



Minutes
Sumter County Council
Regular Meeting
July 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
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

Gary Mixon, County Administrator
Lath Harris, County Assessor
Donna McCullum, Zoning Administrator
Two Deputy Sheriff Officers

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 July 26, 2011, agenda as presented. The Clerk to Sumter County Council asked Council to consider adding one item to its agenda under New Business (Ordinance 11-736). The following action was taken.

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

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 July 12, 2011.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to approve the minutes of July 12, 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) - Third 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).**

Ms. Donna McCullum, Zoning Administrator, stated that there have been no changes to this rezoning request since first reading. She asked Council to consider granting third reading. After comments by Ms. McCullum, the Chairman called for a motion on this matter.

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

- (2) **OA-11-06 -- Firework Stands In AC - (11-733) -- (County) -- Third 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.**

Ms. McCullum also presented this Ordinance Amendment (OA-11-06), she stated that there have been no changes to this rezoning request since first reading. Mrs. McCullum asked Council to consider granting third reading. After comments by the Zoning Administrator, the Chairman called for a motion on this matter.

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

Street Name Change - None

Grant Awards-

- (1) **Update On Sumter County Grant Awards.**

Ms. Ginny Yonson, Grants Administrator, gave Council an informative update on the Council's grant application and awards. She cited the following actions that have been taken.

- ◆ Ten new grants have been applied for since the last update to Council.
- ◆ Two of the ten were funded (*Street Level Enforcement Overtime Grant and COPS Hiring Grant located in the Sheriff's Department*).

Not listed on the updated sheet is the Department of Labor Youthbuild Program which has been operable since 2001 and will not be funded during the next funding cycle (\$700,000).

Overall, the County applied for \$783,865 grants funds and the County has been funded \$338,706.00 worth of grant funds.

ACTION: Received as information.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) **11-734 - First Reading – An Ordinance Authorizing Sumter County, South Carolina, To Enter Into A Lease Purchase Transaction Relating To The Financing Of Various Equipment; Authorizing The Execution And Delivery Of An Equipment Lease Purchase Agreement In An Amount Not To Exceed \$1,260,000; And Other Matters Relating Thereto.**

The County Attorney, Mr. Johnathan Bryan, stated that the Clerk would provide each member with a copy of the approved Capital Expenditures. Mr. Bryan stated that this ordinance is authorizing the County Administrator to enter into a lease so that the County can acquire certain property. The information is arranged in three sections:

DEPARTMENT	DESCRIPTION	APPROVED
Public Works	1- Crew Cab Truck	26,000
Recreation	1- 4-door maintenance trucks	26,000
Sheriff	7- Patrol Cars (\$24,000 each)	168,000
Fire Dist 2	35- Protective Gear	75,000
To be Funded by Authorized Reserve Usage		295,000

DEPARTMENT	DESCRIPTION	APPROVED
Auditor/Treasurer	Software Upgrade	255,000
County Council	Media System	52,128
Detention Center	Security Camera System	248,000
EMS	5- Cardiac Monitors	140,000
Engineering	Computer & Software	1,900
Information Technology	Capital Projects	131,840

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	Departmental Requests (TBD by I.T. Director)	20,000
Public Works	1- Diagnostic Scanner	6,000
Sheriff	2- Handheld Radios (\$3,100 each)	6,200
	2- Mobile Radios (\$3,300)	6,600
Fire Dist 2	3- Opticoms	15,000
	25- Pagers	10,000
	5- Portables	20,000
	1- Night Scans	15,000
	2- Thermal Imaging Cameras	30,000
**4-Year Lease Purchase Agreement to be funded by Technology Fee Revenue		957,668
** (Projected Annual Payment \$271,283)		

DEPARTMENT	DESCRIPTION	APPROVED
Fire Dist 1	1- Engine Pumper	275,000
Landfill	1- Track loader	
	1- Compactor	
<i>Prioritized to be purchased as funds remain available not to exceed \$725,000</i>	2 Office Buildings @ Cane Savannah & Pinewood Recycling Centers	
	Replace floors at 4 Recycling Centers	
	Knuckleboom Load/Clam Truck	
		725,000
To be Funded by RZEDB		1,000,000

After review of the information, 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 as presented.

- (2) 11-735 -- First Reading -- An Ordinance -- Authorizing The Issuance And Sale Of A Sumter County, South Carolina, Special Source Revenue Bond, Series 2011, In The Principal Amount Of \$1,500,000; The Application Of The Proceeds Of Said Bonds To Defray, For Economic Development Purposes, The Costs Of Acquiring Certain Property In Sumter County; Delegating Authority To The County Administrator; And Other Matters Relating Thereto.

The County Attorney presented this ordinance to Council for first reading approval. He stated that this ordinance would allow for, if approved, the issuance of \$1,500,000 special source revenue bond, series 2011 to acquire certain property. This purchase would require that the County pledge certain Infrastructure Funds to pay off the bonds.

After review of the ordinance Council took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and carried by Council to grant first reading approval. Councilman Byrd voted nay on this matter.

NOTE: Councilman Edens excused himself from discussions and any action on this item.

- (3) 11-736 - First Reading -- An Ordinance Amending Chapter 2, Article Ii, Division 2, Code Of Ordinances, Sumter County, South Carolina To Add A Rule To Allow First Reading Of A New Ordinance By Title Only.

The County Attorney, Mr. Bryan, asked Council members to consider adding this ordinance to Council's set of rules as outlined in the County's Code of Ordinances. See ordinance below.

Councilman Edens asked for the final paragraph, third sentence states that "no vote shall be taken..." It was suggested that Council change the ordinance by deleting "no vote shall be taken and." Therefore that sentence would read, "*No debate or amendment shall be in order.*"

Councilman Edens also asked Council to consider changing the next *from ...The Chairman shall, to "The Chairman may..."*

After review of the ordinance and recommended changes were made, Council took action on first reading. (See changes to the ordinance below as outlined in red.)

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

- (4) 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: None

COMMITTEE REPORTS:

- (1) Fiscal, Tax, And Property Committee Meeting Held On Tuesday, July 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:

Economic Development: No action taken.

Land Swap With Housing Authority: The Committee discussed this matter and recommended that the County Administrator be authorized to continue negotiations with the Housing Authority concerning a land swap.

ACTION: MOTION, second, and approval were received from the Committee, and unanimously carried by Council to authorize the County Administrator to continue negotiations with the Housing Authority concerning a land swap.

Assessor's Office: The Committee discussed this matter and recommended that the County Administrator be authorized to hire one employee for the Assessor's Office to handle 4% and 6% audit reviews, and other matters relating to this process as discussed with the Administrator, Assessor, and Assistant Administrator.

ACTION: MOTION, second, and approval were received from the Committee, and unanimously carried by Council to authorize the County Administrator to hire one employee for the Assessor's Office to handle 4% and 6% audit reviews, and other matters relating to this process as discussed with the Administrator, Assessor, and Assistant Administrator.

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

- Vice Chairman Blanding stated that he attended the NACO convention in Portland, Oregon. He continues to serve on the NACO Community and Economic Development Committee. Vice Chairman Blanding also brought back material from the Convention. Most of the information can be downloaded or reviewed online a part of the "Go-Green."

MONTHLY REPORTS:

- SCAC Conference Material
- Suggested Timeline for Redistricting of Sumter County Council's Voting Lines
- SCAC Input - SCAC Legislative Policy Development Process.

ADMINISTRATOR'S REPORT:

The County Administrator, Gary Mixon, gave the following report.

- Friday, July 26, 2011, Mr. Jimmy Baker (Fireman) had an accident. He is fine; however, the truck may be totaled and a preliminary investigation reveals that the accident may be due to a faulty tire. Council will be updated on this matter.
- Bid openings for the Concord and R. E. Davis Community Centers were held today at 2:00 p.m. Four bids were opened and Hardee Construction is the apparent low bidder (\$573,000). There will be negotiations with the low bidder to see if the project can come under or at budget of \$500,000.
- On Friday, July 22, 2011, the Dixie State Baseball Tournament Grand Opening was held at the Civic Center and Chairman Baten was present on behalf of Sumter County Council. The event was well attended. The Tournament will run from July 23, 2011, to July 28, 2011. The group will use Patriot Park and Palmetto Park.
- On August 4, 2011, the County's Law Enforcement Selection Committee will interview the three finalists who will present a formal presentation to the Selection Committee. It is hoped at the end of the interview process, the Selection Committee will be able to select the Design Team and the Contract Team for the new Law Enforcement Center.
- Redistricting information has been provided to Council members to review including timelines. October 31, 2011, is being used by the South Carolina Department of Research and Statistics as the deadline for submitting approval of a plan. (The Clerk distributed to Council members copies of the Benchmark figures for Council members to review.)
- Financial Information: The Administrator provided copies of the Capital Penny Sales Tax Collections. The revenue has increased by \$121,711, the total collection for February, March, and April is \$2,659,856.87.

PUBLIC COMMENT:

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

- Lewis Watkins spoke to Council about his concern for transparency; he also wants to know what is going on in the County. Mr. Watkins stated that too often when he attends Council meetings, there is information that is being discussed, but not openly where the public can understand the information. He stated that Council members receive information about grants; however, the public is not aware of what is going on with the grants. Mr. Watkins stated that he is also concerned about the readings of the ordinances. His thoughts are if

something (an ordinance) says it is first reading, then the ordinance should be read in its entirety.

- **Tasha Gardner** spoke to Council on behalf of the Greater Turkey Creek Neighborhood Association (GTCNA). She stated that she lives at 24 West Patricia Drive. The group came to Council to ask if they could amend the Curfew Ordinance as it is currently written. There is no parent accountability to the ordinance; there is no way to enforce the ordinance as it now stands. The GTCNA would like to see if Council would be willing to amend the ordinance to put some type of parent accountability to the ordinance such as a fine, community service, or an incorrigible child could be sent to Department of Juvenile Justice (DJJ). Since school is about to start in mid-August, we as citizens need to know the whereabouts of children that are not in the classroom or have been suspended. Crime in the GTCNA area has increased. We would like for Sumter County Council to look at the Codes for dilapidated and abandoned properties. The "extension" section of the ordinance allows a property owner to continue to call for extensions which prolongs the agony for the Community. There needs to be a deadline so that the community can be cleaned-up. The GTCNA supports a ninety-day timeframe for notifying the person. If the property is not cleaned up in that period of time, then the cost of cleaning up the property should be attached to the property owner's taxes and the County would immediately clean-up the property through public works or other means.

NOTE: Councilman Baker stated that he would like for Council to revisit the Curfew Ordinance with more weight to the consequences if the curfew ordinance is violated.

Vice Chairman Blanding stated that he supports doing something with the Curfew Ordinance; however, he would like to see the review of the Curfew Ordinance attached to a summit which the Chairman previously discussed as a crime problem in Sumter County. This Summit could be held in the later part of the fall. Law Enforcement, DJJ, the City of Sumter, and all other concerned agencies and persons could be involved in the Summit.

Additionally, he stated that Codes Enforcement needs to be addressed with the City of Sumter due to a lack of knowing where the City and County lines are located.

Councilman Baker stated that he too has a concern about the Code's issues especially the timeframe for the issuing of a notification of a violation.

Councilwoman McGhaney commends the group for coming before Council in such a thorough manner. She also expressed concern on behalf of Council for the negative impact that some citizens are having on this community.

- **Patty Wilson**, a County citizen, expanded on the comments made by Tasha Gardner. She said that Sumter County has a lot of homes for sale and the homes that are for sale that are managed through a realty company to sell, the property is not being maintained. When a person calls a realtor or the realty company, they are citing that they were not paid to keep up the property. She asked if there is someone or could Council consider, some type of enforcement that if a realtor accepts a piece of property to sell, then it would be their responsibility to maintain it until it is sold.

NOTE: The Clerk was asked to send each Council member a copy of the current ordinance on Curfews and a copy of the ordinance on Codes Enforcement so that Council can review those two ordinances.

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,

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: July 18, 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: July 18, 2011

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding

ORDINANCE NO. 11-736

AN ORDINANCE
AMENDING CHAPTER 2, ARTICLE II, DIVISION 2,
CODE OF ORDINANCES, SUMTER COUNTY, SOUTH CAROLINA
TO ADD A RULE TO ALLOW FIRST READING OF A NEW ORDINANCE
BY TITLE ONLY

WHEREAS, Chapter 2, Article II, Division 2, of the Code of Ordinances, Sumter County, South Carolina sets forth the Sumter County rules for the regular meetings of Sumter County Council; and

WHEREAS, §4-9-120, *Code of Laws for South Carolina*, (1986, as amended) sets forth the procedures to be used by County governments in adopting ordinances and provides, in part: "The council shall take legislative action by ordinance which may be introduced by any member. With the exception of emergency ordinances, all ordinances shall be read at three public meetings of council on three separate days with an interval of not less than seven days between the second and third readings"; and

WHEREAS, §4-9-110, *Code of Laws for South Carolina*, (1986, as amended) provides that "council shall determine its own rules and order of business."

WHEREAS, the Sumter County Council desires to add a rule to allow first reading of an ordinance by title only;

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 adds the following rule to Chapter 2, Article II, Division 2, which shall read as follows:

An ordinance may be introduced for first reading at any meeting of the Council by title only. The title to the ordinance shall be in writing at the time the ordinance is introduced and shall disclose the object of the ordinance. ~~No vote shall be taken and no debate or amendment shall be in order.~~ The ordinance may shall be referred by the Chairperson to an appropriate committee or to the Council as a whole.

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