

**Minutes  
Regular Meeting  
Sumter County Council  
October 28, 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; Eddie Newman, Public Work Director; Karen Hyatt, Public Works Administrative Assistant; Georganne Kirven, Director of Keep America Beautiful; John Duffie, County Engineer; Anthony J. Criscitiello, Planning Director; Verna Moore, Coroner; Lath Harris, Assessor; Ed Owens, Deputy Assessor; Elizabeth Hair, County Treasurer; Hemby Smith, Correctional Officer, and O. V. Player, Clerk of Court.

**MEDIA PRESENT:** The Item

**PUBLIC PRESENT:** Approximately 16 members of the public were in attendance.

**CALL TO ORDER:** The meeting was called to order by Chairman Campbell, and the Reverend Tony Metze, Pastor, St. James Lutheran Church, gave the invocation.

**ACTION ON MINUTES:** MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to approve the minutes of October 14, 1997, as presented by the Clerk.

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

- (1) RZ-97-26 -- Second 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, the Planning Director, presented this matter before Council. He informed them that the applicant is requesting a rezoning of 4.87 acres of land in order to establish a mobile home sales and towing lot. The applicant has indicated that he plans to acquire repossessed mobile homes for the purpose of repairing them so that they may be resold.

Also, 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. The Planning Commission also recommended approval of this request.

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The Chairman then called for a public hearing. After the public hearing, Council then took action on this request.

**ACTION:** After public hearing, MOTION was made by Councilwoman Sanders, seconded by Councilman Fienning, and unanimously carried by Council to defer second reading to the rezoning request to allow for more of the citizens in that area to be notified about this proposed rezoning request and to continue public hearing and second reading at the next meeting of County Council.

### Street Name Change

- (1) SN-97-02 -- Second 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.

Mr. Criscitiello, the Planning Director, also presented this matter. He stated that the applicant is requesting to rename three roads within the Autumn Place Subdivision to better fit the character of the subdivision. This 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 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, County Auditor's Office, and Planning Commission have reviewed the request and recommended the street name changes. (NOTE: On the original request Soltice Drive was written Solstice; however, the Clerk to Council checked with the applicant, the Planning Commission, and the Auditor's Office to make sure that the correct spelling of the street is Solstice, everyone agreed to this spelling.) The Chairman then called for a public hearing. After the public hearing, Council then took action on this request.

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

### Grants

- (1) A Letter of Support for Santee Senior Services to Request an Application for a Community Center Project.

The Administrator referred to a letter sent to the Chairman requesting a letter of support for Santee Senior Services to request an application for a community development block grant to house this agency. He asked that Council defer any action on this item since he has not had conversation with the director of this agency nor the chairperson of the board of Santee Senior Services. He also cautioned Council that if they took action on this matter as presented, it might exhaust funds for other community development block grant projects.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Vice Chairman Williams, and unanimously carried by Council to defer action on this matter and direct the Administrator to follow-up on this matter and respond back to Council as necessary.

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**PUBLIC HEARING**

- (1) RZ-97-26 -- Second 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.

The Chairman convened the public hearing and inquired if anyone wished to speak in favor of the rezoning request. Mr. Marvin McMillan, Attorney for the applicant, spoke on behalf of Mr. and Mrs. Milam. Mr. McMillan stated that Mr. Milam has taken great time in determining how to set-up this facility. The facility will purchase "late" model homes for display and sale. The service end of the business would include any home towed in by Mr. Milam which will be serviced or refurbished, and then sold on site. Additionally, Mr. McMillan indicated that Mr. Milam will tow the mobile homes onto his property from Frontage Road (Pike Road) instead of 76/378. He also stated that bringing the rezoning to General Commercial is what is listed in the County's 2005 plan and the General Commercial zoning would be better for the area than the Heavy Industrial zoning.

The Chairman then asked if anyone wished to speak in opposition to the rezoning request. Mr. James Robertson spoke in opposition to the rezoning request. He first stated that even though he lives next door to the property, no one notified him of the possible rezoning request or public hearing and several neighbors in the area were also not notified. He stated that the condition of the property is still bad although he and other neighbors have asked for clean-up relief on this property. Mr. Robertson also asked to be informed of the restrictions on this property if it is rezoned to what Mr. Milam has asked.

There were no further comments; therefore, the Chairman closed the public hearing and Council then took action.

- (2) SN-97-02 -- Second 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 Chairman convened the public hearing and inquired if anyone wished to speak in favor of or opposition to the rezoning request. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council then took action on this matter.

**NEW BUSINESS:**

- (1) Overview of the Lynches Scenic River Management Plan.

Ms. Becky Rideout gave Council the following briefing on this Management Plan. (She also thanked Vice Chairman Williams and Councilman Baker for their participation on the Advisory Council. Council Baker is the new Advisory Council Member.)

- The Lynches Scenic River Management Plan covers 54 miles from U. S. 15 near Bishopville to the eastern boundary of Lynches River State Park in Florence County.
- The Area was designated as a State Scenic River in March of 1994.
- The Department of Natural Resources appointed a locally-based Advisory Council to develop a plan for long-term management of the river's natural, scenic, and cultural/historic resources.
- Management Plan Recommendations are:
  - Stewardship/Community Involvement

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- Water Quality (General recommendations, point source pollution, non-point source pollution)
- Fisheries
- Wildlife and Habitat Management
- Maintaining Aesthetic Appeal/Scenic Values
- Recreation/Public Access (Public Access, Litter, Navigation, Law Enforcement, State Parks)

Council received this report as information.

- (2) Approval of a Gift, In Conjunction with the City of Sumter, of a Commemorative Plaque and Fifty (50) Live Oak Trees to the Secretary of the Air Force, Acting on Behalf of the United States of America.

The Chairman indicated that the City and County of Sumter voluntarily gave, transferred, conveyed, and assigned ownership, rights, title, interest, and possession of fifty (50) live oak trees including the planting of these trees to the 20th Fighter Wing Commander of the United States Air Force. This gift was done in commemoration of the Air Force's 50th Anniversary. Also, the Mayor and the Chairman of Council presented the U. S. Air Force with a commemorative bronze plaque.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilwoman Sanders, and unanimously carried by Council to retroactively approve the gift that was presented by the City and County to the United States Air Force on October 2, 1997.

- (3) Approval of A Property Access Agreement Allowing NationsBank to Enter on County Property Adjacent to the County Administration Building for the Purpose of Investigating and Evaluating Subsurface Soil and Groundwater Conditions, and Other Matters Related Thereto.

The Attorney, Kathy Cuttino, presented this matter before Council. She stated that NationsBank wishes to have access to the County's property located at 13 East Canal Street to conduct subsurface soil and groundwater testing. Mrs. Cuttino did, however, ask Council to approve the property access agreement subject to paragraphs one, three, and six being revised to allow for "indemnification of and not necessarily by the County".

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to grant the attorney the authority to revise the document with changes to be made to paragraphs one, three, and six (to change the language to allow for "indemnification of and not necessarily indemnification by the County") and then granted approval of the document as revised by the attorney and directed the Chairman and the Clerk to execute and deliver the document on behalf of the County once appropriate changes have been made.

- (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:**

- (1) **Second Reading -- 97-337 -- An Ordinance To Provide For The Issuance And Sale Of A One Million Six Hundred Eighty Five Thousand Dollar (\$1,685,000) 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.**

The County Attorney presented this matter. She stated that several changes have been made to the proposed ordinance since its first reading. Originally, the ordinance was for \$1,680,000, however, after review by the Comptroller, the ordinance is now for \$1,685,000. Also, a paragraph has been added in the ordinance to allow for the ordinance to be either a taxable or tax exempted bond. The Bond Attorney has not yet determined whether or not this proposed bond should be taxable or tax exempted bonds.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to amend the ordinance by deleting \$1,680,000 and inserting \$1,685,000 as the dollar amount and adding paragraph 9.05 which addresses the issue of taxable or tax exempted bonds.

**ACTION:** MOTION was made by Councilman Fienning, seconded by Councilman Burr, and unanimously carried by Council to grant second reading to the proposed ordinance as amended.

- (2) **Second 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.**

Mrs. Cuttino presented this matter. She stated that all existing water districts will be included in this ordinance amendment. However, she asked that Council change the language from "appointing a member of their governing body" to "each of the water districts shall be allowed to appoint a member to serve on the commission."

**ACTION:** MOTION was made by Vice Chairman Williams, seconded by Councilwoman Sanders, and unanimously carried by Council to amend the ordinance by changing language from "appointing a member of their governing body" to "each of the water districts shall be allowed to appoint a member to serve on the commission."

**NOTE:** It was suggested by Councilman Fleming that High Hills Water District be allowed to have more than one member on the commission because of its district size; however, Council agreed to direct the Attorney and the County Engineer to review this request and respond back to Council at third reading of this ordinance.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to grant second reading to the proposed ordinance as amended.

- (3) **Third Reading -- 97-322 -- An Ordinance Authorizing A Fee Agreement Between Sumter County, And Caterpillar, Inc. (The "Company") To Provide A Fee In Lieu Of Taxes To Be Payable By Such**

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Company ("FILOT Payments"); Granting The Company Infrastructure Improvement Credits Against Such FILOT Payments; And Other Matters Relating To The Foregoing.

Mrs. Cuttino, the County Attorney, presented this proposed ordinance before Council. She indicated that during the middle of the summer, the law regulating Fee In Lieu of Taxes was revised substantially. The law allows for a shorter time period that a county may hold title to the property where a company is located; it also allows that a County does not have to hold title to the property.

Ms. April Lucas, the Attorney for the Fee In Lieu of Taxes, stated that ordinance was revised to take advantage of the new statute which allows for a shorter time period to hold title to the property of the company (Caterpillar), it allows for a 6% credit, it also authorizes in lieu of the special source revenue bond a series of credit as an equivalent of the bond issue. The credit will relate to improvements that Caterpillar has funded. The company will be required to document that the funding has been made. Also, all reference to lease purchase agreement was deleted and inserted a reference to fee agreement. Also deleted was any reference to special source revenue bonds and inserted in place of that was reference to infrastructure credits.

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

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilwoman Sanders, and unanimously carried by Council to approve third reading and adoption to the ordinance as amended.

**COMMITTEE REPORT:**

- (1) Public Safety Committee Meeting On Tuesday, October 28, 1997, At 3:00 P.M. In Council's Conference Room. (Members: Burr, Fleming, and Williams)

This meeting was canceled.

- (3) Fiscal, Tax, And Property Committee Meeting On Tuesday, October 28, 1997, At 5:00 P.M. In Council's Conference Room. (Members: Campbell, Fienning, and Fleming)

The Chairman of the Committee, Chairman Campbell, gave the following report.

- Water and Sewer Authority: The committee received information concerning forming a water and sewer authority instead of pursuing the revised Public Utilities Commission ordinance. The committee decided to recommend to Council to continue with the Utilities Commission instead of a Water and Sewer Authority.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the recommendation by the Committee.

- Mobile Home Ordinance Update: The Treasurer gave the committee an update on this issue. The Committee recommended that the Treasurer be allowed to use delinquent tax funds to hire "two temporary" persons immediately to conduct a complete; mobile home park inventory

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throughout the County. After the inventory is completed then Council will consider the mobile home ordinance again.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the recommendation by the Committee.

- Central Carolina Technical College: Mr. Houser, the Comptroller, presented a request from Central Carolina Technical College indicating that the College would still need access to the Shaw Center facility should Sumter County decide to acquire the facility. He stated that the following conditions were requested by the college:
  - The transfer of the property would be scheduled for June 30, 1998.  
  
Effective April 1, 1998, Sumter County would be responsible for all maintenance and utility expenses.
  - 
  - During the time on or before August 15, 1998, Central Carolina Technical College would have first option for the use of seven classrooms within the facility. The room numbers to be used are 903, 904, 905, 906, 907, 908, and 915. Should these rooms not be required by the College, then Sumter County would be able to use them as the County sees fit.
  - During fiscal year 1999 and 2000, the College will have first option for use of five classrooms within the facility. The room numbers are 904, 905, 908, 909, and 915.
  - Sumter County will work and assist the needs of Shaw AFB Education department whenever possible as to usage of this facility.

The Committee recommended that the County acquire the facility and further recommended that the Administrator write a letter to the President of the College indicating that the County agrees with their conditions. The Committee also asked that the Administrator provide a dollar amount of how much it will cost to repair the roof and the air conditioning system of this building, as well as repair the parking lot.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the recommendation by the Committee.

- Parks and Recreation Department Request (Rimini Park and Ballfield in the Cherryvale Area): The Director of the Parks and Recreation Department informed the Committee that Laidlaw Environmental, Inc. has indicated that they would be willing to assist the County in developing the Rimini Picnic Shelter and Playground. The company needs the County to submit a letter of request for funds for this project. The Committee recommended that this action be taken and a letter be written on behalf of the County with the Chairman's signature as well as the signature of Ms. Michelle Bosier, a member of the Rimini community, who is assisting the Recreation Department in the matter.

The Recreation Department Head, Mr. Mixon, also requested that Council supports the development of a Cherryvale Community Center and Ballfield. It would cost approximately

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\$20,000 of BINGO funds to help develop this project. A letter of support for this project needs to be submitted for funding.

The Committee recommended approval of both of these projects.

**ACTION:** MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the recommendation by the Committee.

**MONTHLY REPORT:**

- Convenience Centers
- Public Works

**COUNTY ADMINISTRATOR'S REPORT:**

- Sumter County's Ladies Softball Team won the Recreation Department League Tournament. This was the first year of the formation of this team.
- Karen Hyatt and Georganne Kirven were presented a plaque from the S. C. Keep America Beautiful program. The County won first place for its educational programs in Keep America Beautiful.
- The S. C. Recycling Association presented Sumter County with a first place plaque for the Best Recycling Educational Program by a Local Government.
- November 15, 1997, has been declared America's Recycle Day. Ms. Hyatt presented Council members with a pledge card. Pledge cards will be distributed throughout Sumter County. She added that there will be prizes presented in a drawing by SCDHEC to those who send in their pledge cards. The national prize is a three-bedroom, 2 1/2 bath house called the American Green Greenhouse made from recycled products.
- Octoberfest had its first Thursday night event which was attended by approximately 300 people. The Friday and Saturday events were attended by thousands of people.

**PUBLIC COMMENTS:**

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 7:02 p.m.

Respectfully submitted,

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Chairman or Vice Chairman  
Sumter County Council

\_\_\_\_\_  
Clerk to County Council

Approved: \_\_\_\_\_

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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 23, 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: October 23, 1997

Respectfully submitted,

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Mary W. Lewis