Minutes
Sumter County Council
Budget Meeting
June 1, 2010 - Held at 4:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

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. Councilman Naomi D. Sanders, Council District #1

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

William T. Noonan, County Administrator
Johnathan Bryan, County Attorney
Lorraine Dennis, Deputy Administrator/HR
Pam Craven, Finance Director
Mary W. Blanding, Clerk To County Council
Gary Mixon, Deputy Administrator
Keysa Rogers, Budget Analyst
Peter Wilson, County Engineer

MEDIA PRESENT:
The Item Newspaper Reporter

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

CALL TO ORDER: Chairwoman Vivian Fleming McGhaney called Sumter County Council's special meeting of June 1, 2010, to order.

INVOCATION: Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLIGIANCE: All in attendance repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Chairwoman McGhaney stated that she would entertain a motion to approve the agenda. The Clerk to Sumter County Council asked Council to add one contractual matter pertaining to property.

> **ACTION:** MOTION was made by Councilman Byrd, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the agenda by adding a contractual matter pertaining to property.

ITEMS TO BE DISCUSSED:–

(1) Sumter County Council -- Information And Discussions With BP Barber and Associates Concerning Stormwater Ordinance And Implementation Process, Requirements, etc. (4:00-5:00 p.m.)

Members of Sumter County Council and County staff members (William T. Noonan, Gary Mixon, and Peter Wilson) received a detailed presentation by Mr. Geoffrey Smith, from BP Barber and Consulting, Inc. Plus, Mr. Smith answered an array of questions from members of Sumter County Council concerning stormwater management and its implementation process. Mr. Smith also provided Council members with two handouts. (See attached material.)

During the discussions, Council asked Mr. Smith whether or not Pinewood and Mayesville are a part of Sumter's Stormwater Plan. Mr. Smith stated that Pinewood and Mayesville are not a part of the Sumter's Plan due to these two townships being incorporated, yet they do not meet the population standards for implementing a stormwater program. Additionally, the City of Sumter is currently involved with stormwater management and will implement this new phase of stormwater mandate as the City deems appropriate.

There being no further questions from Council to Mr. Smith, this information session was concluded. Council members were reminded that a public meeting would be held on Wednesday, June 2, 2010, from 6:00-7:00 p.m. at the North Hope Center in Sumter.

ACTION: Received as information.

(2) Discussion And Possible Action Concerning A Letter From Rembert Community Coalition (RAAC).

Council members discussed a letter received from Rembert Area Community Coalition (see attached letter) asking that Sumter County Council write a letter on their behalf stating that when they incorporate; Rembert Water System (the City and County of Sumter) will still provide the Rembert community with water.

Several Council members asked about the City of Sumter's role in this matter and that RACC should seek a letter from the City since the City is the managing entity for Rembert Water System. A letter from the City Manager was also provided to Council concerning the request from RACC. Council members discussed the two drafts that had been developed to answer RACC (one from the County Attorney and one from Chairwoman McGhaney). It was further determined that Council needed to only answer the question that was asked ***– that the Rembert Water System will continue to provide water services after the town of Rembert is incorporated***. Councilman Edens asked if the City would have to adopt the same decision as Sumter County Council. The Administrator stated that since the City of Sumter is the managing entity, then RACC should address this same question to the City of Sumter. It was noted, as listed in the attached letter, that RACC has requested the letter from the City, but the answer was not what the state officials wanted as they evaluated the request for incorporation. The Chairwoman then called for a motion.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Vice Chairman Baten, and carried by Council to authorize the County Attorney to write a letter to RACC stating that Rembert Water System will continue to provide water services for the Rembert Community in the event Rembert becomes incorporated. This letter will be written under the signature of the Chairwoman. Council members Baker, Baten,

Sanders, and McGhaney voted in the affirmative. Council members Blanding, Byrd, and Edens voted in opposition. The motion carried.

NOTE: Prior to the vote Councilman Edens stated that he is uneasy about having Sumter County Council write a letter concerning this matter; he would prefer seeing the City write the letter first and then the County support the City's actions.

(3) Discussion And Possible Action Concerning Fiscal Year 2010-2011 Budget.

Fund Balance Projects As Of June 1, 2010

Mrs. Pam Craven, the Budget Director, stated that staff had informed Council earlier that they expected that Ad Valorem Taxes to come in approximately $100,000 over what was budgeted. At this point however, the County is at 105% or a difference of $770,068.10. The Legislative Mandate is currently at 101% or $1, 318.58. Local option Sales Tax is at 95% or a difference of ($296,055.27). The County is currently at 102% of tax collections as of May 28, 2010.

FY 2009 Ending Unreserved Fund Balance

Mrs. Craven also presented the Fund Balance Projections As Of June 1, 2010. At the end of Fiscal year 2008-2009 the unreserved fund Balance was $5,317,739 which represents a 12.3% fund balance and is based on audited expenditures of fiscal year 2008-2009.

For fiscal year 2009-2010, the County is projected an unreserved fund balance of $5,489,478 or 13.1% which is budgeted, unaudited expenditures. The County's Fund Balance Policy states that the County will maintain a 12.0% fund balance. Therefore, the County will need to maintain $5,020,372 to equal to the 12.0% fund balance. That will provide authorized reserve usage of $469,106.

Mrs. Rogers stated that during First Reading of the 2010-2011 budget, the budget had revenue of $39,030,425 and revenues were $38,523,312; with a deficit of $507,113. The following are additional revenue and expenditure adjustments since first reading.

Currently, the budget has a .002% millage increase.

Additional Changes To Proposed Budget	Expenditures	Revenues
First Reading As Of May 11, 2010	**$39,030,425**	**$38,523,312**
♦ **Transfer from Detention Center Federal Fund**		**$200,000**
♦ **Airport Transfer from Infrastructure fund**	**($100,000**	
♦ **Project EA - Executive Session Discussion Needed**	**$(27,054)**	
♦ **Project CEA – Executive Session Discussion Needed**	**($150,000)**	
♦ **Recreation – Summer Program**	**$50,000**	
♦ **Council Line Item**	**$16,800**	
♦ **Authorized Reserve Use**		**$396,859**
♦ **Balance Budget**	**$39,120,171**	**$39120,171**

Then members of Sumter County Council reviewed the additional requests from local agencies, non-profits organizations, and some agencies which are currently listed in Council's budgets.

After review of this list, Councilman Byrd stated that he had a concern about the Development Board's proposed cost of living when County employees are not receiving a cost of living. Then a motion was presented concerning the proposed COLA for the Development Board's.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to decrease the Development Board's budget request by deleting the "cost of living increase."

Councilman Baker asked Council members to consider providing funding for United Ministries since they provide a service for some many different people. They are asking for $5,000.

Chairwoman McGhaney asked for the Administrator to look at the reserve to see if Council could provide the funding for most of the agencies that are requesting funds. Some will not be able to be funded but others may need to be funded.

Councilman Blanding stated that he agrees 100% of what Councilman Baker said about United Ministries and Chairwoman McGhaney about the need of local agencies. However, he added that he feels Council will be opening Pandora's Box to fund some of the agencies and not others. He also added that Council already has agencies that they have cut and the cuts have been over the past three or four years which equates to approximately 20% cuts. These agencies need to more funding too. Therefore, if Council add additional agencies and not reinstate the funding for the previously funded agencies, Pandora's Box may be uncontrollable.

The County Administrator stated that he would ask Council that if there is a little extra this year, then he would like to see Council take care of the County's needs as well as the County employees.

Mr. Noonan also stated that the "Other Funds" book that was given to each member of Council needs to be discussed further. Specifically, Council needs to review the Greenhouse needs. This will be discussed further.

Local School District Budgets: Council members agreed that the Educational Liaison Committee (Jimmy Byrd and Naomi Sanders) will set-up a meeting to discuss the needs of the School Board in light of the pending school consolidation and upcoming needs for this fiscal years.

(4) **It May Be Necessary** To Hold An Executive Session And May Be Necessary To Take Action Thereafter For One Or All Of The Following:

A. **A Contractual Matter Pertaining To Property**. The Chairman stated that she would entertain a motion concerning this contractual matter.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilwoman Sanders, and unanimously carried by Council to enter executive session to discuss a contractual matter.

After discussions in executive session, Council re-entered open session after a motion and a second. The Chairman reported that no action was taken on the executive session matter.

(5) Additional Item: No additional items were added.

ADJOURNMENT:
There being no further business during this meeting; there was a motion and second to adjourn the meeting at approximately 5:48 p.m.

Respectfully submitted,

Vivian Fleming McGhaney
Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: **June 8, 2010**
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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: May 27, 2010

Media Notified: Yes

Manner Notified: An Agenda was sent to The Item.

Date Notified: May 27, 2010

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding

BP Barber
Engineering • Experience • Excellence

BP Barber
4016 Salt Pointe Parkway, Suite 200
N. Charleston, SC 29405
Phone: (843) 767-4602
Fax: (843) 767-4723

MEMORANDUM

To: Peter Wilson

From: Geoff Smith

Date: April 29, 2010

Subject: Potential requirements for the next round of Phase II permitting

The following is a summary of potential changes based on a detailed review of the EPA MS4 Permit Improvement Guide just released in April 2010. These changes will be in addition to the existing requirements of the current permit. The following is not representative of what will be included in the next permit cycle, but what may be anticipated based on EPA recommendations. Should you have any questions, or wish to discuss this further, please contact me at your convenience.

Chapter 1 – Establishment of the Stormwater Management Program

The SWMP must include certification by chief legal counsel that the permittee has taken the necessary steps to obtain and maintain full legal authority to implement and enforce each of the requirements contained in the permit.

The SWMP must include identification of all departments that conduct stormwater related activities and define their roles and responsibilities. This would include public works, planning, roads and bridges, etc…

The SWMP must include and document enforcement response procedures. This is typically in the form of an Enforcement Response Guide (ERG), but in any case, it must be documented in the SWMP.

The MS4 must conduct an annual fiscal analysis to determine capital and operating costs and staffing needs to meet the permit requirements. This analysis will be submitted with the annual report.

Chapter 2 – Public Education and Outreach/Public Involvement (current MCMs 1 and 2)

Identify three (3) high priority community wide issues and target education activities towards appropriate audiences.

Defined percentage of audience to be reached annually and report the percentage of the audience reached in the annual report.

Chapter 3 – Illicit Discharge Detection and Elimination (MCM 3)

Storm sewer map must be updated.

Permit may specify that the storm sewer map include contributing drainage areas to each outfall.

Identification of priority areas for inspection on the storm sewer map including problem areas, areas with old or failing infrastructure, areas with on-site sewage disposal (high septic concentration), etc.. This exists in the current permit, but the new language may require a routinely updated list of problem areas and responses to those areas.

Dry weather screening will probably require screening for specific constituents in the discharge. These samples must be tested at a DHEC qualified laboratory. This is in addition to the visual assessments of discharge.

Develop benchmark concentration levels of constituents for field screening. This may be DHEC thresholds, or may be incumbent on the MS4 to determine. This may necessitate the need for additional baseline sampling throughout the watershed to determine ambient conditions.

Illicit discharges must be eliminated per the existing permit. Additional requirements of multiple inspections may be required for intermittent flow. Where sources cannot be identified, DHEC should be notified.

Chapter 4 – Construction (MCM 4)

Inspection schedules for sites based on size and proximity to waterways will be set. This means that the inspection frequency, at a minimum, will be defined by the permit.

Inspection reports and construction site database may be required to be made public.

Periodic education opportunities for operators and contractors will be required.

While not in the general guidance, it is anticipated that the permit may require the MS4 to enforce the conditions of the new Construction permit once it take affect.

Chapter 5 – Post-Construction (MCM 5)

Post-construction BMPs will require peak discharge controls, potentially more stringent that what is current in place for many municipalities. This would require policy or ordinance changes.

Development standards may become policy as opposed to development recommendations.

MS4 must maintain inventory of all post-construction BMPs (developed since effective date of first permit).

Permittee must investigate a minimum of 20% of post-construction BMPs, either publically or privately held, annually. Inspection reports should be developed and addressed in the SWMP and maintained in an inventory.

Permittee must develop a retrofit plan for existing (pre-permit) BMPs that are affecting water quality. The BMPs should be ranked on potential (or current) impact on water quality. While no language is evident in the guidance that will require the implementation of the plan, there is potential that DHEC could require it in the latter years of this permit cycle.

Chapter 6 – Pollution Prevention/Good Housekeeping (MCM 6)

Map of facilities should include the identification and location of all outfalls to receiving waters.

Weekly visual inspection, with inspection report and log, will be required of all permittee owned/operated facilities.

Quarterly monitoring (visual) of stormwater discharge from the permittee owned/operated facilities is required with inspection report to be kept on-site with SWPPP.

Storm sewer system catch basin cleaning requirements will be added as part of MCM 6. **All** catch basins within the MS4 area must be labeled (Carolina Clear "drain" tags are sufficient).

Open drainage structures must be monitored and maintained on a routine basis, with inspection and maintenance logs kept.

Development of O&M manual for all activities that may impact stormwater, including paving, bridge maintenance, cold weather operations, right-of-way maintenance and permittee sponsored festivals and events.

Street sweeping may be required as part of the new permit.

Development of a pesticide, herbicide and fertilizer program including education, application schedule and storage practices.

Annual training will be required for employees involved with MCM6.

Chapter 7 – Industrial Stormwater Sources

Historically, inspection of Industrial facilities discharging to the MS4 is only a requirement of Phase I communities. However, this guidance indicates that this section and requirements may apply to the Phase II MS4s.

Permittee must maintain an inventory of ALL industrial and commercial sites discharging to MS4, regardless of ownership. There is a comprehensive list of these sites, but some examples of required sites in the inventory are restaurants, golf courses, animal facilities, automobile repair facilities, retail or wholesale fueling.

If this is included in the new permit, it will require changes to the ordinances to require these facilities to install stormwater control measures, develop good housekeeping procedures, conduct routine maintenance, have spill response procedures and conduct employee training.

Additionally, the permittee will be responsible for inspection of all facilities and to maintain and retain inspection reports.

Chapter 8 – Monitoring, Evaluation and Reporting

The permittee must develop a water quality monitoring program that may include ambient monitoring, biological monitoring, control measure performance monitoring (outfall quality and quantity) and wet weather monitoring.

The permittee can be required to monitor not only water quality parameters through the water quality program, but also physical (receiving channel conditions) and biological (fish or macroinvertibrates) conditions.

Success of the program may be directly tied to water quality improvement as seen through the water quality monitoring program. While this may be required, there will need to be some flexibility in this type of reporting, since the initial few sample periods will need to be utilized to develop baseline conditions. Natural existing levels of pollutants must be assessed to determine whether background levels prohibit the permittee from meeting water quality goals.

Annual reports will be more detailed and will include annual activity summaries, measurable achievements and results of monitoring program, summary of all enforcement actions taken, success of each MCM and program changes proposed for the following year. The annual fiscal analysis will also be required as part of the annual report.

There will still be an annual report form that must be completed, similar to the existing one. Changes for the next cycle reporting will include:

- reporting of number of active construction sites
- inspection schedule
- number and type of enforcement action
- number of outfalls in storm system
- number of illicit discharges identified, inspected and remediated
- funding sources and expenditures
- water quality monitoring reporting

As previously stated, the above information represents the guidance for the permit and not the specifics of what will be required. However, it does give some insight into what the current MS4s can expect as part of their next permit. If you have any questions, or would like to discuss this further, please do not hesitate to give me a call.

BP Barber
Engineering • Experience • Excellence

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MEMORANDUM

To: **Sumter County Council**

From: **Geoff Smith, P.E.**

Date: **June 1, 2010**

Subject: **Stormwater Utility Information**

The following information is provided as a guide for discussion and reference in regards to the development and establishment of a stormwater utility within Sumter County.

1. Examples of other stormwater utilities:

Existing South Carolina Utilities			
Date Established	**Location**	**Service Charges and Calculation methods**	**Collection Methods**
2003	City of Aiken	$3.22/mo. residential - based on ERU	water bill
2007	City of Anderson	$4/mo. residential - based on ERU	water bill
2006	Beaufort County	$57/yr avg. residential - based on SFU	tax bill
2006	Charleston County	$36/yr min. residential - based on ERU	tax bill
2002	City of Columbia	$47/yr avg. residential - based on ERU	water bill
2009	Dorchester County	$40/yr avg. residential - based on ERU	tax bill
2007	City of Florence	$3.50/mo. residential - based on ERU	water bill
2007	Georgetown County	$52/yr avg. residential - based on ERU	tax bill
2002	Greenville County	$49/yr avg. residential - based on ERU	water bill
2009	City of Hartsville	$2.50/mo. avg. residential - flat now - to be ERU	water bill
2007	Mount	$30/yr. avg. residential -	tax bill

	Pleasant	based on ERU	
2006	Rock Hill	$2.50/mo. avg. residential - based on ERU	water bill
2008	Tega City (York Co.)	$96/yr. residential - based on ERU	tax bill

2. The current permit, due to expire February 28, 2011, must be implemented as defined in the Stormwater Management Plan. The initial permit conditions required that the County submit a management plan that would meet the requirements of the EPA permit. To date, most of the permit requirements are complete, but additional inspections and program components still need development. Currently the County is meeting the intent of the permit.

3. The next permit, while not finalized, will most likely include all of the additional requirements as identified on the attached memo. The memo identifies a sampling of the ADDITIONAL components that will be most likely be added to the program, not currently required.

4. The purpose of a stormwater utility is to provide services jurisdiction-wide, not just within the MS4 permitted area. Waterways flowing from non-permitted areas, into and through permitted areas, must still be monitored and cleaned up as part of the MS4 requirements. Thus, placing the financial burden of the program on only those residents within the MS4 area would not allow for watershed-wide control, maintenance and water quality improvement.

5. In evaluating the type of fee structure that could be implemented to generate revenue for the program, a stormwater utility has been shown to be the most fair and equitable means of assessing fees to the residents of a community. The fees are based on impervious area, which generates the highest quantity of runoff with the potential for a high level of pollutants within that runoff. Additionally, by utilizing a utility format, a larger financial burden is placed on those that contribute more runoff to the system – i.e. commercial and industrial sites with high amounts of impervious cover.

6. The City and County are both permitted entities under this program. They have worked together on the development of similar programs and ordinances to maintain consistency for development and construction related requirements across both jurisdictions. However, at the current time, there are several obstacles that prevent the City from running the entire program, or the County running the entire program. Neither the City nor the County is in a financial or staffing position to take control of the other jurisdiction. The City, even under an intergovernmental agreement, most likely would not have the jurisdiction outside of the MS4 limits of the County. This would still require the County to retain a stormwater program for maintenance of the stormwater system.

7. The stormwater utility funds are designated for ALL stormwater related activities. Such activities that the fund can be used for include:

- MS4 permit compliance
- Stormwater staff and equipment costs
- Maintenance of ditches, storm drains, canals, stream channel erosion, bridge abutments damaged by stormwater erosion (portion)
- Capital improvement projects that alleviate flooding, increase storm drain capacity, replace aging stormwater infrastructure, improve water quality, restore or stabilize stream channels, and in some instances dredging projects

Rembert
A World of Difference

Rembert Area Community Coalition
8455 Camden Hwy P.O. Box 186 Rembert, SC. 29128 803.420.1255 Fax: 803.432.4244
E-mail: Jbritton@raccinc.com Website: www.raccinc.com

May 4, 2010

Mrs. Vivian Fleming-McGhaney, Chairperson
Sumter County Council
13 E. Canal Street
Sumter, SC 29150

Ref: Water Service for town of Rembert

Dear Chairperson McGhaney:

The Rembert Area Community Coalition (RACC) hopes this letter fins you in good health and spirit while enjoying the spring time weather. This letter is in reference to a request made by RACC to Mr. Deron McCormick prior to March 2009. RACC asked Mr. McCormick for a letter stating that the city would continue to provide water to the town of Rembert once it becomes incorporated. After several days/weeks of back and forth and upon requesting in writing what the letter should say, I received this letter (See attachment) not stating what was requested. I was told that the requested letter would not be written.

We like doing things in order and following the chain of command. I spoke with the Representative for District #1, Mrs. Naomi Sanders, in March on this year concerning this request. RACC is using this letter as a formal request to the Sumter County Council to provide a letter to the Rembert Area Community Coalition stating: ***that the Rembert Water System will continue to provide water services after the town of Rembert is incorporated.*** Please send the letter requested to RACC POB 186, Rembert SC 29128 by close of business day May20, 2010.

Please contact Juanita Britton at 803.420.1255 or jbritton@raccinc.com for questions. Thanking you in advance.

Sincerely,

Juanita G. Britton

Juanita G. Britton, Chair

Cc: Mr. Deron L. McCormick

City of Sumter

South Carolina

29151

DERON L. McCORMICK
CITY MANAGER

P.O. BOX 1449
21 N. MAIN ST.
(803) 436-2570
(803) 436-2615 (FAX)

March 10, 2009

Ms. Juanita Britton
Chairwoman, RACC
P.O. Box 186
Rembert, SC 29128

Dear Ms. Britton,

This letter is in response to your March 9, 2009 request for information concerning the Rembert Water System. The Rembert Water System is jointly owned by the City of Sumter and Sumter County. The City of Sumter operates and manages the system.

In order to keep the system in its excellent condition, the City of Sumter utilizes personnel and equipment from the following departments: Utility Billing, Water Distribution, Mechanical Maintenance, Water Plants, Electrical Maintenance and administration. Billing, meter reading, meter repair, line repairs, chemicals, treatment and permitting are all handled by these various departments. A financial summary for FY 2008 is attached.

Sincerely,

Deron L. McCormick
City Manager

Attachment

CC: Bill Noonan, Sumter County Administrator
Sumter City Council