



Minutes
Sumter County Council
Regular Meeting
March 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

THE PUBLIC PRESENT:

Approximately 12 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 March 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 March 23, 2010, agenda with any additions, deletions, or as printed.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the March 23, 2010, agenda as presented.

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

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

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS -

- (1) Second Reading - 10-702 - An Ordinance Suspending Sunday Work Prohibitions During A Ninety Day Period; And Other Matters Related Thereto. (Council Will Take Action On Second Reading Either Immediately After The Public Hearing Or During Old Business.)

Discussion between Council members and the County Attorney took place on this ordinance prior to the second reading; action was taken by Council on two amendments to this ordinance during the discussions as listed under Old Business. After Council's discussions, the Chairman convened a public hearing on this matter and asked if anyone wished to speak in favor of or opposition to this proposed ordinance. The Chairman also limited the time to three minutes per person and she asked for speakers to speak to the Chairman of Sumter County Council.

- Mr. Julian Hynes, 1845 Florence Highway, spoke to Council about his opposition to the Blue Laws. He stated that he doubts that very many people have researched this law as he has since this matter has come about. Mr. Hynes stated that he is here to ask Council to strengthen the Blue Laws instead of abandoning the law. He asked Council if they are doing away with 53-15 and 51-160? Mr. Hynes stated that the present law addresses a person having the right to refuse to go to work in the morning due to religious beliefs. He asked Council to clarify whether or not they are in support of a person coming to work from 1:30 p.m. on Sunday or is Council against the existing law? (Council members stated that they are not against any of those concerns listed in the State Law pertaining to employees having the right NOT to work before 1:30 p.m. on a Sunday.)

The Clerk was asked to provide a copy of the current ordinance and the amendments to Mr. Hynes. (Note: The Clerk to Council had already given Mr. Hynes the previous ordinance, plus she had copied the State Statute for Mr. Hynes.)

Mr. Hynes stated that on behalf of his father who ran a very successful business during the 60's and 70's that his father was an honest Christian man who recognized the Sabbath Day. As a Christian, we recognize the Sabbath Day as Sunday. Mr. Hynes said that his father was very successful and had a small grocery store and the sale of beer was prohibited in the grocery store and working on Sunday was also prohibited. Mr. Hynes further stated that the most successful business in Sumter nationally is Chic-Fil-A. Businesses do not need Sunday Sales to correct their financial issues.

Mr. Hynes said that he has been in retail business for 10 years and he has been a farmer, selling his products. He has no Sunday sales. Mr. Hynes asked Council members to not "mess with the Blue Laws." He said that in his Sunday School class they recently studied "A Slippery Slope." Mr. Hines said that he believes this Country is on a slipper slope. He made several other remarks relating to the national government; however, the Chairwoman stated that he was out of order.

- Mr. Grier Blackwelder, President of the Greater Sumter Chamber of Commerce, stated that approximately three years ago the Chamber conducted a member survey about the support or non support of the Blue Laws. He stated that of the 950 members the survey revealed that the membership was in favor of doing away with the Blue Laws. The business leaders wanted the option to either be open or remain closed on Sundays. Also, Mr. Blackwelder stated that in this community since 2006, Sumter County has lost \$330,000,000 in retail sales. He said that if suspending the Blue Laws would help to boost retail sales, this would be a help. Mr. Blackwelder also said that Sumter has many churches in Sumter that have services at 7:45 which would allow a person to be able to be at work by 9:00 a.m. or by 10:00 a.m. on a Sunday.

No one else spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on this matter listed under Old Business.

NEW BUSINESS:

- (1) **First Reading - 10-704 - An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, Series 2010A, Or Such Other Appropriate Series Designation, Of Sumter County, South Carolina, In The Principal Amount Of Not Exceeding \$1,300,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator Or His Lawfully-Authorized Designee To Determine Certain Matters Relating To The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.** (Public Hearing Will Be Held At Third Reading.)

The County Attorney, Mr. Johnathan Bryan, stated that Ordinance #10-704 and #10-705 are related. This ordinance, 10-704 authorizes the issuance and sale of General Obligation Bonds Series 2010A for \$1,300,000 and will be repaid by the income stream from the Capital Improvement Fund.

After all comments, the Chairman stated that she would entertain a motion on this ordinance for first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously approved by Council to grant first reading approval on the ordinance as presented.

- (2) First Reading - 10-705 - An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, Series 2010B Or Such Other Appropriate Series Designation, Of Sumter County, South Carolina, In The Principal Amount Of Not Exceeding \$43,600,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator Or His Lawfully Authorized Designee To Determine Certain Matters Relating To The Bonds; Providing For The Payment Of The Notes And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto. (Public Hearing Will Be Held At Third Reading.)

The County Attorney also presented this proposed ordinance to Sumter County Council. He stated that this ordinance, 10-705 authorizes the issuance and sale of General Obligation Bonds Series 2010B for \$431,600,000 and will be repaid by the income stream from the Capital Projects Sales Tax (One Cent Sales Tax) Fund.

Councilman Edens stated that neither one of these ordinances will cause an increase in millage to the taxpayers.

After all comments, the Chairman stated that she would entertain a motion on this ordinance for first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously approved by Council to grant first reading approval on the ordinance as presented.

- (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 executive session.

OLD BUSINESS:

- (1) 10-702 - Second Reading -An Ordinance Suspending Sunday Work Prohibitions During A Ninety Day Period; And Other Matters Related Thereto. (Council Will Take Action On Second Reading Either Immediately After The Public Hearing Or During Old Business.)

Prior to the public hearing, the County Attorney, Mr. Johnathan Bryan, reminded Council that the original verbiage during first reading of this ordinance had a 90-day-period. However, since that time, the ordinance now has been amended to read nine-months; therefore, Council needs to change the caption from "A Ninety Day Period" to "A Nine-Month Period".

Councilman Edens stated that he had requested an amendment to this ordinance too, and the amendment was not in Council's packets. He further stated that he received a copy by e-mail, but wanted to know whether or not the other Council members had received a copy of the suggested amendment. Councilman Edens had hoped that a copy of the suggested amendment would be in each Councilman's packets so that they could review it prior to action on second reading.

The Attorney apologized for misunderstanding what Councilman Edens wanted. Mr. Bryan then retrieved a copy of the proposed amendment and the Clerk to Council made enough copies for Council and everyone present to peruse prior to action being taken on the amendment.

Councilman Edens explained that what he would like to add to the ordinance is a statement that says if anyone is currently working on Sunday from 1:00 – 7:00 p.m. they will not be penalized and lose the 1:00-7:00 p.m. hours because they are not willing to come in prior to that time because of their Church commitment. Councilman Edens thanked the Attorney for developing the amendment to address the concerns as stated above.

Councilman Edens further stated that he wanted to be able to vote on all amendments prior to the public hearing; then convene the public hearing, and once the public hearing is closed; take action on the amended ordinance as discussed during public hearing.

The Chairman stated that Councilman Edens could make a motion to this proposed ordinance.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to add the statement as listed below to the proposed Blue Law Ordinance (10-702).

2. Any employee of any business in Sumter County which operates on Sunday has the option of refusing to work:
 - a) at any time on Sunday in accordance with Section 53-1-100 of the Code of Laws of South Carolina; or
 - b) solely during the church service hours of the church of his or her choice. Any employer who dismisses, demotes, discriminates or otherwise penalizes an employee because he or she is a conscientious objector to Sunday work or because he or she chooses not to work during specific church service hours is subject to a civil penalty of treble the damages found by the court or the jury plus court costs and the employee's attorney's fees. The court may order the employer to rehire or reinstate the employee in the same position he was in prior to the dismissal or demotion without forfeiture of compensation, rank, or grade.

NOTE: Prior to taking action on the motion Councilman Blanding asked for the information to be given to Council members prior to taking action on the ordinance. As noted above, the Clerk to Council provided copies of the amendment to all Council members, staff, and the public.

Also, Vice Chairman Baten stated that he has faith in the business people in Sumter County and that they can adjust their work schedule and make sure that they do not violate any employee's rights under the law that already exists. He further stated that if Council tries to put something into the ordinance to meet every situation, then

Council will have an ordinance that may be ten to fifteen pages long...Council cannot address every situation.

Councilman Edens stated that he knows of several persons and some single mothers that want to be protected if they say no to going to church but that they will still receive their afternoon hours.

Councilman Baker stated that he would like for the initiator of the ordinance, Vice Chairman Baten, to consider changing the ending time of the Blue Law to "indefinite." Vice Chairman Baten stated that during 2006 he tried to get the Blue Laws suspended and he could not get any support from Sumter County Council. Then in order to get some support, he first asked for 90 days, then Vice Chairman Baten said he was told that the 90-day period was too short. Therefore, he asked for nine-months. However, from the very beginning, he wanted it suspended indefinitely.

Then the Chairman called for a motion if anyone wished to make one concerning the length of time for the suspension of the Blue Laws in Sumter County. The following motion was offered.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to change the length of time from nine-months to the period of "indefinite" period of time.

Chairman McGhaney then called for a public hearing, as listed above under Public Hearings. After all comments during the public hearing, the Chairman closed the public hearing.

Vice Chairman Baten then stated that he is a Christian and he attends church; not every Sunday, and not as much as he would like; yet, the United States has a sacred document called the Constitution of the United States. The Constitution clearly states in the first amendment is that Congress shall not make any law in respect of a religion or prohibit the free exercise thereof. There should be a strict separation of Church and state. Our founding fathers, those who framed the Constitution, strictly penned the Constitution this way so that people would not be required to attend a certain church. Vice Chairman Baten stated that the State Government imposed the law which said that Counties which collect over \$900,000 of Accommodations Tax are exempted from the Blue Law, and a lot of Sumter's citizens are shopping on Sunday in Columbia. Lastly, Vice Chairman Baten stated that Blue Laws are unconstitutional.

Prior to finalizing the second reading on this ordinance Councilman Byrd stated that no government should mandate that he does not buy a product nor should a government prevent him from buying a product.

After all comments Council took action on this ordinance.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilwoman Sanders, and unanimously carried by Council to approve second reading as amended.

- (2) 10-703 - Second Reading -- An Ordinance Amending Chapter 2, Article Iii, Division 6 Of The Code Of Ordinances Of Sumter County South Carolina To Amend Section 2-212 To Increase The Fees Charged For Certification Of A Recorded Document By The Sumter County Register Of Deeds.

The County Attorney presented this ordinance to Council; he said that the Register Of Deeds, Vicky McCarthy, wants to increase the fees charged for certification of a recorded document by the County Register Of Deeds Office to coincide with the fees charged by the Clerk of Court to certify a recorded document. The fee will change from \$3.00 per document to \$5.00 per document.

After all comments, Council took action on second reading.

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

COMMITTEE REPORTS:

- (1) City County Liaison Committee Meeting Held On Monday, March 15, 2010, at 5:00 p.m. In County Council's Conference Room At The County Administration Building - (Sanders, McGhaney, and Byrd).

The Chairman of the Committee, Councilwoman Naomi D. Sanders, informed Council that the Liaison Committee met, but no action was taken. The next meeting of the Liaison Committee is scheduled for March 29, 2010.

- (2) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, March 23, 2010, at 4:30 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.

- **Executive Session Property Matter:** The Committee discussed a property matter pertaining to the possibility of purchasing this property. It was recommended by the Committee to direct the Administrator to begin negotiations concerning the possibility of purchasing this property.

ACTION: MOTION and a second were received from the Committee and unanimously carried by Council to approve the recommendation of the committee to authorize the Administrator to begin negotiations with a company concerning the possibility of purchasing this property and all build located on the property.

- **Executive Session Economic Development Matter:** No action taken.
- **Budget Matter:** The Committee discussed the upcoming budget and the possibility of having Agencies and Boards to come before Council. Also, the Committee

discussed making decisions about which agency or board would be deleted from the County's line item and to notify any agency or board immediately about Council's decision. It was recommended that the County would delete Central Carolina Alliance from the County's line item and not to fund this agency.

ACTION: MOTION and a second were received from the Committee, and unanimously carried by Council to approve the recommendation from the Committee to delete Central Carolina Alliance from the County's line item and to direct the Administrator to write a letter to the Alliance informing them of Council's actions.

- **Presentation By Sheriff Dennis:** The Sheriff from Sumter County, The Honorable Anthony Dennis, presented the Committee with a check for \$30,880.56 for the Sheriff's office work in confiscating poker machines. The State Law says that funds from the confiscation of these machines are to be turned over to the governing body which is Sumter County Government. The committee thanked the Sheriff for the work that he and his staff are doing on a daily basis.

ACTION: Received as information.

- **Rezoning Of Property (Tax Map 232-00-01-003):** The Development Board has asked for property located on Airport Road, Brewington Road, and The Sumter Airport to be rezoned from Agricultural Conservation (AC) to Heavy Industrial (HI). The Committee recommended approval of the request since it is a part of an application process to seek after Certification for the Airport Industrial Park. **Note:** The City and County own this property jointly.

ACTION: MOTION and a second were received to approve the recommendation as presented.

- **Update On Grant Submission - CDBG Infrastructure Grant:** The Pinewood Project has met the low to moderate income criteria; therefore, the County's Grant Department will seek a grant application for this project.

ACTION: Received as information.

(3) Report From Council Members On Other Meetings, Trainings, And/Or Conferences.

Councilman Blanding provided information to Council from his recent attendance at the NACO Legislative Conference. He also stated that the United States Speaker of the House was in attendance at the Conference.

Additionally, Councilman Blanding indicated that he and Councilman Byrd along with Gary Mixon, Booth Chilcutt, Phil Parnell, Karen Watson, Seth Reimer, two members of the Sheriff's staff (Perry Tiller and Ryan Conyers) and the Mary Blanding attended the Third Army Exhibition at Fort McPherson. Approximately 700 persons attended the Exhibition.

Councilman Blanding stated that there will be another exhibition next year during the same time.

Councilman Byrd stated that he enjoyed the event and that the Third Army received Sumter County very well and he looks forward to attending the trip again next year.

Councilman Blanding also stated that during the NACO Conference there was much talk about Community Development Block Grants. He also said that President Obama is very interested in Community Development Block Grants.

MONTHLY REPORTS:

- Wedgefield Stateburg Rural Water District
- Sumter Community Vision In Progress
South Sumter Cultural Arts Festival
- Palmetto Pride Zero Tolerance For Litter Workshop
- Shared Cost Of Billing and Collecting Taxes
- Letter - Ferdinand Burns - Annexation Policies
- Community Development Block Grant Application Request Form
- Mt. Sinai A. M. E. Church - Federal Program
- State Of South Carolina - A Report To Our Citizens For Fiscal Year 2009
- Wachovia - A Wells Fargo Company
- Sumter County 4-H

ADMINISTRATOR'S REPORT:

- Retooling Of Property Taxes - The Administrator provided copies of this document to Council members.
- Millage History - Each Council member was provided with a copy of the County's Millage history.
- Budget 2010-2011 Information
- April 27 - Budget Workshop Before Regular Meeting

PUBLIC COMMENT:

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

- **Eugene Belton McLeod, III** stated that he is running for Solicitor for the Third Judicial Circuit. He stated that he wanted to talk to Council because if he is fortunate enough to win the election; he will be working with Council. It is his hope that if he is elected he will address the occupancy at the Detention Center - move those individuals out of the detention center by focusing on violent crime issues. He would also like to see more emphasis placed on diversion programs including pretrial intervention, community service, and prison tours.
- **Kevin Johnson** asked Council to give him an update on actions taken by Council concerning the Blue Laws. Council informed Mr. Johnson that second reading was granted and a copy of amendment was forwarded to Mr. Johnson.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:55 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: April 13, 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: March 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: March 18, 2010

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding