



Minutes
Sumter County Council
Regular Meeting
February 9, 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

COUNCIL MEMBERS ABSENT:

- Councilwoman Naomi D. Sanders, Council District #1
- Councilman Artie Baker, Council District #2 - Councilman Baker was present during the committee meetings, but was not able to attend the Council meeting.

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk To Council	William T. Noonan, County Administrator
Johnathan Bryan, County Attorney	Gary Mixon, Deputy Administrator
Pamela Craven, Finance Director	Keysa Rogers, Budget Analyst
Lorraine Dennis	Rose Ford, Recreation Director
Patricia Jefferson, Director VR/Election Com.	William Jefferson, Real Estate Appraiser

MEDIA PRESENT:

The Item Newspaper - Gina Vasselli

THE PUBLIC PRESENT:

Approximately 14 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 February 9, 2010, to order.

INVOCATION: The Invocation was given by Chairman McGhaney.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge of Allegiance.

APPROVAL OF AGENDA: Chairman McGhaney stated that she would entertain a motion to approve the February 9, 2010, agenda with any additions, deletions, or as printed.

Prior to taking action on the agenda, the Clerk to Council asked that Council consider amending the agenda as follows by adding Recognition of Public Safety Awards to the agenda and permitting this matter to be the first item heard after action on the minutes of January 26, 2010.

Add The Following Items

- Public Safety Awards
 - Law Enforcement Officer Of The Year
 - Firefighter Of The Year
 - Correctional Officer Of The Year
 - Police Officer Of The Year

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to approve the February 9, 2010, agenda as amended.

ACTION ON REGULAR MEETING MINUTES OF JANUARY 26, 2010: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of Sumter County Council held on January 26, 2010.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to approve the regular meeting minutes of January 26, 2010, as amended – see amendment below.

Amendment: Fiscal, Tax, and Property

9. **Payment Of Invoice:** *The Committee recommended to engage Carolina Clear to disseminate the educational component of the Stormwater Utilities Fees at a cost of \$15,000. The fees will be secured from the County's Infrastructure Fund Account contingent upon reimbursement being made to the Infrastructure Fund Account from the Stormwater Utilities Fees once implementation occurs.*

NOTE: Several Council members voiced their concerns about the County being required to fund educating the public on Stormwater Utilities Fees. However, the Administrator informed Council that the education component of this new mandate requires that the public be educated concerning the implementation of this requirement.

ACTION: *MOTION and a second were received from the Committee, and carried by Sumter County Council, to approve the recommendation as presented. Council members Edens and Byrd, ~~and Blanding~~ voted in opposition; Council members Baker, Baten, Blanding, Sanders, and McGhaney voted in the affirmative. The motion carried.*

NEW BUSINESS:

AMERICAN LEGION Post Safety Awards

The Chairman read each commendation and each Council member stood to shake the hands of the recipients of the American Legion Safety Awards Recognitions

- Kelly LeAnn Nash, Outstanding EMS Technician Of The Year
- Irene Culick, Outstanding Police Officer Of The Year
- Andrea Glover, Outstanding Correctional Officer Of The Year
- Robert B. Watts, Outstanding Firefighter Of The Year

ACTION: Received as information.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

Street Name Change - None

Grant Awards -

OTHER PUBLIC HEARINGS -

- (1) 10-701 - An Ordinance Approving A Petition Calling For A Referendum On The Dissolution Of The Wedgefield-Stateburg Rural Community Water District. (Council May Take Action On Second Reading Immediately After The Public Hearing, Or During Old Business.)

The County Attorney, Mr. Johnathan Bryan, made a brief presentation concerning this matter as listed in Old Business. Then the Chairman convened a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to this proposed ordinance as presented. No one spoke on this issue; therefore, the Chairman closed the public hearing and Council took action on second reading as listed under Old Business.

NEW BUSINESS CONTINUED:

- (1) First Reading - 10-702 - An Ordinance Suspending Sunday Work Prohibitions During A Ninety Day Period; And Other Matters Related Thereto.

The County Attorney presented this proposed ordinance to Council for first reading consideration. He stated that Vice Chairman Baten requested that this ordinance (see below) be prepared for Council consideration.

Vice Chairman Baten stated that he asked the Attorney to initiate this action. He further stated that the Blue Laws are there to regulate business hours on Sunday as to when a business can open as well as what items can be sold before the business opens at a designated time.

Vice Chairman Baten stated that many citizens have approached him as to why Sumter County still has this law when it appears to be outdated. The Item Newspaper conducted a poll as to the citizen's support or non-support of the Blue Laws as they currently exist. The results of the poll showed that 83% of the citizens answering the poll felt that the Blue Laws should be abolished. It was also stated that counties within the State are exempted from the Blue Laws if they receive Accommodations Tax equaling or more than \$900,000 per year. Sumter only generates approximately \$500,000 per year of Accommodations Tax revenue.

Members of the Sumter County Delegation have been contacted about abolishing the Blue Laws as they are currently written. The law is unfair to small counties. The County has a Penny Sales Tax and the County is collecting revenue from this tax; however, the collection trends show that the estimated collections are short of what was projected. If the trend continues the overall revenue collections will be less than what was anticipated. Therefore, it behooves Sumter County to have all the sales it can in Sumter County to boost the revenue collection.

Vice Chairman Baten stated that he is asking Council to suspend the Blue Laws for a 90-day period to see what that suspension would do for collections of revenue. Additionally, if the citizens are in favor of this, it can be continued; if they are against it, then Council can allow the suspension to continue until its conclusion date of June 30, 2010.

Councilman Edens stated that Council does not have the authority to abolish the Blue Laws, only the General Assembly of South Carolina can abolish its laws.

Councilman Edens asked what is the limit of time that a County can suspend the Blue Laws? The County Attorney, Mr. Bryan, stated that there is no restriction on the minimum or maximum time of the suspension.

Secondly, this ordinance before Council, as written, would only suspend the Blue Laws in the unincorporated areas of Sumter County. The poll conducted by The Item Newspaper involved both incorporated and unincorporated areas of Sumter. Councilman Edens added that if this ordinance as written is eventually adopted, it would not affect Wal-Mart because Wal-Mart is located in the City of Sumter.

Vice Chairman Baten asked Mr. Bryan whether or not the ordinance could include the incorporated areas of the County? Mr. Bryan said that the ordinance can include the City and/or any incorporated area in Sumter County. After all discussions on this proposed ordinance, Council took action on first reading.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Blanding, and carried by Council to defer first reading until such time that the appropriate language (incorporated and unincorporated areas of Sumter County, South Carolina) can be included in this ordinance. Council members Baten, Blanding, and McGhaney voted in the affirmative; Council members Byrd and Edens, voted in opposition. The motion carried to defer first reading.

NOTE: Councilman Baker and Councilwoman Sanders were absent from this meeting.

Language Of Ordinance 10-702

WHEREAS, pursuant to Section 53-1-160 of the South Carolina Code of Laws, 1976, as amended (the "Code"), Sumter County Council (the "County Council") is authorized to suspend Sunday work prohibitions contained in 53-1-5 *et. seq.* of the Code, commonly referred to as "Blue Laws," which declares that it is unlawful for some businesses to open on Sundays in Sumter County before 1:30 p.m.; and,

WHEREAS, the County Council recognizes that many County merchants need Sunday sales to maintain viable businesses and to pay their employees and County merchants are competing for business with businesses in surrounding counties, and in some County municipalities, which open their businesses before 1:30 on Sundays, during the holidays; and,

WHEREAS, the County Council further recognizes that the ability to shop on Sundays will be a convenience to the public; and,

WHEREAS, in light of the foregoing declarations, Sumter County, a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council desires to exercise its authority under Section 53-1-160 of the Code and suspend Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in the unincorporated portion of Sumter County to open prior to 1:30 p.m. on Sundays between April 1, 2010, and June 30, 2010:

NOW, THEREFORE, it is hereby resolved by Sumter County Council in meeting duly assembled, that:

1. Pursuant to Section 53-1-160 of the Code, Sumter County hereby suspends Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in the unincorporated portion of Sumter County to open prior to 1:30 p.m. on Sundays between April 1, 2010, and June 30, 2010.
 2. All orders and resolutions in conflict herewith are, to the extent of such conflict only, repealed and rescinded.
 3. Should any part or portion of this resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding shall not affect the remainder hereof, all of which is hereby deemed separable.
 4. This resolution shall take effect and be in force immediately upon enactment.
- (2) 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. 10-701 - An Ordinance Approving A Petition Calling For A Referendum On The Dissolution Of The Wedgefield-Stateburg Rural Community Water District. (Council May Take Action On Second Reading Immediately After The Public Hearing, Or During Old Business.)

Mr. Bryan, the County Attorney presented this proposed ordinance to Council for second reading approval and a public hearing. He added that there have been no changes to this ordinance since first reading. This ordinance would provide for a petition calling for a referendum to dissolve the Wedgefield-Stateburg Rural Community Water District and allow for the County to take over the operation and ownership of the Water District.

The Chairman of Council convened a public hearing on this matter. After the public hearing, Council took action on second reading as listed below.

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

Language of Ordinance 10-701

WHEREAS, The Wedgefield-Stateburg Rural Community Water District is a special purpose district created by the South Carolina General Assembly by Act #1022 of the Regular Sessions of 1964 and by Act #65 of the Regular Sessions of 1967; and

WHEREAS, The Wedgefield-Stateburg Rural Community Water District is authorized to provide waterworks service within its service area, as such service area was initially established by Act #65 of the Regular Sessions of 1967 and as amended by Sumter County Ordinance 09-697; and

WHEREAS, The Wedgefield-Stateburg Rural Community Water District operates a waterworks system that provides service within its service area; and

WHEREAS, The Board of Directors of the Wedgefield-Stateburg Rural Community Water District (hereinafter "WSRCWD") has determined that it is in the best interest of the WSRCWD to dissolve in accordance with Article 15, Chapter 11, Title 6 of the Code of Laws of South Carolina (2004), entitled "Dissolution of Special Purpose Districts:" and

WHEREAS, The governing statutes require that before a petition may be circulated for consideration by the qualified electors of the district, the entity named in the petition as that which shall assume the assets and liabilities of the district upon dissolution and shall provide the services currently provided by the district, which in this case Sumter County, must be provided with a copy of the proposed petition; and

WHEREAS, Sumter County Council has received a copy of the proposed petition requesting that a Referendum be held. The form of the petition is attached hereto as Attachment A; and

WHEREAS, The governing statutes require that Sumter County adopt an ordinance within one hundred twenty days following receipt of the proposed petition by which Sumter County agrees, should a referendum held pursuant to law be successful, to become responsible for the assets and liabilities of the district and to provide the service or services set forth in the petition upon the dissolution of the district.

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

1. The recitals set forth above are incorporated herein and made a part of this Ordinance as findings of fact as if set forth verbatim.
2. If the Referendum is held and results in a favorable outcome, the WSRCWD will be dissolved and Sumter County shall then become responsible for the

assets and liabilities of the WSRCWD and shall then and thereafter provide the services set forth in the petition.

3. Sumter County is authorized by law to provide the services currently provided by the WSRCWD and Sumter County is authorized to and shall, before the dissolution of the district, issue such obligations as are necessary to fully pay or decrease all outstanding general obligation bonds, revenue bonds, lease-purchase obligations, and other obligations of the district, except to the extent, if any, that the political subdivision is able to lawfully assume the obligations with the consent of the holder thereof.
4. A certified copy of this Ordinance will be forwarded to the Board of Directors of the WSRCWD within five days of its adoption.
5. Signatures affixed to any petition before the adoption of this Ordinance are of no force or effect.
6. Sumter County does not propose to finance the provision of any services now provided by the WSRCWD to the area within the district in whole or in part through the levy and collection of *ad valorem* taxes and does not propose to create a special tax district therefore.
7. The Sumter County Council has examined the form of the Petition and is satisfied, upon due investigation and upon receiving advice of its counsel, that it is in compliance with the governing law in Article 15, Chapter 11, Title 6 of the Code of Laws of South Carolina (2004), entitled "Dissolution of Special Purpose Districts."

This Ordinance shall take effect upon third reading.

COMMITTEE REPORTS:

- (1) Personnel/Technology Committee Meeting Held On **Monday, February 8, 2010, at 4:00 P.M.** In County Council's Conference Room At The County Administration Building - (Baten, Byrd, and McGhaney).

The Chairman of the Committee, Vice Chairman Baten, gave the following report and recommendations.

1. Executive Session Matter Pertaining To Employment - Information Only.
2. Policy On Electronic Devices -- The Committee discussed this matter in detail and while in the Committee meeting, recommended to offer approval of this policy; however, the Chairman of the Committee announced during this report that the Committee would like to defer action on this item until additional information can be obtained by the Committee members.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Blanding, and unanimously carried by Council to defer action on this Policy at this time.

- (2) Sumter City County Liaison Committee Meeting Held on **Monday, February 8, 2010, at 5:00 P.M. In County Council's Conference Room At The County Administration Building - (Sanders, Byrd, and McGhaney).**

No report given.

- (3) Fiscal Tax and Property Committee Meeting Held on **Tuesday, February 9, 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, Chairman McGhaney, gave the following report and recommendations.

1. **Lease Purchase** -The Committee discussed with staff the possibility to submit the proper documents to seek "Request For Proposals" for lease purchase on several capital items to be funded through County's Capital Improvement Fund. The Committee recommended approval for the County's staff to seek "Request For Proposals" for lease purchase of capital items and for these items to be paid from the County's Capital Improvement Fund.

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

2. **Letter - U. S. Delegation** - The Committee discussed and recommended that the Chairman be authorized to write a letter to the U.S. Delegation for help with the Stormwater Utilities Implementation costs -- \$15,000.

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

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

No report given.

MONTHLY REPORTS:

- Carolina Filters, Inc.
- South Carolina Rural Summit
- 2009 Annual Average Data -ACCRA Cost Of Living Index Results
- S. C. Counties Workers Compensation Trust
- State Treasurer's Office - Local Option Capital Project Sales Tax
- Capital Project Ideas
- S. C. Budget And Control Board - Regional Council Of Governments

ADMINISTRATOR'S REPORT:

No report given at this meeting.

PUBLIC COMMENT:

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

- Mr. Julian Hines asked Council for clarification concerning the deferral of action on the Blue Laws. Mr. Hines asked Council to clarify incorporated and unincorporated. The Attorney informed the public that unincorporated is the County, and incorporated is the City or a township.
- Mrs. Helen Patnode spoke to Council about the need for water in the southeastern portion of Sumter County. She informed Council that her community wants public water. (The Administrator was asked to update Ms. Patnode about the water for her community.)
- Mr. Lewis Watkins stated that he lives out Broad Street and he grew up in Sumter and attended Lincoln High School. While away from Sumter, for approximately 40 years and returned to Sumter approximately five years ago, he was involved in City Government in New York. His concern was the lack of concrete information during the meetings and detailed information concerning the Blue Laws. Mr. Watkins wanted to know whether or not the Blue Laws, if suspended would allow him to go to the restaurant and have a beer without having to go to a private club? He also asked whether or not the County's Administrator's report is available to the public and where could the public receive a copy of the report? (The Clerk was asked to give a copy of the website address to Mr. Watkins.)
- Ms. Jeanette Roveri stated that she is the Executive Director for the Sheppard Center in Sumter. She asked whether or not the County's Budget is online on the website. She asked about the level of funding for the Spectrum? The County Administrator suggested that Ms. Roveri talk with him after the meeting. She further stated that she would like to see if the Sheppard Center and the Spectrum could work together in hopes of saving money.
- John Duffie stated that members of the Lincoln High School Society will hold a meeting on February 18, 2010, at 7:00 p.m. at Lincoln on Council Street to help with the Society's pursuit in raising funds to pay for the purchase of the old Lincoln High School from Trinity United Methodist Church.
- Jamie Dahl stated that the Blue Law does affect her business; she works for Wal-Mart. She asked how Council would get the information to the businesses once the Blue Law is passed. She stated that the change in the law would require that the customers understand that they are now able to shop at different times and that they are also able to differently. Ms. Dahl said that the Blue Law is new to her; she has been in Sumter since June; and her previous employment did not have the Blue Law. Ms. Dahl further stated that the Blue Law requires that she struggle with the customers concerning the "Blue Laws" restrictions. Lastly, she said that the public must be informed about the change in the law if it occurs and the notification to the public must be more than the newspaper. She also said that those businesses that do not normally open on a Sunday, there will be some planning issues as it

relates to hiring staff to work on Sunday or make arrangements for alterations in scheduling workers during this new work time.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:45 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: February 23, 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: February 4, 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: February 4, 2010

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding