



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**September 23, 2008 - Held at 6:00 p.m.**  
**County Administration Building County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

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**COUNCIL MEMBERS PRESENT:**

1. Chairman McGhaney, Council District #5
2. Vice Chairman Eugene Baten, Council District #7
3. Councilman Artie Baker, Council District #2
4. Councilman Larry Blanding, Council District #6
5. Councilman Jimmy Byrd, Council District #3
6. Councilman Charles T. Edens, Council District #4
7. Councilman Roland Robinson, Council District #1

**COUNCIL MEMBERS ABSENT: None**

**STAFF MEMBERS PRESENT:**

William T. Noonan , County Administrator  
Johnathan Bryan, County Attorney  
Gary Mixon, Deputy County Administrator  
Keysa Rogers, Budget Analyst  
George McGregor, Planning Director

Mary W. Blanding, Clerk To County Council  
The Honorable Carolina B. Richardson, Treasurer  
Pam Craven, Finance Director  
Rose Ford, Recreation Director

**MEDIA PRESENT:**

The Item Newspaper

**THE PUBLIC PRESENT:**

Approximately 19 members of the public were in attendance

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**NOTE:** Prior to calling the meeting to order, Chairwoman McGhaney asked the Clerk, Mary W. Blanding, to introduce the special guests in the audience. Mrs. Blanding introduced Mrs. Alexandria Baten, Instructor at Central Carolina Technical College, with her students from the Police Community Relations class. The students and Ms. Baten wanted to observe the actions of Sumter County Council.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of September 23, 2008, to order.

**INVOCATION:** Chairwoman Vivian Fleming McGhaney gave the invocation.

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

**APPROVAL OF AGENDA:** Chairwoman McGhaney stated that she would entertain a motion to approve the September 23, 2008, agenda with any additions, deletions, or as printed.

**ACTION:** MOTION was made by Councilman Edens, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the September 23, 2008, agenda as recommended by the Clerk.

**ACTION ON MINUTES OF SEPTEMBER 9, 2008:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of September 9, 2008.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of September 9, 2008, as prepared by the Clerk.

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

- (1) **RZ-08-13 - Second Reading/Public Hearing -- Peach Orchard Road/Black River Land Services - A Request To Rezone From Agricultural Conservation/Timber Tract (AC) To Residential - 15 (R-15) +/-69.68 Acres Located Between Shakemia Road And Cold Stream Road And Represented By Tax Map #135-00-01-046. (Prior to action on second reading, Council will hold a public hearing.)**

Mr. George McGregor stated that the rezoning request would allow for 69.68 acres to be rezoned from Agricultural Conservation to Residential-15 with a minimum of 15,000 square-foot lots. The property is located on Peach Orchard Road and is directly across from Long Branch Drive; it is presently undeveloped. Mr. McGregor further stated that if this development has less than 50 homes, a traffic study will not be required. The Planning Department will still look at traffic impact regardless of the requirements. Public water is available to the site. The Planning Commission and the Planning staff recommended approval.

**PUBLIC HEARING:**

The Chairwoman convened a public hearing and asked if anyone wished to speak in favor of or opposition to this proposed rezoning request. No one spoke to this issue; therefore, the Chairwoman closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant second reading approval.

- (2) **OA-08-04 - Second Reading/Public Hearing - 08-669 -- Planning Staff / Flood Plain Management (County) -- Request To Revise Sections 310.4 And 420.2 Regarding Areas With No Base Flood Elevations, Section 430, Standards For Subdivisions And Section 440, Standards For Areas Of Shallow Flooding, Of The County's Flood Damage Prevention Ordinance In Order To Meet The Requirements Of The FEMA Flood Plain Model Ordinance. (Prior to action on second reading, Council will hold a public hearing.)**

Mr. McGregor stated that each year the Planning Department's Flood Ordinance/Program is reviewed by the South Carolina State Department of Natural Resources (DNR) and they evaluate how the Planning Department administers the Flood Ordinance/Program. The Planning Commission and the Planning staff reviewed the recommendations from DNR and the staff recommended approval as outlined by DNR.

The DNR's recommendations are as follows:

**Section 310.4.**

If no base flood elevation data is provided as set forth in Article I, Section 130 or the duties and responsibilities of the local administrators of Article III, Section 320, then the provisions in the standards for streams without estimated base flood elevations and/or floodways of Article IV, Section 420 must be met.

**Section 420.2**

If 420.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or flood proofed in accordance with elevations established in accordance with 320.10.

Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

When base flood elevation data is not available from a Federal, State, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining base flood elevation listed below refer to FEMA manual Managing Floodplain Development in Approximate Zone A Areas.

- a) Contour Interpolation
  1. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
  2. Add one-half of the contour interval of the topographic map that is used to the BFE.
- b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches.
- c) Hydrologic and Hydraulic Calculations - Perform hydrologic and hydraulic calculations to determine base flood elevation using FEMA approved methods and software. These methods include, but are not limited to the following:
  1. HEC-RAS 3.1.1 and up
  2. HEC-1 4.0.1 and up
  3. HEC-2 4.6.2
  4. HEC-HMS 1.1 and up
  5. FLO-2D
  6. QUICK-2
  7. SFD
  8. WSPRO

**3. Addition: Section 430 Standards for Subdivision Proposals**

**430.4** All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

**4. Addition: Section 440 Standards for Areas of Shallow Flooding (AO Zones)**

**440.23** Structures constructed on slopes are required to have drainage paths around the structure to guide water away from the structure.

Councilman Edens voiced his concern about “building up” an area when it is a savannah. He stated that when a savannah is built up, where does the water go? It will go on someone else’s property which will cause problems to other property owners. After discussion on this matter, the Chairwoman convened a public hearing.

**PUBLIC HEARING:**

The Chairwoman convened a public hearing and asked if anyone wished to speak in favor of or opposition to this proposed rezoning request. No one spoke to this issue; therefore, the Chairwoman closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Edens, and carried by Council to grant second reading approval. Councilman Byrd voted in opposition.

**NOTE:** Councilman Edens asked if Council would vote against the recommendation what would happen. Mr. McGregor stated that FEMA cannot require the County to adopt the changes; however, with DNR being the Administrator of approving the County’s Flood Insurance Administration/Management Program, it could jeopardize DNR approving the County’s program. This would then jeopardize flood insurance rates and other matters relating to Flood Administration and Management.

**Street Name Change - None**

**Grant Awards - None**

**OTHER PUBLIC HEARINGS: None**

**NEW BUSINESS**

- (1) A Proclamation Proclaiming October 6-10, 2008, As Mental Health Awareness Week In Sumter County, South Carolina.

The Clerk to Council presented this proposed proclamation to Council members and asked that one of the members read the proclamation at the upcoming activities scheduled for October 4, 2008, a day before Mental Health Awareness Week. The Chairwoman stated that she would read the proclamation at these events. After all discussions, Council took action on its adoption.

*Whereas, severe mental illnesses such as schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder,*

*and post-traumatic stress disorders affect one in every five families annually in Sumter County; and*

*Whereas, severe mental illnesses are more common than cancer, diabetes, and heart disease and are the number one reason for hospital admissions nationwide; and*

*Whereas, severe mental illnesses have been scientifically proven to be highly treatable illnesses of the brain; and*

*Whereas, specific research is producing tremendous breakthroughs in the understanding of mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives; and*

*Whereas, misunderstandings exist about many mental illnesses and our social culture often wrongly imposes stigma on them; and*

*Whereas, it is the responsibility of every citizen to understand mental illness and to work together to establish and maintain services for persons who have mental illness and to fight the stigma associated with being mentally ill.*

*Now Therefore Be It Resolved, Sumter County does hereby proclaim October 5 through October 10, 2008, as **Mental Illness Awareness Week in Sumter County, South Carolina** to increase public awareness of mental illness.*

*DONE AND APPROVED, this 23<sup>rd</sup> day of September 2008.*

**ACTION:** MOTION was made by Councilman Blanding, seconded by Councilman Byrd, and unanimously carried by Council to adopt the proclamation and directed the Chairwoman and the Clerk to execute and deliver the proclamation on behalf of the County.

- (2) 08-670 -- **First Reading** -- An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Clarendon County, Such Industrial And Business Park To Be Geographically Located In Sumter And Clarendon Counties And Established Pursuant To Section 4-1-170 Of The South Carolina Code Of Laws 1976, As Amended; To Provide For A Written Agreement With Clarendon County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxes To The Counties And Relevant Taxing Entities; And To Permit A User Fee In Lieu Of Ad Valorem Taxation.

Mr. Johnathan Bryan, the County Attorney presented this proposed ordinance before Council for first reading approval. He stated that in times past, the original Multi-County Park would be amended and add an industry to the park and then amend the agreement. However, after discussing this matter with other County Attorneys and Attorneys who work with Multi-County Park agreements on a daily basis, it has been suggested that as the County goes forward, to handle this matter differently. Therefore, a separate Multi-County Park Agreement will be developed for every industry that is placed in a particular park, and if the industry has a Fee In Lieu of Tax Agreement, this will make it easier to monitor

and handle the agreement, especially at the end of the agreement which is 20 years into the future. After all comments, Council took action on this ordinance.

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

(3) Presentation By Sumter Conservation And Soil District - Louis Jackson - Charles Broadwell, and Angel Sams.

Charles Broadwell, the Vice Chairman of the Sumter Soil and Water Conservation District, thanked Council for supporting the district over the years. He stated that Soil and Water Conservation District has just completed a long range program; the Pocatigo Swamp program was over 40 years in the making. The Conservation District now has decided to invest its energy into land easements throughout Sumter County.

Mr. Broadwell stated that urban sprawl has continued to infiltrate the state and the nation which fragments the landscape. He also said that urban sprawl can cause damage to the ecological advantage of animals and plants and it also brings threats to the land. Urban sprawl will also affect stormwater flow.

Developing and implementing an urban sprawl plan will allow for water resource protection and retention, pollution filter system, and stormwater protection. There are certain Land Trust agencies which include Sumter County in their area; however, the Sumter Soil and Water Conservation District has elected to place its resources in only Sumter County which would allow for the largest impact both environmentally and economically.

Mr. Broadwell stated that it is the District's hope that the land easement program will encourage landowners to partner with the District and thereby protect the property for the future. Plus, the Sumter Soil and Water Conservation District hopes that developers will partner with the District to preserve a significant portion of their development to a common green space and to have a sustainable design concept for the development.

Then, Angel Sams, a Soil Conservationist with the USDA Natural Resources Conservation Service, presented a slide presentation concerning urban sprawl from Stormwater Records dating back to 1999. She said that the easements that USDA have are permanent easements and approximately \$6,400,000 has been spent on these easements. The District holds about 4,400 acres of permanent easements with the average cost per acre being \$1,455 per acre.

**ACTION:** Received as information. Chairwoman McGhaney asked that Mr. McGregor, the Planning Director to get this presentation so that if this matter comes up during zoning issues, that Mr. McGregor will be well versed on this matter.

(4) Discussion And Possible Action Concerning Revision In The County's Sign Ordinance.

Councilman Jimmy Byrd stated that he presented this request to the Planning staff which was forwarded to the Planning Commission approximately one year ago. Since that time,

no action was received from the Planning Commission by Councilman Byrd; therefore, he has spoken to Council members about moving this matter forward based on the need for improvements in the County's sign ordinance. After his presentation, Councilman Byrd stated that he would make a motion to take action on first reading of this proposed ordinance.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Baten, and unanimously carried by Council to grant **first reading** as presented. (Note: An ordinance was not yet assigned to this ordinance amendment, but was later assigned as OA-08-02 - Jimmy Byrd - 08-671).

Prior to calling for the vote, Council members as well as the Planning Director discussed this matter in detail. Councilman Byrd noted that the Zoning Ordinance states that a matter must be handled within 30 days; however, this request has lingered past 120 days. Then Councilman Baker asked for the Planning Director to give input concerning this matter. Mr. McGregor stated that the Sumter City-County Planning Commission at its meeting on Wednesday, July 23, 2008, voted to defer action on the above referenced request to allow the Planning Commission Ordinance Subcommittee and a citizen's advisory group, selected by the Planning Commission, to discuss and research ways to improve both the City and County sign ordinances.

On September 11, 2008, the Zoning Ordinance sub-committee of the Planning Commission met along with numerous citizens representing small business owners, automobile dealerships, realtors, and the Chamber of Commerce. Thoughts and ideas were shared regarding a host of signs topics including fluttering devices, banners, and manufacturer mandated sales events.

On September 24, 2008, after hearing a report from the Planning Director, the Planning staff was directed to prepare draft changes to the sign ordinance for consideration at the October 22, 2008, Planning Commission meeting.

Councilman Byrd stated this matter is still being reviewed by the Planning Commission, but he feels that something needs to be done in the meantime while the Planning Commission can continue reviewing the matter. Once the Planning Commission is completed with its study and ready to make a recommendation, Council can address the recommendation from the Planning Commission at that time. After discussion, Council took action on first reading as listed **above**.

**PROPOSED TEXT CHANGE:**

**8.i.7. Prohibited Signs:**

- a. **Any sign displaying intermittent or flashing illumination or lights of changing degrees of intensity. However, reader boards may communicate an electronic message provided that the message not change more than every two (2) seconds.**
- b. **Any sign or advertising device painted on a fence, power or telephone pole, tree, stone or any natural object;**
- c. **Signs placed or painted on a motor vehicle, trailer, or other object and parked with the primary purpose of providing a sign not otherwise allowed by this Ordinance;**

- ~~d. Inflatable signs and tethered balloons;~~
- ~~e. Pennants and fluttering devices;~~
- f. **Portable signs other than the sandwich board signs which are permitted as a temporary sign in 8.i.6.a. of this Ordinance.**

A=Allowed without a Sign Permit

P=Allowed with a Sign Permit

N=Not Allowed

1. Provisions for a free six (6) sq. ft. maximum sign on all zoning parcels. This is separate from all other sign provisions and no permit is required.
2. On premise advertising only except as allowed in 8.i.4.b.
3. Only address and name of occupant allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises. Home occupation signs are limited to two (2) square feet.
4. ~~Banners, others than CBD, are only permitted for 30 days for a grand (initial) opening of a business.~~

Directional signs are allowed without a permit if they do not exceed 2 sq. ft. (Commercial message or logo may be included)

- (5) 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.

- Discussion And Possible Action On A Contractual And A Personnel Matter. (This Matter Will Be Handled As The Last Business For Sumter County Council, After Public Comment.)

See information listed below, prior to adjournment.

OLD BUSINESS -- None

#### COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held On **Tuesday, September 23, 2008, At 5:00 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 Chairwoman of the Committee, Chairwoman McGhaney gave the following report and recommendation.

- **Tax District #50:** The Committee discussed issues relating to the existing Tax District #4. After discussions, the Committee recommended that the County Administrator, along with the County Auditor, write a letter to School District #2 concerning dissolving Tax District #50.

**ACTION:** MOTION and second were receive from the Committee, and unanimously carried by Council to approve the recommendation and directed the County Administrator and the County auditor to write a letter to School District #2 concerning dissolving Tax District #50.

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

The Clerk to Council reported that Councilman Larry Blanding has been appointed to the Economic And Community Development Subcommittee for the National Association Of Counties.

**MONTHLY REPORTS:**

- American Red Cross
- South Carolina Hurricane Gaston Emergency Watershed protection Agreement
- Sumter Airport Commission
- Public Works
- South Carolina Association – Invocation Act

**ADMINISTRATOR'S REPORT:**

- October 1, 2008, was the date that the 2008 taxes notices were mailed.
- The South Carolina Association Of County has completed one round of developing its Legislative agenda. One additional process must be completed in November, 2008
- Sumter County Council and the Sumter County Legislative Delegation will meet on October 2, 2008, for dinner.
- Department Heads met on September 16, 2008, to develop ways in which to reduce expenses based on the reduction of revenue by the State. Council will receive a formal recommendation of proposed reduction at a time in the near future.
- The Sumter Shaw Community Council met on September 22, 2008; Bill Noonan and Gary Mixon attended the function.
- Leadership Sumter will kick off its first meeting on September 24, 2008.
- The Vision Director has informed the County Administrator that they have received approval for their 5013C status.

**PUBLIC COMMENT:**

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

- **Kay Harmon**, Executive Director of NAMI Sumter (National Association Of Mental Illness), stated that this organization would need one of the Council members to attend the events for the Mental Illness awareness week. She asked Council to be aware that the dates on the agenda are August 6-10; but actually the dates should be October 5-11, 2008. On October 4, 2008, NAMI Sumter will celebrate its 12<sup>th</sup> annual Mental Illness Awareness Week Candlelight Vigil. The reading of the proclamation will take place that that time.
- **Dr. Tom Powers**: Chairman of the Sumter County Historical Commission, stated that it is with sadness that he report to Sumter County Council members the untimely passing of Rev. Dr. Shirley McFadden Palmer. He stated that an article in *The Item Newspaper* described her as a community champion. She was that in almost every thing that she did, but she was in particular a champion of her communities' history. She always insisted that proper attention to that history required inclusion of all the communities' people. Characteristically, she backed up that principle with action. She was heavily involved in preserving Sumter's historical and cultural heritage, most notably, as the initiator of the Sumter County African American Cultural Society and its project to build a museum of local

African American History in South Sumter. She had also just been appointed by this Council to a second term on the County's Historical Commission, and she had already established herself as a valuable and active member of that group. The Commission will be approaching Council with a request that a successor be appointed, but we are all too aware that no one will be able to replace her. The entire community has suffered a terrible loss, one which all of us will need to work together to overcome.

Dr. Powers thanked Council members for their time in allowing him to provide them with this information. Chairwoman McGhaney then thanked Dr. Powers for being kind enough to provide those words to Council about Dr. Palmer.

- Alexandria Baten thanked Council for so graciously welcoming the students from Central Carolina Technical College Police Community Relations class.
- (5) 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.

Chairwoman McGhaney stated that she would entertain a motion to enter executive session to discuss a contractual matter.

ACTION: MOTION was made by Councilman Charles T. Edens, seconded by Vice Chairman Baten, and unanimously carried by Council to enter executive session to discuss a contractual matter. After executive session, Council entered open session.

- Discussion And Possible Action On A Contractual And A Personnel Matter. (This Matter Will Be Handled As The Last Business For Sumter County Council, After Public Comment.)

Report: Chairwoman McGhaney stated that while in executive session, Council members discussed the contractual matter. No action is required at this time.

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 6:59 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: October, 14, 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: September 18, 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: September 18, 2008

Respectfully submitted,

*Mary W. Blanding*

Mary W. Blanding