



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**August 23, 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	Gary Mixon, County Administrator
Lorraine Dennis, Assist. County Administrator	George McGregor, Planning Director
Pam Craven, Finance Director	Two Deputy Sheriff Officers
Keysa Rogers, Budget Analyst	

**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 August 23, 2011, agenda as presented. The Clerk to Sumter County Council asked Council to consider adding one item to its agenda under New Business (Proclamation Recognizing Constitution Week As September 17-24, 2011). The following action was taken.

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

**APPROVAL OF REGULAR MEETING MINUTES:** Chairman Baten stated that he would entertain a motion to approve the minutes of Sumter County Council's regular meeting held on July 26, 2011.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of July 26, 2011, as presented by the Clerk.

**APPROVAL OF SPECIAL REDISTRICTING MEETING MINUTES:** Chairman Baten stated that he would entertain a motion to approve the minutes of Sumter County Council’s Special Meeting concerning Redistricting Of County Council’s Electoral Districts held on August 16, 2011.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to approve the minutes of August 16, 2011, as presented by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS**

**Development/Rezoning Request - None**

- (1) **RZ-11-09 -- 1232 Alice Drive - First Reading -- Request To Rezone A +/- 0.63 Acre Parcel Located At 1232 Alice Drive (West Side Of Alice Dr. Between Broad Street And Wesmark Boulevard) From Limited Commercial (LC) To General Commercial (GC). The Property Is Represented By Tax Map #203-11-02-007.**

The Planning Director, Mr. George McGregor, stated that the applicant, Richard Norris, requests rezoning approximately .63 acre parcel located at 1232 Alice Drive from Limited Commercial (LC) to General Commercial (GC). In 2005, Mr. Norris requested a rezoning of this same parcel from Residential-15 (R-15) to General Commercial (GC). At that time, the Planning Commission and County Council rezoned the property, however, Limited Commercial was chosen instead of the requested General Commercial. There is an existing vacant office and outbuilding on the site. There has been no activity since circa 2005, when a contractor’s office occupied the site. Currently, the applicant is requesting General Commercial zoning in order to expand the uses allowable at this location. The difference between the Limited Commercial and General Commercial zoning districts are as follows:

<u><b>Permitted Uses in Both LC &amp; GC</b></u>	
<b>Administrative Offices</b>	<b>Organizational Facilities &amp; Business Assoc.</b>
<b>Research, Development &amp; Testing Labs</b>	<b>Membership Organizations</b>
<b>US Postal Services</b>	<b>Engineering, Accounting, Research</b>
<b>Water Supply Facilities</b>	<b>Miscellaneous Services</b>
<b>Hardware Stores</b>	<b>Government Offices</b>
<b>Retail Nurseries &amp; Lawn &amp; Garden Shops</b>	<b>Fire Protection Facilities</b>
<b>Grocery Stores</b>	<b>Ambulance Services</b>
<b>Convenience Stores</b>	<u><b>Permitted Uses in GC but not LC</b></u>
<b>Apparel &amp; Accessory Stores</b>	Soil Preparation Services / Crop Services
<b>Home Furniture &amp; Furnishing Stores</b>	Veterinary Services
<b>Eating Places</b>	Farm Labor & Management Services
	Landscape & Horticultural Services

<p><b>Drug &amp; Sundry Stores</b>  <b>Sporting Goods &amp; Bicycle Shops</b>  <b>Book Stores, Stationery Shops</b>  <b>Jewelry Stores, Hobby, Toy, Game Shops</b>  <b>Camera, Photo Supply Houses</b>  <b>Gift, Novelty, Souvenir Shops</b>  <b>Sewing, Needle &amp; Piece Goods</b>  <b>Catalog &amp; Mail Order Houses</b>  <b>Fuel Dealers</b>  <b>Florists</b>  <b>Tobacco Stores</b>  <b>Optical Goods Stores</b>  <b>Miscellaneous Retail</b>  <b>Pet Shops</b>  <b>Depository &amp; Non-Depository Institutions</b>  <b>Security &amp; Commodity Brokers</b>  <b>Insurance Carriers &amp; Agents</b>  <b>Real Estate &amp; Holding Investments</b>  <b>Laundry &amp; Dry Cleaners, Linen Supply</b>  <b>Coin-Operated Laundries</b>  <b>Photographic Studios</b>  <b>Beauty &amp; Barber Shops</b>  <b>Shoe Repair, Shoe Shine, Hat Cleaning</b>  <b>Funeral Homes &amp; Crematories</b>  <b>Miscellaneous Personal Services</b>  <b>Auto Rental &amp; Leasing</b>  <b>Auto Service Except Repair</b>  <b>Car Washes</b>  <b>Video Tape Rentals</b>  <b>Dance Studios</b>  <b>Physical Fitness Facilities</b>  <b>Medical &amp; Dental Offices</b>  <b>Doctors of Osteopathy</b>  <b>Nursing Care Facilities</b>  <b>Legal Services</b>  <b>Libraries</b>  <b>Vocational &amp; Other Schools / Education Services</b>  <b>Job Training &amp; Rehab</b>  <b>Childcare Services</b>  <b>Residential Care</b></p>	<p>Building Construction / General Contractors          Printing &amp; Publishing          Warehouses          Transportation Services          Communications          Building Materials          Paint, Glass &amp; Wallpaper          General Merchandise Stores          Automotive Dealers (Conditional Use in LC)          Used Merchandise &amp; Pawn Shops          Firewood Shops          Fireworks          Monuments &amp; Tombstones          Hotels &amp; Motels          Organization Hotels &amp; Lodges (Conditional Use in LC)          Carpet &amp; Upholstery Cleaning          Business Services          Miscellaneous Repairs          Motion Picture Distributors          Motion Picture Theaters (Conditional Use in LC)          Bowling Alleys / Theatrical Producers          Professional Sports Clubs &amp; Promoters          Golf Courses, Public          Coin-Operated Amusement Devices (Conditional Use in LC)          Amusement Parks          Hospitals          Medical &amp; Dental Labs          Home Healthcare Services          Social Seminars / Individual &amp; Family          Other Social Services          Museums &amp; Art Galleries          Botanical Gardens          National Guard Armory          Parks &amp; Playgrounds (Conditional Use in LC)          Residential Uses (Conditional Use in LC)</p>
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The table on the previous page outlines the major differences in use between Limited Commercial and General Commercial Zoning Districts. The commercial center (IGA, Wine

and Spirits et. al.) to the south of and contiguous to the parcel in question is a Commercial Planned Development with General Commercial Zoning.



**Left:** Building in question, located at 1232 Alice Dr. The building was originally used as a contractor's office by the property owner's father. Contractor's offices are not a permitted use in Limited Commercial zoning district.

Mr. McGregor stated that the Alice Drive widening project may alter the character of the district and make higher intensity commercial development more feasible and appropriate for this corridor. The fact is that General Commercial uses exists at the intersection of Alice and Broad. Yet, the intersection at Wesmark and Alice is more Limited Commercial, Retail and Professional Office in nature. In between, there are several residences caught in this transition.



**Above:** A photo of the residence directly across the street from 1232 Alice Drive.



**Above:** Alice Drive looking south, with the parcel in question on the right hand side (indicated by the red arrow), and the residence across the street on the left (indicated by the blue arrow). When completed, there will be five lanes of traffic on this section of Alice Drive.



**Above:** Alice Drive looking north, with the property in question on the left, behind the trees (indicated by the red arrow), and the residence directly across from it shown on the right (indicated by the blue arrow).



**Above:** The commercial center to the right of the property in question. This center is zoned LC and has residential uses adjacent to the north. A less permissive commercial use such as LC will buffer the residential area on this side of Alice Dr. from more intense commercial development further to the south.



**Above:** The commercial center to the left of the property in question. This photograph was taken from the angle of the residence across the street from 1232 Alice Drive, to show that the general commercial area is already in plain view of the residential district nearby.

In summary, per Mr. McGregor:

- The adjacent uses to the parcel in question are already commercial in both character and use. The large commercial center to the south is a planned development with General Commercial zoning.
- The rezoning of this parcel to GC was denied in 2005 because at that time Alice Drive was still a two-lane road with substantial residential character. The road has now been widened to five lanes and has a distinctly mixed-use and commercial character. Existing residential uses that remain in the area can be buffered from commercial uses with high-quality landscaping.
- The 2030 Comp Plan designates this area as appropriate for mixed use development, meaning a blend of appropriate commercial and residential uses within the same area.
- Several other rezonings to GC have been approved on similar parcels in this district. The rezoning request that was recently denied was a parcel with an existing residence that faced into the neighborhood, and had access issues limiting it as a Professional Office use.
- The parcel directly behind the parcel in question was rezoned and is intended for parking. The other residential parcel on that side of Alice Drive is currently being used as a power substation.



**Above Left:** Zoning for the area in 2005

**Above Right:** Current zoning. The parcel in question is highlighted in light blue. The surrounding parcels outlined in light blue are those that have been examined for rezoning in the last six years or that have issues relevant to this rezoning decision:

- 1- This parcel was R-15 and is owned by Jones Buick/GMC. The final reading for this rezoning request was approved to change it to GC in June 2011.

- 2- This rezoning request was to change from R-15 to Professional Office (PO) and was denied in June 2011. County Council cited several factors including: the existing residence on this parcel faces into the neighborhood; and there were also access issues with regard to this property, which contributed to the denial of this request.
- 3- This parcel was rezoned from R-15 to Planned Development (PD) with underlying development standards for GC zoning. Its intended use is for a parking lot expansion for the adjacent commercial retail center.
- 4- Although this parcel is still zoned Residential, it is actually owned by Carolina Power and Light and has a power substation located on it.

The Planning Director also stated that the City of Sumter Public Water and Sewer in proximity to this parcel.

Rezoning this parcel from LC to GC will give the property owner greater opportunities to find tenants for the property. Yet, it will also shape the character of the area from Wesmark to Broad St. The five lanes of Alice Drive may have already set these character changes in motion. Rezoning to GC will enable a host of commercial uses to locate here, most without limitation and establish a corridor more likely to mimic Broad St., Peach Orchard, or the northern stretches of Wesmark Blvd. over time.

The Planning staff supports expanding high quality commercial uses for this location. However, the staff noted that General Commercial zoning brings with it a number of high intensity uses which threaten quality design and image for our corridors.

After all comments, the Chairman called for a motion concerning this rezoning request.

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

- (2) **OA-11-07 -- Tattoo Parlors - First Reading -- (11-739) A Request To Amend Article 5, Section B: 5.b.3.l. Tattoo Parlors In Order To Reflect State Law Requirements For Tattoo Parlors And To Remove The Residential Separation Requirement From Special Exception Review Criteria For Tattoo Parlors.**

Mr. McGregor, the Planning Director, stated that in 1966 the State of South Carolina passed a law banning tattoo parlors. For over 40 years tattooing was not legal in the State, however; on June 17, 2004, the General Assembly and Governor signed into law the *South Carolina Tattoo Act* that lifted the ban on tattoo facilities within the state.

He further stated that in the spring of 2004 when it became apparent that the State would again allow tattooing, the Planning Department Staff was directed to draft an Ordinance Amendment making tattoo parlors a Special Exception Use in the General Commercial (GC) and Light Industrial Warehouse (LI-W) zoning district within the County subject to the following specific criteria:

***Section 5.b.3.l: Tattoo Parlor:***

- 1. The reference use shall not be located within five hundred feet (500 ft.) [measured in a straight line from property line to property line] of a residential use, church or religious institution, public or private school, public park or recreational facility or any other tattoo parlor.***

The Ordinance Amendment was subsequently adopted by County Council, thereby, making it possible to operate a tattoo facility within Sumter County. Although tattoo parlors were legalized in the summer of 2004 within the State of South Carolina, DHEC did not finalize tattoo facility health licensing regulations until 2006. Because the Special Exceptions review criteria were developed and passed at the local level prior to the establishment of State licensing requirements, local regulations do not parallel with State requirements. They are more restrictive.

*DHEC Regulation Number 61-111 Standards for Licensing Tattoo Facilities; Section 200 – License Requirements & Fees; 201.F.2. States:*

*“A license shall not be granted nor issued to a tattooing business, nor shall a business conduct tattooing operations within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground. These restrictions shall not apply to the renewal of an existing license or to ownership changes for locations that are licensed at the time the application is filed with the department.”*

In effect, the applicant’s request would modify the current special exception review criteria to reflect a 1,000-foot separation as measured by DHEC from churches, schools, and playgrounds with no separation requirement from other tattooing facilities or residences. The primary differences between the current local regulation and the State regulation are as follows:

- 1) Sumter County requires a 500 ft. separation measured in a straight line from property line to property line—the state measures 1,000 ft. by path of pedestrian or vehicular travel;
- 2) Sumter County requires a residential separation in addition to separation from churches, schools, parks, public playgrounds, and any other tattooing facility—State regulations do not require a residential separation nor do they require that tattooing facilities be separated from one another;
- 3) In Sumter County tattooing facilities are a special exception and are subject to review and approval by the Board of Zoning Appeals, as such there is a public hearing with neighbor notification as well as posting of the property. In addition, a site analysis is conducted to ensure that the proposed location meets the separation criteria as well as ensuring that the proposed use is in substantial harmony with the surrounding area. As part of this assessment, the site is also inspected to determine whether it meets minimum zoning standards for the required number of parking spaces, as well as access

and landscaping. DHEC does not address site development standards as specifically as the local regulations.

**Other Jurisdictions:**

As part of the research for this amendment proposal, Planning Staff reviewed how other jurisdictions across the State treat tattoo facilities.

Richland County – treated as a By-Right use in GC and CC-3 zoning districts. These two zoning districts are their most-intense commercial/mixed-use districts and closely to the GC (General Commercial) district in Sumter County.

Florence County – treated as a Conditional Use in the B-3 zoning district. B-3 is a commercial zoning district.

Clarendon & Kershaw Counties – Do not permit tattoo facilities anywhere in the county.

Beaufort County – permitted in the Light Industrial zoning district with the following conditions – 1000 ft. separation from the property line to any residential zoning district (not use), church, school or daycare center, and a 500-foot separation from other tattooing facilities.

Aiken County – treated as a By-Right use in the Urban Development District, a mixed use commercial zoning district.

Bamberg County – a proposed location must meet the following requirements – tattooing facilities shall not be located closer than 500 ft. from adult daycare facilities, child daycare facilities, public or private schools, religious institutions, RC or RD zoning district (these are residential districts), and any other tattooing facility.

**PROPOSED ORDINANCE AMENDMENTS**

*The request as submitted by the applicant would result in the following changes:*

**5.b.3.l: Tattoo Parlor:**

1. The reference use shall not be located within ~~five hundred feet (500 ft.)~~ ***one thousand feet (1,000 ft.)*** ~~[measured in a straight line from property line to property line]~~ of a residential use, church or religious institution, public or private school, public park or recreational facility ~~or any other tattoo parlor~~. ***The distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of grounds in use as part of the church school or playground.***

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

Planning Staff has reviewed this request and believes there are three potential options:

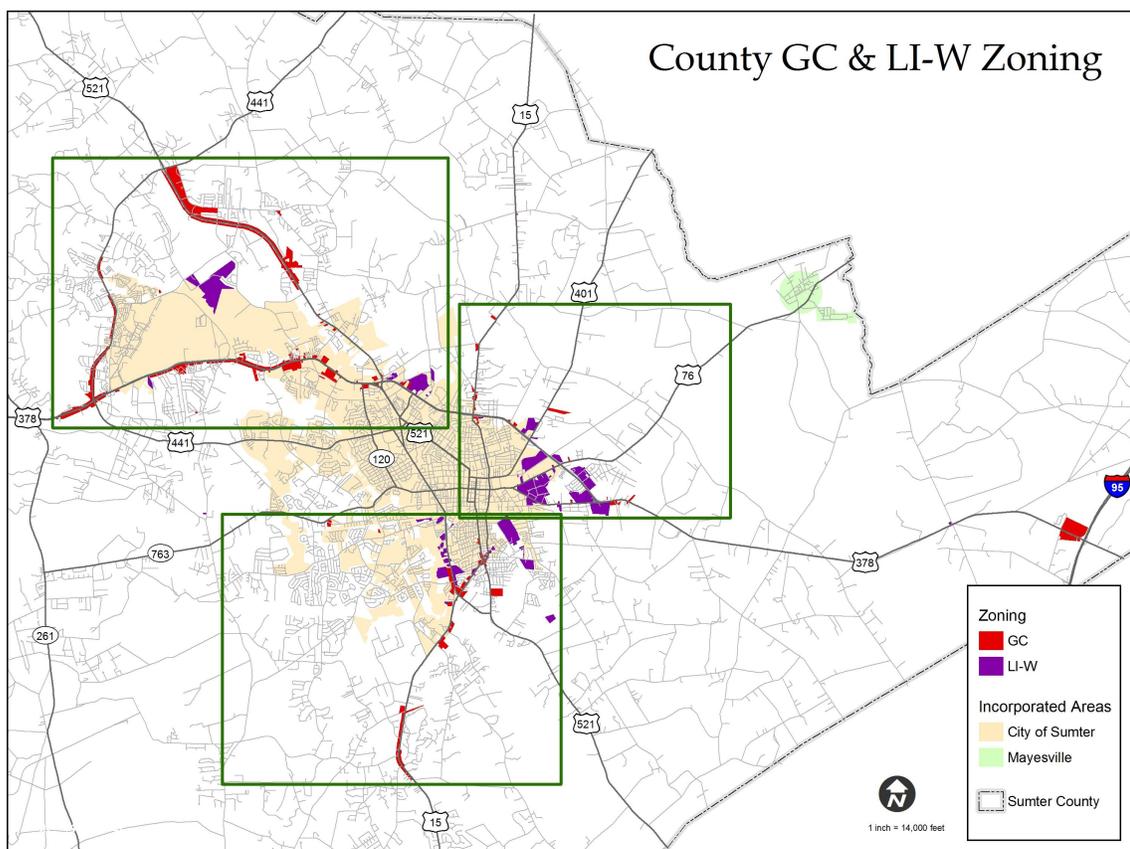
- 1) Leave the Ordinance unchanged.

- 2) Amend the Special Exception review criteria to reflect State guidelines as outlined in the Proposed Ordinance Amendment section of this report. This would mean amending how separation is measured and the removal of the residential and "other" tattoo facility separation criteria. **Or**
- 3) Make tattoo facilities a By-Right Use in the GC and LI-W zoning districts.

Mr. McGregor stated that there are pros and cons to each option listed above. Options 1 and 2 continue to maintain public notice at the local level through the Board of Zoning Appeals public hearing process, however Option 1 may be too restrictive.

The impetus for this amendment request was in-fact an application for a tattoo facility within the county that was denied because of the proximity of a residential use. Since 2006, there have been four successfully located tattoo facilities within the City of Sumter while only one location has been approved within the County. This is likely due to a difference in measuring requirements. The City regulations measure from structure to structure while the County requires measuring from property line to property line.

As shown in the map below, because of the configuration of much of the General Commercial (GC) and Light Industrial-Warehouse (LI-W) zoning within the County, it is very challenging to find a property that is not within 500 ft. of a residential use when measured from property line to property line.



Option 3, making tattooing facilities a By-Right Use in GC and LI-W zoning district would remove the local public hearing process but it would not waive the State level licensing requirement. Due to location of the GC and LI-W districts within the County's jurisdiction, this would focus the use in primarily commercial corridors on main thorough-fares. Each site would still be required to meet all applicable zoning development standards related to parking and landscaping but ultimate use approval would be dependent upon meeting all applicable DHEC licensing requirements prior to operation.

Mr. McGregor stated that the Sumter City-County Planning Commission at its meeting on Wednesday, July 27, 2011, voted to recommend approval of this request with Option 2 under staff recommendations with the exception to leave the separation criteria to any other tattoo parlor in place. Based on this recommendation the Section 5.b.3.l of the Ordinance would read as follows:

**5.b.3.l: Tattoo Parlor:**

1. The reference use shall not be located within ~~five hundred feet (500 ft.)~~ **one thousand feet (1,000 ft.)** ~~[measured in a straight line from property line to property line]~~ of a residential use, church or religious institution, public or private school, public park or recreational facility ~~or any other tattoo parlor~~. **The distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of grounds in use as part of the church, school or playground.**

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Baker, and carried by Council to grant first reading, as presented. Vice Chairman Blanding voted in opposition.

**NOTE:** Councilwoman McGhaney stated that she is supporting first reading because Council typically allows first reading so that the ordinance can move to second reading and public hearing. During public hearing, Council will get a chance to hear how the public feels about this matter. Additionally, she stated that she was on Council when the restrictions were put into place and she is still of the same mind; however, she is willing to hear from the public about this ordinance amendment.

*Street Name Change - None*

*Grant Awards- None*

**OTHER PUBLIC HEARINGS:**

- (1) 11-735 -- 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. (Council May Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)

Mr. Mike Ey, Attorney from the McNair Law Firm, presented an overview of this ordinance to Council and the public prior to public hearing. After the presentation (listed under Old Business) the Chairman of Sumter County Council, convened a public hearing. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance. No one spoke in favor of the ordinance; however, the following person responded when asked for those to speak in opposition.

- Patty Wilson stated that she is not exactly opposed to the ordinance; she stated that she has a question about the ordinance. Ms. Wilson said that the caption states that this ordinance is in reference to the "purchase of certain property," will Council outline what those certain properties will be for purchase at some point?

The Chairman asked the Administrator to address this issue at this time. The County Administrator, Mr. Mixon, stated that this is property located in the northern part of Sumter in the Airport Industrial Park with approximately 475 acres.

After all comments, the Chairman closed the public hearing and Council took action on this matter listed under Old Business.

#### **NEW BUSINESS:**

##### **(1) Update From South Carolina Association Of Counties.**

Mr. Kent Lesane from South Carolina Association of Counties, as well as Mr. Josh Rhodes were present at the meeting and gave Council members a lengthy update on the resources, services, committees, and staff working at the S. C. Association of Counties.

He stated that the services are provided to Sumter County as well as the other 45 Counties throughout the State of South Carolina. Mr. Lesane updated Council on each of the services:

- Insurance Trust which includes Workers Compensation, Property and Liability Trust.
- Educational Opportunities for Counties Employees and Elected Officials.
- Legal Assistance.
- Set-Off Debt Program.
- Public Information Department (surveys, research, publication, etc.)
- Legislative Updates, Legislative Alerts, etc.
- Technical Bulletins.
- Risk Assessment Training.

Mr. Lesane stated that the S. C. Budget and Control has announced that there will be an increase in the rates for the State Health Insurance; the base for the increase will be 4.5 percent.

He provided Council members with a packet which supported his presentation and gave details about the increase for State Health Insurance. After all comments from Mr. Lesane,

Chairman Baten thanked Mr. Lesane for his presentation and asked that he and Mr. Rhodes as well as all staff members of SCAC continue to keep up the good work.

Mr. Lesane stated that Dorchester County prepared a PowerPoint Presentation concerning *Mandates Without Funding*; he asked Council members to consider reviewing this presentation. It is located on SCAC's webpage. Mr. Lesane further stated that it might be a good tool for Sumter County as it makes presentations to community groups about the funding of County Government.

**ACTION:** Received as information.

- (2) Presentation By South Carolina Forestry Commission (Mr. Gene Kodama and Mr. Harvey Belser)

Mr. Harvey Belser from the S. C. Forestry Commission presented this matter to Council. He stated that Mr. Gene Kodama could not be present for this event; however, it is with honor and on behalf of Mr. Kodama, Mr. Belser presented Council with a check for \$169,101.44. This check is earmarked for Sumter School District.

Council members thanked him for the check and informed him that the check will be forwarded to Sumter School District. Mr. Belser stated that it is hope and his prayer that God will bless and multiply this check so that it can be used for the teachers and the impact that the teachers have on the children.

The check was given to the Clerk to Council who forwarded it to the County Treasure.

**ACTION:** Received as information

- (3) 11-737 -- First Reading -- An Ordinance Amending Ordinance 11-731 Of Sumter County, South Carolina (The 2011-2012 Sumter County Budget Ordinance) By Changing The Amount Of Anticipated Funds, Moneys And Revenues Estimated To Be Received By Sumter County From All Resources And Changing The Amount To Be Allocated Toward The 2011-2012 Budget Of Sumter County.

The County Administrator, Mr. Gary Mixon, introduced this ordinance to Council for first reading approval. He stated that the staff, by direction of Sumter County Council, has developed this ordinance to provide for a position in the Assessor's Office which was not approved in the Budget as adopted June 28, 2011 (11-731). Plus, this position should pay for itself; therefore the stream of revenue from this position is listed within this Budget Amendment.

Lastly, Mr. Mixon stated that Sumter County Council voted during the budget deliberations to allow for capital purchases; however, the funds were not listed within the budget. Therefore, these funds are added to this amendment and the funds will be secured from use of Reserve Funds for the capital purchases. The ordinance is listed below.

WHEREAS, the Sumter County 2011-2012 Budget Ordinance, Ordinance 11-731, was approved on June 28, 2011, and was implemented on July 1, 2012; and

WHEREAS, because of anticipated revenue increases due to a proposed audit of residential properties within the County and the addition of one position in the Assessor's Office for the purpose of performing the audit of residential properties within the County; and

WHEREAS, due to the need to purchase capital equipment using Authorized Reserve Funds; and

WHEREAS, after the adoption and implementation of Sumter County, South Carolina's 2011-2012 Budget, Sumter County Council recognizes the necessity of revising its budget.

NOW THEREFORE, Sumter County Council in Sumter County, South Carolina duly assembled, amends the 2011-2012 Sumter County Budget Ordinance as follows:

Type of Change	Line Item	Amount
Revenue	Ad Valorem Taxes	\$40,000
Expenditure	Assessor's Wages/Fringes	(\$40,000)
Revenue	Authorized Reserve Usage	\$295,000
Expenditure	Capital Purchases	(\$295,000)

BE IT ORDAINED by the Sumter County Council for Sumter County, South Carolina, that both revenues and expenditures shall be increased by \$335,000, and the adjusted budget for 2011-2012 will be \$42,709,400 for both expenditures and revenue; and

That this Ordinance shall take effect upon its adoption.

After all comments, the Chairman stated that he would entertain a motion concerning this ordinance.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilwoman Sanders, and unanimously carried by Council to approve first reading as presented.

(4) **11-738 - First Reading -- An Ordinance Authorizing The Transfer Of Property From Sumter County To The City Of Sumter Housing Authority.**

Mr. Gary Mixon, the County Administrator, presented this proposed ordinance to Council for first reading approval. He stated that Sumter County has been working with the City of Sumter as well as the Sumter Housing Authority Board to finalize the transfer of certain property located on Harvin Street to allow for the new Judicial Center to be built. The property that the Housing Authority will receive is property that is jointly owned by the City and the County located on Highway 521, South. (See ordinance listed below)

After all comments, Council then took action on first reading.

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

**Ordinance 11-738**

Whereas, The City of Sumter Housing Authority owns certain property that Sumter County would like to own in order to construct a new judicial center on Harvin Street; and

Whereas, Sumter County and the City of Sumter own certain property on Highway 521 South that will be used to exchange property with the City of Sumter Housing Authority;

Whereas, the property that will be acquired in the transfer will be used for a public purpose.

**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:**

Sumter County Council approves the property transfer between Sumter County, The City of Sumter and the City of Sumter Housing Authority, the terms of which are more particularly described in the agreement, a copy of which is attached hereto, the terms of which are incorporated herein by reference.

**Whereas**, we the people did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

**Whereas**, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

**Whereas**, the President and the Congress of the United States have designated September 17th as Citizenship Day and the week of September 17-24, 2011, as Constitution Week; and

**Whereas**, the people of the County of Sumter do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it;

**NOW THEREFORE**, I, Eugene R. Baten, Chairman of Sumter County Council, do hereby proclaim September 17th as Citizenship Day and the week of September 17th through September 24<sup>th</sup> as **Constitution Week**, and invite every citizen and institution to join in this national commemoration.

**IN WITNESS THEREOF**, I have hereunto set the Seal of Sumter County to be Affixed this 31<sup>st</sup> Day of August 2010.

- (5) Proclamation Recognizing September 17-24, 2011, as Constitution Week In Sumter County, South Carolina.

The Clerk to Council presented this proposed proclamation to Council for approval. The coordinator of Constitution Week, Mrs. Mahon, was unable to be at the meeting; however,

she is asking that one Council member be prepared to read the proclamation on September 17, 2011, at the Sumter Mall, Center Court at 10:00 a.m.

*Whereas, we the people did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and*

*Whereas, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and*

*Whereas, the President and the Congress of the United States have designated September 17th as Citizenship Day and the week of September 17-24, 2011, as Constitution Week; and*

*Whereas, the people of the County of Sumter do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it;*

*NOW THEREFORE, I, Eugene R. Baten, Chairman of Sumter County Council, do hereby proclaim September 17th as Citizenship Day and the week of September 17th through September 24<sup>th</sup> as **Constitution Week**, and invite every citizen and institution to join in this national commemoration.*

*IN WITNESS THEREOF, I have hereunto set the Seal of Sumter County to be Affixed this 17<sup>st</sup> Day of September 2011.*

After all comments, the Chairman stated that he would entertain a motion concerning this proclamation.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the proclamation as presented and directed the Chairman and the Clerk to execute and deliver the proclamation on behalf of the County.

- (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.

No executive session was held.

**OLD BUSINESS:**

- (1) 11-734 - Second 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.

Mr. Mixon, the County Administrator, stated that this is second reading for an ordinance authorizing Sumter County to enter into a lease purchase transaction relating to the

financing of various equipment for the County's use. This was also approved in the County's 2011-2012 Budget deliberations. The amount of the Lease Purchase is not to exceed \$1,260,000.

After all comments, the Chairman stated that he would entertain a motion concerning this ordinance.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Blanding, and unanimously carried by Council to approve second reading as presented.

- (2) 11-735 - Second 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.

Mr. Mike Ey, Attorney from the McNair Law Firm, presented this ordinance to Council for second reading. He stated that this particular ordinance would also have public hearing on it prior to action on second reading. It is a Special Source Revenue Bond, Series 2011 which will provide for issuance \$1,500,000. The proceeds from the Bond will allow for Sumter County Council to acquire certain property which pertains to Economic Development purposes. Mr. Ey reminded Council members that a Special Source Revenue Bond will provide for repayment from the revenue generated through the Multicounty Industrial Parks; Fee In Lieu of Taxes through the County's Infrastructure Fund Account.

The third reading would be set for September 13, 2011; however, Council needs to be mindful that this particular type of bond would require that it be approved through the S. C. Budget and Control Board and this bond is scheduled to be on the Budget and Control Board agenda for September 20, 2011.

Mr. Eye stated that there are a couple of amendments that need to be made to the ordinance; these changes have been emailed to the County Attorney who is currently out of town. Therefore, it is suggested that amendments be made at third reading.

After the Chairman convened a public hearing, as listed under "Other Public Hearings," and all comments from the public, Chairman Baten closed the public hearing and Council took action on second reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to grant second reading approval. Councilman Edens reclused himself from discussion and voting on this item.

- (3) 11-736 - Second 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.

Mr. Mixon, the County Administrator presented this proposed ordinance to Council for second reading. He reminded Council that two changes were made to this ordinance at first reading. The ordinance before Council during this meeting reflects those changes. Mr. Mixon asked Council to consider second reading to this proposed ordinance. (*Note: No public hearing is required for this ordinance.*) The language of the ordinance is listed below.

*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 debate or amendment shall be in order. The ordinance may be referred by the Chairperson to an appropriate committee or to the Council as a whole.*

After all comments and review of the ordinance by Council, the Chairman called for a motion on second reading.

**ACTION:** MOTION was made by Councilman Edens, seconded by Vice Chairman Blanding, and unanimously carried by Council to grant second reading approval.

**COMMITTEE REPORTS:**

- (1) Technology/Personnel Committee Meeting Held On **Tuesday, August 23, 2011, 4:00 P.M.** In County Council's Conference Room At The County Administration Building (McGhaney, Byrd, and Sanders)

The Chairman of the Committee, Chairman McGhane, stated that all Committee members were present as well as all Council members. She then gave the following report and recommendations.

- **Personnel Request Denied:** The Committee received a request in executive session from one of its appointed officials. The Committee members reviewed the request and then recommended denial of the request. The Committee also asked the County Administrator to respond to the individual explaining Council's decision.

**ACTION:** MOTION and second were received from the Committee and unanimously carried by Council to approve the decision of the Committee and authorize the County Administrator to write a letter to the appointed official indicating that Council denied the request as presented.

- **Request To Hire Several Staff Members:** The Committee received a request from Mrs. Lorraine Dennis, Assistant County Administrator, to fill three positions which are currently vacant. (One in Public Works, and two in Maintenance.)

**ACTION:** MOTION and second were received from the Committee and unanimously carried by Council to approve the decision of the Committee; thereby, authorizing the hiring of three staff persons to fill existing positions which are currently vacant (One in Public Works, and two in Maintenance.)

- (2) Fiscal, Tax, And Property Committee Meeting Held On **Tuesday, August 23, 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 Fiscal, Tax, and Property Committee, Chairman Baten, stated that all members were present including all members of Sumter County Council. Chairman Baten gave the following report and recommendations.

- **Executive Session - Economic Development:** Received a briefing; however, no action was taken.
- **Executive Session - Property Matter:** Received as information.
- **Request From Dr. Juanita Britton:** The Committee reviewed material from Dr. Britton asking the County to assist her financially on a trip to Brazil where she would be trained for any national disaster if it occurred, and she would be able to train others once she is trained. The world-wide training is estimated at a cost of \$6,000 per person. Dr. Britton was asking for whatever assistance the County could provide. The Committee denied the request based on lack of funding, and the County is unable to provide funds to private citizens.

**ACTION:** MOTION and second were received from the Committee, and unanimously carried by Council to approve the decision of the Committee and authorize the County Administrator to write a letter to Dr. Britton indicating that Council denied the request as presented.

- **Bad Check Court:** The Committee reviewed material and a briefing from the Solicitor, the Honorable Ernest Finney, III, concerning Bad Check Court. It was recommended by the Committee to have the County Attorney to review the proposed ordinance and agreement from the Solicitor about the Bad Check Court and to place this matter on its agenda for September 13, 2011.

**ACTION:** MOTION and second were received from the Committee, and unanimously carried by Council to approve the decision of the Committee and directed the Clerk to add this request to its September 13, 2011, agenda.

- **Sumter County 2011-2012 Millage Sheet:** The Committee reviewed material concerning the Sumter County Millage Sheet; it was requested that this item be reviewed by the County Attorney and it is signed by the County Auditor; it will be signed by the staff and Council members.

**ACTION:** MOTION and second were received from the Committee, and carried by Council to approve the decision of the Committee. Councilman Byrd voted nay.

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

**MONTHLY REPORTS:**

- Invitation To Groundbreaking of the Judicial Center

NOTE: The Chairman thanked the public for making the groundbreaking of the Judicial Center possible by passing the Penny for Progress referendum. The also thanked them for the new construction and renovations of fire stations, renovations and construction of new community centers, safety projects, and many other jobs have already been completed through the Penny for Progress projects.

- Curfew Ordinance
- Codes Enforcement Ordinance Information
- Crime Summit Information from Visioning In Progress

**ADMINISTRATOR'S REPORT:**

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

- **Johnathan Bryan** is absent due to his military obligations - Navy Reserve.
- **Request For Letter Of Support From Regina Hunter** - The Career Action Planning Group; has been providing computer training and employment testing services in the community. She currently has a number of letters of support and has asked Sumter County to support her efforts as well.

- **Emergency Management Group** - has been preparing for Hurricane Irene; the staff members are making sure that Sumter County is prepared as best we can for this impending hurricane.
- **Public Works and Stormwater Office Renovations and Additions** - This construction project is continuing and should be completed within the next two to three months.

**PUBLIC COMMENT:**

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

- Jim Giffin, Director of the Small Business Center in Sumter County, he stated that September will be the fourth anniversary of the reopening of the Small Business Development Center in Sumter after it had been closed twice before due to a lack of funds. Mr. Giffin said that he had given the Clerk information for Council concerning the accomplishments of the Small Business Center in Sumter County. He cited a few of the accomplishments:
  - Over 235 Clients have been seen; with over 597 employees.
  - Over 500,000 worth of awards have been received by the small businesses in Sumter.
  - Over \$3,000,000 worth of Small Business Loans have been received.
  - Total investment is well over \$3,000,000 in Sumter County.
  - Working with the Career Center - Culinary Department.

Mr. Giffin asked County Council to reconsider funding the Sumter Small Business Department so that this office can remain open. This office must receive local funding so that Federal and State funding can be received by his office.

- Josephine Young who lives on Murphy street spoke to Council about a water-main break. A local gas company broke the water-main and would not try to fix the line. She was asked to talk to the City about this matter.
- Tasha Gardner spoke to Council about the Curfew Ordinance and local Codes pertaining to dilapidated homes. Ms. Gardner was informed by Vice Chairman Blanding that Mr. Bryan is out of town and has not been available to review the ordinance at this time. He also informed her that after Mr. Bryan returns and in accordance to the priority of his work, Council will begin looking at this matter.
- Marilyn Moore stated that she resides in the Cherryvale Community. She asked Council to attend the COP's program in Cherryvale and/or one in their areas.

NOTE: It was suggested that County Council's Public Safety Committee have a public meeting to hear from the public on how it would like to deal with the Curfew Ordinance. This will be set-up after the Public Safety Committee meeting on September 27, 2011.

**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 R. Baten*  
Chairman or Vice Chairman  
Sumter County Council

*Mary W. Blanding*  
Clerk to County Council  
Sumter County Council

Approved: September 13, 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: August 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: August 18, 2011

Respectfully submitted,

*Mary W. Blanding*  
Mary W. Blanding