

Minutes
Special Meeting
Sumter County Council
Thursday, June 5, 2008 - 5:00 p.m.
Sumter County Council Chamber
13 E. Canal Street, Sumter County Administration Building, Sumter, SC

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

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Mrs. Mary W. Blanding, Clerk to County Council; Mr. William T. Noonan, County Administrator; Mr. George McGregor, Planning Director; Mrs. Lorraine Dennis, Deputy County Administrator, Mr. Gary Mixon, Deputy County Administrator; Mrs. Pamela Craven, Finance Director; The Honorable Lauretha McCants, Sumter County Auditor, Mrs. Keysa Rogers, Budget Analyst.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 23 members of the public were in attendance.

Call To Order: The meeting was called to order by Chairwoman Vivian Fleming McGhaney.

Invocation: Chairman Vivian Fleming McGhaney gave the invocation.

Pledge Of Allegiance: All in attendance repeated the Pledge Of Allegiance

Approval Of Agenda: **MOTION** was made by Vice Chairman Baten, seconded by Councilman Byrd, and unanimously carried by Council to approve the agenda as presented.

ITEMS TO BE PRESENTED:

LAND USE MATTERS AND REZONING REQUESTS

Planned Development/Rezoning Request -

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

Mr. George McGregor, Planning Director, gave the following update to Council concerning the Planned Development request and conditions as cited by the Planning Department with direction from Council:

- ✓ A revised traffic impact study (TIS) addressing all SCDOT's comments must be submitted for staff review before any building permits are granted for Phase #1 (a maximum of 64 units on 6.7 acres of property). Part of the acreage is to cover the storm water management area that is required of this development.
- ✓ All SCDOT and staff recommendations shall be implemented.
- ✓ Access to Sterling Street has been removed; as part of Phase #1; no public access nor fire access.
- ✓ Fire Access is now proposed for Ruth Street; this is a private dirt road on the north part of this proposed development. The Fire Chief has approved this street as Conditional

Fire Access under one of the following two circumstances. It is okay for fire access as long as either the County maintains that private road or the surface be improved to an all weather surface and maintained by the applicant or developer.

- ✓ Acceleration and deceleration lanes will not be installed until after the traffic study and improvements would be made prior to first occupancy; and
- ✓ Consideration for additional landscaping and buffering/fencing along the perimeter of the site. The applicant has agreed to plant Cypress in the current 20 foot natural buffer (six Leland Cypresses per every one hundred feet of frontage.)
- ✓ Stormwater area does not have landscaping on the current map; however, the Planning staff would need to see the landscaping plan for the stormwater area prior to the first building permit being issued.
- ✓ The storm pond release has been changed to release to a ditch; since the storm pond release goes across private property, the applicant has to notify the property owner about the proposed release of stormwater from the pond.
- ✓ The balance of the property, from the original 37.93 (minus the 6.7 acres) will remain General Residential.
- ✓ Currently, the property is not being considered for annexation; nor has the City made any formal commitment to annex the property into the City.
- ✓ The City has committed to provide water and sewer to the site.

Mr. McGregor also informed Council that since now that the project is reduced to a maximum of 64 units and not the original 232 units, there is now a question as to whether or not this road needs to be a public street or a private street. Prior to action on third reading, Council needs to put in an option for the road into the development to be a private street. This street would need to be added to the Planned Development Ordinance.

Councilman Baker voiced his concern about the maintenance of Ruth Street by the County. Also he voiced concerns about the neighbors who have paid taxes over 30 years and now may be asked to relinquish their quiet neighborhoods.

Councilman Edens asked if there was any property contiguous to this property; however, Mr. McGregor informed Council that there is no immediate parcel in the City and he has not received any formal request for annexation of this property in the Planning Department.

Vice Chairman Baten commended the applicant in trying to meet the needs of the neighborhood. He visited the area to see if this particular project would jeopardize the property in the area. He said that there are very nice homes on Sterling Street and the quality of houses on Laverne Street will not be jeopardized by this project.

Mr. Mack Kolb thanked Council members for having this special called meeting; he added that the County currently blades Ruth Street as necessary and that if there is a fire on Ruth Street today, the Fire Department would handle the fire just as the road is currently situated.

Mr. Kolb also added that the minimum rent is approximately \$397 per month; the project is a \$6.5 million dollar project for Sumter County. He also clarified the point of Phase II

and Phase III. Mr. Kolb added that the Developer and the applicant only asked for Phase I in its original request. The Planning Department asked for a conceptual map for Phase II and Phase III. Mr. Kolb added that if Council never approves Phase II and Phase III, the Developer and the applicant is fine with that proposition. Mr. Kolb also reminded Council that the property is currently zoned to allow mobile homes; but there is no immediate plan for developing the other 30+ acres.

Councilman Edens added that he would much rather see single family dwellings in the remaining part of the acreage if Phase II and Phase III every come into fruition. He also voiced his desire for the remaining property to be rezoned to R-15 or R-9.

Mr. Tom Blanton from the Paces Foundation in Atlanta, Georgia stated that his organization is the developer for only the six acres. He added that the market study, which is a prerequisite for the submission of the application as a request for the State Of South Carolina indicates that a more comfortable level of apartment units is up to 64 units. He then showed a PowerPoint presentation and answered questions from Council.

The County Administrator stated that he needed clarification about Ruth Street. He said currently the County only maintains that street on an as needed basis; having a requirement from the Fire Chief to maintain this road needs to be clarified.

Mr. Eddie Newman, the Public Works Director, stated that the public has had access to Ruth Street for more than 30 years; he also added that it is more a lane than a street and is probably only 12-feet wide. This lane is not in the County's Road System. Mr. Newman also said it would be his recommendation for the developer to put the hard surface on the road and not place that burden on the County.

Mr. Mack Kolb said that the Fire Chief has stated to him that if the County Public Works Director sends a letter to his office stating that the County would continue blading the road just as the County has done in the past would satisfy his office without any other requirements made to Ruth Street.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Edens, and carried by Council to grant third reading to this proposed Planned Development with the conditions as in the discussions and listed below. Councilmen Baker and Blanding voted in opposition.

- ✓ The main street for this development *will be a private street.*
- ✓ The *right-of-way as shown on the plan* will remain as is.
- ✓ The right turn lane constructed and accepted prior to *first occupancy permit.*
- ✓ Sumter County *will do no more to Ruth Street than it has done in the past* and if in the future more is required of Ruth Street due to this development; then it would be the responsibility of the developer. Ruth Street will not be accepted into the County's Road System.
- ✓ And all other requirements which are listed in the planned development ordinance.

2. Sumter County 2008-2009 Budget Deliberations.

Mr. Noonan, Mrs. Craven, and Mrs. Rogers presented the budget information to Council; after lengthy discussions, the following matters were acted upon.

- ◆ Budget Revisions As of May 27, 2008 - \$128,328 reduction.
- ◆ Lease Payment Analysis
- ◆ Recommended Items Funded By Lease Purchases
- ◆ General Obligation Bonds - Legal Debt Limit Without Referendum
- ◆ Sumter County Debt Schedule
- ◆ Information on Both School Districts which would include the following Information concerning the Schools:
 - ◆ Discretionary Funding Recommendation
 - ◆ School District #17 EIA Required Effort For FY 2008-2009
 - ◆ School District #2 EIA Required Effort For FY 2009-2009

Then Council had a lengthy discussion concerning the Rembert Community Center. Chairwoman McGhaney stated that she does not believe that the County has the authority to "combine" the two community groups. She also stated that she would not like to see the name change of the Center.

The funding will be \$22,500 for use at the community center in Rembert which will be operated by the Recreation Department. It is Council's stance that the community center will be named the Rembert Community Center which will be used by the Greater Township Community Group, the Rembert Area Community Coalition, and all other persons in the Rembert Community. Council and staff also agreed that there would be an Advisory Board made up of Community members from each of the existing community groups and other community members.

Council will not be funding either group's programs; the funding is for the County's Rembert Community Center to offer programs at the Center for all persons in the Rembert Community.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and carried by Council to fund the Rembert Community Center with \$22,500 which will be operated by the Recreation Department, have an advisory board made up of community members, the center will be made available to Greater Township and Rembert Area Community Coalition, and all funds will be for funding programs offered at the Center and not for any particular community group. Councilman Robinson and Chairwoman McGhaney voted nay.

NOTE: Prior to action being taken on the above motion, a motion to adjourn by Councilman Blanding and seconded by Councilman Byrd was offered but did not carry. Council members Baker, Baten, Robinson Edens, and McGhaney voted in opposition to the motion. Then the former motion's action was carried as listed above.

NOTE: The full-time Recreation staff member's expenses are not a part of the \$22,500, the \$22,500 is operating costs for the County's Rembert Community Center.

3. **Additional Item:** No additional item was added to the agenda.
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.

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

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker and unanimously carried by Council to enter executive session to discuss a contractual matter with the City of Sumter. At the conclusion of executive session, Council re-entered open session.

The Chairwoman reported that no action needed to be taken on the executive session item; therefore, the meeting was adjourned.

ADJOURNMENT:

After all business, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Mary W. Blanding, Clerk
Sumter County Council

cc: Sumter County Council
Mr. William T. Noonan
Mrs. Mary W. Blanding
Mr. Johnathan Bryan
Mr. George McGregor
Mrs. Lorraine Dennis
Mr. Gary Mixon
The Item - Jamie Hudson