



Minutes
Sumter County Council
Regular Meeting
April 14, 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
Donna McCullum, Zoning Administrator
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 three 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 April 14, 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 April 14, 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 April 14, 2009, agenda as prepared by the Clerk.

ACTION ON REGULAR MEETING MINUTES OF MARCH 24, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of County Council held on March 24, 2009.

ACTION: MOTION was made by Councilman Sanders, seconded by Councilman Byrd, and carried by Council to approve the March 24, 2009, regular meeting minutes as prepared by the Clerk. Councilman Edens abstained.

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

- (1) OA-08-08 -Third Reading-- 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.

Mrs. Donna McCullum, Zoning Administrator, presented this proposed ordinance amendment to Council for third reading approval; she stated that there have been no changes to this ordinance since first reading. Then Council took action on third reading approval.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant third reading approval to OA-08-08 (09-680).

- (2) OA-09-01 -- Third Reading -- 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.

The Chairwoman presented this proposed ordinance to Council for third reading; Councilman Byrd stated that one of his constituents has a question about this proposed ordinance; therefore, he asked for third reading to be postponed until the next meeting. After discussion on this matter, Council took action on third reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to defer third reading on this item.

Street Name Change - None

Grant Awards -

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) A Proclamation Proclaiming May As *Bike Month* In Sumter County, South Carolina.

The Clerk to Council presented this proposed proclamation to Council for approval. After review of the Proclamation, Council took action on its adoption as listed below.

Whereas, for more than a century, the bicycle has been an important part of the lives of most Americans; and

Whereas, today, millions of Americans engage in bicycling because it is a viable and environmentally-sound form of transportation, and excellent form of fitness and provides quality family recreation; and

Whereas, the education of cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

Whereas, the League of American bicyclists and independent cyclists throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries, and fatalities for all; and

Now Therefore Be It Resolved, I, Vivian Fleming McGhaney, Chairperson of Sumter County Council, do hereby proclaim May, 2009, as

BIKE MONTH

throughout the County and encourage all citizens to recognize the importance of bicycle safety and be more aware of cyclists on our streets and highways and extend an invitation to all to participate in bicycling during this month as a way to enjoy Sumter and its vision to Live, Learn, Work, and Play.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant adoption of the proclamation and directed the Chairwoman and the Clerk to execute and deliver the proclamation on behalf of the County.

(2) Discussion And Possible Action Concerning Decisions Made By Governor Mark Sanford Concerning The Stimulus Funds (Vice Chairman Eugene Baten).

Councilman Baten stated that there has been much talk about S. C. Governor Sanford not accepting the Stimulus Funds, \$700,000,000 with the majority of the funds designated to be used for public education as well as two and four-year colleges and funds for public safety. The impact of these funds not being received by the State would be devastating for Sumter County.

Vice Chairman Baten stated that he is a substitute teacher in Sumter School District #2 and he knows the impact of a large quantity of students in a classroom. There are discussions to increase the class size for elementary schools to 20 per class, middle school to 25, and high schools to 30. Councilman Baten stated that the quality of education will be degraded if student class size is increased. He asked Council to support a bipartisan vote to send a unanimous message to the Governor of South Carolina that Sumter County Council encouraging is him to accept the Stimulus Funds and to consider sending the letter to other Counties throughout the State to ask them to also consider writing a letter to the Governor.

Vice Chairman Baten also stated that if the Governor refuses to accept the Stimulus Funds, he would hope that Council would have the courage to send a letter to Sumter County

Legislative Delegation to take action against the Governor. Vice Chairman Baten believes that this State cannot afford the denial of these funds to this State.

The Chairwoman then called for action on this matter.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilwoman Sanders, and carried by Council to write and send a letter to Governor Sanford asking him to receive the Stimulus Funds. Council members Sanders, Baten, Blanding, and McGhaney voted in the affirmative; Council members Edens, Byrd, and Baker, voted in opposition.

Prior to action on this motion, Councilman Edens asked that Council consider asking the Governor or his representative to come talk to Council members about the budget and the Stimulus Funds to relay his viewpoint to Sumter County in person.

NOTE: Councilman Baker stated that he is not against education.

(3) Census Partnership

The Clerk presented information to Council concerning the Complete County Committee and the Census Partnership Agreement. Council member directed the Clerk to set-up a meeting between Mrs. Doris Jones, Census Director, the County Attorney, and the Clerk to discuss these two matters and get back to Council on the results thereof.

(4) 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.

• **Council Will Discuss A Personnel Matter After All Business And Public Comments.**

ACTON: MOTION was made by Councilman Edens, seconded by Councilwoman Sanders, and unanimously carried by Council to enter executive session to discuss a personnel matter. After discussion on this matter, Council re-entered open session.

No report was given from the executive session. Motion and second were received from Council to adjourn the meeting at 6:49 p.m.

OLD BUSINESS:

(1) **Second 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.**

The Administrator stated that this is the second reading request for the Stormwater requirement; there have been no changes since first reading. However, the Administrator informed Council that one of the requirements is that the County adopt an ordinance defining the County's partnership and the County's responsibilities in pursuing those that

might violate the Clean Water Act. This is a mandate without funding from the Federal Government. There is a deadline of September 2009 to implement this ordinance. The Administrator asked Council members to consider giving second reading and then staff will have additional material by third reading.

ACTION: MOTION was made by Councilman Edens and seconded by Councilman Baker to defer second reading.

ACTION: MOTION was made by Councilman Blanding to table any action on this matter; Councilman Blanding withdrew his motion.

NOTE: Councilman Edens and Councilman Baker withdrew their original motion.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Blanding, and carried by Council to grant second reading to this proposed ordinance. Councilman Edens voted in opposition; the motion carried.

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

The County Attorney stated that there have been no changes since first reading. He asked Council to grant second reading approval to this proposed ordinance.

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

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, April 14, 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.

Chairwoman McGhaney, Chairwoman of the Committee, gave the following report and recommendation.

- Request From Freed School of Performing Arts, Caroline Mack Center For The Arts, Miss Libby's School of Dance, and Dreamworks.

The Committee received a presentation from the aforementioned groups concerning the fees that are currently being paid by these local these businesses to rent Patriot Hall. The businesses believe that the fees are too high and should reflect some loyalty to businesses within Sumter and allow other venues to pay the fees at the current rate and provide local vendors with a reduced rate for rental of the facility. The Committee recommended that staff write a letter to the businesses confirming the need for Sumter County to stay true to its approved fees. However, the issue relating to hiring some of

Patriot Hall's staff to help the businesses during their performance will need to be reviewed by Human Resources and the Administrator.

ACTION: MOTION and seconded were received from the Committee to direct the County's staff to send a letter to the businesses concerning Council's action to maintain true to the existing rental policy and to follow-up on the three questions that the group had.

1. *They would like to be guaranteed the technical director of your choice with the rental of the facility, if technical assistance is included in the pricing of the facility.*
2. *They would like to hire qualified technical assistants (rail operators, spotlight personnel, etc.) whether or not they are employees of the facility.*
3. *If there are conflicts which require facility employees to reach their 40 hour maximum prior to a show, they you would like to hire them independently at our own expense.*

- Capital Projects Sales Tax Committee Update: The Committee received an update from Chief Karl Ford and Deputy County Administrator Gary Mixon concerning the Rural Fire Stations and the rural Community Centers, respectfully. There is a commitment from the Committee that the Fire Stations and the Community Centers will be constructed such that all fire stations will be identical as well as all Community Centers will be identical and the community members have been and will continue to be involved in this process.

The Honorable James Campbell voiced his concerns about the Judicial Center not being started as of today. He was informed that the bonds that were sold to cover \$20,000,000 worth of work through the Capital Sales Tax did not include starting the Judicial Center at this time.

ACTION: Received as information.

- Letter To DHEC Concerning Ordinance #09-683: The Committee voted to send a letter to DHEC asking them how will a county fund the implementation and enforcement of this ordinance especially when the State has cut the local government fund, cutting the County's ability to collect property taxes, and limited the County's ability to increase millage.

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

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

MONTHLY REPORTS:

- Letter From Sumter County Branch Of NAACP
- National Spotlight Conversation - Earth Day Forum
- Volunteer Firefighter Banquet Announcement
- SCAC Annual Conference
- Sumter Economic Development Board

- Sumter County Library
- Airport Commission
- Sumter County Public Works

ADMINISTRATOR'S REPORT:

- **Detention Reform Committee** - The Administrator and the Detention Center Director recently attended a committee meeting which is receiving the State laws surrounding the incarceration of inmates. He also said that he believes that the Committee will favorably look at alternative ways of incarcerating people who are non-violent.
- **Budget Workshop** -- The Administrator stated that the first budget workshop will be held on April 21, 2009, at 4:00 p.m. Also, he is asking Council members to agree to a meeting every first and third Tuesday until the budget is passed.

PUBLIC COMMENT:

The Chairwoman McGhaney asked if anyone wished to speak to Council during public comment.

- Dr. Earl Vaughn stated that he lives at 205 South Purdy Street; he is concerned about the process of removing a person off rental property. Dr. Vaughn was asked to speak to the County Attorney at a later date.

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: April 28, 2009

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: April 9, 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: April 9, 2009

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding