stated that even though the budget is balanced, it appears that Sumter County is continuously increasing its expenditures thereby causing increase in taxes to its citizens.
- **Mrs. Josephine Mathis** stated that Council needs to cut out the fat and the waste in this budget.

There were no additional comments; therefore, the Chairman closed the public hearing and Council took action on seconding reading during old business.

## NEW BUSINESS

- (1) Junior County Council - Miss Erica McLeod.

Miss McLeod stated that she serves as the Clerk to Council for Junior County Council. She added that they are working on a project to help the Elmore family (the son was hurt in a hunting accident). Also, the Council members have contacted the students in their respective schools concerning the students' view on Charter School. The group has also toured the State House and met with Senator Phil Leventis and Governor Hodges. She ended her comments by thanking Council for supporting Junior County Council.

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

- (2) A Resolution To Create A Commission Pursuant To The Capital Project Sales Tax Act, S. C. Code Ann. Section 4-10-300, Et. Seq.; To Provide For The Appointment, Composition, Duties, And Responsibilities Of The Commission; And To Provide For Other Matters Relating Thereto.

Ms. Cuttino presented this proposed resolution to Council. She stated that this particular resolution is the first step in a number of other steps that must be taken in order for the County to impose a Capital Project Sales Tax Referendum. This resolution is a mirror resolution of York County, South Carolina and this County was able to pass its referendum. This resolution would establish a six member Commission (three members from Sumter County) and the three municipalities within Sumter County would collectively appoint the other three members of the Commission by a particular formula as outlined in South Carolina Codes of Law.

Ms. Cuttino stated that the duties of the Commission, once established, would be to hear all proposals for Capital Project Sales Tax funding. After reviewing the proposals, the Commission would make a recommendation to County Council on which projects are to be funded. The Council, then, by ordinance, would hold a referendum to allow the citizens to vote on whether or not to impose the penny sales tax.

Ms. Cuttino added that the statute states that the referendum can only be held in conjunction with a General Election.

After discussion, Council took action on this matter.

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

- (3) 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 during the regular meeting.

## OLD BUSINESS

- (1) 99-373 - Second 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 presented a balanced budget to County Council for second reading consideration. He stated that the budget is proposed at \$31,497,544 of expenditures with revenue of \$31,497,544. Council members discussed the budget adjustments as presented to them. After discussion by Council, the Chairman convened a public hearing. At the conclusion of the hearing, Council took action on this proposed ordinance.

**ACTION:** MOTION was made by Councilman Edens, seconded Councilwoman Sanders, and carried by Council to grant second reading to the proposed balanced budget as presented by the Administrator. Councilman Singleton voted in opposition.

## COMMITTEE REPORTS

(1) Public Safety Committee Meeting, Tuesday, May 25, 1999, at 4:00 p.m. in County Council's Conference Room. (Fleming, Edens, and Singleton)

The Chairman of the Committee, Vice Chairman Fleming, gave the following report and recommendations.

- **Correctional Center Location:** It was recommended by the Committee that the location of the Sumter County Correctional Center be moved from the North Main Street site to a location yet to be determined.

**ACTION:** MOTION was made by Vice Chairman Fleming, seconded by Councilman Williams and carried by Council to rescind actions taken by Council at its March 9, 1999, meeting to construct the Correctional Center at its present North Main Street location. Councilmen Burr and Edens voted in opposition. Council members Campbell, Fleming, Sanders, Singleton, and Williams voted in the affirmative.

**ACTION:** MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and carried by Council to approve the recommendation of the Committee by agreeing to move the Sumter County Correctional Center from the North Main Street site to a location yet to be determined. Councilmen Burr and Edens voted in opposition. Council members Campbell, Fleming, Sanders, Singleton, and Williams voted in the affirmative.

(2) Fiscal Tax, and Property Committee Meeting Tuesday, May 25, 1999, at 5:00 p.m. in County Council's Conference Room. (Committee Members: Campbell, Fleming, and Edens) Other Council Members Are Encouraged To Attend This Meeting.

The Chairman of the Committee, Chairman Campbell, gave the following report and recommendation.

- **School Resource Officers Grant:** It was recommended by the Committee to approve the hiring of two School Resource Officers (one each for Lakewood and Crestwood High Schools in District #2) through a continuation grant. The grant match is appropriated in the 1999-2000 budget allocations. The County's match is \$9,918.50, and the grant is effective July 1, 1999.
- **Criminal Domestic Violence Investigator Grant:** The Sheriff requested that Council approve a first year grant for a Criminal Domestic Violence Investigator with funds coming from the 1999-2000 budget allocations. The County's match is \$16,020. The grant is effective July 1, 1999.

**ACTION:** MOTION was made by Councilwoman Sanders, seconded by Councilman Burr, and unanimously carried by Council to approve the two grant requests as presented.

- **Executive Session Matter:** The Committee recommended that Sumter County enter into a Cooperative Agreement with Black River Electric Cooperative as Black River moves to purchase property for industrial development in the Dillon Park area pursuant to details listed in Sumter County Ordinance #99-370.

**ACTION:** MOTION was made by Vice Chairman Fleming, seconded by Councilman Burr, and unanimously carried by Council to approve the recommendation as presented.

#### MONTHLY REPORTS --

- Keep America Beautiful Program
- Sumter County Treasurer's Report of Income
- Sheriff's Office Monthly Activity Report

#### COUNTY ADMINISTRATOR'S REPORT --

- **Financial Statement** - The Administrator briefed Council on the financial statement as of the end of April. The revenue actual is \$25,353,957 and the actual expenditures are \$22,241,238. Revenue versus expenditure is \$3,112,719. The unaudited fund balance is \$1,992,977, the total county investments are \$2,449,139.86 with a bond capacity of \$8,773,322.

#### PUBLIC COMMENT:

- **Carolyn Castleberry** stated that she was very unhappy with actions taken by Council to move the Correctional Center to a new location.
- **Charles Shannon** stated that he is disturbed with the way in which Council is handling its business and bickering and arguing amongst each other. He asked Council to set aside personal issues and get to the business of the County.
- **Josephine Mathis** spoke about the State not helping fund the Correctional Center.
- **Inga Beckinghound** spoke to Council about the need for a better animal shelter and a spayed and neuter clinic.
- **Wilbur Brown, Jr.** stated that his father was arrested on May 9, 1999. On May 11, 1999, he was attacked in jail, on May 16, 1999; he was taken to the Tuomey hospital and is now in intensive care.

The Administrator was asked to follow-up on this matter on behalf of Council.

- **Jean Brown** spoke concerning the issues relating to her ex-husband's medical problems due to being attacked at the Correctional Center.

- **Jack Castleberry** spoke to Council concerning the excessive taxes Council imposes on its citizens.

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 8:05 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 the County Administrator's office and bulletin board on the Second floor of the Administration Building.
- Date Posted:                        May 21, 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 21, 1999

Respectfully submitted,

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Mary W. Lewis

