

**Minutes
Regular Meeting
Sumter County Council
May 13, 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, Charles E. Fienning, Louis Fleming, and Naomi Sanders.

MEMBERS ABSENT: Carol Burr

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, Accounts Payable Supervisor; William Houser, Comptroller; Jeanette Mixon, Finance Director; Verna Moore, Coroner; and Hembie Smith, Correctional Personnel.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 8 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and The Rev. Willie Lawson, Pastor, Clark's United Methodist 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 22, 1997, as presented by the Clerk.

MOTION was made by Councilwoman Sanders, seconded by Councilman Fienning, and unanimously carried by Council to approve the minutes of April 28, 1997, as presented by the Clerk.

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

- (1) RZ-97-03 -- **Third 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.

Mr. George McGregor stated that there have been no changes to this proposed rezoning request since making changes to the request at second reading (deleting the rear portion of the property from the rezoning request.)

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ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to grant third reading to the rezoning request as amended at second reading.

- (2) RZ-97-04 -- **Third 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 also presented this rezoning request and stated that Ms. Council has requested to rezone three parcels of land, approximately five acres, to place a manufactured mobile home on the property. There have been no changes to the initial request.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fienning, and unanimously carried by Council to grant third reading to the rezoning request.

- (3) RZ-97-10 -- **First Reading** -- K. F. Grocery, Inc. -- A Request To Rezone Approximately 2.5 Acres Of Property Located At 1768 Pinewood Road (Tax Map 208-16-04-006 And 007) From Residential-9 To Neighborhood Commercial To Allow For Future Development.

The applicants are the owners of a small neighborhood grocery store with two gas pumps. The applicants propose to expand their present parking area and possibly construct several other small retail buildings. The applicants have indicated that there are no specific uses, besides retail, at this particular time. The proposed site plan does reflect some landscaping and a buffer area.

The Planning Commission recommended approval of the plan. The Planning staff has visited the site, reviewed the proposed site plan, and evaluated the request. The Planning staff recommended approval of this based upon the request's compliance with the Land Development Plan for Pinewood and Kolb Roads. This proposed development could provide services directed for a growing residential population. Therefore, the underlying zoning designation should reflect uses limited in a retail-commercial nature.

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

- (4) RZ-97-11 -- **First Reading** -- Thomas Davis -- A Request To Rezone One Acre Of Property Located At 3160 Wedgefield Road (Tax Map 183-00-03-073) From Residential-15 To Neighborhood Commercial In Order To Allow A Small Retail Store.

Mr. McGregor presented this request and stated that the 2005 Land Development Plan designates this property as Residential Conservation, which is intended to preserve and protect the character of existing neighborhoods. This request involves a one-acre tract of land. The applicant is requesting the rezoning of property at 3160 Wedgefield Road from

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Residential-15 to Neighborhood Commercial. The applicant wishes to construct some type of small business operation such as a convenience store, hardware, etc. on this property. There is a house situated on the lot adjacent to this property and a private driveway exists between the two parcels.

The property is located right in front of Sumter Speedway. Council asked if it would be probable that anyone would build a house on this property; Mr. McGregor stated that it is his opinion that it would be improbable for someone to build a house on this location due to the existing race track being located in front of this property.

The Planning Commission's staff found that the proposed rezoning request is not compatible with the existing Land Development Plan. Furthermore, rezoning this property from R-15 to Neighborhood Commercial would constitute spot zoning; therefore, the staff recommends denial of this request.

The Planning Commission voted to deny this rezoning request as presented.

Mr. McGregor informed Council that the 2005 Land Development Plan is currently being revised and this parcel could be incorporated in this revision process if Council so desires.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to defer first reading until such time that the 2005 Land Development Plan is updated and approved.

NOTE: Council requested that the Planning Commission's staff notify the applicant when the 2005 Land Development Plan is updated.

Street Name Change -- None

Grant - None

PUBLIC HEARINGS

- (1) **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. (Second reading on this matter will be held after public hearing or during Old Business Matters).**

The Chairman convened the Public hearing and inquired if anyone wished to speak in favor of or opposition to the proposed budget ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council then discussed this issue amongst themselves with input from the Administrator and the Comptroller.

- (2) **97-320 -- An Ordinance Authorizing An Inducement Agreement Among Sumter County (The "County"), The City Of Sumter (The "City") And Rainaire Products Of Carolina (The**

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"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 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. (Third reading on this matter will be held after public hearing or during Old Business Matters.

The Chairman convened the public hearing; and asked if anyone wished to speak in favor of or opposition of the proposed budget ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing. Council then discussed this ordinance and took action on third reading.

- (3) **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 "A" 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. (Second reading on this matter will be held after public hearing or during Old Business Matters.)**

The Chairman convened the public hearing; and asked if anyone wished to speak in favor of or opposition of the proposed budget ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing. Council then discussed this ordinance and took action on second reading.

- (4) **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. (Second reading on this matter will be held after public hearing or during Old Business Matters.**

The Chairman convened the public hearing; and asked if anyone wished to speak in favor of or opposition of the proposed budget ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing. Council then discussed this ordinance and took action on second reading.

NEW BUSINESS:

- (1) **A Resolution In Support of Protecting County Property at the Correctional Center and Other Locations.**

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The County Attorney and the County Administrator presented the proposed resolution to Council as listed below:

Whereas, the County Council of Sumter County, South Carolina finds that County property has been vandalized, damaged, or destroyed from time-to-time by persons in the custody of or otherwise on the premises of Sumter County; and

Whereas, such vandalism, damage or destruction of County property results in unnecessary and unreasonable costs to the citizens of Sumter County; and

Whereas, the County recognizes that it is the interests of its citizens to protect County property from negligent, careless, wanton, and willful destruction of County property;

NOW, THEREFORE, BE IT RESOLVED, that the County Council of Sumter County, South Carolina is committed to requiring such persons who may cause negligent, careless, willful, and wanton vandalism, damage, and destruction of County property, at its correctional facilities, or anywhere within the County, to be fully responsible for such payment and restitution as may be necessary to repair or replace such damaged property; and

BE IT FURTHER RESOLVED, that the County Council of Sumter County, South Carolina is committed to taking such actions and pursuing such penalties, both criminal and civil, as are reasonably necessary to protect County property from negligent, careless, willful, and wanton vandalism, damage, and destruction of County property.

ACTION: After reviewing and discussing the resolution, MOTION was made by Councilman Fienning, seconded by Councilman Baker, 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.

(2) **97-324 -- First Reading -- An Ordinance Establishing Noise Regulations Within the Unincorporated Areas of Sumter County.**

The Clerk distributed copies of the noise ordinance to Council members, and then the County Attorney presented the proposed ordinance to Council members. She stated that prior to drafting the ordinance, she reviewed ordinances from several other municipalities including the City of Sumter. Additionally, she stated that this ordinance is based on instruments specifically designed for the propose of producing noise. In addition, she added that the noise sound must be measurable in order for the ordinance to be effective. Therefore, County employees must be trained to use sound meters to measure the sound that is in violation of the County's ordinance.

After reviewing the ordinance, Council requested that the Sheriff provide a cost for the acquisition of the instruments to measure the sound, and the cost of training the officers to

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use the instruments. Additionally, Council suggested that the Sheriff's office be responsible for enforcing this ordinance.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to delete the following words from the proposed ordinance: "and/or the Sumter County's Codes Enforcement Office."

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

(3) Magistrate -- 1997-98 Budget Presentation.

The Chief Magistrate, Judge Martha Upshur, presented the proposed budget request for the Magistrate's Office for 1997-98 fiscal year. Judges Tindal, Gibson, Pack, Herbert, and Sanders were also present.

Judge Upshur asked for two additional clerical employees, a new phone system, two constables, additional moneys to pay a part-time Judge when a full-time Judge is out, and salary increase for the magistrates (magistrates were not listed in the DMG study).

Council received this presentation as information and will handle this matter during the budget process.

(4) 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.

After the public hearing was held the County Administrator briefed Council on this matter. He stated at the last meeting that the budget was still unbalanced. After speaking to the Auditor, Mrs. JoMarie Crocker, the Comptroller and the Administrator were informed that the county-wide mill was now projected to worth \$179,300 instead of the projected \$161,00 as indicated by the budget team. (The \$161,000 projection was derived from adding a 3% growth factor to the county-wide mill of \$158,000 from 1996-97 budget figures.) School District #17's mills are now projected at \$107,500 and School District #2's mills are now projected at \$87,900.

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The millage growth will balance the budget. Additionally, the budget team requested that Phase II of DMG be funded which is a carryover from fiscal year 1996-97. The funds need to be earmarked for the DMG project. Additionally, \$139,300 should be appropriated for merit increases of up to 1½% to the employee's at the time of the adjustment.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Baker, and unanimously carried by Council to grant second reading on the proposed budget ordinance.

- (2) **Third Reading -- 97-320 -- 97-320 -- 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 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 County Attorney presented this matter before Council. She stated that Rainaire Products of Carolina has agreed that it will invest approximately \$800,000 to \$1,200,000 in Sumter County as it expands this company. However, the company has asked that the figures within the proposed ordinance as its required investment should be \$800,000. Therefore, the proposed ordinance needs to be amended to reflect the change from \$1,200,000 to \$800,000. This does not effect the number of jobs Rainaire will create in this expansion and Inducement Agreement.

A public hearing was then conducted. No one spoke to this issue during public hearing.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to amend the proposed ordinance to delete the figure of \$1,200,000 as the amount of investment for Rainaire Products of Carolina and insert the figure of \$800,000 as the amount of required investment for this company.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilwoman Sanders, and unanimously carried by Council to grant third reading and adoption to the ordinance as amended at third reading.

- (3) **Second 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 "A" 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.**

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The County Attorney presented this matter before Council. She stated that this ordinance is a part of the agreement in securing Caterpillar Company to Sumter County and there are no changes to the ordinance since Council gave it first reading.

ACTION: After public hearing MOTION was made by Councilman Fienning, seconded by Councilman Baker, and unanimously carried by Council to grant second reading to the proposed ordinance.

- (4) **Second 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.**

The County Attorney presented this item and she stated that this Fee In Lieu of Taxes proposed ordinance is also a part of the proposed inducement to bring Caterpillar, Inc. to Sumter County. There have been no changes to the proposed ordinance since Council gave it first reading.

ACTION: After public hearing, MOTION was made by Councilman Baker, seconded by Councilman Fienning, and unanimously carried by Council to grant second reading to the proposed ordinance.

- (5) **Second Reading -- 97-323 -- An Ordinance Authorizing Sumter County to Lease Certain Real Property Located at 15 School Street, Sumter, S.C., to St. Francis Xavier Schools, Inc. Or the Successors and Assigns Thereof, and to Enter into a Lease Agreement With Regard Thereto.**

The County Attorney presented this proposed ordinance to Council. She stated that the ordinance has been changed slightly from its original presentation to include information concerning the insurance which would then change the monthly rental fee. She asked that Council amend the ordinance prior to giving second reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Fienning, and unanimously carried by Council to amend the ordinance by including revisions which were presented by the County Attorney.

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

COMMITTEE REPORT:

- (1) **Technology/Personnel Committee Meeting Tuesday, May 13, 1997, at 4:00 p.m. in Council's Conference Room.** (Members: Fleming, Fienning, Burr)

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The Chairman of the Committee, Councilman Fleming, stated that the Committee reviewed a proposed Substance Abuse Policy with the Administrator and Assistant County Administrator/Human Resource Director. There were several questions, therefore, staff was asked to revise the document so that it will consist of language with "zero tolerance of substance abuse" and several other grammatical and word changes. This matter will be brought back before the Committee and then to Council for approval.

(2) **Fiscal, Tax, and Property Committee Meeting on Tuesday, May 13, 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.

- **Tourism Board:** The Board requested an additional \$10,000 of funding from the County (as well as the City) for fiscal year 1997-98 to fund a clerical position. This matter will be handled through the budget process.
- **Magistrate 1996-97 Budget Request:** The Magistrate requested funds to pay for two part-time clerical staff members until the end of fiscal year 1996-97 to be funded out of Council's Contingency fund.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approved the recommendation as presented.

MONTHLY REPORT:

The following monthly reports were presented to Council:

- Sumter County Landfill
- Public Safety
- Magistrate
- Sheriff

COUNTY ADMINISTRATOR'S REPORT:

- **Landfill Transportation Review of RFP's:** This process is continuing and one company has been eliminated. Council will be kept abreast of this matter.
- **Privatization and Downsizing Conference:** The Administrator attended this conference and felt that the conference was very beneficial.
- **EEOC Trainings:** Managers and Supervisors will attend EEOC trainings either on May 20, 1997, or June 4, 1997. The training is six hours in length and will be conducted by Human Affairs staff members from Columbia, South Carolina.
- **David M. Griffith and Associates:** Staff members from DMG are presently meeting with Department Heads concerning the Departments' workforce analysis.

PUBLIC COMMENTS:

- Ms. Barbara Jones spoke to Council about her desire for more equitable funding for School District #2 as given to School District #17. She also stated that it appears that more money is being allocated to the Correctional Center instead of education and recreation. She asked Council to please try to change this picture.

There were no additional comments from the public.

EXECUTIVE SESSION:

The Chairman stated that he would entertain a motion to enter executive session to discuss a legal issue.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Baker, and unanimously carried by Council to enter executive session to discuss a legal issue. At the conclusion of executive session, Council re-entered open session.

OPEN SESSION:

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Baker, and unanimously carried by Council to re-enter open session.

The Chairman then asked for a motion regarding executive session discussion.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Baker, and unanimously carried by Council to hire outside legal Counsel to handle a labor employment matter.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 8:01 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

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Manner Notified: Agenda posted on bulletin board outside the County Administrator's office and bulletin board on the first floor of the Administration Building.

Date Posted: May 8, 1997

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 8, 1997

Respectfully submitted,

Mary W. Lewis