



Minutes
Sumter County Council
Regular Meeting
April 26, 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

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

MEDIA PRESENT:

None

THE PUBLIC PRESENT:

Approximately 42 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 26, 2011, agenda with any additions, deletions, or as printed.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Blanding, and unanimously carried by Council to approve the agenda of April 26, 2011, as presented.

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 April 12, 2011.

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of April 12, 2011, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

Street Name Change - None

Grant Awards-

(1) Quarterly Update On Grant Applications And Grant Awards.

Ms. Ginny Yonson, Grants Administrator, stated that Council members had received a Grants Awards update during the last quarter of this fiscal year. She stated that the update is as of January 2011. There have been two grants received since the report period in October.

Patriot Park Trails Funding from S. C. Parks, Recreation, and Trails in the amount of \$100,000 and Shaw Park Picnic Shelter in the amount of \$64,495.63.

Ms. Yonson also stated that the Sheriff's Office has applied for a Street Level Enforcement Overtime DOJ-JAG Grant in the amount of \$56,160. The announcement on approval or denial should be available by the first of June 2011.

The County's Emergency Management has received a \$12,742.00 grant for some emergency equipment.

Also, Public Works has applied for their annual DHEC Recycle Grant for Waste Tire Grant (\$39,760), Solid Waste Grant (\$6,000), and Waste Oil Grant for \$12,206. This Department will also be informed in late May or early June as to the approval or denial of the grant application.

Economic Development Board has submitted a grant in the amount of \$150,000 to the South Carolina Economic Development Council for an APEX Tool Group Grant.

Peter Wilson also talked to Council about an Energy Grant the County received in order to retrofit some of the County Building. The County received a \$150,000 Progress Energy grant to retrofit energy efficient lighting in the Administration Building, Health Department Building, and City County Building. The County should realize a \$44,000 per year savings on the utility. There will be a 7,000 ton reduction of carbon dioxide from the landfill.

Dennis Turner from Progress Energy stated that this Company is proud to be a partner with Sumter County Government to reduce its energy bill. The Company has programs to help reduce the kilowatt hours to its customers. This Energy Efficiency For Business Program is not only for Sumter County but for all the businesses.

Mr. Turner presented Council with a rebate check in the amount of \$150,000. After the presentation, Council members, along with Ginny Yonson, Dr. Peter Wilson, William T. Noonan, and Dennis Turner took pictures together with the check.

ACTION: Received as information.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

(1) 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.
See information below after public comments.

OLD BUSINESS: None

COMMITTEE REPORTS:

(1) Internal Affairs Committee Meeting Held on **Tuesday, April 26, 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.

- ✓ Building Codes Board Of Appeals
 1. Five County Appointments
 - Electrical Engineer - - Recommend - **Ervin Brunson**

ACTION: MOTION, second, and unanimous consent were received from the Committee, and unanimously carried by Council to approve the recommendation to appoint Electrical Engineer Ervin Brunson to the Building Codes Board of Appeals.

(2) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, April 26, 2011, at 4:30 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 from the Committee meeting.

- ✓ **Civic Center:** The Committee received information from the County Administrator and the Deputy Administrator informing the Committee that the Director of the Civic

Center will be relocating. Therefore, the staff has asked to be granted the authority to fill this position.

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

MONTHLY REPORTS:

- 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:

- ◆ Proposed Budget for Fiscal Year 2010-2011 – started out with expenditures at \$40,326,248, with revenues at \$37,898,085; the process has continued and a workshop is scheduled for May 3, 2011, at 4:00 p.m. in County Council's Chambers.

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 Council on behalf of the Committee For Responsible Government. He stated that the majority of the people present at the meeting tonight are a part of the Committee for Responsible Government. He said that during the last time he was at a meeting, he and others spoke to Council about the lack of responsible Government. He then began to read a statement, see attached as scanned. **NOTE:** A copy of the document was given to the Clerk in order for the Administrator to answer Mr. Gore's concerns. After two minutes of speaking, Mr. Gore was asked to wrap up his comments; however, Councilwoman McGhaney asked the Chairman to allow Mr. Gore to complete his statement in totality, and he did read the entire document.

The Chairman stated that Sumter County Council has public comment because Council is concerned about what the citizens of Sumter County think and what inputs they have. Council is concerned such that the Citizens are allowed to come to the Council meetings and give those comments; Council does not have to do this, but Council does it because we want to hear your inputs, but Council cannot allow everyone to come here to speak ten or fifteen minutes. Council is not here to get into a debate about action that Council has taken. Council will receive comments, act on comments, refer your comments to appropriate personnel, whether it is the County Administrator or his staff that will make sure that your comments are answered. Chairman Baten asked the public to respect our guidelines on public comments so that we can be fair to every citizen who wants to come and speak.

- Ashby Rheams stated that he lives on the north end of the County. He then spoke to Council about development rights. He asked Council to answer Mr. Gore's questions.

- Debbie Sission stated that she heard the statements from the Chairman that the public is invited, but comments are not required from the public. She stated that if the public is not invited to speak, what is the public invited to the meeting for?

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.

ACTION: MOTION was made by Councilman Baker, seconded Councilwoman Sanders, and unanimously carried by Council to enter executive session to discuss contractual personnel matter. At the conclusion of executive session, MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to return to open session.

REPORT FROM EXECUTIVE SESSION:

Chairman Baten reported that during executive session Council discussed a personnel contractual 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 7:22 p.m. after a motion by Vice Chairman Blanding, second by Councilman Byrd, 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: May 10, 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 20, 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 20, 2011

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

Gardner Gore

This is in response to the comments made by Councilwoman Vivian McGhaney insisting that County Council has been "very transparent" and that Council has a policy of not responding to public comment. I contend that this statement in itself reveals the Council's lack of interest in what the public has to say. Since she felt "insulted" and continues to insist that transparency exists, I challenge Ms. McGhaney to back up her statement by furnishing, either personally or through other council members, answers to some questions pertaining to the county's purchase of development rights to property located in Dalzell. Keep in mind several tracts were at one time considered, but the one selected belongs to County Councilman Charles Edens and his family.

As a bit of background information for those unaware of the issue at hand, prior to 2007, when concern surfaced over developmental encroachment near the runways of Shaw AFB, a Liaison Committee was formed with members representing both Shaw AFB and Sumter County. At that time, numerous tracts of land in the area were considered targets of this anti-encroachment plan. Although the Edens tract was one of those, several other parcels presented a far greater threat to Shaw because they were closer to the actual runways.

Then in June of 2007, all efforts stopped, and the work of the committee ceased with no action being taken relevant to the properties in question. Apparently such action was no longer deemed necessary to prevent base closure. That seemed the end of the matter.

However, in November of 2010, for some inexplicable reason, County Council approved the purchase of development rights ONLY on the tract of land owned by the Edens family. Some of the questions that need to be answered, Ms. McGhaney, before Council can claim "transparency," are the following:

1. Why was this purchase deemed "necessary" now, after the Planning Committee abandoned the idea in 2007?
2. Why was the Edens tract chosen when it is in fact further from the runways than some of the other tracts that had been previously considered?
3. Why was the public not notified BEFOREHAND of the deal and of its cost in public funds?
4. Why were other land owners not notified of this pending action so that they too could demand the same consideration afforded the Edens family?
5. What position will Council take should other land owners request the same deal as the one Councilman Edens received?

6. Why was this “deal” cut with public funds at a time when Sumter County has a projected shortfall in revenue?

One far greater question needs to be answered: why were public funds used to purchase property rights when the same end result could have been achieved with the simple use of ZONING? A precedent for such action certainly exists. Tens of thousands of acres have been declared wetlands by the Federal Government already, and Council has used this same process itself many times in the past. Why not use the zoning solution instead of purchasing the rights to the Edens property? Perhaps this decision was influenced by the fact that Councilman Byrd has stated he “does not believe in zoning.” Jimmy Byrd has stood by Mr. Edens, lobbying on his behalf, claiming that Mr. Edens’ property rights were being jeopardized.

Just how does Councilman Edens justify the fact that, although zoning could have been used, his development rights were purchased instead, resulting in considerable monetary gain to him personally and at considerable cost to the tax payers of this county? We understand that he did not vote; however, we also know he and Mr. Byrd lobbied for this deal. Might this be an abuse of power?

I have had to pay for information that should have been supplied as a matter of public record. It is obvious that the real decisions are being made BEHIND COSED DOORS. The so-called “open meeting” at which public comments are invited but are never acknowledged nor acted upon is nothing more than a dog-and-pony show set up to mollify anyone who dares to question the goings-on of our County Council. Is this the transparency you insist exists with our public officials, Ms. McGhaney? You might want to consult a dictionary for a definition of the word before answering that one.

Gardner Gore, Chairman
Committee for Responsible Government