

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

ORDINANCE NO. 08-665

AN ORDINANCE

TO IMPOSE, SUBJECT TO REFERENDUM APPROVAL AND PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, A ONE PERCENT (1%) SALES AND USE TAX (THE "TAX") WITHIN SUMTER COUNTY FOR NOT MORE THAN SEVEN (7) YEARS; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$43,600,000 (THE "BONDS"); TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTION; TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS FROM THE TAX ARE TO BE USED, THE MAXIMUM TIME FOR THE IMPOSITION OF THE TAX, AND CERTAIN PROVISIONS RELATING TO THE ISSUANCE OF THE BONDS; TO PROVIDE FOR THE ISSUANCE OF THE BONDS, IF APPROVED BY REFERENDUM, BY SUBSEQUENT ACTION OF COUNCIL; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

Be it ordained by the Council of Sumter County, South Carolina:

SECTION 1. Findings.

The Council finds and determines that:

(a) counties are authorized by the Capital Project Sales Tax Act, codified as Sections 4-10-300 to -380, Code of Laws of South Carolina 1976, as amended (the "Enabling Act"), subject to approval by a majority of the votes cast in a referendum, to impose countywide a one percent sales and use tax for the purpose of generating funds to pay for certain capital improvements;

(b) the Enabling Act establishes a procedure for imposing the capital sales tax including the passage of an enacting ordinance ("Enacting Ordinance") and the creation of a commission for the purpose of considering proposals for funding capital projects and formulating the referendum question that is to appear on the ballot;

(c) by passage of Resolution on May 13, 2008, Council created the Sumter County Capital Project Sales Tax Commission (the "CPST Commission") and the CPST Commission has submitted to the Council a referendum question; and

(d) the purpose of this ordinance is to serve as the Enacting Ordinance in accordance with the Enabling Act.

SECTION 2. Imposition of Sales and Use Tax.

There is imposed in the County a one percent sales and use tax in accordance with and pursuant to the Enabling Act, provided, that, a majority of the votes cast in the referendum are in favor of imposing the tax. If approved in the referendum, the tax is imposed on the first of May following the date of the referendum.

SECTION 3. Referendum; Ballot Question.

(a) The County Election Commission shall conduct a referendum on the question of imposing the sales and use tax at the November 4, 2008 General Election. The referendum shall be conducted in

accordance with this Enacting Ordinance, the Enabling Act, state election law and any other applicable law.

(b) As formulated by the CPST Commission, the referendum question to be on the ballot is:

Must a special one percent sales and use tax be imposed in Sumter County (the "County") for not more than seven (7) years from the date of imposition to raise the amounts specified for the following purposes and in order to pay the costs (including rights-of-way acquisition and architectural, engineering, legal, administrative costs, and related fees) of the projects described below; pending the receipt of such sales and use tax, must the County also be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds (the "Bonds") of the County in the aggregate principal amount of not exceeding \$43,600,000.00 to be paid from the sales and use tax to be received and pledge the sales and use tax to be received to the payment of the principal of and interest on the Bonds?

1. \$3,000,000 - Rural Fire Stations Renovations -- Modernize And Improve Several Rural Fire Stations To Insure They Are Meeting Current State And Local Codes.
 - Replace And/Or Provide Additions To: Cherryvale, Dabbs, Wedgefield, Dalzell, And Bethel Stations.
 - Provide Improvements To: Pinewood, Rembert, Concord, Horatio, Oswego, Graham, Pleasant Grove, Mayesville, Dubose, Byrd, And 521 Stations.

2. \$6,000,000 - Patriot Park Activities Center -- Continue The Expansion Of Patriot Park Activities Center –Phase II
 - Complete The Construction Of Four (4) Regulation Baseball Fields And Central Control Tower.
 - Address The Needs In Our Community For Baseball Participants 13 Years Of Age And Older.
 - The Four Baseball Fields Will Replace The Three Fields At Artillery Ballpark Behind The Exhibition Center.
 - To Provide Badly Needed Facilities For Our 17-18 Years Old Baseball Leagues.
 - The Ball Fields Will Also Enhance Our Potential For Tourism Related To Baseball And Softball Tournaments.
 - The New Ball Fields Will Increase From 12 To 16 Fields When Combined With Facilities At Palmetto And Dillon Park.

3. \$2,500,000 -- County Community Centers -- Construction Of Three New Community Centers – Concord (\$500,000), Pinewood (\$500,000), And Salterstown (\$500,000). Plus Renovation Of Several Existing Community Centers (Cherryvale (\$225,000), Ebenezer (\$75,000), Shiloh (\$125,000), Spectrum Senior Center (\$225,000), Rembert/Rafting Creek Community Center, (\$200,000), and Mayesville (\$125,000).

4. \$2,100,000 -- Safety Improvements -- \$2,100,000 (\$300,000 Per Intersection. There Are A Number Of Hazardous Intersections In Sumter County. The Most Dangerous Intersections Will Receive Traffic Control Upgrades, Traffic Signal

Phasing Improvements, Re-Striping Intersection Approaches, Upgrade Approach Signage, And Control Of Access Solutions:

- US76-378 And SC 441
 - US 15N And US76/378 (Main St. At Bypass)
 - Broad St. And Gion St.
 - Guignard And Lafayette
 - Broad Street And Carter Rd.
 - Main St. And Calhoun St.
 - North Lafayette and Calhoun (15N and US401)
5. \$4,000,000 -- Sumter Exhibition Center -- Renovations Of Existing Exhibition Center - Improvements Include But Are Not Limited To The Following:
- Replace 30 Year Old Air Conditioning And Heating Units
 - Renovate The Entrance Of The Exhibition Center To Match With The Landscaping, Brick And Iron Fencing Of Swan Lake
 - Improve Exterior And Interior Lights
 - Improve Irrigation System
 - Improve Signage
 - Redesign The Front Of The Building To Assist With The Flow Of Traffic During Large Events Such As: Graduations, Tournaments, Funerals, Banquets, Etc.
6. \$1,500,000 -- Build new sidewalks (including drainage and reconstruction of substandard sidewalks) to connect existing neighborhoods to create safe routes to schools and parks.
- Wilder School
 - Bates School
 - Lemira School
 - Wise Drive /Wilson Hall/ Patriot Parkway; Carter Road/Wilson Hall
 - Crosswell Area
 - North Pike West
7. \$2,700,000 -- Sumter Central Business District Intersection and Infrastructure Improvements (including street and sidewalk improvements, mast arms, streetscape and signage improvements, and burying utilities) - This Project Will Help To Address Safety Concerns, Help To Improve Quality Of Life And Increase Our Chances To Attract More Businesses In The Central Business District Area.
- Reason For The Project: To Create More Opportunities For Economic Development And Jobs. Businesses Are More Apt To Locate In An Area If The Central Business District Is Revitalized.
8. \$6,000,000 -- Lafayette Drive -- Project Improvements To This Area Will Assist In Eliminating Accidents And Traffic Back-Ups On Highway 378 And/Or North Main/Lafayette
- The Current Design Does Not Meet Current Engineering Standards And Needs Redesigning.
 - Assist In Getting Sumter Compliant With SCDOT And FHWA

9. \$20,000,000 -- Construction Of A Judicial Center And Renovation Of Summary Court
 - Project #1 - \$18,000,000 -- The Project Is For The Construction Of An 80,000 Square-Foot Judicial Center, That Will Be Located In The Civic Center Area (Between The Library And The Chamber Of Commerce) The Facility Will House: The Current Courthouse, The Circuit Court, Family Court, Probate Court, And The Clerk Of Court Offices.
 - Project #2 -- \$2,000,000 -- Renovation Of The Sumter Summary (Magistrate) Court.
10. \$671,000 -- Highway 15-South Corridor And Intersection Improvement Project. Improve The Highway 15-South Corridor To Include Certain Intersections Between Red Bay Road And Highway 15 South. Align And Improve Traffic Lines And Intersection Flow To Increase Safety And Vehicular Access.
11. \$1,600,000 – Complete Road Infrastructure Road Project To Improvement Areas In The Airport Industrial Park
 - Extend And Improve The Current Street
 - Develop Road Into A Four Lane *Boulevard Style* Corridor
12. \$1,000,000 – Airport Industrial Park Water And Sewer Infrastructure Project.
13. \$2,000,000 -- Pocatigo Infrastructure Project: Upgrade Existing Water Service To The Pocatigo Industrial Park
 - The Potential Site Needs Upgrading To Accommodate Future Development – Will Aid In Economic Development.
14. \$2,000,000 -- Acquire Property In Order To Redevelop Structures In All Areas Of The City Including Major Corridors Such As Liberty Street, Main Street, Broad Street And Manning Avenue; Property Would Then Be Used For Tax Producing Projects.
15. \$8,000,000 -- Construct A New Water Plant In The US Highway 521/Highway 15 South Area Needed To Recruit New Industrial And Commercial Jobs
16. \$6,000,000 -- Purchase Critical Land Bordering Shaw Air Force Base To Insure Development Does Not Jeopardize Base Closure By Creating A Passive Nature Park (Nearly 1,000 Acres)

[TOTAL COST OF ALL CAPITAL PROJECTS: \$69,071,000.00.]

The maximum amount of net proceeds of the sales and use tax which may be applied to the payment of the principal of and interest on the County's general obligation bonds (the "Bonds") must not exceed \$75,843,000.00 (based upon expected sales and use tax collections of \$75,843,000.00 less administrative expenses of collection). The not exceeding \$43,600,000.00 principal amount of Bonds to be issued shall be repaid from the net proceeds of the sales and use tax which shall be pledged for the repayment of the Bonds.

INSTRUCTIONS TO VOTERS: All qualified electors of the County desiring to vote in favor of imposing the tax for the stated purposes and authorizing the issuance and sale of limited obligation bonds in connection therewith as outlined above and subject to the limitations and conditions set forth above shall vote "YES" and all qualified electors opposed to levying the tax and issuing such limited obligation bonds shall vote "NO."

YES []

NO []

SECTION 4. Required Information.

The Enabling Act requires the Enacting Ordinance to specify certain information. The following information is provided to satisfy the content requirements:

(a) Use of Proceeds: The proceeds of the tax are to be used for the following purposes or projects:

1. \$3,000,000 - Rural Fire Stations Renovations -- Modernize And Improve Several Rural Fire Stations To Insure They Are Meeting Current State And Local Codes.
 - Replace And/Or Provide Additions To: Cherryvale, Dabbs, Wedgefield, Dalzell, And Bethel Stations.
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(b) Maximum Time: The tax will be imposed for a period not to exceed seven (7) years from the date of imposition.

(c) Bonds: The County proposes to issue bonds to provide for the payment of the costs of the projects. The maximum principal amount of bonds to be issued is \$43,600,000. The proceeds from the sales tax will be pledged to the payment of the bonds. If necessary, other sources of funds, unknown as of the date of this ordinance, may be used for the projects. The maximum cost of each project to be funded from proceeds of the tax or bonds is listed with the description of the project above. One hundred percent of the net proceeds from the tax in an amount not to exceed \$75,843,000.00 (based upon expected sales and use tax collections of \$75,843,000.00 less administrative expenses of collection) are expected to be used to pay the cost of projects or debt service on the bonds.

(d) Conditions: Revenues from the capital project sales and use tax shall be used and expended to defray the costs of the projects. “Costs” include, but are not limited to, the cost of preliminary engineering; environmental studies; right of way acquisition; land acquisition; legal, financial, architectural and engineering services; construction; construction management; facilities; financing costs including principal and interest on bonds issued for the projects; general administrative expenses; and any other costs necessary for the project.

(e) Priority for Expenditure: The Projects shall be undertaken in the priority order as listed in the ballot question; provided, however, the Projects may be completed in an order different from the priority order as listed in the ballot question. Net proceeds of the Tax must be expended for the purposes stated in the priority listed in the ballot question; provided, however, that the order of funding of the projects may be adjusted on the basis of construction schedules or other events, circumstances, and considerations that may affect the schedule for any particular Project. Additionally, multiple Projects may be funded

simultaneously as shall be reasonably indicated in connection with a design, engineering, technical and financial analysis ("Analysis"), which Analysis shall take into consideration objective criteria such as cost-savings that may be affected by placing the Projects in a particular order or matching tax revenue or bond proceeds with use of funds from other sources.

SECTION 5. Issuance of Bonds.

If a majority of the votes cast in the referendum are in favor of imposing the tax and issuing bonds, then Council shall provide for the issuance of the bonds by passage of an ordinance setting forth the details of the bonds.

SECTION 6. Ordinance to Election Commission.

The Clerk to Council shall send a certified copy of this ordinance to the Sumter County Election Commission not later than August 15, 2008.

SECTION 7. Controlling Ordinance.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Sumter County Code or other County ordinances, the provisions of this Enacting Ordinance supersede all other provisions and this ordinance is controlling.

SECTION 8. Severability.

If, for any reason, any part of this Enacting Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Enacting Ordinance shall remain in effect.

SECTION 9. Effective Date.

This ordinance is effective upon third reading.

AND IS SO ORDAINED, THIS 12th DAY OF AUGUST, 2008.

SUMTER COUNTY, SOUTH CAROLINA


Chairwoman, County Council

Attest:


Mary W. Blanding, Clerk to Council

Date of First Reading: July 8, 2008

Date of Second Reading: July 22, 2008

Date of Third Reading: August 12th, 2008