



Minutes
Sumter County Council
Regular Meeting
March 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
7. Councilwoman Naomi D. Sanders, Council District #1

COUNCIL MEMBERS ABSENT: None

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
Peter Wilson, County Engineer
Gary Mixon, Deputy Administrator
Pam Craven, Finance Director
Henry Bailey, Planner

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 March 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 March 24, 2009, agenda with any additions, deletions, or as printed.

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

ACTION ON REGULAR MEETING MINUTES OF MARCH 10 AND 17, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of County Council held on March 10 and March 17, 2009.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the March 10, 2009, regular meeting minutes and the March 17, 2009, special meeting minutes as prepared by the Clerk.

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

- (1) **OA-08-08 -Second Reading/Public Hearing -- Planning Staff (County) - (09-680) -- A Request To Amend Sections 8.D.9 And 8.E.5 (Sidewalks & Curbing) Of The County Zoning And Development Standards Ordinance To Require Compliance With ADA (Americans With Disabilities Act) Standards In Accordance With ANSI 117.1. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)**

Mr. George McGregor, the Planning Director, presented this proposed ordinance to Council for second reading consideration and public hearing. He stated there has been no change to the proposed ordinance since first reading. Mr. McGregor further stated that the changes would be as follows if Council granted approval to the request.

Ordinance Change:

8.d.9. Paving Material in Pedestrian Areas:

- a. Design and choice of paving materials used in pedestrian areas shall consider such factors as function, characteristics of users, availability, maintenance, glare, drainage, noise, appearance, and compatibility.
- b. Acceptable materials shall include concrete, brick, concrete pavers, asphalt, and stone.
- c. *All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1*

In Article 8.e.5, add a subsection **d. to read " All sidewalks must be compliant with ADA (Americans with Disabilities Act) standard in accordance with ANSI 117.1"**

8.e.5. Sidewalks:

- a. Sidewalks and/or graded areas shall be required depending on road classification and intensity of development in accordance with the requirements set forth in Exhibit 17.
- b. Sidewalks shall measure four and one-half (4 ½ ft.) feet in width; wider widths may be necessary near traffic generators.
- c. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street as shown in Exhibit 18. In PD's they may vary.

- d. *All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1, the County of Sumter Design Standards for Sidewalks, and SCDOT standards as applicable.*

Mr. McGregor also stated that any new sidewalk in new developments (publicly or privately owned) would be required to meet the requirements of the Americans with Disabilities Act. Councilwoman Sanders had several concerns at the March 10, 2009, meeting; however, it was noted in this meeting that her questions have been answered concerning this matter.

Then the Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to this proposed ordinance amendment. No one spoke to this matter; therefore, the Chairwoman closed the public hearing and Council took action on second reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant second reading.

- (2) **OA-09-01 -- Second Reading/Public Hearing -- Planning Staff (County) - (09-681) -- A Request To Amend Article 4, Section G; Article 3, Sections B, C, And D; And Article 10, Section B Of The County Zoning And Development Standards Ordinance Pertaining To The Size, Height, Location, Number And Setbacks For Accessory Structures. . (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)**

Mr. Henry Bailey, Planner in the Planning Department, stated that there have been no changes to the proposed ordinance amendment as presented to Council at its March 10, 2009, meeting.

There were no questions from Council members concerning this matter; then the Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in favor of or position to this proposed ordinance amendment. No one spoke to this issue; therefore, she closed the public hearing and Council took action on second reading.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant second reading approval.

Street Name Change - None

Grant Awards -

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) Presentation From The U. S. Census Bureau.

Mrs. Doris Jones, Partnership Specialist for the U. S. Census Bureau, gave an overview of the upcoming Census. She indicated that a Partnership Specialist's responsibility is to come into an area and help the already *working hands* in that community. The theme for

Census 2010 is "It Is In Our Hands." Mrs. Jones said that the U. S. Census Bureau wants to ensure that everyone gets counted one time in the right place on Census-Day of 2010. The Census has been in effect since 1790 and is mandated by the U. S. Constitution.

Mrs. Jones also applauded Council for preserving the 2000 Census posters in its lobby area; she mentioned that the Census Count is used to determine the political representation for redistricting and used to allocate money for federal funding.

One of the key things that is needed is a "Complete Count Committee." A Complete Count Committee is a committee where elected officials appoint different citizens from a variety of areas of the community and the committee members determines the "hard to count, and the "hard to find" to ensure that everyone is counted. Once the committee is formed, Mrs. Jones will train the committee members of their responsibilities. There may be more than one Complete Count Committee in a community; however, the Census Bureau would like to make sure that the County spearheads one of these committees in the community.

All information on the Census form is confidential for 72-years from the time it is received and the information cannot be shared or released to different federal agencies until the 72-year period is up; citizens will NOT have to give their social security numbers for the census count. All citizens will receive the short form with ten questions on the form. There is a 10-10 pledge which means that the census form will take ten minutes to complete ten questions and each person will be asked to tell ten people about the census.

Mrs. Jones shared much more information such as the address canvassing phase, mailing of the Census Forms in March of 2010, and that South Carolina was 49th in the nation for mail back form rate during Census 2000. It was also noted that every person living in Sumter needs to be counted - citizens and non-citizens. After all comments from Mrs. Jones and County Council, the Chairwoman stated that after review of the "Complete Count Committee" information, she will get back with Mrs. Jones. She received a new phone number which is 803-354-8177 and she asked Council members to call her if they have a question.

ACTION: This matter was received as information. The Chairwoman, along with the Clerk, will follow-up on the development of a Complete Count Committee.

(2) Ratification of Sumter County's Capital Projects Sales Tax Implementation/Coordination Committee.

The Chairwoman presented this matter before Council and the Administrator also commented that the Capital Projects Sales Tax Implementation/Coordination Committee was formed immediately after the Chamber Retreat in January 2009. There have been three meetings and Council members have been given a copy of the minutes of the meetings.

The Chairwoman stated that since County Council is ultimately responsible for the implementation of these projects, it is her hope that approximately two or three members of Council become will ex-officio members or at least attend the meetings to stay abreast of the happenings of this process. The Administrator stated that currently the Committee is

meeting every three weeks, but as the projects advance in stages, meetings will be held more frequently.

Council members reviewed the list and agreed to add three Council members: Chairwoman McGhaney, Vice Chairman Baten, and Councilman Charles T. Edens.

PROJECT COORDINATORS		
NAME	TITLE	PROJECT
William T. Noonan	County Administrator	
Gary Mixon	Deputy County Administrator	Patriot Park, Community Centers, Exhibition Center
Charlie Holmes	Transportation Coordinator	Spot Safety Improvements, Lafayette Diamond, Highway 15, South Corridor and Intersection
Al Harris	City Public Works Director	Sidewalks/Drainage Pedestrian Safety, Central Business District Intersections, Airport Infrastructure, Pocatigo Infrastructure, Water Plant (South)
Ray Reich	Downtown Development Manager	Acquisition of Land/Renovations
Eddie Newman	County Public Works Director	N. Wise Drive Improvements
Deron McCormick	City Manager	Land Behind Shaw - 1,000 Acres Purchase
Karl Ford	Fire Chief	Rural Fire Stations
Doug Mathis	Fire Department	Rural Fire Stations
Jamie Campbell	Clerk of Court	Judicial Center
Karen Hyatt	Assistant Public Works Director	N. Wise Drive Improvements
SUPPORT STAFF		
Pam Craven	Finance Director	Accounting
Bobby Galloway	Purchasing Agent	Bids/Contracts
Rick Farmer	Development Board, Project Editor	Update Projects
Luke Lukens	Photographer	Photos for Website
George McGregor	Planning Commission Director	Codes Permit Advisor
Denise McLeod	Recorder	Record Minutes
Mary W. Blanding	Clerk to Council	County Council Representative <i>(Record Minutes As Needed)</i>

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Blanding, and unanimously carried by Council to approve the membership on the Committee as presented and to add Chairwoman McGhaney, Vice Chairman Baten, and Councilman Charles T. Edens as ex officio members to this committee.

(3) **First Reading -- 09-682 -- An Ordinance To Define And Prohibit Illicit Discharges And Connections To Storm Water Sewer Systems And Waters Of The State For Sumter County, South Carolina.**

Mr. William T. Noonan, the County Administrator, and the County Engineer, Mr. Peter Wilson, presented this proposed ordinance to Council for first reading consideration. Mr. Noonan stated that this is the first step in meeting Environmental Protection Agency guidelines for this federal regulation. It was also noted that the County Engineer and the County Attorney have worked together to bring this ordinance before Council. Information listed within the ordinance was obtained from the *Center For Watershed Protection* who offer templates for local municipalities to use to create these types of ordinances. Council members were given a copy of the twelve-page ordinance; also a portion of the ordinance is listed below to give a synopsis of the intent of the ordinance.

WHEREAS, Sumter County Council desires to protect the health, safety, and general welfare of the people in Sumter County, South Carolina, and further desires to protect the natural assets and resources of Sumter County, South Carolina for posterity through the regulation of non-storm water discharges to the storm drainage system and waters of the state to the maximum extent practicable as required by federal and state law; and

WHEREAS, Sumter County Council desires to establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) and waters of the state in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process; and

WHEREAS, Sumter County Council desires to regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) and waters of the state by storm water discharges by any user; to prohibit illicit connections and discharges to the municipal separate storm sewer system and waters of the state; and to establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

After much discussion, the Chairwoman called for a motion concerning this ordinance.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and carried by Council to grant first reading approval. Councilman Byrd voted in opposition. The motion carried.

NOTE: The Attorney has already reviewed the information before Council; however, additional information will be provided to Council to help answer any concerns Council may have about this proposed ordinance. The information will be given to Council prior to the April 14, 2009, meeting. Also, the enforceability of this ordinance needs to be clarified. Lastly, Mr. Wilson noted that the County is not required to enforce certain requirements of this ordinance until 2011.

- (4) First Reading -- 09-683 -- An Ordinance Authorizing The Transfer Of In A Portion Of Lynette Drive To Sumter Transport Company Of Ordinance - Abandon Through Traffic on Lynette Drive.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council for first reading consideration. (See ordinance below.)

WHEREAS, Lynette Drive, as shown on the Sumter County Auditor's Tax Map Sheet #208, extends from Cockerill Road (Road S-43-645) northwesterly to the CSX Railroad where it ends; and

WHEREAS, Sumter County Council previously determined that the section of Lynette Drive which begins at the CSX Railroad and extends approximately 0.14 miles in a southeasterly direction is unnecessary for public use and abandoned the maintenance of that by Sumter County from its County Road Maintenance Program by its Resolution which was voted upon and passed on September 11, 2007; and

WHEREAS, the County neither claims nor denies that it has a dedicated right-of-way to the portion of Lynette Drive affected by this Ordinance, but acknowledges that the South Carolina Department of Transportation, by correspondence dated August 29, 2007, has abandoned its interest in that part of Lynette Drive and has removed that part of Lynette Drive from the State Highway System with the understanding that Sumter County will accept maintenance responsibility for this section of road even though previously the State of South Carolina Department of Transportation has, from time to time in the past, maintained Lynette Drive for the benefit of the general public; and

WHEREAS, the County has determined in regard to the portion of Lynette Drive proposed to be conveyed pursuant to this Ordinance that there is little use thereof by the general public, that the persons traveling to and from other real property situated on the Lynette Drive have adequate access to and from such other property without using the portion of Lynette Drive proposed to be discontinued, that the cost of maintenance of the portion of Lynette Drive proposed to be discontinued is quite high compared to the low use thereof, and that the proposed discontinuance will result in the savings to the County in maintenance cost and that the proposed discontinuance will not adversely affect travel on the remaining portion of Lynette Drive ; and

WHEREAS, Sumter County does not currently need the property for any public purpose,

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 Sumter County hereby affirms that it has previously abandoned its interest in and hereby deletes that part of Lynette Drive which begins at the CSX Railroad and extends approximately 0.14 miles in a southeasterly direction from Sumter County's maintained road system.*

2. *That this Ordinance does not affect any rights in or to Lynette Drive other than the rights of Sumter County therein, should any there be.*

3. *The County Council Chairman has complete authority to execute any deeds or other legal instruments necessary to carry out the provisions of this resolution.*

4. *That Sumter County convey to Sumter Transport Company, a South Carolina Corporation, by quitclaim deed, its interest in an acre of property in accordance with the terms of the draft quitclaim deed attached hereto and incorporated herein by reference.*

5. *This Ordinance shall take effect upon its adoption.*

After review of the ordinance and comments from the Attorney; Council took action on first reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to grant second reading.

- (5) 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: None

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, March 24, 2009, At 4:00 P.M. In County Council's Conference Room At The County Administration Building (Vivian Fleming McGhaney, Charles T. Edens, and Larry Blanding.) All Council Members Are Urged To Attend.

The Chairwoman of the Committee, Chairwoman McGhaney presented the following recommendations to Council for action.

- **Contract Negotiations:** The Committee discussed this matter in executive session and recommended that Council direct the Administrator to continue negotiations on this matter.

ACTION: MOTION and second were received from the Committee, and unanimously carried by the Council to direct the County Administrator to continue negotiations concerning a wastewater matter.

- **Economic Development Matter:** The Committee discussed this matter in executive session and recommended that Sumter County sell the existing Speculative Building on the terms negotiated by the Development Board as part of an Economic Development Project Matter.

ACTION: MOTION and second were received from the Committee, and unanimously carried by the Council to sell the existing Speculative Building on the terms negotiated by the Development Board as part of an Economic Development Project Matter.

- **Property Matter:** The Committee discussed in executive session a property matter and recommended Council to authorize the Administrator to enter into a lease agreement concerning a property matter.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to direct the County Administrator to enter into a lease agreement concerning a property matter.

- **Audit Report:** The Committee received information from Mr. Roger Long concerning the 2007-2008 Audit.

ACTION: No action taken.

- **Delinquent Business Taxes:** The Committee received information from the County Treasurer, The Honorable Carolina B. Richardson, which equals to approximately \$3,000,000. She asked for Council to concur with her efforts to publish a delinquent business tax list just as she does for residential or mobile home delinquent tax list. The Committee recommended approval of the publication of this list by the County Treasurer.

ACTION: MOTION and second were received from the Committee, and unanimously carried by the Council to concur with the County Treasurer on her efforts to publish a delinquent business tax list.

- **Vehicle Policy And Cellular Phone Policy:** These two policies will be discussed at a later date.

ACTION: No action taken.

(2) Report From Council Members On Other Meetings, Trainings, and/or Conferences.

- Councilwoman Sanders stated that she has received a letter from her constituents stated that they would love to have their roads paved: Sherick Lane, Julius Lane, John Franklin Road, St. Paul Church Road, Rosewood Drive, Scotts Branch Road, and Farmers Road. (Note: This matter needs to be taken before the Public Works Committee. Vice Chairman Baten reminded Council about the road paving policy prior to calling a Public Works Committee meeting. Plus, these roads need to be added to the list if they are not already on the review or maintenance list.)

MONTHLY REPORTS:

- Circle of Influence Leadership Summit South Carolina Association Of Counties - Obligations of County Government
- Fiscal Year 2010 Budget Schedule
- IRS Audit Directions Concerning Travel
- Sumter Green Monthly Report
- House Budget Provision For FY 2009-2010
- Chamber Annual Meeting - April 22, 2009
- Mayor's Prayer Breakfast
- Financial Statement of General Fund
- Lake Marion Regional Water Agency
- House Ways And Means Committee - Property Tax Subcommittee
- Sumter Little Theatre
- Historical Commission
- City Of Sumter - Rembert Coalition - Rembert Water System
- Shiloh Water System
- Letter - Joe Perry - Freedom Of Information Act Request

ADMINISTRATOR'S REPORT:

The Administrator, William T. Noonan, stated that Sumter County has been asked to participate with the Sentencing Reform Commission which is a new Commission that was formed a year ago. This Commission will recommend changes to sentencing guidelines *when the term of imprisonment is longer than a year is allowed, maintaining and abolishing the current parole system, and guidelines for legislation for offenders for whom traditional imprisonment is not considered appropriate.* Mr. Simon Major and the Administrator will attend a meeting on Thursday, March 26, 2009, to participate in the discussions.

It appears that the Commission wants local governments to hold prisoners in the Detention Centers for up to one year instead of up to 90 days as it is currently required. If Sentencing Reform commission recommendations are approved for this is approved or recommended for approval, it will have a large impact on local government's budgets.

PUBLIC COMMENT:

The Chairwoman McGhaney asked if anyone wished to speak to Council during public comment. No one spoke during public comment.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:49 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: March 18, 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: March 18, 2009

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding