

**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**May 27, 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 65 members of the public were in attendance.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of May 27, 2008, to order.

**INVOCATION:** Mrs. France Hill 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 27, 2008, agenda with any additions, deletions, or as printed. The Clerk to Council, asked Council to consider adding the following two items to the agenda:

- (1) Introduction of Students - right After Action On Minutes.
- (2) Discussion And Possible Action On A Matter Pertaining To Sumter County Poll Workers - Listed Under New Business

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the May 27, 2008, agenda as recommended by the Clerk.

**ACTION ON MINUTES OF MAY 13, 2008:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of May 13, 2008.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Baten, and unanimously carried by Council to approve the May 13, 2008, minutes as prepared by the Clerk.

**RECOGNITION OF STUDENTS:**

Mrs. Frances Hill, community Services Coordinator for Wateree Community Actions (WCA), stated that each year WCA conducts a Youth Leadership Program and Youth Employment. Beginning June 9-13, 2008, the students will go through employment training. Each student introduced themselves and then each Council member introduced him/herself to the students.

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

1. PD-08-02 - Second Reading and Public Hearing- (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. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)

Mr. George McGregor, Planning Director, presented this request before Council. He stated that the request is to allow for the 37.93 acres of property to be rezoned to allow for Residential (232 apartment units) Multi-Family Development. The property is currently undeveloped and this property frontage is on N. Main Street and lies between Ruth Street and Lavern Street. The 2020 Land Use Plan calls for Residential Conservation on this entire site and some General Commercial.

Mr McGregor stated that one of the main concerns about the development is the increase in traffic should all 232 units are built and occupied. It is projected that the traffic impact would degrade the traffic rating from a "B" to a "C". The Planning Commission recommends sidewalks on both sides of the street. The Planning staff would like an opportunity to review the SDOT traffic study and analyze the traffic study.

Then the Chairwoman convened the public hearing on this matter and asked if anyone wished to speak in favor of this proposed Planned Development.

- ✓ Mac Kolb stated that he represents Carl Croft, the property owner, and Paces Foundation who is proposing to develop the first 64 units in the apartment development. He also said that the project is a tax credit development and Tom Glanton from the Paces Foundation was present on behalf of the project. This is not subsidizing apartments. Mr. Kolb stated that when he and Mr. Croft meet with the Planning Department, the Planning staff requested that Mr. Croft come up with a plan for the entire piece of property which is 37+ acres. He added that the Sterling Street access was requested by the Planning staff based on the need for a second entrance. Sterling Street and that property is shown as a plated street but has never been installed. The Developer and the Mr. Croft would

prefer not coming through Sterling Street, but it has been requested because of a safety standpoint is why the Planning staff is requiring it. Sterling Street could be used as an emergency entrance instead of a day to day entrance.

- ✓ Tom Glanton stated that he is a representative of the Paces Foundation from Atlanta, GA, and the organization is a 5013C organization. This is a tax credit program which means, underneath the IRS tax code there are tax credits that are sold in the open market place in order for the developer to raise the equity needed to go with the debt in order to build a project of this nature. He also handed out material which depicts what the project will look like at completion.
- ✓ Chris Moore he stated that he grew up in the neighborhood of the proposed development. He is interested in the project to see what it could bring to this community.
- ✓ Jim Lee stated that he owns Lee's Mobile Home and he thanked the property owner and developer for what they are doing for the Ashcroft Development. He stated that this property used to be a junkyard back in the 60's and 70's and cleaning up this property that used to have stored on it junked cars, rubber, plastic, PVC's heavy metal solvents and acids as well as the illegal dumping that happened on the property during the early 90's.

The Chairwoman then asked if anyone would like to speak in opposition to this request. The following persons spoke in opposition.

- ✓ William B. Wilson spoke in opposition to this development. He stated that opening of Sterling Street is his main objection. He stated that Fairfax Street would be a better street to use for the development's connection.
- ✓ Oscar McDuffie asked for clarification on the buffer. Sterling Street extension is of great opposition to Mr. McDuffie.
- ✓ Maryanne Lyles stated that she has lived in the community for almost 15 years and it is a quiet neighborhood. She was also concerned about the elderly that have been living in this community and now they would be faced to a number of people and noise, traffic, and crime if this development is approved.
- ✓ Kathy Hatfield stated that she lives on Lavern Street. She stated that having Sterling Street as a through street would not be good for her neighborhood.
- ✓ Retired Chief Justice Finney stated that approximately 40 years ago he and other worked together to develop a subdivision and provided a tax base for Sumter County. Who is going to be in control of this development once 237 units are placed; this would cause approximately 800-900 people to add to this neighborhood. What will be the services for this community once this influx of people starts calling this area home? This problem needs to be studied before it is arbitral approved.

- ✓ Melton Lyles spoke in opposition to this request based on the traffic issues and the lost of peacefulness in the community.

After all comments, the Chairwoman closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Councilman Byrd and seconded by Councilman Baker to defer action on second reading and place in the requirements that there is a left and right hand turning land and an alternative to Sterling Street. Councilman Byrd withdrew his motion. No further action was taken on this vote.

The Chairwoman recognized Mr. Mac Kolb who requested that Council have a special meeting on or prior to June 6, 2008, due to the fact that the tax credit process is a competitive process and they must have the Planned Development completed before going through the complete process. Also, Mr. Kolb stated that he supports the residents as it relates to Sterling Street and would propose that Sterling Street be an emergency fire entrance only and it would be gated and could only be entered through a code process.

The Chairwoman stated that she is in support of hold a special meeting for this project. Then Council acted upon the following motion.

**ACTION:** MOTION was made by Councilman Edens, seconded by Vice Chairman Baten, and carried by Council to approve second reading contingent upon the traffic impact study being submitted and the approval is for Phase I only, Sterling Street at the minimum used for emergency only or not at all, and all of the SCDOT recommendations from the study be met, all the staff recommendations be met, including both turn lanes before building permits be issued. Councilman Blanding and Councilman Byrd voted in opposition.

**Street Name Change - None**

**Grant Awards - None**

#### **OTHER PUBLIC HEARINGS**

- (1) **08-661 - Third 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. (Council Will Take Action On Third Reading Of This Proposed Ordinance Immediately After Public Hearing Or During Old Business.)**

After a brief discussion on this ordinance, the Chairwoman convened a public hearing on this matter and asked if anyone wished to speak in support of or opposition to the

ordinance. No one spoke; therefore, the Chairwoman closed the public hearing and Council took action on this matter listed under Old Business.

## NEW BUSINESS

(1) Discussion And Possible Action On A Matter Pertaining To Sumter County Poll Workers:

Dr. Brenda Williams spoke to Council about her concern and other citizens' concern about the recently implemented requirements of IRS for Poll Workers. Formerly the Poll Managers only had to fill out a one page form for the past thirty years; however, this year, the Poll Managers must fill out six pages including a page from homeland security. Also, she stated that the Poll Workers would be required to undergo drug testing and a physical examination along with the Poll Work must be examined by a physician appointed by the County. If the physician found many physical problems, that worker may be disqualified. Dr. Williams acknowledge too that all States in South Carolina are required to abide by a law passed in 1954 by Social Security Administration, Section 218.

She asked Council members to assist her, the Poll Manager, and the Citizens of Sumter in ironing out any kinks in the election process so that it can be made as easy as possible for Poll Workers to work their jobs and to help the election process run smoothly.

The Clerk provided Council members with a letter from the Voter Registration/Election Commission Chairperson, Mr. Goliath Brunson stating the following:

*After polling the members of the Sumter County Registration/Election Commission, consensus of the body is that we support the employment recommendation for Sumter County Poll workers, as submitted by the Sumter County Human Resources Office.*

Chairwoman Vivian Fleming McGhaney stated that the staff has assured Council members that they are working to alleviate any difficulties for the Poll Workers, yet staying in the spirit, intent, and requirements of the Law. It was noted that Sumter County's Poll Workers will not be required to undergo drug testing nor physical examinations. It is no longer required.

Dorchester County's practices for its Poll Workers were discussed; however, the Clerk to Council provided Council members with information on this matter as well. Dorchester County is abiding by the law; however, it is just not requiring that its employees have drug tests or physicals.

(2) 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

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

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Blanding, and unanimously carried by Council to enter executive session to receive a

legal briefing and contractual matter. After the public hearing, Council re-entered open session to report on its executive session item.

**NOTE:** The Chairman moved the Public Comment section of the agenda up and asked anyone from the public whether or not they wanted to speak prior to Council entering executive session. No one spoke and then Council entered Executive Session,

**OLD BUSINESS -**

- (1) **08-661 - Third 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.**

Mr. Bryan stated that this is an economic development project with a fee in lieu of tax. The project is Phibro Tech which is a \$10,000,000 project with 15 jobs with 6% millage rate.

After the public hearing, Council took action on third reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Robinson and carried by Council to grant third reading and adoption. Councilman Byrd was not in Chambers during action on this item.

- (2) **08-664 - Second Reading - An Ordinance Amending Ordinance 07-640 Of Sumter County, South Carolina (Known As The 2007-2008 Sumter County Budget Ordinance).**

Council members reviewed the ordinance as listed below; afterwards, Council took action on second reading.

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 to set up a separate escrow account 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 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.

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

#### COMMITTEE REPORTS:

- (3) Budget Workshop, Members Of Sumter County Council, The Meeting Will Be Held On Tuesday, May 27, 2008, At 4:00 p.m In County Council's Conference Room At The County Administration Building (All Council Members Should Attend This Meeting.)

The following items were discussed and action taken by Council members:

- Non Mandated Agencies: MOTION was made by Councilman Edens, seconded by Councilman Blanding that these agencies would only receive a 10% reduction in their budget request.
  - Greenhouse: Greenhouse: The Greenhouse will be added to the Non-mandated Agency list with a 10% reduction in its budget as has been done to other non-mandated agencies.
  - Appointments: MOTION was made by Councilman Edens, and seconded by Councilman Blanding to appoint the following persons to the Capital Sales Tax Commission: Joseph Tobiere, Will Holmes, and Ann August.
  - Rembert Community Center:
- (2) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, May 27, 2008, At 5:30 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.)

No action from Physical Tax and property.

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

No report was given.

#### MONTHLY REPORTS:

- ✓ Emergency Management Activity Report

- ✓ Clemson University Keep America Beautiful
- ✓ Lake Marion Regional Water
- ✓ SCAC Legislative Alert
- ✓ Health Kids

**ADMINISTRATOR'S REPORT:**

No Action.

**PUBLIC COMMENT:**

Public Committee was held just before executive session under New Business.

**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: June 10, 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: May 22, 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: May 22, 2008

Respectfully submitted,

  
Mary W. Blanding