

Minutes
Sumter County Council
Regular Meeting
July 27, 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.

AMENDMENT TO AGENDA: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to add the following "New Business" item to the July 27, 1999 Agenda.

99-377 – **First Reading** -- 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 with Clarendon County Pertaining to Such Industrial/Business Park; and to Approve a Revised Exhibit "A" to Such Agreement, Describing the Property Located in Such Park in Sumter County.

ACTION ON MINUTES: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and carried by Council that the minutes of June 22, 1999, be approved as amended.

- **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.

ACTION ON MINUTES: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council that action on minutes of June 29, 1999, be deferred until August 10, 1999, in order to clarify budgetary language relating to the School Districts. .

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests -

- (1) RZ-99-13 - Big Time Properties - **Third 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 stated that this third reading request has had no changes since first reading. The applicant hopes to have the property rezoned from General Residential to General Commercial.

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

- (2) RZ-99-09 - Marvin G. Byerly - **Third 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.

This request involves approximately 30 acres of land. The applicant, Mr. Byerly, hopes to build a residence and horse barns on the property. There have been no changes to this request since second reading

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

Street Name Changes -

- (1) SN-99-05 - Robert and Mildren Osteen - **First Reading** - A Request To Change The Street Name Of Olivia Lane To Weta Lane Located Off Talkolb Road, Which Is Between Bethel Church Road And The CSX Railroad (Tax Map 176-000-02-007, 067, 060, 061, And 066)

Mr. Hoge stated that the applicant is requesting to rename a private drive to their property from Olivia Lane to Weta Lane. Olivia Lane is located off Talkolb Road between Bethel Church Road and the CSX Railroad. This road is approximately ¼ mile in length with eight residents. All of the abutting property owners have not signed the petition approving the name change. The Auditor's Office will not approve Weta Lane due to a conflict with an existing street name in the County.

Likewise the Planning Commission did not approve the request due to the applicant not obtaining other property owners' signatures on the street name change petition.

The applicant was request to submit another name for approval and to have the property owners along Olivia Lane sign the street name change document or at least that whether or not the property owners are in support of the change.

ACTION: MOTION was made by Councilman Edens, seconded by Councilwoman Sanders, and unanimously carried by Council to deny first reading to this street name request.

Grant Awards: None

PUBLIC HEARINGS -- None

NEW BUSINESS

(1) A Resolution Honoring Mary McLeod Bethune.

The Chairman presented a resolution to the descendents of Dr. Mary McLeod Bethune (Ed and Jeerelene Holloman Miller). After publishing the resolution, Council took action on this resolution.

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

(2) Letter of Endorsement from Sumter County Council for the Rafting Creek/Providence USDA-NRCS FY 2000 Working Group Proposal.

Mr. Louis Jackson stated that this letter of endorsement is the only vehicle to receive funding into the County through USDA-NRCS funds. He stated that this area has the bulk of Sumter County's highly erodible land as defined in the Food Security Act of 1985. Based on a percentage of cropland acres, this area also contains the greatest amount of cropland eroding in the "2T-4T category.

If funded, this proposal would provide cost share funds to local landowners/land users to install primarily permanent vegetative cover on land they control. This area is one of below county average income levels and it would be difficult for the majority of Limited Resource Farmers to pay even 25% of the cost of the engineering practices, such as grassed waterways, diversions, and water control structures. Mr. Jackson ended his statements by saying that the objective is to convince landowners and users to install permanent vegetative cover, especially trees due to the long term income potential and long term protection of the soil resource base, as well as potential wildlife benefits.

ACTION: MOTION was made by Councilman Singleton, seconded by Vice Chairman Fleming, and unanimously carried by Council to approve the submission of a letter of endorsement for the Rafting Creek/Providence USDA-NRCS FY2000 Working Group Proposal as presented by Mr. Louis Jackson.

(3) 99-375 – First Reading – An Ordinance Amending Ordinance No. 97-324 Entitled “An Ordinance Establishing Noise Regulations Within The Unincorporated Areas Of Sumter County.”

Ms. Cuttino, the County Attorney, presented the proposed ordinance. She stated that she and the Sheriff, Tommy Mims, discussed these proposed changes and recommended the following to Council for approval.

- Delete existing sections 1(2) and 1(3) in their entirety.
- Add new Section 1(2) to read as follows: *For the purposes of this Ordinance, noise generated by any Sound Device between the hours of 10:00 p.m. and 7:00 a.m. in any area within fifty (50) feet of the property line of any dwelling, apartment, hotel, rooming house, or other such residential facility, or hospital or nursing home or other similar care facility, and which noise results in distress, disturbance, discomfort, or injury to a complaining person of ordinary sensibilities, shall be presumed to disturb the quiet, comfort and repose of persons within or on the premises of any dwelling, hotel, rooming house or other such residential care facility or any hospital, nursing home, or similar care facility, whether or not the complaining persons is an occupant of such premises or facility.*
- Add new Section 1(3) to read as follows: *It shall be unlawful for any person, firm, corporation, association, or other entity, to use, play, or operate any Sound Device, at any time, within the unincorporated areas of Sumter County, or to create, assist in creating, permit, continue, or continue to permit the continuance of any noise generated by any Sound Device, in a manner or with such volume so as to unreasonably disturb persons of ordinary sensibilities in the vicinity thereof, or in such a manner as to create a public nuisance.*
- Delete Existing Section 2. – “Noise Measurement Procedures” in its entirety.
- Renumber existing Sections 3 through 7, respectively, as new Sections 3 through 6.

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

(4) 99-376 – First Reading -- An Ordinance Establishing New Salary Levels for Members of Sumter County Council

The Attorney presented this proposed new salary levels for Council member and indicated that the salary amounts should be increased by \$500 as listed below.

Chairman	\$12,645
Vice Chairman	\$11,674
Other Members	\$10,674

Additionally, Ms. Cuttino stated that the salaries reflected within the ordinance shall not become effective for any member of County Council, including the Chairman, until the beginning of the

terms of office (after the swearing in ceremony) of at least two member of County Council to be elected at the general election which is scheduled to take place in November 2000.

ACTION: MOTION was made by Councilman Singleton, seconded by Vice Chairman Fleming, and carried by Council to amend the ordinance as presented to reflect the new salary figures. Councilmen Burr, Edens, and Campbell voted in opposition. Councilpersons Fleming, Sanders, Singleton, and Williams voted in the affirmative. The motion carried.

ACTION: MOTION was made by Councilman Williams, seconded by Vice Chairman Fleming, and carried by Council to grant first reading to the proposed ordinance as amended. Councilpersons Fleming, Sanders, Singleton, and Williams voted in the affirmative. The motion carried.

- (5) 99-377 –First Reading -- 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 with Clarendon County Pertaining to Such Industrial/Business Park; and to Approve a Revised Exhibit "A" to Such Agreement, Describing the Property Located in Such Park in Sumter County.

The Attorney presented this proposed ordinance to Council for consideration. She stated that during 1995 Sumter County Council entered into a multi-county agreement with Clarendon County. This proposed ordinance is at the request of Clarendon County to add an additional industry in this existing multi-county industrial park. The legal description of the property will be given to the Attorney for inclusion in the ordinance. The statute requests that any enlargement of the existing park is done by ordinance.

ACTION: MOTION was made by Councilman Burr, seconded by Vice Chairman Fleming, and unanimously carried by Council to grant first reading to this proposed ordinance as presented by the Attorney.

- (6) Approval of An Agreement For The Construction, Operation, And Maintenance Of A Visitor Information Center Between The South Carolina Department Of Transportation And The Sumter County Council.

The Administrator requested that this information be deferred until a later time.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Burr, and unanimously carried by Council to defer this matter until a later date.

OLD BUSINESS

- (1) 99-374 –Second 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 Attorney presented this proposed ordinance to Council for consideration. She stated that this ordinance will allow the County to place liens against the property in case they are dilapidated. This will allow these liens to be enforced in the same manner as tax liens against property. There have been no changes to the ordinance since first reading.

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

- (2) 99-369 - Third Reading -- An Ordinance Authorizing The Execution And Delivery Of An Inducement Agreement By And Between Sumter County, South Carolina, And A Company - Project Swan (The Company), Whereby Under Certain Conditions Sumter County May (1) Acquire Title To Certain Industrial Property For Lease To The Company; (2) Covenant In Such Lease Or Enter Into A Separate Form Of Agreement With The Company Whereby The Company Will Pay To The County A Fee In Lieu Of Ad Valorem Property Taxes (FILOT) Payments; (3) Make Available To The Company The Benefits Of A Multi-County Industrial Park Agreement

Ms. Cuttino stated this ordinance is before Council for third and final reading for project swan (Cooper Tools, Inc.). She reminded Council that first reading was held on February 9, 1999, second reading was given on April 13, 1999, public hearing was held on April 27, 1999. Ms. Cuttino also stated that this company will have a minimum investment of \$15,000,000 in Sumter County through this project.

Mr. Steve Rust added that this project will offer a minimum of 250 jobs to Sumter County with an average salary of \$12.00 for the employees.

After discussions, Council took action on third reading.

ACTION: MOTION was made by Councilman Williams, seconded by Councilman Burr, and carried by to grant third reading to this ordinance as presented. Councilman Singleton voted nay.

COMMITTEE REPORTS

- (1) Public Safety Committee Meeting Tuesday, July 27, 1999, at 4:00 p.m. in County Council's Conference Room (Committee Members: Fleming, Edens, Singleton)

The Chairman of the Committee, Vice Chairman Fleming presented the following report and recommendation.

- **Animal Shelter:** This matter was deferred until the August 10, 1999, meeting of Public Safety.
- **EMS Update** - The Sheriff and Mrs. Lorraine-Washington Dennis presented a briefing concerning EMS employees and recent legal matters.

- **Community Oriented Policing Program** - The Committee recommended that the Chairman of Council contact the Executive Director of the COG, Mr. Darby, to find out the progress of the existing Community Oriented Policing study and evaluation to underwrite the cost of a study sponsored by the County. Also, the Chairman is to find out if there are any funds that can be used should the County conduct its own COP evaluation. The Administrator was also asked to contact an appropriate agency or persons who would be able to conduct a study on behalf of the County and report back to Council.

ACTION: MOTION was made by Councilman Williams, seconded by Councilman Singleton, and carried by Council to approve the recommendation. Councilmen Edens and Burr voted in opposition.

- (2) Personnel/Technology Committee Meeting Tuesday, July 27, 1999, at 4:30 p.m. in County Council's Conference Room (Committee Members: Fleming, Sanders, and Burr)

The Chairman of the Committee, Vice Chairman Fleming, presented the following report.

- **Y2K Briefing:** Mr. George Smith presented a briefing to the committee concerning Y2K. Mr. Smith has presented approximately three briefings to Council, he has participated in a Chamber sponsored forum on Y2K for this community, and several testings have been held and another will be held in September.

- (3) Internal Affairs Meeting Tuesday, July 27, 1999, at 5:00 p.m. in County Council's Conference Room. (Committee Members: Williams, Campbell, and Edens).

Chairman Campbell served as Chair of this Committee in the absence of the Committee Chairman, Councilman Williams. The following report and recommendations were rendered.

- **Stormwater Management and Sediment Reduction Board:** Appoint Mr. Joe Singleton, Mr. Jimmy Newman, and Mr. Richard Burns.
- **Private Industrial Council:** Appoint Mr. Bobby Anderson, Mr. Ron Smith, and Mr. William Randolph
- **Santee Wateree RTA Board:** Defer appointment until a later time..

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

MONTHLY REPORTS -

- Interest Report from the County Treasurer
- Sumter County Sheriff's Office
- Public Safety Department

COUNTY ADMINISTRATOR'S REPORT -

- **Correctional Center SLED Investigation:** The Sheriff, Tommy Mims, reported that the investigation dealing with accounting procedures and finances is not yet completed. He added that the County's Auditor, Mr. Roger Long, and the Administrator informed the Sheriff that the audit is in its final stages. Once the audit is completed, SLED agents who have been assigned to this matter will then begin their work.
- **Correctional Center Inmate Wilbur Brown:** Upon a receipt of a letter from the Chairman of Council, SLED was contacted and a joint investigation along with the Sheriff's Office has been conducted and completed. No criminal intent was found on the part of the correctional officers involved.

The Chairman then asked for a motion to recess and to reconvene in ten minutes.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Edens, and unanimously carried by Council to recess for ten minutes and then reconvene its July 27, 1999, meeting.

- **Non-mandated Agencies Within Sumter County's Operational Budget:** Ms. Cuttino stated that she has contacted the S. C. Association of Counties' Attorneys and they have stated that they are not aware of any statute that requests that the County have separate ordinances for any non-mandated agency or board that it funds in its present fiscal year operational budget. Ms. Golden who is a staff attorney will write Sumter County Council a letter to that effect.
- **Letter from K. Derrick Mims:** The Administrator shared a letter with Council from Mr. Mims indicating that the Quail Hollow Subdivision has been visited by a local environmentalist on July 6, 1999. The population of deer flies seem to have declined somewhat, but is still significant. DHEC will continue to monitor this problem and report to the Administrator appropriately.

PUBLIC COMMENTS:

- **Mr. Steve Rust** presented Council with a report on how Sumter County Economic Development team is progressing in terms of net industrial jobs gained over the past few years as compared to the rest of the state. Sumter County has been leading net industrial gain. From June of 1993 until July 1999, Sumter County has gained 2,250 industrial jobs.
- **Alphonso Johnson:** Spoke to Council about the progress of the road program (need a written response from Council), the Confederate flag, and the standards of a road to be in the County Road system.

EXECUTIVE SESSION:

Prior to going into executive session, the Chairman stated that he would entertain a motion to enter executive session to hear legal advice, to discuss attorney client information, and discuss a personnel matter.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to hear legal advice, to receive attorney client information,

and discuss a personnel matter. At the conclusion of Executive Session, Council re-entered open session.

OPEN SESSION:

The Chairman reported that there was no report from executive session.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 8:40 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: July 22, 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: July 22, 1999

Respectfully submitted,

Mary W. Lewis

