

**Minutes  
Regular Meeting  
Sumter County Council  
May 27, 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, County Engineer; George McGregor, Interim Planning Coordinator; Carolina Richardson, Accounts Payable Supervisor; William Houser, Comptroller; Jeanette Mixon, Finance Director; Verna Moore, Coroner; Gary Mixon, Recreational Director; Eddie Newman, Public Works Director; Vic Jones, Public Safety Director; Martin Rogers, Human Resources/Assistant County Administrator, and Hembie Smith, Correctional Personnel.

**MEDIA PRESENT:** The Item

**PUBLIC PRESENT:** Approximately 14 members of the public were in attendance.

**CALL TO ORDER:** The meeting was called to order by Chairman Campbell, and the Rev. Dave Keister, Pastor, of Concord Presbyterian Church, gave the invocation.

**ACTION ON MINUTES:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the minutes of May 13, 1997, as presented by the Clerk.

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

- (1) RZ-97-10 -- **Second 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.

Mr. George McGregor, the Interim Planning Coordinator, presented this matter before Council. He stated that this rezoning request is for an approximate 2.5 acre-tract of land to be developed as neighborhood commercial. 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 building. The applicants have indicated there are no specific uses other than retail at this particular time. The proposed site plan does reflect some landscaping and a buffer area.

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

The Chairman convened a public hearing on this matter, at the conclusion of the public hearing, Council took action on this item.

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

**Street Name Change -- None**

**Grant - None**

**PUBLIC HEARINGS**

- (1) RZ-97-10 -- 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.

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

- (2) 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 Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to the proposed ordinance and lease agreement. No one spoke to this issue; therefore, the Chairman closed the public hearing. Council then took action on third reading.

**NEW BUSINESS:**

- (1) Special Recognition of A Sumter County Employee.  
This matter was deferred until the June 10, 1997, meeting.
- (2) First Reading -- 97-325-- An Ordinance Amending Section 12-50 of the Sumter County Code of Laws, Concerning the Funding of the Sumter County Court Library.

~~The County Attorney stated that this proposed ordinance amendment is simply to update the ordinance from its original inception. Mrs. Cuttino stated that the current ordinance on the Court Library provides that \$6.00 out of the \$15.00 filing fee will be transferred to the Clerk of Court's Office for the funding of the Court Library.~~

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~~The proposed amendment changes the filing fee from \$15.00 to \$55.00 as listed in the state statute books and new language to read: "Funding support for the court library shall be appropriated from year to year in the course of the County's annual budgetary process." Forty four percent of the \$55.00 must be returned to the State as outlined by state statute and the remaining fifty-six percent will be transferred to the County's general fund to handle the expenses of the Court Library.~~

The County Attorney stated that this proposed ordinance amendment is simply to update the ordinance from its original inception and to provide a level of funding which will adequately meet the needs of the law library. Mrs. Cuttino stated that the current ordinance of the Court library provides that \$6.00 out of the \$15.00 statutory filing fee will be transferred to the Clerk of Court's Office for the funding of the Court Library.

The statutory filing fee is now \$55.00. Forty-four percent of the \$55.00 must be returned to the State as outlined by statute statute and the remaining fifty-six percent is transferred to the County's general fund. The proposed amendment, reading as follows: "Funding support for the court library shall be appropriated from year to year in the course of the County's annual budgetary process", will provide for funding the law library as a line item in the County's annual budget.

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

- (3) 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) Third 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 Administrator introduced this proposed ordinance, and then asked the budget team; Carolina Richardson, William Houser, and Jeanette Mixon to present information concerning the proposed budget.

Mrs. Richardson, presented the following budget analysis sheet.

BUDGET ANALYSIS		
<b>Excess Expenses over Revenue as of 5-13-97</b>		<b>&lt;618,362&gt;</b>
• Revenue Analysis Increase	372,500	

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• Estimated Millage Revenue	897,520	
<b>Total Revenue Increase</b>		<b><u>1,270,020</u></b>
<b>Subtotal</b>		<b>651,658</b>
<b>Added Expenses</b>		
• County Total Grants Match	154,000	
• Phase II of DMG Study*	127,000	
• Phase III of DMG Study	40,000	
• Joint Water Project*	27,000	
• 1 ½% Merit Increases plus fringes	165,000	
• Law Library Expenses	25,000	
• Soil Conservation	17,045	
• Sumter County Museum	5,000	
• Dillon Park Land Acquisition	25,000	
• Public Safety Salary Increase	5,918	
• Fire District 2 (Capital Adjustment)	35,000	
• RMC - Salary Adjustment	<11,557>	
• Sheriff - Juvenile Incarceration	<5,000>	<b>&lt; 609,406&gt;</b>
*Originally funded during 1996-97 budget mid-year adjustment, but needs to be carried over to next fiscal year.		
<b>Total Excess Revenue</b> (estimated 1.3 mills reduction)		<b><u>\$42,252</u></b>
<b>SUMMARY</b>		
Initial Excess Expenses	<618,362>	
New Revenue Added	<u>1,270,020</u>	
Subtotal	651,658	
Less Added Expenses	<609,406>	
<b>Total Excess Revenue</b>	<b><u>\$ 42,252</u></b>	

Mrs. Jeanette Mixon presented the following budget analysis of undesignated fund balance.

<b>ANALYSIS OF UNDESIGNATED FUND BALANCE</b>		
Balance as of June 30, 1996 (Per Audit Report - page 27)		\$4,232,591
Authorized Reserve Allocated		
1. Original FY 96-97 Budget	542,841	
2. First (1 <sup>st</sup> ) Amendment	357,698	
3. Second (2 <sup>nd</sup> ) Amendment	<u>660,350</u>	
<b>Total</b>	<b>1,560,889</b>	
<b>Estimated Usage of Authorized Reserve Funds FY 96-97</b>		<b>&lt;600,000&gt;</b>
<b>Estimated Fund Balance on 6-30-97</b>		<b><u>\$3,632,591</u></b>
<b>RESERVE RANGE</b>		
<b><u>Revenue FY 97-98</u></b>		

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\$25,647,097 @ 8%	\$ 2,051,767	
\$25,647,097 @ 10%	2,564,710	
\$25,647,097 @ 12%	3,077,652	
<b>Excess Fund Balance Over 10% Level</b>		<b><u>\$1,067,881</u></b>

Mr. Houser presented the general obligation bonds and legal debt limit without referendum information to Council.

<b>GENERAL OBLIGATION BONDS LEGAL DEBT LIMIT WITHOUT REFERENDUM as of June 30, 1997</b>	
	<u>Legal Debt Margin</u>
<b>Debt Limit</b>	
<b>Assessed Value 1996 Tax Books</b>	<b>\$ 183,295,090</b>
<b>Maximum Rate</b>	<b>8%</b>
<b>Constitutional Debt Limit</b>	<b>\$ 14,663,607</b>
<b>Debt Subject To Limit</b>	<b><u>5,660,000</u></b>
<b>Legal Debt Limit Without Referendum</b>	<b><u>\$ 9,003,607</u></b>
<b>Long term debt as of June 30, 1997</b>	
Original \$1,250,000 issue of 1990 General Obligation Bonds due in annual principal and interest installments commencing June 30, 1992, ranging from \$137,000 to \$144,000. Final payment due in 2005. Interest rates vary from 5.99% to 7.99%.	\$ 860,000
Original \$4,100,000 issue of 1995 General Obligation Bonds due in annual principal and semi-annual principal and interest installments commencing in 1996 ranging from \$525,000 to \$550,000. Final payment due in 2005. Interest rates vary from 4.85% to 6.75%.	\$ 3,425,000
Original \$325,000 issue of 1995 General Obligation Bonds due in semi-annual interest installments commencing in 1996 ranging from \$9,124 to \$411,326 with the principal payment of \$325,000 due in 1998. Interest rate is 6.97%.	\$325,000
Original \$1,150,000 issue of 1997 General Obligation Bonds due in semi-annual principal and semi-annual principal and interest installments commencing in 1997 ranging from \$100,000 to \$150,000. Final payment due in 2006. Interest rates vary from 4.125% to 4.50%.	\$ 1,050,000
<b>Total General Obligation Bonds</b>	<b><u>\$ 5,660,000</u></b>

The Administrator also provided Council with a copy of a letter from Mrs. Jomarie Crocker, the County's Auditor, which listed the final assessed values from 1996 tax books:

County Wide	200,087,640	Sumter City	73,979,720
County Ordinary	183,295,090	Mayesville City	862,170
School District #17	109,921,940	Pinewood City	782,050
School District #2	89,843,030		
Tax District #50	322,670		
Fire District 1	37,836,150		

The Auditor's letter also indicated that the figures listed above DO NOT include Merchants Inventory assessments from 1987, based on 1987 millage rate.

County Wide            4,868,000  
 School District #17    3,506,230  
 School District #2     1,361,770

Mrs. Crocker's letter also informed Council that she projected the value of a mill for 1997 by using a 3% increase in total assessed value and a 95% collection rate. The formula would then provide an estimated value of the 1997-98 mill as follows:

County Wide	\$195,700	Sumter City	\$72,380
County Ordinary	179,300	Mayesville City	840
School District #17	107,500	Pinewood City	770
School District #2	87,900		
Tax District #50	31,500		
Fire District 1	37,000		

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

**ACTION:** MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to defer third reading on the budget ordinance until such time as Council has had ample time to analyze the information presented to them at this meeting.

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

~~Mrs. Cuttino presented the proposed ordinance to Council. She stated that she has spoken to a member of the Richland County's Sheriff's Office concerning the "sound meters" which would be needed to assist in the enforcement of this ordinance. Additionally, she added that the decibel meters will NOT pick up the "low base sounds." Therefore, she recommended to Council to amend the proposed ordinance to include "low base sounds" as a noise nuisance.~~

Mrs. Cuttino presented the proposed ordinance to Council. She stated that she has spoken to a member of the Greenville County Sheriff's Office concerning that County's experiences with a similar noise ordinance, and the decibel meters which would be needed to assist in

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the enforcement of this ordinance. Additionally, she added that based on information received from Greenville County, the decibel meters will NOT pick up low bass sounds. Therefore, she recommended to Council to amend the proposed ordinance to include low bass sounds a noise nuisance.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Fleming, and unanimously carried by Council to amend the ordinance by including loud "low bass sounds" as a nuisance in the proposed ordinance.

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

(3) **Third 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.**

Mrs. Kathy Cuttino presented this matter before Council. Mr. Jay Seth, the Schools' attorney, informed her that the schools' officials have asked that the following two changes be made within the Lease Agreement of the Ordinance:

- ...That at all times during the period of this Lease, the Lessee shall procure and maintain at the Lessee's expense general liability insurance, naming the Lessor as an additional insured, which shall protect the Lessee and the Lessor from liability arising out of the Lessee's use of the leased premises in an amount of not less than Three Million and No/100 (\$3,000,000.00) Dollars, the Lessee shall provide the Lessor with a copy of such policy of insurance and a certification of insurance.
  - **Change to:** pages 3 and 4...the Lessee and the Lessor from liability arising out of the Lessee's use of the leased premises in an amount of not less than One Million and No/100 (\$1,000,000.00) Dollars, the Lessee shall provide the Lessor with a copy of such policy of insurance and a certification of insurance
- ...Lessee will keep the buildings or other improvements on the leased premises in a good state of repair at all times during the period of this Lease so as to comply with all the laws, and ordinances and regulations applicable to the leased premises and the use thereof.
  - **Change to:** page #5 ...The Lessee will comply with all the laws, ordinances, and regulations applicable to the leased premises and the use thereof.

After comments by the attorney, the Chairman convened the public hearing and at the conclusion of the public hearing, Council took action on third reading to the ordinance and the proposed lease agreement.

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**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to amend the ordinance as recommended by the County Attorney:

- **Change to:** pages 3 and 4...the Lessee and the Lessor from liability arising out of the Lessee's use of the leased premises in an amount of not less than One Million and No/100 (\$1,000,000.00) Dollars, the Lessee shall provide the Lessor with a copy of such policy of insurance and a certification of insurance
- **Change to:** page #5 ...The Lessee will comply with all the laws, ordinances, and regulations applicable to the leased premises and the use thereof.

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

**COMMITTEE REPORT:**

(1) Technology/Personnel Committee Meeting Tuesday, May 27, 1997, at 3:30 p.m. in Council's Conference Room. (Members: Fleming, Fienning, Burr)

- **Substance Abuse** -- The Chairman of the Committee, Councilman Fleming, stated that the Committee reviewed the proposed Substance Abuse Policy with the Administrator and Assistant County Administrator/Human Resource Director. The Labor Attorney and the County Attorney will review this document prior to it being brought back before the Committee and then to Council for approval.
- **Internet** -- Councilman Fleming stated that Councilman Fienning attended the Website meeting held at the Chamber of Commerce, and Councilman Fienning provided to full Council a detailed written report from the meeting concerning Internet for the County.

(2) Public Safety Committee Meeting Tuesday, May 27, 1997, at 4:00 p.m. in Council's Conference Room. (Members: Burr, Fleming, Williams)

The Chairman of the Committee, Councilman Burr attended the Committee meeting, but did not attend Council meeting due to illness. Councilman Fleming gave the following report from the Committee meeting.

- **Intersection Lights** -- The Committee discussed the continuation of the intersection lighting program. The public as well as Council was asked to give all suggestions to the Clerk to Council concerning the need for intersection lights.
- **Animal Shelter** -- The Committee discussed this matter in detail; however, they deferred any action until the June 10, 1997, meeting.

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- **EMS** -- Mr. Vic Jones gave the committee an update on the housing of the EMS operation and the needs of the EMS operation. Additional follow-up will be given at the June 10, 1997, meeting.
- **Correctional Facility** -- Council will tour Correctional facilities in Georgetown and Florence Counties on Monday, June 9, 1997, at 8:00 a.m. On Tuesday, June 10, 1997, at 10:00 a.m., Council will review information concerning the proposed architects for the correctional facility.

The Administrator must provide the S. C. Department of Corrections with a letter by July 1, 1997, detailing how Sumter County plans to handle its overcrowding problems at its correctional facility.

(3) **Fiscal, Tax, and Property Committee Meeting on Tuesday, May 27, 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.

- **Treasurer's Update:** The Treasurer presented information concerning tax bills and Millage roll-backs and how the roll-backs will effect the County.
- **Santee-Lynches Affordable Housing Community Development Corporation:** Mr. Isaac Bracey, Director of the Corporation, requested \$10,000 of HOME Consortium money from Sumter County Council (the lead County of the Consortium) to be used as matching funds for the development of a multi-family housing unit (40 apartments; 240 with two bedrooms, and 20 with three bedrooms.) The apartment complex will be located at the corner of Callen Road and Highway 521, South.

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

- **Shaw Air Force Base Request:** Shaw has requested \$3,000 from the County as well as the City to assist them with their Fourth of July festivities which is a part of their 50th-year birthday celebration.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the expenditure of up to \$3,000 from Council's Contingency fund if the City is participating equally in this event.

**MONTHLY REPORT:**

The following monthly reports were presented to Council:

- Keep America Beautiful

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**COUNTY ADMINISTRATOR'S REPORT:**

- **Dust Problems with Crusher Run:** The Administrator has discussed this problem with the Public Works Director and the Director will follow-up on these concerns.
- **Department of Corrections Designated Facility:** The report received from the S. C. Department of Corrections indicated that the Designated Facility is extremely clean and very secure.
- **S. C. Department of Environmental Control:** A report has been received from DHEC which indicated that the County's construction, demolition, and debris landfill, as well as the municipal landfill, have received a satisfactory rating which is the highest rating that can be given.

**PUBLIC COMMENTS:**

- Mr. Alphonso Johnson spoke to Council about the noise ordinance, law enforcement, school teachers, neighborhood schools, and a joint meeting between City Council, County Council, and the Legislative Delegation.

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 Councilman Fleming, 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 Councilwoman Sanders, seconded by Councilman Fienning, and unanimously carried by Council to amend the conciliation agreement with EEOC in semantic.

- The EEOC agrees not to sue the County -- **Change to:** The EEOC will not refer this matter to the Justice Department.
- **Add:** The agreement between these parties (EEOC and the County) does not effect the rights of the charging party.

**ADJOURNMENT:** There being no further business and no additional comments from the public, the meeting was adjourned at 7:35 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 first floor of the Administration Building.

Date Posted:              May 22, 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 22, 1997

Respectfully submitted,

\_\_\_\_\_  
Mary W. Lewis