



Minutes
Sumter County Council
Regular Meeting
February 23, 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
 Ron Haynes, Risk Manager
 Eddie Newman, Public Works Director
 Ron Ludd, Maintenance Director

William T. Noonan, County Administrator
 Gary Mixon, Deputy Administrator
 Pamela Craven, Finance Director
 Rose Ford, Recreation Director
 Karen Hyatt, Deputy Public Works Director
 Robert Hingst, EMS Director

MEDIA PRESENT:

The Item Newspaper – Meeting Was Recorded On Recorder Provided By The Item Reporter.

THE PUBLIC PRESENT:

Approximately 15 members of the public were in attendance.

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CALL TO ORDER: Chairman Vivian Fleming McGhaney called Sumter County Council’s meeting of February 23, 2010, to order.

INVOCATION: Chairman 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 February 23, 2010, agenda with any additions, deletions, or as printed.

The Clerk informed Council members that there were no changes to the agenda; however, in Council’s packets for this meeting, there was an amended draft copy of Ordinance 10-702. She asked Council members to use the amended draft copy when Council discusses this matter under New Business.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the February 23, 2010, agenda as amended.

ACTION ON REGULAR MEETING MINUTES OF FEBRUARY 9, 2010: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of Sumter County Council held on February 9, 2010.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Edens, and unanimously carried by Council to approve the regular meeting minutes of February 9, 2010, as presented.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

Street Name Change - None

Grant Awards -

OTHER PUBLIC HEARINGS - None

NEW BUSINESS:

(1) SCAC Presentation Of Risk Management Awards.

The County Administrator, William T. Noonan, presented this item to Council. He presented Mr. Ron Haynes, Risk Manager for Sumter County. Mr. Haynes then introduced the other department heads who participate in the Safety Committee for the County. The following members of the Committee were introduced:

Mr. Gary Mixon, County Administrator for Public Services

Mr. Robert Hingst, EMS Director

Mr. Ron Ludd, Building and Maintenance Director

Mrs. Rose Ford, Recreation Director

Mr. Eddie Newman, Public Works Director

Ms. Karen Hyatt, Deputy Public Works Director

Mr. Haynes also introduced Mr. John Henderson, the South Carolina Association of Counties Director of Risk Management Services.

Mr. Henderson stated that his purpose for being in attendance is to present two awards to Sumter County. The first award is the Outstanding Safety Achievement Awards that was presented at the Insurance Trust Membership meeting in January which was held in Myrtle Beach, South Carolina. The award is presented for the activities of the Safety Committee in reducing lost exposure in public works and the landfill. Mr. Haynes then explained to Council that the Public Works Department reduced their "lifting injuries, erected no trespassing signs which would eliminate the public to be exposed to injuries at the landfill; training on dismounting and mounting on equipment, and several other training activities, have resulted in reduced injuries.

Then the award was presented to Mr. Eddie Newman to be shared with the Public Works Department.

Mr. Henderson presented the second award called the "Continuing Excellence in Risk Management" was presented to Sumter County for the continuing good work that the County is doing in the Risk Management and Safety program. Mr. Henderson admitted that this award is not given to very many municipalities, companies, or staff members. This award must be earned. Mr. Henderson added that sometimes people get very excited about the initial Risk Management program and then the ball drops and they have to start all over again. However, Sumter County has not stopped working to do better and better with Risk Management. The momentum continues each year. The award is presented with the encryption of "Sustained Excellence In Risk Management" - the award was presented to Ron Haynes on behalf of Sumter County.

Mr. Henderson thanked Council for their support in Risk Management and William T. Noonan's leadership in this program. He also stated that when Sumter County reduces its losses, it is a good thing. If the losses are reduced, over a period of time then has an impact on the County's premium. This year, the losses have been reduced considerably and years that had bad losses are dropping out of the equation which is used to compute the factor called the experience modification factor. Mr. Henderson also stated that it is reasonable that Sumter County should see some reduction in premium just based on the losses that have occurred as well as the fact that the "Trust Multiplier" may be reduced this year. The work of the Risk Management program is paying off for Sumter County.

Council members thanked Mr. Henderson for presenting the awards and providing the insight on the possibility of reduction in premiums.

ACTION: Received as information.

- (2) **First Reading - 10-702 - An Ordinance Suspending Sunday Work Prohibitions During A Ninety Day Period; And Other Matters Related Thereto.** (First Reading Was Deferred During The February 9, 2010, Meeting.)

Mr. Bryan, the County Attorney, stated that the Clerk to Council had previously called Council's attention to the revised draft of Ordinance #10-702. The revision for the caption is as follows.

First Reading - 10-702 - An Ordinance Suspending Sunday Work Prohibitions During A Nine-Month Period; And Other Matters Related Thereto. (First Reading Was Deferred During The February 9, 2010, Meeting.)

Vice Chairman Baten, the presenter of this ordinance, stated that this ordinance has nothing do to with (1) alcohol sale; (2) the County will not say that an employer can prevent employees from going to church on Sunday's. People still have the right, by law to go to church on Sunday. This also applies to Saturday for those people who worship on Saturday.

What this ordinance will do is allow Sumter County's businesses the opportunity to generate more revenue, to open their stores if they desire. This ordinance does not say that a store has to open; it just gives the avenue for it to be opened if it wants to open.

Vice Chairman Baten ended his statements by saying that this ordinance also adheres to the majority of Sumter County's citizens that it is time for the County to get rid of the Blue Law.

Councilman Edens asked for clarification concerning the state law which protects the employees from working on Sunday if he/she wants to attend church versus the employer needing the employee to work at 10:00 a.m. since the business is now opened before the 1:30 p.m. Blue Law requirement. Does the employee have protection?

Mr. Bryan stated that he does not think that the state law specifically addresses these issues. The state law does say that if employees do not want to work on Sunday, employees cannot be required to work on Sunday. Councilman Edens then asked; what happens to an employee who does not mind working Sunday evening but not Sunday morning?

Mr. Bryan said that the state law does not address these issues specifically. Vice Chairman Baten gave a copy of the state law (Section 53-1-160) to the Attorney who read the law; however, it was the opinion of the Attorney that these questions are not specific in the law.

Councilman Byrd voiced his concerns about the revenue. He stated that the additional hours will boost the big box stores revenues, but it will not help the small businesses; it appears that the small businesses will be at a disadvantage compared to the larger stores. Councilman Byrd asked that the time be shortened to the fourth quarter of the year and not nine-months.

Councilman Blanding stated some of the Council members are presupposing that once this ordinance is passed, everyone will shift their hours of operation. He added that Councilman Byrd said that the money will be basically the same, and a company will have to look at the bottom line; therefore, Councilman Blanding is in support of hearing what the public has to say about the Blue Law and tweak the ordinance as necessary after hearing the public's comments.

The Clerk mentioned that this ordinance does not require a public hearing; however, if Council would like to have a public hearing on this ordinance; then it would need to be scheduled either at second reading or third reading. Chairman McGhaney asked for a public hearing to be scheduled and to schedule it at second reading which will be held on March 23, 2010.

After all comments, Council took action on first reading.

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

NOTE: The Chairwoman asked for Council members who had strong thoughts about this ordinance to talk to the County Attorney and devise suggested amendments to the ordinance for Council consideration.

- (3) 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 report.

OLD BUSINESS:

- (1) Third Reading - 10-701 - An Ordinance Approving A Petition Calling For A Referendum On The Dissolution Of The Wedgefield-Stateburg Rural Community Water District.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council for third reading approval. He stated that there have been no changes to the ordinance since first and second reading. (See ordinance below.)

After all comments, Council took action on third reading and adoption.

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 MEETING 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."

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

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held On Wednesday, February 17, 2010, at 12:00 P.M. In County Council's Conference Room At The County Administration Building - (Baten, Byrd, and McGhaney).

The Chairman of the Committee, Councilman Jimmy Byrd, gave the following report and recommendations from the Committee meeting.

- ✓ **Accommodations Tax Advisory Board** – Send to the City asking them to ratify Applicant #1 and Applicant #2 to fill the expired terms of Rhea Glancy and Willie Mae Holland.
- ✓ **Airport Commission** – Reappoint Mr. Frank L. Hill and Mr. Francis T. Brown.
- ✓ **Alcohol and Drug Abuse Commission** – Reappoint Mrs. Margaret Hutchens.
- ✓ **Building Codes Board Of Appeal** -- No action taken. The Committee will follow-up on these appointments.
- ✓ **Tax Board Of Appeals** – Appoint Mr. Richard Todd Newman to fill the vacancy by of Mr. David W. Durham.
- ✓ **Cultural Commission** -- Appoint Mrs. Betty J. Burgess to fill the unexpired term of Ms. Katie Chandler.
- ✓ **Historical Commission** – Appoint Ret. BG Hugh McLaurin and Mr. Pat DuBose to fill the vacancy held By Dr. Shirley Palmer and Mr. Louis Warmoth.
- ✓ **Housing Authority** - Reappoint Mr. Norman Carter and Appoint Ms. Reatha M. Witherspoon to replace Mr. Kevin T. Johnson. The Clerk was asked to update the City Clerk on these appointments.
- ✓ **Planning Commission** – Send a recommended name to the City of Sumter for action to replace Mr. Ed. Bynam. Joint Appointment
- ✓ **Stormwater Management and Sediment Control Appeals Board** – No action taken.

ACTION: MOTION and second were received from the Committee, and unanimously carried by the Council to approve the actions of the Internal Affairs Committee as listed above.

2. Sumter City County Liaison Committee Meeting Held On Monday, February 22, 2010, at 5:00 p.m. At City Hall (Sanders, Byrd, and McGhaney).

The Chairman of the Committee, Councilwoman Sanders, stated that the Committee continues meeting to discuss matters relating to joint ventures between the City and County of Sumter. No action taken at this time.

3. Fiscal Tax and Property Committee Meeting Held on Tuesday, February 23, 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 from the Committee meeting.

1. **Executive Sessions Items:**

Economic Development Matter. No report given.

Two Legal Briefings - County Attorney (1. Lawsuit; 2. Employment):
Item #1 - Lawsuit - No action Taken.

Item #2 - Employment -- The Chairman stated that the Committee recommended that the County Attorney be authorized to write a letter to answer the employment matter on behalf of the Chairman of Sumter County Council. The Committee approved the recommendation to be presented to Council for action.

ACTION: MOTION and a second were received from the Committee, and unanimously carried by Sumter County Council to direct the County Administrator to develop, execute, and deliver the letter on behalf of Chairman McGhaney concerning the employment matter.

Proposed Contractual Agreement With City Of Sumter. No report given.

Contractual Matter Pertaining To Water. No report given.

Contractual Matter Pertaining To Property. No report given.

Possible Contractual Matter Pertaining To Crystal Lake Golf Course. No report given.

RZEDB - Recovery Zone Economic Development Bonds. No report given.

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

1. **Soccer League Tournament:** Vice Chairman Baten brought greetings to the Soccer League on behalf of Sumter County Council on Saturday, February 20, 2010. This league brought in teams from Georgia, North Carolina, and throughout South Carolina. Vice Chairman Baten thanked Mrs. Ford and other Recreation staff members.
2. **Groundbreaking for Goodwill Historical Commission** - The community is restoring a school building which dates back over 100 years.

MONTHLY REPORTS:

- S. C. Rural Summit Information
- Letter - Endorsement - Partnership Between Clemson University And The Medical University Of South Carolina
- Historical Commission
- Article - Less-Bad Property Tax Compromise Is Still Bad
- SCAC Mid-Year Conference Information
- Letters to Municipalities Concerning Implementation Of Collection Fees: City of Sumter, Pinewood, and Mayesville.
- Sumter Volunteer Firefighter Banquet

ADMINISTRATOR'S REPORT:

- Seymour Johnson Air Force Base: The Administrator and the Chairman will attend an Air Force Conference at Seymour Johnson Air Force Base with the 9th Air Force on March 3, 4, and 5, 2010.
- Upcoming Budgetary Matters: The department heads have submitted their budgets, Council members have been briefed individually concerning the proposed budget process and the budget process should begin on April 13, 2010.

PUBLIC COMMENT:

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

- **Mr. Grier Blackwelder** stated that he attended the meeting to learn more about the ordinance 10-702 (Blue Law); however, then took the opportunity to thank Council for their participation in the Chamber Retreat in January and the Legislative Day in February.
- **Ms. Helen Patnode** spoke to Council about the need for water in her community and informed Council that she wants the water in her community before the good Lord calls her home. She stated that she knows money is involved, but the people need clean potable water.
- **Ms. Jeanette Roveri** stated that she was unable to pull up the budget on the website and asked if she could get a copy of the budget. The Clerk will get a copy of the budget to Ms. Roveri.

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: March 9, 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 18, 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 18, 2010

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding