



Minutes
Sumter County Council
Regular Meeting
January 12, 2010, - 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:

- Chairman Vivian Fleming McGhaney, Council District #5
- Vice Chairman Eugene Baten, Council District #7
- Councilman Artie Baker, Council District #2
- Councilman Larry Blanding, Council District #6
- Councilman Jimmy Byrd, Council District #3
- Councilman Charles T. Edens, Council District #4
- 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, Deputy Administrator
Pamela Craven, Finance Director

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

MEDIA PRESENT:

The Item Newspaper - Gina Vasselli

THE PUBLIC PRESENT:

Approximately 8 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 January 12, 2010, 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 January 12, 2010, agenda with any additions, deletions, or as printed.

Prior to taking action on the agenda, the Clerk to Council asked that Council consider adding the following item to the agenda under New Business.

- **Recognition Of Rev. Solomon Jackson In His Donation To Morris College.**

ACTION: MOTION was made by Councilman Edens, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the January 12, 2010, agenda as amended.

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

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the regular meeting minutes of December 8, 2009, as presented.

**LAND USE MATTERS AND REZONING REQUESTS - None
Planned Development/Rezoning Request -**

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS -

- (1) **09-699 -Third Reading -- An Ordinance Authorizing The Transfer Of Property To The City Of Sumter. (After The Public Hearing On This Matter, Council Will Take Action On Third Reading Listed Under Old Business Or Immediacy After The Public Hearing.)**

Prior to convening this public hearing, the County Attorney briefed Council on this matter and then, the Chairwoman convened a public hearing. She asked if anyone wished to speak in support of or opposition to this proposed ordinance. No one spoke to this issue; therefore, the Chairwoman closed the public hearing and Council took action on third reading as listed below under Old Business.

- (2) **09-700 -- Second Reading -- An Ordinance Amending Ordinance #09-685 -- Known As The Budget Ordinance In Order To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto. (After The Public Hearing On This Matter, Council Will Take Action On Second Reading Listed Under Old Business Or Immediacy After The Public Hearing.)**

After the County Administrator introduced this ordinance to Council; the Chairwoman convened a public hearing on this matter. She asked if anyone wished to speak in support of or opposition to the ordinance. No one spoke to this matter; therefore, the Chairwoman closed the public hearing and Council took action on second reading listed under Old Business.

NEW BUSINESS:

- (1) **Approval Of A Written Consent Of Sumter County Council, Located In The County Of Sumter, South Carolina.**

Mr. Johnathan Bryan stated that Sumter County currently has a lease agreement with Md7Capitla Three, LLC, a Delaware Limited Liability Company regarding a T-Mobile Site. The Company has a cellular tower on top of the Civic Center Building (115 North Harvin Street, Sumter, SC 29150). The Lease has been active since approximately 1992. It was noted that the Lease Agreement stated that the company could "terminate the Lease within

60 days.” However, the Company asked Sumter County to renegotiate and use language which would extend the Lease for a longer period of time with different termination rights and rent lock-in-period. The previous Lease was signed by the County Administrator and this Lease Agreement was also signed by the County Administrator; however, the company wanted a “Written Consent of the County Council of the County of Sumter, South Carolina,” to be approved by Council. After review of the Written Consent, Council took action on its approval.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to approve the Consent Agreement and directed the Chairwoman and the Clerk to execute and deliver the Consent Agreement on behalf of the County.

Cell Tower Consent Resolution

RESOLVED, that Sumter County, a body politic of the State of South Carolina, shall enter into that certain Lease Assignment Agreement regarding T-Mobile Site – Downtown Sumter 8SU0451B, located at 115 North Harvin Street, Sumter, SC 29150;

RESOLVED, FURTHER, that William T. Noonan, as Sumter County Administrator, is hereby authorized, empowered and directed, for and on behalf of Sumter County, to take or cause to be taken any and all actions as he may deem necessary or advisable to carry out and perform the obligations of Sumter County under the foregoing resolution and to consummate the transactions and arrangements contemplated therein.

RESOLVED, FURTHER, that any action taken by William T. Noonan prior to the adoption of these resolutions that are within the scope of the foregoing resolutions are hereby ratified, confirmed and approved in all respects as the action(s) of the Sumter County Council.

This Consent may be executed in counterparts and shall be effective for all purposes on January 12, 2010.

- (2) A Resolution Relating To The Allocation Of \$1,500,000 Of Sumter County’s Recovery Zone Economic Development Bond Capacity To Central Carolina Technical College.

The County Attorney also presented this proposed resolution. He stated that pursuant to the American Recovery and Reinvestment Act of 2009, Sumter County, South Carolina received an allocation of Recovery Zone Economic Development Bond capacity in the amount of \$9,948,000 all or a portion of which the County is empowered to allocate use to another entity. Sumter County has agreed to allocate \$1,500,000 of the \$9,948,000 Recovery Zone Economic Development Bond capacity to Central Carolina Technical College in order for the College to proceed with the issuance of Recovery Zone Economic Development Bonds of the College.

It is required by the bonding attorney that an official resolution be approved for this allocation. After all comments, Council took action on this resolution.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the resolution and directed the Clerk and the Chairwoman to execute and deliver the resolution on behalf of the County.

Resolution: American Recovery and Reinvestment Act of 2009

WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009 (the "Act") and Internal Revenue Service Notice 2009-50 (the "Notice"), Sumter County, South Carolina (the "County") received an allocation of Recovery Zone Economic Development Bond ("RZEDB") capacity in the amount of \$9,948,000, all or a portion of which the County is empowered to allocate, pursuant to the Act and the Notice, to ultimate beneficiaries who will issue Recovery Zone Economic Development Bonds; and

WHEREAS, Central Carolina Technical College (the "College") requested the use of \$3,000,000 of the County's RZEDB capacity; and

WHEREAS, on November 17, 2009, the County Council voted to allow the County Administrator to contact the College with an offer by the County Council for the College to use up to \$1,500,000 of the County's RZEDB capacity if needed by the College; and

WHEREAS, the College has confirmed to the County the College's need of the \$1,500,000 of RZEDB capacity in order to proceed with the issuance of Recovery Zone Economic Development Bonds of the College.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AS FOLLOWS:

1. \$1,500,000 of the County's RZEDB capacity is allocated to the College for use by the College in issuing Recovery Zone Economic Development Bonds of the College.

Adopted this 12th day of January, 2010.

(3) **Budget Audit Report For Fiscal Year 2008-2009.**

The County Administrator introduced the County's external Auditor, Mr. Roger Long, who in turn discussed with Council information in the 2008-2009, Budget Audit Report.

Mr. Long stated that the County has an 'Unqualified Opinion Audit.' This is the best opinion that a CPA can offer. He presented the following information of the 105-page audit.

- Pages 10-11: Statement of Net Asset includes all assets and liabilities.

- Page 12: Balance Sheet – Governmental Funds
- Pages 14, 15, and 42-46: Combined Statement Revenues, Expenditures and Changes In Fund Balances. Mr. Long stated that from an expense standpoint, the County not only cut the budget by \$1,700,000 from the budget, the County employees were also able to cut another \$1,400,000 from the budget.
- Page 57: The details of the Infrastructure Fund were discussed briefly.
- Page 58: The Greenhouse Shelter spent more than they brought into the County. The County needs to look at this problem – the County cannot continue the trend of spending more than receiving. Something needs to be done; either cut expenses or add revenue. This has happened about three continuous years.
- Page 73: “C” Funds - need to pick-up pace on spending these funds.
- Page 77: Airport Fund – This is the first year that the County operated the Airport and the County did very well with this process. The County had revenues exceeding expenditures at approximately \$30,000.
- Pages 80-81: The Debt Service Funds is the fund you collect taxes with. The County has approximately \$13,800,000 worth of bonds payable. There is \$20,000,000 worth of bond anticipation notes on the Capital Penny, and there is approximately \$6,000,000 worth of leases and notes payable.
- Pages 82-83: Capital Projects Funds – This fund needs to be managed – it is a major fund of the County.
- Page 92: Golf Course – The Golf Course lost approximately \$31,916 during 2008-2009 fiscal year and lost approximately \$73,937 during 2007-2008. The golf course over the past several years has spent approximately \$300,000 more than they have brought in for revenue.
- Page 95-98: Internal Control Reporting
- Page 99-100: Summary of the Auditors’ Results

ACTION: Received as information.

- (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.

A. Personnel Matter – This Will Be Held After All Business And Public Comment.

OLD BUSINESS:

- (1) 09-699 -Third Reading -- An Ordinance Authorizing The Transfer Of Property To The City Of Sumter.

The County Attorney introduced this item to Council for third reading approval. He stated that the City of Sumter has already granted approval of a similar ordinance to allow for the City and County to transfer property to each governmental body as designated in the ordinance.

Prior to action on third reading, the Chairwoman convened a public hearing on this matter. After the public hearing was concluded, Council took action on third reading. .

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

ORDINANCE:

WHEREAS, Sumter County owns several parcels of land which the City of Sumter would like to own; and

WHEREAS, The City of Sumter owns several parcels of land which Sumter County would like to own; and

WHEREAS, in some cases the property is owned solely by the City of Sumter or Sumter County, and in other cases the property is owned jointly by the City of Sumter and Sumter County; and

WHEREAS, Sumter County does not currently need the property that it owns in whole or in part for any public purpose; and

WHEREAS, it is in the public's interest for Sumter County Council to transfers property in cooperation with the City of Sumter so that the two governmental entities may pursue their programs and initiatives.

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:

That Sumter County convey its interests in certain parcels of land in return for the City of Sumter conveying its interest in certain parcels of land, according to the attached chart, which is incorporated herein by reference.

That Sumter County Council authorizes the Sumter County Administrator to sign a contact on behalf of Sumter County concerning the terms of the transfer.

- (2) **Second Reading -- 09-700 -- An Ordinance Amending Ordinance #09-685 -- Known As The Budget Ordinance In Order To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto.**

The County Administrator, William T. Noonan, presented this proposed ordinance to Council for public hearing and second reading. He asked Council to hold the public hearing since it was legally advertised to be held. However, he asked Council members to defer second reading due to unclear directions from the S. C. General Assembly as of this date. Mr. Noonan further stated that the General Assembly needs more time to work on the matters at hand and that they may pass bills that could help the Counties overcome some of the mandates without funding, CAP on millage, etc.

After comments from the Administrator, the Chairwoman convened a public hearing and at the conclusion of the public hearing, Council took action on second reading.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to defer second reading as presented.

NOTE: The County Administrator suggested that a second public hearing be scheduled for this matter at the appropriate time. Council was in support of this suggestion; however, no public hearing date was given at the time of this meeting.

COMMITTEE REPORTS:

- (1) Fiscal Tax and Property Committee Meeting Held on Tuesday, **January 12, 2010, at 4:00 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. Executive Session -If Necessary Council May Hold An Executive Session To Discuss Contractual, Economic Development, or Personnel Matters, or Receive A Legal Briefing And Take Actions As Appropriate.

- A. Briefing And Possible Actions May Be Required Concerning An Economic Development Matter.

The Committee discussed an economic development matter during executive session; then during open session, the Committee took action on approving \$37,500 to be used to certify the Airport Industrial Park as a certified Industrial Park. The funds would be secured from the Infrastructure Fund.

ACTION: MOTION and second were received from the Committee to approve the recommendation from the Committee to allow \$37,500 to be secured from the County's Infrastructure Account to be used for funding the certification of the Airport Industrial Park. The motion was unanimously carried.

- B. Update On Potential Contractual Matter Pertaining To Property. No action.

- C. Update and Discussions On Building America Bonds. No action.

2. Sumter County Financial Report As Of November 30, 2009. The Financial staff gave the Committee a financial update as of December 30, 2009, as well as the November financials.

3. Discussion And Possible Action On the 2009-2010 Fiscal Year Budget. No action taken on the following two items.

- Amending The 2009-2010 Fiscal Year Budget Of Sumter County Government.

- Transferring Funds From Different Line Items Within The 2009-2010 Budget.
4. Discussion And Possible Action By Council Concerning Department Of Justice "Bail Out." The Committee did not act on this matter but did say that they did not want the Attorney to do any research on this matter.
 5. Discussion And Possible Action By Council Concerning Preparation Of An Ordinance Amendment Relating To The County's Leash Law. There is no action from this Committee at this time; however, the Chairwoman stated that this item will be added to the agenda for possibly amending the County's Leash Laws or studying it further.
 6. Request For Funds Concerning Mayesville Community Center Internet Needs. The Committee discussed a request to allow funds to be secured from County Council's Contingency Fund in the amount of \$1,000 to be used for Internet Connection at the Mayesville Community Center. The County's other Community Centers already have the internet connection. The \$1,000 would cover the cost from January through June 2010. This budget expense would have to be included in the 2010-2011 budget process.

ACTION: MOTION and second were received from the Committee to approve the recommendation from the Committee to allow \$1,000 to be secured from County Council's Contingency Fund to fund this matter. The motion was unanimously carried. (Note: The Administrator was asked to ensure that the internet connection will permit WIFI capability - if possible for the same cost.)

7. Request From The Sumter County Branch Of NAACP Concerning Solid Waste Disposal Fees. The Committee asked the staff to continue to review issues that arise on this matter for seniors, those with disabilities, other hardships, etc. This matter will be discussed later after data is collected concerning the impact of the fee on the citizens and the County. (The occupied and unoccupied parcels should be reviewed and reported on as well.) Councilman Edens and Vice Chairman Baten voiced their concern about the possibility of changing the Solid Waste Disposal Fee Ordinance. Vice Chairman Baten stated that there will always be hardships, but altering the ordinance to meet certain hardships may not be fair to those who have other hardships. Councilman Edens also mentioned that one gentleman did not want to pay the fee and said that his tax bill went from \$9 to \$45. Councilman Edens stated that the gentleman was receiving so many services from the County for only \$9 a year.
8. Additional Items: CSX Rail Company. CSX had some improvements completed on their existing rail spur and the cost for this work was \$3,250. This rail is located in the industrial park in Sumter and is a need for industry. The Committee recommended approval of securing the funds from the Infrastructure account.

ACTION: MOTION and second were received from the Committee to approve the recommendation from the Committee to allow \$3,250 to be secured from the County's Infrastructure Fund. The motion carried unanimously.

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

- Councilman Blanding stated that at the last Santee Lynches Council on Governments meeting a report was given concerning the economic condition of Sumter County and the State of South Carolina. He added that he has talked to members of the County's Legislative Delegation informing them that on one hand the State wants to tie the hands of the County and its ability to raise revenue and yet on the other hand the State wants or insists that State supported departments be funded as usual and at times with increases. Something will have to be done.

MONTHLY REPORTS:

- Santee-Lynches Regional Council of Governments - Regional Wastewater System - Master Service Agreement Patriot Project
- Normal is Broke -- Be Weird Brochure
- 2009 Sumter County Tax Notice
- Stamey Livestock Road
- Sumter County Emergency Management Activity Report
- Airport Commission
- Capital Project Ideas
- Legislative Day-February 3, 2010

ADMINISTRATOR'S REPORT:

- Litter Grant: The Administrator informed Council that the County has received a \$5,000 Litter Enforcement Grant which will allow for cameras to be purchased to identify persons that are littering in Sumter County by placing cameras in the most "littered" areas of the County.
- Journal Articles: Council members were given two articles (1) Development along I-95 and (2) Growth and Broken - Fiscal Problems.

PUBLIC COMMENT:

The Chairwoman asked if anyone from the public would like to address members of Sumter County Council.

- Helen Patnode spoke to Council about the water in the Southeastern area of Sumter County.

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: January 26, 2010

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: January 7, 2010

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: January 7, 2010

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding