

Minutes
Sumter County Council
Regular Meeting
May 13, 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 Councilman Roland Robinson.

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Mr. William T. Noonan, County Administrator; Mrs. Mary W. Blanding, Clerk to County Council; Mr. Johnathan Bryan, County Attorney; Mr. George McGregor, Planning Director; Mrs. Pam Craven, Finance Director; Mrs. Keysa Rogers, Budget Analyst; Mrs. Lorraine Dennis, Deputy County Administrator/Human Resources Director; Mr. Gary Mixon, Deputy County Administrator; The Honorable Carolina B. Richardson, County Treasurer, Mrs. Pylisha Ward, Information Technology Director, Mr. Latham Harris, County Assessor; Mr. Robert Harden, Library Director, and the Honorable Verna Moore, Sumter County Coroner.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 17 members of the public were in attendance.

CALL TO ORDER: Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of May 13, 2008, to order.

INVOCATION: Mr. Latham Harris, County Assessor and Bishop for Church of Latter Day Saints, 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 May 13, 2008, agenda with any additions, deletions, or as printed. The Clerk to Council, asked Council to consider adding the following to items to the agenda under new business before the Executive Session and to renumber the items as necessary

- (1) A Proclamation In Support Of May 16, 2008, Being Proclaimed As Relay For Life Day In Sumter County, South Carolina.
- (2) **08-664 - First Reading** - An Ordinance Amending Ordinance 07-640 Of Sumter County, South Carolina (Known As The 2007-2008 Sumter County Budget Ordinance).

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Robinson, and unanimously carried by Council to approve the May 13, 2008, agenda as recommended by the Clerk.

ACTION ON MINUTES OF APRIL 22, 2008: Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of April 22, 2008.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the April 22, 2008, minutes as prepared by the Clerk.

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

1. **PD-08-02 - First Reading - (08-663) - Ashcroft Multi-Family Development - A Request For Approval To Rezone From General Residential (GR) To Planned Development +/- 37.93 Acres Located At 1207-1225 N. Main Street And Represented By Tax Map #247-00-01-007 For Residential Multi-Family Development.**

The Planning Director, Mr. George McGregor, stated that the applicant, Carl Croft, is requesting review and approval for a master planned, mixed use, development at 1207-1225 N. Main St. /US Hwy 15. Per the applicant, Carl Croft, a developer out of Florida has proposed developing tax credit, multi-family housing on +/- 37.93 acres. If approved, the development would feature a combination of multi-family apartment housing, duplexes, triplexes and/or quadruplexes. Upon full build out, the development has the potential to add 232 affordable, multi-family, rental housing units for the citizens of Sumter County.

Mr. McGregor further stated that the 2020 Comprehensive Plan designates the entire parcel as Residential Conservation (RC). The objective of RC land designation is to conserve and protect the character and present use of existing single - family neighborhoods and subdivisions and to prohibit any use or development which would compromise or infringe on the prevailing character or such areas.

The Planning Director said that under the RC land designation, Planned Developments (PD) are considered an alternate zoning district and are designed to give developers needed flexibility to meet changing market conditions within the general framework of the Plan. However, the changes permitted by alternative zoning districting or rezoning are inherently limited by the Plan goals and objectives for the various areas. Thus, any proposed PD under the alternative zoning district designation must be consistent with the principal capabilities listed under RC land designation, such as single family detached and duplex dwellings. As a result, the proposed multi-family development would not be considered entirely consistent with the objectives of the RC designation.

Notwithstanding the above, staff must also remain conscientious of the adopted goals and policies found elsewhere in the County Comprehensive Plan and ensure the County is capitalizing on all opportunities to achieve those adopted goals and policies. For example, under the Housing Element of the County Comprehensive Plan one of the adopted goals states:

While affordable housing will continue to be in demand, steps must be taken to reduce the extremely high dependence on manufactured housing...Possible solutions include

increased building of grant-supported homes. (pg. 29)

Also, Mr. McGregor said that under the County Zoning & Development Standards Ordinance, mobile/manufactured housing is considered, by right, a permitted use. As a result, this property has the potential to become a large mobile/manufactured home subdivision along one of the County’s major arterial roads, N. Main St., which leads into the Central Business District (CBD) of the City of the Sumter.

By approving the proposed development, County Council will in effect “zone-out” any future possibility of mobile/manufactured housing existing on the +/- 37.93 acres of land. Granted, the proposed development is not increasing single-family home-ownership in the County; however, the development is addressing a critical need for quality, affordable housing for County residents who might not qualify for private home financing at this time.

Zoning

The follow tables detail the land use designation and zoning district for the proposed planned development, as well as, the surrounding area.

	Zoning	2020 La nd Us e De sig nat ion	Type of Uses	Compatibl e w/ propos ed use
North	GR	RC	Vacant lots, single family residential & abandoned mobile/manufactured housing	Yes
South	GC & R-9	RC & GB D	Single-family residential & vacant lots	No
East	AC	RC	Undeveloped	Yes
West	GC & GR	RC & GB D	Single-family residential	No

Currently, the County zoning ordinance allows the construction of duplex, triplex and quadruplex housing as a permitted or conditional use. However, residential multi-family apartments are perceived as commercial developments and are inherently confined to zoning districts such as GC, Residential Multi-Family (RMF) and PD. After visiting the site

and reviewing the make-up of the surrounding area, staff concluded a PD would be the only suitable district for allowing the proposed development to occur.

By rezoning the property to a PD, the applicant would have the ability to provide a variety of mixed use housing styles. While at the same time, staff could require the applicant address concerns such as, but not limited to, the following:

- Bufferyards
- Tree protection
- Site access mitigation
- Setbacks
- Traffic impacts
- Utilities

Finally, staff supports the proposed uses and rezoning of this property from GR to PD based on the following conclusions:

- The development will provide quality, affordable multi-family housing for 232 Sumter County families, thus implementing one of the County's adopted housing goals to provide affordable housing to their citizens.
- The development will expand the County's commercial tax base, thus implementing one of the County adopted economic development policies to grow and expand their tax base.
- Rezoning the property from GR to PD will eliminate the property from being developed into a +/- 37.93 manufacture/mobile home subdivision.
- The property is located on a main entrance (N. Main St.) into the heart of the Sumter City CBD and on one of the County's busiest arterial streets. Redevelopment of this property into commercial, residential multi-family housing would be an ideal use along this corridor.

Site Layout:



The proposed master plan for the "Ashcroft Multi-Family Development", dated March 14, 2008, is shown below.

The submitted plan is meant to serve as a general concept framework for the overall development. The proposal includes three (3) +/- 6.00 acres tracts for residential multi-family apartment housing, (16) duplex lots, two (2) triplex or quadruplex lots, site access, storm water management, buffer yards, street right of ways (ROW), open space and wetland conservancy areas.

The main residential use anchoring the development is planned in three (3) separate phases and will consist of a total of 192 residential multi-family apartment units. In addition, the fourth and final phase will consist of a total of 32 duplex units and/or eight (8) triplex or quadruplex units. In total, the entire development will create 232 multi-family residential units for residents of Sumter County.

In addition, two (2) new commercial out parcels are being created as a result of the proposed main entrance off N. Main St. Currently, this portion of the property is zoned GC; therefore, staff will not mandate the two (2) parcels adhere to the adopted PD ordinance for this development. Both out parcels will be required to meet the design and development standards set forth in Article 3, Section I of the County Zoning Ordinance.

The plan depicts two (2) new stormwater detention ponds and a +/- 11.06 acre wetland reserve for handling all stormwater run-off for the entire +/- 41.39 acre tract. In addition, the developer intends to use one (1) of the water retention ponds as a functional pond by providing park seating.

Finally, staff is supportive of the proposed layout of the development. In order to memorialize the numerous commitments offered by the developer and ensure a high quality development staff recommends the following development conditions:

1. Residential Multi-Family Development

1. Minimum setback standards for the proposed multi-family apartment buildings shall be as followed:
 - i. Front: 40'
 - ii. Sides: 50'
 - iii. Rear: 50'
2. Minimum setback standards for the proposed duplex, triplex and/or quadruplex lots are as followed:
 - i. Front: 25'
 - ii. Sides: 10'
 - iii. Rear: 25'
3. A minimum 20' "natural" buffer yard shall be kept where the development abuts or is adjacent to any residential uses. This includes all rear yards that abut properties on Laverne Avenue, Ruth Street and Nandina Dr.
4. A minimum 10' "natural" buffer yard shall be kept where residential uses abut any commercial uses.

5. Sidewalks are required on both sides of the internal access driveway in accordance with Section 8.e.5. The developer or builder shall construct the sidewalks with the opening of each phase of the development.

Signage

- i. To be a monument style sign constructed with stucco applied to light weight panels and breakaway support posts for the footings.
 - ii. Sign to be constructed in accordance with Section 8, Exhibit 19 of the County Ordinance for Tri/Quadruplex Housing.
 - iii. The sign may be constructed within the ROW contingent upon meeting all SCDOT "breakaway" sign regulations.
 - iv. Will be constructed outside all site distance triangles.
6. Parking for all residential areas to be provided in accordance with Article 8, Section J.
 7. All residential multi-family apartments will be subject to major site plan review and must meet all applicable County Zoning and Development Standards and adopted PD ordinance requirements as part of the site plan approval process.
2. Open Space/Green Space
 - i. A minimum of 25% of open space is required for this planned development. As part of this required percentage, all sidewalks, bufferyards, retention ponds, street trees and recreational areas may be used to meet this requirement.
 - j. The developer has indicated part of the 25% open space requirement will be designated as "functional space" and will feature one or a combination of the following uses in each phase of the development:
 - i. Gazebo
 - ii. Tot-lots w/ children's playground equipment
 - iii. Volleyball, tennis, basketball courts
 - iv. Swimming pool
 - v. Walking trails
3. Storm Water Management
 - k. Land disturbance permits will be issued on a phase by phase basis for the multi-family apartments and on a lot by lot basis for the duplex, triplex and quadruplex developments. In addition, a member of staff will verify buffer yards and tree protection implementation prior to issuance of a land disturbance permit.
 - l. All lots are to remain wooded or in their natural state until building permits are issued for a specific phase, building, structure or road.
 - m. All proposed storm water management plans must be designed in accordance with the standards set forth by the U.S. Soil & Water Conservation District.
4. Tree Protection Plan
 - n. Prior to the issuance of the first land disturbance permit, the developer or builder must submit a formal tree protection plan, for the entire +/- 37.93 acres, to the City Arborist for review and approval.

- o. The tree protection plan must address all significant trees, as defined in Section 8.d.3.e of the County Zoning Ordinance.
 - p. All protected trees must be marked and/or protected by wood or orange hurricane fencing prior to any earth moving, clearing, grading, ditching, tree removal or other construction activities and during the construction of a particular phase.
5. Access Management
- q. "Ashcroft Drive" shall be constructed in the following manner and in accordance with County Engineering Standards:
 - i. Asphalt paving w/ curb and gutters.
 - ii. 66' of ROW which includes 15' utility easement.
 - iii. Paving of Ashcroft Drive is permitted on a phase by phase basis.
 - iv. All unpaved portions of Ashcroft Drive must be filled with crusher run surface materials with the opening of Phase I.
 - r. "Sterling Street Extension" shall be constructed in the following manner and in accordance with County Engineering Standards:
 - i. Asphalt paving w/ curb and gutters
 - ii. 50' of ROW
 - iii. To be constructed with the opening of Phase I
 - iv. The developer may use a crusher-run surface material for the Sterling Street Extension until the opening of Phase II, where the access drive will need to be asphalt paved w/ curb and gutters.

The developer has submitted a traffic impact study (TIS) dated March 2008. Based on Staff and SCDOT review of the TIS, the study has several *deficiencies that need to be addressed prior to PD approval. Such deficiencies include, but are not limited to, the following:*

- Internal capture rates for the site
- Intersection analyses
- Traffic projection calculations for the surrounding area
- Proposed traffic mitigation measures

The Planning Staff, in conjunction with Ed Sawyer and Tammy Hodge of SCDOT, have expressed concerns over the applicants proposed 25% internal capture rates for the site. In our professional judgment, the applicant has overestimated the site's internal capture rate and should reassess this figure being around 15%. The rate of 25% appears inaccurately high and is not justifiable by the submitted traffic impact study.

An intersection analysis was not included as part of the traffic impact study. Based on feedback from SCDOT, the applicant has been advised to submit an aerial photograph of the proposed site including all immediate and adjacent intersections highlighted for further review. In addition, the applicant should submit all AM and PM peak turning movement counts in order to determine whether any modifications to existing roadway are needed.

The calculations for traffic projections describe this section of N. Main as having partial access control. The area of N. Main St. has been identified by the SUATS LRTP as an area of

high congestion, particularly at peak hours. The proposed development will exacerbate this problem without proper traffic mitigation such as a right deceleration lane and a left turn off N. Main St/US Hwy 15.

In conclusion, the Planning staff's recommended enhancements on N. Main St. /US Hwy 15 could not be formally justified by SCDOT due to the TIS lacking pertinent information. As a result, Staff recommends the Planning Commission require the applicant to resubmit revised TIS that addresses the following comments provided by SCDOT:

1. *Add an aerial photograph of the proposed site with the proposed intersection and the adjacent intersections highlighted.*
2. *The AM and PM peak turning movement counts need to be done in order to determine whether any modifications to the existing roadway are needed. The adjacent roadways along the section of US 15 are needed as well.*
3. *An existing diagram of the proposed driveway along with the adjacent roadways needs to be added to show the existing traffic patterns.*
4. *A diagram for the projected traffic that is entering and exiting the site should be included.*
5. *A full-build out diagram with the existing and the proposed added traffic to the roadway should be included.*
6. *The 25% reduction for internal capture needs to be justified.*
7. *An intersection capacity analysis should be performed on the proposed access road, along with the adjacent intersections. These can either be done in HCM or by Synchro.*
8. *These should also be performed for the existing and full-build out scenarios to show changes in Level of Service.*

On April 7, 2008, Staff met with applicant along with District 1 SCDOT Engineers (ED Sawyer, Tony Sheppard and Thad Brunson) in Columbia to discuss the latest TIS and the need for traffic mitigation along this segment of N. Main St. After meeting and discussing the project with SCDOT, Staff concludes the following:

1. SCDOT prefers that the proposed entrance off N. Main St. be aligned with Dew St.
2. The applicant must submit revised TIS that address all of SCDOT's previous comments.

As part of the discussion, Tony Sheppard (SCDOT) mentioned the State of South Carolina has become very frugal with their appropriation of transportation funding to local municipalities. As a result, local governments will have to ensure that all proposed projects meet the goals and objectives of their adopted transportation plans. In addition, developer's will have to ensure that they comply with all adopted transportation goals and policies established by the local governments.

Also, SCDOT advised staff and applicant that their formal transportation comments will come after they review the revised TIS. Like staff, SCDOT agrees that *a right deceleration lane and a left turn lane would be an appropriate method for combating traffic increases from the proposed development.* However, until the revised TIS is reviewed and the entrance location on N. Main St. is further reviewed, SCDOT will not release their formal transportation comments.

The Planning Staff would prefer to withhold a final recommendation on transportation mitigation until the TIS is revised. However, we understand that there are development pressures to keep the Ashcroft PD project moving through the review process. With that, we are comfortable with a finding that the project impacts levels of service in this area and that mitigation is warranted. In lieu of waiting on a revised TIS, we recommend the following:

1. A right deceleration lane is constructed prior to the issuance of the first building permit for the PD.
2. A left turn lane is constructed prior to the opening of Phase II.

Utilities:

Fire: Submitted plans show three (3) new fire hydrants being constructed upon full build out of the site. Additional fire rescue services will be provided by the Sumter City Fire Department.

Water & Sewer: The applicant is working with the City to provide water and sewer services to the site. According to Mr. Al Harris (City Public Works), the City will review the proposed development and determine if the site can be provided City water and sewer services. Staff has advised the applicant that final PD approval will be contingent upon water and sewer services being provided to the site.

All major issues have been addressed from the March 11, 2008, Technical Review Meeting with the exception of the following:

- Water & sewer services
- Traffic mitigation on N. Main St.
- Stormwater management approval

Staff has met with the applicant, visited the site, and reviewed all requested development criteria. Based on the submitted plans, Staff recommends approval of the proposed Ashcroft PD with the following conditions:

1. A right deceleration lane is constructed prior to the opening of Phase I.
2. A left turn lane is constructed prior to the opening of Phase II.
3. The site obtains water & sewer services prior to being issued any building permits.
4. Receive stormwater management approval by the U.S. Soil & Water Conservation District.

The Sumter City-County Planning Commission at its meeting on Wednesday, April 23, 2008, recommended approval of the above referenced request **contingent upon a traffic study being submitted to SCDOT**. Any SCDOT requirements are to be implemented.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant first reading to this proposed Planned Development; however, Council asked that questions concerning traffic issues be completed *prior to* second reading and public hearing as well as other concerns cited by the Planning Department.

NOTE: The Clerk to Council had left Council Chambers during the meeting due to one of the phones continuously ring. After re-entering Council's chambers, the Clerk, including approximately 14 people, entered Council's Chambers. She stated that the entrance way door to this building was inadvertently locked by someone and the public was unable to enter. Since Mr. Carl Croft was among those who had been locked out of the building; the Clerk asked Council if they would be of the mind to allow Mr. McGregor to briefly go over this Planned Development. Council permitted Mr. McGregor to present the matter again so that Mr. Croft and others present could hear the presentation. At the conclusion of the presentation, Council restated the motion for first reading and took action on first reading adoption as listed above.

2. MA-08-02 - Third Reading -- (08-660) and RZ-08-02 -- Charles Hodge -- (County) -- Request to:

- (1) Amend The 2020 Comprehensive Plan Land Use Designation From Residential Housing Type Optional (RHO) To Industrial Protection And Development (IPD); And

Mr. McGregor stated that nothing has changed on this proposed Map Amendment and Rezoning Request from second reading. Therefore, Council took action on its adoption of MT-08-02 and RZ-08-02.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading and adoption to MA-08-02 and RZ-08-02.

- (2) Rezone From Light Industrial-Warehouse (LI-W) And General Residential (GR) To Heavy Industrial (HI) +/- 36.21 Acres Located At 602 E. Fulton Street And Identified By Tax Map # 250-00-01-008.

See action above.

3. Update/Revised Strategy Plan For The Comprehensive Plan.

Mr. McGregor presented in detail the requirements of amending the 2020 Comprehensive Plan. He stated that it is required by law that the plan be updated every five years and revised every ten years. Since this document must be completely adopted by 2009, Mr. McGregor wants to start the process immediately.

He stated that the Comprehensive Plan process will include the nine planning elements as directed by South Carolina State Law: population, economic development, natural resources and environment, cultural and historic resources, community facilities, housing, land use, transportation, and priority investment/capital projects.

He added that there will be public participate. The citizens of Sumter will be asked to play a significant role in providing input, responding to surveys, identifying crucial issues, and indicating preferences. There will be a cross section of residents from the City and County who will be called upon to serve on a Community Working Group. The groups will consist of the following:

City Council Member (1) (2)	Home Builders Association (1)
County Council Member (1) (2)	Association Of Realtors (1)
Planning Commission (1) (2)	Development Board (1)
Chamber of Commerce (2)	Neighborhood Associations/HOA/s (3)
High School Student Representative (2)	Retired/Senior Advocate (2)
Shaw AFB (2)	At-large City Citizen
At-large County Citizen (2)	

It was suggested by members of Sumter County Council that the following groups should be added (Rural Community Representative, Small Business Owners, and City, County, and Planning membership should be changed from one to two members each.

Councilman Edens had some questions concerning adopting a Comprehensive Plan in 2009 and then the census come out in 2010. Mr. McGregor stated that he has given this much thought and believes that Sumter County Council should go through the implementation process of the Comprehensive Plan and once the census is received, the Planning staff and Planning Commission will immediately take a look at all items to decide if anything needs to be changed.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading and adoption to MA-08-02 and RZ-08-02.

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS - None

NEW BUSINESS

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

The Clerk presented the resolution proclaiming May as Bike Month in Sumter, South Carolina. After review of the resolution, 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 2008, 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 Byrd, seconded by Councilman Baker, and unanimously carried by Council to adopt the resolution as presented and directed the Chairwoman and the Clerk to execute and deliver the resolution on behalf of the County.

- (2) A Resolution Adopting The New Employee Grievance Procedures For Sumter County Government, Sumter, South Carolina.

This matter was introduced to Council by Chairwoman McGhaney. She stated that the grievance procedure as changes as adopted at the meeting on April 22, 2008, along with a resolution was in Council's packets. She asked for a motion concerning the proposed resolution as listed below.

A RESOLUTION ADOPTING THE NEW EMPLOYEE GRIEVANCE PROCEDURE

WHEREAS, the Code of Laws of South Carolina, (1976, as amended), §8-17-120 provides that the governing body of any county may adopt by resolution a plan for the hearing and resolution of employee grievances; and

WHEREAS, Sumter County Council desires to replace its existing employee grievance procedure;

NOW, THEREFORE, the attached document, consisting of four pages and entitled "GRIEVANCE PROCEDURES" is, and shall be from this point forward, the official grievance procedure for Sumter County employees. This resolution establishes the revised exclusive grievance procedure for Sumter County and rescinds any previously existing

grievance procedure or rule which would purport to be a grievance procedure or a part of a grievance procedure.

This Resolution shall take effect upon its adoption.

Adopted this 13th day of May 2008. (A copy of the new grievance procedures is attached)

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and carried by Council to grant adoption of the resolution and all matters relating to it and directed the Clerk and the Chairwoman to execute and deliver the resolution on behalf of the County. Councilman Blanding voted in opposition.

NOTE: After the motion was carried, Vice Chairman Baten asked the Chairwoman whether or not she would allow discussion; it was noted that the motion was already carried and there would be no more discussion on the item as outlined in Robert's Rule Of Order.

- (3) A Resolution To Create A Commission Pursuant To The Capital Project Sales Tax Act, S. C. Code Ann. § 4-10-300, Et Seq.; To Provide For The Appointment, Composition, Duties And Responsibilities Of Such Commission And To Provide For Other Matters Relating Thereto.

The Chairwoman introduced this proposed resolution to create a Commission pursuant to the Capital Project Sales Tax Act. After introducing the resolution, Council took action on its adoption as listed below.

BE IT RESOLVED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH,
IN PUBLIC MEETING DULY ASSEMBLED:

SECTION 1. Recitals and legislative findings.

As an incident to the adoption of this resolution, the County Council of Sumter County, South Carolina, has made the following findings: the South Carolina General Assembly has enacted the Capital Project Sales Tax Act, pursuant to which the county governing body may impose a one percent sales and use tax by ordinance, subject to a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money. The County Council, as the governing body of Sumter County, is authorized to create a commission subject to the provisions of Section 4-10-320, *Code of Laws of South Carolina*, of the Capital Project Sales Tax Act for the purpose of considering proposals for funding capital projects within the county area and the formulation of a referendum question which is to appear on the ballot. The Sumter County

Council finds that the imposition of a capital project sales tax may generate revenues which may be used to fund or defray the costs of capital improvements within Sumter County and other public capital projects more completely described in Section 4-10-330, *Code of Laws of South Carolina* as amended. Council intends by the adoption of this resolution to create a commission as defined in Section 4-10-320, *Code of Laws of South Carolina* with such duties and responsibilities as are provided by law to consider proposals for funding capital projects within the county area and the formulation of a referendum question to appear on the ballot, if council adopts an ordinance imposing a one percent sales and use tax, subject to a referendum, pursuant to the Capital Project Sales Tax Act.

SECTION 2. Creation of Commission; Appointment of Members.

(a) There is hereby created a commission in Sumter County, South Carolina, pursuant to the provisions of Section 4-10-320 of the Capital Project Sales Tax Act which shall consist of six members, all of whom must be residents of Sumter County, South Carolina.

(b) The commission created under this resolution shall be appointed as follows:

(1)The governing body of Sumter County shall appoint three members of the commission.

(2)The municipalities in Sumter County shall appoint three members of the commission who must be residents of incorporated municipalities within the county and who shall be selected according to the following mechanism:

(i) The total population of all incorporated municipalities within the county, as determined by the most recent United States census, must be divided by three, the result being an apportionate average;

(ii) The respective population of each municipality in the county must be divided by the apportionate average to determine an appointive index.

(iii) Each municipality in the county shall appoint a number of members to the commission equal to the whole number indicated in its appointive index; provided,

however, that no single municipality may appoint more than two members to the commission.

(iv) When less than three members are selected to the commission in accordance with the prescribed appointive index method, the remaining member or members must be selected in a joint meeting of the commission appointees of the municipalities in the county. The member or members must be chosen from among the residents of the municipalities in the county that before this time have not provided a representative for the commission.

(v) In the event no municipality is entitled to appoint a member to the commission pursuant to the formula in sub-item (iii) of this subsection, the municipality with the highest appointive index must be deemed to have an appointive index of one.

(vi) If, within a thirty-day period following the adoption of this resolution, one or more of the municipalities in Sumter County fails or refuses to appoint its or their proportionate number of members to the commission, the county governing body shall appoint an additional number of members equal to the number that any such municipality is entitled to appoint. Any vacancy on the commission must be filled in the manner of the original appointment.

SECTION 3. Duties and responsibilities of commission.

(1)The commission created by this resolution shall consider proposals for funding capital projects within the county area. Such projects may include the following types of projects:

(a)highways, roads, streets and bridges;

(b) courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, or any combination of these projects;

(c)cultural, recreational or historic facilities, or any combination of these facilities;

(d) water, sewer, or water and sewer projects;

(e)flood control projects and storm water management facilities;

(f) jointly operated projects of the county, a municipality, special purpose district, and school district, or any combination of these entities, for the projects delineated in sub-items (a) through (e) of this subsection;

(g) any combination of the projects described in sub-items (a) through (f) of this item.

(2) Any ordinance adopted by the Sumter County Council pursuant to the Capital Projects Sales Tax Act must specify:

(a) The purpose for which the proceeds of the tax are to be used;

(b) The maximum time stated in terms of calendar or fiscal years or quarters, or a combination thereof, not to exceed seven years from the date of imposition, for which the tax may be imposed;

(c) The maximum cost of the project or facilities funded from proceeds of the tax and the maximum amount of net proceeds to be raised by the tax; and

(d) Any other condition precedent, as determined by the commission, to the imposition of the sales and use tax authorized by this article or condition or restriction on the use of sales and use tax revenue collected pursuant to this article.

(3) If the Sumter County Council shall enact an ordinance for the imposition of a one percent sales and use tax, subject to a referendum in Sumter County, the commission shall formulate the referendum question that is to appear on the ballot, which referendum question shall be in substantial compliance with the provisions of Section 4-10-330 of the Capital Project Sales Tax Act, the terms and provisions of which are incorporated into and made a part of this resolution by reference.

(4) If an ordinance is adopted by the Sumter County Council to impose a one percent sales and use tax in Sumter County pursuant to the provisions of the Capital Project Sales Tax Act, the county Registration and Election Commission shall conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. If the ordinance is received prior to October 1, 1997, a referendum for this purpose may be held on Tuesday, November 4, 1997; however, if the ordinance is received on October 1, 1997, or

thereafter, a referendum for this purpose must be held at the time of the general election.

SECTION 4. Effective date.

This resolution shall be effective immediately upon its adoption.

ADOPTED THIS 13th DAY OF May, 2008.

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

- (4) A Proclamation In Support Of May 16, 2008, Being Proclaimed As Relay For Life Day In Sumter County, South Carolina.

The Clerk to Council stated that this proposed proclamation has not yet been written, but will be written as similar Relay For Life Proclamations have been in the past. Then Council took action on its adoption as listed below. Council for

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to adopt this proclamation and directed the Clerk to prepare the proclamation in order for it to be executed and delivered on behalf of the County.

- (5) 08-664 - First Reading - An Ordinance Amending Ordinance 07-640 Of Sumter County, South Carolina (Known As The 2007-2008 Sumter County Budget Ordinance).

The County Attorney, Johnathan Bryan, presented the following ordinance for first reading consideration. This proposed ordinance was discussed during the Fiscal, Tax, and Property Committee meeting; therefore, there were no changes to the ordinance and Council took action on first reading as listed below.

WHEREAS, the Sumter County 2007-2008 Budget Ordinance, Ordinance 07-640, was approved on June 26, 2007; and

WHEREAS, that budget ordinance provided for a county-wide tax of 2.4 mills to pay for the operations of the Sumter County Career Center; and

WHEREAS, §11-11-156 of the Code of Laws of South Carolina was added by the 2006 Act of the South Carolina General Assembly No. 388, of which subsection (A)(7) provides that operating millage levied in a county for career centers is considered school operating millage for which the reimbursements shall be made to the school districts from The State Homestead Exemption Fund; and

WHEREAS, in order for the State Department of Revenue to accurately calculate the amount that must be reimbursed from the State Homestead Exemption Fund to Sumter School District 2 and Sumter School District 17, the 2.4 mills attributable to the Sumter County Career Center must be added to the budgets (millage) of the two school districts and deleted as a separate line item on the county bills;

WHEREAS, to correct the billing and accounting, Sumter County Council must amend its budget to delete 2.4 mills for the Sumter County Career Center in anticipation that the 2.4 mills will be added to the budgets of Sumter School District 2 and Sumter School District 17 by separate resolutions.

BE IT ORDAINED by the Sumter County Council for Sumter County, South Carolina, in Council duly assembled:

1. That Sumter County Ordinance 07-640 (the 2007-2008 Sumter County Budget Ordinance), is hereby amended as follows:

Section XI., 7 (Sumter County Career Center, 2.4 mills) is deleted.

2. In order to give credit to the taxpayers for owner-occupied residential property for the 2.4 mills which were billed for the Sumter County Career Center operating expenses and which will be reimbursed from the State Homestead Exemption Fund, Sumter County Council issues the following directives:

A. The Treasurer of Sumter County is hereby directed in accordance with §12-43-285(B) of the Code of Laws of South Carolina, (1976, as amended), to set up a separate, segregated fund for the purpose of holding the money that she receives from the State Homestead Exemption Fund for the benefit of the taxpayers who were billed 2.4 mills on owner occupied residences but who should not have been billed the 2.4 mills for the Sumter County Career Center operating expenses and would not have been billed for that millage if it had not appeared as a separate line item on their property tax bills.

B. The Auditor for Sumter County is hereby directed in accordance with §12-43-285(B) of the Code of Laws of South Carolina, (1976, as amended), to give credit to the owner occupied residences on the 2008 tax bills for the 2.4 mills that were billed on the 2007 tax bills. The credit will be applied toward the property tax bill regardless of who paid the taxes for 2007 or who pays the taxes for 2008.

3. That this Ordinance shall take effect upon its adoption

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

- (6) 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. (If there an executive session is held, it will be held at the end of the meeting, prior to adjournment.)

No executive session was held.

OLD BUSINESS -

- (1) **08-661 - Second Reading -- An Ordinance Authorizing Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, The Execution And Delivery Of A Fee Agreement Between Sumter County, South Carolina And An Economic Development Project Identified As Project Tech; And Matters Relating Thereto. (Public Hearing Will Be Held On May 27, 2008.)**

The County Attorney stated that this matter is an Economic Development Project known as Project Tech. It consists of a \$10,000,000 investment with approximately 15 jobs. Public hearing will be held at the third reading; however, there have been no changes to this ordinance since first reading.

After all comments, Council took action on seconding reading.

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

COMMITTEE REPORTS:

- (1) **Fiscal, Tax, and Property Committee Meeting Held On Tuesday, May 13, 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.

- **Sumter Airport:** The Committee discussed details about the Sumter Airport during executive session. It was concluded that additional discussions needed to take place; therefore, the Committee recommended that the County Administrator continue discussions on this matter.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented.

- **Lake Marion Regional Water Authority:** The Committee also discussed in executive session matters relating to the Lake Marion Regional Water Authority. It was suggested that the Administrator discussed this matter with Clarendon County. Therefore, the Committee recommended that the County Administrator continue discussions on this matter with Clarendon County Government.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented.

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

- Councilman Blanding stated that the first meeting of the Sumter Consolidation Transition Committee met in County Council Chambers on Thursday, June 8, 2008. All three of Sumter County Council's representatives were present including the Vice Chairman of Sumter County Council. He added that he wanted to publicly thank the Clerk to Council for her work in getting the first meeting of this 25 member group coordinated.

MONTHLY REPORTS:

- South Carolina Department of Education Local Funding Requirements for 2008-2009
- The State, Friday, April 25, 2008 - New Jail Fees Put City In Bind.
- Lake Marion Regional Water Agency Minutes
- Lake Marion Regional Water Agency Dedication
- Letter To Phoebe A. Clark - May 1, 2008
- Letter To Phoebe A. Clark - May 2, 2008
- Emergency Management Activity Report
- Clemson University Pride Weeks 2008 Pick-Up

ADMINISTRATOR'S REPORT:

- On-Line Expense registry Mandate: The County Administrator informed Council that if this law goes into effect, it would cost the County approximately 2.0 mills.
- Sixth Amendment For The Purpose Of Raising Taxes To Protect Encroachment To A Military Facility. Senator Thomas from Greenville is still holding up the bill.
- Santee Lynches Regional Council On Governments Report: A report was given to each Council member concerning the Cost Of Living Indexes For South Carolina.

PUBLIC COMMENT:

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

- Mr. Lewis Watkins stated that he is retired and has moved back to Sumter where he was reared; he formerly lived in New York City. He stated that this is his first Sumter County Council meeting since he came home. He thanked County Council for having listed on his agenda "public comment."

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:10 p.m. after a motion and a second.

Respectfully submitted,

Vivian Fleming McGhaney

Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding

Clerk to County Council
Sumter County Council

Approved: _____

Minutes-Regular Meeting of Sumter County Council

May 13, 2008

Page 22

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 17, 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: April 17, 2008

Respectfully submitted,

Mary *W.*

Mary W. Blanding
Blanding

GRIEVANCE PROCEDURE

Article I: General.

This procedure is adopted in accordance with the County and Municipal Employees Grievance Procedure Act, Section 8-17-110, et seq., Code of Laws of South Carolina, (1976, as amended.)

1. A grievance is defined as a complaint by an employee that he has been treated unlawfully or in violation of County policies with regard to matters pertaining to his employment by the County. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion. An employee's level of compensation or classification is not the proper subject for a grievance except as it applies to alleged inequities within an agency or department of the County. However, if an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, his grievance is to be presented in accordance with this procedure or such wages or benefits may be forfeited. Written warnings are not grievable.

2. An employee who believes that he has a grievance follows the following procedure:

Step 1. He discusses the grievance with his immediate supervisor within ten (10) calendar days of the events giving rise to the grievance. If his supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee proceeds to Step 2.

Step 2. The employee is to follow the chain of command in his department, appealing to each successive level of supervision. All Step 1 and Step 2 appeals may be oral. At each level each supervisor has four (4) calendar days to render a decision. If no decision is made within this time, the grievance is considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee is to appeal to the next level of supervision.

Step 3. If the head of the department in which the employee is employed denies the grievance, this decision is final as to any grievance brought by a probationary employee. A new employee is considered probationary until his probationary evaluation is completed and approved by his department head.

3. Employees other than probationary employees may appeal to the Employee Grievance Committee the denial of their grievances by department heads by filing a written request for appeal at the county's personnel department. This must be done within 7 calendar days of the department head's denial of the grievance. The written request for appeal is expected to include the following information:

(a) The purpose of the appeal and what recommendation is requested of the Grievance Committee; and

(b) Statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure.

The personnel department staff may assist in preparing the appeal, if requested.

4. Within ten (100) days of receipt of the employee's request, the chairman of the Grievance Committee schedules the requested hearing and notifies the Grievance Committee, the employee requesting the hearing, the affected department, and the personnel department.

Article II: The Employee Grievance Committee

The Administrator shall seek volunteers to serve on the Employee Grievance Committee from the employees who work for Sumter County Administration and from the employees of other elected officials. He shall review the names of the volunteers and, with input from the Human Resources Director, nominate two (or three) employees and notify the Sumter County Council of the names of employees he nominates to serve. The County Council shall either accept or reject each nominee. If Sumter County Council rejects one or more of the Administrator's nominees, the Administrator must nominate another/others in their stead and notify the County Council of the subsequent nomination(s). The Committee shall be composed of seven employees to serve for terms of three (3) years, except that the members appointed initially are appointed so that their terms are staggered, and approximately one-third (1/3) of the terms expire each year. A member continues to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term is for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the Administrator. Members are selected on a broadly representative basis from among county employees. In addition, the County Council may appoint, using the procedure outlined herein, as many as two (2) alternates who may serve when a regular member is not available. Members of the committee employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing may not participate in that employee's hearing.

1. The Committee annually selects its own chairman from among its members. The chairman serves as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chairman has authority to schedule and to re-schedule all hearings.

2. A quorum consists of at least two-thirds of Committee members, and no hearings may be held without a quorum.

3. The presiding officer has control of the proceedings. He may take whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. Parties abide by his decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee governs.

4. The Committee has the authority to call for files, records, and papers which are pertinent to any investigation and which are subject to the control of the Administrator; to call for or consider affidavits of witnesses; to request and hear the testimony of

witnesses; to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The Committee has no authority to subpoena witnesses, documents or other evidence, nor may any county employee be compelled to attend any hearing. All proceedings may be tape recorded. Witnesses, other than the grieving employee and the department representative, are sequestered when not testifying. All witnesses testify under oath.

5. All hearings are held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings are subject to the control and disposition of the Administrator.

6. Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself. However, the Committee may have an attorney available to it at any and all times it considers necessary and the personnel department may provide assistance in reading written materials to the Committee at the request of a grieving employee.

7. In disciplinary actions by department heads and their subordinate supervisors, the employee is to receive in reasonable detail written notice of the nature of the acts or omissions which are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department must demonstrate that the disciplinary action is for the good of the county. The department makes the first presentation. The Committee may base its findings and recommendations (and the Administrator or elected or appointed officials their decision) on any additional or different grounds developed from the presentations.

8. In non-disciplinary grievances the employee must establish that a right existed and that it was denied him illegally or in violation of a county policy. The employee makes the first presentation.

9. In all grievances, the grieving employee and the department are each limited to one (1) hour of initial presentation. The party required to make the first presentation is entitled to a ten (10) minute rebuttal of the other party's presentation. The chairman shall appoint himself or another member of the Committee as

10. In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations shall be made by the grieving employee and by a managerial employee of the affected department. Parties may request that the Committee call witnesses, and a list of potential witnesses should be submitted to the Committee five (5) days prior to the hearing. However, neither party may question the other party or question any witness called by the Committee.

11. Except as provided in paragraph 12 below, the Committee, within 20 days after hearing an appeal, makes its findings and recommendation and reports such findings and recommendation to the Administrator. If the Administrator approves, the recommendation of the Committee is his decision and copies of the decision are

transmitted by the Committee to the employee and to the head of the particular department involved. If, however, the Administrator rejects the recommendation of the Committee, the Administrator makes his own decision without further hearing, and that decision is final. Copies of the decision are transmitted to the employee and to the head of the particular department involved.

12. In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside county government, the Committee, within 20 days after hearing an appeal, makes its findings and recommendation and reports such findings and recommendation to such official. If the official approves, the recommendation of the Committee is his decision and a copy of the decision is transmitted by the Committee to the employee. If, however, the official rejects the decision of the Committee, the official makes his own decision without further hearing, and that decision is final. A copy of the decision is transmitted to the employee.

13. Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the county or an elected or appointed official to terminate any employee when the county or respective elected or appointed official considers such action to be necessary for the good of the county.