



Minutes
Sumter County Council
Regular Meeting
June 28, 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
2. Vice Chairman, Larry Blanding, Council District #6
3. Councilman Artie Baker, Council District #2
4. Councilman Jimmy Byrd , Council District #3
5. Councilman Charles T. Edens, Council District #4
6. Councilwoman Vivian Fleming McGhaney, Council District #5
7. Councilwoman Naomi D. Sanders, Council District #1

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:

The Item

THE PUBLIC PRESENT:

Approximately 48 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 June 28, 2011, agenda as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, 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 June 14, 2011.

ACTION: MOTION was made by Vice Chairman Blanding, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the minutes of June 14, 2011, as presented by the Clerk.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request - None

1. **RZ-11-07-- 2920 Sun Valley Dr. -- (County) - First Reading -- Request To Rezone A +/- 30 Acre Portion Of A Parcel Located At 2920 Sun Valley Dr. From Residential-15 (R-15) To Agricultural Conservation (AC). Property Tax Map # 207-00-02-001(P).**

The Planning Director, Mr. George McGregor, presented the proposed rezoning request to Council for first reading consideration. This property fronts on Kolb Road and Sun Valley Drive. Applicant is requesting to rezone the larger portion of the property south of Sun Valley Drive from Residential (R-15) to Agricultural Conservation (AC). The piece north of Sun Valley Drive and another smaller piece fronting Kolb Road are not to be included in this rezoning request. The owner desires to construct a residence and a garage/shop building on the property. The reason for the rezoning is so the property owner can construct the proposed garage/shop building before constructing the residence. The Sumter County Zoning Ordinance per Article 4, Section 4.g.2.a.1 states the following:

No accessory building or structure shall be constructed on any residential lot prior to the time of construction of the principal building to which it is accessory.



(Left): The applicant only proposes to rezone a portion of the parcel, as shown outlined in red. The blue portion of the parcel would remain in the R-15 zoning district.

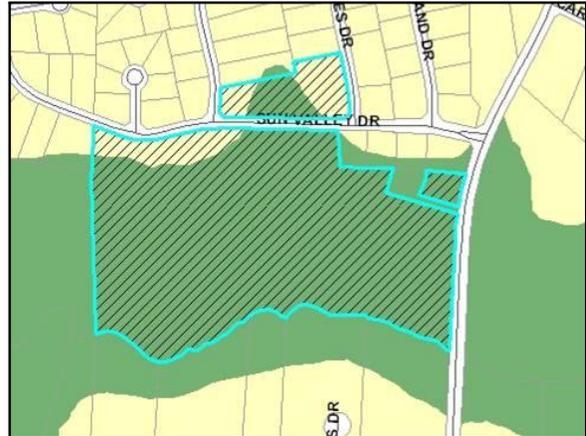
Below left: A portion of the wooded parcel to be rezoned.

Below right: The street where the parcel is located. The wooded area on the left in this image is a portion of the parcel to be rezoned.



The restrictive covenants for Twin Lakes subdivision state that this parcel may be used for residential purposes only. Any proposed barn or other structure on this property must have plans submitted for review by an officer of the Twin Lakes Homeowner's Association before construction begins.

The parcel is primarily within the Conservation Planning (CP) Area of the 2030 Comp Plan, because of both floodplain and wetland conditions found on the site. CP Areas protect environmentally sensitive areas from residential encroachment and other types of development. Therefore, this rezoning request is consistent with the goals of the 2030 Comp Plan.



Left: This is a large tract made up of the residual acreage and the re-combination of several lots that were previously approved along the south side of Sun Valley Drive as a part of Twin Lakes subdivision. Soils are (Ru) Rutlege loamy sands, (TrB) Troupe sands with 0-6% slope, and (VeC2) Vaucluse sandy loam with 3-8% slope. Rutlege is a hydric soil in Sumter County that is associated with

swamps and riverine lowlands. It makes up over half the soil found on the site. The remaining soils are fairly well drained and moderately suited for low density residential development.

Most of the site is mapped Zone AE (shown in pale blue shading) according to FEMA FIRM #45085C0293D, effective date February 16, 2007, with a substantial portion consisting of regulatory Floodway, shown in the orange striped shading. The Floodway is the area within a Special Flood Hazard Area as defined by FEMA that must be reserved in order to safely discharge the base (100-year) flood. The remaining Zone AE is designated floodway fringe, and special development requirements within this Zone ensure that structures and property have low flood damage potential. In addition, there are several acres of mapped and delineated wetlands within the site that have been affirmed by the US Army Corps of Engineers and are under their jurisdictional determination. These areas are shown in green patterned shading on the above map.

The parcel as a whole, therefore, has substantial limitations to development, and this limits the property's potential for actual uses under the current R-15 zoning district. Agricultural Conservation (AC) appears to be a better fit for this property because of the lower density of development potential and the associated uses for agriculture, hunting, and forestry that can more readily be realized on the site. Public water is available to this parcel, but public sewer is not.

Mr. McGregor stated that rezoning this property from Residential (R-15) to Agricultural Conservation (AC) will permit the property to be lightly developed and used in a manner that is sensitive to the wetland and floodplain conditions on the parcel, as well as being

more compatible with the 2030 Comprehensive Plan. There are also several lots contiguous to the south of this property zoned Agricultural Conservation. Staff recommends approval of the rezoning request. The Sumter City - County Planning Commission at its meeting on Wednesday, June 22, 2011, voted to recommend approval of this request.

After Mr. McGregor's presentation, Council took action on first reading.

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

2. OA-11-06 -- Firework Stands In AC - (11-733) -- (County) -- First Reading -- Request To Amend The Sumter County Zoning And Development Standards Ordinance Article 5, Section 5.C.6. To Make Firework Stands A Permitted Temporary Use In The Agricultural Conservation Zoning (AC) District.

Mr. McGregor also presented this proposed ordinance amendment to Council for first reading approval. He stated that On June 14, 2011, Sumter County Council directed Planning Staff to amend the County Zoning Ordinance to permit firework stands as a temporary use in the Agricultural Conservation (AC) zoning district.

- A. Temporary Uses. County Council directed Staff to provide language to the County Ordinance for temporary fireworks stands (new language in *bold italics*). The Ordinance would be amended in the following way:

5.c.6.d Temporary Uses

- d. Fire cracker stands in the NC, LC, GC, *AC* or industrial districts for a period not to exceed thirty (30) days; (**In the AC Zoning District the stand has to be accessory to a primary commercial or industrial business use**)

The Ordinance would be amended in the above fashion (new language bold and italics):

The Planning Staff has reviewed this request and recommends approval. Firework stands at the current time are permitted by Ordinance on a temporary basis for all other non-residential zoning districts (exception Professional Office district) for approximately 60 days a year. Staff finds no problem with allowing this same temporary use in the Agricultural Zoning District. These firework stands will come under all the same regulations as all other districts in which they are allowed. They will follow the same newly adopted permitting and signage regulations adopted by County Council on June 14, 2011.

The Sumter City-County Planning Commission at its meeting on Wednesday, June 22, 2011, recommended approval for this request. After all comments, Council granted first reading approval to this request.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to grant first reading approval to OA-11-06.

Street Name Change - None

Grant Awards- None

OTHER PUBLIC HEARINGS:

- (1) 11-732 - An Ordinance To Amend Sumter County Ordinance 09-691 Relating To The Solid Waste Disposal Fee. (Council May Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)

The Chairman of Council, Eugene Baten, convened a public hearing on this proposed ordinance amendment. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance amendment.

No one spoke during public hearing; therefore, the Chairman closed the public hearing and Council took action on second reading of this ordinance listed under Old Business.

NEW BUSINESS:

- (1) Discussion And Possible Action On School District Budget Resolution.

The Chairman introduced this item, which was also discussed in the budget meeting held earlier during the day. Then Council took action on the Budget Resolution.

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Vice Chairman Blanding, and unanimously carried by Council to defer this matter until a special meeting on Thursday, June 30, 2011, at 12:00 noon, in County Council's Chambers.

- (2) Change In Sumter County Council's Meeting Calendar.

The Clerk to Council provided Council members with a proposed new regular meeting calendar for Council's meetings. She asked Council members to consider cancelling the meeting which is currently scheduled for August 9, 2011. After review of the calendar, Council took action on the requested change.

ACTION: MOTION was made by Councilwoman Sanders, seconded by Councilwoman McGhaney, and carried by Council to approve cancelling the August 9, 2011, meeting of Sumter County Council. Vice Chairman Blanding voted nay.

- (3) It May Be Necessary To Hold An Executive Session To Discuss A Personnel Matter, Receive A Legal Briefing, Or Discuss A Contractual Matter And Appropriate Actions May Be Required And Taken Thereafter.

No executive session was held.

OLD BUSINESS:

- (1) 11-730 - Third Reading -- An Ordinance Authorizing The Sale Of Property Located On Wise Drive, Sumter, SC.

The County Attorney presented this proposed ordinance to Council for third reading approval. He stated that there have been no changes to this ordinance since first reading. After all comments, Council took action on third reading.

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

- (2) 11-731 - Third 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, Mr. William T. Noonan, gave the following report concerning the 2011-2012 budget as discussed in the budget workshop held earlier this day. The following is a result of the workshop.

Operating Budget	\$38,541,299
Expenditures	\$38,541,299
Reserve Fund Usage	\$570,849
1.3 Mill Tax Increase	
◆ .6 for Mandates	Voter Registration, Legislative Delegation, etc.
◆ .7	handling for e-waste
◆ \$6.00 solid (not in budget, separate fee)	From \$34 to \$40

The County's Buy-out Program will meet or exceed the requests as originally expected. Also, the Capital Improvements are the same and no changes have been made.

This budget is approximately \$90,000 less than last year's budget.

ACTION: MOTION was made by Vice Chairman Blanding, seconded by Councilwoman McGhaney, and carried by Council to approve Ordinance 11-731 known as Sumter County Budget Ordinance. Councilman Edens voted nay.

WATEREE COMMUNITY ACTIONS:

The Chairman asked Mrs. Hill, Community Service Coordinator from Wateree Community Actions, (WCA) to introduce students from the Youth Leadership Program. The program is designed where the students must complete 20 hours of "Six Pillars Of Character." The students must be involved with Community Services, Volunteering with local agencies, visit City and County Councils, and Magistrate Court. Once the students have accomplished these requirements, they are eligible for employment/internship with various businesses throughout

the County. Only a few of the students were present in Chambers along with Mrs. Jackie Smith. The students introduced themselves and stated which school they attend as well as what their plans are for the future.

ACTION: Received as information.

- (3) 11-732 - Second Reading -- An Ordinance To Amend Sumter County Ordinance 09-691 Relating To The Solid Waste Disposal Fee.

The County Attorney presented this proposed ordinance to Council for second reading approval, he stated that Council had a budget workshop prior to this meeting (June 28, 2011), and during the meeting Council decided to raise the Solid Waste Disposal Fee by \$6, which would change the fee from \$34 per residential use to \$40 per residential unit. This ordinance, 11-732, has the figure of \$40 listed within the ordinance.

Then the Chairman convened a public hearing, as listed above. At the conclusion of the public hearing, Council took action on second reading.

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Vice Chairman Blanding, and carried by Council to grant second reading. Council members, Baker, Byrd, and Edens voted in opposition to the \$6.00 increase. Council members, Blanding, Baten, McGhaney, and Sanders, voted in favor of the request.

COMMITTEE REPORTS:

- (1) Fiscal, Tax, And Property Committee Meeting Held On **Tuesday, June 28, 2011, At 4:00 P.M.** In County Council's Conference Room At The County Administration Building - (Baten, Blanding, And Edens).

The Vice Chairman of Sumter County Council, Larry Blanding, gave the following report and recommendation.

Economic Development Matter: The Committee discussed to provide up to \$100,000 from Council's Infrastructure Fund for Project Encore.

ACTION: MOTION, a second, and unanimous consent were received from the Committee to approve up to \$100,000 from Council's Infrastructure Fund for Project Encore.

- (2) Budget Workshop Held On **Tuesday, June 28, 2011, At 4:30 P.M.** In County Council's Conference Room At The County Administration Building - (All County Council Members Are Asked To Attend).

Actions concerning the budget workshop are listed in several different items within these minutes.

- (3) Report From Council Members On Other Meetings, Trainings, And/Or Conferences.

No comments from Council.

- (4) Forfeited Land Commission Meeting Held On Tuesday, June 28, 2011, Immediately After All Agenda Items Of Sumter County Council In County Council's Conference Room At The County Administration Building – *(All Members Of Sumter County Council Are Members Of The Forfeited Land Commission).*

1. Executive Session -It Is Necessary For Council To Hold An Executive Session To Discuss Matters Relating To:
 - a) Briefing and Update On Contractual Matters Pertaining To Economic Development.
 - b) Discussion On Contractual Matter Pertaining Property.

MONTHLY REPORTS:

- ◆ Letter from Mr. Quick
- ◆ Letter From George K. McGregor, to William T. Noonan and Deron McCormick Phase II of the Alice Drive Project.
- ◆ Drop-In - William T. Noonan

ADMINISTRATOR'S REPORT:

- ◆ Thanks to the Financial Staff for their work on the budget.
- ◆ Thanks to Council for all they have done for him and the privilege of working for Sumter County Council. He stated that this Council has special way of find a point of consensus. He added that there are several things that concern him as he leaves. One matter is that 78 cents of every dollar that is paid in Ad Valorem Taxes, goes to law enforcement, the detention center, and the court system. That does not leave a lot of money to do the things that a community needs to help itself grow. Another thing is that the County employees have not had an adjustment in four years. In this economy, the employees have understood the lack of increase and they have maintained their loyalty to the County and their work has improved. They are working harder; hopefully they can be acknowledged whenever possible.
- ◆ Land swap with City of Sumter needs to be resolved. The County swapped land at the Richardson's Ball Park so that the City of Sumter can use it as they see fit. The County needs the land in front of the Library. However, there are some hang-ups with the property (City of Sumter and Housing Authority). The Judicial Center construction needs to start shortly.

PUBLIC COMMENT:

The Chairman asked if anyone wished to speak during public comment; the following persons spoke.

- ◆ Mr. Timothy English spoke to Council about Pop Warner Football and the use of Dillon Park for practice. He was asked to speak to Naomi Sanders and Rose Ford.

- ◆ Rev. Howard spoke to Council and thanked them for the great work and camaraderie that they have exhibited. He asked them to keep up the good work.
- ◆ Another lady spoke in support of the Pop Warner Football Program but did not give her name.

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: July 12, 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: June 22, 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: June 22, 2011

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding

ORDINANCE NO. 11-732

AN ORDINANCE TO AMEND SUMTER COUNTY ORDINANCE 09-691 RELATING TO THE SOLID WASTE DISPOSAL FEE

WHEREAS, Sumter County, through the Sumter County Public Works Department, provides for the disposal of non-recycled solid waste generated in Sumter County through the fees paid to a contractor to haul waste from a transfer station located on Brewington Road and through the operation of a Construction and Demolition (C & D) Landfill also located on Brewington Road contiguous to the transfer station; and

WHEREAS, the expenses of recycling and solid waste disposal, including the operation of convenience centers located throughout Sumter County, monitoring of waste entering the C & D Landfill and the Transfer Station, the opening and closing of new cells in the C & D Landfill, the operation of the C & D Landfill and the contract payments on the transportation of the waste from the Convenience Centers to the Transfer Station and from the Transfer Station to the contractor's landfill in Richland County are currently funded by ad valorem property taxes, tipping fees paid by commercial users and the Solid Waste Disposal Fee paid by residential users; and

WHEREAS, the costs for disposing of non-recycled solid waste continues to rise as a consequence of increased volume as well as the increased amount paid per ton according to the existing contracts; and

WHEREAS, Sumter County Council must meet the increased costs by increasing *ad valorem* taxes, increased tipping fees or increased Solid Waste Disposal Fees; and

WHEREAS, Sumter County Council has determined that the Solid Waste Disposal Fee shall be increased at this time.

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 Sumter County hereby amends the Ordinance 09-691, so that the Solid Waste Disposal Fee shall be \$40.00 per residential unit for Fiscal Year 2012.

Furthermore, the Solid Waste Disposal Fee shall increase Three Per Cent (3%) each year, compounded annually, for the nine (9) years following Fiscal Year 2012 so that the automatic increase will end at the end of Fiscal Year 2021.

This Ordinance is done, ratified and adopted _____,
2011.

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

BY:
Eugene R. Baten
Its: Chairman

ATTEST:

Mary W. Blanding
Its: Clerk of County Council

First Reading: June 14 _____, 2011.

Second Reading: June 28 _____, 2011.

Public Hearing: June 28 _____, 2011.

Third Reading and Adoption: _____, 2011.

2011 Calendar

Sumter County Council Regular Meeting Dates

Regular meetings of Sumter County Council are scheduled to be held in County Council Chambers or at a location deemed appropriate by Council on the **second** and **fourth Tuesdays** of each month.

Each meeting will begin at 6:00 p.m. or as otherwise publicized. Other special meetings of Sumter County Council may be called during the year, as Council deems necessary.

Month Of Meeting	First Meeting Date	Second Meeting Date
January	11	25
February	8	22
March	8	22
April	12	26
May	10	24
June	14	28
July	12	26
August -- Cancelled	9	23
September	13	27
October	11	25
November	8	22
December	13	None