



Minutes
Sumter County Council
Regular Meeting
January 18, 2011 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

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Members Of Sumter County Council Will Vote On Their Offers Immediately Following Action On The Minutes.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council
Johnathan Bryan, County Attorney
Gary Mixon, Deputy Administrator
Pam Craven, Finance Director

William T. Noonan, County Administrator
George McGregor, Planning Director
Lorraine Dennis, Deputy Administrator

MEDIA PRESENT:

The Item Newspaper

THE PUBLIC PRESENT:

Approximately 12 members of the public were in attendance.

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CALL TO ORDER: Chairman of Council, Vivian Fleming McGhaney, called the meeting to order.

INVOCATION: Chairman McGhaney gave the invocation.

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

APPROVAL OF AGENDA: Chairman McGhaney stated that she would entertain a motion to approve the January 18, 2011, agenda with any additions, deletions, or as printed.

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

APPROVAL OF MINUTES: Chairman McGhaney stated that she would entertain a motion to approve the regular meeting and special meeting minutes of Sumter County Council which were held on December 14, 2010, December 21, 2010, and January 4, 2011.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to approve the regular meeting minutes of on December 14, 2010, December 21, 2010, and January 4, 2011, as prepared by the Clerk to Council.

NEW BUSINESS:

- (1) Election Of Officers For Sumter County Council - Chairman and Vice Chairman - Term 2011-2012. (Action On This Matter will be handled by Council immediately following action on minutes.)

Chairman McGhaney reminded Council and the public that it was now time to elect officers for Sumter County Council as outlined in Council's ordinances. She also thanked Council members for allowing her to serve as Chairman for the last several years.

She then stated that the floor is open for nomination of Chairman of Sumter County Council.

Councilwoman Sanders stated that she offered the nomination of Eugene Baten for Chairman of Sumter County Council. Then the Chairman asked if there were any additional nominations, she then stated that since she did not hear of any additional nominations, she asked for a motion to bring the nominations to a close. Chairman McGhaney stated that the person nominated will be elected by acclamation.

ACTION: MOTION was made by Councilwoman Sanders to bring the nomination to a close on the one said name of Eugene Baten.

NOTE: Prior to receiving the recorded votes, Councilman Edens stated that this is not the normal procedure that Sumter County Council normally uses to elect its officers. He further stated that Council usually makes a nomination and a second to the nomination. Chairman McGhaney stated that she reviewed Roberts Rules of Order prior to coming to the meeting and it is stated in these rules that it is not necessary to have a second to the nomination.

Then the Chairman asked for a motion to accept the nomination by acclamation for Councilman Eugene Baten to be the Chairman of Sumter County Council.

ACTION: MOTION was made by Councilwoman Sanders and seconded by Councilman Blanding to accept the nomination of Councilman Eugene Baten as Chairman of Sumter County Council by acclamation. Council members Artie Baker, Jimmy Byrd, and Charles T. Edens voted in opposition. Council members Eugene Baten, Larry Blanding, Vivian Fleming McGhaney, and Naomi D. Sanders voted in the affirmative. Councilman Baten was elected as Chairman by acclamation.

The Chairman Eugene Baten chaired the meeting from this point.

Chairman Baten stated that he is both humbled and honored that the majority of Sumter County Council have placed their trust in him to carry out the duties and responsibilities of Chairman of Council. He stated that his commitment is to be fair and honest. The Chairman further stated that he along with Council would like to make Sumter a place where every citizen can say that Sumter is a great place to live, learn, work, and play. He also stated that he hopes that he has every Council member's support in trying to make it happen.

Chairman Baten then asked for nominations from the floor for Vice Chairman.

ACTION: MOTION was made by Councilwoman Vivian Fleming McGhaney to nominate Councilman Blanding as the Vice Chairman of Sumter County Council.

Chairman Baten asked if there were any more nominations from the floor.

Councilwoman Sanders stated that she would second the nomination just so that there would be no question.

Then Chairman Baten closed the nomination and stated that Council would take action on Councilman Larry Blanding as Vice Chairman of Sumter County Council.

ACTION: MOTION was made by Councilwoman Vivian Fleming McGhaney, seconded by Councilwoman Sanders, and carried by Council to elect Councilman Larry Blanding as Vice Chairman of Sumter County Council.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request -

- (1) **RZ-10-13 - Old Camden Highway/Tyler B. Dunlap (County) - First Reading - A Request To Rezong A +/- 8.13 Acre Portion Of A Larger Tract Located Approximately 945 Feet From The Intersection Of Canadiangeese Drive And Camden Highway From Agricultural Conservation (AC) To Residential-6. The Property Is Represented By Tax Map #188-00-02-038 (Portion Of 50 Acre Tract).**

Mr. George McGregor, the Planning Director, was present on behalf of the rezoning request. He stated that this rezoning request is for an 8.13 acre portion of a larger tract of land located approximately 945 feet from the intersection of Canadiangeese Drive and Camden Highway. Summit Realty, owner of the larger portion of this property which is approximately 50 acres, is making this request.

The overall 50-acre tract is an irregularly shaped, undeveloped field with low density residential abutting portions of the site. The Applicant has indicated an interest in developing commercial uses along the Highway 521 frontage and residential uses in two phases along the Old Camden Highway frontage. Only the 8.31 acre section is the subject of this zoning application.

Mr. McGregor also stated that a conceptual plan has been submitted by the applicant; see picture of the plan listed below. The single dominating notion of the 2030 Comprehensive

Plan is for the City and County to manage growth in such a way that individual development adds value to the community at large.

The Plan essentially asks the County to discourage sprawl, poor design, isolation, and fiscally imprudent development.

It appears that this rezoning request is entirely contrary to the newly adopted 2030 Comprehensive Plan. This request is the very epitome of premature, inappropriate, inefficient, suburban sprawl.

The Plan does call for suburban uses in this area. However, the type of development, the timing of development, and the relationship to existing and surrounding development is critical to securing new residential development of a quality equal to our newfound expectations. From Chapter Nine of the 2030 Plan, new development in the suburban area should follow the following policy guidance:

- *The Plan is grounded in fostering a land use pattern that is efficient, compact, diverse, and mixed use (Introduction).*
- *Building further north and west, without corresponding population growth, leaves behind neighborhoods burdened by neglect... (LU 7).*
- *The County will support an intentional mix of uses to encourage development that offers residential, commercial, recreation and employment uses in close proximity to one another (LU 13).*
- *New development should incorporate a mix of housing types and design diversity, useable open space, sidewalks, and non-residential components (LU 14).*

In the Planning Staff's opinion, 23 lots on an 8 acre, isolated tract, no amenities and no relationship with its surroundings is not in conformance with the 2030 Comprehensive Plan.

There is one access point on Old Camden Highway proposed for the use. The current (2009) traffic count for Old Camden Highway is 5100 average daily trips (ADT). The proposed access point is approximately 2400 ft. north of the intersection with Thomas Sumter Highway (US 521). The current (2009) traffic count for Thomas Sumter Highway is 11,500 ADT. Both roads are rated at level of service (LOS) A. The proposed access is approximately 900 ft. north of Canadiangeese Drive which provides access to the Beach Forest Planned Development.

It was further stated by Mr. McGregor that it is the intersection of Camden Highway and 521 which causes some level of concern now and in the future. In a 2004 Traffic Study for the Beach Forest project (developed by the same Summit Realty), it was noted that the US 521/Old Camden Highway intersection would require improvements in the future, including but not limited to a traffic signal.

As the developer has indicated that this 23 lot project is the first phase of a 50 acre project, the developer should be responsible for any future improvements at the intersection as well as any turn lanes at the development entrance. Moreover, a traffic study will be required for any development on the 50 acres at the appropriate threshold.

The Sumter Area Transportation Study (SUATS) Long Range Transportation Plan (LRTP) lists Old Camden Highway for widening and intersection improvements in the Future Roadways Projects.

These and other transportation related impacts will be identified during the subdivision review process.

Public water and sewer has been extended by the City of Sumter in this vicinity. However, the applicant has yet to secure a utility agreement with the City.

Staff recommends denial of this request as submitted. *The developer should employ high quality design for the entire 50 acre tract, introducing a mix of uses, a mix of housing styles, and community amenities, including useable open space.*

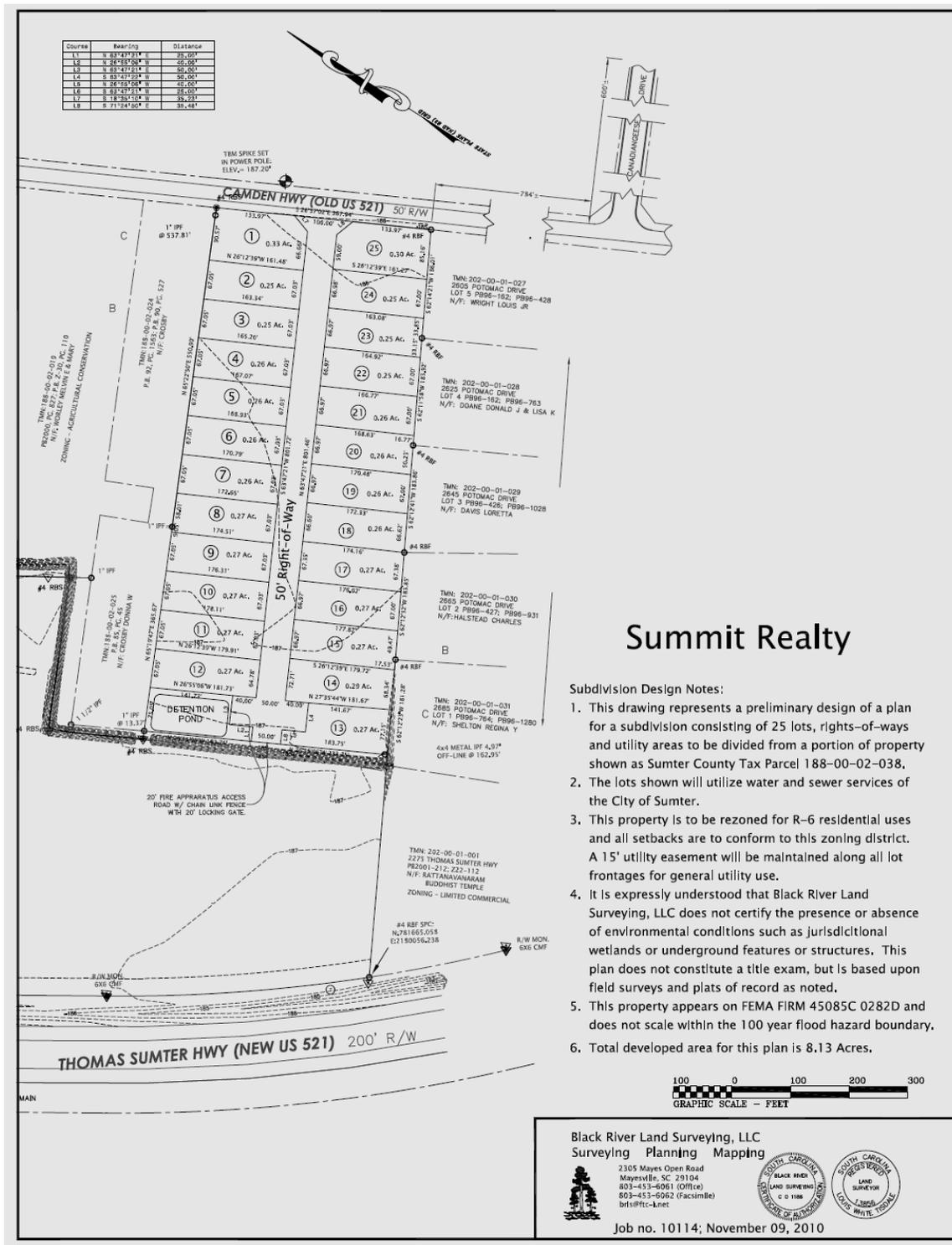
Rezoning the subject property at this time is contrary to the essence of the newly adopted Comprehensive Plan for the following reasons:

- **The development is premature.** Rezoning to allow 23 new, higher density lots in an area without this pattern of development is a clear example of leap frog development. Nearby Beach Forest is only 30% built out with perhaps as many as 235 houses still to be constructed. Moreover, there are zero supportive services nearby, requiring new residents to drive miles to obtain goods and services.
- **The development is incompatible with surrounding uses.** There is a pattern of low density AC development in this area. In fact, the subject property is bookended by large lots (just less than an acre to the south, and over an acre to the north and east). Sticking 6,000 sq. ft. lots, isolated here on Old Camden Highway, among AC zoning and uses would be incompatible.
- **The development is isolated.** Staff strongly recommends that the developer go back to the drawing board and create an integrated mixed-use development on the entire 50 acres. The idea of a stand alone, minimum standard, single road subdivision with no open space, no connectivity and limited imagination is exactly what the 2030 Plan is trying to discourage. The County, through the Plan, hopes to raise expectations and improve the type of residential development we see. Instead of subdivision lots approved in the past, we should strive to build great places, great communities, and great neighborhoods. This proposal falls short of these ideals. For these reasons, we ask the developer to reconsider their approach to this property.

Mr. McGregor stated that the Sumter City-County Planning Commission at its meeting on Wednesday, December 15, 2010, voted to recommend approval for this request.

Council members discussed the recommendation from the Planning Commission Staff and the Planning Commission Members. After all comments, Council took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to grant first reading.



Street Name Change - None

Grant Awards -None

OTHER PUBLIC HEARINGS:

- (1) 10-725 - An Ordinance Amending Ordinance 10-710 Of Sumter County, South Carolina (The 2010-2011 Sumter County Budget Ordinance) By Changing The Amount Of Anticipated Funds, Moneys And Revenues Estimated To Be Received By Sumter County From All Resources And Changing The Amount To Be Allocated Toward The 2010-2011 Budget Of Sumter County.

The County Attorney gave a brief history concerning this ordinance prior to the Chairman convening a public hearing on this matter. Then Chairman Baten convened the public hearing and stated that anyone who wished to speak in favor of or passion to this proposed ordinance could speak before Council for two minutes. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on third reading on this ordinance as listed under Old Business.

- (2) A Resolution Supporting Santee Wateree Regional Transportation Authority On Its Submission Of A Grant For Funds During The 2011-2012 Fiscal Year.

Councilman Blanding stated that as County Council's representative on SWRTA, he presented the request on behalf of the agency. He stated that SWRTA has submitted this request in the past and they are requesting that Council do the same for this year's request.

After review of the resolution, Council took action on adopting the resolution.

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

- (3) Discussion and Possible Action Concerning revising Council's Standing Committees.

The Administrator, William T. Noonan, presented this request to Council for consideration. He stated that as Sumter County continues to expand in its utilities (water, stormwater, and wastewater) it is necessary for Council to consider adding a committee which will address these matters including helping develop policies regarding to public utilities. Mr. Noonan asked Council to consider adding a Public Utilities Committee to its Standing Committee List. Also, he asked Council to combine the Public Works/Solid Waste Committee.

Councilman Edens stated that since the County has the Shiloh and Wedgefield Water Systems and as the County continues to grow, it would be best for Council to create this Public Utilities Standing Committee.

ACTION: MOTION was made by Councilman Edens, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the adoption of a new Standing Committee of Sumter County Council known as the Public Utilities Committee.

- (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. (Executive session will be held at the end of the meeting. Council will recess from its meeting and then convene as the forfeiture land commission (FLC). At the conclusion of the FLC meeting, Council will reconvene and conclude its regular meeting.)

See information below.

OLD BUSINESS:

- (1) 10-724 - Third Reading -- An Ordinance Amending Ordinance No. 94-266 Of Sumter County, South Carolina, (Sometimes Referred To As The Road User Fee Ordinance) So As To Allow Funds To Be Allocated To Municipalities In Sumter County For Maintenance Of Streets And Roads Within The Incorporated Limits Of The Municipalities.

The County Attorney presented this proposed ordinance to Council for third reading approval. He stated that there have been no changes to this ordinance since second reading. He asked Council to grant third reading approval to this ordinance.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and carried by Council to grant third reading and adoption. Councilwoman Sanders and Vice Chairman Blanding voted in opposition.

- (2) 10-725 - Third Reading -- An Ordinance Amending Ordinance 10-710 Of Sumter County, South Carolina (The 2010-2011 Sumter County Budget Ordinance) By Changing The Amount Of Anticipated Funds, Moneys And Revenues Estimated To Be Received By Sumter County From All Resources And Changing The Amount To Be Allocated Toward The 2010-2011 Budget Of Sumter County.

The County Attorney stated that this ordinance will allow the City of Sumter and the County of Sumter to provide funds to each governmental agency to be used for specific needs. The County will provide funds from its Road User Fee to the City for Roads and the City and will provide Hospitality Fee Funds to the County for use of maintaining the County's baseball fields during tournaments.

After the Attorney presented this ordinance, the Chairman convened a public hearing, no comments were given during the public hearing, then the Chairman closed the public hearing, Council took action on third reading of this ordinance.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman McGhaney, and carried by Council to grant third reading and adoption. Councilwoman Sanders and Vice Chairman Blanding voted in opposition.

NOTE: Prior to carrying the motion, Councilwoman Sanders stated that the Road User Fee was originally set-up for rural county roads to be maintained; she further stated that she is not pleased with the decision Council is making concerning this fund. Vice Chairman Blanding stated that he supports Councilwoman Sanders.

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, January 18, 2011, at 4:00 P.M.** In County Council's Conference Room at the County Administration Building – (McGhaney, Blanding, and Edens).

Councilwoman McGhaney, who was Chairman of this Committee at the time of its meeting, presented the following information to Council for action.

1. **Permission To Hold Nondenominational Church Services Prior To Ball Games When Held On Sunday.**

The Committee received input from the staff about a request to allow nondenominational church services prior to ball games when held on Sunday. It was recommended that a letter be written stating that the County does not object to this proposal; however, the requesting party should contact the sanction sponsor of the games or tournaments to see how this matter is currently handled.

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

2. **Allied Waste Services:** The Committee received a report from staff stating that Allied Waste Services has requested a 1.2% CPI increase to reflect the impact of the escalating cost the waste industry is experiencing. The CPI increase would go into effect immediately. The Committee recommended approval.

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

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

No Comments from Council.

MONTHLY REPORTS:

- ◆ Sumter Shaw Community Council Application Form.
- ◆ Chamber Retreat – Report To The People
- ◆ Public Works Committee

ADMINISTRATOR'S REPORT:

- ◆ **Airport:** The exchange of the Airport between the City and County has occurred.
- ◆ **Property Exchange:** The property to be used for the Judicial Center located in the "Civic Center Area" is being discussed regularly with the City of Sumter. There are a few matters that must be handled to complete this exchange.

PUBLIC COMMENT:

The Chairman asked if anyone wished to speak to Council during Public Comment. No one spoke to Council during this period of time.

NEW BUSINESS CONTINUED - FORFEITURE LAND COMMISSION:

- (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. (Executive Session Will Be Held At The End Of The Meeting. Council Will Recess From Its Meeting And Then Convene As The Forfeiture Land Commission (FLC). At The Conclusion Of The FLC Meeting, Council Will Reconvene And Conclude It Regular Meeting.)

The County Attorney introduced this item. He stated that Council has an offer on some property from a citizen who would like to purchase the property located at 40 Adolph Circle; however, if Council is not ready to accept the offer, then Council could go into executive session to discuss the terms and conditions of the offer.

Nonetheless, Council needs to recess from County Council meeting, and then convene as the Forfeiture Land Commission (FLC). After action by the Forfeiture Land Commission, Council needs to reconvene County Council meeting and adjourn its meeting of January 18, 2010.

The Chairman stated that he would entertain a motion to recess Council meeting and enter into the Forfeiture Land Commission to discuss a property matter.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to recess Council meeting.

NOTE: *Councilman Edens left the meeting at this point.*

FORFEITED LAND COMMISSION

The Chairman of Sumter County Council convened the Forfeiture Land Commission. Then the County Attorney explained that every year the County Treasurer, who is also the County's Delinquent Tax Collector, sell property at the Tax Sale. When the property goes to auction and if no one bids on the property, the property automatically goes into the Forfeited Land Commission. Every County in the State of South Carolina has a Forfeited Land Commission. Sumter County has received an offer for 40 Adolph Circle. The members of the Forfeited Land Commission can either (1) accept the offer, (2) reject the offer, or (2) make a counter offer. This discussion on this offer can be held in executive session.

The Chairman asked for a motion to enter executive session to discuss this matter.

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Councilwoman Sanders, and carried to enter executive session to discuss this matter. Councilman Byrd voted nay. The motion carried.

At the conclusion of executive session, Council reentered open session on motion of Councilwoman McGhaney, seconded by Councilwoman Sanders, and unanimously carried by Council.

The Chairman reported that while in executive session the FLC members discussed the possibility of selling a piece a property. Then the Chairman asked for a motion concerning the property.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to sell the property on 40 Adolph Circle for \$500, and directed the County Administrator, the County Treasurer, and County Attorney to process this action on behalf of the Forfeited Land Commission.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilwoman Sanders, and unanimously carried by Council to adjourn the Forfeited Land Commission meeting.

The Chairman asked for a motion to reconvene Council meeting.

ACTION: MOTION was made by Councilman Byrd, seconded by Vice Chairman Blanding, and unanimously carried by Council to reconvened Council's meeting.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:15 p.m. after a motion by Councilman Byrd, second by Councilwoman Sanders, 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: January 25, 2011



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: January 13, 2011

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: January 13, 2011

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding