

Minutes
Sumter County Council
Regular Meeting
February 26, 2008 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

MEMBERS PRESENT: Vivian Fleming-McGhaney, Chairwoman; Eugene Baten, Vice Chairman; Artie Baker, Larry Blanding, Jimmy Byrd, Charles T. Edens, and Roland Robinson.

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Mr. William T. Noonan, County Administrator; Mrs. Mary W. Blanding, Clerk to County Council; Mr. George McGregor, Planning Director; Mrs. Pam Craven, Finance Director; Mrs. Lorraine Dennis, Deputy County Administrator/Human Resources Director; Mrs. Keysa Rogers, Budget Analyst; and the Honorable Verna Moore, Sumter County Coroner.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 13 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of February 26, 2008, to order.

INVOCATION: Rev. Daryl McGhaney, Major at Sumter Lee Regional Detention Center and Pastor of Bethany Fellowship Baptist Church of Sumter, gave the invocation.

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

APPROVAL OF AGENDA: Councilwoman McGhaney stated that she would entertain a motion to approve the February 26, 2008, agenda with any additions, deletions, or as printed.

The Clerk to Council, Mary W. Blanding, asked Council to consider adding one extra item to the agenda under New Business: A Proclamation Proclaiming March as Disabilities and Special Needs Month.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Robinson, and unanimously carried by Council to approve the February 26, 2008, agenda as amended by adding "A Proclamation Proclaiming March As Disabilities And Special Needs Month."

ACTION ON MINUTES OF FEBRUARY 12, 2008: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of February 12, 2008.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant approval of the minutes of February 12, 2008, as prepared by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS -

Planned Development/Rezoning Request -

1. **OA-07-09 -- First Reading--08-659 - ATC Development (County) -- Request To Amend All Sections Of The City Of Sumter And The Sumter County Zoning And Development Standards Ordinances Regarding Development Standards For Townhouses.**

Mr. George McGregor, the Planning Director, stated that the applicant is in the process of undertaking a townhouse development in the General Commercial (GC) zoning district within the City limits. Townhouses are a Permitted Use in the GC District, however; GC zoning regulations do not specifically state required townhouse development standards. Historically townhouse development proposals have been reviewed using the standards set forth in Article 3, Exhibits 1, 2, and 3. In reviewing this request, the Planning Staff discovered that no development standards are established for townhouse developments or other residential housing types in any of the commercial districts where those uses are a permitted or conditional use.

The applicant has successfully built townhouse developments in the region using a 15 ft. minimum building separation. Upon further review of the townhouse development regulations found in Exhibits 1, 2, and 3, the applicant has requested an ordinance amendment to reduce the required building separation distance from 30 ft. to 15 ft. and to add these development standards to the General Commercial Zoning District.

Mr. McGregor further stated that under the current regulations in Residential Districts, the ordinance requires townhouses to meet the same minimum distance separation requirements as multi-family apartments – 30 ft. The applicant suggests that this separation requirement serves a very important life/fire safety function when constructing several multi-story apartment buildings in close proximity, but is not necessary when dealing with townhouse developments due to the different required construction standards for townhouse structures. Under the International Residential Building Code, which governs the structural requirements for townhouse buildings, the minimum firewall rating requirement between units is two (2) hours. Generally other residential dwellings and multi-family apartment structures are only required to have a one (1) hour fire wall. Based on these more stringent firewall requirements, the applicant proposes that a reduced building separation does not pose an additional threat to life safety.

ORDINANCE AMENDMENT

Amend Article 3, Exhibits 1, 2, and 3 to show the following:

Minimum lot area per structure: 2,000 sq. ft.

Minimum site area: 2 acres

Minimum lot width: 16 ft.

Minimum yards, per structure:

Front: 15 ft. local/collector; 45 ft. all others

Side: 0 ft./7.5 ft. (zero between units, seven and a half (7.5) ft. between end structure and side property line)

Rear: 20 ft.

- Minimum distance between buildings:** 15 ft.
 - Maximum Impervious Surface Ratio:** 65%
 - Common open space ratio (% project area):** 20% (for projects with ten (10) or fewer units, no common open space is required.)
 - Maximum density (units per gross acre):** 14
 - Maximum Height of Buildings:** 35 ft.
- Amend Article 3 to add Exhibit 5A as follows:

EXHIBIT 5A

DEVELOPMENT STANDARDS FOR RESIDENTIAL USES IN COMMERCIAL DISTRICTS

	Single Family Attached Dwellings	Single Family Detached Dwellings	Duplex Dwellings	Patio Homes and Zero Lot Line Housing Projects	Townhouses ****	Triplex and Quadruplex Housing	Multi Family Apartments
Minimum Lot Area Per Structure (sq. ft.)	10,000	6,000	10,000	5,000	2,000	N/A	N/A
Minimum Site Area	N/A	N/A	N/A	2 Acres	2 Acres	2 Acres	2 Acres
Minimum Lot Width	80 ft.	60 ft.	80 ft.	45 ft.	16 ft.	150 ft.	200 ft.
Minimum Yards, Per Structure:							
Front (local/collector)	35 ft. local/collector 45 ft. all other	35 ft. local/collector 45 ft. all other	35 ft. local/collector 45 ft. all other	25 ft. local/collector 45 ft. all other	15 ft. local/collector 45 ft. all other	25 ft. local/collector 45 ft. all other	50 ft. all streets
Side	10 ft.	8 ft.	10 ft.	0/8 ft. *	0/7.5 ft. **	30 ft.	50 ft.
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	35 ft.	50 ft.
Minimum Distance Between Buildings	N/A	N/A	N/A	N/A	15 ft.	40 ft.	30 ft.
Maximum Impervious Surface Percentage	45%	45%	45%	45%	65%	60%	65%
Common Open Space Ratio (% project area) ***	N/A	N/A	N/A	N/A	20% ***	25% ***	25% ***
Maximum Density (units per gross acre)	14	7.2	14	14	14	16	16
Maximum Height of Buildings	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.

- * Minimum Side Yard Setback required on one side only.
- ** Zero between units, seven and one-half feet (7.5 ft.) between end structure and side property line.
- *** For projects with ten (10) or fewer units, no common open space is required.
- **** Townhouse buildings shall not exceed eight (8) continuous units.

Councilman Edens asked for clarification as to whether or not this change would be directed to townhouses only and that this change meets fire codes. Mr. McGregor stated that the change will meet fire code requirements.

After all comments, the Chairwoman called for a motion on this matter.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant first reading approval to this proposed ordinance amendment.

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS - None

NEW BUSINESS

- (1) Announcement Of Recent Outstanding Safety Achievement Award Presented To Sumter County Government.

The Administrator, William T. Noonan, stated that the S. C. Association of Counties held its annual Risk Manager's Conference in Myrtle Beach, SC. Mr. Ron Haynes, the County's Risk Manager, and has been in this position approximately three years. Since his employment in this position, the County has made significant gains in the Risk Management Program. (**Note:** Mr. Haynes has been named the acting EMS Director, until such time as a director is hired.)

Sumter County was awarded the Outstanding Safety Achievement Award for 2007-2008; this award was presented to Sumter-Lee Regional Detention Center during the Awards Program. Mr. Ron Haynes presented this award again to Major Daryl McGhaney on behalf of the County.

ACTION: Received as information.

- (2) A Resolution Supporting NACO In Its Campaign Against Sexual Exploitation.

The Clerk to Council presented this proposed resolution to Council for possible approval. She stated a draft resolution is located in Council's packet; however, Council's resolution would be to support NACO's efforts in its Campaign Against Sexual Exploitation.

Vice Chairman Baten stated that he is concerned for Sumter County that this National Association would ask Sumter County to support a resolution when there is an existing law in Sumter County which has given 16 year old citizens the right to have consensual sex. Vice Chairman Baten stated that the County needs to understand, before a resolution is written, that 16 year olds are still children and still under the guidance and responsibility of their parents. They should not be given the right by this State to have consensual sexual relationships. Vice Chairman Baten also stated that he approached this by going to the Legislative Delegation Forum and the members of the Delegation were not aware of this law. He then recommended that before Council adopts any type of resolution of this nature; that the County verify the consensual age for teenagers and write something to our Delegation asking them to go forward to change the law for age of consent.

The Chairwoman stated that this particular resolution before Council is asking for Council's support in NACO's fight against sexual exploitation of children. Vice Chairman Baten cited a recent report concerning a sixteen year old having consensual sex with an ROTC instructor; thereby, Vice Chairman Baten felt that Council would need to address this issue before passing a resolution concerning exploitation.

Councilman Edens stated that he would like for Council to address the resolution at hand as a resolution of support and then have Vice Chairman Baten address his concerns with the Legislative Delegation. After all comments, Council took action on this matter as listed below.

WHEREAS, according to the U. S. Department of Justice, in a one-year period, an estimated 1.6 million children either ran away from or were thrown out of their homes; and

WHEREAS, an estimated 40,000 of these children will be involved in some form of sexual exploitation and victimization by predators; and

WHEREAS, many child victims of prostitution are abandoned or neglected children, who have not been reported missing to law enforcement or have run away from their homes or foster care; and

WHEREAS, the average age at which a child enters into prostitution is 14 years old. However, children as young as 9 years old are being exploited; and

WHEREAS, although hundreds of thousands of children have been lured into prostitution, it is far too often overlooked that a child can never consent to prostitution – it is always exploitation; and

WHEREAS, though the position of female children is more widely publicized, male children are also susceptible to the same dangers as females in this world of exploitation; and

WHEREAS, the dangers that children face as a result of prostitution are both immediate and long-term. Most immediate is the physical, mental, and emotional violence that these once innocent children experience at the hands of pimps, madams, and customers. Long-term dangers include health problems, drug additions, adverse psychological effects and even death; and

WHEREAS, the most tangible consequence for children involved in prostitution is the extremely high probability of suffering violent assault. Prostituted children are often afraid to report these crimes to law enforcement because they are embarrassed and fearful that the charges would not be taken seriously or that they may be arrested themselves; and

WHEREAS, housing instability, poverty, untreated psychological and emotional problems, substance abuse, educational and vocational failure, and major problems at home have all been cited as common precipitating factors in the lives of exploited children; and

WHEREAS, the children's young age, inadequate education, and lack of the necessary street sense to survive alone all contribute to them resorting to engaging in exchanging sex for food, money, shelter, drugs, or protection; and

WHEREAS, the National Association of Counties (NACo) and the National Center for Missing and Exploited Children (NCMEC) have partnered for a national campaign to promote child safety and help prevent the commercial child sexual exploitation; and

WHEREAS, this national campaign is being launched here in Sumter County to heighten the public awareness of child sexual exploitation and help give communities across the United States effective strategies and tools to better safeguard their children; and

WHEREAS, the national campaign urges key stakeholders within a community to begin dialogues on topics related to child sexual exploitation and advocating for the prevention of such victimization, and

WHEREAS, local communities are requested to join in demonstrating their commitment to protecting children and to send a clear message to child sexual offenders that the criminal and sexual victimization of children will not be tolerated.

NOW THEREFORE BE IT RESOLVED that the Sumter County, South Carolina County Council Members hereby express their verbal support of the National Association of Counties (NACo) and the National Center for Missing and Exploited Children (NCMEC) in their efforts to initiate a campaign dedicated to preventing commercial child sexual exploitation.

BE IT FURTHER RESOLVED, that Sumter County Council members will work within its current resources to inform the public of this horrendous world-wide problem.

BE IT FURTHER RESOLVED, that Sumter County Council applauds NACO and NCMEC in their efforts to combat this problem and other problems relating to the welfare and benefits of this nations future, the Children of our communities.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and carried by Council to support the resolution from the National Association Of Counties. Vice Chairman Baten voted in opposition, the motion carried. **(Note:** The Clerk To Council will prepare the resolution in a manner where the resolution is in support of NACO's actions.)

(3) Sumter County, South Carolina Fiscal Year 2006-2007 Audit Report.

Mr. Roger Long, the Auditor for Sumter County, gave the following 2006-2007 Audit Report.

- ◆ The Audit Opinion is an unqualified opinion, which is a clean opinion.
- ◆ Management Discussion and Analysis pages were discussed.
- ◆ Review of Expenditures By Funding Sources.

- ◆ \$43,000,000 was received into the County's General Fund; Expenditures of \$43,000,000 were also reviewed.
- ◆ The County had a balance of \$811 at the end of the fiscal year in spite of the fact that the County had budgeted the use of \$2,300,000 to be secured from the County's R Fund.
- ◆ Revenue was up by approximately \$1,000,000, and the expenditures were down about \$1,000,000.
- ◆ One "significant" area was out of budget - the Regional Detention Center medical cost for inmates.
- ◆ Library Renovation project was expensed at \$3,000,000; the Library total cost was \$6,300,000.
- ◆ Golf Course is the only enterprise fund within the County; during the last few years, the Golf Course lost money; however with the new fee increases which will be implemented April 1, 2008, the funding issues should be corrected.
- ◆ Another enterprise fund will be created through the progression of the Water District. It is currently a special source revenue fund.
- ◆ One of the expenditures from the general fund is the \$2,300,000 that the County transfers to other funds every year; one-half is going to the library for its operations and other areas.
- ◆ The Correctional Center Special Source Revenue Fund and Tax Collectors Fund are transferred back to the general fund.
- ◆ The County received \$112,000 worth of revenue through the sale of old equipment.
- ◆ The County paid down its debt by \$2,000,000; then the County borrowed \$7,300,000. The County's debt is up to \$19,000,000 and the legal debt limit is at \$20,000,000. He noted that the bonds covered the closure of the landfill, Youth Park, and capital expenditures. He asked Council to be careful with using bonds to cover capital expenses.
- ◆ Water District a little overspending, but as new customers are added, this should become a revenue maker.
- ◆ Capital Projects Fund was reviewed.
- ◆ Internal Control: (1) Complete Fiscal Manual, the County needs one; (2) previously, not all the Special Revenue Funds were budgeted; however, that has been corrected; (3) The County was a little slow in reconciling its bank account (reflection of new software problems interfacing correctly.)

ACTION: Received as information.

(4) A Proclamation Proclaiming March As Disabilities and Special Needs Month.

The Clerk to Council presented this proclamation on behalf of the Disabilities and Special Needs Board. After review of the proclamation, Council took action on its adoption.

WHEREAS, more than 500,000 South Carolina citizens and families are impacted by severe lifelong disabilities, with no distinction as to race, culture, geography, age, sex or economic class; and

WHEREAS, the South Carolina Department of Disabilities and Special Needs serves people with the severe, lifelong disabilities of mental retardation and related disabilities, autism, traumatic brain injury, and spinal cord injury; and

WHEREAS, the Sumter County Disabilities and Special Needs Board works with families to provide support services which promote economic self-sufficiency and independence; and

WHEREAS, people with lifelong disabilities are productive citizens, neighbors, and family members deserving of respect and opportunities for economic self-sufficiency, independence and personal growth; and

WHEREAS, the 2008 statewide observance of Disabilities Awareness Month celebrates the successful partnership between people with and without disabilities and the increasing involvement of people with disabilities in education, employment and community activities.

NOW, THEREFORE, I, Vivian Fleming-McGhaney, Chairwoman, of Sumter County Council of the Great State of South Carolina, do hereby proclaim March, 2008, as

**DISABILITIES AWARENESS MONTH
IN
Sumter County, South Carolina**

and encourage our citizens to work together to promote increased opportunities for people with disabilities; to recognize the many contributions made by people with disabilities to our community; and to honor the dedication of the caregivers who bring support and hope to their fellow citizens. Given under the seal of Sumter County, South Carolina.

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

(5) It May Be Necessary To Hold An Executive Session To Receive A Legal Briefing From The County Attorney Or Discuss Contractual Or Personnel Matters.

(A) Evaluation Of Council's Staff Member. (This matter will be held at the end of the meeting Prior To Adjournment.)

The Chairwoman stated that she would entertain a motion to enter executive session to discuss a personnel evaluation.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Robinson, and unanimously carried by Council to enter executive session to discuss the evaluation of one of its staff members. At the end of the evaluation process, Council voted to re-enter open session.

The Chairwoman stated that while in executive session, Council discussed one of its employee's evaluation and she would entertain a motion concerning the Clerk's contract.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council that the Clerk's contract be renewed with a 3.5% increase effective immediately.

OLD BUSINESS - None

COMMITTEE REPORTS:

- (1) **Internal Affairs Committee Meeting Held On Monday, February 25, 2008, At 5:00 P.M. In County Council's Conference Room At The County Administration Building (Committee Members: Byrd, Blanding, And Robinson.)**

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

- ◆ Orientation Booklet for Sumter County's Boards and Commissions. This matter will be reviewed at a later date after the County Attorney is able to review the booklet.
- ◆ Regional Wastewater System Committee: Peter Wilson, County Engineer.

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

- ◆ **Standard Operating Procedure:** The Clerk to Council was asked to e-mail all Council members with the results of any Internal Affairs Committee meeting recommendations when a meeting is held on any day other than a regular Council meeting date. Thereby, members of Council will know what action is needed for a pending appointment.

- (2) **Public Works Committee Meeting Held On Tuesday, February 26, 2008, At 4:00 P.M. In County Council's Conference Room At The County Administration Building (Committee Members: Robinson, Baker, and Edens.)**

The Chairman of the Public Works Committee, Councilman Robinson, stated that the Committee received an update on the needs of Greenwood Subdivision. The Public Works Director, Eddie Newman, stated ditches will be dug deeper and longer to try to help alleviate the water table in this community. The County will continue to pursue Grant funds which would be used to try to help the people in this community.

- (3) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, February 26, 2008, At 4:30 P.M. In County Council's Conference Room At The County Administration Building (Committee Members: McGhaney, Blanding, and Edens – All Council Members Are Asked To Attend This Meeting.)

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

- ◆ **Land Swap Matter:** It was recommended by the Committee to authorize the County Administrator to communicate with the University of South Carolina at Sumter that Sumter County does not have any concerns if the University wants to swap the Little Theatre Property, which was previously given to the University by Sumter County, with the City of Sumter.

ACTION: MOTION and second were received from the Committee and unanimously carried by Council to grant approval of the recommendation.

- ◆ **A Request To Amend Section 4–10-330(A)(1):** It was recommended by the Committee to authorize the County Administrator to communicate with the Sumter County Legislative Delegation that Sumter County Council would like for the Delegation members to submit a revision to Section 4-10-330 concerning Capital Projects Sales Tax Legislation. {(g) Economic development and blight remediation projects, including the purchase of development rights.}

ACTION: MOTION and second were received from the Committee and carried by Council to grant approval of the recommendation. Councilman Edens abstained, Councilman Byrd voted in opposition. The motion carried.

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

No report was given

MONTHLY REPORTS:

- ◆ Legislative Day Information
- ◆ Legislative Alert – SCAC H.4578 – Revival of Special Purpose Districts
- ◆ Sumter County Budget Expenditures By Departments

ADMINISTRATOR'S REPORT:

- ◆ Mid-year conference – There was much discussion on Maintenance of State Road which may be mandated to be handled by the County.
- ◆ The County's Budget process will begin soon; department heads are requested to have their budgets prepared and forwarded to the Finance Department by Wednesday, February 27, 2008. The budget meetings will begin the week of March 3, 2008.

PUBLIC COMMENT:

The Chairwoman asked if anyone from the public would like to make comments to members of Sumter County Council.

- ◆ Mr. Gregory Harvey, Representative from Clemson Cooperative Extension System, thanked Council for all that they have done to assist Clemson Extension over the years.
- ◆ Rosetta Wise stated that she is present on behalf of Family Day Care Homes (six persons per home) and Group Day Care Homes (12 persons per home). She stated that she and others involved in this business venture cannot seem to get past the zoning issues in Sumter County. She added that the Department of Social Services will come in and license the homes; however, the State cannot lawfully license the home because of local zoning issues. The Chairwoman asked Ms. Wise and others in attendance with her to talk with the County Administrator after the meeting.
- ◆ Mr. Ed Drayton spoke to Council and stated that he wanted to applaud Council for not going to Columbia last week and spending \$7,500. He added that as a citizen and a taxpayer of Sumter County Council is to be applauded for not giving money away.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:47 p.m.

Respectfully submitted,

Vivian Fleming McGhaney
Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: March 11, 2008

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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, 2008

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, 2008

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding