



Minutes
Sumter County Council
Regular Meeting
September 14, 2010 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

.....

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. Councilman Charles T. Edens, Council District #4
7. Councilwoman Naomi D. Sanders, Council District #1

COUNCIL MEMBERS ABSENT:

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council
Johnathan Bryan, County Attorney
Lorraine Dennis, HR/Deputy Administrator
Pylisha Ward, IT Director

William T. Noonan, County Administrator
Gary Mixon, Deputy Administrator
Keysa Rogers, Budget Analyst
The Honorable Carolina B. Richardson

MEDIA PRESENT:

The Item Newspaper

THE PUBLIC PRESENT:

Approximately 28 members of the public were in attendance.

.....

CALL TO ORDER: Chairman of Council, Vivian Fleming McGhaney, called Sumter County Council's meeting of September 14, 2010, to order.

INVOCATION: Rev. Holmes, a local minister, gave the invocation.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge of Allegiance.

APPROVAL OF AGENDA: Chairwoman McGhaney stated that she would entertain a motion to approve the September 14, 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 August 24, 2010, and special meeting of August 31, 2010.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilman Blanding, and unanimously carried by Council to approve the regular meeting minutes of August 24, 2010, and special meeting minutes of August 31, 2010, as presented.

LAND USE MATTERS AND REZONING REQUESTS
Development/Rezoning Request - None

Street Name Change - None

Grant Awards -

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) **First Reading -- 10-719 -- An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, In One Or More Series, With Appropriate Series Designations, Of Sumter County, South Carolina, In The Principal Amount Of Not To Exceed \$9,448,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator To Prescribe Certain Details Relating To The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.**

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council concerning issuance of bonds not to exceed \$9,448,000. Mr. Bryan explained for the benefit of the public the American Recovery and Reinvestment Act of 2009, met the internal revenue code to authorize the issuances of the Build America Bonds if the bonds are issued prior to January 1, 2011. The benefit of the Build America Bonds is that the bonds are taxable to the bond holders; the bonds will be issued at a higher rate; however, the Federal Government will reimburse the County 45% of the interest paid on the bonds. The Financial staff also worked with the Bond Attorney so that the bond will be structured in such a way that this bond payment and principal will be added into the County's expenses with no increase as other bonds are paid out.

The projects that the County plans to pursue through the issuance of the bonds include the following projects.

- ✓ Law Enforcement Center/Emergency Management Center
- ✓ C&D Landfill
- ✓ South Sumter Resource Center Roof
- ✓ Acquisition Of Four Ambulances
- ✓ Rembert Fire Station Renovations
- ✓ Bethel Fire Station: Construction and Land Purchase -- Land was not included in the Penny For Progress Referendum.
- ✓ Environmental Area -- Including Pavilions/Playground Equipment/Trail System
- ✓ Salterstown Baseball Facility With Lights
- ✓ Mayesville Ball Park Lights
- ✓ Stormwater Equipment

- ✓ Cherryvale Fire Station Supplement
- ✓ R.E. Davis Ball Field
- ✓ Wedgefield Fire Station Supplement

The Chairman stated that a public hearing would be held on this ordinance and the public can have a chance to give their input during that time; however, the Clerk to Council reminded Council that this ordinance does not require a public hearing. Council asked that the Clerk schedule a public hearing on this matter as a courtesy to the public.

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

ACTION: MOTION was made by Vice Chairman Baten and seconded by Councilwoman Sanders to grant first reading approval.

Then the Chairman asked for any questions or discussions; the following discussions proceeded after the motion.

Councilman Edens stated that as Council gets to another item on the agenda, there will be some correlations between the two items. Also, there was a proposal which would eliminate a lot of the projects, reduce the impact of millage to the citizens, in fact it would have been a reduction in millage in hopes to use that reduction to fund Stormwater and the citizens would see no increase in millage if that process was approved. He further stated that he does not agree with all of the items on the list. Therefore, he will have to vote no on first reading. Councilman Edens also stated that there are items on the list that he does support, but he cannot vote in support of the ordinance in totality of the list.

Vice Chairman Baten stated that he understands Councilman Edens concern in saying that we could have done this without any increase in fees to the citizens; but at the same time, we need to mention the fact that Council was advised by the County Attorney that Council could not fund the projects as previously stated by Councilman Edens. Therefore, Council is acting on the legal advice of the Attorney.

Chairwoman McGhaney stated that most of the discussions that Council had on this matter was in executive session due to the contractual matters, land purchases, etc. regarding this proposed ordinance. She added that the public needs to be aware that the entire State is under a "hammer called Act 388" which limits Council's ability to increase millage.

Councilman Edens further stated that he does not agree that the County cannot add the millage when the results will be a "decrease" in the total millage to the citizens.

The motion was restated by the Chairman and then Council took action on its approval.

ACTION: MOTION was made by Vice Chairman Baten and seconded by Councilwoman Sanders to grant first reading approval. Council members Baten, Blanding, Byrd, Sanders, and McGhaney voted in the affirmative; Council members Baker and Edens voted in opposition. The motion carried.

- (2) First Reading -- 10-717 -- An Ordinance To Regulate Outdoor Burning In Sumter County Within All Residential Zoning Districts Except The Agricultural Conservation Zoning District And Within Two Hundred Feet Of A Residential Subdivision.

Mr. Bryan stated that during the Public Safety Committee meeting of Sumter County Council, the Chairman of the Committee and the Committee members have asked that this ordinance be re-written to address some of their concerns. He asked Council members to defer first reading. Councilman Byrd stated that he has several additional changes he would like to incorporate into the ordinance.

The Chairwoman then called for a motion on the proposed ordinance.

ACTION: MOTION was made by Councilman Byrd and seconded by Councilman Edens, to defer first reading as recommended by the Attorney. (*Motion died due to a withdrawal of the second to the motion.*)

Councilman Baker stated that he had hoped that Council would have moved on with first reading and let each Council member send their concerns to the Attorney and to make provisions for the public hearing.

Councilman Edens stated since the Chairman of the Committee wants this matter to continue moving, he will withdraw his second to the motion for deferral.

ACTION: SUBSTITUTE MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and carried by Council to grant first reading approval to this proposed ordinance. Councilman Byrd voted nay.

Councilman Byrd stated that he could not support the ordinance as it is currently written; however, he will give his concerns to the Attorney to have them incorporated into the ordinance. Councilman Edens also stated that he still has several concerns about the ordinance and would like to see these changes made before second reading.

NOTE: The Clerk asked if Council wanted a public hearing scheduled since this ordinance did not require a public hearing. Council directed the Clerk to schedule a public hearing as soon as possible.

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

No executive session was held.

OLD BUSINESS:

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

Mr. Bryan, the County Attorney, reminded Council that during the first reading on ordinance #10-719 - RZED Bonds - there are funds in the bond for the purchase of equipment to be used for the Stormwater program. In light of that source of funding, the County's staff feels that there is no need to set the EDU as high. The following changes are recommended for this ordinance. Most of the changes are listed on page seven.

(Note: With the change of the EDU from \$54 to \$30, the Agricultural Stormwater Fee automatically changed, but was not cited during the discussions on this matter.)

- The EDU will be changed from \$54 to \$30
- Residential Properties will change from \$25 to \$15
- Commercial/Nonprofit Properties from \$81 to \$45
- Industrial Properties will change from \$162 to \$90

After providing Council with the above information, the Attorney stated prior to taking action on third reading, he would ask that Council make a motion to approve the change for the EDU from \$54 to \$30 and all subsequent changes based on the EDU adjustment. If the amendment to the ordinance is approved, then Council could take action on third reading with the aforementioned changes.

Councilman Edens stated that it was discussed earlier this afternoon with staff members how Council could go about funding the Stormwater program; however, it was not listed in the recommendations that staff presented to Council members. He further thanked Council members Baker and Byrd for the work they had assisted him with in trying to find alternative ways on funding the Stormwater Utilities program. He and the other two Council members worked to get the expenses reduced from \$900,000 to \$468,000. It was also proposed to take \$50,000 annually to help fund the Stormwater Utilities program which would have caused another reduction on the impact on citizens. The \$50,000 would be used to decrease the expense to the residential group from \$15.00 to \$13.50.

It was further stated by Councilman Edens that he would like for Council to still move forward with the other proposal to fund the Stormwater Utilities program with millage because Council would have a reduction of bonds and it would be a no cost increase (fee or millage) to the taxpayers. He also said that he recognize that the Attorney has restated that Council might get challenged on that process if it had been approved by Council; however, Councilman Edens stated that he believes Council should stand firm on adding the millage based on the "overall no mill increase" to the citizens of Sumter County.

Councilman Edens further stated that this Stormwater program is an unfunded mandate; yet County Council cannot fund it with the freedom and versatility that it could if the Act 388 was not in place.

The Chairman thanked Council members Baker, Byrd, and Edens for going the extra mile in trying to come up with a solution concerning the expenses the County has been mandated to incur.

Vice Chairman Baten stated that he was able to read the Report Of Activities From The Sumter Stormwater Solutions. He cited numerous instances of environmental preservations as outlined in the report, and lastly he said that based on the requirements

that are mandated to the County and the information listed in the report, he will vote in favor of the ordinance.

Councilman Edens further stated that he has practiced conservation many, many years; and he supports clean water and the protection of the clean water; however, he does not support the way in which Sumter County will fund this Stormwater Utilities Fee program.

ACTION: MOTION was made by Councilwoman Sanders and seconded by Vice Chairman Baten, to approve the recommendations as presented by the County Attorney as listed below.

Proposed Amended Changes As Presented By The Attorney:

- The EDU will be changed from \$54 to \$30
- Residential Properties will change from \$25 to \$15
- Commercial/Nonprofit Properties from \$81 to \$45
- Industrial Properties will change from \$162 to \$90

(Note: With the change of the EDU from \$54 to \$30, the Agricultural Stormwater Fee automatically changed, but was not cited during the discussions on this matter.)

Prior to action on this motion, the County Administrator, reminded Council that the amendment that was presented by the County Attorney is *Recommendation B*; however, if the \$50,000 from the Infrastructure Fund is included as stated by Councilman Edens, it would be *Recommendation C*. Councilwoman Sanders said that she does not agree with changing anything at the last minute and would prefer keeping the \$50,000 in the Infrastructure Account as listed and not to make any more changes to this proposed ordinance.

Councilman Blanding asked the Chairman to allow him to make a motion for a two minute recess. The Chairman received the motion.

ACTION: MOTION was made by Councilman Blanding, seconded by Councilwoman Sanders, and carried by Council to take a two minute recess. Councilman Byrd voted in opposition. The motion carried.

The Chairman reconvened Council meeting and informed the public that the recess was an earnest effort to lower the proposed Stormwater Fees even more than suggested in the motion. However, because of the current language in the Infrastructure Ordinance, Council is unable to use the funds at this time. Chairman McGhaney restated the motion and Council took action on the motion as listed below.

RESTATED -- ACTION: MOTION was made by Councilwoman Sanders and seconded by Vice Chairman Baten to approve the recommendations as presented by the County Attorney (See below). Council members Baker, Byrd, and Edens voted in opposition; Council members Baten, Blanding, Sanders, and McGhaney voted in the affirmative to approve all amendments/recommendations. **NOTE:** Councilman Baker, Byrd, and Edens changed their vote to support the recommendations. **The motion unanimously carried.**

Proposed Amended Changes As Presented By The County Attorney:

- The EDU will be changed from \$54 to \$30.00
 - Residential Properties will change from \$25 to \$15
 - Commercial/Nonprofit Properties from \$81 to \$45
 - Industrial Properties will change from \$162 to \$90
- (Note: With the change of the EDU from \$54 to \$30, the Agricultural Stormwater Fee automatically changed, but was not cited during the discussions on this matter.)*

Then the Chairwoman called for a motion on third reading for this Ordinance.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilwoman Sanders, and carried by Council to grant third reading approval and adoption to this ordinance as amended. Council members Baker, Byrd, and Edens voted in opposition; Council members Baten, Blanding, Sanders, and McGhaney voted in the affirmative.

NOTE: Councilman Baker asked the County Attorney to follow-up with State officials about whether or not his legal opinion on the millage increase in relation to "the timing of a mandate" to the passage of Act 388 is the stance of the State law.

(2) **Second Reading -- 10-716 -- An Ordinance To Restructure And Reorganize The Sumter County Airport Commission.**

Mr. Bryan presented this proposed ordinance for second reading approval. He stated that there have been no changes to the ordinance since first reading approval. He asked Council to consider giving second reading to this ordinance.

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

(3) **Second Reading -- 10-718 -- An Ordinance Amending Chapter 30, Article Ii, Section 30-22, Code Of Ordinances, Sumter County, South Carolina Adding Two New Members To The County Cultural Commission.**

Mr. Bryan presented this proposed ordinance for second reading approval. He stated that this ordinance will allow for two additional members to the Sumter County Cultural Commission.

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.

COMMITTEE REPORTS:

- (1) Public Safety Committee Meeting Held on **Tuesday, September 14, at 4:00 P.M.** In County Council's Conference Room at the County Administration Building - (Baker, Baten, and Byrd).

The Chairman of the Public Safety Committee, Councilman Baker, stated that the Committee discussed the burn ordinance. He also said that there will be some changes to the ordinance, and that it appears that there is a need for this ordinance in the community. However, Council will have to figure out what is the best route in implementing such an ordinance. No action taken; however, the Attorney will follow-up on this ordinance and provide information to the Committee at its next meeting.

- (2) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, August 24, 2010, at 4:30 P.M.** In County Council's Conference Room at the County Administration Building - (McGhaney, Blanding, and Edens).

The Chairman of the Committee, Chairman McGhaney, stated that the following two items are recommended for approval from the Committee to Council.

1. **Executive Session -If Necessary Council May Hold An Executive Session To Discuss:**

- a) Economic Development Matter: No action taken.
- b) Potential Contractual Matter Concerning CSX.

The Committee recommended approval of funding this project through the County's Infrastructure Fund. The County has chosen Trackwork, Inc. for the purposes of providing labor, material, equipment, supervision, and insurance to correct the defect indicated by CSX's inspection report. The company will install new bolts in joint bar, replace broken joint bar and bolts, correct wide gauge at derailer, replacing two 10" crossties, and correct wide gauge near main line derailer, replacing five regular 7 x 9 crossties at a cost of \$5,361.30.

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

- c) Legal Briefing. No action taken.
- d) RZED Bonds: Discussion On Matters Relating To The Proposed Location, Expansion, Or The Provision Of Services Within The County. Listed on main agenda under 10-719.

2. **Continued Discussions On Integrated Marketing Program.**

The Committee received a request from the County Administrator to consider entering into an agreement with Journal Communications, Inc. - Custom Magazine Media which will produce a magazine called IMAGES: Sumter, South Carolina. Sumter County Government along with other entities in Sumter such as municipalities, businesses, and industries will be highlighted in this magazine. A full-page layout will cost approximately \$5,200. The Committee approved the recommendation to fund this project from the Administrator's Contingency Fund.

ACTION: MOTION and a second were received from the Committee, and carried by Council to approve the recommendation as presented. Council members Byrd and Blanding voted in opposition.

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

The Chairman of Council reported on the following meetings.

- A. SUATS was held in County Council's Chambers on September 13, 2010. The SUATS Committee was updated on the Alice Drive construction program.

- B. Highway Commissioner for the Sixth Congressional District was also present at the SUATS Committee meeting. Also members from the South Carolina Department of Transportation were present at the meeting. The funding for enhancements (lighting, sidewalks, utility lines, etc.) to the Alice Drive Project was discussed. The SUATS Committee will write a letter to Progress Energy asking them to consider Sumter in the same manner they did for the Hartsville community to do enhancements work on the utilities gratis. At this point, Progress Energy will charge Sumter County for this work; the SUATS committee wants the company to waive the fees.

- C. Santee Lynches Regional Council On Governments meeting was held on September 6, 2010. A report was given from the Commander of Third Army and it was very favorable. The Commander informed the group about the persons that will be coming to Sumter and the salaries that will be expected (\$80,000 up).

MONTHLY REPORTS:

- Public Works Department
- South Carolina Department Of Public Safety - Justice Assistance Grant Program (\$59,280)
- South Carolina Department of Public Safety Anonymous SMS Crime Report and Methamphetamine Response Grants (Not Funded)
- Au'some, LLC (Funded for \$200,00)
- Emergency Management Activity Report
- Time Warner Cable
- My Community Circles

ADMINISTRATOR'S REPORT:

- **Selection Of Construction Firm:** The Judicial Construction Team has selected Thompson Turner as the Design Build Company. The County's staff is currently in negotiations with this Company with fees, costs, etc. County Council will be kept abreast of this project.

- **Taxation In South Carolina: Issues And Challenges:** This article was placed in Council's packets and the Administrator urged Council members to read this document.

PUBLIC COMMENT:

The Chairman 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 spoke to Council about the reduction of funds to the taxpayers concerning the Stormwater fees. He asked Council to please allow the Attorney to look at ways to alleviate this fee. He also asked the County to share with the public information concerning the environmental conservation projects that were talked about by Vice Chairman Baten. Lastly, he asked Council to fix the existing problems that the County has such as poor road conditions.
- Ralph Baker stated that the County has had first reading on the burn ban, but the citizens do not know what is in the ordinance with changes coming. He opposes the proposed burning band; a solution in search of a problem. Mr. Baker said that about one-third of his neighbors burn outside from time-to-time; however, they want to continue with the DHEC present regulations 61-62.2 with some exceptions. He further stated that he and other citizens have vegetable gardens in their yards and must periodically clean the garden. The gardeners, flowers or vegetables, do not want to have to load the garden residue on a truck and haul it to the recycling center. It is easier to just burn the residue.
- Melvin Riley stated that he is from the Stateburg community and would like for someone to help him and his neighbors with road problems. He gave a letter of his concerns to the Administrator and the Clerk.
- Luther Lee spoke to Council about his road issue. He said that he has met with his County representative but nothing has been received in writing; Mr. Lee was told that his road will no longer be serviced by the Public Works Department because it is a private road. However, Mr. Lee said that he has a map dated in 1950. He asked Council why the road has never been accepted in 60 years.
- Josephine Young asked whether or not the Stormwater Utilities Fee was amended for \$15.00 or \$25.00; she also asked whether or not Council will increase this fee soon. The Chairman asked Mrs. Young to talk to the County Administrator after the meeting.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:10 p.m. after a motion by Councilwoman Sanders, a second by Councilman Blanding, 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: September 28, 2010



Minutes-Regular Meeting of Sumter County Council

September 14, 2010

Page 11

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: September 9, 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: September 8, 2010

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding