



Minutes
Sumter County Council
Regular Meeting
April 12, 2011 - 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 Eugene Baten, Council District #7
1. Vice Chairman, Larry Blanding, Council District #6
2. Councilwoman Vivian Fleming McGhaney, Council District #5
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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council
Johnathan Bryan, County Attorney
Mr. Donna McCullum, Zoning Administrator

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

MEDIA PRESENT:

None

THE PUBLIC PRESENT:

Approximately 28 members of the public were in attendance.

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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 April 12, 2011, agenda with any additions, deletions, or as printed.

The Clerk to Council asked for Council to consider the following:

ACTION ON AGENDA: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the April 12, 2011, agenda as presented. *Noted: The Clerk to Council informed Council that information concerning Ordinance #11-727 was not discussed in Fiscal, Tax, and Property, but **can be** addressed during **discussions on** this ordinance listed under Old Business.*

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 March 22,

2011, and special meeting minutes of March 29, 2011. Councilman Byrd asked the Clerk to check on an action item which had Councilwoman Sanders listed as the person presenting the motion and the second. The Clerk will follow-up on this matter. Council then proceeded to take action on the minutes.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman McGhaney, and unanimously carried by Council to approve the minutes of March 22, 2011, and March 29, 2011, as prepared by the Clerk to Council with the one noted correction.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request -

- (1) **RZ-11-02 -- Eagle Road at Broad Street -- Joe B. Davis - Third Reading -- Request To Rezone A 12 Acre Portion Of A +/- 21 Acre Parcel Located On Eagle Rd. At Broad St. From General Residential (GR) To Light Industrial-Warehouse (LI-W). The Property Is Represented By Tax Map #155-00-01-003(P).**

The Chairman presented this item for third reading approval. Donna McCullum, Zoning Administrator for the Planning Department, introduced this item and stated that there have been no changes to this ordinance since first reading.

Then the Chairman called for action on third reading.

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

Street Name Change - None

Grant Awards- None

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) Project Infrastructure Agreement Among Sumter County, South Carolina And Project Edge.

The County Attorney, Mr. Johnathan Bryan, presented this proposed Infrastructure Agreement to Council. He stated that this project originally known as Project Edge is Apex Tool Group, LLC. The Incentive in this Agreement is \$100,000 from the County's Infrastructure Fund; and the Company will provide 32 jobs at the plant formerly known as the Cooper Tool facility. There is a claw-back provision in the agreement. The Company has an investment of \$1,400,000.

This agreement to provide funds from the Infrastructure Fund will need five votes from Council. After all comments, Council took action on this agreement.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant approval of this Agreement as presented.

- (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. (This Matter Will Be Held At The End Of The Meeting After Public Comment.)

- Potential Contractual Matter.

OLD BUSINESS:

- (1) Third 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.

The County Attorney presented this ordinance to Council for third reading approval. Mr. Bryan stated that there have been no changes to the ordinance since second reading. He also informed Council that the Fire Marshall can issue tickets.

Councilman Baker asked the Attorney to restate whether or not a Fire Marshall can issue tickets to violators. The Attorney stated that the Fire Marshall can issue tickets now and in the future as long as the state laws allow the Marshall to do so.

After all comments, Council took action on third reading on this ordinance.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and carried by Council to grant third reading approval of this ordinance as presented at third reading. Council Members Blanding, Byrd, and Edens, voted in opposition.

- (2) Third Reading -- 11-727 --An Ordinance Amending Ordinance No. 10-714 To Allow Mobile Home Parks To Be Treated As Commercial Property For Purposes Of Determining Stormwater Service Charge Rates.

The County Attorney stated that there have been no changes since second reading. The Chairman then entertained a motion on this ordinance.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant third reading approval of this ordinance as presented at third reading.

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held on Monday, April 11, 2011, at 4:00 p.m. In County Council's Conference Room at the County Administration Building - (Byrd, Sanders, and McGhaney).

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

✓ Cultural Commission (1 Member – Replacement Of Sgt. Beth Lake) –

1. USARCENT - **Appoint Sgt. Nicholas Salcido**

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

✓ Planning Commission

1. Joint Appointment - **No recommendation**

✓ Stormwater Management And Sediment Control

1. Joint Appointment - **Recommend to send Candidate “B” back to the City of Sumter with a letter explaining Candidate B’s Credentials.**

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

✓ Historical Commission

1. One Appointment - **Received A Report From The Clerk. No action taken.**

✓ Building Codes Board Of Appeals

1. Joint Appointment - **Appoint the President Of The Home Builders Association.**
2. Five County Appointments
 - Architect - Recommend - **Scott Bell**
 - Electrical Engineer - - Recommend - **Ervin Brunson**
 - General contractor (Up to \$250,000) **No action taken.**
 - Licensed Electrical Contractor - **No action taken.**
 - Licensed Plumbing Contractor - **No action taken.**

ACTION: MOTION, second, and unanimous consent were received from the Committee, and unanimously carried by Council to approve the recommendation to appoint the President of the Home Builders Association and to Appoint Architect Scott Bell and Electrical Engineer Ervin Brunson to the Building Codes Board of Appeals.

✓ Iris Festival Commission

1. Appointment - **Reappoint Peggy Blanding**

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

NOTE: Vice Chairman Larry Blanding abstained.

- (2) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, April 12, 2011, at 5:00 p.m.** In County Council's Conference Room at the County Administration Building – (Baten, Blanding, and Edens).

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

1. **Executive Session –It Is Necessary For Council To Hold An Executive Session To Discuss Matters Relating:**
 - a) Contractual Matter Pertaining To Property Assessment. This report was presented to the Committee members. The Committee asked the County Administrator to pursue negotiations with LexisNexis for services on assessment of property.
 - b) Contractual Matter Pertaining To Sumter County Airport. This matter was removed from the agenda.
 - c) Contractual Matter Pertaining to Water And Wastewater. The Administrator was directed to write a letter to the appropriate water company concerning Council's position on this matter. No other action taken.
2. Discussion and Possible Action On Applying To U. S. Department Of Rural Development For A Revolving Loan.

The Committee received information (see attached document) concerning U. S. Department Of rural Development Revolving Loan. The Committee voted to direct Councilwoman McGhaney to work with staff and the Shiloh community to circulate a survey to see if the community is willing to assume the responsibility of some additional expense to extend water lines in the Shiloh community. Once the survey is completed, the information will be brought back to Committee to determine whether or not to pursue a Revolving Loan.

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

3. Request For Funds To Repair Railroad Spur.

The Committee received a request and Invoice from Trackwork, Inc. in Florence, SC to repair Railroad Spur (Install 5 crossites, tightened and or replaced bolts in 6 joints) after an inspection by CSX on March 21, 2011. The cost for the repair work is \$2,840. The Committee recommended to pay these funds from the County's Infrastructure Account.

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

4. Request Concerning Nettles Road.

The Committee discussed whether or not to close Nettles Road from **through-truck-traffic** (requested by a citizen [*Karen Cotton*] who lives on this road.) After consulting with the Development Board and receiving a letter from the Development Board asking that the road not be closed to **through-truck-traffic**, the Committee voted unanimously to direct the staff to write a letter to SCDOT and a copy to the citizen letting **her** know that Council will not close the road to **through-truck-traffic** based on the industry in the area.

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

5. Update And Continued Discussion On Stormwater Utilities Fee Ordinance As It Pertains To Mobile Home Parks And Commercial Designation.

See information above on Ordinance #11-727.

6. Sumter County 2011 Budget Book.

Budget books were distributed to Council members, the Administrator, Deputy Administrators, the Finance Staff, the Clerk, and media.

7. Employee Service Buy-Out Program.

The Committee received information from Deputy Administrator, Lorraine Dennis, and County Administrator, William T. Noonan concerning the proposed Sumter County Employee Buyout Program. The criteria listed below was given to each Council member.

Eligibility Criteria:

- Age and/or years of employment with Sumter County (based on SCRS estimated listing of eligible retirees)

Type Of Payment:

- One-time payment

Amount of Payment:

- One (1) week for each year of service (up to 20 weeks of salary plus unused annual leave time)

Requirement:

- Completion and submittal of Form of Interest

Deadline For Form:

- April 29, 2011 (5:00 p.m.)

Approval:

- To be determined by County Administrator

It was also stated the separation of service would be effective July 1, 2011, as approved by County Administrator.

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

8. Additional Items: Intergovernmental Agreement (IGA) With SCDOT: The Committee received information concerning SCDOT's IGA and whether or not SCDOT would waive some of the inspection costs from the agreement. However, because SCDOT currently charges all counties these inspection costs; they would not waive those costs for Sumter County. Therefore, the Committee recommended that the County Administrator and other staff be authorized to sign the appropriate documents to consummate the agreement.

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

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

1. Meeting With Judicial Center Contractors - 4:00 p.m. - The Administrator stated that Council met today and received a briefing from Stevens & Wilkinson Architecture Engineering Interiors as well as the Design and Construction Team, Thompson Turner Construction, Drakeford Architects, Justice Planning Associates. The project that has been proposed will cost approximately \$22,000,000; however, the County only has \$18,000,000 allotted for the project. The project is 80,000 square feet. The anticipated start date for the project is early fall, 2011.
2. Meeting With Kimley Horne - Safety Intersections - 4:30 p.m. - The Administrator also reported on a presentation from Kimley Horne for the Lafayette Diamond Interchange. The cost of the project is \$6,000,000.

MONTHLY REPORTS:

- Sumter City-County Planning Commission
- Public Works
- Historical Commission
- Emergency Management
- Jail Status Report
- Airport Instrument Landing Systems, Ribbon Cutting and commissioning, April 13, 2011.
- Cherryvale Fire Station Dedication and Ribbon Cutting - April 21, 2011 (new date is May 19, 2011)
- Greater Sumter Chamber of Commerce Annual Meeting, April 27, 2011.
- Firefighters and EMS Workers Annual Banquet on April 28, 2011.

ADMINISTRATOR'S REPORT: No additional comments.

PUBLIC COMMENT:

The Chairman asked if anyone wished to speak to Council during Public Comment. The following persons spoke during public comment.

- Gardner Gore spoke to on behalf of the Committee For Responsible Government. He expressed the Committee's concern for a lack of transparency in County Council. Mr. Gore said that he has spoken to the County Administrator about this matter suggesting that this meeting be televised as many other County's are already doing, such as Horry County, Florence County and Richland County. He also suggested that more of the business that Council carries home should be put on the website. Mr. Gore said that the Committee For Responsible Government also feels that the two minutes that they are allowed to speak is not enough and it violates their constitutional right to express our political position at these meetings; he asked Council to change this if they would.
- Mr. Louis Watkins stated that he agree with Gardner Gore about the political transparency. He further stated that the Governor of South Carolina has requested that each member of the General Assembly be recorded individually and her comment is that she wants more transparency in government. He added that since he has been coming to these meetings of Sumter County Council, he has some concerns about the transparency because when we come to the meetings, we get nothing but an agenda and not other information about the position that Council takes. The meetings are held in executive session, he also stated that he has been invited to committee meetings, but Mr. Watkins said that he is unaware of when they are held. He also stated that he requested a copy of the County Council's addresses and have not received them yet. Mr. Watkins reemphasized that transparency is a big thing for him and he does not want to see this county be back in the "old-boy-network" Mr. Watkins also congratulated Mr. Noonan on his work as the County Administrator and his impending retirement; Mr. Watkins added that he did this type work for 25 years also. He also asked about the process and information used for selecting the new County Administrator.
- Ms. Sherry Smith stated that she is with the Sumter Tea-Party, she thanked Council for the opportunity to speak. She added that on March 23 or March 24 an article was in the paper about County Council working on the budget for the upcoming year. The Chairman was quoted in the paper about the shortfall of state funding. Ms. Smith said that it was also mentioned in the newspaper that there would be some cuts in County Government and some of the cuts would be from some of the core services (i.e. law enforcement, fire, medical, etc.) and that some of the money may need to be shifted and moved to the arts. Ms. Smith stated that she was troubled by that article and she said that the arts are wonderful programs. We all benefit from the arts, but law enforcement and medical services are things that all of the people in Sumter County must have; they are vital services. She asked Council to please keep in mind when they are working on the budget where they will pull money from and what they will add money to. Lastly, she asked Council members to keep their priority straight.
- Mr. Schmidt's spoke to Council about the Burn Ordinance; he asked if the regular law enforcement can write tickets; it was noted that law cannot write the tickets. Mr. Schmidt also asked about the Stormwater Ordinance; he was advised to talk to the County Attorney.

Council members made comments about statements made in public comment about lack of transparency. Councilwoman Vivian Fleming McGhaney said the County's budget has not been approved for the year and the information in the newspaper, is just that, information from the newspaper. She also stated that any question the public might have, **Council is open to answering those questions.**

NEW CONTINUED

(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. (This Matter Will Be Held At The End Of The Meeting After Public Comment.)

The Chairman stated that he would entertain a motion to enter executive session.

- Potential Contractual Matter.

ACTION: MOTION was made by Councilman Edens, seconded Councilman Byrd, and unanimously carried by Council to enter executive session to discuss contractual personnel. At the conclusion of executive session, MOTION was made by Councilman Byrd, seconded by Vice Chairman Blanding, and unanimously carried to return to open session.

REPORT FROM EXECUTIVE SESSION:

Chairman Baten reported that during executive session Council discussed a personnel matter for information only; no action taken.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:002 p.m. after a motion by Councilman Byrd, second by Vice Chairman Blanding, 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: April 26, 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: April 6, 2011

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County's Home Page, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, and Time Warner Cable.

Date Notified: April 6, 2011

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

USAD Rural Development Grants and Loan Program

1. Loans

Direct loans are made to public bodies that are unable to obtain the financing from other sources and/or their own resources at rates and terms they can afford. Repayment terms are based on the life expectancy of the system up to 40 years. Loans may be obtained for up to 100% of the eligible project cost, subject to adequate security, ability to repay, applicant's authority to borrow, and availability of funds.

Interest rates are tiered:

Market Rate - Available to applicants whose Median Household Income (MHI) or service area is greater than the non-metropolitan MHI of South Carolina (\$37,549)

Intermediate Rate - Available to applicants whose MHI is not more than the non-metropolitan MHI (\$37,549) of South Carolina and who otherwise do not qualify for the poverty rate.

Poverty Rate - Available to applicants whose MHI is below 80 percent of the non-metropolitan MHI of South Carolina (\$30,039) and there are existing health/sanitation conditions that would be alleviated with the proposed project so as to comply with regulatory agencies' established standards.

The MHI for this area is \$26,574. Water samples are required to show applicability of the Poverty Rate, which currently is 2.875%

2. Grants

Grants are used to supplement direct loans for the purpose of reducing water customer rates to a reasonable level when compared to comparable systems. The current reasonable level set by USDA is \$30 for the average customer's monthly bill. Grant awards are also dependent of available funding to USDA from the Federal Budget. Applicants with a MHI above \$37,549 do not qualify for grant consideration.

For qualifying applicants, grants are awarded up to 75% of eligible project costs when the MHI of the service area is below \$30,039 and the project is necessary to alleviate a health or sanitary problem. Grant awards up to 45% of eligible project cost when the applicant does not meet the 75% eligibility.

The current Shiloh customer rate is \$24 for the average monthly bill. Water rate would have to increase by \$6.00 per month for grant eligibility, increasing the minimum water bill from \$16.50 to \$22.50 per month.

3. Project Feasibility

Any proposed project will require the installation of a new well and water treatment plant or the acquisition of private land near the existing water plant.

As there have been several requests for water service, County Council should provide direction as to which project to pursue. The following are a list of potential projects in descending order of cost per customer:

<u>Project Location</u>	<u>Number of Potential Customers</u>
1. Caution Lane	5 Homes
2. Vega Lane	5 Homes
3. Atkins Road, Old CC Road, Loblolly Road	17 Homes
4. Narrow Paved, Lynches River Old St. Johns Church Roads	33 Homes 2 Commercial

Option 4 estimated cost:

6", 300 ft, 200 GPM Well	\$160,000
Pump	\$30,000
Plumbing, Electrical, Building Misc.	\$25,000
Filter (may be required)	\$80,000
Water lines	<u>\$210,000</u>
	\$505,000

Monthly bond payment based on estimated cost is \$1,775 per month at the Poverty Rate. The increase in revenue from additional customers may be \$840 per month, which means the average customer rate would have to increase by \$3.25 per month or an increase from \$16.50 to \$19.75.

Diagram Option 4

