



Minutes
Sumter County Council
Regular Meeting
March 10, 2009 - 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 Vivian Fleming McGhaney, Council District #5
2. Vice Chairman Eugene Baten, Council District #7
3. Councilman Artie Baker, Council District #2
4. Councilman Jimmy Byrd, Council District #3
5. Councilman Charles T. Edens, Council District #4
6. Councilwoman Naomi D. Sanders

COUNCIL MEMBERS ABSENT:

Councilman Larry Blanding, Council District #6 – Attended NACO Conference

STAFF MEMBERS PRESENT:

William T. Noonan, County Administrator
Johnathan Bryan, County Attorney
George McGregor, Planning director
Lorraine Dennis, Deputy Administrator/HR
Keysa Rogers, Budget Analyst

Mary W. Blanding, Clerk To County Council
Rose Ford, Recreation Director
Gary Mixon, Deputy Administrator
Pam Craven, Finance Director

MEDIA PRESENT:

The Item Newspaper

THE PUBLIC PRESENT:

Approximately ten members of the public were in attendance.

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CALL TO ORDER: Chairwoman Vivian Fleming McGhaney called Sumter County Council's meeting of March 10, 2009, to order.

INVOCATION: The 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 March 10, 2009, agenda with any additions, deletions, or as printed.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the March 10, 2009, agenda as prepared by the Clerk.

ACTION ON REGULAR MEETING MINUTES OF FEBRUARY 24, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of County Council held on February 24, 2009.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the February 24, 2009, minutes as prepared by the Clerk.

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

Mr. McGregor, the Planning Director, stated that he brought with him Mr. Henry Bailey, a Planner for the Planning Commission, and it is the Planning Commission staff's goal to development the staff more professionally. Therefore, Mr. Bailey will present one item to Council tonight.

- (1) **OA-08-08 - First Reading -- Planning Staff (County) - (09-680) -- A Request To Amend Sections 8.D.9 And 8.E.5 (Sidewalks & Curbing) Of The County Zoning And Development Standards Ordinance To Require Compliance With ADA (Americans With Disabilities Act) Standards In Accordance With ANSI 117.1.**

Public sidewalks in Sumter County are not always owned by the County. In many cases, residential and commercial sidewalks designed to provide public access are owned by private interests, be there homeowners associations, private property owners, or development interests. When sidewalks are not owned by the County (or State in the case of SCDOT) the requirements of the American's With Disabilities Act may not apply. But, functionally what is the difference between a County-owned sidewalk and a sidewalk owned by an HOA? Planning Staff concludes that there is no difference; the sidewalk is intended to provide "public" connectivity for all citizens.

Why is this important? Two primary reasons: 1) A sustainable community strives to provide pedestrian access to all of its citizens, both handicapped and able bodied. This amendment ensures higher quality and improved access and; 2) The amendment will save the County a significant amount of money if a future Council decides to accept sidewalks years from now. If not ADA accessible, a future Council would have to retrofit the sidewalks to meet national standards. This amendment guarantees that there will be a true consistency for all sidewalks in our community.

Therefore, this amendment reconciles and clarifies that any sidewalk or accessible route constructed in the County of Sumter as part of residential subdivision or commercial project development is required to be handicapped accessible, pursuant to the ADA. The focus here is on sidewalks adjacent to streets, as part of the public pedestrian network.

What the amendment does do is remove barriers by insisting on minimum standards. For instance, a 2% cross slope is now required. Curbing at street intersections as a part of ramps must be fully depressed (This clarifies that roll up curb at the ramp is not acceptable; though it never has been. This problem has been under enforced for many years. Staff is contacting developers and builders in each subdivision to resolve past problems).

The purpose of the ADA Standards for Accessible Design and its complementary ANSI 117.1 (American National Standards) regulations is to make sites, facilities, and buildings accessible and usable by people with physical disabilities. Accessible routes according to

Chapter 4 of the ANSI 117.1 regulations shall consist of the following: walking surfaces, ramps and curb ramps. Please note that this amendment to the zoning ordinance in no way is intended to apply to individual residential structures or commercial facilities. Those will continue to be guided by the Building Code and its own ADA accessibility standards.

Our Current County Zoning Ordinance does not address compliance with these regulations in various sections and needs clarification. This has prompted the Planning Staff along with comments, questions and concerns from residents in our newer subdivisions to take another look at our Ordinance. Staff recommends the following changes in order to bring our local ordinance into compliance with National and State Requirements.

Article 8.e.5 of our Zoning Ordinance addresses sidewalk requirements as far as width and placement. Article 8.d.9 addresses pedestrian areas as far as material types, but both sections do not mention accessibility requirements.

Proposed Ordinance Change:

In Article 8.d.9, add a subsection **c. to read "All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1."**

8.d.9. Paving Material in Pedestrian Areas:

- a. Design and choice of paving materials used in pedestrian areas shall consider such factors as function, characteristics of users, availability, maintenance, glare, drainage, noise, appearance, and compatibility.
- b. Acceptable materials shall include concrete, brick, concrete pavers, asphalt, and stone.
- c. **All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1.**

In Article 8.e.5, add a subsection **d. to read " All sidewalks must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1"**

8.e.5. Sidewalks:

- a. Sidewalks and/or graded areas shall be required depending on road classification and intensity of development in accordance with the requirements set forth in Exhibit 17.
- b. Sidewalks shall measure four and one-half (4 ½ ft.) feet in width; wider widths may be necessary near traffic generators.
- c. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street as shown in Exhibit 18. In Planned Developments they may vary.
- d. **All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1, the County of Sumter Design Standards for Sidewalks, and SCDOT standards as applicable.**

Mr. McGregor informed Council that the Planning staff recommended approval of both changes as listed above. Also, the Sumter City-County Planning Commission at its meeting on Wednesday, December 17, 2008, voted to defer the request until its January 21, 2009, meeting. The Planning Commission asked Planning Staff to meet with community developers to get their input.

The Sumter City - County Planning Commission at its meeting on Wednesday, January 28, 2009 voted to forward this request to both City and County Councils with the contingency that Planning Staff continue to work with Planning Commission members Jay Davis and W. Burke Watson, Jr. and developers Louis Tisdale and Carl Croft to revise language of proposed changes for better clarification. After all comments, Council took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to grant first reading as proposed.

- (2) OA-09-01 -- First Reading -- Planning Staff (County) - (09-681) -- A Request To Amend Article 4, Section G; Article 3, Sections B, C, And D; And Article 10, Section B Of The County Zoning And Development Standards Ordinance Pertaining To The Size, Height, Location, Number, And Setbacks For Accessory Structures.

Mr. Henry Bailey, City County Planner, stated that under the current City and County Zoning Ordinances, accessory uses such as bathhouses, cabanas, non-commercial greenhouses, private garages and carports, storage buildings, tool sheds and workshops are permitted in association with residential uses. These uses are generally accommodated by an accessory building developed in accordance with *Article 4, Section G: Accessory Buildings and Uses*. The development regulations for residential accessory structures found in Article 4 limit accessory structure development to a maximum of 1,000 sq. ft. of gross floor area (GFA) with a maximum height of 17 ft. and 5 ft. setbacks from the side and rear property lines. Over the last several years, there have been more and more requests at the Staff level to construct accessory garages and storage buildings at a size larger than 1000 sq. ft., and at heights greater than 17 ft., especially in the more rural parts of the community and on larger parcels, over 0.5 acre in size, within the City. In the last 12 months, the Sumter City-County Board of Zoning Appeals has heard three cases for accessory structure size variances. In each case the variance has been granted.

He further stated that on December 10, 2008, the Board of Appeals requested that Planning Staff research accessory structure regulations in other communities, and prepare a zoning ordinance text amendment that would address the development standards for residential accessory structures in the Agricultural Conservation (AC) zoning district. Through the research process, Planning Staff not only looked at the limitations within the AC district but in all residential areas. It was determined that there were several weaknesses within the current accessory structure regulations leaving ample room for conflicting interpretations, and that a sliding scale based on property size may be more appropriate for determining maximum square footage for accessory structures. This text amendment is an attempt to clarify the regulations for residential accessory structures while clearly spelling out development criteria for commercial and agricultural accessory structures as well.

Also, Mr. Bailey said that the amendments presented will affect Article 4, Section G; Article 3 Sections B, C, and D; and Article 10, Section B of the City and County Zoning and Development Standards Ordinances. Currently Article 4, Section G does not treat residential, commercial or agricultural accessory structures differently – historically commercial and residential accessory structures have been treated the same, however; given the differing nature of each, separate regulations should be presented. In addition there has been extensive debate about what constitutes an “agricultural” structure, changes to Article 4, Section G will clarify these issues. Through the research process it was discovered that there are two conflicting definitions of “height” in the current regulations. In addition to clarifying development standards for residential, commercial and agricultural uses, the definition of “height” is being rewritten in a clear and easy to interpret manner.

Lastly, Mr. Bailey mentioned that this proposal will also add accessory apartments to both the City and County as a permitted use on any parcel that’s principal use is single-family detached residential. Under current City regulations, accessory apartments are not permitted in any zoning district, and in the County accessory apartments are only permitted in the R-15 and R-9 districts. The inclusion of accessory apartments in both City and County regulations will allow the community to better integrate more “affordable” housing options into the existing residential development patterns of both the City and County. The proposed changes are noted below in red.

Proposed Ordinance Amendment:

Amend Article 4, Section G: Accessory Buildings and Uses to reflect the following:

4.g.1. General: Accessory buildings and uses may be located in required yards under the following conditions. ~~Accessory buildings and uses located in the buildable area of a lot shall not be subject to the below described setback provisions.~~

4.g.2. Residential Accessory Structures: Residential accessory structures shall comply with the following:

a. Conditions & Exceptions:

1. No accessory building or structure shall be constructed on any residential lot prior to the time of construction of the principal building to which it is accessory.
2. Accessory buildings attached to the principal structure by a common roofline or breezeway shall be treated as part of the principal structure and shall meet all principal setbacks for the zoning district in which it is located.
3. Any accessory building 120 sq. ft. in size or smaller (i.e. play houses, well pump houses, and other similar uses) will not be counted as accessory structures however they must comply with accessory structure 5 ft. minimum setbacks and shall be limited to two (2) per parcel.

b. Development Standards:

1. **Maximum Height** - No accessory structure shall exceed a height of 25 ft., the height is the vertical distance between the finished grade along the front of the structure to the highest point of the structure.
 2. **Separation Criteria** - No structure shall be located within 10 ft. of the principal structure.
 3. **Number** - no residential parcel shall have more than two (2) accessory structures; the aggregate floor area of both structures added together shall not exceed the maximum size allowed under Exhibit 8A.
 4. **Location Requirements** - detached garages shall only be located in the side or rear yard of a parcel and shall be located no further forward on the lot than the principal structure; storage buildings shall be located in the rear yard only.
 5. **Setbacks** - note: accessory structures over 1200 sq. ft. in size must be a minimum of 10 ft. from all side and rear property lines.
 - i. Interior Lots: Front - n/a; Sides - 5 ft.; Rear - 5 ft.
 - ii. Corner Lots: Front - n/a; Interior Side - 5 ft.; Exterior Side (local collector street) - 17.5 ft.; Exterior Side (arterial street) - 22.5 ft.; Rear - 5 ft.
 6. **Maximum Size** - the maximum size of residential accessory structures shall be governed by Exhibit 8A, and shall be based on the gross acreage of the parcel of land on which it is located.
- c. *Accessory Apartments:* Accessory apartments shall be treated as a permitted use on any parcel that's principal use is single-family detached residential regardless of zoning classification.

EXHIBIT 8A
Maximum square footage of residential accessory structures based on gross acreage

Acreage	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
**<0.5	See note 1									
0.5	1100	1120	1140	1160	1180	-	-	-	-	-
1.0	1200	1225	1250	1275	1300	1325	1350	1375	1400	1425
2.0	1450	1475	1500	1525	1550	1575	1600	1625	1650	1675
3.0	1700	1725	1750	1775	1800	1825	1850	1875	1900	1925
4.0	1950	1975	2000	2025	2050	2075	2100	2125	2150	2175
5.0	2200	2225	2250	2275	2300	2325	2350	2375	2400	2425
6.0	2450	2475	2500	2525	2550	2575	2600	2625	2650	2675
7.0	2700	2725	2750	2775	2800	2825	2850	2875	2900	2925
8.0	2950	2975	3000	3025	3050	3075	3100	3125	3150	3175
9.0	3200	3225	3250	3275	3300	3325	3350	3375	3400	3425
>=10.0	Exempt, see note 2.									

NOTES:

- 1) Maximum size for accessory structures on all parcels less than 0.5 acres in size is 1000 sq. ft.;
- 2) All parcels over 10 acres in size are exempt from maximum square footage requirements however each zoned parcel shall not exceed the maximum impervious surface ratio for the given zoning district.

ACCESSORY USE

CONDITIONS

Off-street parking

May be located in required yards in all zoning districts. Off-street parking shall not be allowed in any required bufferyard or within three (3) feet of any property line.

Signs

Must comply with the development standards established in Article 8, Section I: Sign Regulations.

Accessory buildings, including
Garages, carports, animal
shelters,
Storage sheds, etc.

See Section 4.g.2. Where the accessory use is a combined garage and living space (or office use), the second story of the accessory use, when used as a living space or office use, shall not count against the square gross floor area limit as established in Exhibit 8A. The number of accessory structures shall not exceed two in any zoning district. The maximum floor area established in Exhibit 8A is the total floor area of all accessory structures; this means that each residential parcel is entitled to a total of two (2) non-exempt accessory structures with a combined total floor area not to exceed the square footage limitations established in Exhibit 8A. No accessory use shall be located in any required bufferyard.

Accessory apartments

Shall be developed in accordance with 4.g.2 and the following criteria - An accessory living unit (limit one per residential lot) cannot be larger than one thousand square feet (1000 sq. ft.) nor smaller than three hundred square feet (300 sq. ft.) further, it cannot exceed more than forty percent (40%) of the principal structure's floor area, nor have more than two (2) bedrooms. There must be at least one parking space per unit. The accessory apartment must be a complete living space with a kitchen and bathroom facility entirely separated from the primary unit. The building's exterior should give every appearance that it is a

single-family house with the exterior finishes matching the exterior finishes of the principal structure. Accessory units may be created as a second story within a detached garage provided that the height of the structure does not exceed the height of the principal structure on the lot.

Portable on Demand Storage (PODS) units, or other similar portable on demand storage containers such as sea vans

Permitted as a temporary use only, See Article 5, Section C: Temporary Uses for guidelines

Stockyards, Slaughter Houses, Commercial Poultry Houses And Kennels, and Livestock Auction Houses

These uses are subject to review and approval by the Sumter City-County Board of Zoning Appeals as special exception uses. Referenced uses set forth herein, with SIC Codes 025 and 20, shall not be located closer than one thousand (1,000 ft) feet to any adjacent residential use on a separately platted parcel of land under separate ownership. No incineration of animals or animal refuse shall be permitted on site.

Swimming pools, tennis courts and Recreational uses

May be located in all side and rear yards, provided said uses shall be no closer than ten (10 ft) feet to the nearest property line, and shall not be located in any required buffer yard, and shall have all lighting shielded or directed away from adjoining residences.

Satellite dishes, ham radio towers, and ground supported TV antennas

May be located in required rear yards setbacks in all districts; provided such uses shall be located no closer than ten (10 ft) feet from all property lines, the foundation shall be approved by the Building Official, and said uses shall not be located in any required bufferyard. Furthermore, digital TV dishes shall be allowed on roofs and exterior walls of buildings within all districts.

4.g.3. Commercial Accessory Structures: Commercial Accessory Structures shall comply with the following:

- a. All accessory buildings shall meet the principal setbacks, shall not exceed the maximum height for the zoning district and shall be treated as principal structures for zoning purposes;
- b. All buildings greater than 200 sq. ft. in size are required to be shown on the commercial site plan and shall be reviewed through the site plan review process;
- c. Any structure less than 200 sq. ft. or less in size will not be treated as an accessory structure but are limited to two (2) structures per parcel.

4.g.4. Agricultural Accessory Structures:

a. Conditions & Exceptions:

1. Accessory buildings constructed for the exclusive use of sheltering agricultural machinery or storage of agricultural products shall be exempt from the accessory building standards;
2. All agricultural structures shall be treated as principal structure for the purpose of this Zoning Ordinance; agricultural structures shall meet non-residential setbacks and shall meet all other non-residential development criteria for a given zoning district to include maximum height, distance between buildings, and impervious surface ratio requirements.

Amend Article 3, Sections B, C, and D to add accessory apartments as permitted uses in the R-15, R-9, R-6 and GR zoning districts, subject to the development criteria established in Section 4.g.2.

Amend Article 10, Section B: Definitions to change the definition of height to the following:

Height: The vertical distance between the finished grade along the front of the structure to the highest point of the structure.

Mr. Bailey stated that the Zoning Ordinance Subcommittee met with members of the Planning Staff on February 10, 2009, to discuss the proposed changes to accessory structure regulations in both the City and County. The changes incorporated into this report reflect the input of the Subcommittee members. The Sumter City - County Planning Commission at its meeting on Wednesday, February 25, 2009, voted to recommend approval for the following request contingent upon the words "and workshop" be removed from the verbiage in Section 4. g.2.b.4:

After receiving the presentation from Mr. Bailey, Council took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to this proposed ordinance change.

(3) MA-08-05 And PD-08-05 - Third Reading - Loring Mill Village Center - (09-678) - A Request To:

Mr. McGregor presented this request to Council for third reading action. He added that there have been no changes to the ordinance since second reading. Councilwoman Sanders stated that she thought that there would be no further action on this until City Council had first reading. Councilman Edens stated that City Council has had first reading and public hearing; at first reading City Council deferred action on this matter. After all comments, Council took action on third reading of MA-08-05 and PD-08-05.

A. Amend The 2020 Comprehensive Plan Land Use Designation For 8 Properties Along Wedgefield Road, Lynam Road, And Loring Mill Road From Residential Conservation (RC) To Limited Business Development (LBD); And To

(See action below.)

B. Rezone This Property (+/- 15.1 Acres) From R-15 (Residential-15) And Residential PD (Planned Development) To A Commercial PD (Planned Development) Tax Map Numbers 206-00-02-011 (Part); 206-02-02-009; 206-02-02-010; 206-03-01-007; 206-03-01-010; 206-03-02-001; 206-03-02-002, And 206-03-02-003.

(See action below)

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant third reading to MA-08-05 and PD-08-05 (Ordinance #09-678) as presented. Councilwoman Sanders voted nay. The motion carried.

Street Name Change - None

Grant Awards -

(1) Grant Award Announcement - Sumter County Community Development Corporation (CDC)

The Clerk presented this grant award on behalf of Lana Odom. Each Council member was given a copy of the award announcement. The CDC will be granted \$140,000 for housing development.

ACTION: Received as information.

(2) Grant Award Announcement - Rehabilitation Project - Sumter County CDC

The Clerk to Councils also presented this grant award on behalf of Lana Odom. Each Council member was given a copy of the award announcement. The grant is in the amount of \$231,250 to assist with the rehabilitation of owner-occupied homes in Lee and Sumter Counties. The funds should cover the cost of rehabilitating 20 homes.

ACTION: Received as information.

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) **First Reading - 09-679 -- An Ordinance Amending Ordinance Number 98-350, To Eliminate The Sumter City/County Mechanical Board Of Adjustment And Appeals And To Incorporate Its Functions And Responsibilities Into The Sumter City/County Building Board Of Adjustments And Appeals.**

The County Attorney, Jonathan Bryan, stated that at the Internal Affairs committee meeting on March 3, 2009, the Committee received a letter suggesting that the Mechanical Board of Appeals be abolished and that the duties of that Board be folded into the Building Board of Adjustment and Appeals. If necessary, Mr. Campbell can attend the meeting to further explain this process to Council members. Mr. Bryan further stated that Sumter County Council needs to hold off on giving third reading approval to this ordinance as listed below until the City takes action on this ordinance. This Board's appointments are jointly appointed by the City and County. After all comments, Sumter County Council took action on the ordinance (see below).

WHEREAS, Sumter County Council previously passed Ordinance No. 98-350 on July 28, 1998, commonly known as the "Buildings and Building Regulations" of the Sumter County Code of Ordinances; and

WHEREAS, Ordinance No. 98-350 replaced Ordinance 92-240 and Chapter 5 of the Code of Ordinances, Sumter County, South Carolina; and

WHEREAS, changes in the state laws and the International Building Code have made the Mechanical Board of Adjustment and Appeals obsolete for practical purposes; and

WHEREAS, Sumter County Council desires to amend Ordinance 98-350 to eliminate the Sumter City/County Mechanical Board of Adjustment and Appeals and to shift its functions and responsibilities to the Sumter City/County Building Board of Adjustments and Appeals;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That sections 5-104-MECHANICAL BOARD OF ADJUSTMENT AND APPEALS, 5-105-RESPONSIBILITIES OF MECHANICAL BOARD OF ADJUSTMENT AND APPEALS, 5-106-SECRETARY, 5-107-PROCEDURAL RULES AND REGULATIONS, and 5-108-MEETINGS of Ordinance 98-350, which established the Sumter City/County Mechanical Board of Adjustment and Appeals, defined its responsibilities, and provided for a Secretary, procedural rules and meeting requirements are hereby rescinded.

2. That the provisions of Section 5-54-POWERS, DUTIES AND RESPONSIBILITIES OF THE SUMER CITY-COUNTY BUILDING BOARD OF ADJUSTMENTS AND APPEALS are amended to include the responsibilities previously delegated to the Mechanical Board of Adjustment and Appeals so the section will now read as follows:

Sec. 5-54. POWERS, DUTIES, AND RESPONSIBILITIES OF THE SUMTER CITY - COUNTY BUILDING BOARD OF ADJUSTMENTS AND APPEALS

1. The Revocation of Licenses. The Board may revoke the license of any building contractor or mechanical contractor who is found guilty of fraud or deceit in obtaining a license, or gross negligence, incompetence, or gross misconduct in pursuing his business as a contractor in the City or County of Sumter. Any person who alleges gross negligence, incompetence, or gross misconduct against any contractor licensed hereunder shall submit allegation in an affidavit form and file the same with the Secretary of the Board.
2. The Re-issuance of a Revoked License. The Board may consider a request to re-issue the license of any person whose license has been revoked six months after the date of revocation if a majority of the members of the Board vote in favor of such re-issuance for reasons the Board deems sufficient. If the re-issuance is denied, the reissuance can be reconsidered at six month intervals thereafter.
3. Probation. The Board may place any building contractor or mechanical contractor on probation for a specified period of time in lieu of revoking his license when allegations presented do not warrant revocation by the majority of the Board for whatever reasons the Board deems sufficient.
4. Hearing and Decision of Charge. Grounds detailed in subsection (1) of this section, unless they are dismissed without hearing by the Board as unfounded or trivial, shall be heard based on testimony under oath, and a determination shall be made by the Board within thirty (30) days after the date of the hearing. The accused may cross-examine witnesses against him and produce evidence or witnesses in his defense. The right of the accused to seek legal counsel and have representation at Board Hearings is sanctioned by this Ordinance. A written record shall be made of the proceedings. If, after such hearings the Board votes in favor of finding the accused guilty of any fraud or deceit in obtaining his license, or gross negligence, incompetence, or gross misconduct in conducting his business, his license will be revoked.
5. Review Responsibilities for Code Updates. The Sumter City - County Building Board of Adjustments and Appeals shall also review each new addition of the approved code to determine its effect on the local construction industry and to propose which portions of the new addition of the approved code shall be brought to the attention of the local contractors. The Sumter City - County Building Department shall supply

to the Sumter City - County Building Board of Adjustments and Appeals copies of the new additions to the approved code to be reviewed.

5. Responsibilities Enumerated Under The International Codes Council Standard Manual (International Building Code). The Sumter City - County Building Board of Adjustments and Appeals shall also exercise any authority and carry out any duties assigned to it under the International Codes Council Standards Manual (International Building Code), including, without limitation, the authority and duties referenced in Chapter 1, Section 112 of the International Building Code, now and as those provisions of the International Building Code may be amended hereafter.

3. That Section 5-52- MEMBERS APPOINTED is amended to read as follows:

Sec. 5-52. MEMBERS APPOINTED. The members appointed to the Sumter City - County Building Board of Adjustments and Appeals shall consist of: two architects, one structural engineer, one general contractor with a license to build in value of excess of \$250,000, one general contractor with license to build up to \$250,000, the President of the Home Builders Association of Sumter, one state residential home builder who is not a member of the Home Builders Association of Sumter, one licensed electrical contractor, one licensed HVAC contractor, one electrical engineer, and one licensed plumbing contractor.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Byrd, and unanimously carried by Council to grant first reading approval as presented.

- (2) A Proclamation Proclaiming May 1, 2009, As Silver Star Day In Sumter County, South Carolina.

The Clerk asked Council members to review the materials that was listed in their packets and to grant her the authority to write a proclamation on behalf of Council. After review of the proclamation, Council took action on its adoption.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried to authorize the Clerk to develop an appropriate Proclamation to proclaim May 1, 2009, as Silver Star Day In Sumter County, South Carolina and directed the Chairwoman and the Clerk to executive and deliver the proclamation on behalf of the County.

- (3) A Resolution Proclaiming April As Fair Housing Month In Sumter County, South Carolina.

The Clerk To Council presented this proposed resolution to Council for consideration. Then the Chairwoman asked for a motion on this proposed resolution. See information listed after the resolution.

WHEREAS, Sumter County Council desires that its citizens be offered the opportunity to attain a decent and sanitary living environment; and,

WHEREAS, Sumter County Council recognizes that 2009 marks the 41st anniversary of the passage of the Fair Housing Act, the federal law that prohibits discrimination in housing; and in 1989, South Carolina passed a Fair Housing Law that provides rights and remedies substantially equivalent to those found in the Federal Fair Housing Act; and

WHEREAS, Sumter County Council rejects discrimination on the basis of race, color, sex, national origin, religion, ancestral status, and disability; and,

WHEREAS, Sumter County desires that every citizen be offered the opportunity to live in the home of his or her choice; hence, Sumter County Government does not discriminate in its housing practices;

NOW THEREFORE BE IT RESOLVED, that we the members of Sumter County Council do hereby designate **April** as **FAIR HOUSING MONTH** in the County of Sumter, South Carolina and recognize the importance of Fair Housing benefits for its citizenry; Council will continue to promote and advocate fair housing for all of its citizens.

DONE AND RATIFIED, in the County Council's regular meeting held this 10TH of March 2009.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the Fair Housing resolution as presented.

NOTE: Vice Chairman Baten asked about the lack of housing for the homeless people in this community. He also voiced his concern about the "Section 8" Housing procedure and process. It was suggested that Ginny Yonson and Evelyn Bradford follow-up on this matter and report back to Council at the special meeting scheduled for March 17, 2009.

- (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: None

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held On **Tuesday, March 3, 2009, At 12:00 P.M.** In County Council's Conference Room At The County Administration Building (Jimmy Byrd, Larry Blanding, and Naomi D. Sanders.)

The Chairman of the Committee, Councilman Byrd, gave the following report and recommendations from the Committee meeting held on March 3, 2009.

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

- ✓ **Accommodations Tax Advisory Board** – No Action Taken
- ✓ **Alcohol and Drug Abuse Commission** – Recommend to Appoint Gwendolyn H. Buchanan to replace Carl Holmes and Recommended to Appoint Albert Davis to replace Wayne Zamora.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to grant approval of the appointments of Ms. Gwendolyn H. Buchanan and Mr. Wayne Zamora.

- ✓ **Workforce Investment Board** – Recommend to appoint Gina Kibler.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to grant approval of the appointment of Ms. Gina Kibler as presented.

- ✓ **Tax Board Of Appeals** – No Action Taken

- ✓ **Historical Commission** – No Action Taken

Additional Items:

- **Mechanical Board of Appeals** – Update – The County Attorney will develop an ordinance to dissolve the Mechanical Board of Appeals and use the Building Codes of Appeals to hear issues relating to the former Mechanical Board of Appeals.
- **Possible Discussion On Council's Policies** – Including The New Committee Land Use Matters. No action taken.

- (2) **Fiscal, Tax, and Property Committee Meeting Held On Tuesday, March 10, 2009, At 4:00 P.M. In County Council's Conference Room At The County Administration Building (Vivian Fleming McGhaney, Charles T. Edens, and Larry Blanding.) All Council Members Are Urged To Attend.**

The Chairman of the Committee, Chairwoman McGhaney, gave the following report and recommendations from the Fiscal, Tax, and Property Committee meeting held earlier today.

- **Contractual Matter.** The Committee received a presentation from the Honorable Anthony Dennis concerning a software contractual matter. After the executive session, the Committee received a motion and a second to direct the County Administrator to work with the Sheriff in negotiations concerning this contractual matter.

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

- **Economic Development Matter:** The Committee received a presentation from the Economic Development Director; the Committee received a motion and a second to approve \$100,000 to be used for Project NB from the County's Infrastructure Fund.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council members to approve the recommendation as presented. (There were six Council members voting on this matter; Councilman Blanding was absent.)

- **Design Build For Judicial Center:** The Committee discussed actions taken by Council during Council's Special Meeting on January 27, 2009, where Council voted unanimously to affirm the Capital Project Sales Tax Coordinators and the Administrator's recommendation to use the traditional architectural construction method for constructing the Judicial Center. However, since that time, additional discussions have taken place and it is the Fiscal, Tax, and Property Committee's recommendation to ask Council to rescind its actions on January 27, 2009, concerning this matter and to approve the construction method of design build to allow local contractors an opportunity to bid on this process which may allow more of the funds from the Capital Projects Sales Tax to remain in this County.

ACTION: MOTION and second were received from the Committee to approve the recommendation as presented.

Prior to action on the motion, it was noted that the original motion needed to be rescinded and thereby, the Committee's motion needed to be amended.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and carried by Council to rescind the action taken by Sumter County Council on January 27, 2009, (*approval of the architectural/traditional construction for the Judicial Center construction project*); and to approve the County using the design build construction concept for constructing the County's Judicial Center with funds from the Capital Projects Sales Tax. Councilwoman Sanders abstained.

- **Allied Waste Services:** The Committee received a request from Allied Waste Services requesting that the County approve a rate increase of \$0.39 per home effective April 1, 2009, and to allow the current Fuel Recovery Fee to remain at 6%. The Committee recommended approval.

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

- **Information Technology:** The Committee received a request from the Information Technology Department to allow the hiring freeze to be lifted for one of the current vacancies in the Information Technology Department (*PC Lan/Specialist* - better known as the *Help Desk Specialist*). The Committee recommended approval of the request.

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

- **Request From The Town Of Turbeville:** The Committee received a request from Mayor Ginie Turbeville to allow the Town of Turbeville to extend its water lines to Earl E. Hammett of 7295 Skinner Road, Gable, SC 29051. The Committee recommended approval of the request.

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

- **Special Meeting** - Council agreed to meet on Tuesday, March 17, 2009, to further discuss information concerning the Stimulus package.

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

- Councilman Byrd informed Council that there was a SUATS Committee meeting scheduled for yesterday, March 9, 2009. However, not enough members attended. There must be a majority of the members present in order to take action on matters relating to the Stimulus package. If the meeting does not occur, then the roads in the Stimulus list, would be paved.

Councilman Byrd stated that the Alice Drive project has been held up because of a lack of local Government's funds - a 20% match in cash for "enhancements to Alice Drive." The funds for the enhancements (20% match) will be discussed in the Stimulus funds; however, if the Stimulus funds are not available for the enhancements, then SUATS must decide whether or not to start the project without the enhancements and implement the project with the funds that are available through the State.

- MID-Year Conference - Councilman Blanding, Councilman Edens, and Mr. Noonan attended the MID-Year Conference.
- Rural Summit - Councilman Edens attended the Rural Summit and he stated that the Summit this year and last year have been truly geared around the needs of communities such as Sumter County.

MONTHLY REPORTS:

- South Carolina Association Of Counties - Obligations of County Government
- Clemson University - Woman's Literary Club
- Chamber of Commerce - Legislative Day - March 11, 2009
- Sumter Community Vision
- Sumter Shaw Community Concert Association
- Time Warner Cable
- Lake Marion Regional Water Agency

ADMINISTRATOR'S REPORT:

- The County was recently audited by Department of Health and Environmental Control for its EMS Department and received a very good rating.

- The County's IRS 4-day Audit has been completed and once the report is completed; Council will be informed of the results.
- The State Legislature is still working on the cuts that they are projecting for this coming fiscal year. It appears that the impact on Sumter County, at this point, will be \$1,086,108.

PUBLIC COMMENT:

The Chairwoman McGhaney asked if anyone wished to speak to Council during public comment. No one spoke during public comment.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:15 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 _____

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: March 5, 2009

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: March 5, 2009

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding