

**Minutes
Regular Meeting
Sumter County Council
June 24, 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, Carol Burr, Louis Fleming, and Naomi Sanders.

MEMBERS ABSENT: Charles E. Fienning

STAFF MEMBERS PRESENT: William T. Noonan, County Administrator; Mary W. Lewis, Clerk to Council; Kathy Cuttino, County Attorney; John Duffie, County Engineer; George McGregor, Planning Coordinator; Carolina Richardson, Accounts Payable Supervisor; William Houser, Comptroller; Jeanette Mixon, Finance Director; Verna Moore, Coroner; Ed Owens, Deputy Assessor; Elizabeth Hair, County Treasurer; Robert Galloway, Purchasing Agent; Faith Line, Librarian; Vic Jones, Public Safety Director; Martin Rogers, Human Resources/Assistant County Administrator; and Hembie Smith, Correctional Personnel.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 27 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and the Rev. Joann Murrill, pastor of Victory Church, gave the invocation.

ACTION ON MINUTES: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, to remove from the June 10, 1997, minutes the entire report/study of David M. Griffith Management Performance Study presented by Mr. House (which begins on page seven and ends on the top of page ten). The motion did not carry; Council persons Williams and Fleming voted in the affirmative and Council persons Burr, Baker, Campbell, and Sanders voted in opposition. Councilman Fienning did not attend this meeting.

MOTION was made by Councilwoman Sanders, seconded by Councilman Baker, and carried by Council to approve the minutes as presented by the Clerk. Councilman Fleming and Vice Chairman Williams voted in opposition. The minutes were approved.

AMENDMENT:

MOTION was made by Vice Chairman Williams, seconded by Councilman Burr, and unanimously carried by Council to add the following items to the June 24, 1997, agenda under NEW BUSINESS:

FIRST READING -- 97-328 -- An Ordinance Authorizing An Inducement Agreement Among Sumter County (The "County"), The City Of Sumter (The "City") And Peace Textile, Inc. (The "Company"); The Sale To The Company Of Approximately 10 Acres Of

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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 \$80,000 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.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests -- None

Street Name Change -- None

Grant - None

PUBLIC HEARINGS -- None

NEW BUSINESS:

(1) Special Recognition of A Sumter County Employee.

General Harry Burchstead, representative of the Army National Guard, informed Council that his presence in Chambers was due to the involvement and support of the County Administrator, William T. Noonan, with the Army National Guard and Reserve. He then presented Mr. Noonan with a certificate of appreciation which thanked Mr. Noonan on behalf of the men and women of the National Guard and Reserve forces for distinguished contributions to the national defense. The certificate was presented from the National Committee for Employer Support of the Guard and Reserve.

(2) EMS Medical Control Agreement

The County Attorney, Kathy Cuttino, presented the EMS Medical Control Agreement to Council. She stated that some of the highlights of the agreement included the following information:

- The agreement is between Sumter County and Donald R. Elton, M.D.
- It shall be for the period of one year and shall be automatically renewed from year to year upon the same terms and conditions.
- Either party can notify the other not less than forty five (45) days prior to the end of the agreement year about not renewing the agreement if desired; consequently, the renewal would not be automatic.
- The Physician will be compensated for the sum of \$12,000 yearly; payment of the funds will be on an equal monthly basis (\$1,000 per month for twelve {12} months).
- The Physician agrees to provide medical control and medical direction of Sumter County EMS and its personnel during the terms of the agreement.
- The Physician will perform in accordance with S. C. Department of Health and Environmental Control and will take all actions and submit all reports, documents, applications, and registrations as required.

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- The Physician agrees to indemnify and hold the County harmless from any and all claims for damages arising directly or indirectly from the Physician's medical control and direction, etc.
- The Physician shall provide the County with a certificate of insurance providing evidence of medical malpractice coverage, etc.

Other stipulations within the agreement were discussed by Council and the attorney, then Council took action on this matter.

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Williams, and unanimously carried by Council to approve the agreement as presented effective July 1, 1997.

- (3) **First Reading -- 97-328 -- -- An Ordinance Authorizing An Inducement Agreement Among Sumter County (The "County"), The City Of Sumter (The "City") And Peace Textile, Inc. (The "Company"); The Sale To 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 \$80,000 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 Administrator, Mr. Noonan, introduced the project, explaining that the company would be acquiring ten acres of property from the City and County in the South Guignard Park Industrial Park behind the company's existing facility. The consideration for the acquisition will be the company's promise to make a substantial capital investment resulting in the expansion of its plant and the creation of fifty (50) new jobs over a five year period.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to grant first reading to the proposed ordinance.

ACTION: This matter was first discussed in Fiscal, Tax, and Property Committee meeting and the Administrator was asked to follow on the concerns about Frank Street and Old Pocalla Road. Additionally, he was asked to find out what it would cost to fix the drainage on Frank Street and to pave Frank Street as well as change the egress and regress to Old Pocalla Road.

- (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.)**

No executive session was held.

OLD BUSINESS:

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- (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 presented the proposed ordinance to Council members. At Council's previous meeting, the budget was presented to Council which included revenue at approximately \$27,232,117 and expenditures of \$27,189,865. Two adjustments have been made which relates to the excess of \$42,252 of revenue. Council designated \$30,000 of those funds for its summer youth work program through the COP's program. Also, the remaining \$12,252 has been assigned to a Wellness Program for the County.

During the Fiscal, Tax, and Property Committee, \$100,000 was requested by the Administrator to be added in the budget from the County's Reserve account to provide those employees who were not impacted by the DMG study, with a minimum of a 3% adjustment during the coming fiscal year.

Vice Chairman Williams inquired about the level of the Reserve account if the funds are secured from the account. The Comptroller informed Council that if the \$100,000 is transferred from the reserve account; then it would leave approximately \$3,532,000 in the account.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to amend the proposed 1997-98 budget to include \$30,000 for the COP's Summer Youth Work Program, \$12,252 for a Wellness Program, and \$100,000 from the County's Reserve account to be used for a minimum of 3% salary adjustments for employees who were not impacted by the DMG study.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Baker, and unanimously carried by Council to approve the 1997-98 budget as amended.

- (2) **Third 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 presented this ordinance amendment to Council. She, Mrs. Cuttino, stated that there has been no changes in the wording of the ordinance since its original stage at first reading.

Mrs. Cuttino added that the legislature has recently increased the filing fee to \$70; consequently, the County will realize additional revenue through the filing fee because of a change in the State statute.

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ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Baker, and unanimously carried by Council to approve third reading and adoption to the ordinance as presented.

- (3) **Second Reading -- 97-327 -- An Ordinance Of The County Council Of The County Of Sumter, South Carolina, Authorizing The Creation Of A Joint Municipal Water System To Be Known As The Lake Marion Regional Water Agency Pursuant To Section 6-25-10 ET. SEQ. Of The Code Of Laws Of South Carolina 1976, As Amended.**

Mrs. Cuttino, the Attorney, presented this ordinance to Council. She stated that there was no change to this ordinance since its first reading at the last County Council meeting. It was further stated that if Council adopts this ordinance during third reading action, then Council will need to pass a resolution appointing a member to serve on the Lake Regional Water Agency.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fleming, and unanimously carried by Council to approve second reading to the ordinance as presented.

- (4) **Third 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.**

Mrs. Cuttino stated that this ordinance was developed to add the Caterpillar Company into the Industrial/Business Park created in conjunction with Clarendon County by Sumter County.

No changes have been made to the ordinance since its first and second readings.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fleming, and unanimously carried by Council to approve third reading and adoption to the ordinance as presented.

- (5) **Third 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 Attorney recommended that Council defer third reading action until a later date.

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ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fleming, and unanimously carried by Council to defer third reading at this time.

COMMITTEE REPORT:

(1) Waste Disposal Committee Meeting **Tuesday, June 17, 1997, at 10:00 a.m. in Council's Conference Room.** (Members: Fienning, Baker, and Williams)

The County Administrator and Vice Chairman Williams presented the following report to Council for action.

- **Transfer Station:** The Committee recommended for approval Chambers Waste System of South Carolina to handle the transportation of the municipal household waste from the County's transfer station and recommended for approval to deposit the waste in Chambers Richland County Landfill in Richland County, South Carolina.

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

- **Highway 401/Brewington Road and Highway 76 Intersection/Brewington Road:** It was requested by local residents that signs be replaced at these intersections to show people where the landfill is located in Sumter County.

ACTION: It was reported that the signs have been replaced at these locations.

- **Trucks Carrying Waste:** The Administrator was asked to follow-up on ensuring that the trucks going and coming from the landfill are covered to ensure that no trash flies from the trucks. The Administrator was also asked to speak to the City requesting that they change the route of their municipal waste trucks to Alligator Road or any other route than going down the Florence Highway.
- **Alligator Road Leading to the Landfill:** The Administrator was asked to follow-up on placing crusher run on Alligator Road for now and also find out what it will cost to have this road paved in order to support the truck traffic to the landfill.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to approve the recommendations of the Committee.

- **Recognition of Councilman Fienning:** Chairman Campbell recognized Councilman Fienning for being selected as one of the eight South Carolina Entrepreneurs of the Year for this outstanding performance with his company, Sumter Packaging. Council members applauded Mr. Fienning in his absence.

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- (2) Public Safety Committee Meeting **Tuesday, June 17, 1997, at 11:00 a.m. in Council's Conference Room.** (Members: Burr, Williams, and Fleming)

The Chairman of the Committee, Councilman Burr, presented the following report:

- **Architect Selection for the Sumter County Correctional Facility:** The Committee recommended for selection the Grier-Fripp Company based in Charlotte, North Carolina, with an office in Florence, South Carolina, to serve as the County's architect for this project.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fleming, and unanimously carried by Council to authorize the County Administrator and other appropriate staff to enter into negotiations with Grier-Fripp Company to serve as the County's architectural firm for the correctional facility project, and should the negotiations fail with Grier-Fripp that the County Administrator along with other appropriate staff be allowed to negotiate with McMillian Company of Spartanburg, South Carolina for the aforementioned project.

- (3) Internal Affairs Committee Meeting on **Tuesday, June 24, 1997, at 4:00 p.m. in Council's Conference Room.** (Members: Williams, Fienning, and Sanders)

The Chairman of the Committee, Vice Chairman Williams, presented the following report as recommendations from the meeting:

- **Building Codes Board of Adjustment:** Appoint Mr. F. Wayne Hunter.
- **Library Board:** Reappoint Mr. Graham Osteen, appoint Mrs. Virginia Ray, and no action was taken on the third vacancy.
- **Development Board:** Reappoint Mr. Eli Sumter.
- **Cultural Commission:** Reappoint Mr. Booth Chilcutt, Mrs. Mary Jane Caison, and Mr. Eric Bultman.
- **Wateree Community Actions:** Appoint Mr. Harry Harris.
- **Santee Lynches Private Industry Council:** Reappoint Mrs. Rubye Johnson and Mr. Leroy Thompson.

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

- (4) Fiscal, Tax, and Property Committee Meeting on **Tuesday, June 24, 1997, at 4:30 p.m. in Council's Conference Room.** (Members: Campbell, Fienning, and Fleming)

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The Chairman of the Committee, Chairman Campbell, presented the following report as recommendations from the meeting:

- **Sumter County Development Board Request:** The Development Board requested that land in the South Guignard Industrial Park be surveyed and roads designed for the two new buildings which are to be located in that area (Rainaire and Peace Textile's new 40,000 square foot building.)

ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to approve these recommendations. The County Administrator was asked to ensure that the City is participating in these development expenses.

- **Oswego Rural Water Franchise Agreement:** The County Attorney was instructed to proceed with drafting the franchise agreement, giving careful consideration to protecting the County's future development rights for industrial growth.
- **Agreement with the Town of Turbeville at the I-95 Rest Area:** The Committee recommended that Sumter County enter into agreement with the Town of Turbeville to assist in the development and availability of water and sewer services at the I-95 Rest area and to enter into agreement with the South Carolina Department of transportation on the same project.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Burr, and unanimously carried by Council to authorize the Chairman and the Clerk to execute and deliver the appropriate documents to enter into agreement with the S. C. Department of Transportation relating to the I-95 Turbeville Rest Area.

ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to authorize the County Administrator along with the County Attorney and other appropriate staff to continue negotiating the terms of the proposed agreement with the Town of Turbeville and to bring the final document back before Council.

- **Mood Street Property:** The Committee recommended that the Administrator continue with negotiations concerning this property.

ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to authorize the County Administrator to continue with negotiations concerning the Mood Street property.

- **Property Matter Requested by BB&T Bank:** The Committee recommended that the Administrator continue with negotiations concerning property of interest by BB&T Bank.

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ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to authorize the County Administrator to continue with negotiations concerning property of interest by BB&T Bank.

MONTHLY REPORT:

- Public Works
- Recycling Centers

COUNTY ADMINISTRATOR'S REPORT:

No report was given.

PUBLIC COMMENTS:

- Paula Berg spoke to Council about her concern of mobile homes being allowed to be grandfathered in the community. She stated that she was told that through attrition, the mobile homes would be lessened if when one moves out and it is left emptied for more than six months, then one could not be moved back into the same location under the same conditions.

Mr. George McGregor, the Planning Coordinator, stated that he and the County Attorney are in contact with each other concerning this situation. Council will be kept informed of its progress.

- Alphonso Johnson spoke in support of Mrs. Paula Berg's concerns.

CHAIRMAN'S COMMENTS:

- Letter from Mr. Ralph Morrow: A letter was read to those present from Mr. Morrow thanking Council for passing the Noise Ordinance and refuting comments recently placed in The Item concerning the ordinance.
- Letter from J. Frank Baker: Dr. Baker sent a letter to Council thanking members for the additional funds appropriated for School District #2 in the 1997-98 fiscal year budget. The Superintendent, Dr. Baker, stated that the funds will assist in lowering student/teacher ratio in the elementary grades, hire new teachers in the area of art, music, and physical education. Consequently, with the hiring of these new teachers, elementary grade teachers will now have a planning period

There were no additional comments from the public.

EXECUTIVE SESSION:

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 7:28 p.m.

Respectfully submitted,

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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 19, 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: June 19, 1997

Respectfully submitted,

Mary W. Lewis