

Minutes
Sumter County Council
Regular Meeting
September 28, 1999 - Held at 6:00 p.m.
SUMTER COUNTY ADMINISTRATION BUILDING
County Council Chambers

MEMBERS PRESENT: James A. Campbell, Chairman, Carol Burr, Louis Fleming, Charles E. Edens, Naomi Sanders, Rudy Singleton, and Frank E. Williams, Jr.

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Mrs. Lorraine Washington Dennis, Interim County Administrator/Human Resource Director; Ms. Mary W. Lewis, Clerk to County Council; Ms. Kathy Cuttino, County Attorney; Mr. Tony Criscitiello, Planning Director; Mrs. Pam Craven, Grants Writer; the Honorable Verna Moore, County Coroner; Mr. John Duffie, County Engineer; Mrs. Jeanette Mixon, Finance Director; Mr. Ed. Owens, Deputy Assessor; Mr. Simon Major, Correctional Center Director; Ms. Maggie Lane, Correctional Center Captain; Mrs. Carolina Richardson, Accounts Payable Supervisor; Mr. Lath Harris County Assessor; Mr. Vic Jones, Safety Director; and Mr. Hemby Smith; MIS Staff.

MEDIA PRESENT: The Item and WIBZ Radio.

PUBLIC PRESENT: Approximately 32 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell and Rev. E. Palmer gave the invocation.

AMENDMENT TO AGENDA: MOTION was made by Council woman Sanders, seconded by Councilman Singleton, and unanimously carried by Council to add under NEW BUSINESS of Council September 28, 1999, agenda "A Resolution From Sumter County Council in Support of the Removal of the Confederate Flag from the State Capitol Dome. "

ACTION ON MINUTES: MOTION was made by Councilman Burr, seconded by Councilman Edens, and carried by Council to approve the minutes of September 14, 1999, with the following amendment under section "Request From Sumter County Sheriff For Sumter County Council To Return The Custody And Control Of The Sumter County Correctional Center To The Sheriff.

The Honorable Tommy Mims, spoke to Council about the custody and control of the Correctional Center being returned to the Sheriff. He stated that he made his first request in 1995 and has approached Council twice this year. Sheriff Mims added that by placing the control and custody of the Correctional Center back under the Sheriff, this would allow for more continuity between the Sheriff's Office and the Correctional Center. He added that he could consolidate the efforts of the employees and hopefully save money for the County.

Several Council members made comments, then the Chairman allowed comments by the public. Mr. Eugene Baten, Director of the Alcohol and Drug Abuse Commission, stated his views on the current favorable operations of the correctional center by Mr. Simon Major. Mr. Carl Holmes, member of the NAACP, spoke to Council about his view of the way in which the correctional center is operated. He asked Council whether or not a change in the control of the correctional center

would continue to build bridges for this community. He ended his comments by saying that a no vote to this request will continue to move Sumter County forward.

The County Attorney then spoke to Council concerning Sumter County's Ordinance #84-107 entitled "*An Ordinance Confirming That The County Council For Sumter County, SC Is The Holder Of All Powers And Duties Formerly Held By The Sheriff Of Sumter County Relating To The Custody Of The Sumter County Jail And The Appointment Of A Jailer Therefor And Approving The Devolution By The Sheriff Of Said County Of All Of His Powers And Duties Relating Thereto, If Any There Now Be, Upon Said County Council.*" She stated that this ordinance was given approval upon its adoption February 14, 1984. Mrs. Cuttino added that if Council wanted further information, it was suggested that Council enter an executive session to receive a legal briefing concerning the Correctional Center.

The Chairman then indicated that he would entertain a motion to enter executive session concerning a legal briefing relating to the Correctional Center.

ACTION: MOTION was made by Councilman Singleton, seconded by Vice Chairman Fleming, and unanimously carried by Council to enter executive session to receive a legal briefing. After the executive session, Council re-entered open session to continue discussions on the control and custody of the Sumter County Correctional Center.

OPEN SESSION

The Chairman stated that there was no report from the executive session.

The Sheriff then asked if he could speak to Council again. He was given permission to speak, and he stated that if he had known that the public would be able to speak during this matter, then he would have brought members of the public to support his stand on this issue.

The Chairman stated that those that spoke were not encouraged to be at this meeting, but were simply citizens that wanted to make comments.

Then the Chairman indicated that he would entertain a motion concerning the custody and control of the Correctional Center if there were no further discussions. No additional discussions took place.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Williams, and carried by Council to deny the Sheriff's request to receive custody and control of the correctional facility of Sumter County and for the custody and control of the Sumter County Correctional facility to remain with its governing body which is presently County Council for Sumter County, S. C. Councilwoman Sanders abstained and Councilman Edens voted nay.

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Requests -- None

Street Name Change - None

Grants:

- (1) A Resolution Endorsing Matching Grant Funds for the St. John/Shiloh CDBG Application
Mrs. Pam Craven presented the proposed resolution to Council. She stated that a grant application will be presented to the State Department of Commerce which address the issues within the resolution listed below.

WHEREAS, *Sumter County is eligible to apply for Community Development Block Grant funds as administered by the Office of the Governor, State of South Carolina, Division of Community Grant Programs; and*

WHEREAS, *Sumter County has determined that undertaking the construction of a water system to serve portions of the eastern section of the County constitutes a priority community development project and is eligible for funding under the Community Investment Program; and*

WHEREAS, *the County has properly advertised and held a Public Hearing concerning the Application for Community Development Block Grant funds, the purpose of which was to discuss the proposed project with potential beneficiaries as well as the citizens of the County;*

NOW, THEREFORE, BE IT RESOLVED, *that Sumter County Council supports the submission of a Community Development Block Grant application in the amount of \$750,000 under the Community Investment Program for the St. John/Shiloh area, and Sumter County shall contribute in local funds an amount no less than ten per cent (10%) of the total grant award amount in support of the proposed project's activities.*

After reviewing the resolution, Council took action on this matter.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the grant application for \$750,000 for CDBG funds and agreed to a ten percent match in support of the proposed project's activities by the County and directed the appropriate agents of the County to execute and deliver the grant application on behalf of Sumter County.

PUBLIC HEARING

- (1) 99-378 - Third Reading - An Ordinance To Enlarge The Jointly Owned And Operated Industrial/Business Park Created In Conjunction With Lee County By Sumter County Ordinance Number 96-299 To Amend The Agreement Between Sumter County And Lee County Pertaining To Such Industrial/Business Park By Adding Thereto Certain Real Property And The Improvements Thereon In Lee County, South Carolina, Belonging To The King Company, Inc; And Approve A Revised Exhibit "A" To Such Agreement Describing The Property Located In Such Park In Lee County By Adding Thereto A Description Of The Said Property Of The King Company, Inc. (Third Reading will be held immediately after public hearing or during old business.)

The Chairman convened a public hearing on this matter and inquired if anyone wished to speak in favor of or opposition to this proposed ordinance. No one spoke to this issue; therefore, the chairman closed the public hearing, and Council then took action on this matter under old business.

NEW BUSINESS

- (1) A Request to Establish A Tax Increment Financing District.

Ceil Fisher, Downtown Sumter Director, presented the Board members of the Downtown Sumter Board. She stated that the Board members have unanimously requested the establishment of a Tax Increment Financing District (TIF).

Mr. T. Tobias, City Manager, stated that this district would cover the areas boarding and within Harvin Street, Washington Street, Calhoun Street, Oakland Street, and Bartlette Street. The basis behind a TIF would allow the City and County to freeze the assessed values, which governments would receive, income. The City of Sumter, the County, and School District #17 are the three overlapping taxing agencies that receive money from these properties. The agencies would freeze the assessments as of December 31, 1998. Any incremental increases derived from redevelopment, new construction, or renovations to those properties located within the Tax Increment Financing District would go towards paying the cost of the bonds for public improvement. This committee is looking at improving parking lots, streetscapes, underground utilities, etc. This would be a ten-year bond issue, with the City as the issuing entity. There will be no financial obligations from County Council or the School District.

State law now requires that the City must advise the two overlapping agencies of the intent of a TIF. School District #17 has been notified, and there will be a public hearing held on this matter on November 16, 1999, at City Hall. Mr. Tobias further stated that financial figures concerning this matter will be available prior to the November 16, 1999, meeting if Council needs additional information.

After discussions, Council then took action on this matter.

ACTION: MOTION was made by Councilman Singleton, seconded by Vice Chairman Fleming, and unanimously carried by Council to grant support to the City for the Tax Increment Financing District as presented.

- (2) 99-380 - **First Reading** - An Ordinance Amending Sumter County Code Section 2.17 and Section 2.18 Changing The Term Of Office For The Chairman And Vice Chairman of County Council From A Two Year To A One Year Term.

Councilman Edens presented this matter to Council and offered a motion for first reading.

ACTION: MOTION was made by Councilman Edens and seconded by Councilman Burr to grant first reading to this proposed ordinance.

Then each Council member made comments concerning this issue.

- Councilman Edens stated that this would give Sumter County Council and the citizens of the County a chance to change leadership annually if the majority of Council deems that the officers of Council need to be changed annually. Therefore, this action would be in the best interest of Council.
- Councilman Singleton stated that he did not support the ordinance. He added that the responsibility of the chair and vice chair is something that must be observed over a period of time and changing yearly would have a detrimental effect to the organization.

- Vice Chairman Fleming stated that he supports two-year terms for Council's officers. He added that Congress, most states, and most county governments elect their leadership on a two-year period to coincide with the elections.
- Chairman Campbell stated that if Council establishes a one-year term for its leadership, there would be a lot more politics involved. He added that it is important for the leadership to have the time to develop regional relationships and promote the regional efforts that Sumter County is involved in at present. He ended his comments by stating that a longer-term limit will allow time to build trusting relationships with other entities.
- Councilman Williams had no comments.
- Councilwoman Sanders stated that she has concerns about the lack of control, the inner circle of certain councilpersons, and the cloud of politics on Council. However, she did not feel that changing leadership on a yearly basis would lessen these concerns. She added that more dialogue needs to be held between Council members, and each member should feel like he/she is a member of the team. Councilwoman Sanders ended her comments by stating that prior to going out working with industry and other agencies, leadership must learn to work with its membership.
- Councilman Burr stated that he is displeased with the leadership. He added that it appears that the leadership has omitted some Councilpersons from some of the more powerful committees of Council.

ACTION: Then a vote was taken. Councilmen Burr and Edens voted in the affirmative. Councilpersons Campbell, Fleming, Sanders, Singleton, and Williams voted in opposition. The motion did not carry.

- (3) 99-381 - First Reading - An Ordinance Prohibiting the Use, Possession, And Sale Of Drug Paraphernalia Within The Unincorporated Area Of Sumter County, SC, And Providing The Penalties Therefor.

The Chairman asked for a motion concerning this matter.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to defer action on this matter.

- (4) A Resolution Supporting The Removal of the Confederate Flag From The State House Dome.

Councilwoman Sanders asked for Council to go on record in support of removing the Confederate Flag from the State House Dome. Councilman Burr reminded Council that a former seated Council has taken such action. Each Council member then voiced his/her concern for unity in removing the flag from its present location. Then Council took action on this matter.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Singleton, and unanimously carried by Council to develop a resolution which would be sent to each member of Sumter County Legislative Delegation and the Governor requesting the removal of the Confederate Flag from the State House Dome and refer to the former actions of Council in the new resolution.

- (5) It May Be Suggested To Hold Executive Session To Discus A Legal, Contractual, or Personnel Matter or Receive A Legal Briefing. (The Executive Session, If Approved By Council, Will Be Held After All Business Matters Have Been Completed.)

This was held at the end of the meeting.

OLD BUSINESS

- (1) 99-378 - Third Reading - An Ordinance To Enlarge The Jointly Owned And Operated Industrial/Business Park Created In Conjunction With Lee County By Sumter County Ordinance Number 96-299 To Amend The Agreement Between Sumter County And Lee County Pertaining To Such Industrial/Business Park By Adding Thereto Certain Real Property And The Improvements Thereon In Lee County, South Carolina, Belonging To The King Company, Inc; And Approve A Revised Exhibit "A" To Such Agreement Describing The Property Located In Such Park In Lee County By Adding Thereto A Description Of The Said Property Of The King Company, Inc.

The Attorney, Mrs. Cuttino, stated that the amendment to this multi-county industrial park will allow Lee County to place an additional industry in this existing park. Council has granted first and second reading to this ordinance and there have been no changes since first reading.

The Chairman then called for a public hearing; after the public hearing, Council took action on this matter.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Singleton, and unanimously carried by Council to grant third reading and adoption of this ordinance as presented.

- (2) 99-379 - Second Reading -- An Ordinance Amending Ordinance 99-373 Of Sumter County, South Carolina (The 1999-2000 Sumter County Budget Ordinance) By Increasing The Amount Of Anticipated Funds, Moneys And Revenues Estimated To Be Received By Sumter County From All Resources Other Than Ad Valorem Taxes, Increasing The Amount To Be Allocated Toward The 1999-2000 Budget Of Sumter County.

The Chairman introduced this matter, and the County Attorney stated that the public hearing will beheld at third reading of this ordinance.

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

COMMITTEE REPORTS

- (1) Public Safety Committee Meeting Tuesday, September 28, 1999, at 4:00 p.m. in County Council's Conference Room (Committee Members: Fleming, Edens, and Singleton)

The Chairman of the Public Safety Committee gave the following report:

- **Firearms Discharging In the Immediate Community:** The Committee recommended that an ordinance be developed concerning this matter and brought before Council at its October 26, 1999, meeting for first reading.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilman Burr, and unanimously carried by Council to refer this matter to legal counsel, have dialogue with the Sheriff, and bring this issue back before Council on October 26, 1999.

- (2) Fiscal, Tax, and Property Meeting Tuesday, September 28, 1999, at 4:30 p.m. in County Council's Conference Room (Committee Members: Campbell, Fleming, and Edens)

The Chairman of the Committee gave the following report.

- **Green School:** The Committee received a presentation from Rev. Shirley Palmer and Mrs. Julia Wells concerning the use of Green School as a historical preservation and tourism area for all former *colored schools'* documents and materials. The Committee recommended that staff and legal counsel be given the authority to move forward with negotiations and investigation of a draft agreement to start the process of this concept and bring the material back before Council for consideration.

ACTION: MOTION was made by Vice Chairman Fleming, seconded by Councilwoman Sanders, and carried by Council to approve the recommendation of the Committee. Also, this matter will be placed on the October 26, 1999, agenda of Council. Councilman Burr voted in opposition.

- **NACO Workforce Development and Human Services Workshop:** The Committee recommended that Councilman Louis Fleming be granted approval to attend a NACO Conference in November 1999 and all travel expenses be paid from Council's Travel Expense Account.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilman Fleming, and unanimously carried by Council to grant approval of this recommendation.

- **Request from Shaw Heights Elementary School:** The Committee did not take any action on a request from Shaw Heights Elementary School Dance Team for funding to the Apollo Theater in New York City.

- (3) Internal Affairs Committee Meeting Tuesday, September 28, 1999, at 5:00 p.m. in County Council's Conference Room (Committee Members: Williams, Campbell, and Edens)

The Committee Chairman gave the following recommendations for consideration by Council:

- **Building Codes Board of Adjustment and Appeals:** Appoint Mr. John Duffie.
- **Law Library Commission:** Appoint Mr. Wade Kolb, Mr. John E. James, III, and Mr. Patrick Killen.
- **Cultural Commission:** Appoint Mrs. Carmela Bryan.
- **Private Industrial Council:** Appoint Mr. Bobby Anderson and Dr. Kay Raffield.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and carried by Council to grant approval of the appointments as presented. Vice Chairman Fleming abstained.

NOTE: It was suggested that The Education Liaison Committee along with Vice Chairman Fleming meet with Central Carolina Technical College representatives to sort out concerns about the One-Stop-Shop being located at Central Carolina Technical College.

(4) Public Works Committee Meeting Tuesday, September 28, 1999, at 5:30 p.m. in County Council's Conference Room (Committee Members: Edens, Singleton, and Williams)

The Chairman of the Committee gave the following recommendation.

- **Installation of Intersection Street Lights:** The Committee recommended that the pending streets that were approved for intersection street lights be forwarded to the local utilities companies for immediate installation. (See list below).

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

1. Pisgah Road and Highway 521 North
2. Young Street and Pisgah Road
3. Timber Sand Road and Black River Road
4. Pinewood Road and Bethel Church Road
5. Highway 120 and St. Paul Church Road
6. Old 521 N. and Ebenezer Road
7. Pipkin Lane and Maize Lane
8. Brewington Road and Queens Chapel Road
9. Highway 76 East and Glenwood Drive
10. Wildwood Road and Wedgefield Highway
11. Yank Haven Drive and Ebenezer Road
12. Highway 378 East and Plowden Mill Road
13. Route 521 and Furman Field Road
14. Catchall Road and Highway 441
15. Ezell Court and Tindall Road
16. Charles Jackson Road and Thomas Sumter Highway
17. Geddings Road and Wrangler Trail
18. Timmerman Road and Highway 15
19. Pinewood and Kingstree
20. Lafayette Boulevard and Monroe Street
21. Pinewood Road and Columbia Circle
22. Kingsbury Road and Floyd Drive
23. T. B. Wright Road and Highway 521 North
24. Queens Chapel Road and Cannery Road
25. Boulevard Road and Craig Road
26. Highway 521, South and Britton Siding Road
27. Highway 521 and Jefferson Road
28. Oakland Road and Wildwood Road

29. Kingsbury Road and Ketch Road
30. Brewington Road and Queens Chapel Road
31. Strange Road and Edwin Road
32. Mims Road and McKeiver Road
33. Frierson Road and Camden Highway (the Old 521)
34. Pisgah Road and Black River Road
35. Highway 15, North and Whites Mill Road (approved in 1997, never installed)
36. Kolb Road and Hideaway Drive (approved 1997, never installed)

MONTHLY REPORTS

- Planning Commission
- Building Department
- Inspection Department
- Codes Department
- County Treasurer's Interest Report
- Keep America Beautiful

INTERIM COUNTY ADMINISTRATOR'S REPORT

- A copy of the Financial Statement Of General Funds was given to each Council member.
- The Administrator, William T. Noonan, is home recuperating and looking forward to returning to work soon.

PUBLIC COMMENT

- Mr. Carl Holmes stated that he supports Council's action on the removal of the Confederate Flag from the State House Dome.
- Juanita Britton and Mrs. Kay Guard spoke in support of the COP's program, and asked Council to continue its support of this program.
- Alphonso Johnson thanked Council for taking action on the Confederate Flag. He also spoke to Council about Green School and requested that Council submit a written request to District 17's Trustees requesting a full scale investigation from the U. S. Justice Department.
- Mr. Thomas Lee supports Mrs. Palmer and the Green School project.
- Mrs. Marilyn Moore spoke to Council about her support of the COP's program.

ADDITIONAL ITEMS

The Chairman then stated that he would entertain a motion to enter executive session to discuss negotiations incident to a proposed land purchase.

ACTION: MOTION was made by Councilman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to enter executive session to discuss a contractual matter. At the conclusion of Council's executive session, Council re-entered open session.

OPEN SESSION

The Chairman stated that he would entertain a motion concerning discussions in executive session.

ACTION: MOTION was made by Councilman Singleton, seconded by Councilwoman Sanders, and carried by Council to authorize the Interim County Administrator to negotiate the purchase of and offer an option to purchase a tract of land subject to the approval of certain testing being done at the direction of the County Engineer. Councilmen Burr and Edens voted in opposition to this motion; Councilpersons Campbell, Singleton, Fleming, and Sanders voted in the affirmative, and Councilman Williams was absent from the room during the vote. The motion carried.

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: September 23, 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: September 23, 1999

Respectfully submitted,

Mary W. Lewis