



Minutes
Sumter County Council
Regular Meeting
August 11, 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:

Mary W. Blanding, Clerk To County Council
Johnathan Bryan, County Attorney
Keysa Rogers, Budget Analyst
Latham Harris, County Assessor

William T. Noonan, County Administrator
Gary Mixon, Deputy Administrator
Pam Craven, Finance Director

MEDIA PRESENT:

The Item Newspaper - Gina Vissilli

THE PUBLIC PRESENT:

Approximately 61 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 August 11, 2009, to order.

INVOCATION: 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 August 11, 2009, agenda with any additions, deletions, or as printed. The Clerk to Council asked Council members to consider amending the agenda as follows:

Move Items #1 and #2 under New Business and Introduction Of Wateree Community Actions Student Leadership Group as the first three items to be heard by Council immediately after actions on the Minutes of July 7, 2009.

- (1) Recognition Of The Sumter Debs Dixie Girls 2009 World Series Champions.
- (2) Presentation By South Carolina Forestry Commission.
- (3) Introduction Of Wateree Community Actions Student Leadership Group.

Also, add to the agenda under Land Use Matters and Rezoning Requests as Item #2, Sumter County Draft Comprehensive Plan. Lastly, consider adding under New Business, as Item #6, Sumter County Financials As Of June 30, 2009, and renumber the current Item #5 to Item #7.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the August 11, 2009, agenda as amended.

ACTION ON SPECIAL MEETING MINUTES OF JULY 7, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the Special meeting minutes of County Council held on July 7, 2009.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve the regular meeting minutes of July 7, 2009, as prepared by the Clerk.

NEW BUSINESS:

(1) Recognition Of The Sumter Debs Dixie Girls 2009 World Series Champions.

Council members presented the team members and the coaches with a medallion. The members and coaches are as follows:

- ◆ Megan Crandall
- ◆ Meg Randall
- ◆ LA Markham
- ◆ Hanna Hancock
- ◆ Brittany Osteen
- ◆ Sloane Welsh
- ◆ Morgan Mixon
- ◆ Kelsey Osteen
- ◆ Jordan Hardee
- ◆ Jordan Atkinson
- ◆ Maggie Brown
- ◆ Whitney Thompson
- ◆ Coach Ruthie Osteen
- ◆ Coach Wade Atkinson
- ◆ Coach Bert Hancock

Each of the Council members spoke to the team members and the coaches and thanked them for bringing such positive light on Sumter County. Council members also encouraged each team member to continue to strive for the best of the best in all their future endeavors.

Then the Coaches and team members presented each Council member, Administrator, Clerk to Council, and the County Attorney with a gift bag (Dixie Hat, Dixie Softball Tee-Shirt, Dixie World Series Flag, and other goodies).

After taking pictures and other words of encouragement and thank you from the team members, recreation staff, and coaches, the group was allowed to leave after the introduction of the Wateree Community Action Youth Leadership Group.

(2) Presentation by South Carolina Forestry Commission.

Mr. Henry E. (Gene) Kodama, State Forester, South Carolina Forestry Commission, along with a representative from the local forestry commission, presented Council members with a check for \$341,000 for School District #2 where Manchester Forest is located in that school district. The funds are derived from hunting and fishing fees, user fees, rental of farm land, sale of timber and pine straw.

- ◆ Manchester Forest is an asset for the Sumter community (natural beauty and timber.)
- ◆ Forestry and the business generated from it is the largest manufacturing segment in South Carolina.
- ◆ Moore School of Business has sited that the Forestry Commission employs about 84,000 people in Forestry.
- ◆ Some of the highest paying jobs in the State are located in Forestry.
- ◆ The Forestry business has a 17 billion dollar impact on the State's economy.

(3) Introduction Of Wateree Community Actions Student Leadership Group.

Mrs. Frances Hill introduced the participants of the Wateree Community Actions Student Leadership Group to Council. She also gave a brief history of the work that the youth will be required to do. Additionally, these 18 students are high school age students. They are working 20 hours at \$5.00 per hour. Mrs. Hill also has 35 more students that will participate in this program and those students will be working 100 hours at \$800 per hour. The students are required to attend a City Council and County Council meeting. Also, they will visit the Civil Court and end the session with a pizza party. These youngsters have been involved with Youth Leadership since March.

ACTION: Received as information.

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

(1) OA-09-03 - First Reading - Planning Staff - 09-695 - A Request To Amend Article 10, Section B, Definition Of The Sumter County Zoning And Development Standards Ordinance To Correct An Error And Conflict In The Definition Of "Yard, Side."

Mr. George McGregor, the Planning Director, presented this ordinance amendment to Council. He stated that it is recommended that the current zoning ordinance be changed to correct an error and conflict in the definition of yard, side.

He further stated that the Planning staff discovered this error when researching the different "Yard" definitions for a Board of Appeals case. The case in question was not affected by this definition. However, it was deemed prudent to correct the error and conflict in order to prevent future confusion.

The definitions where the conflict occurs are on p. 273 of the County Ordinance, in Article 10, Definitions, and include "Yard, Front," "Yard, Rear," and "Yard, Side."

Definition of Use - current and proposed

Current wording

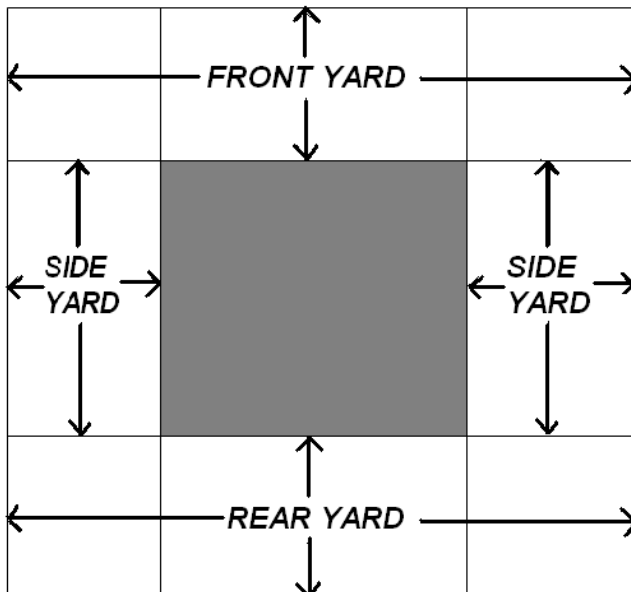
"Yard, Front: A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line."

"Yard, Rear: A yard extending the full width of the rear of a lot between the rear lot line and the rear building line."

"Yard, Side: A yard extending the full length of the lot in the area between the side lot line and a side building line."

Proposed wording

"Yard, Side: A space extending from the front yard to the rear yard and lying between each side lot line and the principal building on the lot."



Mr. McGregor stated that the Planning staff recommends approval. This remedies a potential problem as the definition as currently worded represents a conflict between the definitions between side yard and both the front yard and rear yard definitions. As it stands, there are four areas on every property that are presently defined as being both in the side yard and also in the rear or front yards. This could present difficulties and confusion with how accessory structures and uses are able to be located on private property.

The Sumter City-County Planning Commission at its meeting voted to recommend approval of this request to include the diagram listed above.

After questions from Council members, Council took action on first reading.

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

(1) Sumter County Draft Comprehensive Plan

Mr. McGregor also presented this item before Council. He stated that the citizen task force, the planning staff, and representatives from City and County Council as well as the Planning Commission have been working on the draft for the revised Comprehensive Plan.

The Planning Commission is scheduled to bring the Comprehensive Plan before Council in the fall of this year for approval consideration. Mr. McGregor presented the following update.

The Comprehensive Plan is required through state law and is required to be updated every 10 years. Sumter County's Plan was first adopted in 1999. The Comprehensive Plan is:

- ◆ Long Range plan for further growth
- ◆ Vision of Sumter for next 20 years
- ◆ Reflects values and goals
- ◆ A policy document for further land use
- ◆ Guides physical development (where we grow and how we look)

The goals of the comprehensive plan are as follows:

1. To protect Shaw Air Force Base and Poinsett Range, its facilities and its mission from unwanted and incompatible development encroachment;
- (2) To transform the built, visual image of Sumter;
- (3) To direct new suburban development only to areas planned for or already served by adequate infrastructure such as public water and sewer, public services, schools, transportation network capacity, and recreation opportunities;
- (4) To revitalize and redevelop existing residential neighborhoods and commercial corridors at risk or in decline;

- (5) To support the quality of life and existing pattern of development in the rural portions of the County;
- (6) To preserve the community's Green Infrastructure, Natural, Cultural, and Historic resources;
- (7) To foster a diverse development patter where opportunities to live, work, shop, and play are all within close proximity to one another in an atmosphere dedicated to quality architecture, landscaping, and site design and;
- (8) To create a Downtown Sumter which is the center of urban living, commerce, entertainment, education, government, and healthcare in a 24-hour, active, and lively environment?

After Mr. McGregor's comments, and dialogue with Council, Council thanked Mr. McGregor for the report.

ACTION: Received as information.

Street Name Change - None

Grant Awards -

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS CONTINUED:

- (4) **09-694 - First Reading** -- An Ordinance Amending Ordinance No. 09-689, Creating The Sumter County Crystal Lakes Golf Course Advisory Board.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council for first reading. He stated that at third reading of Ordinance 09-689 which created the Sumter County Crystal Lakes Golf Course Advisory Board, Council members changed the number of appointees for Council from four to five. Therefore, this ordinance, 09-694, amends the term information concerning the appointees for both Council and the other voting members.

WHEREAS, Sumter County Council adopted Ordinance 09-689 on July 7, 2009;
and

WHEREAS, that ordinance provides that the Crystal Lakes Golf Course Advisory Board shall be composed of nine voting members of which four voting members shall be elected by the Crystal Lakes Golf Course members in good standing to serve three-year terms; and

WHEREAS, the election provision, paragraph 4 of Ordinance 09-689 suggests that there might be five voting members elected by the Crystal Lakes Golf Course members; and

WHEREAS, Sumter County Council desires to amend the original ordinance to make the establishment provisions and the election provisions consistent,

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:

Paragraph 4 of the original Ordinance is hereby deleted and the following language shall be substituted in its place.

4. The management of the Crystal Lakes Golf Course shall organize an election among its members in good standing as soon as practicable after the effective date of this Ordinance. The first election among the Crystal Lakes Golf Course members in good standing shall elect two members to serve from the date of the election until December 31, 2012, one member to serve from the date of the election until December 31, 2011 and one member to serve from the date of the election until December 31, 2010. All four original members shall be elected from one pool of candidates. The candidate receiving the highest number of votes and the candidate receiving the second highest number of votes shall serve until December 31, 2012. The candidate receiving the third highest number of votes shall serve until December 31, 2011 and the candidate receiving the fourth highest number of votes shall serve until December 31, 2010. Members in good standing may mark their ballots to vote for up to four, but no more than four, candidates in the pool of candidates in the initial election.

The next election shall be held in November 2010 and there shall be an annual election held every year thereafter in the month of November to fill the positions of the board members whose terms have expired. There is no limit to the number of consecutive terms that members may serve.

This Ordinance is done, ratified and adopted _____, 2009.

After all comments, Council took action on first reading approval.

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

- (5) A Proclamation Proclaiming September 17-24, 2009, As Constitution Week 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 this matter.

Whereas, we the people did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

Whereas, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

Whereas, the President and the Congress of the United States have designated September 17th as Citizenship Day and the week of September 17-24, 2009, as Constitution Week; and

Whereas, the people of the County of Sumter do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it;

NOW THEREFORE, I, Vivian Fleming-McGhaney, Chairwoman of Sumter County Council, do hereby proclaim September 17th as Citizenship Day and the week of September 17th through September 24th as **Constitution Week**, and invite every citizen and institution to join in this national commemoration.

IN WITNESS THEREOF, I have hereunto set the Seal of Sumter County to be Affixed this 11th Day of August, 2009.

(6) Sumter County Financials

Mrs. Keysa Rogers gave the preliminary unaudited financial report for the end of fiscal 2008-2009. The total revenue during this period was \$45,499,965, with expenditures at \$45,045,540 with Sumter County's revenue exceeding the expenditures by \$450,425. These are preliminary unaudited figures.

ACTION: Received as information.

(7) 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.

After all business and the public hearing, Councilman Edens asked the Chairwoman to consider going into executive session to discuss a contractual matter. The Chairwoman called for the motion.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd to enter executive session to discuss a contractual matter. After the executive session, Council re-entered open session and no action was taken from the executive session.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Liaison Committee Meeting Held On Monday, August 10, 2009, at 6:00 P.M. In County Council's Conference Room At The County Administration Building - (Sanders, Byrd, and McGhaney).

The Chairman of the Liaison Committee, Councilwoman Sanders, stated that the Liaison Committee met and all members were present. The Committee set a meeting time and days for the second and fourth Mondays of the month from August to December 2009. The Committee will meet at 5:30 p.m. alternating between City Hall and the County Administration Building; also, the meetings will last one hour.

ACTION: Received as information; no action taken.

- (2) Internal Affairs Committee Meeting Held On Tuesday, August 11, 2009, at 12:00 P.M. In County Council's Conference Room At The County Administration Building - (Byrd, Blanding, and Sanders).

The Chairman of the Internal Affairs Committee, Councilman Byrd, gave the following report and recommendations.

- Accommodations Tax Advisory Board - No action taken.
- Crystal Lakes Advisory Board - No action taken.
- Historical Commission - No action taken.
- Iris Festival Board - No action taken.
- Santee Lynches Regional Council On Governments - No action taken.
- Tax Board of Appeals - No action taken.
- Census 2010 Complete County Committee Members - see Committee Members below.

Black	Female	Alene Wilson District #1	
White	Female	Marilyn Moore - District #2	cmoore@ftc-i.net
		District #3	
White	Female	Kimberly Dault - Spectrum District #4	scottkim@ftc-i.net
Black	Female	Rosa Lee Dickey District #5	1805 Cauthen Lane Lynchburg, SC 29080
		District #6	
Black	Female	Linda Clark - District #7	Twofry2000@yahoo.com
Hispanic	Female	Yamine Paggi Latin American-Hispanic Rep.	PaggiY@sumter17.k12.sc.us
White	Female	Mary Sheridan -District #2	msheridan@scsds.k12.sc.us
White	Male	Lamar Atkins	Lj48@ftc-i.net

Minutes-Regular Meeting of Sumter County Council

August 11, 2009

Page 10

		District #17	atkins@sumter17.k12.sc.us
White	Male	Michael Herr	mherr@sumter-sc.com
White	Male	James Darby Santee Lynches COG	
		Jennifer Russell Pinewood Town Hall	J01RUS@aol.com pwdtownhall@ftc-i.net
Black	Female	Gertie Dobson Mayesville	P.O. Box 224 Lynchburg, SC 29080
White	Male	Bob Fleury City of Sumter	rfleury@sumter-sc.com
White	Male	Gary Hallmark Shaw AFB	gary.hallmark@SHAW.AF.MIL
		Clergy	
Black	Male	William Robertson Detention Center	wrobertson@sumtercountysc.org
Black	Male	Roy Graham – Morris College	rgraham@morris.edu
Latino	Male	Roberto Belen Partnership Specialist U S Census Bureau	Roberto.Belen@Census.Gov
Black	Male	Milton Smalls Partnership Specialist U S Census Bureau	milton.a.smalls@census.gov
Black	Female	Eula V. McDonald-Chandler - High Hills	Eulam5@aol.com
Black	Female	Leona Greene	
		Law Enforcement	
		Chamber of Commerce	
		The Item Newspaper Gina Vasselli	gvasselli@theitem.com

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to grant approval of the appointments as presented.

- (3) Fiscal Tax and Property Committee Meeting Held on Tuesday, **August 11, 2009, at 4:00 P.M. In County Council's Conference Room At The County Administration Building - (McGhaney, Blanding, and Edens.**

The Chairman of the Committee, Chairwoman McGhaney, gave the following report and recommendations.

1. Executive Session Matters

- A. Two Economic Development Matters – No report.
- B. Discussion On Contractual Matter Pertaining To Recreation – No report.
- C. Contractual Matter Pertaining To Law Enforcement – No report.
- D. Contractual Matter Pertaining To Water – No report.
- E. Two Contractual Matters Pertaining To Wastewater – No report.
- F. Discussion On Acquisition Of Property – No report.

2. Bonds - The American Recovery and Reinvestment Act/Stimulus Bill - Attorney Frannie Heizer.

Attorney Frannie Heizer briefed the Committee on the potential of Sumter County being able to have additional funds made available to the County through the American Recovery and Reinvestment Act known as the Stimulus Funds. The County Administrator along with Jay Schwedler will be this matter more with Attorney Heizer to see how the County can capitalize on these funds and this opportunity.

3. Youth, Inc. Request For Financial Assistance - Carlton Washington.

The Committee also received a request for assistance (\$20,000) from this group. No action taken.

4. Sumter County Comprehensive Plan - George McGregor.

This matter was moved to the main agenda. (See Land Use Matter And Rezoning Requests.

5. Request From Arts Based Economic Development Committee -- Conference

The committee received a request for \$300 to fund the registration of some of the Arts Based Economic Development Committee members to attend an upcoming conference (*Arts Be Nimble* - Columbia Conference Center). The Committee recommended approval of the request with the funds being obtained from the Administrator's Contingency fund.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to grant approval of the request for up to \$300 secured from the Administrator's Contingency fund.

6. Sumter County Financial Statement Of General Fund As Of June 30, 2009.

This matter was moved to the main agenda. See New Business Items.

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

The following reports were given.

National Association Of Counties - Councilman Blanding attended the NACO Convention in Nashville, Tennessee. The delegates had the pleasure of having the Secretary of Transportation and the Deputy Secretary of HUD in attendance at the Convention. There is a bill in Congress which is sponsored by Congressman Hastings from Florida, which in essence would allow persons in the detention center to maintain their Medicaid benefits until such time they are convicted. If this bill is passed, then it would help Sumter County's Detention Center with healthcare for its inmates.

South Carolina Base Closure Annual Meeting - Councilman Blanding reported that the number one thing discussed during the S. C. Base Closure Annual meeting was protecting Shaw AFB and all other military institutions in South Carolina. In addition, the Committee talked about being prepared for the F35's; Beaufort, South Carolina will receive them first, but Sumter will still receive them too. Lastly, there is a statewide push to bring defense industry into the areas of the existing military institutes in South Carolina.

Change Of Command - Chairwoman McGhaney, Councilman Blanding, William T. Noonan, and Gary Mixon attended the *Change of Command* at Shaw AFB.

South Carolina Association Of Counties (SCAC) Conference - The Chairwoman, Vivian Fleming McGhaney, reported that each of the Council members and several staff members attended the SCAC Conference. She thanked the citizens for making it possible for the Council members and staff to keep abreast of matters by attending such conferences. She also asked the County Administrator to consider allowing the Patriot Park Sportsplex to be a part of the "J. Mitchell Graham Award" competition on next year. Lastly, Councilman Blanding graduated from Level I of the SCAC Institute Classes.

MONTHLY REPORTS:

- **Downtown Sumter Board**
- **Columbia Regional Business Report - Two Counties Drop Out Of Central SC Alliance**
- **Public Work**
- **Letter To Ms. Jackie Cavi**
- **August-November Local Government Planning And Zoning Continuing Education**
- **Letter To Crystal Lakes Golf Club Members**

ADMINISTRATOR'S REPORT:

The Administrator gave the following report:

- Sumter County will submit two projects next year, one for the J. Mitchell Graham Award (Patriot Park Sportsplex), and the Barrett Larrimore Award (Youth Build). Council will be kept abreast of these projects.
- Also, the special dinner for the Recreation staff, given by Sumter County Council, will be on Monday, August 17, 2009, at 6:30 at the Recreation Department.
- The Legislative Committees for SCAC are currently being formulated. Several members have been contacted about the Committee, if you have not been contacted and would like to serve on a committee, please call the Administrator.
- Forfeiture Land Commission - The County Attorney reported on behalf of the County Administrator that Sumter County is unique in that the Forfeiture Land Commission is the County Council. In other Counties, the Commission is the Clerk of Court, Treasurer, Auditor, etc. There is a committee in the County called the RAAT - Register Of Deeds, Auditor, Assessor, and Treasurer, and they need Council's direction on how to proceed with some of the mobile homes that have been acquired by the Forfeiture Land Commission through tax sales. This happens when a piece of property is put up for bid and no one bids on the property, it automatically goes into the Forfeiture Land Commission. Some of the

homes are still occupied. Council will need to decide whether to collect rent, sell the property, etc. There is liability insurance on the mobile homes. Some type of policy must be developed on how to proceed with these properties. Council members asked what can be done to help those that are still living in the property. The Attorney stated that most questions will be answered at the next meeting of Sumter County Council's Fiscal, Tax, and Property Committee.

PUBLIC COMMENT:

The Chairwoman asked if anyone wished to speak to Council during public comment; no one spoke during this time.

EXECUTIVE SESSION:

Councilman Edens stated that since no one wanted to speak to Council during public comment, he asked if Council would consider entering executive session to discuss a contractual matter. The Chairwoman called for the motion.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried, by Council to enter executive session to discuss a contractual matter. After the executive session, a motion and second were received from Council to re-enter open session.

No report was given after the executive session.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 8:02 p.m. after a motion, a second, and unanimously carried by Council.

Respectfully submitted,

Vivian Fleming McHaney
Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: August 25, 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.

Minutes-Regular Meeting of Sumter County Council

August 11, 2009

Page 14

Date Posted: August 6, 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, and Time Warner Cable.

Date Notified: August 6, 2009

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding