

**Minutes
Regular Meeting
Sumter County Council
October 14, 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, Charles E. Fienning, Louis Fleming, and Naomi Sanders.

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: William T. Noonan, County Administrator; Mary W. Lewis, Clerk to Council; Kathy Cuttino, County Attorney; William Houser, Comptroller; John Duffie, County Engineer; Anthony J. Criscitiello, Planning Director; Verna Moore, Coroner; Lath Harris, Assessor; Vic Jones, Public Safety Director; Ed Owens, Deputy Assessor; Elizabeth Hair, County Treasurer; Hemby Smith, Correctional Officer, and Simon Major, Correctional Center Major.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 73 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and Councilman Charles Fienning gave the invocation.

ACTION ON MINUTES: MOTION was made by Vice Chairman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the minutes of September 23, 1997, as presented by the Clerk.

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

- (1) OA-97-04 -- 97-336 -- Third Reading -- Sumter County -- A Request To Amend Article VI, Table II Of The Sumter Zoning Ordinance To Allow Correctional Facilities (SIC 9223) To Be Permitted As A Conditional Use In Heavy Industrial Districts.

Mr. Tony Criscitiello presented this request before Council. He stated that there are no additional changes to the request from its original presentation. He reminded Council that this request is not site specific; therefore, if the ordinance amendment is given third reading, a correctional facility will be permitted as a Conditional Use in any Heavy Industrial District.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve third reading as presented and to adopt this ordinance amendment.

- (2) RZ-97-23/CU-97-18 -- First Reading -- Stephen L. Johnson -- A request to rezone property located at U.S. Highway 521 North, adjacent to 1994 Camden Highway, 1.5 miles north of Highway 76/378 (Tax Map 202-00-01-007 part) from Rural Agricultural to General Commercial, in conjunction with a request for Conditional Use, in order to allow a bingo parlor.

Mr. Criscitiello presented this matter before Council. He stated that the applicant is requesting to rezone the property on U.S. Highway 521 adjacent to 1994 Camden Highway from Rural Agriculture to General Commercial in conjunction with Conditional Use approval for a bingo parlor. In November 1995, the adjacent properties at 1990 and 1994 Camden Highway were rezoned to General Commercial for a Bingo Parlor which currently exists. The applicant now owns this property. The applicant is proposing to construct a new 100 ft. X 100 ft. building with parking in front and to the side of the structure just like the existing bingo parlor next door to this property. The applicant is constructing the same size building and providing the same number of parking spaces.

Also, the property is partially within the 100 Year Flood Plain boundary. The applicant will need to comply with the regulations of the Flood plain Ordinance if any portion of the building is within this boundary area.

Council members asked questions concerning the traffic in the proposed location. Mr. Criscitiello stated that the traffic count for this section of U. S. Highway 521 is between 10,100 and 14,200 vehicles per day. The staff indicated that the proposed use of this site could cause traffic problems because of the close proximity of the intersection within this site. No more than one access point should be allowed at this proposed location.

The staff has visited the site, reviewed the site plan, and recommended approval of the request contingent upon the applicant complying with all development standards such as setbacks, parking, landscaping, buffering, etc., and submitting an approval site plan upon issuing a building permit. The Planning Commission recommended approval of the request to County Council contingent upon the staff's recommendation.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilman Baker, and unanimously carried by Council to grant first reading to this rezoning request. Councilwoman Sanders further requested that a traffic study be completed for this area in hopes that a traffic light can be installed where the three streets connect.

- (3) RZ-97-01/PUD-97-09 -- First Reading -- R. L. Tidwell -- A request to rezone property located at 2805 Highway, 15 South (Tax Map 223-00-01-011) from Rural Agriculture to Heavy Industrial, in conjunction with a Planned Unit Development, in order to allow an automotive repair shop and a precast concrete septic tank operation.

Mr. Tidwell sent a letter requesting that this matter be withdrawn from the agenda. Therefore, Council took no action on this matter.

- (4) RZ-97-26 -- First Reading -- Tony Milam -- A request to rezone 4.87 acres located at the intersection of 76/378 and the Myrtle Beach Highway (Tax Map 268-00-03-027) from Heavy Industrial to General Commercial in order to allow a mobile home sales and towing service.

Mr. Criscitiello stated that the applicant is requesting a rezoning of 4.87 acres of land in order to establish a mobile home sales and towing lot. This property had previously been used as a truck repair yard/junk yard. Therefore, some debris from its previous use still remains on the property. The applicant has indicated that he plans to acquire repossessed mobile homes for the purpose of repairing them so that they may be resold.

The Planning Director then stated that some repair work will be performed on this site. He added that it is important to note, that once this property is rezoned, any use allowed under the General Commercial designation would be allowed at the location without any further review. However, the property's current zoning would permit uses that would be more intense and less compatible with surrounding existing uses.

The Planning Staff has visited the site and reviewed the request at present and found that the request is compatible with the 2005 Plan and with its surrounding land use. The staff recommends approval based upon the applicant meeting all the requirements of the Sumter Zoning Ordinance relating to submission of an approvable site plan and landscaping plan prior to development of the property.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fienning, and carried by Council to approve first reading to the rezoning request. Councilmen Fleming, Williams, and Campbell voted in opposition to the rezoning request. Council persons Burr, Baker, Fienning, and Sanders voted in the affirmative.

Presentation by Dr. Agnes Wilson Burgess:

Dr. Agnes Wilson Burgess spoke to Council on behalf of the citizens that were present with her and those that were unable to attend the meeting. She said the message that they wanted to offer to Council is their unhappiness, consternation, and dissatisfaction about the idea of spending millions of dollars to construct a prison facility for the County.

Other concerns expressed were:

- Warehousing prisoners,
- A violation against the human spirit,
- The purposes to which taxes are being spent, and
- Funding for prison use instead of educational use.

Alternatives Offered:

- Incarcerate only those persons that are violent,
- Institute programs that will rehabilitate the prisoners,
- Provide a means for restitution for their crime committed,
- Provide educational opportunities,
- Implement prevention and intervention programs, and
- Help build and rebuild productive human lives.

Street Name Change

- (1) SN-97-01 -- Third Reading -- Miller Jordon -- A request to change the name of Readis Lane to Deonna Lane (Tax Map 365-00-01-009).

Mr. Criscitiello stated that there were no changes to this street name request since its first presentation. The Planning staff and Planning Commission recommended approval of this rezoning request.

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ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to grant third reading and adoption to this street name request.

- (2) SN-97-02 -- First Reading -- Tyler B. Dunlap, Jr. -- A request to rename three streets in Autumn Place Subdivision (Tax Map 134-00-02-006 part): Governor Drive to Fall Drive, Melissa Drive to Equinox Drive, and Dunlap Drive to Solstice Drive.

The Planning Director presented this matter. He stated that the applicant is requesting to rename three roads within the Autumn Place Subdivision. The subdivision is located off Highway 441 on Frierson road, and is also bordered by Seymour Road, Sergeant Road, and Long Branch Drive. The applicant is requesting these new street names because he feels these names better fit the character of the subdivision. The applicant is requesting to change the following road names: Governors Drive to Fall Drive, Melissa Drive to Equinox Drive, and Dunlap Drive to Solstice Drive.

The Planning staff and the County Auditor's Office have reviewed the requests and recommended the road name changes. There are no property owners currently on these roads. The Planning Commission also recommended approval of the request.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Fienning, and unanimously carried by Council to approve first reading to the street name changes as presented.

Grants -- None

PUBLIC HEARING

- (1) 97-333 -- An Ordinance Authorizing Sumter County To Convey Real Property Located At 12 Law Range, Sumter, SC To Schwartz, McLeod, And Durant. (Third Reading will be held on this proposed ordinance right after public hearing or during old business matters.)

The Chairman convened a public hearing on this proposed ordinance. He inquired if anyone wished to speak in favor of or opposition to this ordinance. No one spoke to this issue; therefore, the Chairman declared the public hearing closed. Council then took action on third reading on this proposed ordinance.

NEW BUSINESS:

- (1) First Reading -- 97-337 -- An Ordinance To Provide For The Issuance And Sale Of A One Million Six Hundred Eighty Thousand Dollar (\$1,680,000) General Obligation Bond, Series 1998, Of Sumter County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto.

Mrs. Kathy Cuttino, the County's Attorney, presented this proposed ordinance to Council. She stated that this ordinance is for \$1,680,000 General Obligation Bonds, Series 1998. The purpose of the bonds is to purchase land near the newly developed Airport Industrial Park.

Mrs. Cuttino added that Sinkler and Boyd Law Firm is the bond attorney on this ordinance and bond documents. The County and City will be purchasing approximately 385 acres of property at a

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cost of \$6,500 per acre. The City and County are splitting the cost for the purchase of the property (City is assuming one-third of the cost and the County is assuming two-thirds of the cost). In addition to the 385 acres of property purchased, the property owner will make a gift of approximately 225 acres of wetland property.

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

- (2) **First Reading -- 97--334 -- An Ordinance Amending Ordinance No. 92-230 Adopted May 12, 1992, as codified in Chapter 19, Article III, Section 19-41 ET. SEQ. of the Sumter County Code of Laws to Provide for the Reorganization of the Structure and Operation of the Sumter County Utilities Commission.**

The Attorney presented this proposed ordinance indicating that the ordinance would provide changes to the operations of the Sumter County Utilities Commission as it presently is constructed. The proposed ordinance will reorganize the Commission by changing the membership to thirteen members (a representative of the Sumter County Development Board, who shall serve as Chairman of the Commission, the Planning Director of the Sumter City County Planning Commission who shall serve as the vice chairman of the Commission, the Public Works Director from the City of Sumter, The Sumter County Engineer, a Member of the High Hills Rural Water Company's governing body, A member of the Oswego Rural Water Company's governing body, a member of the Dalzell Water District of Sumter County's governing body, a member of the Wedgefield-Stateburg Water District's governing body, five additional members at large with two members appointed by the County Council, one member appointed by the City of Sumter, one member appointed by the Town of Mayesville, and one member appointed by the Town of Pinewood).

Several other proposed changes in the ordinance included the following:

- To maintain a principal office which shall be located within the Office of the Sumter County Engineer, or at such place as may be designated by the Sumter County Engineer.
- Advise and counsel the Sumter County Council concerning matters pertaining to water and wastewater services.
- Encourage the development of joint agreements with boards or councils to provide large water capacities to selected industrial development sites.
- Encourage the development, contracting, and operation of water and wastewater treatment systems to provide necessary services in industrial, commercial, and residential areas of Sumter County and the surrounding region.

ACTION: After discussion, MOTION was made by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to grant first reading of the proposed ordinance.

- (3) **Approval of EMS Medical Control Agreement.**

Mrs. Cuttino also presented this proposed agreement. She stated that in July 1997, the County entered into an EMS Medical Control Agreement with Dr. Donald R. Elton to render services under his Physician License for Sumter County's EMS department. Dr. Elton has resigned and the County's Public Safety Director, Mr. Vic Jones, has negotiated services with Dr. Mark C. Wilson. The agreement with Dr. Wilson is similar to that which was with Dr. Elton as outlined below.

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- 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.
- 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 October 14, 1997.

(4) Approval of the Lease of a Property on Spencer Road to Construct and Operate a Recycling Center.

Mrs. Cuttino stated that the Public Works Director, Mr. Eddie Newman, has pursued this lease agreement in order to install a manned convenience center (recycling center). The property will be leased for \$1,800 per year for a five year term.

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

(5) A Resolution Extending The Term Of A Master Lease Agreement Concerning Golf Carts With Textron Financial Corporation.

Mr. Noonan, the County Administrator, informed Council that the County presently has a Lease Agreement with Textron Financial Corporation for golf carts. The present lease is about to terminate; therefore, the County needs to re-establish a new lease for a four year period. This new lease will allow Textron to replace the older carts with new carts.

ACTION: MOTION was made by Councilman Fienning, seconded by Council Fleming, and unanimously carried by Council to amend the proposed resolution to delete language in the resolution (shall not exceed three years) and include language of "shall not exceed four years" as the length of the lease.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the resolution and lease agreement as

amended and directed the Chairman and the Clerk to execute and deliver the documents on behalf of the County.

(6) Readoption of Sumter County's Mission Statement.

The Administrator presented the existing Sumter County Mission Statement to Council. He stated that this statement has been effective since 1993. There have been no changes since its adoption (see below).

Sumter County government seeks to create an environment in which partnerships between the private and public sectors are developed for the purpose of improving the quality of life for our citizens. Sumter County will foster a climate conducive to increase economic development and improvement of the educational, social, and cultural opportunities for our citizens. Sumter County will provide the leadership to insure citizen participation in the governance of the County as it works to deliver the highest quality of services in the most cost effective manner.

Therefore, he asked if Council would like to review it and possibly readopt the statement to be used as the County's guidepost for actions of Council.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fienning, and unanimously carried by Council to authorize the Chairman to appoint a Council committee to review the Mission Statement and rephrase the statement to include regionalism and other joint efforts that are undertaken by the County and then bring this matter back before Council for action.

(7) Request for Approval of a Facility Program for a Future Pretrial Detention Facility.

Mr. John Duffie, County Engineer and Chairman of the Sumter/Lee County Jail Renovation Committee, gave a historical briefing concerning the need for the correctional facility renovation. He introduced the architect, Mr. Steve Allan, who then made a presentation to Council.

The following information was presented by Mr. Allan:

- Develop preliminary planning for 224 bed pretrial facility expandable to 500.
- Develop core facility (booking area, kitchen, warehouse, laundry, administration, etc.)
- Identify the building that is to be defined-- the program (facility) .
- The program describes the staff, inmates, visitors, attorneys, bondsmen, probation, judges, etc.
- Separation requirements of inmates (male, female, adults, youth, classification of inmates).
- Sumter's growth has been increasing by 11% per every ten years.
- Accept the program document as the basis for developing the correctional facility, identify a budget so that the basis can be converted into actual, and select a site for the facility.

Council Members Concerns:

- How long before the State Department of Corrections will insist that we must begin work on a new facility?
- Has there been any letters which dictates a time-line as to the date Sumter County MUST begin construction on a correctional facility?
- Currently 90 people overcrowded in the current main correctional facility.
- Must provide space of 90 feet per inmate.

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- There is a need to involve the public with what is needed as regards to the correctional facility and programs for the correctional facility.
- Include in the plan and information to the S. C. Department of Corrections, information received from the public as to what is needed at the correctional facility.
- Not in favor of using all of the County's bonding capacity for the correctional facility project.
- Would support sending this matter to the people through a referendum.

Public Concerns:

- Mr. Carl Holmes inquired whether or not the state mandated that a correctional facility be built. He was informed that the state has mandated that the County reduce its overcrowding conditions.
- Mr. Billy Shaw asked that public involvement be more pronounced, especially the NAACP. The NAACP will be placed on Council's mailing list of agendas.
- Prevention should be a vital part of developing a correctional facility and reducing the overcrowding facility.
- More involvement should be made in the alternative schools and truancy.
- Mrs. Ione Dwyer asked whether or not orientation to the correctional facility is given to the inmates, their families, etc. She was concerned about repeat offenders.
- Excessive amount of money to be spent on a correctional facility (\$18,000,000).
- Have the existing inmates help build the facility which would cut down the cost.

The Administrator added that there is no space available for classrooms, auditorium for group meetings, family counseling, etc. Also, the kitchen is much too small for the capacity of inmates it serves. He also stated that as of today, the County presently has ten active lawsuits from inmates because of the conditions at the correctional facility.

Mr. Noonan stated that the County has been directed to (1) honor the constitutional rights of the inmates that are housed at the Sumter County Correctional facility and (2) reduce the number of people in the small spaces at the correctional facility.

The Administrator then talked with Council about its bonding capacity and the reserve account. After those discussions, Council took action on the recommendations of the committee (1) set budget, (2) decide on program, and (3) decide on site.

ACTION: MOTION was made by Councilman Burr, seconded by Councilwoman Sanders, and carried by Council to accept the facility program as a basis to agree that the County needs to proceed forward to correct its overcrowding problems at its existing correctional facility, which means construction of additional bed spaces that may/could be expandable in the future.

And that Council further agrees to direct the Sumter/Lee County Jail Renovation Committee to study and report back to Council within thirty (30) days a site recommendation.

And Council also agrees to establish a project budget not to exceed \$12,000,000 and place this need before the public in the form of a referendum in order to finance this project.

Council members Burr, Baker, Campbell, Fienning, Fleming, and Sanders voted in the affirmative. Vice Chairman Williams voted in opposition. The motions carried.

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- (8) 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:

- (1) Third Reading -- 97-333 -- An Ordinance Authorizing Sumter County To Convey Real Property Located At 12 Law Range, Sumter, SC To Schwartz, McLeod, And Durant.

The Chairman and Administrator introduced this item. The Administrator reminded Council that this matter is strictly to swap property and will not cost the County moneys for the property.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Fleming and unanimously carried by Council to grant third reading and adoption to this ordinance.

COMMITTEE REPORT:

- (1) Public Works Committee Meeting On Tuesday, October 14, 1997, At 3:30 P.M. In Council's Conference Room. (Members: Sanders, Williams, and Baker)

Councilwoman Sanders, the Chairperson of this Committee, gave the following report to Council with recommendations from the committee meeting:

- Aid-to-Industry Request from Hodge Warehouse Rentals, Inc. -- The request from the Sumter County Development Board for Mr. Charles L. Hodge indicated that Mr. Hodge is expanding his business at the corner of Lynnette and Cockerill Road to a 97,000 square-foot storage warehouse. This facility will create 12-15 new permanent jobs. The committee recommended approval of this request to clear the property for this company contingent upon these jobs being "new" jobs adding to his existing employment base. The Administrator will contact the Development Board about this matter.
- Traffic Control Signs on County Roads -- Councilman Baker, the Administrator, and Mr. Eddie Newman will work together on this project and report back to the Committee as to what other counties are doing as far as financing and erecting traffic control signs on county roads.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to approve the recommendations of the committee.

- (2) Public Safety Committee Meeting On Tuesday, October 14, 1997, At 4:00 P.M. In Council's Conference Room. (Members: Burr, Fleming, and Williams)

Councilman Burr, the Chairman of the Committee, gave the following report and recommendations.

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- EMS Report -- Vic Jones gave the committee an update on the billing and collection process for EMS services. The process is favorable as of this date.
- Street Lights -- It was recommended that the following street lights (those at intersections) be added to the County's list of street light needs and those that are not at intersections not be added to Council's street light list.
 - Mohican Drive at Wilson Hall Road
 - Mohican Drive at Creek Side
 - Creek Side between Wilson Hall and Mohican
 - Creek Side towards Fenimore
 - Fenimore towards Wilson Hall Road
 - Fenimore at Creek Side Drive
- Bus Shelters -- This will be discussed at a later time.
- Firing Fire Arms in Residential Areas -- State law provides sufficient protection at this point.
- Stray Dogs In The Unincorporated Area of Sumter County -- The County's existing ordinance will NOT provide for the Animal Control staff to pick up cats. The committee recommended that the ordinance be changed to incorporate cats and other animals in the county's ordinance.

ACTION: MOTION was made by Councilman Burr, seconded by Councilman Baker, and unanimously carried by Council to approve the recommendations of the Committee.

(3) Fiscal, Tax, And Property Committee Meeting On Tuesday, October 14, 1997, At 5:00 P.M. In Council's Conference Room. (Members: Campbell, Fienning, and Fleming)

The Chairman gave the following report and recommendations from the Committee meeting.

- 4% Owner Occupied Residential Application Extension: The Committee recommended that thirteen mobile home owners be granted 4% owner occupied residential application extension up to thirty days.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to approve the recommendations of the Committee to provide a thirty day extension to 13 mobile home owners for a 4% owner occupied residential application extension.

- Florence Regional Landfill Study -- The committee recommended that the County explore the feasibility of entering into a Florence County Regional Landfill Study for future landfill needs. The shared cost of the study for Sumter County would be \$6,000.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to approve the recommendations of the Committee to join the Florence Regional Landfill Study at a cost of up to \$6,000. The moneys for the study will be secured from Council's contingency fund.

MONTHLY REPORT:

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- EMS
- Public Safety
- Recreational
- Sheriff

COUNTY ADMINISTRATOR'S REPORT:

- Storm Water Management Ordinance will be placed on one of Council's future agenda's. The Ordinance must first go before the State for approval sometime between January and March of 1998. Once the ordinance is approved on the State level, then it will be placed on Council's agenda.

PUBLIC AND COUNCIL COMMENTS:

- Rita Johnson spoke to Council asking them to support the development and installation of bus shelters for school age children.
- Tamela Guillard also spoke to Council about the need for bus shelters.

There were no additional comments from the public.

ADJOURNMENT: There being no further business and no additional comments from the public, the meeting was adjourned at 9:35 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: October 9, 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.

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Date Notified:

October 9, 1997

Respectfully submitted,

Mary W. Lewis