



Minutes
Sumter County Council
Regular Meeting
July 27, 2010 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

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COUNCIL MEMBERS PRESENT:

1. Chairman Vivian Fleming McGhaney, Council District #5
2. Vice Chairman Eugene Baten, Council District #7
3. Councilman Artie Baker, Council District #2
4. Councilman Larry Blanding, Council District #6
5. Councilman Jimmy Byrd, Council District #3
6. Councilwoman Naomi D. Sanders, Council District #1

COUNCIL MEMBERS ABSENT: Councilman Charles T. Edens

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council
Johnathan Bryan, County Attorney
Pamela Craven, Finance Director

William T. Noonan, County Administrator
Gary Mixon, Deputy Administrator

MEDIA PRESENT:

The Item Newspaper

THE PUBLIC PRESENT:

Approximately seven 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 27, 2010, to order.

INVOCATION: Chairwoman McGhaney gave the invocation.

ACKNOWLEDGEMENT: Chairwoman McGhaney acknowledged the attendance of Breinn Palmer, the Park Manager from State Parks and Recreation - including areas of Lee, Sumter, and Kershaw Counties.

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 27, 2010, agenda with any additions, deletions, or as printed.

ACTION ON AGENDA: MOTION was made by Vice Chairman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the agenda as presented.

APPROVAL OF MINUTES: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of Sumter County Council which was held on July 13, 2010.

ACTION: MOTION was made by Councilman Blanding, seconded by Councilman Baker, and unanimously carried by Council to approve the regular meeting minutes of July 13, 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 second reading and public hearing. Mr. McGregor stated that the applicant has 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 Planning staff recommends approval of the request and the Planning Committee also recommended approval of the request as presented and prepared by the Planning staff.

After discussion by Council; the Chairman convened a public hearing on this request. She asked if anyone wished to speak in favor of or opposition to the proposed rezoning request. The following person spoke to this issue.

- Wayne Iseman stated that he and his brother own this property and want to join the property so that they can relocate a club house on the property. He asked Council to support them in this process.

No one else spoke to this issue; therefore, the Chairman closed the public hearing and 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 to this rezoning request as presented.

Street Name Change - None

Grant Awards -

Quarterly Grant Application And Award Update.

Ginny Yonson provided Council members with a grant update as shown below. This was received as information.

Quarterly Update July 2010		Grants Applied For / Received Since Last Update			
Dept.	Grant	Funder	Applied For	Funded	Who Wrote Grant
Airport	Runway Safety Area Design	FAA	\$133,095.00	\$133,095.00	WK Dickson
County	Kaydon Corp.	SC Dept. of Commerce	\$600,000.00	\$600,000.00	Jay Schwedler
County	Shaw AFB East Gate Improvement	SC Dept. of Commerce	\$260,000.00	\$260,000.00	Jay Schwedler
Greenhouse	Emergency Shelter	DSS	\$292,000.00	\$292,000.00	Evelyn Bradford
Public Works	Waste Oil Grant	DHEC	\$16,275.00	\$16,275.00	Karen Hyatt
Public Works	Waste Tire Grant	DHEC	\$57,755.00	\$57,755.00	Karen Hyatt
Sheriff	Methamphetamine Response	DOJ / SCDPS	\$78,040.00		Lee Monahan
Sheriff	Supplemental Street Enforcement	DOJ / SCDPS	\$62,400.00		Lee Monahan
Sheriff	Anonymous SMS Crime Reporting	DOJ / SCDPS	\$10,200.00		Lee Monahan
Sheriff	Federal JAG Grant	DOJ	\$69,440.00		Lee Monahan
SSRC	Youthbuild USA Mentoring Grant	Youthbuild USA	\$24,000.00	\$24,000.00	Lana Odom
Total			\$1,603,205.00	\$1,383,125.00	

ACTION: Received as information.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

(1) Update On 2010 Census Count (Doris Jones).

Mrs. Doris Jones asked Council to forgive her tardiness, but the storm prevented her from being on time. She then stated that she is a Partnership Specialist for the Census Bureau. Mrs. Jones stated that during 2000 Census, South Carolina was 49th in the nation for mailing back Census Forms. However, for Census 2010, South Carolina is 23rd in the nation for mailing back response forms. Also, South Carolina increased its mail back rate by 8% during Census 2010. The National rate of response is 72% and South Carolina is 73%. Sumter County came up from 69% in 2000 to 73% in 2010.

She also thanked Council for forming the Complete Count Committee and she thanked the Committee members for their work during the Census undertakings of 2010. Then an update of Census Count Numbers will be available during the fall of 2010 and the final count will be released during December 2010.

Ms. Jones stated that technology helped make people aware when to turn in the Census forms, and technology also helped answer questions that the general public had during this Census process. She also informed Council about the last stages for Census 2010.

Mrs. Jones also stated after 150 days of the completion of the Census, Council will be made aware of the federal proportionate funds each County will receive. The allocation of funds will begin in February 2011. She also reminded Council members that if they are interested in certain data workshops, the Census would be willing to present the workshop. After all comments, Ms. Jones thanked Council for allowing her to make this presentation and for all the assistance that the County's Census Complete County Committee provided.

Council members asked several questions of Mrs. Jones and she was also asked what happens if a census tract address list was given to U. S. Census Bureau in 2008 or 2009, but since the time of receiving the address, all the homes in that areas have been demolished which seemingly caused that Census tract count to be low during Census 2010. Is there some way to check to see if there was a problem with the address listings even at this late date? Mrs. Jones did not have an answer to this question but she stated that she would follow-up on the question. *(Michael Herr of the Planning Department will send the appropriate information to Mrs. Jones. (The State-County Tract Code is 45085000300. The Census tract is 3.)*

ACTION: Received as information.

(2) A Resolution Regarding Sumter County's Intent To Use Its Recovery Zone Economic Development Bonds (RZEDB) Allocation.

Mrs. Pam Craven, the County Finance Director, presented this proposed resolution to Council. Mrs. Craven informed Council that the resolution before Council members was prepared by the Bond Attorney; see resolution below. Then Council took action on its adoption.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to amend the resolution by changing the figure from \$7,500,000 to \$8,448,000.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to grant adoption of this resolution and directed the Chairwoman and the Clerk to executive and delivery the resolution on behalf of the County.

Resolution:

WHEREAS, pursuant to Section 11-18-40 of the Code of Laws of South Carolina, 1976 as amended, Sumter County, South Carolina (the "County") has been allocated \$9,948,000 of the \$172,562,000 volume cap allocation provided the State of South Carolina of Recovery Zone Economic Development Bonds (RZEDB), which are taxable bonds issued to finance governmental projects for which a portion of the interest payments are subsidized by the Federal Government; and

WHEREAS, by Resolution adopted on January 12, 2010, the County Council gave \$1,500,000 of its RZEBD allocation to the Central Carolina Technical College; and

WHEREAS, the County has a remaining allocation of \$8,448,000; and

WHEREAS, the projects financed with the RZEDB must occur within an area designated as a "Recovery Zone," which is any area designated by the County as having significant poverty, unemployment, rate of home foreclosures or general economic stress; areas affected by the closure or realignment of military installations; and areas within federally-designated empowerment zones.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. *County Council intends to use \$8,448,000 of its remaining allocation of RZEDB; and*
2. *County Council intends to issue or cause to be issued the RZEDB on or before November 1, 2010.*

- (3) First Reading -- 10-716 -- An Ordinance Authorizing The Issuance And Sale Of Recovery Zone Economic Development Bonds, Taxable Series 2010, Or Such Other Appropriate Series Designation, Of Sumter County, South Carolina, In The Principal Amount Of Not Exceeding \$7,500,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator Or His Lawfully Authorized Designee To Determine Certain Matters Relating To The Bonds; Providing For The Payment Of The Notes And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.

This ordinance was presented to Council by title only. Then Council took action on first reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to defer first reading action at this time.

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

No executive session was held.

OLD BUSINESS:

- (1) 10-713 - Third 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.)

The County Administrator presented this proposed ordinance to Council for third reading approval. After review of the ordinance, Council took action on adopting this ordinance.

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

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held on **Tuesday, July 27, 2010, at 4:30 P.M.** In County Council's Conference Room at the County Administration Building - (Byrd, Blanding, and Sanders).

The Chairman of this Committee, Councilman Byrd, gave the following report and recommendations for action by Sumter County Council.

- ✓ Work Force Investment Board: Reappoint Mrs. Hyacinth Kinley and Dr. Tim Hardee to the Workforce Investment Board.

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

- ✓ SWRTA Board: Appoint Councilman Larry Blanding to the Santee Wateree Regional Transportation Authority until the end of this year.

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

- ✓ Stormwater Management: Recommended to appoint candidate "A" to the Stormwater Management and Sediment Control Board.

ACTION: MOTION and a second were received from the Committee, and unanimously carried by Council to approve candidate "A" to be forwarded to the City of Sumter for consideration and possible appointment to the Stormwater Management and Sediment Control Board. *(Note: This is a joint appointment between the City and County.)*

- ✓ **Revised Ordinance.** The Committee recommended that the County Attorney prepare a revised Ordinance for Council's consideration in reference to Airport Commission.

- (2) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, July 27, 2010, at 5:00 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.**

After Executive Session, the Committee took action on Olympic Steel during open session.

Olympic Steel: The Committee received a letter from the Development Board concerning Olympic Steel needing a letter of support for maintaining a grant that was approved by the Commerce Department to help Olympic Steel in its start-up expenses.

The Company has not yet used the funds and do not want to forfeit the grant. The Committee agreed to recommend that the County Administrator write a letter of support to S. C. Department Of Commerce on behalf of Olympic Steel.

ACTION: MOTION and a second were received from the Committee, and unanimously carried by Council to direct the County Administrator to write a letter to S. C. Department of Commerce on behalf of Olympic Steel concerning a \$100,000 grant.

2. Discussion On "Intent To Use RZEDB Funds.

Discussed during New Business.

3. Sumter County Debt Schedule - Update.

No action taken.

4. Discussion And Possible Action On Signage For Sumter County Industrial Park.

No action taken.

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

- Councilman Blanding stated that the trip to the NACO convention was very informative. Also, he brought back lots of information from the Convention. Councilman Blanding also stated that NACO has informed its members that most of their correspondence will be done by e-mail to save on paper expense.
- Councilman Baker stated that a citizen had called him concerning the disposal of the new light bulbs which has mercury in the bulb. He asked the Administrator to check on how the bulbs are to be disposed of and report back to Council.

MONTHLY REPORTS:

- Development Board Annual Meeting
- African Dance Class and Drum Classes - Patriot Hall
- J. Mitchell Graham Award Information
- John Fantry and Oswego Water System
- Sumter County Genealogical Society
- S. C. Department Of Commerce
- S. C. DOT - Cowpen Branch Bridge Posting
- S. C. DOT - Tearcoat Branch - Bridge Posting
- S. C. DOT - Rafting Creek - Bridge Posting
- S. C. DOT - Rocky Bluff Swamp - Bridge Posting
- S. S. DOT - Intermodal and Freight Programs
- State Treasurer's Office - Local Option Capital Project Sales Tax Summary - Fourth Quarter
- U. S. Senate - YouthBuild Program Grant
- Time Warner Cable

ADMINISTRATOR'S REPORT:

No report given.

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.

- George Bates talked to Council about the ditches on Cougar Way. He also talked to Council about running dogs and the need to hire additional staff members for the Animal Shelter. *Councilman Blanding stated that he too has a concern about the stray dogs in his community and the way in which the County is handling the situation of stray dogs.*
- Steve S. Mitchell stated that he has 38 renters and it will be very costly for him to pay the stormwater fee if it is imposed. He also asked Council about who is responsible for the runoff of water on Highway 441 since the runoff is coming onto his property. *Chairwoman McGhaney asked Mr. Mitchell to talk with staff about his concerns.*

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.

No executive session was held.

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 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: August 10, 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 22, 2010

Media Notified: Yes

Manner Notified: Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities. Also, E-Mail notification was sent to Sumter County's Home Page, WIBZ, The Item, The Chamber, and Time Warner Cable.

Date Notified: July 22, 2010

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

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

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First Reading: June 29, 2010 (Title Only)

Second Reading: July 27, 2010 (Tentative)

Third Reading: July 27, 2010 (Tentative)