



Minutes
Sumter County Council
Regular Meeting
February 22, 2011 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

.....

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council
Johnathan Bryan, County Attorney
Mr. George McGregor

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

MEDIA PRESENT:

The Item Newspaper – Nick McCormac

THE PUBLIC PRESENT:

Approximately 65 members of the public were in attendance.

.....

CALL TO ORDER: Chairman of Council, Eugene R. Baten, called the meeting to order.

INVOCATION: Councilwoman Vivian Fleming McGhaney gave the invocation.

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

APPROVAL OF AGENDA: Chairman Baten stated that he would entertain a motion to approve the February 22, 2011, agenda with any additions, deletions, or as printed. Councilman Baten stated that he would like for Council to consider removing RZ-11-01 from the Agenda as requested by the applicant and to add a special report from the Planning Director in place of the RZ-10-01 request.

ACTION ON AGENDA-- AMENDMENT: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to remove RZ-11-01 from the agenda and to add a "Special Report From The Planning Director."

ACTION ON AMENDED AGENDA: MOTION was made by Councilwoman McGhaney, seconded by Vice Chairman Blanding, and unanimously carried by Council to approve the February 22, 2011, agenda as amended.

APPROVAL OF MINUTES: Chairman Baten stated that he would entertain a motion to approve the regular meeting minutes of Sumter County Council which was held on February 8, 2011.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the minutes of February 8, 2011, as prepared by the Clerk to Council.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request -

- (1) **RZ-11-01 -- Frierson Road And Stamey Livestock Road -- William Carter - Second Reading/Public Hearing -- Request To Rezone +/- 455 Acres (Based On The Combined Areas Of 2 Parcels) Located On The Corner Of Frierson Road And Stamey Livestock From Agricultural Conservation/Light Industrial-Warehouse (AC/LI-W) To Heavy Industrial (HI). The Property Is Represented By Tax Map # 153-00-01-006 (P) And 153-00-01-009 (P). (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

This item was removed from the agenda as requested by the applicant.

- (2) Special Report From The Planning Director:

The Planning Director stated that the Applicant, William Carter, has withdrawn his application (RZ-11-01) to rezone approximately 455 acres from Agricultural Conservation to Heavy Industrial for the purpose of allowing operation of a sand and gravel mining operation now and a permitted by conditional use review which is planning staff review only, not requiring County Council zoning approval. However a concrete plant is only permitted in the AC zoning district so that plans to operate a concrete plant drove the applicant's decision to apply for rezoning to Heavy industrial.

He also stated that, the applicant submitted a separate land use application to be able to operate the sand and gravel mining operation on part of the property identified as tax parcels 153-00-01-006 and 153-00-01-009. Those parcels are currently zoned part AC and part LI-W. That is, in addition to the rezoning application, Mr. Carter submitted a conditional use application (CU 11-04) on the existing AC portion of the two tracts of land Under the County Zoning Ordinance, this review and approval is the responsibility of the Planning Staff. The rezoning ordinance sets no public hearing or notification process for adjacent land owners for a conditional use review.

Mr. McGregor further stated that after review, comments, and revisions to CU 11-04, Staff approved the request for a mining operation in the AC areas after a finding that (a) the request met the established criteria in the zoning ordinance (b) as conditioned, mitigated impacts on adjacent property and the road network and (c) the use is consistent with the comprehensive plan which supports compatible uses proximate to Shaw AFB. Keep in

mind that the property is severely constrained by the location in Accident Potential Zone 1 (APZ 1) and the 70 and 75 db Noise Contour.

The Planning staff's approval occurred on February 16, 2011, and may be appealed within 30 days in the Board of Zoning applications -around March 16, 2011.

Councilman Baker asked how an action by the staff can be appealed. Mr. McGregor stated that any one person or a group of people can come to the Planning Department and fill out an appeal application at the Planning Office which is located at 12 West Liberty Street, Sumter.

The Appeal would be forwarded to the Zoning Board of Appeals and a public hearing would be held on the appeal. Mr. McGregor stated that the property owners near the proposed zoning would be notified about the Zoning Board Of Appeals Hearing.

Councilman Baker also asked could the proposed 4.99 acres for the mining become larger. Mr. McGregor said that it possibly could grow, but it could not interfere with the LI-W and there are restrictions for the APZ district.

Councilwoman McGhaney stated that for the record, Sumter County Council has historically shown sensitivity to people who own property around the Shaw Air Force Base area. Sumter County Council has actually initiated and supported efforts to purchase developmental rights for some of the property. Council members understand the impact the property has on the other residents around the Base Area in the Military Protection Zone and Accident Potential Zone. Unfortunately, Mr. Carter is in this situation concerning his property.

Councilwoman McGhaney further stated that if the opportunity presents itself where Sumter County may receive federal funding or even the opportunity of adding this to a future referendum, this family needs to be considered. Sumter County is very careful not to allow encroachment to the military base; yet this family needs to be able to use their land. The County as well as the federal government needs to compensate the Carter family for their limited use of their property because of encroachment issues to the Air Force Base.

Councilman Baker stated that he knows that some of the people in the audience wanted to talk, but there is not a public hearing at this time. He also said that there is large opposition to this mining operation. Councilman Baker also stated that he is in favor of Sumter County looking at purchasing Development Rights for this property.

The Chairman stated that if anyone wished to remain at the meeting to speak during public comment, they may do so; however, all discussions on this matter are closed at this time.

ACTION: Received as information.

Street Name Change - None

Grant Awards

OTHER PUBLIC HEARINGS: None

NEW BUSINESS CONTINUED:

- (1) 11-726 - First Reading - An Ordinance To Amend Sumter County Code Of Ordinances, Chapter 26, Article II, Section 26-42 Relating To Business License Fees For Peddlers.

The Chairman introduced this matter for Council's first reading consideration. The following motion was offered concerning this matter.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilwoman McGhaney, and unanimously carried by Council to table this matter for an indefinite period of time.

- (2) 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 during this meeting.

OLD BUSINESS: None

- (1) Second 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. (Second Reading Was Deferred At Council's September 28, 2010, Meeting)

The County Attorney presented the proposed ordinance to Council. He stated that there should be two versions of the ordinance in Council's notebooks; one showing the changes and the clean version. The Attorney cited the following changes as listed in the ordinance.

- Added the definition of Competent Person.
- Removed the word "residential structure"
- Added the word "dwelling"
- Added the definition of dwelling
- Added 50 feet to a dwelling

Councilman Baker asked that a public hearing be scheduled for this ordinance at third reading.

ACTION: MOTION was made by Councilman Baker and seconded by Councilwoman Sanders that a public hearing be scheduled and held at third reading. The motion carried. **NOTE: Councilman Baker and Councilwoman Sanders withdrew the motion and the second to allow for a public hearing to be scheduled.**

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to defer second reading and directed the Clerk to schedule a public hearing for the earliest available meeting.

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held On **February 22, 2011, at 3:30 P.M.** In County Council's Conference Room at the County Administration Building - (Byrd, McGhaney, and Sanders).

The Chairman of the Committee, Councilman Jimmy Byrd, gave the following report and recommendations.

Cultural Commission-- Appointments:

- SSgt Beth Lake - Third Army
- Robert Sexton - Air Force

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation to appoint a representative from the Third Army and one from the Air Force to the County's Cultural Committee.

Planning Commission: Appointments:

The Committee discussed the appointment to the Planning Commission and offered the following recommendation.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to send a letter to Mayor McElveen with the name of "candidate D" from the County for the City's consideration to be appointed to the Planning Commission.

Stormwater Management and Sediment Control Board:

The Committee discussed the recommendation which was sent to the Planning Commission concerning the appointment of a candidate on the Stormwater Management and Sediment Control Board.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to send a letter to Mayor McElveen requesting a written response to the name of a "candidate" to serve on this Board which was sent to the City last year.

- (2) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, February 22, 2011, at 4:00 p.m.** In County Council's Conference Room at the County Administration Building - (Baten, Blanding, and Edens).

The Committee Chairman, Chairman Baten, gave the following report and recommendations from the Committee meeting.

Executive Session:

- Several contractual matters pertaining to water were discussed; no action was taken.
- A contractual matter pertaining to SCDOT was discussed and it was recommended to send a letter to Senator Leventis regarding this matter.

ACTION: MOTION and a second were received from the Committee and unanimously carried by Council to send a letter to Senator Leventis regarding this matter.

Stormwater Fees For Mobile Home Parks: The Committee discussed this matter to direct the County Attorney to develop an ordinance pertaining to this matter. Then the Committee took action on the recommendations.

ACTION: MOTION and a second were received from the Committee and unanimously carried by Council to direct the County Attorney to draft an amendment to the existing Stormwater Ordinance to allow owners of mobile home parks to apply for commercial rates for the mobile home park rather than individual mobile home rates within a mobile home park and for a letter to be developed informing the mobile home park owners of this change. **NOTE:** The letter will be signed by the Chairman of Sumter County Council.

Financial Report: Received as information; no action taken.

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

- Councilwoman McGhaney reported on the needs of Santee Regional Council of Government's (SLRCOG) budget needs for next year. The SLRCOG requested from Sumter County the amount of \$52,866 for regular appropriations for FY 2011-2012.
- Soccer Tournament was held at Patriot Park during the weekend of February 18, 2011. Chairman Baten attended and brought greetings from Sumter County Council. He told the group that there is a difference between Southern Hospitality and Sumter Hospitality. Southern Hospitality is when you are treated like family; "Sumter hospitality - you are family." Councilwoman McGhaney reemphasized the information that Chairman Baten talked about. She also stated that she received a call about how great the facilities are and Sumter is to be commended for stepping up to the plate in providing a top-notch facility for its youth.
- Councilman Baker asked the Clerk to Council to follow-up on the Fire Work Permit. We need to have this matter on Council's next agenda.

(3) Sumter County Forfeited Land Commission Meeting Held on **Tuesday, February 22, 2011, at 5:30 p.m.** In County Council's Conference Room at the County Administration Building - *(All Members Of Sumter County Council Are Members Of This Commission)*.

This is a separate entity and does not need action of Council in Council's meeting. However, for the record, the Sumter County Forfeited Land Commission accepted a bid on property located at 451 Robney Drive, Sumter, SC 29150. The County Attorney will develop a contract and terms for the contract which will be negotiated with the potential buyer, Mr. William L. James.

MONTHLY REPORTS:

- Sumter County Legislative Day will be held on Wednesday, February 23, 2011.
- Santee-Lynches Regional Council of Governments - Local Appropriations Request Package.
- Mobile Homes Titled To The Sumter County Forfeited Land Commission.

- Draft Agenda, Sumter City County Councils
- S. C. Association Of Counties will hold its Mid-Winter Conference on Wednesday, February 23, 2011.

ADMINISTRATOR'S REPORT:

The Administrator reported the following:

- Four new ambulances have been received.
- Civic Center has begun to hold events at the Center since construction has been underway. The new floor for the Civic Center's basketball games is a floor that was used in the final tournament during the NCAA in Syracuse, New York in 2010. The floor only had four games played on it before it was purchased by Sumter County.
- On February 11, 2011, the Design Review Committee for the Judicial Center went to Lancaster County's new Judicial Center.

PUBLIC COMMENT:

The Chairman asked if anyone wished to speak to Council during Public Comment.

- Bryan Hinton stated that good citizens make good neighbors and we are bound by a social contact to keep us in line. He stated that he is asking that William Carter should be a good neighbor.
- Joel Singletary stated that he lives in Autumn Terrace and that in order for him to travel anywhere; he must travel Stamey Livestock and Frierson Roads.
- Sharon DeLaney stated that she lives in Dalzell and that she and others bought their homes in this area because of what the area represented. Lots of money has been invested in this community and to have a land mind operation in the community members' backyard, then who is benefitting? One individual or the community. Ms. DeLaney asked Council to make sure that the community's property is valued as Council seems to value Mr. Carter's property.
- Helen Patnode stated that she wants to know where the water is or has Council left her community by the wayside.
- Jacqueline Davis spoke about Carter's rezoning request. She stated that she understands that Mr. McGregor said that the citizens would have very little to say about what happens with the property if Mr. Carter mines sand and gravel. Mrs. Davis said that she does respect what Councilwoman McGhaney said about Mr. Carter's property. However, the land cannot be used just as the Carter's please. There are many military families that have bought homes in the community. Lastly, she said that she hopes Council will help this community through this matter.

No one else spoke during public comment.

Councilman Baker asked for clarification on the matter concerning an appeal. The County Attorney stated that "any interested party" can file for the appeal. Only one person is needed to file for an appeal - the form is simple.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:02 p.m. after a motion by Councilman Baker, second by Councilwoman Sanders, and unanimously carried by Council.

Respectfully submitted,

Eugene Baten

Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding

Clerk to County Council
Sumter County Council

Approved: March 8, 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: February 16, 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: February 16, 2011

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding