

Minutes
Sumter County Council
Regular Meeting
June 22, 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. Faith Line, Librarian; Mrs. Lorraine Washington-Dennis, Human Resources Director; Mr. Eddie Newman, Public Works Director; Mrs. Pam Craven, Grants Writer; Major Simon Major, Correctional Center Director; Mr. Victor Jones, Public Safety Director; Honorable Elizabeth Hair, County Treasurer, Honorable O. V. Player, Clerk of Court; Honorable JoMarie Crocker, County Auditor; Honorable Tommy Mims, County Sheriff; Honorable Verna Moore, Coroner; Mr. George Smith, MIS Director; Mr. Latham Harris, Assessor; Mr. Eddie Newman, Public Works Director; Mrs. Patricia Jefferson, Voters Registration Election Commission; Mrs. Janice Rearden, Register of Deeds; Major Anthony Dennis, Sheriff's Department; Captain Maggie Lane, Correctional Center; Mrs. Odell Thompson, Deputy Auditor; Ms. Michelle Bradley, Accounting Clerk; and Miss Nikki Scott, Accounting Clerk.

MEDIA PRESENT: The Item, and WIBZ Radio

PUBLIC PRESENT: Approximately 92 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and the Rev. Timothy Hudson, gave the invocation.

ACTION ON MINUTES: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council that the minutes of June 8 and June 15, 1999, be approved as presented by the Clerk.

ANNOUNCEMENT: The Chairman announced that the Budget Resolutions for the two school districts will be discussed at a meeting scheduled for Tuesday, June 29, 1999, at 9:30 a.m. in Council Chambers.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests -

- (1) RZ-99-13 - Big Time Properties - Second Reading - A Request To Rezone Property Located At 2561 Broad Street (Across Highway 76/378 From Boyle Motor Company) (Tax Map 203-07-01-004) From General Residential To General Commercial In Order To Market The Entire Property For Commercial Development.

Mr. Hoge, the Planning Coordinator, presented second reading for Big Time Properties. He stated that the portion of the property is that piece which is 300 feet back from the property line to the rear of the property along the drainage area. The applicant hopes to rezone this property to General Commercial. The applicant plans to market the entire property for commercial development. This property is in the county's Land Use Plan as Suburban Development.

The Planning Commission and the Planning staff recommended approval of this rezoning request. Council then held a public hearing on this matter. At the conclusion of the public hearing, Council took action on this rezoning request.

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

- (2) 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 was held at Council's May 25, 1999, meeting.)

Mr. Hoge stated that this matter was presented to Council several weeks earlier at which time a public hearing was held. During that meeting, Council voted to defer second reading until such time that Mr. Byerly and his neighbors could meet to discuss the proposed rezoning. Mr. Hoge also met with the group. After meeting with his neighbors, Mr. Byerly presented Council with a petition of support from all but one of his neighbors. Also, one couple that had previously signed the petition had asked for their names to be withdrawn from the petition. Consequently, Mr. Byerly has resubmitted his original request.

The request involves the proposal of rezoning property from Residential-9 and General Residential District to Rural Agricultural District. Mr. Byerly hopes to build a residence and horse barns on the property. The Planning staff and Planning Commission recommended approval of this request. Council discussed this matter in detail with Mr. Byerly and Mr. Hoge. After all discussions, Council took action on the request.

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

Street Name Changes - None

Grant Awards: None

PUBLIC HEARINGS

- (1) RZ-99-13 - Big Time Properties - A Request To Rezone Property Located At 2561 Broad Street (Across Highway 76/378 From Boyle Motor Company) (Tax Map 203-07-01-004) From General Residential To General Commercial In Order To Market The Entire Property For Commercial Development.

The Chairman convened a public hearing. He inquired if anyone wished to speak in favor of this rezoning request. Julie Coker, agent for Big Time Properties, spoke in support of this rezoning request. Also, Mrs. Vashti White, owner of the property, spoke in support of this request. The Chairman then inquired if anyone wished to speak in opposition to this request. No one else spoke; therefore, the Chairman closed the public hearing and Council took action on this request during Land Use Matters and Rezoning Requests.

NEW BUSINESS

(1) May Financial Statement.

Mrs. Carolina Richardson presented the May financial statement to Council. She stated that the actual revenue collection for May was \$1,174,204 compared to last year's collection of \$2,318,818. However, the total revenues actual collections up to this point for this fiscal year are \$26,441,482 compared to \$24,806,264 for 1998-99 for the same period. Expenditures to this point are \$24,651,390. Mrs. Richardson also stated that the unaudited fund balance is \$1,992,977, the County's investments are \$2,485,887.13, and the bond capacity is \$9,818,497.

Council asked that the Administrator provide information concerning expenditures from July 1, 1998, to June 30, 1999, which would include all expenditures that would be paid beyond the 1998-99 fiscal year.

(2) Downtown Market Feasibility Study.

Mr. Grier Blackwelder introduced Ceil Fisher, the Downtown Sumter Manager. He then presented Council with the Downtown Market Feasibility Study, which was prepared by Hammer, Siler, and George Associates. Mr. Blackwelder stated that the study should be a road map for the revitalization of the downtown area, which is the County's seat. The goals of the study include

- Seeking to make downtown a proud place for all citizens
- Seeking to make downtown a quality place, to work, shop, live, and conduct business.
- Seeking to make downtown an enhanced area of economic development in this community.

Mr. Blackwelder stated that a copy of the study will be made available at the Chamber of Commerce, the Planning Department, and listed on the Chamber and Item's websites. He ended his comments by stating that Mr. George of this company will be in Sumter on July 9, 1999, to give a complete, extensive explanation of the study. Council and the public will be invited to the meeting. Additional details concerning the meeting will be provided at a later date.

ACTION: This matter was received as information.

(3) A Request From Citizens In And Around The Vicinity of Quail Run Subdivision Concerning Deer Flies And The Current Mosquito Program Of Sumter County.

Mrs. June Rainer presented her concerns to Council again about the manifestation of deer flies in her neighborhood. She added that these flies have infested the areas of US Highway 15 South, Manning Road, Cains Mill Road, Bethel Church Road, US Highway 15 North, Whites Mill, Pinewood Road, Wedgefield Road, and US Highway 521 North outside of Dalzell toward Rembert. Mrs. Rainer stated that she feels that the infestation is a health hazard and must be corrected immediately. Mrs. Rainer then presented Council with a petition of 200 names in support of her

request that Council and other appropriate agencies act immediately to rid the County of the deer flies. Prior to ending her comments, Mrs. Rainer read a letter from the U. S. Post Office stating concerns about the deer flies in the vicinity of Mrs. Rainer's home and in her neighborhood.

Then Mrs. Rainer stated that she has talked with Senator Leventis' Office and the Senator's office is waiting to see what actions Council will take concerning this matter.

Mr. Derrick Mims, Director of Sumter County DHEC, stated that there is a problem with deer flies in Sumter County. However, he added that deer flies are not a significant vector of human disease. He said that if there is to be additional monies placed into spraying, then it should be done for mosquitoes and not deer flies.

Mr. Mims then introduced Dr. L. A. Williams from the State DHEC office. Dr. Williams stated that he has worked for the Department of Health and Environmental Control for 25 years. He added that Mrs. Rainer may have a special problem with deer flies than others in this community. However, the different diseases that Mrs. Rainer has voiced her concern about could be carried by deer flies but some of the diseases have either not been reported in South Carolina or there has been very few reports of the diseases. However, if the diseases have been reported, the majority were not transmitted by deer flies.

The chemical products that are available to use for deer flies have very precise and limited conditions under which they can be used. Once all the flies are killed that were alive during the morning, there is no guarantee that other flies could settle in the area and the incoming flies may not be affected by the chemical that was sprayed earlier. Dr. Williams added that as of now there is no affordable or workable solution to this problem.

The Administrator stated that if Council wishes to provide extra spraying beyond what DHEC has done, it will require additional monies.

ACTION: The Administrator will continue to follow-up on this matter.

(4) Sumter Accommodations Tax Board Annual 1999-2000 Budget Presentation As Required by State Law.

Mrs. Patsy Lewis presented the 1999-2000 Sumter Accommodations Tax Board Budget to County Council as required by the State of South Carolina. She thanked Council for its support with the Sumter Accommodations Tax Board since she has been the director.

ACTION: This matter was received as information.

(5) A Resolution Approving the 1999-2000 Budget of Sumter County School District #2.

The Chairman introduced this resolution and asked Council for a motion to discuss this at the upcoming budget meeting scheduled for 9:30 a.m. on Tuesday, June 29, 1999.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to defer action on this resolution until June 29, 1999.

(6) A Resolution Approving the 1999-2000 Budget of Sumter County School District #17.

The Chairman introduced this resolution and asked Council for a motion to discuss this at the upcoming budget meeting scheduled for 9:30 a.m. on Tuesday, June 29, 1999.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to defer action on this resolution until June 29, 1999.

(7) A Request By The Sheriff of Sumter County for Sumter County Council To Return The Custody and Control of the Sumter County Correctional Facility to The Sheriff of Sumter County.

The Honorable Tommy Mims, the Sheriff of Sumter County, stated that he is making this request in light of a recent State of South Carolina Supreme Court decision in reference to Horry County. Part of the findings of the Supreme Court states that the Sheriff shall have custody of the jail in the County in which he is Sheriff. The Sheriff then officially and formally made the request to Council to return the custody and control of the Sumter County Correctional Center to the Sheriff.

Council asked that the Attorney find out the history of this matter and report back to the Administrator and Council at the July 27, 1999, meeting. Also, find out whether or not the Sheriff has the authority to request the custody and control of the Correctional Center and, if he does request the control and authority, does the County have to grant the request? Additionally, the question must be answered; given the Horry County legal opinion and the existing statute pertaining to this matter, does Sumter County have custody and control over the correctional center.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to defer action on this request until July 27, 1999.

(8) A Request To Make A Change In County Council's 1999 Meeting Calendar.

It was suggested by the Clerk that only one meeting of Council be held during the month of July (cancel the July 13, 1999, meeting) due to numerous vacation schedules during the week of July 12, 1999.

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Fleming, and unanimously carried by Council to cancel the July 13, 1999, meeting of Sumter County Council and to hold only one regular scheduled meeting in the month of July on July 27, 1999.

(9) 99-374 -First Reading -- An Ordinance To Provide For The Removal And/Or Demolition Of Abandoned Or Dilapidated Mobile Homes; Providing For Penalties Associated With Non-Compliance; Providing A Means For Attaching And Imposing Liens Upon Real Property On Which Such Mobile Homes Are Situated; And Other Matters Related Thereto; By Amending Chapter 11; Article V Of The Sumter County Code Of Ordinances As Provided Herein.

The County Attorney presented this proposed ordinance to Council. She stated that this ordinance would allow for the removal of dilapidated mobile homes from properties located within the County after following certain requirements.

The Treasurer has some additional suggestion for the ordinance and will provide the additions to the County Attorney prior to second reading.

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

OLD BUSINESS

- (1) 99-373 - Third Reading -- An Ordinance To Provide For A Levy Of Taxes For 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 Chairman introduced this matter and asked Council for a motion of deferral.

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Fleming, and unanimously carried by Council to defer action on this ordinance until June 29, 1999, at a special budget meeting of Council.

COMMITTEE REPORTS

- (1) Public Safety Committee Meeting Tuesday, June 22, 1999, at 4:00 p.m. in County Council's Conference Room (Committee Members: Fleming, Edens, Singleton)

The Public Safety Chairman, Vice Chairman Fleming, gave the following report.

- **Noise Ordinance:** It was recommended that the Administrator, the County Attorney, and the Sheriff provide Council with a revised Noise Ordinance at Council's next meeting.

ACTION: This mater was directed to the Administrator for follow-up.

- (2) Public Works Committee Meeting Tuesday, June 22, 1999, at 4:30 p.m. in County Council's Conference Room (Committee Members: Edens, Singleton, and Williams)

The Chairman of the Committee, Councilman Edens, presented the following report.

- **Street Lights:** The Committee discussed the proposed street light policy and deferred any action at this time. However, the Committee will review the proposed street light policy and send suggestions to the Clerk to Council for development of a draft policy by the Administrator.

- (3) Fiscal Tax, and Property Committee Meeting Tuesday, June 22, 1999, at 5:00 p.m. in County Council's Conference Room. (Committee Members: Campbell, Fleming, and Edens).

The Chairman of the Fiscal, Tax, and Property Committee, Chairman Campbell, gave the following report and recommendations:

- **Emergency Shelter Grant Award:** The County has been granted an Emergency Shelter Grant for the County's Greenhouse Shelter in the amount of \$60,000. For this grant award, the match is the amount of funds allocated to the Greenhouse from Sumter County Council for operations in the FY2000 budget; there are no other matching funds required.

ACTION: MOTION was made by Councilman Edens, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the grant award as presented.

- **Juvenile Arbitration Systems Improvement Project Grant:** The County has been approved to receive \$11,279 of grant funds for equipment in the Solicitor's Office. A match of \$600 is needed from Council's Contingency Fund as the grant's matching funds.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Edens, and unanimously carried by Council to approve the grant award as presented with \$600 coming from Council's Contingency Fund to receive the grant.

- **Home Projects:** This matter will be handled by the Chairman by writing a letter to Jim Darby concerning the process for citizens to undergo to receive assistance from the COG for home improvements.
- **Council Compensation:** The Committee discussed the compensations of Council members of approximately ~~\$2,000~~ \$2,500 for each member. The Committee voted in opposition this matter. Then the Vice-Chairman of Council asked the Chairman to put this matter before full Council for action.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Williams, and carried by Council to increase Council's compensation by ~~\$2000~~ \$2,500 per member. Councilmen Burr, Campbell, and Edens voted in opposition. Council persons Fleming, Sanders, Singleton, and Williams voted in the affirmative; the motion carried.

An ordinance will be developed for action by Council with implementation of the new salaries, if approved by Council, beginning January, 2001.

- **Legal Assistance For Treasurer:** The Committee discussed and recommended approval of providing the County Treasurer legal assistance for a tax sale suit and secure the funds from the legal fund line item.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Sanders, and carried by Council to approve the hiring of an attorney to handle a tax sale suit for the County Treasurer. Councilmen Williams, Fleming, and Burr voted in opposition. Councilmen Singleton, Campbell, Sanders, and Edens voted in the affirmative. The motion carried.

MONTHLY REPORTS -

- Convenience Centers
- Public Safety
- Treasurers Interest Report

COUNTY ADMINISTRATOR'S REPORT -No Report.

PUBLIC COMMENTS:

Prior to the public comments, Councilwoman Sanders requested that Council consider changing the format of the agenda to allow Public Comments at the beginning of the agenda. Council will study this and decide at a later time whether or not to change its agenda format.

- **Thelma Wilder-Walker** spoke to Council about declaring the Lincoln High School building as a historical site and to restore the name of the building back to Lincoln High School. Council directed Mrs. Wilder-Walker to speak to the Pastor of Trinity United Methodist Church.
- **Alphonso Johnson** spoke to Council about the Spectrum, the Correctional Center, the Sheriff's control over the Correctional Center, and roads.
- **Ms. Ceil Fisher** stated that she was representing the Merchants Association and she thanked Council for all the work they do for the County.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 8:19 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 first floor of the Administration Building.

Date Posted: June 17, 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: June 17, 1999

Respectfully submitted,

Mary W. Lewis