



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**July 13, 2010 - Held at 6:00 p.m.**  
**County Administration Building County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

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*Note: The minutes of July 13, 2010, were not recorded due to a mishap of the sound equipment. The Executive Assistant to the County Administrator, Denise McLeod, took notes of the meeting and the preparation of the minutes was completed by the Clerk to Council, Mary W. Blanding.*

**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:**

Denise McLeod, Executive Assistant  
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

**MEDIA PRESENT:**

The Item Newspaper

**THE PUBLIC PRESENT:**

Approximately four members of the public were in attendance.

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**CALL TO ORDER:** Chairman of Council, Vivian Fleming McGhaney, called Sumter County Council's meeting of July 13, 2010, to order.

**INVOCATION:** Chairwoman 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 July 13, 2010, agenda with any additions, deletions, or as printed. The Clerk to Council asked Council members to delete the following items from the agenda:

**ACTION ON AGENDA:** MOTION was made by Vice Chairman Baten, seconded by Councilman Edens, and unanimously carried by Council to grant approval of the 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 June 22, 2010, (Regular) and June 29, 2010 (Budget).

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Blanding, and unanimously carried by Council to approve the regular meeting and budget workshop meeting minutes of June 22, 2010, and June 29, 2010, as presented.

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

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

1. **RZ-10-06 -- Ebenezer Road (County) - First Reading -- Request To Rezone From Residential-9 (R-9) To Agricultural Conservation (AC) A +/- 0.615 Acre Portion Of A Larger +/- 64.26 Acre Tract Located On The Southeast Side Of Ebenezer Road Approximately 2250 Feet From The Intersection Of Ebenezer Road And Old Camden Highway. The Property Is Represented By Tax Map # 189-00-03-012(P).**

The Planning Director, Mr. George McGregor, presented this proposed rezoning request to Council for first reading consideration. Mr. McGregor stated that Mr. Wayne Iseman, the applicant is the agent for the owners of this property which is located on Ebenezer Road, in Dalzell, SC. The applicant requested to rezone a 0.615 acre portion of a 64.26 acre tract from R-9 (Residential Single Family) to AC (Agricultural Conservation) in order to combine it with an adjacent tract that is under a conservation easement for the use of a hunt club. The 0.615 acre portion is vacant and is the site planned for locating a mobile home to be used as the clubhouse adjacent to the larger hunt club tract (TMS #200-00-02-005).

Mr. McGregor further stated that if the rezoning is approved, the property line between the rezoned portion of the parcel and the hunt club tract will be dissolved so that the two pieces of property will be combined into one tract that is entirely zoned AC. The Planning staff recommends approval of the request and the Planning Committee also recommended approval as presented and prepared by the Planning staff.

After all comments, Council took action on first reading.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Blanding, and unanimously carried by Council to grant first reading to this rezoning request as presented.

*Street Name Change - None*

*Grant Awards - None*

**OTHER PUBLIC HEARINGS: None**

**NEW BUSINESS:**

- (1) **10-714 - First Reading -- An Ordinance Establishing The Sumter County Stormwater Utility And The Services And Charges Relating Thereto.**

The County Attorney, Mr. Johnathan Bryan presented this proposed ordinance to Council for first reading consideration. He informed the public and reminded Council that this matter was discussed earlier in the Fiscal, Tax, and Property Committee meeting held prior to this meeting.

A similar ordinance was presented to Council during the budget process, formerly Ordinance #10-711; however, during Council's meeting on June 29, 2010, the motion failed to grant third reading to the ordinance. Therefore, staff reviewed the previous ordinance and asked that this matter be brought back to Council through a different ordinance.

The following information was shared with Council during the committee meeting and briefly reviewed during this meeting.

**SUMTER COUNTY STORM WATER OPERATAIONS** For Compliance With State of South Carolina NPDES General Permit For Storm Water Discharges From Regulated Small Municipal Separate Storm Sewer Systems Department Personnel:

- 1 x Manager,
- 1 x Plan Reviewer/Engineer,
- 2 x Mapper/Environmental Technicians
- 6 x Maintenance/Equipment Operators
- 1 x Clerk

Permit Requirement: Special Conditions

- Provide Reasonable Assurance that discharges will not cause or contribute to violations of water quality standards in Impaired Water Bodies.
- Incorporate any limitations, conditions and requirements contained in the Total Maximum Daily Load Allocations.
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<b>Task</b>	<b>Personnel</b>
Implement a fully developed program which satisfies all minimum control measures	All Department Personnel
Develop a monitoring plan for Impaired Water Bodies	Manager
Document maintenance, benchmark outfall water quality, monitor outfalls, eliminate illicit discharges	Mapper/Environmental Technician
Assure adequate storm water controls at construction sites	Plan Reviewer/Engineer
Remove debris from catch basins, pipes, roads, and ditches	Maintenance/Equipment Operators
Modify Storm Water Management Plan as needed	Manager

Permit Requirement: Public Education and Outreach:

- Distribute educational material and information about the impacts of storm water discharges.

<b>Task</b>	<b>Personnel</b>
Determine target audience and message	Manager

Develop and implement strategy to inform target audience and the mechanisms to reach them	Marketing Firm (Carolina Clear)
Enforce environmental ordinances	All personnel and Codes Enforcement
Coordinate enforcement activities	Clerk
Oversee enforcement	Manager
Public Presentation	Manager

Permit Requirements: Public Involvement/Participation

- Involve the public in activities that have a direct or indirect impact on water quality.

Task	Personnel
Determine target audience and activities	Manager
Develop and implement strategy to involve target audience and mechanisms for Participation	Marketing Firm (Carolina Clear)
Provide Hotline for the public to call regarding environmental concerns	Clerk

Permit Requirements: Illicit Discharge Detection and Elimination

- Develop, implement and enforce a program to detect and eliminate illicit discharges into the storm sewer system.
- Complete a storm sewer map showing the location of all outfalls.
- Perform dry weather screening and analytical monitoring.
- Public reporting of illicit discharges, public education and employee training.

Task	Personnel
Produce written procedures for program implementation	Manager
Prioritize implementation and enforcement	Manager
Assess and modify program	Manager
Find, screen, monitor, stencil and map outfalls	Mapper/Environmental Technicians
Backtrack and eliminate illicit discharge/connections	Mapper/Environmental Technicians
Record keeping, reporting and notification	Mapper/Environmental Technicians
Detect illicit discharge during maintenance	Maintenance/Equipment Operators
Answer hotline calls reporting illicit discharge and dumping	Clerk

Permit Requirements: Construction Oversight

- Develop, implement and enforce a program to reduce pollutants in any storm water runoff to the storm water sewer system from construction sites.
- Provide site plan review and issue storm water permits.
- Provide site inspection and enforcement of control measures.
- Provide a database to track permits, enforcement actions, and prioritize inspections.

- Provide compliance monitoring for numerical limitations for turbidity of construction site runoff.

<b>Task</b>	<b>Personnel</b>
Produce written procedures for plan submittals and requirements	Manager
Provide procedures for enforcement	Manager
Provide backup on plan review	Manager
Review construction site plans and issue permits	Plan Reviewer/Engineer
Maintain construction database	Plan Reviewer/Engineer
Perform compliance inspections	Plan Reviewer/Engineer and Mapper/Environmental Technicians
Enforce permit compliance	Manager and Codes Officer

Permit Requirements: Post-Construction

- Develop, implement and enforce a program to address storm water runoff from new and redevelopment.
- Ensure adequate long-term operation and maintenance of storm water structures privately owned.

<b>Task</b>	<b>Personnel</b>
Produce written procedures for program implementation	Manager
Prioritize implementation and enforcement	Manager
Provide backup on plan review	Manager
Review plans for post construction water treatment	Plan Reviewer/Engineer
Track maintenance requirements and inspection frequencies	Plan Reviewer/Engineer
Perform compliance inspections	Plan Reviewer/Engineer
Enforce maintenance of privately owned storm water infrastructure	Manager and Codes Officer

Permit Requirement: Pollution Prevention/Good Housekeeping for Municipal Operations

- Develop and implement an operation and maintenance program for the storm sewer system
- Provide training to county personnel to reduce pollutants to storm sewer system
- Map county industrial activities within the regulated boundaries of the storm sewer system.

<b>Task</b>	<b>Personnel</b>
Produce SOPs for county operations that impact water quality	Manager
Prioritize and schedule storm sewer maintenance	Manager
Provide training to county employees	Manager
Remove pollutants from storm sewer system, i.e., remove sediment and trapped pollutants from catch basins, pipes, ditches and roads.	Maintenance/Equipment Operators

Repair and maintain capacity of current storm sewer system	Maintenance/Equipment Operators
Improve performance/install county owned storm water treatment structures and/or increase storm water conveyance capacity of system to prevent flooding	Maintenance/Equipment Operators
Record and track storm sewer maintenance activities	Mapper/Environmental Technicians
Answer calls regarding storm sewer operations	Clerk

Permit Requirements: Record Keeping and Compliance

- Submit annual report to SCDHEC
- Make application for coverage under each storm water permit (5 year cycle)
- Submit to compliance inspection by SCDHEC

Task	Personnel
Prepare annual report with necessary documentation	Manager
Help prepare annual report, i.e., maintain records throughout the years activities	Clerk
Complete and certify Notice of Intent for application for coverage under general permit	Manager
Prepare documentation for SCDHEC compliance inspections	Manager
Help prepare documentation for SCDHEC compliance inspections	Plan Reviewer/Engineer Mapper/Environmental Technician Clerk

After discussions, Council took action on the following motions.

**ACTION:** MOTION was made by Councilman Byrd and seconded by Chairwoman McGhaney to amend the proposed ordinance to exclude churches and religious entities. The motion did not carry due to Chairwoman McGhaney withdrawing her second and staff informing Council that this would cause a deficit in the budget for the Stormwater Management operations. **Motion did not carry.**

**NOTE:** The Fees will be fixed for a two year period of time.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilwoman Sanders, and carried by Council to grant first reading to the ordinance as amended with the residential Stormwater Utilities Fee changing from \$27.00 to \$25.00. Council members Artie Baker, Jimmy Byrd, and Charles T. Edens voted in opposition. Council members Eugene Baten, Larry Blanding, Naomi D. Sanders, and Vivian Fleming McGhaney voted in the affirmative. The motion carried and first reading was granted.

**NOTE:** The staff will figure the deficit for churches to be exempt from fee and will report back to Council on this matter. (Finance Department will follow-up on this matter.)

- (2) 10-715 -- First Reading -- An Ordinance Imposing A Uniform Delinquency Penalty For Delinquent Payment Of The Solid Waste Disposal Fee, The Storm Water Service Charges And The Technology Fee For All Real Property In Sumter County South Carolina.

Mr. Johnathan Bryan, the County Attorney, presented this proposed ordinance to Council for first reading. (See attached ordinance.) After review of the ordinance, Council took action on first reading.

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

- (3) It May Be Necessary To Hold An Executive Session To Discuss A Personnel Matter, Receive A Legal Briefing, Or Discuss A Contractual Matter And Appropriate Actions May Be Required And Taken Thereafter.

➤ Legal Briefing - (This Matter Will Be Held As The Last Item Prior To Adjournment).

#### **OLD BUSINESS:**

- (1) 10-712 - Third Reading -- An Ordinance Establishing The Road User Fee Fund And Amending Ordinance No. 94-266 Of Sumter County, South Carolina, (Sometimes Referred To As The Road User Fee Ordinance) So As To Change The Deposit Of The Funds From The General Fund To The Road User Fee Fund.

The County Administrator, William T. Noonan, presented this proposed ordinance for third reading approval. (See attached ordinance.) After all comments, 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 approval as presented.

- (2) 10-713 - Second Reading -- An Ordinance Authorizing Sumter County, South Carolina, To Enter Into A Lease Purchase Transaction Relating To The Financing Of Various Equipment; Authorizing The Execution And Delivery Of An Equipment Lease Purchase Agreement In An Amount Not To Exceed \$1,745,000; And Other Matters Relating Thereto. (Public Hearing Is Not Required For This Ordinance.)

Mr. Noonan presented this proposed Capital Purchase ordinance which is not to exceed \$1,745,000. Exhibit A for this ordinance will be available at third reading. The Exhibit will list all of the equipment which will be listed within the lease purchase agreement. 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 approval as presented.

**COMMITTEE REPORTS:**

(1) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, July 13, 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.**

No executive session was held.

2. Discussion On Stormwater Utility Fee. (Approximately 30 minutes)

This matter was discussed during Fiscal, Tax, and Property and then Council discussed it further during the regular meeting as listed above.

3. Discussion On Storm Water, Technology Fee, and Solid Waste Disposal Fee Penalty Ordinance. (Approximately 30 minutes)

This item was discussed during the Fiscal, Tax, and Property Committee meeting and again in the regular meeting as listed above. (Ordinance #10-715)

4. Discussion on Fiscal year 2011 Lease Purchase Agreement For Capital Purchase. (Approximately 30 minutes)

This item was discussed during the Fiscal, Tax, and Property committee meeting and again in the regular meeting as listed above. (Ordinance #10-713)

5. Letter From South Carolina Department Of Health And Environmental Control (DHEC):

The County Administrator reported that during October 22, 2009, the DHEC's Solid Waste Compliance Environmental Quality Control Office inspected the County's Landfill. During that period of time, the Inspector observed two televisions, two crushed computer monitors, a stereo, and several whole waste tires and several other matters related to waste tires and blowing litter. An enforcement conference was later held on January 20, 2010. Since the October 22, 2009, citing, the County's Landfill has ceased accepting electronic waste, posted signage regarding electronic waste, and instructed the personnel to remove any unacceptable waste from the working face of the Landfill. Additionally, Landfill personnel have been trained to recognize unacceptable waste and that all incoming loads to the Landfill are being inspected at the scale house and at the working face. Due to those problems, the County has been imposed a fine of \$7,000 for the violations cited in a letter from South Carolina Department Of Health and Environmental Control. Therefore, the Administrator

asked that \$7,000 be paid to DHEC out of the County's Solid Waste Account to cover this fine.

**ACTION:** MOTION and second were received from the Committee, and unanimously carried by Council to secure \$7,000 from the County's Solid waste Account to cover the cost of the \$7,000 Landfill fine.

6. Letter From Alliance Consulting Engineers, Inc.

The County Administrator informed the Committee that the County has received a letter from the engineering firm that is developing a conceptual plan of the water system, determining interconnection locations, water main locations, and various sizes of the proposed water mains. It is listed in the letter that the County may want to develop two options for construction such as: construct the proposed system as one project or construct the water system in three phases. Alliance Consulting Engineers, Inc. will deliver a Draft Summary Report and Recommendations for review, including recommendations for funding the construction of the project. As of this date the firm has completed \$18,500 worth of work. The Administrator asked that these funds be paid to this Company through the County's Infrastructure Fund. The Committee recommended approval of the request.

**ACTION:** MOTION and second were received from the Committee, and unanimously carried by Council to secure \$18,500 from the County's Infrastructure Fund to pay for services rendered by Alliance Consulting Engineers, Inc. for the County's water project.

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

No report was given.

**MONTHLY REPORTS:**

- Shaw AFB East Gate Improvements
- Kaydon Corporation Bearing Division - Governor's Closing Fund Grant.
- National Council Of Negro Women, Inc.
- Sumter County Library Statistics
- Emergency Management Activity Report
- Public Works Monthly Report
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**ADMINISTRATOR'S REPORT:**

- **Department Of Juvenile Justice (DJJ):** The County has received confirmation that the Department of Juvenile Justice will pay \$50.00 per day for juveniles from DJJ which are housed at the Greenhouse.
- **Judicial Center Update:** The selection process has narrowed down from 15 prospects to five finalists. The formal presentations will take place on September 2, 2010 at the James E. Clyburn Intermodal Transportation Center.

- **Dixie State Baseball Tournament:** The County will host the 2010 Dixie State Baseball Tournament from July 16-22, 2010. Councilman Edens will bring greetings on behalf of Sumter County Council.
- **Grant Awards:** The County has received an Economic Development Grant award of \$260,000 for Shaw AFB East Gate Upgrade. The County also received a \$600,000 grant award for the up-fitting of the Kaydon Building.

**PUBLIC COMMENT:**

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

- **Luther Lee** spoke to Council about Pratt and Walter Streets. He also provided pictures for Council to see the condition of the roads.
- **Steve Schmidt** spoke to Council about the Stormwater Utilities Ordinance. He said he owns Carolina Mobile Home Trailer Park on S. C. 441 and wants to know where exactly the money gained from this fee is going. As an individual who owns multiple properties, he wanted to know if he'd get charged once or several times. Mr. Schmidt also said that stormwater is an act of God and citizens should not be charged for some like this.

**EXECUTIVE SESSION:**

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.

- Legal Briefing – (This Matter Will Be Held As The Last Item Prior To Adjournment).  
Chairwoman McGhaney called for a motion concerning executive session.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by council to enter executive session to receive a legal briefing. At the conclusion of executive session, council re-entered open session.

No action was taken on this executive session matter.

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 7:08 p.m. after a motion by Councilman Edens, a second by Councilman Byrd, 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: July 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: July 8, 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: July 8, 2010

Respectfully submitted,

*Mary W. Blanding*

Mary W. Blanding

**Ordinance #10-714**

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

WHEREAS, The Federal Clean Water Act, 33 U.S.C. §1251 *et seq.*, section 402, establishes the National Pollutant Discharge Elimination System (NPDES) in which subsection 402 (p)(6) authorizes the Administrator of the Environmental Protection Agency (EPA) to issue regulations governing stormwater discharges to protect water quality and to establish a comprehensive program to regulate designated stormwater sources; and

WHEREAS, Title 40 of the Code of Federal Regulations, Part 22 governs the National Pollutant Discharge Elimination System (NPDES) and section 40 CFR 122.32 specifically governs small municipal separate storm sewer systems; and

WHEREAS, the EPA regulations (A) establish priorities, (B) establish requirements for state stormwater management programs, and (C) establish expeditious deadlines; and

WHEREAS, the Federal Clean Water Act, subsection 402 (b) allows states to administer their own permit program according to certain guidelines set forth in that Act; and

WHEREAS, The State of South Carolina has been granted a National Pollutant Discharge Elimination permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems, which Permit Number SCS0000000 was issued January 30, 2006, effective March 1, 2006; and

WHEREAS, Sumter County discharges storm water from the municipal separate stormwater sewer system located in Sumter County into streams, creeks and branches which flow into rivers which are receiving waters of the State of South Carolina which, in turn flow into Federal Navigable Waters and ultimately the Atlantic Ocean; and

WHEREAS, Sumter County is a regulated Small Municipal Separate Storm Sewer System as published in Appendix A of the South Carolina NPDES General Permit Number SCS0000000;

WHEREAS, South Carolina Department of Health and Environmental Control has granted Sumter County permission to discharge stormwater into the rivers of South Carolina in accordance with the conditions set forth in the State of South Carolina NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems, SCR030000; and

WHEREAS, in accordance with the conditions of the permission to discharge stormwater Sumter County has enacted the required stormwater management and sediment control regulations which are codified in Chapter 14, Article II, sections 14-19 through 14-110; and

WHEREAS, in order to have the necessary funds to enforce the provisions of its ordinances, Sumter County must either add millage to the *ad valorem* taxes it collects or create a Storm Water Utility Fee,

NOW THEREFORE:

**Sec. 14-111<sup>1</sup>. 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, and charges 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

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<sup>1</sup> The ordinance section headings and numbering are suggested for the codification of the Ordinance into the Code of Ordinances, Sumter County, South Carolina after current section 14-110.

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 annually in the audited Annual Financial Report.

**Sec. 14-112. Authority.**

This article shall be cited as the Stormwater Utility Ordinance and is adopted pursuant to S.C. Code Ann. § 48-14-10, *et seq.*, the Home Rule Act, Section 4-9-30(5), *Code of Laws of South Carolina*, Section 6-1-330, *Code of Laws of South Carolina* and S.C. Land Resources Conservation Commission Regulations 72-300 to 72-316.

**Sec. 14-113. 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. 14-114. 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. 14-115. 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. 14-116. 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. 14-117. 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 or property otherwise assessed as commercial use, and any multi-family residential structure with 3 or more dwelling units which structure is taxed as only one structure.

*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.

*Non-Profit properties* shall include churches, government buildings or property otherwise assessed as non-taxable due to its use for a non-profit activity.

*Residential properties* shall include, but shall not be limited to, the following structures for purposes of this Ordinance.

Single-family residences

Duplexes

Individually taxed units of townhouses

Individually taxed units of 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. 14-118. 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 .463 EDU, equivalent to \$25.00 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 and Non-Profit properties.* Commercial properties, as defined by this ordinance, and Non-Profit 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 14-120 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 14-120 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 .463 EDU, equivalent to \$25.00 per year, except where exempt from a stormwater service charge as defined in Section 14-118 (4) of this ordinance.

**Sec. 14-119. 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 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. Nevertheless, 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.

**Sec. 14-120. 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.

**Sec. 14-121. 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.

This Ordinance shall take effect upon third reading.

THE COUNTY COUNCIL FOR SUMTER COUNTY,  
SOUTH CAROLINA

BY: \_\_\_\_\_  
ITS: Chairman of County Council

ATTEST:

BY: \_\_\_\_\_  
ITS: Clerk to Council

First Reading \_\_\_\_\_, 2010

Second Reading: \_\_\_\_\_, 2010

Public Hearing: \_\_\_\_\_, 2010

Third Reading: \_\_\_\_\_, 2010

ORDINANCE NO. 10-715

AN ORDINANCE IMPOSING A UNIFORM DELINQUENCY PENALTY FOR DELINQUENT PAYMENT OF THE SOLID WASTE DISPOSAL FEE, THE STORM WATER SERVICE CHARGES AND THE TECHNOLOGY FEE FOR ALL REAL PROPERTY IN SUMTER COUNTY SOUTH CAROLINA

WHEREAS, Sumter County Council adopted Solid Waste Disposal Fee by Ordinance 09-691; and

WHEREAS, Sumter County Council adopted the Technology fee by Ordinance 09-692; and

WHEREAS, Sumter County Council adopted Storm Water Service Charges in Ordinance 10-711; and

WHEREAS, the referenced ordinances which created the referenced fees and service charges did not create any specific penalty for failure to pay the fees or service charges by a particular time; and

WHEREAS, it appears that certain real property owners have failed to pay the fees which have been billed to them for the Technology Fee and the Solid Waste Disposal Fee; and

WHEREAS, The Sumter County Council recognizes the need to create an incentive for real property owners to pay the referenced fees and service charges in a timely manner in order to have available the funds necessary to provide the services that the referenced fees and service charges support; and

WHEREAS, The Sumter County Council recognizes the need to recover the additional expenses caused by real property owners not paying the fees and service charges which additional expenses are primarily the costs of collecting delinquent fees and service charges,

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 there is hereby imposed a delinquency penalty in the amount of Fifty (\$50.00) Dollars for failure to pay the Solid Waste Disposal Fee, the Storm Water Service Charge and the Technology Fee attributed to real property on or before March 16 of the year following the year a bill is sent.
2. Real property owners must fully pay all of the Solid Waste Disposal Fee, the Storm Water Service Charges and the Technology Fee together at the same time. The Sumter County Treasurer may not collect partial payment of any fee nor any one or two of these specific fees unless all three of these specific fees are paid in full.
3. The delinquency penalty does not apply to the Technology Fee billed on tax bills for personal property.
4. The delinquency penalty on real property for which a tax bill is generated by the Sumter County Auditor shall be collected, along with the original fees and service charges, by the Sumter County Treasurer through the statutory delinquent tax collection procedures applicable to real property.
5. The delinquency penalty on real property for which a property tax bill is not generated by the Sumter County Auditor but for which a bill for fees only is generated by the Auditor shall be collected, along with the original fees and service charges, through civil debt collection procedures.

In such a case, if a real property owner does not pay the Solid Waste Disposal Fee, the Storm Water Service Charge and the Technology Fee on or before June 15 of the year following the year a bill is sent and if a collection action is filed against the owner of real property for failure to pay the fees and service charges, the delinquent owner shall be liable for the fees, service charges, delinquency penalty, court costs, service of process costs and reasonable attorneys fees as set by the Court. Any judgment obtained will be filed in the Office of the Clerk of Court for the Court of Common Pleas and will collect interest at the statutory rate until paid.

6. This Ordinance shall take effect upon third reading.

THE COUNTY COUNCIL FOR SUMTER COUNTY,  
SOUTH CAROLINA

BY: \_\_\_\_\_  
ITS: Chairman of County Council

ATTEST:

BY: \_\_\_\_\_  
ITS: Clerk to Council

First Reading \_\_\_\_\_, 2010

Second Reading: \_\_\_\_\_, 2010

Third Reading: \_\_\_\_\_, 2010

ORDINANCE NO. 10-712

AN ORDINANCE ESTABLISHING THE ROAD USER FEE FUND AND AMENDING ORDINANCE NO. 94-266 OF SUMTER COUNTY, SOUTH CAROLINA, (SOMETIMES REFERRED TO AS THE ROAD USE FEE ORDINANCE) SO AS TO CHANGE THE DEPOSIT OF THE FUNDS FROM THE GENERAL FUND TO THE ROAD USER FEE FUND.

WHEREAS, Sumter County Council previously established the Road User Fee in Ordinance 94-266; and

WHEREAS, paragraph 11 of that Ordinance directs that all funds (including penalties for late payment) collected from the Road User Fee shall be deposited in the general fund of the County; and

WHEREAS, Sumter County Treasurer Council desires to establish a specific fund into which the Road User Fees (including late payments) will be deposited;

**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. Sumter County hereby authorizes and directs the County Administrator to establish the Road User Fee Fund for Sumter County.
2. The Road User Fee Fund will be deposited with the Sumter County Consolidated Account but shall be administered and accounted for separately;
3. All funds collected (including penalties for late payment) collected from the Road User Fee shall be deposited directly into the Road User Fee Fund.
4. The Sumter County Council may augment the Road User Fee Fund by other means, including having a line item in the annual budget or by allocating some specific millage to the fund in the annual appropriations of ad valorem taxes and by directing into the Road User Fee Fund.
5. The Road User Fee Fund may be used only for the purposes described in Sumter County Ordinance No. 94-266. The Sumter County Administrator may authorize expenditures of the Road User Fee Fund in accordance with Sumter County Council

policies and ordinances.

6. This Ordinance shall be effective for any Road User Fees, including late fees, collected on or after July 1, 2010.

THE COUNTY COUNCIL FOR SUMTER COUNTY, SOUTH CAROLINA

BY: \_\_\_\_\_  
Vivian Fleming-McGhaney,  
Chairman of County Council

ATTEST:

BY: \_\_\_\_\_  
Mary W. Blanding  
Clerk to Council

First Reading: June 22\_\_\_\_\_, 2010

Second Reading: June 29\_\_\_\_\_, 2010

Third Reading: \_\_\_\_\_, 2010

ORDINANCE NO. 10-713

AN ORDINANCE AUTHORIZING SUMTER COUNTY, SOUTH CAROLINA, TO ENTER INTO A LEASE PURCHASE TRANSACTION RELATING TO THE FINANCING OF VARIOUS EQUIPMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE PURCHASE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$1,745,000; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section. The term:

“Act” means Section 4-9-30, Code of Laws of South Carolina, 1976, as amended.

“Code” means the Internal Revenue Code of 1986, as amended, and applicable Treasury Regulations thereunder.

“Council” means the County Council of Sumter County, South Carolina.

“County” means Sumter County, South Carolina.

“Equipment” the equipment listed on Exhibit A attached to the Equipment Lease Purchase Agreement of 2010.

“Equipment Lease Purchase Agreement of 2010 (or such other appropriate series designation)” means the Equipment Lease Purchase Agreement between the County and a bank to be named (the “Bank”) to be dated as of a date as agreed upon by the Bank and the County.

“Ordinance” means this Ordinance of the County.

Section 2. Findings and Determinations. The Council hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, and the results of a referendum held in accordance therewith, the Council-Administrator form of government was adopted and the County Council constitutes the governing body of the County.

(b) There is a need to acquire the Equipment. In order to finance the cost of the Equipment, the County has determined to enter into a lease purchase transaction whereby the County will acquire, pursuant to the Equipment Lease Purchase Agreement of 2010, the funds necessary to finance the acquisition of the Equipment.

(c) The Equipment will be delivered to the County, and upon acceptance, title will vest in County; provided, however, that (a) in the event of termination of the Equipment Lease Purchase Agreement of 2010 by the County, (b) upon the occurrence of an Event of Default (as defined in the Equipment Lease Purchase Agreement of 2010), or (c) in the event that the purchase option has not been exercised prior to the expiration date, title to the Equipment shall immediately vest in the Bank or its assignee.

(d) It is in the best interest of the County to acquire the Equipment by entering into a lease purchase transaction with the Bank. The lease purchase transaction will serve a proper public and corporate purpose of the County and is necessary to the proper functioning of County government.

Section 3. Delegation of Authority. The County Council hereby delegates to the County Administrator to cause the issuance of a request for proposals for a lease purchase financing to provide funds for the Project and to accept the bid which is in the best interest of the County.

Section 4. Approval of Transaction. The Council does hereby approve the acquisition and leasing of the Equipment pursuant to the Equipment Lease Purchase Agreement of 2010.

Section 5. Equipment Lease Purchase Agreement of 2010. The form, terms and provisions of the Equipment Lease Purchase Agreement of 2010, a copy of which has been presented to Council at the meeting during which this Ordinance was enacted, and filed with the Clerk of the County, be and are hereby approved. The Chairperson of County Council and the County Administrator be and are hereby authorized, empowered and directed to execute, acknowledge and deliver, and the Clerk to Council be and is hereby authorized, empowered and directed to attest, the Equipment Lease Purchase Agreement of 2010 in the name and on behalf of the County, and thereupon to cause the Equipment Lease Purchase Agreement of 2010 to be delivered to the Bank. The County Administrator, with advice from the County Attorney, be and is hereby delegated the authority to approve such changes in the form, terms and provisions of the Equipment Lease Purchase Agreement of 2010 as may be appropriate for the financing plan contemplated thereby. The execution of the Equipment Lease Purchase Agreement of 2010 shall constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the Equipment Lease Purchase Agreement of 2010 before the meeting during which this Ordinance was enacted. Any amendment to the Equipment Lease Purchase Agreement of 2010 shall be executed in the same manner.

Section 6. Execution of Documents. The Chairperson of County Council, the Clerk to County Council, the County Administrator, and the County Finance Director are fully

empowered and authorized to take such further action and to execute and deliver such additional documents as may be reasonably requested by the Bank to effect the delivery of the Equipment Lease Purchase Agreement of 2010 in accordance with the terms and conditions therein set forth, and the transactions contemplated hereby and thereby, and the action of such officers in executing and delivering any of such documents, in such form as the County Administrator shall approve, is hereby fully authorized.

Section 7. Further Actions. The Chairperson of County Council, the Clerk to County Council, the County Administrator, the Finance Director and the County Attorney, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Equipment Lease Purchase Agreement of 2010, and the performance of all obligations of the County under and pursuant to the Equipment Lease Purchase Agreement of 2010.

Section 8. Federal Tax Covenant. The County agrees and covenants that it will comply with all applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder, to maintain the exclusion from gross income for federal income tax purposes of the interest components of the Lease Payment (as defined in the Equipment Lease Purchase Agreement of 2010) under the Equipment Lease Purchase Agreement of 2010.

Section 9. Bank Qualification. The Equipment Lease Purchase of 2010 is hereby designated by the County as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

Section 10. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 11. Effective Date. This Ordinance shall be effective upon its enactment by the County Council of Sumter County, South Carolina.

Enacted this \_\_\_\_ day of July, 2010.

SUMTER COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_

Chairperson of County Council

(SEAL)

Attest:

\_\_\_\_\_  
Clerk, County Council

First Reading: June 29, 2010 (Title Only)

Second Reading: July 13, 2010 (Tentative)

Third Reading: July 27, 2010 (Tentative)