

**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**July 22, 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, The Honorable James Campbell; Clerk of Court; The Honorable Verna Moore, Sumter County Coroner.

**MEDIA PRESENT:** The Item

**PUBLIC PRESENT:** Approximately 36 members of the public were in attendance.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of June 24, 2008, to order.

**INVOCATION:** The Honorable Vivian Fleming McGhaney, the Chairwoman, 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 July 22, 2008, agenda with any additions, deletions, or as printed.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Vice Byrd, and unanimously carried by Council to approve the July 22, 2008, agenda as recommended by the Clerk.

**ACTION ON MINUTES OF JULY 8, 2008:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of July 8, 2008.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the minutes of July 8, 2008, as prepared by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS - None**  
**Planned Development/Rezoning Request -**

**Street Name Change - None**

**Grant Awards - None**

**OTHER PUBLIC HEARINGS**

- (1) 08-665 -- An Ordinance (1) To Impose, Subject To A Referendum, A One Percent Sales And Use Tax (The "Tax") Within Sumter County Pursuant To The Capital Project Sales Tax Act (The "Act"); To Provide Conditions Precedent To The Imposition Of The Tax, And Conditions Or Restrictions On The Use Of The Tax Revenue; To Specify Purposes And Projects For Which The Tax May Be Used; To Provide The Maximum Cost Of Projects To Be Funded By The Tax; To Provide The Maximum Time For Which The Tax May Be Imposed; To Provide The Maximum Amount Of Tax Proceeds To Be Raised; To Establish The Priority Of Expending The Net Tax Proceeds; (2) To Provide For A County-Wide Referendum On The Tax, Including The Issuance Of Bonds In Connection With The Tax; To Prescribe The Ballot Question For The Referendum, Including All Information Required By Statute To Be Contained In The Ballot Question; To Provide For The Conduct Of The Referendum By The Sumter County Registration/ Election Commission; (3) To Provide For The Administration And The Payment Of The Tax; (4) To Provide For Bonds To Be Issued In Connection With The Tax, Including All Information Required By The Act To Be Contained In An Ordinance That Provides For Bonds To Be Issued In Connection With The Tax; To Provide That Only Tax Revenues May Be Used To Defray Debt Service On The Bonds Issued In Connection With The Tax; And (5) To Provide For Other Matters Relating Thereto. (Council Members will take action on second reading immediately after public hearing or during second reading.)

The Chairwoman convened a public hearing and asked if anyone wished to speak in favor of this proposed ordinance as amended.

- Mr. Eddie Drayton stated that he is undecided; he thanked Council for providing copies of the ballot questions for the public. By reviewing the ballot questions, most of his questions were answered; however, he stated that his main concern is the \$6,000,000 near Shaw AFB. He added that this particular matter could have a lot of controversy in the coming year. The State just passed a special exception for municipalities and counties for raising the millage cap to purchase property, through assessing millage to provide funds to pay for certain critical property. Mr. Drayton said what will Council do next year; will Council have the Capital Sales Tax Penny and raise taxes to pay for purchasing other property close to the Base? He added that this may be a selling point to the community if Council would commit itself to not raising millage for other property.
- Mr. Luke Holder from Wedgefield Fire Department, speaking on his own and not on behalf of the Department. He stated that the first item listed within the ballot question states to "replace and or provide additions to five rural fire stations." He said that the ballot question for this item is incorrect. It should read "replace fire station, add fire stations, and improve fire stations."
- Mr. Will Holmes, Chairman of the Sumter County Capital Sales Tax Commission, stated that this is the time for Sumter County to step-up. Sumter is lagging behind

other Counties that have passed this tax in their counties. Sumter needs to do what is right for Sumter County. Mr. Holmes also stated that the projects are thoughtful and are all needed; the projects are going to be done one way or the other. If Sumter does not pay for these projects through the sales tax, every tax payer will be required to pay 100% of the cost through millage increases. Lastly, he stated that economic times are tough, but it is time to do something to make Sumter better and Sumter has never quit before and it is not the time to quit now.

Then the Chairwoman asked if anyone wished to speak in opposition to this proposed ordinance. The following persons spoke in opposition.

- Lloyd Jones stated that he is in opposition of this proposed ordinance. He asked Council not to raise taxes on people when there is already bad economic situations in Sumter.
- Linda Matmiller stated that she is in opposition to this ordinance because she feels there is more need for infrastructure than a community center in her area. She lives off Highway 401 and that community has been experiencing sewage problems for approximately five years and is progressively getting worse. She asked Council to reconsider using the \$500,000 for a community center and use it for infrastructure improvements.

After all comments, the Chairwoman closed the public hearing and Council members discussed this matter further and took action on second reading as listed under Old Business.

## NEW BUSINESS

- (1) A Resolution Providing That Under Certain Conditions, Sumter County Will Execute A Fee-In-Lieu Of Tax Agreement For A Project Involving An Investment Of Approximately Ten Million Dollars (\$10,000,000) By Olympic Steel, Inc.

The County Attorney, Johnathan Bryan, presented this proposed resolution to Council. He stated that this resolution is a prelude to the completion of the three reading ordinance (08-666), Olympic Steel, which is listed on the agenda for first reading. Olympic Steel requested that Sumter County Council adopt a resolution as a "good faith" gesture which they would rely on to go forth with the closing and purchase of property they intend to use for their plant. After review of the resolution, Council took action on its adoption.

*WHEREAS, Sumter County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 and Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute a "Project" as defined in the Act) and to enter into agreements with an industry to construct, operate, maintain and improve such a project; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing*

*manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and*

*WHEREAS, subject to compliance with the Home Rule Act, the County is authorized by the Act to execute a fee agreement, as defined in the Act, with respect to such project; and*

*WHEREAS, Olympic Steel, Inc., a corporation organized and existing under the laws of the State of Ohio (the "Company"), requested the County participate in executing a fee-in-lieu of tax agreement in the form of a fee agreement pursuant to the Act for the purpose of authorizing and of acquiring by purchase, lease and construction certain land, buildings, machinery, apparatus, and equipment, for the purpose of a steel fabrication facility (the "Project"); and*

*WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs; and,*

*WHEREAS, the County has determined solely on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act.*

*NOW, THEREFORE, BE IT RESOLVED, by the County Council as follows:*

*Section 1. Pursuant to the authority of the Act and for the purpose of authorizing a fee-in-lieu of tax agreement (as described in the Act) for the Project, the County intends to authorize and execute a fee-in-lieu of tax agreement between the County and the Company, as such term is defined in the Act, pertaining to the Project involving investment in the amount of approximately Ten Million Dollars (\$10,000,000) and the creation of approximately 100 new (the "Fee Agreement") during the Investment Period (as such term is defined in the Act).*

*Section 2. The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of twenty (20) years from the date of each of the annual capital investments made under the Fee Agreement during the first five years, or, to the extent permitted by law, such later time as shall be agreed to by the County and the Company. The amounts of such payments shall be determined by using (i) an assessment ratio of 6%; (ii) an initial*

*millage rate equal to the cumulative millage rate in effect at the site of the Project on June 30, 2007, (which is understood by the parties to be 289.3 mills), such millage shall be adjusted every five years as provided in Section 12-44-50 of the Act; and (iii) the fair market value (which value is not subject to reassessment as provided in the Act) as determined by using original cost for any real property including improvements and original cost less allowable depreciation for any personal property in accordance with Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended.*

*Section 3. In addition to the incentives set forth above, the County agrees to provide the Company with a fifty-five percent (55%) infrastructure improvement credit (the "Credit"), pursuant to the Act, against all fee payments made under the Fee Agreement for the first fifteen (15) years, to provide an infrastructure and site development grant to the Company, as detailed in the Fee Agreement, in the amount of \$290,000, and to amend the multi-county park agreement with Clarendon County to include the site of the Project. The remaining provisions, terms and conditions of the Fee Agreement shall be prescribed by subsequent ordinance of the County Council.*

*Section 4. Notwithstanding anything in this Resolution to the contrary, the execution and delivery by the County of the Fee Agreement are subject to compliance by the County with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions, and to the actual adoption of such ordinances and resolutions.*

*Section 5. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This Resolution shall take effect and be in full force from and after its passage by the County Council.*

*Section 6. It is the intention of the County Council that this Resolution shall constitute an official action on the part of the County relating to the inducement of the Project.*

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Byrd, 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) 08-666 - First Reading - An Ordinance Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement Between Sumter County, South Carolina And Olympic Steel, Inc. Or Its Assignee; And Other Matters Relating Thereto Including, Without Limitation, Payment Of A Fee-In-Lieu Of Taxes.

The County Attorney, Johnathan Bryan, gave the following highlights from the ordinance.

- ✓ 20 years Fee In Lieu Of Taxes at 6%
- ✓ 55% Infrastructure improvement credit
- ✓ Site improvement grant of \$290,000
- ✓ The Company will invest \$10,000,000 in property
- ✓ Create at least 100 jobs

- ✓ The County will collect in real dollars \$1,900,000 over the next 20 years.

After discussion, Council took action on first reading of this ordinance as listed below.

*WHEREAS, Sumter County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 and Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute "Projects" as defined in the Act) and to enter into agreements with an industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") and will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and*

*WHEREAS, the County is authorized by the Act to execute a fee in lieu of tax agreement, as defined in the Act, with respect to such project; and*

*WHEREAS, Olympic, Inc., a corporation organized and existing under the laws of the State of Ohio (the "Company") has requested the County to participate in executing a fee-in-lieu of tax agreement (the "Fee Agreement") pursuant to the Act for the purpose of authorizing and of acquiring, by construction and purchase, certain land, a building or buildings, and machinery, apparatus, and equipment, for the purpose of fabricating steel in the County (the "Project"), all as more fully set forth in the Fee Agreement attached hereto; and*

*WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and*

*WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act; and*

*WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company which includes the agreement for the payment of a fee-in-lieu of tax; and*

*WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.*

*NOW, THEREFORE, BE IT ORDAINED by the County Council of Sumter County, South Carolina, as follows:*

*Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to locate an industrial facility in the State and the acquisition by the Company of land, a building or buildings, and various machinery, apparatus, and equipment, all as a part of the Project to be utilized for the purpose of fabricating steel in the County, is hereby authorized, ratified and approved.*

*Section 2. It is hereby found, determined and declared by the County Council, as follows:*

*(a) Based solely upon representation of the Company, the Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;*

*(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;*

*(c) The Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally;*

*(d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either;*

*(e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;*

*(f) The inducement of the location or expansion of the Project within the County and State is of paramount importance; and,*

*(g) The benefits of the Project will be greater than the costs.*

Section 3. *The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of twenty (20) years from the date of each of the annual capital investments made under the Fee Agreement during the first five years or, to the extent permitted by law, such later time as shall be agreed to by the County and the Company. The amounts of such payments shall be determined by using (i) an assessment ratio of 6%; (2) an initial millage rate equal to the cumulative millage rate in effect at the site of the Project on June 30, 2007, (which is understood by the parties to be 289.3 mills), such millage shall be adjusted every five years as provided in Section 12-44-50 of the Act; and (iii) the fair market value (which value is not subject to reassessment as provided in the Act) as determined by using original cost for any real property including improvements and original cost less allowable depreciation for any personal property in accordance with Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended.*

*In addition to the incentives set forth above, the Fee Agreement shall also contain provisions regarding infrastructure improvement credits. The County will provide the Company with a fifty-five percent (55%) infrastructure improvement credit (the "Credit"), pursuant to the Act, against all fee payments made under the Fee Agreement for the first fifteen (15) years. The County will also provide the Company with an infrastructure and site development grant, as detailed in the Fee Agreement, in the amount of \$290,000 and will amend the multi-county park agreement with Clarendon County to include the site of the Project.*

*The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairwoman of the County Council is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.*

Section 4. *The Chairwoman of the County Council, the County Administrator and the Clerk of County Council, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.*

Section 5. *The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.*

*Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and in full force from and after its passage and approval.*

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

(3) A Resolution Relating To The Declaration Of Intent By Sumter County, South Carolina, To Reimburse Certain Expenditures Prior To The Issuance By The County Of Its Tax-Exempt Debt.

Council had received a presentation on this item during its Fiscal, Tax, and Property Committee meeting. The Administrator, William T. Noonan, informed the public that this resolution, if adopted, would support the General Fund Lease Purchase and the Hospitality Lease Purchase items approved by Council during the budget process. It is a requirement of the State Law to have a resolution to allow the County to begin the purchasing process which will not exceed \$4,000,000. After all comments, Council took action on this item as listed below.

*WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the "Regulations") that authorizes an issuer to reimburse itself for expenditures made with respect to projects prior to the issuance of tax-exempt debt for such projects; and*

*WHEREAS, Sumter County, South Carolina (the "County"), anticipates incurring certain expenditures (the "Expenditures") with respect to capital projects and all costs associated therewith (the "Projects"), prior to the issuance by the County of tax-exempt debt for such purposes in the amount of not to exceed \$4,000,000; and*

*WHEREAS, the County intends to fund the Projects from tax-exempt debt to be issued in one or more series; and*

*WHEREAS, the Regulations require that the governing body of the political subdivision declare an official intent to reimburse expenditures prior to the incurrence of the expenditures.*

**NOW, THEREFORE, BE IT RESOLVED,** by the County Council (the "Council"), as the governing body of the County, as follows:

Section 1. *The Council hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Regulation § 1.150-2 to reimburse the County from the proceeds of tax-exempt debt in the form of general obligation debt of the County to be issued pursuant to South Carolina state law, for Expenditures with respect to the Projects. The Council anticipates incurring Expenditures with respect to the Projects prior to the issuance by the County of tax-exempt debt for such purposes.*

Section 2. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Projects was placed in service, but in no event more than three (3) years after the original Expenditures.

Section 3. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year.

Section 4. The source of funds for the Expenditures with respect to the Projects will be the County's general reserve funds or other funds on hand.

Section 5. This Resolution shall be in full force and effect from and after its adoption as provided by law. This Resolution shall be made available for inspection during normal business hours by the general public at the office of the County.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Edens to approve the resolution as presented and directed the Chairwoman and the Clerk to execute and deliver the resolution on behalf of the County.

- (4) 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.

No executive session was held.

**OLD BUSINESS -**

- (1) 08-665 - Second Reading -- An Ordinance (1) To Impose, Subject To A Referendum, A One Percent Sales And Use Tax (The "Tax") Within Sumter County Pursuant To The Capital Project Sales Tax Act (The "Act"); To Provide Conditions Precedent To The Imposition Of The Tax, And Conditions Or Restrictions On The Use Of The Tax Revenue; To Specify Purposes And Projects For Which The Tax May Be Used; To Provide The Maximum Cost Of Projects To Be Funded By The Tax; To Provide The Maximum Time For Which The Tax May Be Imposed; To Provide The Maximum Amount Of Tax Proceeds To Be Raised; To Establish The Priority Of Expending The Net Tax Proceeds; (2) To Provide For A County-Wide Referendum On The Tax, Including The Issuance Of Bonds In Connection With The Tax; To Prescribe The Ballot Question For The Referendum, Including All Information Required By Statute To Be Contained In The Ballot Question; To Provide For The Conduct Of The Referendum By The Sumter County Registration/ Election Commission; (3) To Provide For The Administration And The Payment Of The Tax; (4) To Provide For Bonds To Be Issued In Connection With The Tax, Including All Information Required By The Act To Be Contained In An Ordinance That Provides For Bonds To Be Issued In Connection With The Tax; To Provide That Only Tax Revenues May Be Used To Defray Debt Service On The Bonds Issued In Connection With The Tax; And (5) To Provide For Other Matters Relating Thereto.

Prior to the public hearing and taking action on this ordinance, the County Attorney, Johnathan Bryan, informed Council that this ordinance has been changed since first reading

due to a language/description change in the ballot question as adopted by the Capital Projects Sales Tax Commission. Mr. Bryan asked Council to consider taking action on the amendments to be included in the ordinance prior to the public hearing.

*The Sumter County Capital Projects Sales Tax (CPST) Act Commission reports to the Sumter County Council that it has met and deliberated and, having considered a number of projects for funding through the imposition of the Capital Project Sales Tax, by vote of the Commission in public meetings duly advertised, presents the following list of projects, arranged in order of priority and the Ballot Question.*

**Ballot Question; Instructions to Voters; Conditions and Restrictions:**

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

1. \$3,000,000 - Rural Fire Stations Renovations -- Modernize And Improve Several Rural Fire Stations To Insure They Are Meeting Current State And Local Codes.
  - Replace And/Or Provide Additions To: Cherryvale, Dabbs, Wedgefield, Dalzell, And Bethel Stations.
  - Provide Improvements To: Pinewood, Rembert, Concord, Horatio, Oswego, Graham, Pleasant Grove, Mayesville, Dubose, Byrd, And 521 Stations.
  
2. \$6,000,000 - Patriot Park Activities Center -- Continue The Expansion Of Patriot Park Activities Center -Phase II
  - Complete The Construction Of Four (4) Regulation Baseball Fields And Central Control Tower.
  - Address The Needs In Our Community For Baseball Participants 13 Years Of Age And Older.
  - The Four Baseball Fields Will Replace The Three Fields At Artillery Ballpark Behind The Exhibition Center.
  - To Provide Badly Needed Facilities For Our 17-18 Years Old Baseball Leagues.
  - The Ball Fields Will Also Enhance Our Potential For Tourism Related To Baseball And Softball Tournaments.
  - The New Ball Fields Will Increase From 12 To 16 Fields When Combined With Facilities At Palmetto And Dillon Park.
  
3. \$2,500,000 -- County Community Centers -- Construction Of Three New Community Centers - Concord (\$500,000), Pinewood (\$500,000), And Salterstown (\$500,000). Plus Renovation Of Several Existing Community Centers (Cherryvale (\$225,000), Ebenezer (\$75,000), Shiloh

(\$125,000), Spectrum Senior Center (\$225,000), Rembert Community Center, (\$200,000), and Mayesville (\$125,000).

4. \$2,100,000 -- *Safety Improvements -- \$2,100,000 (\$300,000 Per Intersection). There Are A Number Of Hazardous Intersections In Sumter County. The Most Dangerous Intersections Will Receive Traffic Control Upgrades, Traffic Signal Phasing Improvements, Re-Striping Intersection Approaches, Upgrade Approach Signage, And Control Of Access Solutions:*
  - *US76-378 And SC 441*
  - *US 15N And US76/378 (Main St. At Bypass)*
  - *Broad St. And Gion St.*
  - *Guignard And Lafayette*
  - *Broad Street And Carter Rd.*
  - *Main St. And Calhoun St.*
  - *North Lafayette and Calhoun (15N and US401)*
  
5. \$4,000,000 -- *Sumter Exhibition Center -- Renovations Of Existing Exhibition Center - Improvements Include But Are Not Limited To The Following:*
  - *Replace 30 Year Old Air Conditioning And Heating Units*
  - *Renovate The Entrance Of The Exhibition Center To Match With The Landscaping, Brick And Iron Fencing Of Swan Lake*
  - *Improve Exterior And Interior Lights*
  - *Improve Irrigation System*
  - *Improve Signage*
  - *Redesign The Front Of The Building To Assist With The Flow Of Traffic During Large Events Such As: Graduations, Tournaments, Funerals, Banquets, Etc.*
  
6. \$1,500,000 -- *Build new sidewalks (including drainage and reconstruction of substandard sidewalks) to connect existing neighborhoods to create safe routes to schools and parks.*
  - *Wilder School*
  - *Bates School*
  - *Lemira School*
  - *Wise Drive /Wilson Hall/ Patriot Parkway; Carter Road/Wilson Hall*
  - *Crosswell Area*
  - *North Pike West*
  
7. \$2,700,000 -- *Sumter Central Business District Intersection and Infrastructure Improvements (including street and sidewalk improvements, mast arms, streetscape and signage improvements, and burying utilities) - This Project Will Help To Address Safety Concerns, Help To Improve Quality Of Life And Increase Our Chances To Attract More Businesses In The Central Business District Area.*
  - *Reason For The Project: To Create More Opportunities For Economic Development And Jobs. Businesses Are More Apt To Locate In An Area If The Central Business District Is Revitalized.*
  
8. \$6,000,000 -- *Lafayette Drive -- Project Improvements To This Area Will Assist In Eliminating Accidents And Traffic Back-Ups On Highway 378 And/Or North Main/Lafayette*
  - *The Current Design Does Not Meet Current Engineering Standards And Needs Redesigning.*

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

TOTAL COST OF ALL CAPITAL PROJECTS: \$69,671,000.00.

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

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

YES [ ]

NO [ ]

*CONDITIONS AND RESTRICTIONS ON THE USE OF SALES AND USE TAX REVENUE COLLECTED UNDER THE CAPITAL PROJECT SALES TAX ACT: The capital projects sales and use tax shall be expended for design, engineering, construction or improvement of the highways, roads, streets, bridges, and other capital projects listed above. Net proceeds of the capital project sales and use tax, if approved, must be expended for the purposes stated in the priority listed; provided, however, that the order of funding of the projects may be adjusted on the basis of construction schedules or other events that may affect the schedule for any particular project; and provided that multiple projects may be funded simultaneously based on the formula or system contained in the ordinance enacted by the Sumter County Council which shall include, but shall not be limited to any one or more of the following: (1) to pay directly the costs of such projects; (2) to issue the County's general obligation bonds; or (3) to borrow, in a manner deemed advisable by the Sumter County Council, funds in advance of receiving the net proceeds of the one percent sales and use tax. The expenditure of revenues from the capital projects sales and use tax, if approved, shall be subject to acquisition of title, right-of-way, design and engineering considerations, environmental issues, the discovery of historic sites or endangered species, the receipt of necessary permits, funding of projects from other sources, bids in excess of project estimates, qualifications of bidders, cost overruns, exhaustion or insufficiency of net sales and use tax revenues to complete all projects in the order and priority provided herein and other unforeseen circumstances and conditions. If net sales and use tax revenues are insufficient to fund completely all projects, the lowest priority project(s) will not be fully funded. In such event, the lowest priority project(s) will be initiated only upon the condition of availability of funding from other sources to complete the project(s).*

The Chairwoman stated that she would entertain a motion concerning the amendments to the ordinance as listed in the ballot question. The following action was taken.

***ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve the amendments to the proposed ordinance as listed in the ballot questions.*

After this action, the Chairwoman called for a public hearing. After the public hearing, Council members made comments concerning the proposed ordinance.

Vice Chairman Baten stated that the United States Labor Department said that wholesale inflation has driven sky rocketing prices due to gas costs, food costs have rose by 9.2% in the last twelve-months ending in June 2008; the fastest past since 1981. The Commerce Department reported that retail sales increased by one percent last month. That rise reflected a 3.3% drop in auto sales and highlighted the trouble that the United States

automobile industry is facing with the weak economy and rising gas prices, General Motors struggling to survive will cut thousands of jobs, cut production, sell assets, and suspend its dividends for the first time in 86 years. Today, General Motors is facing one of its most serious threats in nearly 100 years. The Federal Reserve chairman told Congress last week that fragile economy is facing numerous difficulties and worse days are ahead. President George W. Bush conceded that it has been difficult times for many American families. Last week, Sumter City Council endorsed a resolution in support of the penny sales tax. One member of City Council said "you have to reach a point where your future depends on you making sacrifices to do what is needed to be done." It is easy for someone in the upper class income bracket as well as those in the middle class to make sacrifices. However, unfortunately, many of our citizens are in the lower income bracket and each day they make sacrifices just to survive. Before we consider placing an additional tax burden on the citizens of Sumter County, we need to consider the following. The unemployment population in Sumter County is 8%, which is higher than the State average as well as the National average. The unemployment rate for African American population in Sumter County is three times greater than our white population. Per capita income in Sumter County is lower than the State and National average income. In 2002 per capita personal income in Sumter County was \$21,577, the State income was \$25,500; the White population in Sumter County almost twice the income of the African American population. In Sumter County 13.6% of households report incomes less than \$10,000 compared to the State average of \$11,800. The State percent of White households with less than \$10,000 is 7.5% compared to 21% for African American. The medium income for Sumter County in 1999 was \$41,322 for White population and only \$24,235 for African American, both below the State and National average. In Sumter County, 14% of men and 18% of Women live below the poverty level. Also, 26.5% of African American of Sumter County lives below the poverty level compared to only 6.9% of the White population.

Vice Chairman Baten then summarized his thoughts by saying that he represents District #7 which has a majority African American population, which is almost 60%. Based on the aforementioned data, there is a large gap between the economic status of White and African American in Sumter. He stated that he cannot support a new tax at this time that would place an additional hardship on my constituents as well as other low income people in Sumter County. The economy is in shamble with foreseeable change in the near future. The most important thing is that our major priority is to protect Shaw AFB which contributes approximately one billion dollars a year into our economy. We must prevent future encroachments on Shaw AFB by landowners and developers which will put the future of Shaw AFB on unstable grounds. Now that a bill has been passed which allows Sumter County Council to increase millage rates in order to purchase the development rights of landowners, then there is a strong possibility that we will millage next fiscal year which will increase property taxes on the homeowners. The present state of our economy coupled with the strong possibility of an increase in owners taxes next year, validates that the promotion of a penny sales tax at this time would cause more harm than good. Sumter County Council should do whatever is necessary to keep Shaw AFB opened. The closure of Shaw AFB would be devastating to the economy of Sumter County; however, an increase in millage along with the penny sales tax would place a hardship on economically deprived citizens. I do not think that only it would be disrespectful but also down right irresponsible.

Councilman Baker stated that he has not spoken out a lot about this proposed ordinance; however, he wanted everyone to know that he is in favor of the tax. He added that based on the comments by the Vice Chairman, Councilman Baker agreed that we do have problems, but what are we going to do to help the citizens who need help. This is one thing, the Penny Sales Tax; the County can do to help. If the sales tax is not approved, the County will still have to do these projects and it would affect the people who own homes more than those that do not own a home. By having the tax, 25% of the cost would be paid by people who do not live in Sumter. Councilman Baker also stated that he believes that Sumter County Council is working to try to find ways to bring the medium income up.

Councilman Edens stated that he does not have a prepared statement, but he agrees with Councilman Baker that it is time to invest in ourselves. He reminded everyone to look at the surrounding Counties that have gone this route and some who have gone their second time around are seeing the benefits of them moving forward and Sumter County's growth is all but stagnant. This is a way to move Sumter forward. Lastly, he stated that almost all items can be tied to economic development and job creation. Councilman Edens also said that we would be glad to meet with anyone or anyone can call him to further discuss this proposed tax and each of the items.

Councilman Larry Blanding stated that he has not said much about this proposed tax and will not say much about it today. The onus is not on the seven members of Council; the people will speak about this ordinance when they vote. He also said that he will not be an obstructionist to prevent the people from speaking. Whatever the decision that the people make, Sumter County Council will accept it and move forward to do what is in the best interest of the County.

Councilman Robinson stated that he signed off on this ordinance in the beginning and he plans to continue to support this ordinance to the end.

Chairwoman McGhaney stated that she has poured out her passion for this ordinance during the last Council meeting. She thanked Council members for allowing this ordinance to receive first reading approval. Chairwoman McGhaney stated that she hopes that Council will allow for the democratic process to prevail in November when the people speak to this issue.

Councilman Edens also thanked the Commission for working hard to develop the list and refine the question as presented. He then asked Mr. Bryan whether or not the ballot question within the ordinance could be amended between second and third reading.

Mr. Bryan informed Council and the public that he had previously informed the Commission that when they send the list to Council to be included in the ordinance, that would be the conclusion of the work of the Commission. The only changes would be any typographical changes. The Commission did question the change to the wording of the ballot question items as acted upon by Council earlier in the meeting. Mr. Bryan stated that he looked at changing the description of one of the projects in an "exception" but making any other changes would not be in the best interest of the Commission at the work that they have provided. The statute itself does not give definitive guidelines as to whether or not

the ballot question can go back to the Commission after second reading and public hearing on the ordinance.

Vice Chairman Baten stated that he does believe in the democratic process and he would be willing to change his vote to make sure that this item gets to the people to hear their voice. He added that Sumter County needs to start addressing the issues of disparity between African Americans and Whites in Sumter County.

Councilman Baker stated that he believes that the Capital Projects Sales Tax is a means to address some of the concerns from Vice Chairman Baten.

Then the Chairwoman said that she would entertain a motion concerning second reading to this proposed ordinance.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant second reading to the amended ordinance.

#### COMMITTEE REPORTS:

- (1) City-County Liaison Committee Meeting Held On **Monday, July 21, 2008, At 8:30 A.M. In County Council's Conference Room At The County Administration Building** (Committee Members: Edens, Byrd, and McGhaney.)

The Chairman of the Committee, Councilman Edens, stated that the Committee did meet; however, the items discussed were in executive session. Full Council was briefed in executive session today on this meeting during Fiscal, Tax, and Property. No action taken.

- (2) Internal Affairs Committee Meeting Held On **Tuesday, July 22, 2008, At 12:30 P.M. In County Council's Conference Room At The County Administration Building** (Committee Members: Byrd, Blanding, and Robinson.)

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

1. Continued Discussions On Orientation Booklet For Boards and Commissions - **Recommended for approval as presented at this meeting (4<sup>th</sup> draft)**
  - A copy of this booklet will be sent to each director/president of existing boards and commissions and ask that a copy be given to each board/ commission member.
  - New board/commission members will receive a copy of this booklet with their initial appointment letter; if reappointed, a statement will be included in the reappointment letter that the member is to refer to the orientation booklet given at his/her initial appointment.

**ACTION:** MOTION and second were received from the Committee, and unanimously carried by Council to approve the 4<sup>th</sup> Draft of the orientation booklet as provided to each Council member.

2. Continued Discussion On Sumter County Council's Rules Of Conduct/Policies/ Procedures - Continued discussions will take place at next meeting; however the following items were discussed:
  - Add information in Policy which states that Sumter County Council may have first reading by title only.
  - Add information in policy which states that Council may change some of its policies by super majority or by unanimous vote.
  - Add information in policy which states that in order for the budget ordinance to be changed after public hearing and second reading, there must be a unanimous vote by Sumter County Council.
  - Add information in policy which states that Council will not authorize or recognize electronic, proxy, or conference call voting by members of Sumter County Council for matters relating to Sumter County Council's agenda items.

3. Discussions And Possible Appointments To The Following Boards And Commissions:

- ◆ Central Alliance Board - No action needed; Whit Whitaker will continue to serve.
- ◆ Historical Commission - Reappoint Mrs. Shirley Palmer
- ◆ Iris Festival - Reappoint Holly Chase

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

- (3) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, July 22, 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.

- **Duffie Road:** The Committee received a request from residents of Duffie Road asking for the Committee through Sumter County Council to permit the Public Works Department to level gravel (purchased by the residents) on this private road. The work would be done by the Public Works Department only on the premise that this is a safety issue and to alleviate the issue; the work can be done. It was recommended that based on the material being purchased by the Community and the work be completed by the Public Works Department, a motion was offered on this matter.

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

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

- Councilman Blanding reported that he added the National Association of Counties Conference and brought back material for Council and department heads.

**MONTHLY REPORTS:**

- ✓ Resolution #433 From City Of Sumter
- ✓ Memo Fuel Key Audit and Fueling Procedures Letter from Mrs. Patricia G. Jefferson - Question For A County Wide Referendum
- ✓ FY 2008-2009 Recommended Items Funded By Lease Purchases
- ✓ Letter From Mayor Joseph McElveen Concerning Shiloh Water System
- ✓ Rembert Area Community coalition Letter
- ✓ Invitation To Hear Information Concerning Project PATH
- ✓ SCAC - Red Flag Rules Revised
- ✓ SCAC Dinner Invitations
- ✓ South Carolina Department Of Parks, Recreation & Tourism 2009 New Allocations

**ADMINISTRATOR'S REPORT:**

- ✓ **EMS:** The County Administrator reported that the County is receiving an increasing high number of EMS calls. Some of these calls are false requests for the ambulatory services, and some are refusals. The County must find ways to triage the calls before the units are dispatched. However, because of the volume of calls, the department head had to call employees into work who have not had sufficient amount of time to get proper rest. Thereby, two of these employees have had vehicular accidents. Two of the EMS units are out of commission until further notice.
- ✓ **Report From Lobbyist (Laddie Howard, Attorney):** Gave the following Report:
  1. Millage Rate
  2. Work For Next Year: Make sure that Sumter County Council is engaged with the Legislative members in session and out of session. He suggested that all ground work is done prior to the session and it will aid him in working on behalf of Sumter County Council.
  3. **Greenwood Subdivision:** It was suggested that this matter be placed before the legislators for a competitive grant again this year.
  4. **Bond Bill:** Councilman Edens asked Mr. Howard to keep himself attuned to any talk about issuance of a Bond Bill.
  5. **State Ways And Means Committee and Sumter County Legislative Delegation:** It would be best to meet with them sometime in

**PUBLIC COMMENT:**

The Chairwoman asked if anyone would like to speak to Council during public comments. The following persons spoke.

- ✓ Mrs. Juanita Britton, member and founder of the Rembert Area Community Coalition (RACC). She thanked Council for giving her the opportunity to speak. She spoke on the merger between the Rembert Area Community Coalition and the Greater Township. She said that she meet with the County staff on several occasions. The first meetings involved what needed to be done by RACC to move into the Greater Township building. After meetings progressed, the RACC representatives were told that something would be reviewed as the year progressed. On the last meeting between RACC and the County Representatives, RACC was informed that they would not have anything to do with the program of at the center, only in an advisory capacity; the programming would be handled

by the County's staff. She added that she requested to meet with Fiscal, Tax, and Property and was denied that opportunity. Mrs. Britton said that she thought RACC would still have some control, but that is not the case. They were told that the food could not be at the Center, but they would take the kids would participate at the center. However, since that time RACC realized that they would have not control over the programming. Therefore, if the County does not fund RACC, they will do whatever necessary to maintain control of their program will not participate in the County's programs. She ended her statements by staying woe unto you. She also said that if this is not what the County intended, then Council has its opportunity to change the funding and programming mechanism. She thanked Council for their help in the past.

- ✓ Mrs. Lottie Spencer stated that she does not live in Rembert but she was reared in Rembert and many of her family members still live in Rembert. She spoke in support of RACC. Mrs. Spencer also said that Rembert is like a Village, raising the children in the community.
- ✓ Desiree Rogers spoke in support of the Catchall/Highway 401 community. She asked Council to provide funding/assistance in building a community center for the Greater Catchall community. She added that the children in this community are being required to go to the Greater Township Community Center, however, most of the children to not have the financial means to be transported to the Greater Township. She asked Council for funding for a Community Center in this area.

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 6:48 p.m. after a motion, a second, and unanimously carried by Council.

Respectfully submitted,

*Vivian Fleming McGhaney*  
Chairman or Vice Chairman  
Sumter County Council

*Mary W. Blanding*  
Clerk to County Council  
Sumter County Council

Approved: August 12, 2008

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: July 17, 2008

Media Notified: Yes

Minutes-Regular Meeting of Sumter County Council

July 22, 2008

Page 21

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: July 17, 2008

Respectfully submitted,

*Mary W. Blanding*  
Mary W. Blanding