



Minutes
Sumter County Council
Regular Meeting
April 13, 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
Keysa Rogers, Budget Analyst

William T. Noonan, County Administrator
Gary Mixon, Deputy Administrator
Pamela Craven, Finance Director
George McGregor, Planning Director

MEDIA PRESENT:

The Item Newspaper

THE PUBLIC PRESENT:

Approximately 72 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 April 13, 2010, to order.

INVOCATION: Rev. Hezekiah Ellis, a local minister, 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 April 13, 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 April 13, 2010, agenda as presented.

APPROVAL OF MINUTES: REGULAR MEETING MINUTES OF MARCH 23, 2010: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of Sumter County Council held on March 23, 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 23, 2010, as presented.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

1. **RZ-10-03, 2945 Airport Rd. (County) - First Reading -- A Request To Rezone From Agricultural Conservation (AC) To Heavy Industrial (HI) +/- 660 Acres Located At 2945 Airport Road And Represented By Tax Map # 232-00-01-003.**

Mr. George McGregor, the Planning Director, presented this proposed rezoning request to Council for first reading approval. Mr. McGregor stated that the applicant requests to rezone approximately 660 acres from AC (Agricultural Conservation) to Heavy Industrial (HI) in order to implement long term economic development goals for the Sumter community. The 660 acres encompasses the Sumter Airport and includes currently undeveloped land planned for economic development opportunities adjacent to and supportive of aviation initiatives. This planning strategy was developed in conjunction with the Airport Commission and memorialized in the 2005 *Sumter Airport Industrial Park Development Concept Plan*.

The Planning Director also said that the 2030 Comprehensive Plan designates this area as Economic Development Priority Area. The primary objective of the Economic Development Priority designation is to scrutinize and manage existing development patterns, foster intentional mixed-use development and identify new commercial and industrial locations where form and design are a focus, all in a more efficient manner.

Mr. McGregor informed Council that the adopted Economic Development Land Use policies expressly support Economic Development initiatives:

The City and County support Economic Development projects across all land-use designations subject to context sensitivity and impacts on adjacent land owners or the established development pattern. Moreover, the City and County support the continued expansion of the existing Economic Development locations identified on Map ED-1 (ED 10).

Moreover, the 2030 Comprehensive Plan identifies the Sumter Airport as an Economic Development priority area. The Plan states:

Economic Development projects are encouraged throughout the City and County, in new or previously established areas. However, the map identifies specific Economic Development nodes. The designation offers protection to the existing industrial parks and identifies additional locations based on input from the Sumter County Development Board. Industrial, Manufacturing, Research, Campus-style Office Headquarters and other major job creators are included in this category (LU 15).

This request conforms to the 2030 Comprehensive Plan. Planning Commission's staff recommends approval of this request. Ensuring that the proper zoning is in place to accommodate a wide variety of economic development options makes good planning

sense. It can save the Development Board time and energy when recruiting prospects. Moreover, the request is consistent with the Comprehensive Plan. It is recognized that the HI district is broad and allows some uses which would be in conflict with our Economic Development priorities. With City/County ownership in place, high quality uses should be protected. If there is ever a change to private ownership for some or all of the subject property, a Planned Development rezoning is recommended to prohibit unwanted HI uses.

After all comments, the Chairwoman called for a motion on this rezoning request.

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

2. **OA-10-01, Sumter Planning Department (County) - First Reading (10-706) -- Request To Amend Article 8, Section J: *Parking Regulations*, Section 8.J.3.B. To Allow Gravel, Crusher Run, Or Other Alternatives To Conventional Concrete Or Asphalt Paving In Required Commercial Parking Lots Within The Agricultural Conservation (AC) And Conservation Preservation (CP) Zoning Districts.**

Mr. McGregor stated that County Council has requested that Planning Staff explore amending the zoning ordinance to allow gravel or crusher run parking lots for commercial uses within the Agricultural Conservations (AC) zoning district. Currently, the County Zoning Ordinance requires all commercial activities to provide paved parking with concrete curb and gutter regardless of where a property is located. This across the board treatment of commercial uses has lead to the development of stand-alone commercial sites in the remotest parts of the County or in the abandonment of a proposed commercial use due to the expense associated with paving a commercial parking lot.

In addition, Mr. McGregor also said that to lower the cost of doing business in the more rural and agrarian parts of the community, the 2030 Comprehensive Plan is highly supportive of measures promoting the preservation of the rural and agricultural character of large portions of the Sumter community. The Rural Development Planning Area (RD), part of the Land Use Element of the Plan, is intended to support low-density residential development and selected non-residential and agricultural uses in a relaxed regulatory climate.

Mr. McGregor also stated that the RD area is seen to be ideal for small scale non-residential commercial uses that serve the rural population. As such, non-residential site development should follow conservation design techniques, focusing on preservation of natural features, a reduced footprint, and limits on impervious surfaces. To that end, the implementation of a zoning ordinance text amendment would allow development of parking lots with durable, dustless, all-weather surfaces other than typical concrete or pavement with parking lots.

The proposed amendment would affect Article 8, Section J, 8.j.3.b.; currently Section 8.j.3.b. states the following:

- b. Surfacing, Drainage and Maintenance:** Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys. Parking lots shall be surfaced with asphalt, concrete, or other surfaces approved by the Sumter City-County Planning Commission. Off street parking lots shall include concrete curbs and gutters, maintained in a clean, orderly and dust-free condition, and not used for the sale, repair or the dismantling or servicing of any vehicles, equipment, materials or supplies. Note: For places of Worship (SIC 866) and all eleemosynary veterans organizations, the required parking spots do not have to be paved and curb and gutter is not required unless doing activities that require a Business License and are beyond religious activities (Child Care Services, Bookstore, etc.).

Proposed Amendments:

Rewrite Section 8.j.3.b to reflect the following:

- b. Surfacing, Drainage and Maintenance:** Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys. ~~Parking lots shall be surfaced with asphalt, concrete, or other surfaces approved by the Sumter City County Planning commission.~~ Off street parking spaces ~~lots shall be include concrete curbs and gutters,~~ maintained in ~~a clean,~~ an orderly ~~and dust free~~ condition and shall not be used for the sale, repair or the dismantling or servicing of any vehicles, equipment, materials or supplies ~~regardless of zoning district.~~ Note: ~~For places of Worship (SIC 866) and all eleemosynary veterans organization, the required parking spots do not have to be paved and curb and gutter is not required unless doing activities that require a Business License and are beyond religious activities (Child Care Services, Bookstore, etc.).~~
- 1. Commercial Zoning Districts (GC, LC, NC, PO): Parking lots shall be surfaced with asphalt, concrete, or other surfaces approved by the Sumter City-County Planning Commission. Off street parking lots shall include concrete curbs and gutters, maintained in a clean, orderly and dust-free condition.*
 - 2. Industrial Zoning Districts (HI, LI-W, MUI): Parking lots shall be surfaced with asphalt, concrete, or other surfaces approved by the Sumter City-County Planning Commission. Off street parking lots shall include concrete curbs and gutters, maintained in a clean, orderly and dust-free condition.*
 - 3. Agricultural and Conservation Zoning Districts (AC, AC-10, CP): Parking lots within the agricultural and conservation districts are not required to be paved with asphalt or concrete. However, handicap parking shall be provided in all parking lots in accordance with Section 8.j.3.j. Regardless of parking lot surface materials required handicap spaces shall be paved with concrete or asphalt and have an accessible route to the main entrance of the establishment in accordance with adopted building codes. Parking lots shall meet the following minimum standards:*

- a. *Areas shall be coated in a durable, dustless all weather surface such as gravel, crusher run, or recycled asphalt;*
 - b. *The extent and limits of all parking lots shall be defined through the use of some suitable edging material capable of confining any loose parking surface materials within the designated parking area;*
 - c. *Regardless of parking surface a site plan must be submitted for review showing sufficient space to accommodate the required number of parking spaces in accordance with Exhibit 23.*
4. *Places of Worship (SIC 866): The required parking spaces for a church do not have to be paved and concrete curb and gutter is not required unless doing activities that require a Business License and are beyond religious activities. However, handicap parking shall be provided in all parking lots in accordance with Section 8.j.3.j. Regardless of parking lot surface materials required handicap spaces shall be paved with concrete or asphalt and have an accessible route to the main entrance of the establishment in accordance with adopted building codes. Regardless of parking surface a site plan must be submitted for review showing sufficient space to accommodate the required number of parking spaces in accordance with Exhibit 23. Churches outside of the AC, AC-10, and CP zoning district must provide paved parking if undertaking any of the uses listed below:*
- a. *Daycare facilities*
 - b. *Book Store/gift shop*
 - c. *Schools and/or 5-day a week after school tutoring programs*

NOTE: *Paved parking must only be provided based on the space being used for the above specified activities in accordance with Exhibit 23.*

5. *Eleemosynary Veterans Organizations: The required parking spots do not have to be paved and curb and gutter is not required unless doing activities that require a Business License, excepting in the AC and CP zoning districts. Handicap parking shall be provided in all parking lots in accordance with Section 8.j.3.j. Regardless of parking lot surface materials required handicap spaces shall be paved with concrete or asphalt and have an accessible route to the main entrance of the establishment in accordance with adopted building codes. Regardless of parking surface a site plan must be submitted for review showing sufficient space to accommodate the required number of parking spaces in accordance with Exhibit 23.*

After all comments, the Chairwoman called for a motion on this first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to grant first reading to this ordinance amendment.

3. **OA-10-02, Sumter Planning Department (County) - First Reading (10-707) -- Request To Amend Chapter 3 Of The Sumter County Zoning Ordinance To Establish Height Controls For Potential Obstacles Around The Sumter County Public Airport.**

In 2003, Sumter County Council amended their 1981 County Code of Ordinances regulating and restricting uses, structures, towers and other natural objects around Shaw AFB and Poinsett Range. Over the past several years, the Sumter Airport Commission through an independent consultant has studied and has developed a similar set of height regulations for the area around the Sumter County Airport (Tax Map # 232-00-01-003).

The Sumter Airport Commission is now recommending that those regulations be added to the Sumter County Zoning Ordinance in addition to the County Code of Ordinances due to recent development encroaching on the Airport's approach zones.

The proposed regulations would control the height of all structures/obstacles except those up to 35 feet in height. For areas within the approach and transitional areas height limits would range from 35 feet to a maximum of 1380 feet. Other regulations limit tower heights (except radio and television) to a maximum height of 480 feet. The maximum height in the horizontal surface would be 150 feet.

The revised section of the County Zoning Ordinance is attached to the minutes.

After all comments, the Chairwoman called for a motion on first reading.

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

Street Name Change - None

Grant Awards -

Ms. Ginny Yonson updated Council on the grant awards that Sumter County has received since January 2010.

- **Energy Efficiently Conservation Block Grants:** Two Department of Energy (DOE) Grants and Progress Energy (\$154,8393) – This will be used for retrofitting to the Administration Building, the Health Department Building, and Summary Court Building. The second DOE and Progress Energy grant is for \$5,037 for the Patriot Hall Building.
- **Picturing America Grant:** This grant is from the National Endowment for the Humanities in the amount of \$75,000 and it will be used to train District Teachers as they incorporate art into the classroom.
- **Update On CDBG Infrastructure Grant:** The County proceeded to do an infrastructure project in Pinewood, SC for an additional storage tank for the community. The staff conducted door-to-door surveys to the citizens and have been unable to come up with a

viable project in this area due to a lack of participations from the area residents. The staff surveyed two different routes upon the direction of the County Engineer and to logistically be in line with the current system; however, the residents did not want to pay the additional water bill.

OTHER PUBLIC HEARINGS -None

NEW BUSINESS:

- (1) A Resolution Proclaiming April As Fair Housing Month In Sumter County, South Carolina.

The Clerk to Council presented this proposed resolution to Council for approval. After review of the resolution, Council took action on its adoption.

WHEREAS, Sumter County Council desires that its citizens be offered the opportunity to attain a decent and sanitary living environment; and,

WHEREAS, Sumter County Council recognizes that 2010 marks the 41st anniversary of the passage of the Fair Housing Act, the federal law that prohibits discrimination in housing; and in 1989, South Carolina passed a Fair Housing Law that provides rights and remedies substantially equivalent to those found in the Federal Fair Housing Act; and

WHEREAS, Sumter County Council rejects discrimination on the basis of race, color, sex, national origin, religion, ancestral status, and disability; and,

WHEREAS, Sumter County desires that every citizen be offered the opportunity to live in the home of his or her choice; hence, Sumter County Government does not discriminate in its housing practices;

NOW THEREFORE BE IT RESOLVED, that we the members of Sumter County Council do hereby designate **April** as **FAIR HOUSING MONTH** in the County of Sumter, South Carolina and recognize the importance of Fair Housing benefits for its citizenry; Council will continue to promote and advocate fair housing for all of its citizens.

DONE AND RATIFIED, in the County Council regular meeting held this 13TH of April 2010.

ACTION: MOTION was made by Councilman Blanding, seconded by Councilman Byrd, and unanimously carried by Council to adopt the resolution as presented and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of Sumter County Council.

- (2) A Resolution Proclaiming April As National Association Of Counties Month.

The Clerk to Council presented this proposed resolution to Council for approval. After review of the resolution, Council took action on its adoption.

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, Sumter County and all counties take seriously their responsibility to protect and enhance the health, welfare, and safety of its residents in sensible and cost-effective ways; and

WHEREAS, as employers, counties throughout this nation provide health insurance benefits to nearly three million county employees and their retirees nationwide; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, the National Association of Counties and Sumter County are working together to **Restore the Partnership** among all levels of government to better serve American communities;

NOW, THEREFORE, BE IT RESOLVED THAT I, Vivian Fleming McGhaney, Chairman, do hereby proclaim April 2010 as National County Government Month and encourage all County officials, employees, and residents to join hands to continue making Sumter a better place to live, learn, work, play, and worship.

DONE AND RATIFIED, in the County Council regular meeting held this 13TH of April 2010.

ACTION: MOTION was made by Councilman Blanding, seconded by Councilwoman Sanders, and unanimously carried by Council to adopt the resolution as presented and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of Sumter County Council.

(3) Presentation From VIP – Vision In Progress.

Rev. Marion Newton, Pastor of Jehovah Missionary Baptist Church, and President of the Board for Vision In Progress (VIP). He stated that he was part of the original Sumter Vision and he has continued to be part of the Vision in Sumter County. Rev. Newton provided a progress report for each member of Council and he informed them that pages four, five, and six will give more details about the progress of this group.

Rev. Newton also stated that VIP is a 501c3 organization and in 2009 the organizational structure for VIP was changed. He also stated that he firmly believes that without a vision, the people will perish and without people the vision will perish. The VIP group has people involved from all sections of the community: City, County, Pinewood, Mayesville, Rembert, Dalzell, and Wedgefield.

One of the projects that VIP has been working on in the community is the Neighborhood Watch Groups. Mr. Charlie Boulwell has been working with the Historic Preservation Neighborhood watch which currently has 202 members. Mr. Boulwell works with the City

and County law enforcement officials. There are currently 60 different neighborhood watch groups in various stages of organization. He further stated that there are eight active groups in Sumter with over 400 throughout these eight groups.

Officer Roosevelt Nelson spoke on behalf of Sheriff Dennis who was unable to attend the meeting due to a previous commitment. Deputy Nelson stated that Neighborhood Watch works and the Sheriff's Office is in support of working proactively with the neighborhood Watch groups.

Attorney Calvin Hastie stated that the goal of VIP is to improve the quality of life in Sumter. The group is working on several other projects including churches, schools, correctional center, youth, gangs, etc. Attorney Hastie also stated that leadership is achieving a shared vision through others; we all must work together to make the visioning program work. He stated that VIP asks for Council's support to make the vision work.

Lastly, Rev. Newton stated that on pages nine and ten of the packet will show Council how VIP would like for Council to support the group.

Chairman McGhaney thanked the group for coming and stated that Council will review their request. Additionally she acknowledged the presence of Patty Wilson and how she has worked diligently with Sumter Vision and is working with Vision In Progress.

ACTION: Received as information.

(4) **First Reading 10-708 -- An Ordinance To Abandon And Convey Part Of Corporate Circle.**

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for first reading approval. He stated that a draft copy of the draft quitclaim deed terms will be provided to Council members at the next meeting. After review of the ordinance, Council took action on first reading as listed after the ordinance.

WHEREAS, Corporate Circle, (Road S-43-1159), as shown on the Sumter County Auditor's Tax Map Sheet #210, extends from Corporate Circle (Road S-43-487) southwesterly beyond Southgate Drive (S-43-1228) where it ends in a cul-de-sac; and

WHEREAS, the County neither claims nor denies that it has a dedicated right-of-way to the portion of Corporate Way affected by this Ordinance, but acknowledges that the South Carolina Department of Transportation, by correspondence dated December 8, 1997 abandoned its interest in that part of Corporate Circle and removed that part of Corporate Drive from the State Highway System with the understanding that Sumter County would accept maintenance responsibility for this section of road even though the State of South Carolina Department of Transportation had previously maintained Corporate Circle for the benefit of the general public; and

WHEREAS, Sumter County Council previously determined that the section of Corporate Circle which lies west of Southgate Drive and extends approximately 522 feet in a southeasterly direction is unnecessary for public use and abandoned the maintenance of

that by Sumter County from its County Road Maintenance Program by its Resolution which was voted upon and passed on April 14, 1998; and

WHEREAS, the County has determined in regard to the portion of Corporate Circle proposed to be conveyed pursuant to this Ordinance that there is no use thereof by the general public, that the persons traveling to and from other real property situated on the Corporate Circle have adequate access to and from such other property without using the portion of Corporate Circle proposed to be conveyed, that the cost of maintenance of the portion of Corporate Circle proposed to be conveyed would be quite high in light of the lack of use thereof by the general public, and that the proposed discontinuance and conveyance will not adversely affect travel on the remaining portion of Corporate Circle Drive ; and

WHEREAS, Sumter County does not currently need the property for any public purpose,

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. That Sumter County hereby affirms that it has previously abandoned its interest in that part of Corporate Circle which begins at the intersection with Southgate Drive and extends approximately 522 feet in a southwesterly direction and deleted that from Sumter County's maintained road system.
2. That this Ordinance does not affect any rights in or to Corporate Circle other than the rights of Sumter County therein, should any there be.
3. The County Council Chairman has complete authority to execute any deeds or other legal instruments necessary to carry out the provisions of this resolution.
4. That Sumter County conveys to Bosch Braking Systems Corporation, or its designee to be named, by quitclaim deed, its interest in approximately one half acre of property in accordance with the terms of the draft quitclaim deed attached hereto and incorporated herein by reference.
5. This Ordinance shall take effect upon its adoption.

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

- (5) 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) Third Reading - 10-702 - An Ordinance Indefinitely Suspending Sunday Work Prohibitions And Other Matters Related Thereto.

The County Attorney presented this proposed ordinance to Council for third reading approval. The ordinance originally started out with 90-days, then nine-months, and then Council revised it to read "indefinitely suspending Sunday Work Prohibition." After comments from Council members, as well as thanks from Vice Chairman Baten to each Council member for their support, Council took action on third reading and adoption.

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 merchants in Sumter County need Sunday sales to maintain viable businesses and to pay their employees and those merchants compete for business with merchants in surrounding counties which open their businesses before 1:30 on Sundays; 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 indefinitely the Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in Sumter County to open prior to 1:30 p.m. on Sundays:

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 of Laws of South Carolina (1976, as amended), Sumter County Council hereby suspends indefinitely the Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in Sumter County to open prior to 1:30 p.m. on Sundays.
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.

3. All orders and resolutions in conflict herewith are, to the extent of such conflict only, repealed and rescinded.
4. 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.
5. This ordinance shall take effect and be in force immediately upon enactment.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Blanding, and unanimously carried by Council to grant third reading and adoption as amended from first and second reading.

- (2) **Third Reading - 10-703 - 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, Mr. Bryan, stated that there have been no changes to this ordinance since first reading. It would provide for changing the fee of certifying a document in this office from \$3.00 to \$5.00. After all comments, Council took action on third reading and adoption.

WHEREAS, Chapter 2, Article III, Division 6 of the Code of Ordinances of Sumter County sets the fees for services provided by the Office of the Register of Deeds; and

WHEREAS, the Register of Deeds has recognized an increase in manpower costs, the costs to purchase microfilm, the cost for the copy equipment, and maintenance costs for various pieces of equipment, and costs for supplies such as bulbs, paper, and toner;

WHEREAS, the expense of purchasing, maintaining, and stocking the microfilm and copy machines in the Register of Deeds' Office must be borne either by the taxpayers at large or the individuals receiving services of the Sumter County Register of Deeds' Office; and

WHEREAS, Sumter County Council desires that more of this expense be borne by the individuals who are using the services; and

WHEREAS, the fees charged for certain services and copies need to be amended due to increased costs of purchasing, maintaining, and stocking the microfilm and copy machines"

NOW, THEREFORE:

1. Subsection (7) of Section 2-212 is hereby amended to read as follows:
For certification of any copy of a recorded document provided by the Register of Deeds' Office, there will be a fee charged of five dollars (\$5.00).
2. This Ordinance shall become effective upon third reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading and adoption as amended from first and second reading.

- (3) **Second 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 presented this proposed ordinance to Council for second reading approval. He stated that the public hearing will be held at third reading. Mr. Bryan also informed Council that this bond, in the amount of \$1,300,000, will be used to fund some software for the Sheriff's Department, and an elevator/fire escape and electrical upgrade at the Recreation Department, Public Works Office expansion, and Crystal Lakes Golf Course/Department improvements. This bond will not cause any new millage for the County's taxpayers.

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

- (4) **Second 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.)**

County Attorney Bryan also presented this proposed ordinance to Council for second reading approval. Mr. Bryan said that this ordinance, if approved, would authorize the issuance and sale of General Obligation Bonds in the amount of \$43,600,000. The County previously issued Bond Anticipation Notes (BAN) in the amount of \$20,000,000 to begin the Capital Sales Projects which were listed in the 2008 approved referendum. The Bond would pay off the Bond Anticipation Notes and to authorize the issuance of additional

funds to pay for the remaining projects or as many as can be funded from the revenue that is received from the penny sales tax.

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 grant second reading as presented.

COMMITTEE REPORTS:

- (1) City County Liaison Committee Meeting Held On Monday, March 29, 2010, at 5:00 P.M. In City Council's Conference Room At City Hall (Sanders, McGhaney, and Byrd).

The Committee members reported that there is an upcoming meeting of this committee scheduled for Monday, April 19, 2010, and a budget workshop for Sumter County Council on Tuesday, April 20, 2010. Councilman Byrd asked that information from the Liaison Committee be placed on the Budget Workshop agenda. Council members agreed to this request.

- (2) Technology Personnel Committee Meeting Held On Tuesday, April 13, 2010, at 3:30 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 recommendation. He stated that the Committee members, along with Mrs. Lorraine W. Dennis, Deputy County Administrator/Human Resources Director, discussed a policy on Electronic Devices. After review of the policy and several minor changes, the committee recommended approval of the policy as amended and listed below.

County issued cell phones and handheld electronic devices are property of Sumter County. County issued cell phones and handheld electronic devices are provided to employees for official business only and are not for personal use. All cell phone records are considered public records and are subject to disclosure under the Freedom of Information Act.

"Free minutes" are the property of Sumter County and any personal use is to be reimbursed to the County at the rate of .05 each minute or the actual cost, whichever is higher. Any personal text messages are to be reimbursed to the County at the rate of .05 per text or the actual cost, whichever is higher.

Employees may be required to reimburse the County for missing or damaged cell phones, handheld electronic devices and accessories during the course of their employment with the County.

Employees who separate from employment will be responsible for returning County cell phones, handheld electronic devices and accessories. Separating employees will be responsible for payment of missing or damaged cell phones, handheld electronic devices and accessories. Deductions may be made from the employee's final paycheck for the missing or damaged cell phones, handheld electronic devices and accessories. Additionally, any amount due to the County for the employee's personal use of the cell phone will be deducted.

Employees may not use cell phones or handheld electronic devices while driving or operating County equipment. While driving, attention to the road and safety must always take precedence over conducting business over the phone. If an employee must use the phone while driving, (s) he must pull off the road and stop before placing a call or talking on the phone.

*Employees may bring personal cell phones to work for emergency calls **ONLY** while working. However, the wearing or use of a Blue Tooth is not permitted while at work.*

Violations of this policy may result in disciplinary actions up to and including termination.

This policy includes all cell phones or handheld electronic device activity including but not limited to telephone calls, texting, blogging, and instant messaging, etc.

In the event any requirement of this policy conflicts with any other Standard Operating Procedure or Policy, the other policy or procedure shall control.

ACTION: MOTION and second were received from the Committee and unanimously carried by Council to approved the policy as amended and presented to Council for adoption with an implementation date of May 1, 2010.

The Committee also talked about the possibility of adding a position on the County's approved roster of position titles. However, this matter was deferred until further information can be received.

- (3) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, April 13, 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 recommendation.

- Bid For Reconstructing County Roads: The Committee received a request to grant CNA Construction the bid for \$389,000 to reconstruct roads in Sumter County. It was stated that the County will use \$300,000 from the Road User Fee account and \$89,000 from C-Funds for this project. Listed below are the roads that will be reconstructed and crusher-run applied:

Road Name	Length In Miles	Notes
Mayrant Road	0.6	From Dais Road Passed Houses
Benenhaley Road	0.6	Off Highway 441
Charles Miller Road	0.4	Off Horatio Road
Commander Road	0.9	Off Boulevard Road
Goodman Road	1.6	Off Narrow Paved Road (Hwy. 53)

Legendary Lane	0.5	Off Hwy. 261
Condor Drive	0.2	Off Legendary Lane
Huckabee Road	0.6	Off Pierson Road
Pierce Subdivision	1.5	Off Pinewood Road (Broome, Clover, Bermuda, Maize, Jessica)
Total Miles	6.9	

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

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

No report given.

MONTHLY REPORTS:

- SCAC Focus Magazine
- Memo Concerning John Fantry
- Letter to Laddie T. Howard, Esq.
- Letter to Mike Briggs - Central SC Alliance
- Letter From SCDOT - Shaw AFB East Gate
- Letter From Department Of The Air Force - Shaw AFB Capital Improvement Program Environmental Assessment
- South Sumter Cultural Arts Festival
- Sumter County Library April Schedule
- Public Works Monthly Report

ADMINISTRATOR'S REPORT:

The Administrator gave Council members several documents to read concerning upcoming budget deliberations and he provided two news articles:

- *Furloughs Likely Will Be Around For Some Time To Come (Research News - written by Michael Belarmino, Research Associate)*
- *Few Options Remain To Cope With Fiscal Stress (Research News)*

PUBLIC COMMENT:

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

- **Mr. Ralph Robeau** talked to Council about the road needs in Emerald Lake Subdivision. He gave the Clerk to Council a letter from Eddie Newman which is dated January 24, 1990, and a copy of different telephone conversation notes he had developed. Since Mr. Robeau was speaker
- **Mrs. Helen Patnode** stated that she is in attendance trying to get water for her area. She took a pitcher and proceeded to lift it up as if she was about to pour water into a bowl; however, there was not water in the pitcher. Ms. Patnode asked Council members did they see water. She then said that she has not seen water in her area either. She continued to ask

Council to please get water for this area; Mrs. Patnode also asked if the representatives of this area will meet with the people in the area. Chairman McGhaney reminded Mrs. Patnode that Council is working on this matter but since it is a contractual matter, it cannot be discussed in public at this time.

- **Mr. Frank Wagner** stated that he heard that some roads will be paved in the Rembert area. He asked what kind of construction material these roads will be constructed with. The Chairman asked Mr. Wagner to speak to the Administrator after the meeting.
- **Attorney Ernest Finney** spoke to Council about his desire to become the County's next Solicitor. He stated that he has worked as an attorney for 28 years in this community. Attorney Finney stated that it is not the time for the office of the Solicitor to be handled by someone that does not know the system. He added that he plans to go around the Third Judicial Circuit asking for the support of citizens for the Solicitor. Attorney Finney said that he has the experience to hit the ground running once Solicitor Jackson retires; he stated that he understands how the system operates with Sumter County Council, the Detention Center, health care and its impact on the inmate population, etc. He also thanked Council for allowing him to speak.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:05 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 27, 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: April 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: April 7, 2010

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

SECTION U: AIRPORT OVERLAY DISTRICT (AP)

3.u.1. Purpose:

That it is hereby found that an obstruction has a potential for endangering the lives and property of users of Sumter County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing or future instrument approaches of Sumter County Airport; and that an obstruction may reduce the size of areas available for landing, take-off, and maneuvering of aircrafts, thus tending to destroy or impair the unity of Sumter County Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has a potential of being a public nuisance and may injure the region served by Sumter County Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

It is further declared that the prevention of the creation establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of the obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire lands or interest inland.

3.u.2. Definitions.

As used in this Section, unless the context otherwise requires, the following definitions apply:

AIRPORT - Sumter County Public Airport

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level. (182 feet at Sumter County Airport)

AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Airspace Plan Map, the datum shall be mean sea level elevation unless otherwise specified.

APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this section.

CONICAL SURFACE- A surface extending outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4000 feet.

HORIZONTAL SURFACE- A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone

NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document or military service's military airport planning document.

OBSTRUCTION- Any structure, growth or other object, including a mobile object, which exceeds the limited height set forth in this section.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with both vertical and horizontal guidance, for which a straight-in precision instrument approach procedure has been approved or planned on a Federal Aviation Administration (FAA) planning document or military service's military airport planning document.

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE- An object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, smokestacks, earth formations and overhead transmission lines.

TRANSITIONAL SURFACES- Surfaces extending outward at 90 degree angles to the runway centerline, and extending at a slope of 7 feet horizontally for each foot vertically from the side of the primary and approach surfaces to where they intersect the horizontal surfaces.

TREE - Any object of natural growth.

VISUAL RUNWAY- A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined on the Sumter Airport Airspace Plan Map.

3.u.3 Airport Zones.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on the Sumter Airport Airspace Plan Map. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

APPROACH ZONE - The inner end of this approach zone coincides with the width of the primary surface and is 1,000 feet wide for Runway 5/23. The approach zone for Runway 5 expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The approach zone for Runway 23 has an inner width of 1,000 feet, an outer width of 16,000 feet, and a horizontal distance of 50,000 feet from the edge of the primary surface (200 feet from the runway threshold). The approach zones for runways 14 and 32 are the same dimensions and they begin at the edge of the primary surface which is the same as the runway threshold for a non-hard surface. The approach zones for runways 14 and 32 have an inner width of 250 feet, an outer width of 1,250 feet, and a horizontal distance of 5,000 feet.

TRANSITIONAL ZONES - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward beginning at the sides of the primary surface and extend at a slope of 7:1 to a height of 150 feet (332 feet MSL) above airport elevation. The surface extends at a slope of seven (7) feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions

of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline.

HORIZONTAL ZONE - The horizontal zone is hereby established at 150 feet (332 feet MSL) above airport elevation and defined by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

CONICAL ZONE - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet at a slope of 20:1 and to a height of 200 feet above the elevation of the horizontal zone. The conical zone does not include the precision instrument approach zones and the transitional zones.

3.u.4 Airport Zone Height Limitations.

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to the height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows unless the area falls outside the unincorporated area of Sumter County:

APPROACH ZONE - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

Slopes upward one foot vertically for a distance horizontally as described in the Sumter Airspace Plan beginning at the end of and the same elevation as the primary surface and extending to a horizontal distance as described in the Sumter Airport Hazard Zoning Map.

TRANSITIONAL ZONES - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 332 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.

HORIZONTAL ZONE - One hundred and fifty (150) feet above the airport elevation or a height of 332 feet above mean sea level.

CONICAL ZONE - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

EXCEPTED HEIGHT LIMITATION - Nothing in this Ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty-five (35) feet above the surface of the land.

Maximum height in Sumter County shall not exceed 480' AGL except for radio and television antenna which should not exceed heights in attached Plan

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

3.u.5. Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use may be made to land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft to use the airport.

3.u.6. Nonconforming Uses.

REGULATION NOT RETROACTIVE - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

MARKING AND LIGHTING - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Sumter Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Sumter Airport Commission.

3.u.7. Permits.

FUTURE USES - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator upon determination that no provisions of this Section and this Ordinance are violated.

- (a) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such a tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- (b) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

EXISTING USES - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

NONCONFORMING USES ABANDONED OR DESTROYED - Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 60 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

VARIANCES - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Appeals for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Ordinance.

HAZARD MARKING AND LIGHTING - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the SUMTER Airport Commission at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

EXCEPTIONS

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, because of terrain, land contour or topographical features, such as tree or structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, because of terrain, land contour or topographical features, such as tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the transitional zones, no permit shall be required for any tree or structure less than 75 feet above the ground, except when such tree or structure, because of terrain, land contour or topographical features, would extend above.