



Minutes
Sumter County Council
Regular Meeting
May 24, 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
Pam Craven, Finance Director
Keysa Rogers, Budget Analyst

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

MEDIA PRESENT:

None

THE PUBLIC PRESENT:

Approximately 18 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 May 24, 2011, agenda as presented.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to approve the agenda as presented.

APPROVAL OF MINUTES: Chairman Baten stated that he would entertain a motion to approve the minutes of Sumter County Council's regular meeting held on May 10, 2011, and its Budget Meeting Minutes of May 9, 2011.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Blanding, and unanimously carried by Council to approve the minutes of May 10, 2011, and Council's Budget Workshop meeting of May 9, 2011, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

- (1) **PD-06-05 (Rev. 1) - (11-728) -- HIGHWAY 521 South/1395 Mooneyhan Rd. (County) - Second Reading/Public Hearing -- Request To Revise Approved Planned Development (PD-06-05) To Add Additional Commercial Uses On Property Located At Hwy. 521 South/1395 Mooneyhan Rd. And Represented By Tax Map #252-00-04-009 And 252-00-04-015. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Planned Development.)**

Mr. McGregor, the Planning Director, stated that this rezoning request is on behalf of Ms. Tammy Hodge who is the property owner. Ms. Hodge wants to add additional commercial light industrial usages to be located on the property at Highway 521 South. The original request was for approximately 93 acres; however, the request is really about one acre and a half on Mooneyhan Road that has an existing commercial structure on the property. Any additional commercial usage would go on this property, if approved by Sumter County Council.

Mr. McGregor gave Council background information on this request as was provided at first reading. He stated that the applicant submitted additional usages to Council at first reading - forty five more usages (which are attached).

The Planning Commission recommended approval of this request with 23 additional usages.

Councilman Edens had concerns about the 45 additional usages that the public may not be aware of and they are present to discuss this public hearing on the proposed usages, but have not seen the additional 45 usages. It was suggested that Council have a special meeting to review the 45 additional usages that were presented by Mrs. Hodge and to schedule another public hearing so that Council and the public will be more knowledgeable about this matter.

After all comments, the Chairman convened a public hearing on this matter.

- ◆ Bradi Hodge stated that she lives on Mooneyhan Road and she has reviewed the request to put something at this location other than the cabinet shop in the building. She said that she has no objection to the request. Her only concern if something is not put in the building soon, it may become dilapidated. Plus she does not think it would cause a negative impact on traffic in the area.

- ◆ Charles Wells said he lives approximately two blocks away from Highway 521. He believes this would be a great benefit for the community. Mr. Wells said that his only concern is if a night club or pool hall came in the community - he does not want any of that type of business. He supports Mrs. Hodge.
- ◆ Tammy Hodge spoke in support of the request. She stated that she resides on this piece of the property. She stated that the reason she is asking for 45 more usages on the property is because she lost the potential tenant and now she does not know who the new tenant will be. Ms. Hodge stated that she has excluded a liquor store, sales of alcohol, adult entertainment, night clubs, etc. She will also be building eight houses on Mooneyhan Road; therefore, she will not place anything on the property which would cause a detriment to the housing development.
- ◆ Artie Abrams stated that he is the manager of Edens Nursery on Highway 15, South. The Greenhouse nursery is located directly across the street from Mrs. Hodge's property. He stated that he is in support of this development and in support of small business. Mr. Abrams asked Council to support this project.
- ◆ Wade Warr stated that he grew up in this area and he still owns property in the community. He said that he believes this would be a great benefit for this community and the tax base of Sumter County. He asked Council to support this project.
- ◆ Alton Meler stated that he is not in opposition of the project, but he is concerned about the noise that may come from the different businesses if they are approved. He said that his property adjoins this property and he does not want any business to be added to the property that would be a detriment to his lifestyle.

After all comments, the Chairman closed the public hearing and stated that he would entertain a motion concerning this request.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant second reading to this Planned Development as the Planning Commission has indicated and this matter will be discussed at a special meeting of Sumter County Council.

- (2) **RZ-11-05, 1249 Alice Dr. & RZ-11-03, 791 Legette St. (County) -- Second Reading/Public Hearing -- Request To Rezone Two Contiguous Parcels From Residential To Commercial Uses: (A) Rezone +/- 1.22 Acres Located At 1249 Alice Dr. And Represented By Tax Map # 203-11-03-005 From Residential-15 (R-15) To General Commercial (GC); And (B) Rezone +/- 0.48 Acres Located At 791 Legette St. And Represented By Tax Map # 203-11-03-006 From Residential-15 (R-15) To**

Professional Office (PO). (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)

Mr. McGregor stated that there are two rezoning applications that have been batched into one since they are adjacent to each other. The property owners have asked that the property be rezoned from Residential 15 to General Commercial and from Residential-15 to Commercial usage. The Planning staff and Planning Commission recommended approval of the rezoning requests.

After Mr. McGregor's presentation, the Chairman convened a public hearing. The Chairman convened the public hearing and asked if anyone wished to speak in favor of or opposition to this proposed rezoning request.

- Mr. John Jones spoke in favor of the request; he said that he is the owner of the 1249 Alice Drive property (RZ-11-05). He said that the property has been used for over twenty years as an automobile dealership and he was quite surprised that it was not zoned as commercial. The dealership has been operating since 1990 in this location. He would like for Council to consider rezoning the property so that it can continue to be used as it has for the last twenty years.
- David Quick spoke in support of the property located at 791 Legette Street. He said that he and his wife originally bought the property and were satisfied with their purchase until the widening of Alice Drive. The trees and all buffering have been cut away from the property in such a manner that the quality of life for residential use is virtually impossible. Mr. Quick also said that he wants to work with the neighbors to make sure that if the request is approved, it would not adversely affect the neighbors. He also mentioned that he is willing to change the driveway so that the property, if rezoned to General Commercial, would have a driveway from Alice Drive and not from Leggette Street. He asked Council to support this request.

The following people spoke in opposition of the request.

- Mr. William Brewer stated there is only one house between his area and this request. He opposes the request because there is too much traffic on the street. He also provided copies of the pictures for Council to see the twelve houses on the street. Mr. Brewer said that this is a short cut to Chic-Fil-A for most people. He asked Council to deny the request.
- Mr. Tom Hall lives in the center of Legette Street. He said that the community does not need another business in this area.
- Don Young spoke in opposition of the request. He stated that he is the new guy on the block and that he moved to the community in October 2010. Mr. Young said he loves the area; however, if he knew the traffic in the community, he

would not have never bought in the community. There is lots of noise from Mr. Jones' business. He asked Council to deny this request.

After all comments, the Chairman closed the public hearing on this matter. Then Council members discussed this matter further. Councilman Edens stated that he would like for Council to act on the two requests separately. Mr. McGregor and Mr. Bryan stated that Council could act on the requests separately.

RZ-11-05 - ACTION

ACTION: MOTION was made by Councilman Edens, seconded by Councilwoman McGhaney, and unanimously carried by Council to grant approval of this rezoning request as presented (**1249 Alice Dr**).

Council discussed the concerns for the property owners and the residents in the area. Eventually, the entire area on Alice Drive may be commercial. However, to go in and pick one parcel out and rezone it Professional Office, is a concern of some of the Council members. Once more traffic comes into the area, the homes will be devalued more.

After all comments, Council took action on this rezoning request.

RZ-11-03 - ACTION

ACTION: MOTION was made by Councilman Edens to deny the request. The motion failed due to a lack of a second.

Second Action:

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Councilwoman Sanders, and carried by Council to grant second reading approval subject ingress and egress from Alice Drive (**RZ-11-03, 791 Legette St.**) Councilman Edens voted in opposition to the request.

- (3) **OA-11-04 - (11-729) --Firework Stands (County) - Reading/Public Hearing -- Request To Amend Article 5, Section C Temporary Uses And Article 8, Section 8.i.7 Miscellaneous And Temporary Signs In Order To Clarify The Permitting Process For Fireworks Stands And To Permit Temporary Signage For The Use. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

Mr. McGregor presented this proposed Ordinance Amendment to Council for second reading consideration.

Councilman Byrd recommended the following change:

8.i.7. Miscellaneous and Temporary Signs.

- n. Fire Cracker Stands. Each fire cracker stand may have one on-premise banner for the period of the temporary stand. The banner may not exceed 32 sq. ft. ~~and may only be affixed to the structure.~~ Ribbons, pennants, spinners, streamers and other similar devices are permitted without a permit.*

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the recommendation as presented by Councilman Byrd (*delete the verbiage – and may only be affixed to the structure.*)

Then the Chairman convened a public hearing on this matter. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance amendment.

- Mr. Michael Elfronte stated that the proposal is primarily used in most cases for nonprofit organizations. He asked Council to approve the request as amended.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to second reading to this ordinance amendment as amended.

Street Name Change – None

Grant Awards– None

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) A Resolution Recognizing Command Sergeant Major John F. Gathers For 35 Years Of Military Service.

The Clerk to Council presented this resolution to Council for approval. After review of the resolution, the Chairman stated that he would entertain a motion concerning its adoption.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant adoption of the resolution as presented and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County.

WHEREAS, it has come to the attention of Sumter County Council, in Sumter, South Carolina that one of its citizens from the Wedgefield Community, has honored

this County, State, and Nation, by serving this country in the United States Army for thirty-five years; and

***WHEREAS**, Council is further grateful to know that while Command Sergeant Major John F. Gathers attended Hillcrest High School, he developed a desire to be a leader and; therefore, he pursued a military career after he graduated from Hillcrest in 1976; and*

***WHEREAS**, Sumter County Council members applaud Command Sergeant Major Gathers for his accomplishments during his tenure with the U. S. Army as a Soldier, Drill Sergeant, First Sergeant, and for his illustrious position of Command Sergeant Major; and*

***WHEREAS**, Council members laud Command Sergeant Major Gathers for the message of service he has carried with him as he traveled to assignments such as Fort Jackson, South Carolina; to Fort Stewart, Georgia; to Fort Knox, Kentucky; and also three tours in Germany which included Bamberg, Germany; Aschaffenburg, Germany; and Wurzburg, Germany.*

***NOW THEREFORE, BE IT RESOLVED** that Sumter County Council recognizes that Sumter County, South Carolina is honored to know that one of its citizens has traveled this world and has made this nation and other nations better places to live because of the outstanding contributions rendered by Command Sergeant Major John F. Gathers' love for service.*

***BE IT FURHTER RESOLVED** that Sumter County Council proclaims Tuesday, June 7, 2011, as "**COMMAND SERGEANT MAJOR JOHN F. GATHERS DAY**" in Sumter County, South Carolina in recognition of thirty-five years of dedicated and committed service to his family, community, and nation. May God continue to richly bless Command Sergeant Major Gathers throughout his retirement and all his endeavors. Given under the Seal of Sumter County this 24st day of May 2011.*

- (2) A Proclamation Proclaiming June 16-18, 2011, As Double Dutch Days In Sumter County, South Carolina And Recognizing The 36th Anniversary Of The International Double Dutch Competition.

The Clerk to Council presented this resolution to Council for approval. After review of the resolution, the Chairman stated that he would entertain a motion concerning its adoption.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant adoption of the resolution as presented and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County.

Whereas, During June 16-18, 2011, the American Double Dutch League will be celebrating its Thirty-eighth Annual World Invitational Championship at the Sumter County Exhibition Center, in Sumter, South Carolina, and

Whereas, Double Dutch enhances the desirability of individuals as athletes nationwide and in foreign countries the opportunity to excel and a chance to compete in the World Invitational Championship; and

Whereas, Participation in Double Dutch builds self-esteem and provides positive and constructive alternatives to anti-social behaviors and enhances the physical health, well-being of individuals and our communities; and

Whereas, It is the right of everyone regardless of race, color, religion, gender, or national origin to participate in Double Dutch programs and activities.

Now Therefore Be It Resolved, I, Eugene R. Baten, Chairman of Sumter County Council, do hereby proclaim the days of June 16-18, 2011, as

“Double Dutch Days”

in the

County of Sumter, South Carolina

And I commend those who are participating in the thirty-seventh Annual American Double Dutch League World Invitational Championship. All citizens are urged to attend these worldwide events and to be ambassadors for Sumter County to our visitors throughout these events.

Presented under the seal of Sumter County, South Carolina, this 16th day of June 2011.

- (3) A Resolution Authorizing The Sheriff Of Sumter County To Enter Into Multi-Jurisdictional Agreements For Various Law Enforcement Purposes After Consultation With The County Administrator And Approving And Ratifying All Such Agreements Previously Entered Into By The Sheriff Of Sumter County.

Council members discussed this matter during its Fiscal, Tax, and Property Committee meeting with the County Attorney as well as Kathy Ward, the Sheriff’s attorney. Council agreed to add three additional locations to the . (See attached resolution). After all discussion, Council took action on amending the resolution by adding the following:

- ◆ Lexington, Sheriff
- ◆ Orangeburg, Sheriff

◆ City of Columbia, Law Enforcement

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Councilman Baker, and unanimously carried by Council to adopt the resolution as amended and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of County Council.

(4) **11-730 -- First Reading -- An Ordinance Authorizing The Sale Of Property Located On Wise Drive, Sumter, SC.**

The County Attorney presented this proposed ordinance to Council concerning property matter on wise drive. After review of the ordinance, Council took action on first reading.

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

WHEREAS, Sumter County, with the City of Sumter, currently owns property along Wise Drive, identified as TMS number 204-00-03-001; and

WHEREAS, part of that property is needed by the South Carolina Department of Transportation in order to widen Alice Drive; and

WHEREAS, Sumter County does not need the property for any public purpose; and

WHEREAS, it is in the public interest to dispose of excess property and it is in the public's interest for Sumter County Council to sell excess property upon the terms most favorable to Sumter County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

That the Sumter County sells its interest in the land located along Wise Drive as follows:

| Description | Total Compensation to County/ City | County's interest |
|--|------------------------------------|-------------------|
| That certain parcel of land containing 0.01 acre, (527 square feet) more or less, shown as the | \$1,400.00 | 50% |

| | | |
|---|--|--|
| area of acquisition on Exhibit A, attached hereto and made a part hereof, being a part of the parcel shown as Tax Map #204-00-03-001. | | |
|---|--|--|

- (5) 11-731 - First Reading -- An Ordinance To Provide For A Levy Of Taxes For County Purposes Of Sumter County, S. C., (Known As The Budget Ordinance) For The Fiscal Year Of Said County Beginning July 1, 2011, To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto.

The County Administrator presented the proposed budget to Council for first reading approval. He indicated that at its meeting in April, the budget had expenditures of \$40,326,248, revenues were listed at \$37,198,005. Since that time, several adjustments have been made during Council's budget work sessions which now have the budget at \$38,805,327 for expenditures and \$38,701,829 for revenue, with a \$103,498 deficit.

The Chairman asked the County Administrator to bring back a balance budget so that there will be no tax increase if at all possible. After all comments, Council took action of granting first reading by title only.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to grant first reading to the proposed budget by title.

- (6) 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 entertained a motion concerning appointments to Boards and commissions.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to enter executive session to discuss appointments to Council's boards and commissions.

At the conclusion of executive session, on motion of Councilman Byrd, seconded by Councilwoman McGhaney and unanimously carried by Council to reenter open session.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held on **Monday, May 23, 2011, at 4:30 p.m.** In County Council's Conference Room at the County Administration Building – (Byrd, Sanders, and McGhaney).

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

- **Planning Commission:** Candidate RR will be sent to the City for their approval or denial.

ACTION: MOTION, second, and unanimous recommendation was received from the Committee and unanimously approved by Council to forward the name of Candidate RR to the City of Sumter for Action.

- **Zoning Board Of Appeals And Adjustments:** Reappoint Sam Lowery and Patrick Flaherty

ACTION: MOTION, second, and unanimous recommendation was from the Committee and unanimously approved by Council to grant approval of the recommendation as presented.

There was an additional position that needed to be filled but no action was taken; Councilwoman McGhaney asked that the Chairman allow her to make a motion on the following name.

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Councilwoman Sanders, and carried by Council to appoint Sonja Davis to the Zoning Board of Appeals and Adjustments. Councilman Byrd reclude himself from the vote.

- **Building Codes Board of Appeals:** Appoint Joseph S. Stutz as the County's representative (architect).

ACTION: MOTION, second, and unanimous recommendation was from the Committee and unanimously approved by Council to grant approval of the recommendation as presented.

- (2) **Public Works Committee Meeting Held On Tuesday, May 24, 2011, at 4:00 p.m.** In County Council's Conference Room At The County Administration Building. (All Council Members Are Asked to Attend.)

The Committee Chairman, Councilwoman Sanders, stated that there was a request from a citizen concerning maintaining a road in the County (Luther Lee). The

Committee agreed to continue following its policy. No action necessary by Sumter County Council.

- (3) Fiscal, Tax, and Property Committee Meeting Held on **Tuesday, May 24, 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.

- **Property Matter:** The Committee received a briefing from the Economic Development staff concerning several property matters pertaining to Certification of the Gibbs Site and renovations to the Spec building. The following action was taken by Sumter County Council.

Gibbs Site:

ACTION: MOTION, second, and unanimous consent were received from the Committee and unanimously approved by Council to grant approval of the recommendation to approved \$78,000 from the County's Infrastructure Fund for this project certification.

Spec Building:

ACTION: MOTION, second, and unanimous consent were received from the Committee and unanimously approved by Council to grant approval of the recommendation to approve up to \$10,000 from the County's Infrastructure Fund for refurbishing and improvements at the Spec Building.

- **Morris College:** The Committee received a request for us of the County's Civic Center by Morris College twice a year -- as is done for Central Carolina Technical College and USC Sumter.

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

- Chairman Baten reported that he attended the grand opening of the Third Army Headquarter; it is an outstanding up-to-date facility.

MONTHLY REPORTS:

- Letter - Planning Commission
- Retirement honoring Charles R. Holmes
- Mr. M. Thad Brunson
- Iris Festival
- Sumter County Emergency Management
- Academic Awards Program
- Time Warner Cable
- Shiloh Location Phase III

ADMINISTRATOR’S REPORT:

- The Administrator thanked Council for their participation in the grand opening of the Cherryvale Fire station and thanked staff for putting everything together for the event.
- Next budget meeting is scheduled for May 31, 2011.

PUBLIC COMMENT:

The Chairman asked if anyone wished to speak during public comment. The following person spoke to Council.

- Ray Davenport talked to Council about Ardis Pond Road and the bad condition of the road. The road is very dangerous. He was told that it is a state road; the Administrator will pass on this information to South Carolina Department of Transportation.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 7:12 p.m. after a motion by Councilman Byrd, seconded by Councilman Baker, 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: _____



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: May 19, 2011
- Media Notified: Yes

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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: May 19, 2011

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

A RESOLUTION AUTHORIZING THE SHERIFF OF SUMTER COUNTY TO ENTER INTO MULTI-JURISDICTIONAL AGREEMENTS FOR VARIOUS LAW ENFORCEMENT PURPOSES AFTER CONSULTATION WITH THE COUNTY ADMINISTRATOR AND APPROVING AND RATIFYING ALL SUCH AGREEMENTS PREVIOUSLY ENTERED INTO BY THE SHERIFF OF SUMTER COUNTY

WHEREAS, the South Carolina Law Enforcement Assistance and Support Act, codified in Sections 23-20-10 through 23-20-60 of the *Code of Laws of South Carolina*, (2007, as amended) authorizes law enforcement agencies of this State to enter into contractual agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions; and

WHEREAS, Sections 23-1-210 through 23-10-215 of the *Code of Laws of South Carolina*, (2007, as amended) further authorizes the temporary transfer or assignment of law enforcement officers within multijurisdictional task forces established for the mutual aid and benefit of the participating jurisdictions, upon written agreements between the concerned municipalities or counties; and

WHEREAS, Section 5-7-120 of the *Code of Laws of South Carolina*, (2004, as amended) further authorizes the temporary transfer or assignment of municipal law enforcement officers to requesting political subdivision in cases of emergency, provided a complete record of the request, together with the name of the officers sent, is recorded in the minutes of the next regular or special meeting of the governing bodies of both the requesting and the sending political subdivisions; and

WHEREAS, the Sheriff of Sumter County, as well as Sumter County, by and through its Sheriff, have previously entered into a number of written agreements for the purposes set forth above, said agreements being further described on the list attached hereto as Exhibit A; and

WHEREAS, the Sheriff of Sumter County is desirous of entering into future agreements for the purposes set forth above in order to properly and prudently exercise public safety functions in a manner which benefits the citizens of this County and State; and

WHEREAS, the Sumter County Council finds such agreements to be reasonable, prudent and desirable, and that such agreements serve the best interests of the citizens of Sumter County; and

WHEREAS, subsequent to recent decisions of the Supreme Court of South Carolina and the South Carolina Court of Appeals, the South Carolina Attorney General has recommended that all Sheriffs expeditiously submit all such pre-existing agreements to their respective county governments for approval so as to retain their validity and to comply with statutory law; and

WHEREAS, the Sumter County Council finds that the Sheriff, as the chief law enforcement officer for Sumter County, duly elected by the citizens of this County, is uniquely qualified and authorized to make determinations concerning the organization, initiation,

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implementation and supervision of law enforcement activities and operations by his office and/or in conjunction with other law enforcement agencies;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Sumter County, South Carolina, in meeting duly assembled, that the Sheriff of Sumter County is authorized to execute and enter into such multi-jurisdictional agreements on behalf of Sumter County and/or the Sumter County Sheriff's Office as authorized by S.C. Code Sections 23-20-10 through 23-20-60; Sec. 5-7-120; and Secs. 23-1-210 through 23-1-215, and other relevant and applicable provisions of state and federal law, after consultation with the County Administrator and review by the County Attorney and the Sheriff's General Counsel.

BE IT FURTHER RESOLVED that all such agreements previously entered into by the Sheriff of Sumter County on behalf Sumter County and/or the Sumter County Sheriff's Office (as set forth on Exhibit A hereto) are hereby approved, authorized and ratified, whether such agreements are still in effect or whether, by their terms, have previously expired.

BE IT FURTHER RESOLVED that the approval and ratification granted herein applies to and validates all actions taken pursuant to all such agreements set forth in Exhibit A, including, but not limited to, joint operations, extra-jurisdictional arrests, multijurisdictional investigations, sharing of personnel and/or equipment, and all other activities authorized by applicable law and by the terms of the respective agreements.

DONE IN COUNCIL ASSEMBLED this ____ day of _____, 2011.

THE COUNTY COUNCIL FOR SUMTER COUNTY,
SOUTH CAROLINA (SEAL)

BY: _____

Eugene R. Baten

ITS: Chairman

ATTEST:

By: _____

Mary W. Blanding

Its: Clerk of County Council

EXHIBIT A

to

A RESOLUTION AUTHORIZING THE SHERIFF OF SUMTER COUNTY TO ENTER INTO MULTI-JURISDICTIONAL AGREEMENTS FOR VARIOUS LAW ENFORCEMENT PURPOSES AFTER CONSULTATION WITH THE COUNTY ADMINISTRATOR AND APPROVING AND RATIFYING ALL SUCH AGREEMENTS PREVIOUSLY ENTERED INTO BY THE SHERIFF OF SUMTER COUNTY

| <u>AGENCY</u> | <u>PURPOSE</u> | <u>DATE</u> |
|---------------------------|--|---------------------|
| Aiken County Sheriff | Interagency Narcotics Agreement | 4/27/07 |
| Aiken County Sheriff | Illegal drug law enforcement | 1/30/07 |
| Bishopville PD | Illegal drug law enforcement | 3/21/11 |
| Camden PD | Mutual aid | 3/21/11 |
| Camden PD & Sumter PD | Illegal drug law enforcement | undated (2010) |
| Colleton County Sheriff | Mutual aid | 2/17/11 |
| Darlington County Sheriff | Mutual aid | 3/7/07 |
| Dorchester County Sheriff | Illegal drug law enforcement | 10/24/06 |
| Florence County Sheriff | Mutual aid | 3/7/07 |
| Kershaw County Sheriff | Illegal drug law enforcement | 3/22/11 |
| Lee County Sheriff | Illegal drug law enforcement | 1/25/07 |
| Lee County Sheriff | Illegal drug law enforcement | 3/16/11 |
| Manning PD | Illegal drug law enforcement | 1/30/07 |
| Manning PD | Illegal drug law enforcement | 3/22/01 |
| Mayesville PD | General law enforcement/various | 5/9/97 ¹ |
| Myrtle Beach PD | Mutual aid | 4/10/06 |
| Orangeburg County Sheriff | Illegal drug law enforcement | 1/30/07 |
| Town of Pinewood | General law enforcement (fee for services) | 1/9/04 |
| Pinewood PD | Traffic enforcement | 2/11/03 |
| Pinewood PD | Traffic enforcement | 3/12/02 |

¹ Updated/modified/expanded 12/1/98, 5/5/03, 12/31/04; terminated 1/18/08

EXHIBIT A (continued)

| | | |
|--|--|-----------------------|
| Richland County Sheriff | Mutual aid | 1/1/11 |
| Richland County Sheriff | Mutual aid | 1/1/10 |
| Richland County Sheriff | Illegal drug law enforcement | 1/30/07 |
| Spartanburg County Sheriff | Illegal drug law enforcement | 1/30/07 |
| Spartanburg County Sheriff | Illegal drug law enforcement | 1/6/05 |
| Spartanburg Public Safety Dept. | Illegal drug law enforcement | 3/21/11 |
| Williamsburg County Sheriff | Illegal drug law enforcement | 1/30/07 |
| Midlands Regional Fugitive Task Force ² | Mutual aid | 7/26/06 ³ |
| S.C. Attorney General | Internet Crimes Against Children Task Force | 2/20/07 |
| S.C. State University PD | Mutual aid | 8/4/05 |
| S.C. State National Guard | | |
| 381 Military Police Detachment | Mutual aid | 12/4/08 |
| S.C. Forestry Commission & Shaw AFB | Fire suppression/emergency aid | undated |
| S.C. Law Enforcement Division | Statewide Mutual Aid | 11/27/01 ⁴ |
| Shaw AFB & Sumter PD | Civilian L/E patrols on base | 8/17/00 |
| Shaw AFB, Sumter PD & SCDPS | Major incident/high threat response | 11/19/04 |
| Shaw AFB | Animal control | 2/15/05 |
| Shaw AFB & Sumter PD | Arrest of military personnel located on-base | 3/3/00 |
| 3 rd Judicial Circuit Traffic Enforcement Unit ⁵ | Traffic enforcement | 2/1/06 |
| United States Marshalls Service | Fugitive task force | 12/8/08 ⁶ |
| Federal Correctional Institution, Williamsburg, SC | Mutual emergency aid | 9/17/07 |

² Richland, Lexington, Kershaw, Fairfield, Calhoun, Newberry and Sumter County Sheriffs

³ Modified 8/2/06

⁴ Executed by County Administrator; attested by Clerk to Council

⁵ Sumter PD, Sumter County Sheriff, Mayesville PD, Lee County Sheriff, Bishopville PD, Lynchburg PD, Clarendon County Sheriff, Manning PD, Summerton PD, Turbeville PD, Williamsburg County Sheriff, Greeleyville PD, Hemingway PD, Kingstree PD, Lane PD

⁶ Modified 7/23/09

AMENDMENT TO EXHIBIT A

**(ON MOTION OF COUNCILMAN _____ TO AUTHORIZE THE
EXECUTION OF THE FOLLOWING NEW/UPDATED/AMENDED AGREEMENTS)**

| | | |
|---------------------------|---------------------------------|----------------|
| City of Columbia PD | Narcotics Enforcement Agreement | To be executed |
| Orangeburg County Sheriff | Mutual Aid | To be executed |
| Richland County Sheriff | Mutual Aid | To be executed |