



Minutes
Sumter County Council
Regular Meeting
April 27, 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 23 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 27, 2010, to order.

INVOCATION: Chairman McGhaney 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 27, 2010, agenda with any additions, deletions, or as printed. The Clerk to Council asked Council members to make the following changes:

- Delete Item Number One Under New Business.
- Delete Item Number Four Under Committee Reports.

ACTION: MOTION was made by Councilman Blanding, seconded by Councilman Baten, and unanimously carried by Council to approve the April 27, 2010, agenda as presented.

APPROVAL OF MINUTES: REGULAR MEETING MINUTES OF APRIL 13, 2010, AND BUDGET WORKSHOP MINUTES OF APRIL 20, 2010: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting and budget workshop minutes of Sumter County Council held on April 13, 2010, and April 20, 2010.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the regular meeting and budget workshop meeting minutes of April 13, 2010, and April 20, 2010, as presented.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

- (1) **RZ-10-03, 2945 Airport Rd. (County) - Second Reading/Public Hearing -- 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. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)**

George McGregor, the Planning Director, presented this rezoning request to Council for second reading consideration. He stated that the Sumter Development Board is asking that this property, 660 acres, be rezoned from Agricultural Conservation to Heavy Industrial. This would allow for economic development opportunities to be directed to this area. As part of the Development Board's strategic plan, the Board members identified this area as a potential for aviation development and certification of the acreage.

The Planning staff and the Planning Commission recommended approval of this request since it is consistent with the Comprehensive Plan.

PUBLIC HEARING:

After discussion on this matter; the Chairman convened a public hearing on this matter. She asked if anyone wished to speak in support of or opposition to this rezoning request. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on second reading.

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

- (2) **OA-10-01, Sumter Planning Department (County) - Second Reading/Public Hearing (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. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)**

The Planning Director stated that the this ordinance deals with parking regulations and parking standards in the Agricultural Conservation (AC) and Conservation Preservation (CP) Zoning Districts. This request offers the ability to construct something other than paving on the rural property for non-residential projects in the AC and CP zoning districts. This ordinance amendment does not apply to any other part of the zoning district as it

relates to commercial zoning developments. This is one of the "Implementation Items" in the Comprehensive Plan.

The Planning staff and the Planning Commission recommend approval of this ordinance amendment.

Councilman Byrd asked Mr. McGregor whether or not it would be permissible to add General Residential (GR) to this ordinance amendment. The Councilman further stated that if someone wants to place a home based business at their home, would parking be required for other commercial usage?

Mr. McGregor stated that a home based business is not going to require the same parking as a commercial business. Councilman Edens stated that he would like to look at the conditional usages for parking in the General Residential Zoning Districts. Mr. McGregor will provide this information to Council and then Council will decide whether or not to add General Residential to this ordinance amendment.

PUBLIC HEARING:

After all comments, Chairman McGhaney called for a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to this ordinance amendment. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on second reading.

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

- (3) **OA-10-02, Sumter Planning Department (County) - Second Reading/Public Hearing (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. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)**

This request deals with the Airport and was brought to the attention of the Planning Commission and Staff by the County Attorney, Mr. Johnathan Bryan. This request adds and establishes height control around the Sumter County Public Airport. Currently the height controls are in the County's Codes, but not in the Zoning Ordinance; therefore, Mr. Bryan asked that the height controls be listed in the section of the code for the Airport as well as for the Sumter County Zoning Ordinance. This would allow the Zoning Administration and the zoning staff to review the requests around the airport instead of the requests being authorized by the County Administrator as listed in the County Codes. It would also allow for the Planning staff to review the request before a project begins.

PUBLIC HEARING:

After all comments, Chairman McGhaney called for a public hearing on this matter. She asked if anyone wished to speak in favor of or opposition to this ordinance amendment; no one spoke to this issue. Therefore, the Chairman closed the public hearing and Council took action on second reading.

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

Street Name Change - None

Grant Awards - None

OTHER PUBLIC HEARINGS

- (1) 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. (County Council May Take Action On Public Hearing Immediately After The Public Hearing Or During Third Reading.)

The Chairman convened a public hearing on this matter. She asked if anyone wished to speak in support of or opposition to this proposed ordinance. The following person spoke during this public hearing.

- Reb Richardson spoke to one issue listed within the ordinance. He stated that the Golf Course, according to the information that he has, it is a losing proposition and has not realized a profit over the last two years with a loss of \$100,000 each of those years. He added that before the County starts "sticking \$250,000 or more money into that operation," the County needs to take a real close look at the Golf Course. He added that the items listed in the ordinance should stand on its own.

No one else spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on this ordinance as listed under old business.

- (2) 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. (County Council May Take Action On Public Hearing Immediately After The Public Hearing Or During Third Reading.)

The Chairman convened a public hearing on this proposed ordinance. She asked if anyone wished to speak in support of or opposition to this ordinance. The following person spoke during this public hearing.

- Frank Wagner spoke to Council; he said that he understands the explanation from the Councilman about getting the bonds sold so that the County can advance the projects faster from the capital sales tax. He stated that he had one concern about going through

the bond process is that money that is borrowed is generally spent less prudently than money that is earned. Also, by issuing bonds, it does add to the inflationary pressure to the area.

After all Comments, the Chairman closed the public hearing and Council took action on third reading as listed under Old Business.

NEW BUSINESS:

- (1) A Resolution Identifying An Expansion Project By Kaydon Corporation, As Sponsor, Including Its Affiliated And Related Entities, As Part Of Fee-In-Lieu Of Ad Valorem Taxes Arrangement With Sumter County, South Carolina; Amending A Fee-In-Lieu Of Ad Valorem Taxes Agreement Previously Entered Into By And Between The County And The Sponsor To Extend The Investment Period Thereunder; Approving The Execution And Delivery Of A Project Infrastructure Agreement By And Between The County And The Sponsor; Approving The Receipt And Administration Of A State Coordinating Council Grant; Authorizing Any Other Necessary Agreements With The Sponsor To Effectuate The Intent Of This Resolution; And Other Matters Thereto Related.

This matter was removed from the agenda.

- (2) First Reading - 10-709 -- An Ordinance To Postpone One Year The Implementation Of Sumter County's Real Property Reassessment.

The County Administrator presented this item to Council along with the County Assessor. Mr. Harris stated that the state law allows for a one year postponement of a reassessment program. He said that this request is being made because there is current legislation in the General Assembly that would affect what the Assessor's Office would have to deliver in 2011. Secondly, because of the assessable transfers of interest state laws, the County has used over the last three the reassessment time which has been taken from the County for reassessment. Thirdly, the Assessor and his staff believe that they would get a better reassessment product if Council implements a one year postponement for the reassessment. Also, it is a possibly that if the County postpones the reassessment now, the County would have fewer appeals as the County enters 2011. Lastly, during 2011 there would be more market activity with the Army moving into town.

Councilman Baker asked that if Council approves this ordinance, would the next assessment come in four years. Mr. Harris said that this action, if approved by Council does not move the reassessment schedule.

See attached ordinance. After all comments, Council took action on first reading.

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

- (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 was held.

OLD BUSINESS:

- (1) Second Reading 10-708 -- An Ordinance To Abandon And Convey Part Of Corporate Circle. (Public Hearing Will Be Held At Third Reading.)

The County Administrator presented this proposed ordinance to Council for second reading approval. He stated that there has been no change since first reading.

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

- (2) Third 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.

The County Attorney presented this proposed ordinance to Council for third reading approval. He stated that Council has previously given first and second reading of this proposed ordinance. Ms. Frannie Heizer, Attorney for the McNair Law Firm and is the County's Bond Attorney, was present on behalf of this ordinance.

Ms. Heizer stated that Ordinance 10-704 authorizes the issuance of \$1,300,000 of General Obligation Bonds for a variety of capital improvements including the Sheriff's Software, Public Works Building Expansion, Elevator Fire Escape, Electrical Improvements for the Recreation Department, and Improvements at Crystal Lakes Golf Course. This bond would be under the County's eight percent (8%) debt limit; especially because if the County adopts Ordinance 10-705, the County would have a very sizeable General Obligation Bond issue going to market in the next few weeks. By issuing this debt as General Obligation Bonds in connection with a larger transaction, the County could receive better interest rates and there would be an efficiency of scale; thereby the County would save money.

This bond should be repaid very quickly which would allow the County to recapture the eight percent debt limit.

After all comments by Ms. Heizer, the Chairman convened a public hearing. After the public hearing, Council took action on third reading.

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

- (3) Third 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.

Ms. Heizer stated that this ordinance authorizes the issuance of not to exceed \$43,600,000 of General Obligation Bonds that were approved in the County's sales tax referendum. Although, these are General Obligation Bonds, they will be repaid from the sales tax and they do not count against the County's eight percent (8%) constitutional debt limit. However, this debt by nature will be a very short debt because the penny sales tax has a sunset date. It is predicted that the County will get a very low interest rate. Ms Heizer believes that this is a very cost effective way for the County to move forward with the sales tax projects and then use the full seven years of sales tax to repay the debt.

Ms. Heizer also said that within the ordinance flexibility is provided to issue this debt as traditional taxing debt. There is also flexibility to offer these bonds for sale as Build America Bonds under the Stimulus Act. The County Administrator will be informed as to which process is recommended for the County to use, General Obligation Bonds are Build America Bonds. This process will not be a burden on the taxpayers.

After all comments by Ms. Heizer, the Chairman convened a public hearing. After the public hearing, Council took action on third reading.

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

COMMITTEE REPORTS:

- (1) City County Liaison Committee Meeting Held On Monday, April 19, 2010, at 5:00 P.M. In County Council's Conference Room At City Hall (Sanders, McGhaney, and Byrd).

The Chairman of the Committee, Councilwoman Sanders, stated that the City and County members continue to work together to resolve budgetary matters and other joint ventures. No actions have been taken.

- (2) Internal Affairs Committee Meeting Held On Tuesday, April 27, 2010, at 12:00 P.M. In County Council's Conference Room At The County Administration Building - (Baten, Byrd, and McGhaney).

This meeting was rescheduled for Tuesday, April 4, 2010, at 4:00 p.m.

- (3) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, April 27, 2010, at 4:00 P.M.** In County Council's Conference Room At The County Administration Building - (McGhaney, Blanding, and Edens).

The Chairman of the Committee, Chairwoman McGhaney, stated that all members of the Committee were present along with all other members of Council. The following action was taken.

Approval Of Bid For Cherryvale Fire Station: Members of the Committee discussed the potential contract for the Cherryvale Fire Station which will be funded through the Capital Projects Penny Sales Tax as part of the referendum. The Committee recommended approval of the bid for the Cherryvale Fire Station.

ACTION: MOTION and a second were received from the Committee and unanimously carried by Council to approve the bid for the Cherryvale Fire Station as presented by the staff.

Utilities Contract-Consultant: The Committee received information concerning the need to engage a consultant to prepare a contract concerning utilities. The Committee recommended approval of the request to engage a consultant for work to be performed on behalf of Sumter County.

ACTION: MOTION and a second were received from the Committee and unanimously carried by Council to authorize the County Administrator to engage a consultant to perform work on behalf of Sumter County and any expense from this process would be paid through the Infrastructure Fund.

- (4) Sumter County Forfeiture Land Commission (Sumter County Council) Meeting Held On **Tuesday, April 27, 2010, at 5:45 p.m.** In County Council's Conference Room. (All Members Of Sumter County Council Are Members Of The Forfeiture Land Commission.

This matter was removed from the agenda.

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

- Councilman Baker stated that he had a call about Building Permits; he added that he knows that Sumter County Council adopted the policies and that the Building Department staff members are just carrying out the County's policies. However, Council needs to look into changing the Building Permits process. If the building permit terminates prior to completion of the Certificate of Occupancy being issued; then there should be some means for a person to pay a re-issuance fee but not purchase a completely new permit. The Administrator was asked for follow-up on this matter.

Councilman Edens added that there were several houses that were started in 2007, 2008, and 2009, and some of these homes are still not complete. Some of the homes were 80 to 90 percent complete; but if someone purchased the homes, they had to purchase a

completed new building permit. This process also needs to be reconsidered; the building permit needs to be prorated.

- Festival On The Avenue – Councilman Blanding thanked Chairman McGhaney, Vice Chairman Baten, and Councilman Byrd for attending the *Festival On The Avenue*. He said it was a delight to drive the Council members during the parade.
- Ebenezer Community Center – The Chairman attended the Ebenezer Community Center meeting.
- Boys To Men Program – Vice Chairman Baten reported that the Sheriff gave a presentation at a recent NAACP meeting informing the group about the *Boys To Men Program and the Girls To Women Program*. The program has been into effect for the past three years. He asked anyone that might be interested in the program to contact the Sheriff's Office.

MONTHLY REPORTS:

- 2009 County Population Estimates – U. S. Census County
- City Of Florence Stormwater Fee Generator
- Capital Penny Sales Tax Collections – 1st Nine Months
- Invest Yourself In Sumter – Report Of Progress – Greater Sumter Chamber of Commerce
- Emergency Management Activity Report

ADMINISTRATOR'S REPORT:

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

- **Request For Qualifications (RFQ's) Judicial Center** – On Wednesday, April 22, 2010, the County placed an ad in the State and The Item concerning a Request for Qualifications for the County's Judicial Center. This is the largest construction project the County has done in a long time. Council members will be kept updated on the progress of this project.
- **Budget Workshop** – The next budget work session needs to be held on Tuesday, May 4, 2010, at 5:00 p.m.

PUBLIC COMMENT:

The Chairwoman informed the public that Sumter County Council is one of the few public bodies which permit the public to come speak during the meeting without prior notification. Therefore, with that open concept, please consider this as an opportunity to talk to Council. If your comments may be such that you need a meeting, please contact the Clerk to Council who will act as our Liaison. The following persons spoke to Council.

Kevin Johnson stated that he was going to ask Council to attend the National Aids Awareness Day but he understands that Council already has a function scheduled for April 29, 2010. He also asked Council to consider keeping the Wateree Aids Task Force in the County's Budget this year especially since Sumter County ranks third out of forty-six counties in the State of South Carolina.

Ernest Harvin stated that whenever the County or the Development Board begins to develop the property around the Airport, he would ask that someone contact the neighbors so that the wrong type of development does not take place and the neighbors are not aware. He said they would be concerned about noise pollution, landscaping, pollution, etc.

Reb Richardson asked that Councilman Baker and Councilwoman Sanders take a ride through their voting areas because Cherryvale is in very bad need of clean up. The Code Enforcement Department states that they do not have the funds to clean up this area. He said that he has been fighting for clean up about four years and the clean-up has not been done.

Mark Champaign spoke on behalf of United Ministries. He added that they are about to begin a project which will aid in repair and renovations of some of the homes in Sumter. They currently have the support of the City's Community Development Corporation and United Ministries is now seeking help from the County. Several homes will be repaired this and some are in the County. He gave Council members brochures about the work provided by United Ministries.

James Boyd stated that Chairwoman McGhaney is his Council person and that in the Shiloh area the community members have learned to take care of themselves. He thanked Councilman Baten for attending the NAACP meeting at the Goodwill Presbyterian Church. Mr. Boyd said that some of the people in the area have asked if Sumter County Council would be willing to have meetings in the community instead of in Council Chamber all the time.

Daphne Boston stated that she and her husband have four children and they have about 890 foster children. They have been operating group homes for about 20 years. They currently live near Oswego and Brewington Roads. She and her husband are trying to provide a school for the children, vocational training. Her concern is the permitting process in Sumter County. She hopes to bring in approximately 120 part-time jobs in Sumter County. Her organization, Youth Academy, will not be able to hire the part-time employees this year like they have done in the past because of the permitting process in Sumter County. What she is asking for is technical assistance to know how to go about adhering to the County's codes. Mrs. Boston ended her comments by stating that the Youth Academy wants to be properly introduced into the community.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:58 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: May 11, 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 22, 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 22, 2010

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

**STATE OF SOUTH CAROLINA
COUNTY OF SUMTER**

ORDINANCE NO. 10-709

**AN ORDINANCE TO POSTPONE ONE YEAR THE IMPLEMENTATION OF
SUMTER COUNTY'S REAL PROPERTY REASSESSMENT**

WHEREAS, pursuant to South Carolina Code § 12-43-217(A), each county is required to appraise and equalize the properties under its jurisdiction once every five (5) years: and

WHEREAS, the normal reassessment cycle for Sumter County mandates that the equalization program be implemented for 2011: and

WHEREAS, this year's legislation will include possible bills pertaining to Assessable Transfer of Interest and 15% Cap; and

WHEREAS, any changes in existing legislation likely will materially impact the reassessment values; and

WHEREAS, to insure the implementation of sound reassessment values, Sumter County Council believes it to be in its citizens best interest that pursuant to South Carolina Code § 12-43-217(B), Sumter County postpone for one year the implementation of revised values resulting from the equalization program provided pursuant to state statutory law.

NOW, THEREFORE, by the power and authority granted to the Sumter County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, IT IS ORDAINED that the mandated real property reassessment scheduled to be implemented in 2011 shall be postponed for a period of one (1) year and accomplished in 2012

1. **Severability**: If a Section, Sub-section or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law or other preemptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.
2. **Conflict with Preceding** Ordinances: If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Sumter County, then the preceding Section, Sub-section or party shall be deemed repealed and no longer in effect.
3. **Effective Date**: This Ordinance shall become effective in Third Reading.