



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**May 25, 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  
Latham Harris, Assessor  
Lorraine Dennis, Deputy Administrator  
Keysa Rogers, Budget Analyst

William T. Noonan, County Administrator  
Gary Mixon, Deputy Administrator  
Pamela Craven, Finance Director  
Rose Ford, Recreation Director

**MEDIA PRESENT:**

The Item Newspaper

**THE PUBLIC PRESENT:**

Approximately eight 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 May 25, 2010, to order.

**INVOCATION:** Chairman 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 May 25, 2010, agenda with any additions, deletions, or as printed. The Clerk to Council asked Council members to add the following item under New Business:

**First Reading - 10-711 --** An Ordinance Establishing The Sumter County Stormwater Utility And The Services And Charges Relating Thereto.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the May 25, 2010, agenda as amended.

**APPROVAL OF MINUTES:** Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting and budget workshop minutes of Sumter County Council held on May 11, 2010, and May 18, 2010.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve the regular meeting and budget workshop meeting minutes of May 11, 2010, and May 18, 2010, as presented.

## **LAND USE MATTERS AND REZONING REQUESTS**

### **Development/Rezoning Request - None**

*Street Name Change - None*

*Grant Awards - None*

### **OTHER PUBLIC HEARINGS:**

### **NEW BUSINESS CONTINUED:**

- (1) 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.

The County Administrator, William T. Noonan, presented this Resolution to Council for adoption (see resolution below). Mr. Noonan informed Council that Kayon Corporation is expanding its operations in Sumter County and will invest \$8,900,000 in Sumter by bringing in 75 new full time jobs with an average way of \$13.00 per hour.

Sumter County will provide for the company, \$500,000 from the County's Infrastructure Fund for the purpose of supporting this expansion for the building and equipment. He asked Council to adopt the resolution as presented and reviewed by the County Attorney, Johnathan Bryan, and Kaydon's Attorney, Sam Moses. Mr. Moses was present on behalf of the resolution.

After all comments, Council took action on the adoption of the resolution.

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

(2) **First Reading - 10-711 -- An Ordinance Establishing The Sumter County Stormwater Utility And The Services And Charges Relating Thereto.**

The County Administrator, Mr. Noonan, and the Deputy County Administrator for Services, Mr. Gary Mixon, presented this proposed ordinance to Council for first reading approval. Mr. Noonan reminded Council members that this mandate has been placed on the County by the Federal Government through State Government. Sumter County is not the only County that is being required to implement the Stormwater Utility service. However, Sumter County is required by February 2011 to implement this ordinance.

Mr. Noonan also reminded Council that the mandate comes without funding; therefore, Council will need to fund this utility service either through taxes or fees at a cost of \$961,078 for implementing this service during the first year.

Also, the local newspaper, *The Item*, has agreed to help work with the County to inform the public about this impending ordinance. On Wednesday, June 9, 2010, there will be a public meeting at 6:00 p.m. at the North Hope Center to help inform the public about the stormwater management requirements.

Chairman McGhaney stated that the very first paragraph of the ordinance states that:

- (1) *The county council finds that a schedule of stormwater utility service charges is an appropriate means of allocating the cost of stormwater management services and stormwater management systems and facilities throughout the county.*

She said that the County needs to indicate that this ordinance or service is being "imposed" on the citizens due to mandates without funding.

Councilman Baker said that he does not believe that this is a fair ordinance to fund through the citizens. He further stated that if a new residential development has to construct a retention pond, then why will the same persons living in that neighborhood and the developers who created the neighborhood have to fund the stormwater utility service.

Councilman Edens stated that he would rather see the City and County of Sumter consolidate this process instead of having two Stormwater Utility services. He also said that he would like for the County to at least ask for an extension on the implementation of the Stormwater Utilities Service (SUS) and then combine the County's efforts with the City of Sumter through a written contract concerning operations of the SUS.

Councilman Edens asked for clarification on the Stormwater Utility Service Fee revenue projections. Mr. Mixon informed Council that the residential use will be a \$27.00 flat rate; however, commercial, business, and industrial fees will be reviewed after two to three years of implementation of this service fee.

Vice Chairman Baten stated that this matter is a mandate by the Federal Government who can also impose fines on the County if the ordinance is not implemented as stated. He further stated that Sumter County does not have a choice, because the Federal Government has the power to determine the outcome if this mandate if not imposed expeditiously.

After all comments, the Chairwoman called for the vote on the motion.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Byrd, and carried by Council to defer second reading. Council Members Sanders, Baten, and McGhaney voted in opposition. Council members Baker, Blanding, Byrd, and Edens, voted in the affirmative. The motion carried.

**NOTE:** Chairwoman McGhaney stated that she would like for this ordinance to be placed on the next agenda for first reading.

- (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.

There was an executive session held at the end of the meeting.

#### OLD BUSINESS:

- (1) Third Reading -- 10-709 -- An Ordinance To Postpone One Year The Implementation Of Sumter County's Real Property Reassessment. (Public Hearing Is Not Required For This Ordinance.)

The Chairman presented this proposed ordinance for third reading approval and adoption. After review of the ordinance Council took action on third reading.

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

#### COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, May 25, 2010, at 4:30 P.M.** In County Council's Conference Room at the County Administration Building - (McGhaney, Blanding, and Edens).

1. Executive Session -If Necessary Council May Hold An Executive Session To Discuss Contractual, Economic Development, or Personnel Matters, or Receive A Legal Briefing And Take Actions As Appropriate.

- **Employment Matter:** The Committee received a request for Council to lift the hiring freeze in order to hire two persons in the Information Technology Department. The Committee recommended approval of this request.

**ACTION:** MOTION and a second were received from the Committee, and unanimously carried by Council to lift the hiring freeze in order to hire two persons in the Information Technology Department.

2. Sumter County Financial Report As Of April 30, 2010.  
The Committee received this report as information.

3. Sumter County 2010-2011 Fiscal Year Budget Discussions.

Members of the Committee, as well as other Council members engaged in discussions concerning the impending budget.

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

- Councilman Edens stated that he attended an Economic Development Conference in Charleston, South Carolina at the Boeing Company.
- The Chairman, Vice Chairman, and Councilman Blanding attended the I-95 Corridor Presentation.
- It was announced that the City of Sumter now has a section on its agenda for public comment. Members of Sumter County Council applauded City Council for this action.

**MONTHLY REPORTS:**

- Rembert Area Community Coalition
- Office of the Sumter County Treasurer - Tax Collection
- Stormwater Update
- Planning Department - Properties In Or Near Floodplain Areas
- Per Capita Income
- Sumter County Farm Bureau
- Sumter County TERI Program
- Newspaper: Local Business Must Account For Personal Property
- Rembert Family and Friends Day

**ADMINISTRATOR'S REPORT:**

- Budget Meeting: Next budget meeting is scheduled for Tuesday, June 1, 2010, at 5:00 p.m.
- Liaison Committee Meeting: Members of Sumter County Council who are members of the City-County Liaison Committee asked for the meeting to be scheduled for June 10, 2010, at 5:00 p.m. The Clerk will follow-up on this.

**PUBLIC COMMENT:**

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

- George Bates stated that he is from Wedgefield, SC and that he was present on behalf of the Stormwater Ordinance. He thanked County Council for deferring action on Ordinance Number 10-711, and he asked for clarification on the date that BP Barber Consulting and Engineering firm would be present to speak to the public. (The date is Wednesday, June 2, 2010, at 6:00 p.m. at the North Hope Center on North Main Street, in Sumter.)

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 6:48 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: June 8, 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: May 20, 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: May 20, 2010

Respectfully submitted,

*Mary W. Blanding*  
Mary W. Blanding



amount of approximately Eight Million Nine-Hundred Thousand Dollars (\$8,900,000.00), without regard to whether some or all of the investment is included as economic development property under the Act and without regard to depreciation or the source from which such funds come ("Investment") and create approximately 75 new, full-time jobs with an estimated average wage of \$13.00 ("Jobs") (collectively, "Project"); and

WHEREAS, pursuant to Section 3.2(b) of the Fee Agreement, the County may extend the Investment Period (as defined in the Fee Agreement) by a resolution of County Council authorizing such extension; and

WHEREAS, by Sumter County Ordinance 02-461, dated March 12, 2002, as subsequently amended by Sumter County Ordinance 05-583, dated September 27, 2005, the County has created a fund to be used to provide for the payment or financing of Infrastructure Improvements (as defined therein) to induce companies to locate in the County ("Sumter County Infrastructure Fund"); and

WHEREAS, as an inducement for the Project, the Company requests and the County desires to provide certain incentives, including but not limited to, the following: (i) approval of an extension of the Investment Period (as defined in the Fee Agreement) by five (5) years and modification of the definition of Real Property under the Fee Agreement to add the Project Site, all of which are further set forth in the amendment attached hereto as Exhibit B ("Amendment"); and (ii) approval of a grant in an amount equal to Five Hundred Thousand Dollars (\$500,000.00) from the Sumter County Infrastructure Fund to the Company for the benefit of the Project, the terms of which are further set forth in the agreement attached hereto as Exhibit C ("Project Infrastructure Agreement") (collectively, "Incentives"); and

WHEREAS, the State of South Carolina, through its Coordinating Council for Economic Development ("CCED"), has or will approve a monetary grant for the benefit of the Project in the County ("State Grant"), the funds of which would be received and administered by the County, as grantee, for the benefit of the Project; and

WHEREAS, County Council has determined (i) to enter into any necessary agreements with the CCED or the Company, including but not limited to a grant award agreement and performance agreement ("State Grant Agreements"); and (ii) to accept, receive and administer the State Grant for the benefit of the Project in the County; and

WHEREAS, the County Council has determined that the expenditure of the State Grant funds and Sumter County Infrastructure Funds for eligible purposes set forth in the State Grant Agreements and the Project Infrastructure Agreement are authorized and shall be deemed in compliance with County procurement rules and regulations.

WHEREAS, in accordance with Section 12-44-40 of the Act, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits, not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality and to no charge against the general credit or

taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

**Section 1. Project Identification for Purposes of the Act.** The County hereby identifies the Project, as a “project” as contemplated by Section 12-44-40 of the Act.

**Section 2. Project Findings.** The County hereby finds and affirms: (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality and to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

**Section 3. Approval of the Incentives.** The County hereby approves the Incentives for the Project and the Council further authorizes the Chair of the County Council, the County Administrator, other County staff, and the County Attorney, along with any designees and agents any of these officials deems necessary and proper, in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution, assist in negotiating the Incentives, and induce the Company to locate the Project in the County, provided however, these actions do not give rise to any pecuniary liability to the County.

**Section 4. Authorization to Execute and Deliver the Amendment.** The Chair of County Council is authorized and directed to execute the Amendment, attached hereto as **Exhibit B**, with any minor modifications and revisions by the County Administrator and the County Attorney, which shall not be materially adverse to the County and shall be deemed approved by the County Council upon the Chair’s execution of the Amendment, and the Clerk to County Council is authorized and directed to attest the same; and the Chair of County Council and the Clerk to County Council are further authorized and directed to deliver the executed Amendment to the Company.

**Section 5. Authorization to Execute and Deliver the Project Infrastructure Agreement.** The Chair of County Council is authorized and directed to execute the Project Infrastructure Agreement, attached hereto as **Exhibit C**, with any minor modifications and revisions by the County Administrator and the County Attorney, which shall not be materially adverse to the County and shall be deemed approved by the County Council upon the Chair’s execution of the Project Infrastructure Agreement, and the Clerk to County Council is authorized and directed to attest the same; and the Chair of County Council and the Clerk to County Council are further authorized and directed to deliver the executed Project Infrastructure Agreement to the Company.

**Section 6. Authorization to Receive and Administer the State Grants and Execute and Deliver Agreements related thereto.** The County Council authorizes the Chair of the County Council, the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper, in the name of and on behalf of the County (each an "Authorized Individual"), to take whatever further actions, and enter into whatever further agreements, including the State Grant Agreements, as any Authorized Individual deems to be reasonably necessary and prudent to accept and receive the State Grants and to thereafter administer the funds of the State Grants for the benefit of the Project.

**Section 7. County Procurement Procedures Deemed Met.** The County Council authorizes and approves the expenditure of the State Grants and the Sumter County Infrastructure Funds designated for the Project for eligible purposes set forth in the State Grant Agreements and the Project Infrastructure Agreement and hereby deems that the use of such funds are in compliance with County procurement rules, regulations and procedures.

**Section 8. Further Acts.** The County Council authorizes the Chair of the County Council, the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper, in the name of and on behalf of the County (each an "Authorized Individual"), to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Ordinance and induce the Company to locate the Project in the County.

**Section 9. Severability.** Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.

**Section 10. Repealer Clause.** All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.

***Resolved:*** May 25, 2010.

SUMTER COUNTY, SOUTH CAROLINA

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Vivian Fleming-McGhaney Chairwoman  
Sumter County Council

(SEAL)

ATTEST:

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Mary W. Blanding, Clerk  
Sumter County Council

**EXHIBIT A**  
**Project Site**  
**Property Description**

**EXHIBIT B**  
**Amendment to Fee Agreement**

**EXHIBIT C**  
**Project Infrastructure Agreement**

**AN ORDINANCE  
ESTABLISHING THE SUMTER COUNTY STORMWATER UTILITY  
AND THE SERVICES AND CHARGES RELATING THERETO.**

**Sec. 111.1. Findings.**

The Sumter County Council, South Carolina makes the following findings of fact:

- (1) The county council finds that a schedule of stormwater utility service charges is an appropriate means of allocating the cost of stormwater management services and stormwater management systems and facilities throughout the county. Such charges can be complemented by other funding methods which address specific needs, including but not limited to allocations of other revenues available to the county, special service fees, special assessments, and other revenues as deemed appropriate by the county council.
- (2) The county council finds that credits against stormwater utility service charges are an appropriate means of adjusting fees, rates, rentals, charges, fines, and penalties in certain cases, and should be granted for properties providing on-site or off-site services, systems, facilities, activities, or assets which reduce or otherwise mitigate the impact of said property on the county's cost of providing stormwater management services and/or stormwater management systems and facilities, and that such credits should be conditional upon continuing provision of such services, systems, facilities, activities, or assets in a manner complying with the standards and codes as determined by the county administrator or designee. Credits for on-site stormwater management systems and facilities shall be generally proportional to the effect that such systems reduce the peak rate of runoff from the property and increase the volume of on-site storm water retention.
- (3) The county council finds that a stormwater utility rate fee has been defined and determined which accurately addresses the current financial needs to manage, maintain, protect, regulate and enhance the stormwater systems and facilities of Sumter County.
- (4) The county council finds that the application of the utility shall be countywide, in that the stormwater program provides stormwater drainage system maintenance beneficial to all county residents, in addition to the portions of the county that are currently regulated under the coverage of a state or federal stormwater permit, or maintain an intergovernmental agreement with the county to provide stormwater services.
- (5) The county council finds that it is imperative that all revenues raised or otherwise allocated specifically to stormwater management services and stormwater management systems and facilities be dedicated solely to those purposes and therefore directs that such revenues shall be deposited into the accounting fund of the stormwater utility and shall remain in that fund and be dispersed only for stormwater management capital, operating, and non-operating costs and debt service of bonds for stormwater

management purposes. As said revenues shall be used solely for stormwater purposes, the county shall publically disclose and publish all stormwater related revenue allocations and expenditures within 60 days of the end of the fiscal year.

**Sec. 111.2. Authority.**

This article may be cited as the Stormwater Utility Ordinance and is adopted pursuant to S.C. Code Ann. § 48-14-10, et seq., S.C. Code Ann. § 5-7-30 and S.C. Land Resources Conservation Commission Regulations 72-300 to 72-316.

**Sec. 111.3. Establishment of utility and enterprise fund.**

*Rules of language and interpretation.*

- (1) The word "shall" is mandatory; the word "may" is permissive.
- (2) The particular shall control the general.
- (3) Words used in present tense shall include the future, and words used in the singular include the plural, and plural the singular, unless the context clearly indicates the contrary.

The county council hereby establishes a stormwater utility within the stormwater department under the direction of public services which shall be responsible for stormwater management throughout the county's unincorporated limits, or incorporated areas agreed to by intergovernmental agreement, and shall provide for the management, maintenance, protection, control, regulation and enforcement, use, and enhancement of stormwater systems and facilities.

The county council directs that a stormwater fund be established in the county budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the county council. All revenues and receipts of the stormwater utility shall be placed in the stormwater fund and all expenses of the utility shall be paid from the stormwater fund, except that other revenues, receipts, and resources not accounted for in the stormwater utility fund may be applied to stormwater management operations and capital investments as deemed appropriate by the county.

The county council hereby transfers to the stormwater utility the existing stormwater systems and facilities owned and operated by the county and other interests and assets including but not limited to easements, rights-of-entry and access, and certain equipment. The county council declares that the economic value to the county of the stormwater systems, facilities, and other interests and assets hereby transferred to the utility is equal to the economic value to the county of the utility assuming future responsibility for the management, maintenance, protection, control, regulation, use, and enhancement of the stormwater systems, facilities, and programs.

**Sec. 111.4. Boundaries and jurisdiction.**

The boundaries and jurisdiction of the stormwater utility shall extend to the unincorporated limits of the county and incorporated areas of the county as agreed to through the establishment of an intergovernmental agreement to provide stormwater services.

**Sec. 111.5. Limitation of the Stormwater Utility System**

The stormwater system shall be limited to those drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, head walls and other structures which control and/or convey stormwater and which:

*Are located within public streets, rights-of-way, and easements except in case those facilities are owned by the South Carolina Department of Transportation or are within the South Carolina Department of Transportation's right-of-way;*

*Are subject to rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or*

*Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.*

*Stormwater systems and facilities which are located on private or public property not owned by the county and which are not subject to public dedication of the systems, facilities, easements, rights-of-way, or other adequate access for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the responsibility of the property owner, except as that responsibility may be affected by the laws of the State of South Carolina and the United States of America.*

**Sec. 111.6. Requirements for on-site stormwater systems; enforcement methods and inspections.**

- (1) All property owners and developers of real property to be developed within the county shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all county development regulations and the laws of the State of South Carolina and the United States of America. Any failure to meet this obligation shall constitute a nuisance if the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service charge.

- (2) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with this article.

**Sec. 111.7. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agricultural use properties* shall include all properties assessed by the county as agriculture and include farming, livestock, poultry houses, swine activities and other property assessed as pertaining to agriculture. Processing and distribution facilities associated with these activities are considered industrial properties and are not covered under this definition.

*Credit* shall mean a conditional reduction in the amount of a stormwater service charge or other fees, rates, rentals, charges, fines, and penalties to an individual property based on: the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility; and/or continuing provision of a service or activity that reduces the stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities; and/or on the direct discharge of runoff to a receiving water that is not operated, maintained, improved, and regulated, now or in the future, by the county.

*Commercial properties* shall include all properties developed initially for the retail of goods and services, or other business activities, office buildings, government buildings or property otherwise assessed as commercial use, and multi-family residences with 5 or more units. In the case of multi-family residences, the parcel(s) shall be defined as commercial property, in lieu of the individual residences, and subject to the stormwater utility fee as such.

*Customers of the stormwater utility* shall include those persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater systems and facilities and regulation of public and private stormwater, stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

*Developed land* shall mean property altered from its natural state by construction or installation of more than two hundred (200) contiguous square feet of impervious surfaces as defined in this division.

*Equivalent Drainage Unit (EDU)* is the basis of assessment for the stormwater utility fee, currently defined as 8,000 square feet of impervious surface.

*Impervious surfaces* are those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

*Industrial Properties* shall include all properties developed for uses other than residential and commercial properties, as defined in this article.

*Residential properties* shall include but are not limited to the following categories which will be identified as the appropriate dwelling unit classifications to be utilized in applying the stormwater utility fee structure to the designations contained within Sumter County. Properties, as identified below, shall be considered individual residential units unless said parcel contains multi-family residences of 5 or more units within the individual parcel or contiguous parcel(s), under the ownership or operation of a single property owner. In such a case, the units would collectively be defined as commercial property, due to increased impervious cover, and the parcel(s) shall be subject to the stormwater utility fee for commercial properties.

Single-family  
Duplexes  
Triplexes  
Quadriplexes  
Townhouses  
Condominiums  
Mobile homes

*Stormwater management services* are those activities and functions conducted by the county that together result in the collection, conveyance, and disposal of stormwater runoff, including support activities and functions necessary to accomplish the mission of the stormwater management program, and shall include but not be limited to the administration, engineering, operation and maintenance, regulation and enforcement, and improvement of systems and facilities, review of development proposals and of the installation and maintenance of stormwater systems on private properties, provision of stormwater quality management programs to eliminate or mitigate the impact of pollutants contained in stormwater runoff, and flood emergency response and recovery measures.

*Stormwater management systems and facilities* include, but are not limited to, rivers, streams, creeks, lakes, ponds, channels, ditches, swales, gutters, other drainage ways, storm sewers, culverts, inlets, catch basins, headwalls, dams, reservoirs and other impoundments, flumes, stormwater detention and retention storage areas, filters, riparian areas, plants, works, instrumentalities, properties, and other structural and nonstructural components that control, capture, collect, convey, route, restrict, store,

detain, retain, infiltrate, cleanse, or otherwise affect or influence the flow of stormwater within the county and the quality of stormwater discharged from the county.

*Stormwater service charges* shall mean the periodic service charge imposed pursuant to this division by the county for the purpose of funding costs related to stormwater management services and stormwater management systems and facilities. The use of the area of impervious surface on each property as a stormwater service charge rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics into classes or categories, grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one (1) or more classes of similarly-situated properties whose impact on county's cost of providing stormwater management services and stormwater management systems and facilities is relatively consistent. Stormwater service charges may also include special charges to individual properties or persons for services, systems, or facilities related to stormwater management, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater service above and beyond the levels normally provided by the county.

**Sec. 111.8. Stormwater service charge rates.**

Stormwater service charge rates may be determined and modified from time to time by the county council so that the total revenue generated by said charges and any other sources of revenues or other resources allocated by the county council to the stormwater utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including but not limited to the payment of principal and interest on debt obligations, operating expense, capital outlays, non-operating expense, provisions for prudent reserves, and other costs related to stormwater as deemed appropriate by the county council. The basis of the service charge rate is one (1) EDU as defined in this ordinance. The stormwater service charge for one (1) EDU is \$54.00 per year. The initial stormwater service charge rates shall apply:

- (1) *Residential properties.* Residential properties, as defined by this ordinance, shall be billed for the stormwater service charges, as defined in this article, of ½ EDU, equivalent to \$27.00 per year. This represents a flat rate for all county residential properties relative to their average contribution to, and use of, roads which are served by the stormwater drainage system.
- (2) *Commercial properties.* Commercial properties, as defined by this ordinance, shall be billed for the stormwater service charges, as defined in this article, of 1½ EDU, equivalent to \$81.00 per year. Commercial properties will be evaluated during the initial 2-year implementation of the program to define final EDU values based on actual impervious cover, which may result in either an increase or decrease of the EDU value of the individual property. To initiate immediate assessment of a commercial property, see Section 8.10 of this ordinance.

- (3) *Industrial properties.* Industrial properties, as defined by this ordinance, shall be billed for the stormwater service charges, as defined in this article, of 3 EDU, equivalent to \$162.00 per year. Industrial properties will be evaluated during the initial 2-year implementation of the program to define final EDU values based on actual impervious cover, which may result in either an increase or decrease of the EDU value of the individual property. To initiate immediate assessment of an industrial property, see Section 8.10 of this ordinance.
- (4) *Agricultural use properties.* Poultry houses, swine farrowing and confinement operations and gin operations shall be billed for the stormwater service charges, as defined in this article, of 1½ EDU, equivalent to \$81.00 per year. Poultry houses, swine farrowing and confinement operations and gin operations will be evaluated during the initial 2-year implementation of the program to define final EDU values based on actual impervious cover, which may result in either an increase or decrease of the EDU value of the property. All other agriculture use properties as defined by this ordinance shall be exempt from a stormwater service charge. Processing, production and distribution facilities associated with agriculture activities are considered industrial facilities and shall be subject to the stormwater service charge as identified in (3).
- (5) *Developed land.* The minimum stormwater service charge for developed land, as defined in this article, shall be billed for ½ EDU, equivalent to \$27.00 per year, except where exempt from a stormwater service charge as defined in Section 8.8 (4) of this ordinance.

**Sec. 111.9. Stormwater service charge billing, delinquencies and collections.**

A stormwater service charge bill may be sent though the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. These fees, including late fees, shall be levied, collected and paid in the same manner as user fees applied to annual tax bills. The stormwater service charge bill may also be billed and collected along with other charges, including but not limited to other county assessments, or property taxes, as deemed most effective and efficient by the county council. Failure to receive a bill is not justification for nonpayment. If a customer is underbilled or if no bill is sent for developed land, the county may backbill for a period of up to one-year, but shall not assess penalties for any delinquency during that backbilled period.

**Sec. 111.10. Appeals.**

Any commercial, industrial or agricultural use customer aggrieved by a final assessment of the provisions of this division may appeal the decision in the following manner and sequence.

- (1) An appeal must be filed in writing with the county administrator (or designee). At the discretion of the county, the appeal may require a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions that influence the hydrologic response of the property to rainfall events. During the 2-year initial

implementation of the program, the county will assist in the assessment of impervious cover and EDU calculations for commercial, industrial, or agricultural use customers.

- (2) Using information provided by the appellant, a technical committee comprised of the Stormwater Department Director and two (2) other persons appointed by the county administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days. In response to an appeal, the Stormwater Department Director or designee may adjust the stormwater service charge applicable to the property in conformance with the general purposes and intent of this division. During the 2-year initial implementation of the program, the county may waive the technical review requirement.
- (3) A decision of the technical committee that is adverse to an appellant may be further appealed to the county administrator within thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the county administrator by the appellant, stating the grounds for further appeal. The county administrator shall issue a written decision on the appeal within thirty (30) days. All decisions by the county administrator shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator shall be final, except that this provision shall not abridge the right of any person to seek relief in a court of competent jurisdiction.
- (4) No person shall be subject to penalties until ten (10) days after notice of denial of appeal or until after judgment of a competent jurisdiction upholding such denial.

**Sec. 111.11. Unlawful damage to, alteration of, or tampering with county's stormwater system.**

*Misdemeanor to damage, alter or tamper with stormwater system.* It shall be unlawful and a violation of this chapter for any person to damage, deface, alter, change, or tamper with the county's stormwater system; and upon conviction, said person shall be guilty of a misdemeanor and punished by a fine of up to \$500.00 and/or sentenced to serve up to 30 days; and such person shall be subject to paying full costs incurred by the county as a way of restitution.