



Minutes
Sumter County Council
Regular Meeting
September 22, 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 Larry Blanding, Council District #6
5. Councilman Jimmy Byrd, Council District #3
6. Councilman Charles T. Edens, Council District #4
7. Councilwoman Naomi D. Sanders, Council District #1

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk To Council
Johnathan Bryan, County Attorney
Lorraine Dennis
Carolina B. Richardson

William T. Noonan, County Administrator
Gary Mixon, Deputy Administrator
Keysa Rogers, Budget Analyst
Donna McCullum

MEDIA PRESENT:

The Item Newspaper - Gina Vasselli

THE PUBLIC PRESENT:

Approximately 10 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 September 22, 2009, 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 22, 2009, agenda with any additions, deletions, or as printed.

ACTION: MOTION was made by Councilman Artie Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the September 22, 2009, agenda as printed.

ACTION ON REGULAR MEETING MINUTES OF SEPTEMBER 8, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of Sumter County Council held on September 8, 2009.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the regular meeting minutes of September 8, 2009, as prepared by the Clerk.

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

- (1) **RZ-09-03 - Second Reading/Public Hearing - Cary G. McKnight/Patriot Parkway - A Request To Rezone From Agricultural Conservation (AC) To Residential-15 (R-15) 3.80 Acres Located On The South Side Of Patriot Parkway (Between Louella Lane And Shedricks Lane) And Represented By Tax Map #156-15-01-050.**

Ms. Donna McCullum, the Zoning Administrator for the Planning Department, presented this proposed rezoning to Council for second reading and public hearing. She stated that this rezoning, if approved would allow for this property to be rezoned from Agricultural Conservation to Residential -15 and allow for five residential lots to be developed. Each lot will consist of one acre. After presentation from the Planning staff, Councilman Edens asked whether or not the easement to the property has been worked out or in the process of being worked out. Ms. McCullum or the Planning Director, Mr. McGregor will inform Council at third reading concerning the easement issues.

Mr. Louis Tisdale stated that right now there is no easement for the access road; however, a fifty-foot right away has been provided for and will be deeded to the people who purchase the property.

PUBLIC HEARING: Then the Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to this proposed rezoning request.

- Mrs. Levy Dow Allen and Mr. Samuel Allen as well as Mr. and Mrs. Charlie Archie all live on Julius Lane; they are concerned that this property will not be rezoned to anything less than one-acre for each home. She also stated that they did not want any mobile homes or mobile home park. Ms. Allen stated that from what she has heard, their concerns have been addressed. NOTE: Chairwoman McGhaney asked the Planning staff to speak to Mr. and Mrs. Allen and Mrs. and Mrs. Archie after action on second reading.

Since no one else spoke during the public hearing, Chairwoman McGhaney closed the public hearing and Council took action on second reading.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant second reading to this rezoning request.

- (2) **RZ-09-04 - Second Reading - Albert And Joan Yonson/2888 Cains Mill Road - A Request To Rezone From Agricultural Conservation (AC) To Limited Commercial (LC) +/- 6.00 Acres Located At 2888 Cains Mill Road And Represented By Tax Map #180-00-03-001.**

Mrs. McCullum stated that this is a request from Albert and Joan Yonson at 2888 Cains Mill Road. The property actually consists of six acres; however, the request is only for 2.1 acres to limited commercial per County Council. During February of 2008, Council heard this identical request and Council denied the request at second reading and public hearing. Mrs. McCullum stated that the Zoning Ordinance does allow for an applicant to wait a year and bring the request back to Council.

PUBLIC HEARING: Then the Chairwoman asked if any Council member had a question. There were no questions from Council. Then the Chairwoman convened a public hearing. She asked if anyone wished to speak in favor of or opposition to this proposed rezoning request.

- Ms. Joan Yonson, (in support) the applicant, spoke to Council about the need that she and her husband have for rezoning the property and for selling it as quickly as possible. Her husband has had numerous medical issues and could receive different medical treatment if they could move near the hospital where he has been seen.
- Debbie Smith, (oppose to), one of the residents on Winter Berry Road presented a **petition** to the Clerk of 79 people who live on Winter Berry Road, Pinewood Road, and Cains Mill Road who do not want commercial in this community. She stated that right down the road on Pinewood Road there is always a problem until law enforcement must be called. The group is also concerned about other safety issues, maintenance of the road, beautification issues, and the lost of the "farm environment."

Councilman Blanding stated that it be placed in the record that the names listed on the petition do not indicated whether or not the persons are landowners and the petition does not show how the County could verify that the persons listed on the petition live at the location.

- Paula Hicks spoke in opposition to the rezoning and she stated that as a resident in the community she knows that there have been numerous offers on the property; however, the Yonson's did not want to divide the property.
- Brooks Wilkinson stated that he is opposed to the rezoning.
- James Hicks stated that he lives on the end of the road in the cul-de-sac and if anyone would have to deal with issues if it is changed would be him.
- Zackery Reno stated that he is a graduate of the University of South Carolina; he lives in Sumter, but works in Columbia. He also stated that due to the traffic he has to encounter everyday going to and from work, he is not in favor of commercial development in the area where he lives.

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

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and carried by Council to deny second reading. Councilman Byrd voted in opposition to the motion.

Note: Prior to calling for the vote, Vice Chairman Baten stated that when a rezoning comes to Council one of the things he considers is whether or not the rezoning will have an adverse effect on the "lifestyle" of the community. This rezoning appears that it would adversely affect the community. Then Councilman Byrd stated that he believes that because there used to be a store years ago on the opposite corner of the proposed rezoning; this is a prime location for commercial development; therefore, would have to vote against the motion.

Street Name Change - None

Grant Awards -

The County Administrator presented the two grant awards (1) Magistrates Court/Security in the amount of \$12,300, and (2) Sheriff's Department in the amount of \$62,400 for Street Level Law Enforcement Activity.

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) 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) 09-694 -Third Reading -- An Ordinance Amending Ordinance No. 09-689, Creating The Sumter County Crystal Lakes Golf Course Advisory Board.

The County Administrator stated that there have been no changes to this ordinance since first reading. He asked Council to adopt the ordinance as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant third reading and adoption to this ordinance.

COMMITTEE REPORTS:

- (1) Public Works and Waste Disposal Committee Meeting Held on Tuesday, **September 22, 2009, at 4:30 p.m.** In County Council's Conference Room At the County Administration Building - (Edens, Baker, and Sanders).

The Public Works and Waste Disposal Committee Chairman, Councilman Charles T. Edens gave the following report.

- **C&D Landfill:** The Committee received a report from the Public Works Director and the Deputy Director. It was noted that the County is filling up the existing landfill at a rapid rate; the landfill was projected to have a life expectancy of five years; however, because of the increased waste being placed in the landfill, it will probably only last for four years. Then it will need to be maintained forever. The expansion of the C&D cell will cost the County another \$1,500,000 to open another 15-acre landfill cell. **Received as information.**
- **Recycling Measures.** Sumter County has been involved in the recycling business for many years. The County has recycled oil, tires, etc. The Committee now wants to provide an incentive for companies that want to bring cardboard to the landfill. If the company separates their cardboard, then the County would waive the tipping fee if it is separated out. The County will then recycle the cardboard. The Committee recommended that this request be approved to waive the tipping fee if the cardboard is separated from other material and delivered as "cleared" cardboard. The County's Public Works Department will monitor this process and by the beginning of the year after enough data has been collected a report will be given to the Public Works Committee as to how the process has been working.

ACTION: MOTION and second were received from the Committee and unanimously carried to approve waiving the tipping fee for vendors who deliver "cleared" cardboard which has been separated out from all other debris so that the County can recycle the cardboard and not place it in the landfill.

- **Draft of Waving Tipping Fees Policy.** The Committee members and members of Council were given a copy of a draft Policy to Waive Tipping Fees at the Sumter County Landfill. Council members were asked to review the document and be prepared to take action on the document at the next meeting.

ACTION: Received as information and will be reviewed at the next meeting of Sumter County Public Works Committee.

- (2) Fiscal Tax and Property Committee Meeting Held on Tuesday, **September 22, 2009, at 5:00 P.M. In County Council's Conference Room At the County Administration Building - (McGhaney, Blanding, and Edens.**

The Chairman of the Committee, Chairwoman McGhaney, gave the following report and recommendations.

1. Update On Implementation Of Technology Fee. Received as information; Councilman Byrd stated that he wanted to go on record that he is still against the Technology Fee.
2. Update On Grant Applications Which Were Submitted Through The American Recovery Act Funds. The Committee received an update on the grant application concerning the American Recovery Act Funds.

3. Update On Capital Projects - Rural Fire Stations. Council received an update on the projects through the Capital Projects.
4. Executive Session -If Necessary Council May Hold An Executive Session To Discuss Contractual, Economic Development, Personnel Matters, or Receive A Legal Briefing And Take Actions As Appropriate.
 - A. A Possible Economic Development Matter(s) - No Action Taken.
 - B. Update On Contractual Matter Pertaining To Law Enforcement. No Action Taken
 - C. Discussion on Several Property Matters. No Action Taken

(3) Report from Council Members on Other Meetings, Trainings, and/or Conferences.

No report was given.

MONTHLY REPORTS:

- Oswego Rural Water
- General Obligation Bonds, Series 2010 (Estimated)
- Sumter County Debt Schedule
- Planning Department Memo - 2030 Comprehensive Plan
- Census 2010 - What Does It Mean For Me
- Capital Projects Update
- Letter From Sandra W. Adams - Wanda Westmoreland - Ref. RZ-09-04
- Letter From Ted Westmoreland
- Crystal Lakes Advisory Board Meeting Minutes - September 21, 2009
- Emergency Management Activity Report
- Rembert Water System, Letter From Candi D. Healon
- Olympic Steel - Site Work
- Christmas Parade
- My Community And Me
- Veterans Affairs - Semi-Annual Report For The Period Of January 1, 2009, to June 30, 2009.

ADMINISTRATOR'S REPORT:

- Meeting of the Crystal Lakes Golf Advisory Board was held on September 21, 2009. The officers for the Advisory Board have been elected (Chairman-Ed Frenz; Vice Chairman-Fred Gordon; and Secretary-Ron Burnett)
- The Legislative Agenda for the Association of Counties has begun. Council members should send their concerns to the Clerk who will compile the list and send copies to Council.

PUBLIC COMMENT:

The Chairwoman asked if anyone wished to speak to Council during public comment.

- Mr. George Bates, from the Wedgefield Community, addressed Council and said that he would like to speak to the District #1 County Council after the meetings. He also stated that there are some issues and concerns that will be coming up in the future and he would like to be an integral part of hearing, listening to, understanding, and offering input into these upcoming issues.

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: _____

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 17

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, and Time Warner Cable.

Date Notified: September 17, 2009

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding