



Minutes
Sumter County Council
Regular Meeting
February 24, 2009 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

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COUNCIL MEMBERS PRESENT:

1. Chairman Vivian Fleming McGhaney, Council District #5
2. Vice Chairman Eugene Baten, Council District #7
3. Councilman Artie Baker, Council District #2
4. Councilman Larry Blanding, Council District #6
5. Councilman Jimmy Byrd, Council District #3
6. Councilman Charles T. Edens, Council District #4

COUNCIL MEMBERS ABSENT:

Councilwoman Naomi D. Sanders (**Absent due to illness.**)

STAFF MEMBERS PRESENT:

William T. Noonan, County Administrator
Johnathan Bryan, County Attorney
George McGregor, Planning director
Lorraine Dennis, Deputy Administrator/HR
Keysa Rogers, Budget Analyst

Mary W. Blanding, Clerk To County Council
Rose Ford, Recreation Director
Gary Mixon, Deputy Administrator
Pam Craven, Finance Director

MEDIA PRESENT:

The Item Newspaper

THE PUBLIC PRESENT:

Approximately ten members of the public were in attendance.

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CALL TO ORDER: Chairwoman Vivian Fleming McGhaney called Sumter County Council's meeting of February 24, 2009, to order.

INVOCATION: The Chairwoman, Vivian Fleming McGhaney, gave the invocation.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge of Allegiance.

APPROVAL OF AGENDA: Chairwoman McGhaney stated that she would entertain a motion to approve the February 24, 2009, agenda with any additions, deletions, or as printed.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the February 24, 2009, agenda as prepared by the Clerk.

ACTION ON REGULAR MEETING MINUTES OF FEBRUARY 10, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of County Council held on February 10, 2009.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Blanding, and unanimously carried by Council to approve the February 10, 2009, minutes as prepared by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS -
Planned Development/Rezoning Request -**

- (1) OA-08-07 - Third Reading - (08-677) (County) -- Consideration Of Comprehensive Amendments To Article 8, Section I Of The Sumter County Zoning And Development Standards Ordinance: Sign Regulations. Revisions Are To Clarify The Sign Regulations Through Simplification And Better Definition. The Revisions Will Replace The Current Section In Its Entirety (Except Billboard Regulations).

Mr. McGregor introduced this item for third reading. He stated that there have been no changes to this document since Council made some amendments to it at second reading. Then the Chairwoman thanked Mr. McGregor for his work on this document and also thanked Councilman Byrd for his help with co-authoring the amendments. After that, Councilman Byrd offered the following additional changes to the proposed ordinance:

8.i.4. Prohibited Signs and Exceptions: The following signs are prohibited in any zoning district:

- a. Off-site signs. **No sign identifying or advertising a business or use shall be permitted other than on the premises of such building or use except for non-residential uses in the AC Zoning District where they may be placed on private property not to exceed one (1) 32 square foot sign or two 16 square foot signs per business. A maximum of one off-premise sign per parcel is permitted in this case. Billboards are treated separately in Section 8.i.9.**
- b. Mobile or Portable Signs. **Temporary signs and structures which are not attached to a permanent foundation shall not be permitted except for those banners permitted in Section 8.i.7.a. and sandwich board signs permitted in Section 8.i.7.b.**
- c. Fluttering Devices. **Balloons, floats, inflatable characters or objects, ribbons, pennants, flags, spinners, streamers or other similar fluttering devices shall not be permitted except during special events defined in Section 8.i.7.m.**

8.i.7 Miscellaneous and Temporary Signs

- a. **Commercial Banners. Each non-residential use may have one on premise banner on a permanent basis subject to the following conditions:**
 - i. Location. The banner may be installed only on the building or canopy of the primary business and must advertise the business, its relevant promotion or products. The banner cannot extend above the roofline, be freestanding, ~~or be affixed to the free-standing sign or fence.~~ For multi-tenant or multi-store locations, the banner must be placed on the building or canopy in front of the tenant space it is designed to serve.

- b. **Real Estate Signs.** Real Estate signs are permitted in accordance with the following guidelines:
- i. Location. One sign per parcel, per street frontage.
 - ii. Size. In residential districts (R-15, R-9, R-6, GR, AC, and CP), signs shall not exceed 6 sq. ft. In the AC or CP district, parcels over 5 acres in size are permitted one sign per street frontage, not to exceed 16 sq. ft. In commercial districts (GC, NC, LC, PO, LI-W, HI) signs shall not exceed 16 sq. ft.
 - iii. Maximum height. All real estate signs are limited to a maximum height of 10 feet.
 - iv. Real Estate signs shall not be illuminated.
 - v. *Sign advertising individual available tenant space in multi-tenant buildings shall not be freestanding-* For multi-tenant or shopping center locations, a banner not exceeding 10 square feet is permitted.
 - vi. Duration. Real estate signs may remain indefinitely as long as they are in good condition and pose no threat to public safety, as determined by the Zoning Administrator
 - ~~vii. Off site real estate signs are not permitted and are subject to removal by the County.~~
 - viii. Model Homes Signs. Signs designed to indicate demonstration homes for marketing purposes in a subdivision are permitted in lieu of real estate signs, and subject to the above (i-vi).
 - ix. All real estate signs shall be wood or metal with permanent, professional copy placed on the signs. The sign structure shall be painted one **matching** color. Stabilizing legs may be used but may not project outside (beyond) the plane of the sign face.

NOTE: *The above section will be renumbered due to the removal of the initial vii.*

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the amendments as listed above in red.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading and adoption to this sign ordinance as amended.

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) It May Be Necessary To Hold An Executive Session To Discuss A Personnel Matter, Receive A Legal Briefing, Or Discuss A Contractual Matter And Appropriate Actions May Be Required And Taken Thereafter.

No executive session was held.

OLD BUSINESS:

- (1) 08-675 - Third Reading -- An Ordinance Amending Ordinance 83-98 and Chapter 2, Article V, Code Of Ordinances, Sumter County, South Carolina - The Sumter County Procurement Code.

The County Attorney presented this proposed ordinance to Council. He stated that the Ad Hoc Committee met and recommended that "~~or \$10,000, whichever is less~~" be deleted from section 2(9) as listed below and then to adopt the ordinance as amended.

2. That two new subsections, to be codified in Chapter 2, Article V, Division 3, as Subsection 2-228 (9) and Subsection 2-228 (10), shall be added, which shall read:

- (9) This option allows the lowest local bidder (defined as a bidder maintaining a place of business physically located and operating within the limits of Sumter County) who is within 5% ~~or \$10,000, whichever is less,~~ of the lowest non-local bidder, to match the bid submitted by the non-local bidder and thereby be awarded the contract. (a) the total dollar purchase is \$10,000 or more; (b) the vendor has a valid Sumter County business license or valid business license issued by one of the municipalities within Sumter County, which was issued at least twelve (12) months prior to bid opening date; (c) the vendor has a physical business address located and operating within the limits of Sumter County and has been doing business in the County for a period of twelve (12) months or more; and (d) the vendor provides proof of payment of all applicable Sumter County taxes and fees. Provided, however, that if the procurement is to be made pursuant to state or federal guidelines which prohibit or restrict local preference, then there shall be no local preference.

The ordinance would read as follows:

WHEREAS, Sumter County Council previously passed Ordinance No. 89-98 which is codified in Chapter 2, Article V, Sections 12-171 through 2-267 of the Code of Ordinances, Sumter County, South Carolina, commonly known as the Sumter County Procurement Code; and

WHEREAS, Sumter County Council wishes to amend the existing Ordinance and to add language to authorize preferences for local businesses and minority businesses in awarding contracts;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That the following language be added to the existing language in Section 2-223. Invitation to bids:

All invitations for bids shall encourage bidders to use local subcontractors if subcontractors will be used to perform the contract. All invitations for bids shall require each bidder to identify the subcontractors, if any, who will assist the bidder on the contract performance and if there are non-local subcontractors indentified, the bidder shall provide some explanation for using non-local subcontractors. Failure to provide this information or providing false information shall be grounds for disqualifying a bid.

2. That two new subsections, to be codified in Chapter 2, Article V, Division 3, as Subsection 2-228 (9) and Subsection 2-228 (10), shall be added, which shall read:

(9) This option allows the lowest local bidder (defined as a bidder maintaining a place of business physically located and operating within the limits of Sumter County) who is within 5% of the lowest non-local bidder, to match the bid submitted by the non-local bidder and thereby be awarded the contract. (a) the total dollar purchase is \$10,000 or more; (b) the vendor has a valid Sumter County business license or valid business license issued by one of the municipalities within Sumter County, which was issued at least twelve (12) months prior to bid opening date; (c) the vendor has a physical business address located and operating within the limits of Sumter County and has been doing business in the County for a period of twelve (12) months or more; and (d) the vendor provides proof of payment of all applicable Sumter County taxes and fees. Provided, however, that if the procurement is to be made pursuant to state or federal guidelines which prohibit or restrict local preference, then there shall be no local preference.

(10) In the event there is no local bidder eligible or willing to take advantage of the preference created in the prior subsection, this option allows the lowest Minority Business Enterprise (MBE), [defined as an MBE certified in accordance with South Carolina Regulation 19-445.2160, as authorized by §11-35-5270 the Code of Laws of South Carolina, (1976, as amended), as the regulation and section may be amended from time to time], to match the bid submitted by the non-local bidder and thereby be awarded the contract. This preference shall apply only when the total dollar purchase is \$10,000 or more. Provided, however, that if the procurement is to be made pursuant to state or federal guidelines which prohibit or restrict preferences for Minority Business Enterprises, then there shall be no MBE preference.

3. That the following language be added to the existing language in Section 2-248. Request for competitive sealed proposals.

All requests for proposals shall encourage offerors to use local subcontractors if subcontractors will be used to perform the contract. All requests for proposals shall require each offeror to identify the subcontractors, if any, who will assist the offeror on the contract performance and if there are non-local subcontractors

identified, the offeror shall provide some explanation for using non-local subcontractors. Failure to provide this information or providing false information shall be grounds for disqualifying a proposal.

4. That the following language be added to the existing language of Section 2-251. Evaluation factors.

Each request for proposals shall include as evaluation factors to be weighed:

(1) whether the offeror is a local vendor as indicated by (a) the vendor having a valid Sumter County business license or valid business license issued by one of the municipalities within Sumter County, which was issued at least twelve (12) months prior to proposal submission date; (b) the vendor having a physical business address located and operating within the limits of Sumter County and has been doing business in the County for a period of twelve (12) months or more; and (c) the vendor providing proof of payment of all applicable Sumter County taxes and fees. Provided, however, that if the procurement is to be made pursuant to state or federal guidelines which prohibit or restrict local preference, then there shall be no local preference factor;

(2) whether the offeror is a Minority Business Enterprise (MBE), [defined as an MBE certified in accordance with South Carolina Regulation 19-445.2160, as authorized by §11-35-5270 the Code of Laws of South Carolina, (1976, as amended), as the regulation and section may be amended from time to time]. Provided, however, that if the procurement is to be made pursuant to state or federal guidelines which prohibit or restrict preferences for Minority Business Enterprises, then there shall be no MBE preference; and

(3) the extent to which the proposal identifies local subcontractors who will assist the offeror.

This Ordinance is done, ratified and adopted February 24, 2009.

After all discussions, the Chairwoman called for a motion on the amendment and third reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the amendment to this ordinance as presented.

ACTION: MOTION was made by Councilman Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve third reading as amended.

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, February 24, 2009, At 4:30 P.M. In County Council's Conference Room At The County Administration Building (Vivian Fleming McGhaney, Charles T. Edens, and Larry Blanding.)

The Chairwoman gave the following report and recommendations from the Fiscal, Tax, and Property Committee meeting.

1. **Executive Session -If Necessary Council May Hold An Executive Session To Discuss Contractual, Economic Development, or Personnel Matters, or Receive A Legal Briefing And Take Actions As Appropriate.**

A. **Contractual Matter Between Sumter County And Waste Management And Its Impacts On The Town Of Mayesville.**

The Committee discussed the action taken by Council concerning the waste collection contract between the County and Waste Management and collection services in the Town of Mayesville which would cease as of February 28, 2009. However, the Committee recommended that this matter be funded until June 30, 2009.

ACTION: MOTION and second were received from the Committee, *(the vote was not unanimous from the Committee)* to extend to the Town Of Mayesville an additional 30 days to March 28, 2009, to allow the Town the opportunity to find other means to handle their waste collections. The motion did not carry; Councilmen Baker, Byrd, and Edens voted in opposition, Council members McGhaney, Blanding, and Baten voted in the affirmative. Councilwoman Naomi D. Sanders was not present. There was no majority vote; therefore, the motion failed. The extension was not granted and the waste collection contract will end on February 28, 2009.

NOTE: Chairwoman McGhaney acknowledged the presence of Mayor J. Holloman Miller, and two other Mayesville Town Council members.

B. **Discussion On A Contractual Matter Pertaining To The Capital Projects Sales Tax And Other Matters Relating Thereto.**

After meeting in executive session and entering open session, the Committee recommended that Council approve that the following projects to be initiated by the release of funds for fourteen of the sixteen projects at an estimated cost of \$20,875,000 (\$20,000,000 from the Bond Anticipation Notes {BAN}, and \$875,000 from the first year's collection which will begin May 2009).

Project	Amount
1. Rural Fire Stations	\$ 1,000,000.00
2.Patriot Park Youth Center	\$ 6,000,000.00
3.Community Centers (3)	\$ 750,000.00
4.Spot Safety Improvements (3)	\$ 1,000,000.00
5.Exhibition Center	\$ 500,000.00
6.Sidewalks/Drainage Pedestrian Safety	\$ 1,000,000.00
Central Business District Intersections	\$ 0,000,000.00
7.Lafayette Diamond	\$ 1,000,000.00

8.Judicial Center	\$ 500,000.00
9.Highway 15, South Corridor and Intersection	\$ 250,000.00
10.N. Wise Drive Improvements	\$ 1,000,000.00
11.Airport Infrastructure Project	\$ 1,000,000.00
12.Pocotaligo Infrastructure	\$ 125,000.00
13.Acquisition of Land/Renovations	\$ 750,000.00
Water Plant	\$ 0,000,000.00
14.Land Behind Shaw – 1,000 Acres Purchase	\$ 6,000,000.00
TOTAL	\$20,875,000.00

ACTION: MOTION, second, and unanimous vote were received from the Committee and unanimously carried by Council to approve the recommendation as presented.

2. Comments/Update On Report On Recent Audit By S. C. Department Of Corrections And Proposed Response To The Report. This matter was deferred until March 10, 2009.
 3. Sumter County January 2009 Financials. Mrs. Rogers, the County’s Budget Analyst presented the January Financials to the Committee. The Chairwoman stated that the Administrator, the County’s Financial staff, along with the County Treasurer, The Honorable Carolina B. Richardson, are keeping a close watch on the collections and revenue and reporting their findings to Sumter County Council. This item was received as information.
 4. Update On Sumter County’s Financial Audit From Roger Long. This matter was deferred until March 10, 2009.
 5. Report From Ad Hoc Committee’s Meeting Concerning The County’s Procurement Policy. This item was listed on the regular agenda and third reading was granted to the ordinance.
 6. Preparation For National County Government Week - Greening Our Future. Discussion on this matter was deferred until a later date.
- (2) Report From Council Members On Other Meetings, Trainings, and/or Conferences.

The Clerk to Council stated that a letter was received from the Rembert Area Coalition requesting a letter of support from Sumter County Council concerning a grant submission to Congressman John Spratt’s Office. The Clerk informed Council that she will discuss the letter of support with the County’s grant staff members and if they feel that it is alright for Council to support this project, then the Clerk will write the letter and send it to Rembert Area Coalition. Council recommended that the Clerk prepares the letter for the Chairwoman’s signature.

MONTHLY REPORTS:

- Sumter County Treasurer Tax Collection Status
- Capital Projects Sales Tax Meeting Minutes

- NACO Conference and Exposition
- Greening Our Future – National County Government Week
- County Provision Of Office Space To State Agencies
- Take Flight With Sumter – The Greater Sumter Chairman amber of Commerce Legislative Day 2009
- Historical Commission

ADMINISTRATOR'S REPORT:

- **Mid Year Conference – South Carolina Association Of Counties:** This Conference will be attended by Councilman Blanding as well as SCAC Board member Councilman Charles T. Edens and the Administrator.
- **Recodification Document For Local Detention Centers:** This matter will be discussed at the SCAC's Board meeting and the Administrator is a part of those discussions.
- **Budget Schedule:** A budget schedule will be provided for Council at the next regular meeting of Council. If any Council member has any input he/she would like to give to staff or the Administrator in the preparation process of the 2009-2010 fiscal year budget it would be greatly appreciated. The Administrator emphasized that he and the financial staff need to know what direction is viewed by Council members for this community as this budget is developed.

PUBLIC COMMENT:

The Chairwoman McGhaney asked if anyone wished to speak to Council during public comment. The following person spoke:

Allen Bailey spoke to Council concerning Camp Burnt Gin: He stated that he would like for Council to consider drafting a letter to the Chairman and the Board of the Department of Health and Environmental Control to express the importance of Camp Burnt Gin to the State and specifically to Sumter County. Mr. Bailey said that it is his desire to make sure that the Camp remains in the care of the State and DHEC so that longevity will be more secure.

Mr. Bailey has been organizing an effort which is statewide, yet his hope is for Sumter to "step up" as a leader in advocating for Camp Burnt Gin since this camp is in Sumter County. On March 4, 2009, he has organized a symbolic march from the Thomas Cooper Library at USC to the Statehouse which will end with a rally on the Statehouse steps. The march is called "March 4 Camp Burnt Gin" and is being held in conjunction with Disability Advocacy Day at the Statehouse. Mr. Bailey asked Council to help by providing a letter of support.

Council directed the Clerk to Council to write a letter, resolution, or both to help support the funding of Camp Burnt Gin. The Administrator told Council that this is a worthy cause and that he could set-up a tour of the facility for Council members.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:02 p.m. after a motion, a second, and unanimously carried by Council.

Respectfully submitted,

Vivian Fleming McGhaney

Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding
Clerk to County Council
Sumter 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: Agendas posted on bulletin board on third floor of the Administration Building.

Date Posted: February 19, 2009

Media Notified: Yes

Manner Notified: Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities. Also, E-Mail notification was sent to Sumter County's Home Page, WIBZ, The Item, The Chamber, Time Warner Cable.

Date Notified: February 19, 2009

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding