



Minutes
Sumter County Council
Regular Meeting
October 25, 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:

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council	Gary Mixon, County Administrator
Lorraine Dennis, Assist. County Administrator	George McGregor, Planning Director
Fred Gordan, Sumter County Magistrate	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 October 25, 2011, agenda as presented. The Clerk to Council asked Council members to adjust the agenda as follows:

Addition Under New Business:

- Consideration Of A Resolution Pertaining To South Carolina Association Of Counties.
- Executive Session; Add the verbiage - Contractual Matter Pertaining To A Local Agency.

Suggestion: To Hold Executive Session After Public Comment.

ACTION: MOTION was made by Councilwoman McGhaney, 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 October 11, 2011.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the minutes of October 11, 2011, as presented.

LAND USE MATTERS AND REZONING REQUESTS

Development/Rezoning Request –

- (1) **MA-11-01 -- Sumter 2030 Comprehensive Plan Update - Population & Housing (County) - First Reading (11-748) -- A Request To Update The Sumter City-County Comprehensive Plan To Incorporate 2010 Census Population Figures And 2009 American Community Survey Housing, Income, And Education Figures.**

The Planning Director, Mr. George McGregor, presented this proposed ordinance as an amendment to the Comprehensive Plan. It is mandated under South Carolina State Law: the Planning Enabling Legislation found in Chapter 29 of the South Carolina Code of Law. By law, Sumter must update its Comprehensive Plan every 10 years. After an 18-month process, the final version of Sumter’s 2030 Comprehensive Plan was adopted by Sumter City Council on November 17, 2009, and by Sumter County Council on December 8, 2009.

The last time official population, housing and education data were released by the U.S. Census Department was in the spring and summer of 2001. Over eight years elapsed between the last official Census count and the time when the comprehensive plan was assembled. Much of the information used in the writing of the 2030 Plan was based on official 2000 census totals as well as estimated or projected values for dates past 2000.

In 2010, the United States Census Bureau completed the Decennial Census and in early 2011 population figures were released for each census block group in Sumter. Historically, and in addition to population totals, the Decennial Census also collected information about income, housing, education, as well as a number of other demographic features. However, ten years is far too long for this type of information to become available to planners and developers alike. So now in addition to the Decennial Census, which is conducted every ten years, the U. S. Census Bureau also administers the American Community Survey (ACS) each year to gather information on age, race, income and benefits, education, and where you work and how you get there as well as a number of other features.

In order to provide an accurate picture of the community we live in, it is necessary to update the Comprehensive Plan using the most current information available. In some cases, this means using the data collected by the Decennial Census, other times the American Community Survey data is more applicable. Since the official releases from the two surveys occurred during the same time period, it makes sense to incorporate the data from each to replace those estimated or projected values used in the population and housing section with the actual collected totals.

Please note that no new policies are recommended upon reflection of the new data. This slower rate of growth from 2000-2010 was anticipated and incorporated into the 2030 Plan adopted in 2009.

Staff recommends approval of the revised Population and Housing Chapters, dated September 2011. The Sumter City-County Planning Commission at its meeting on Wednesday, September 28, 2011, voted to recommend approval for this request.

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

- (2) **OA-11-08 -- Auto Upholstery in LC (County) – Second Reading and Public Hearing (11-746) – Request To Amend Article 3, Section 3.H.3, Exhibit 5 And Article 5, Section 5.B.1 Of The County Zoning And Development Standards Ordinance To Make Upholstery Repair, Automotive And Automotive Tops (Canvas Or Plastic), Installation, Repair, Or Sales And Installation With SIC Code 7532 Conditional Uses In The Limited Commercial (LC) Zoning District. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)**

Mr. McGregor, the Planning Director, also presented this proposed ordinance amendment to Council for second reading consideration. He stated that the applicant, Mr. Charles Bench, has asked that Council approve Automotive and Automotive Tops Installation, Repair, or Sales in the Limited Commercial Zoning District.

The Planning Director also stated that in reference to the question that Councilman Edens brought up at the last meeting (October 11, 2011) about section #5 (***Vehicles temporarily stored for repair shall have a current license plate and be in operable condition***) is necessary. Mr. McGregor stated that after his review, this condition is not necessary. This condition will be taken from the proposed ordinance amendment.

The staff and the Planning Commission recommend approval. After comments from Mr. McGregor, the Chairman called for a public hearing. He asked if anyone wanted to speak in favor of or opposition to this proposed ordinance. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on second reading.

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

- (3) **OA-11-11 -- Permitted Uses in Limited Commercial District (County) -- Second Reading And Public Hearing (11-747) -- Request to amend Article 3, Section 3.h.2. Permitted Uses in the Limited Commercial Zoning District and Exhibit 5 in order to include additional permitted uses that are compatible with the LC district. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)**

Mr. McGregor stated that this request comes from the Planning Commission. The purpose and intent of the Limited Commercial District is to accommodate commercial development along major streets, while promoting land use compatibility by limiting the type and

conditions of development. The following list outlines potential uses that are not currently permitted in the Limited Commercial District, but that Staff believes would be compatible with the purpose and intent of the Limited Commercial District. This request is going before City and County Council. These Limited Commercial District Business are service oriented and retail oriented. See list below.

Recommend Uses to be Permitted in the LC District:

- 0742 Vet Services for Animal Specialties [Small Animal Only]
- 0781 Landscape Counseling & Land Planning
- 472 Travel Agencies, Tour Operators, Arrangement of Transportation
- 523 Paint and Wallpaper – Not Glass.
- 7311 Advertising Agencies
- 7336 Commercial Art / Graphic Design
- 7338 Secretarial / Court Services
- 7371, 7376, 7379 Computer Programming Services
- 7381 Detective Agencies [Except rental of dog for protective services & armored car services]
- 7382 Security System Services
- 7389 Business Services (Not elsewhere classified) specifically as listed below:
 - Agents & Brokers for Authors and Nonperforming Artists; Appraisers [except real estate];
 - Arbitration and Conciliation Services; Artists’ Agents and Brokers [except performing artists]; Author’s Agents and Brokers; Business Brokers [buying and selling business enterprises]; Decoration Service for Special Events; Drafting Services; Fundraising on a Contract or Fee Basis; Handwriting analysis; Interior Decorating Consulting Service [except painters and paper hangers]; Interior Designing Service [except painters and paper hangers]; Lecture Bureaus; Map Drafting Service, Map Making – including aerial;
 - Message Service/Telephone Answering [except beeper service]; Notary Public, Paralegal Service; Photogrammetric Mapping Service [not professional engineers]; Photography Brokers, Playwrights’ Brokers; Process Serving Service; Recording Studios on a Contract or Fee Basis; Speakers’ Bureaus; Tax Collection Agencies: collecting for a city, county or state; and Translation Services
- 732 Credit Consumer Reporting
- 733 Mailing Reproduction, Art & Photography
- 7363 Help Supply Services
- 7631 Watch, Clock & Jewelry Repair
- 784 Video Tape Rental
- 791 Dance Studios
- 7991 Physical Fitness Facilities
- 808 Home Healthcare Services
- 832 Individual & Family Social Services
- 841 Museums & Art Galleries
- 842 Botanical Gardens
- Parks & Playgrounds

After Mr. McGregor’s presentation, the Chairman convened a public hearing on this matter. He asked if anyone wished to speak in support of or position to this proposed ordinance amendment. No one spoke to this issue; therefore, the Chairman closed the public hearing.

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

- (4) **RZ-11-11 -- Gibbs Rail Site Highway 521 South (County) - Third Reading -- Request To Rezone 17 Parcels Of Land Approximately +/- 340 Acres In Size, Generally Located On Highway 521 Between Mooneyhan Road And St. Matthews Church Road, From Agricultural Conservation (AC), General Residential (GR), Residential-9 (R-9) And Light Industrial-Warehouse (LI-W) To Heavy Industrial (HI). The Property Is More Specifically Identified By Tax Map #'S 252-00-05-052; 252-00-05-030; 252-00-05-050; 252-00-05-051; 252-00-05-002; 252-00-05-042; 252-00-05-026; 252-00-05-025; 252-00-05-024; 265-00-01-009; 265-00-01-015; 265-00-01-016; 265-00-01-017; 265-00-02-003; 252-00-05-036; 252-00-05-035; And 252-00-05-017. (Prior To Action On Third Reading, Council Will Hold A Public Hearing On This Rezoning request.)**

Mr. McGregor stated that the rezoning for Gibbs Rail Site is a request in conjunction with the industrial development of Continental Tire Company. The area of Sumter County where the properties are located is designated by the 2030 Comprehensive Plan as a Priority Economic Development node within the Suburban Development Policy Area (page LU 15). This site is expressly identified in the 2030 Comprehensive Plan as a priority economic development location, known in the Plan as the “Gibbs Rail Site” (page ED 10).

The request to rezone in support of new industry is consistent with the Economic Development Polices and the Priority Investment Policies (Chapters 3 and 8 respectively) as contained in the 2030 Comprehensive Plan. The request to rezone the existing parcels from Agricultural Conservation (with a small amount of Resdential-9, General Residential, and Light Industrial-Wholesale) to Heavy Industrial conforms to the 2030 Comprehensive Plan. This zoning action implements the 2030 Comprehensive Plan, setting the stage for a major economic development initiative.

Mr. McGregor also stated that the rezoning is the first step in this process of allowing this company to construct a building and to begin operations in Sumter County. One of the next steps would be the Site Plan Review; the Planning Department has not seen specific site deals. The Site Plan Review will be reviewed by the Planning Department as it is made available.

After Mr. McGregor’s presentation, the Chairman asked the County Attorney, Mr. Johnathan Bryan, to brief the audience on the Continental Tire Company and its impact on Sumter County. Mr. Bryan stated that the County is currently negotiating with the Continental Tire on a Fee In Lieu of Tax Agreement which will take into account some incentives to encourage Continental Tire to make six different investments in the Sumter Community at this location. The first investment will be \$400,000,000 which will create 1,174 jobs. The second investment will be \$150,000,000 and will create 302 jobs; the third investment is \$150,000,000 and will create another 302 jobs; the fourth is \$150,000,000 and

will create 172 jobs; the fifth investment will be \$150,000,000 and 172 jobs; and the sixth investment will be \$150,000,000 and 172 jobs. Mr. Bryan stated that at this point, he cannot guarantee anyone that the company will do all these things, but he did say that currently, these things are the goals and objectives and the County's incentives will be based on the Company meeting those goals and objectives. If Continental meets all its goals and objectives, they will create 2,294 jobs and invest \$1.15 billion dollars in the Sumter Community.

PUBLIC HEARING: After all comments, the Chairman convened a public hearing on this matter. He asked if anyone wished to speak in favor of the rezoning request.

- **Josephine Young** stated that she cannot say whether she agrees or disagrees with the rezoning. She stated that she is concerned about the quality of air at the new company. *(The Chairman asked Mrs. Young to talk to the County Administrator after the meeting and he and the County Attorney along with the Planning Director would be able to answer those questions.)*
- **Patty Wilson** stated that she is in favor of the rezoning of this parcel of property. This property has been in need of redevelopment for some time and this is a great investment. She cautioned the County to look at the waste or by-waste that may come from this industry.

The Chairman asked if anyone else would like to speak in support of the request. Therefore, the Chairman asked if anyone would like to speak in opposition to the request. The following people spoke.

- **Ms. Laurena English** spoke to Council concerning property that she and her family owns adjacent to the Continental site. She stated that she is concerned about the affect this Company will have on the adjacent property. She said that she cannot say if she is in support or in opposition to this rezoning request.
- **Rev. M. G. Walters**, Pastor of St. Matthew Missionary Baptist Church located at the corner of Highway 521 South and St. Matthew Church Road. He added that the sign that announced the public hearing is approximately 250 feet from the church. Therefore, he would like to know what type of impact this company will have on the church especially if a wider road is constructed and large trucks will be coming in and out on this road. Rev. Waters added that he is speaking on behalf of the congregation and would like to take something back to them on Sunday, October 30, 2011. *(He was asked to talk to the Attorney after the meeting.)*

Mr. Bryan, the County Attorney stated that he has some map that might be of interest to Rev. Walters and his congregation. Chairman Baten asked that Mr. Bryan show the maps to those who are interested in them after the meeting of Sumter County Council.

- **Mr. Timmy Ridgeway** stated that he lives on Highway 521 South and he too is concerned about the impact this company will have on his property such as traffic, lighting, environmental, etc. He stated that he has lived in this community for almost

50 years. The widening of the highway was a big impact and now this company will add to the impact. *(The Chairman asked Mr. Ridgeway to talk to the County Administrator after the meeting.)*

- **Ms. Laurena English** spoke to Council again stating that it appears that Council is going to approve third reading without the community and property owners receiving clarification about as to really what is going on adjacent to the site. She said that the community needs more information before Council takes a final vote.
- **Ms. Flora Thompson** spoke to Council concerning air pollution and what might happen once the industrial site is constructed.

The Administrator, Mr. Gary Mixon, stated that if anyone wants additional information, they can see him and the County Attorney right after this meeting or set-up an appointment with them at a later time. He also said that as the County receives information that can be shared with the public, it will be disseminated to those that provide telephone numbers and addresses.

- **Rev. Travis Holmes** stated that Sumter County Council should be applauded for bringing the industry to Sumter County. However, the Community People are concerned about the environmental Impact Study to show the residents how this industry will affect their daily lives. If there is a study, it is hoped that County Council will share the study with the public.

After all comments, the Chairman closed the public hearing and Council took action on this matter for third reading.

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

Street Name Change – None

Grant Awards– None

OTHER PUBLIC HEARING:

- (1) 11-744 - An Ordinance Authorizing The Execution And Delivery Of One Or More Agreements For The Acquisition And Conveyance Of Approximately 324 +/- Acres Of Real Property And Improvements Thereon By Sumter County, South Carolina, To Project XYZ; To Authorize The Receipt Of Title To Real Property And Any Improvements Thereon; And To Enter Into Any Other Necessary Agreements To Effect The Intent Of This Ordinance; And Other Related Matters. (Council Will Take Action On Third Reading Immediately After The Public Hearing Or During Old Business.)

The Chairman of Sumter County Council, asked the County Attorney to brief Council on this matter. After the Attorney's briefing, as listed below under Old Business, the Chairman convened a public hearing on this matter. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance as presented. No one spoke to this

issue; therefore, the Chairman closed the public hearing and Council took action on third reading as listed below.

- (2) 11-745 -An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Between Sumter County, South Carolina, And Project XYZ, And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; And To Enter Into Any Other Necessary Agreements With The Sponsor To Effect The Intent Of This Ordinance; And Other Related Matters. (Council Will Take Action On Third Reading Immediately After The Public Hearing Or During Old Business.)

The Chairman of Sumter County Council, asked the County Attorney to brief Council on this matter, also listed under Old Business. Mr. Bryan stated that a public hearing is scheduled on this proposed Fee In Lieu Of Tax Agreement. The Agreement is the same as it was at second reading. However, because negotiations are ongoing, Mr. Bryan asked Council to defer action on third reading; but to hold the public hearing as scheduled.

The Chairman convened a public hearing on this matter. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance as presented. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on third reading as listed under Old Business.

NEW BUSINESS:

- (1) A Resolution Making Application To The State Budget And Control Board Of South Carolina For Approval Of The Issuance By Sumter County, South Carolina, Of Its Special Source Revenue Bond In One Or More Series Of Bond, Pursuant To The Provisions Of Title 4, Chapter 29 Of The Code Of Laws Of South Carolina 1976, As Amended, In The Principal Amount Of Not Exceeding \$1,500,000.

The County Attorney also presented this proposed resolution before Sumter County Council. He stated that at Council's October 11, 2011, meeting, Council gave third reading on an ordinance (11-735) to approve a Special Source Revenue Bond in the amount of \$1,500,000. All Special Source Revenue Bonds must be approved by the State Budget and Control Board. This resolution before Council authorizes the petition tax to go to the Budget and Control Board. It is necessary for the Ordinance which was passed and adopted at Council's meeting on October 11, 2011.

After the Attorney's presentation, Council took action on its adoption. *(NOTE: Councilman Edens did not participate in the discussion or voting on this matter.)*

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the resolution and all material attached thereto and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of Sumter County.

(2) Consideration Of A Resolution Pertaining To South Carolina Association Of Counties.

The County Attorney presented this proposed resolution to Council. He stated that four Counties (Greenville, Spartanburg, Beaufort, and Chester Counties) are against the South Carolina Election Commission to hold a primary on January 12, 2012. These four counties have resisted that direction and filed a law suit in the original jurisdiction of the South Carolina Supreme Court. The South Carolina Association of Counties (SCAC) has filed an Amicus Curie Brief to support the civil action filed by Greenville, Spartanburg, Beaufort and Chester Counties against the South Carolina Election Commission and other named Respondents filed with the South Carolina Supreme Court on October 17, 2011, challenging the legal authority of the South Carolina Election Commission and the State to mandate the County Election Commission to conduct a Presidential Preference Primary. SCAC has offered to the other 42 Counties in South Carolina to an opportunity to join in the law suit. Council can do so by adopting the resolution.

After the presentation and questions from Council concerning the costs to hold the elections and whether or not the State Election Commission budgeted for this election in their budget, Council took action on adopting the resolution. Members of Council were concerned about unfunded mandates.

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

(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. (Contractual Matter Pertaining To A Local Agency)

This matter was held after Public Comment (See information below.)

OLD BUSINESS:

(1) 11-742 - Third Reading -- An Ordinance To Prohibit Advertisement, Possession, Use, Purchase, Or Distribution Of "Bath Salts" For Ingestion/Consumption.

Mr. Bryan presented this ordinance as well as ordinance 11-743. He stated that on October 24, 2011, the South Carolina Drug Enforcement Agency (SCDEA) added the chemicals that make up Bath Salts and Spice and K-2 illegal. They are now a category one controlled substance. It is now illegal in South Carolina to own, use, or possess Bath Salt, Spice, and K-2 chemicals. When DEA adds a drug to a control substance list when the General Assembly is not in session, that listing by DEA has enforcement by law. Mr. Bryan asked Council to deny, approve, defer, or table third reading of this ordinance and Ordinance 11-743.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to table third reading at this point. (NOTE: Any member that wants to recall this matter can do so since it was unanimous to table third reading.)

- (2) **11-743 -- Third Reading -- An Ordinance To Prohibit The Use, Possession And Sale Of Synthetic Cannabinoids Commonly Known As Spice And K-2.**

See information above about this ordinance (listed under 11-742). Council took action on this matter as listed below.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to table third reading at this point. *(NOTE: Any member that wants to recall this matter can do so since it was unanimous to table third reading.)*

- (3) **11-744 - Third Reading -- An Ordinance Authorizing The Execution And Delivery Of One Or More Agreements For The Acquisition And Conveyance Of Approximately 324 +/- Acres Of Real Property And Improvements Thereon By Sumter County, South Carolina, To Project XYZ; To Authorize The Receipt Of Title To Real Property And Any Improvements Thereon; And To Enter Into Any Other Necessary Agreements To Effect The Intent Of This Ordinance; And Other Related Matters.**

Mr. Johnathan Bryan presented this proposed ordinance to Council for public hearing and third reading consideration. He stated that this ordinance pertains to Continental Tire Company; the property in question is still in the name of individuals and certain organizations. It is the plan of Sumter County Council to acquire this property with money from the Governor's Office and then convey the property to Continental Tire. This ordinance authorizes for the County to carry out these actions.

After comments from the Attorney, the Chairman convened a public hearing on this matter. At the conclusion of the public hearing, Council took action on third reading.

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

- (4) **11-745 - Third Reading -- An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Between Sumter County, South Carolina, And Project XYZ, And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; And To Enter Into Any Other Necessary Agreements With The Sponsor To Effect The Intent Of This Ordinance; And Other Related Matters.**

The Chairman of Sumter County Council, asked the County Attorney to brief Council on this matter. He stated that a public hearing is scheduled on this proposed Fee In Lieu Of Tax Agreement; currently, the Agreement is the same as it was at second reading. However, negotiations are still ongoing. Therefore, the Attorney asked Council to hold the public hearing; however, to consider deferring action on third reading of this proposed ordinance.

The Chairman convened a public hearing on this matter. At the conclusion of the public hearing, Council took action on third reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilwoman Sanders, and unanimously carried by members of Sumter County Council to defer third reading on this ordinance as presented by the County Attorney.

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held On **Tuesday, October 25, 2011, At 4:00 P.M.** In **Sumter County Administration Building, County Council's Conference Room**- (Byrd, McGhaney, and Sanders).

The Chairman of the Committee, Councilman Jimmy Byrd, gave the following recommendations and comments.

Accommodations Tax Board (Ex Officio Member) – Appoint Phil Parnell to replace Gary Mixon on this Board.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to appoint Phil Parnell to replace Gary Mixon on the Accommodations Tax Board.

Crystal Lakes Advisory Board – Reappoint Mr. Richard Holland and Mr. Herbert Hudson on this Advisory Board.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to reappoint Mr. Herbert Hudson and Mr. Richard L. Holland to the Crystal Lakes Advisory Board.

Planning Commission – Reappoint Mr. James Davis to the Planning Commission.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to reappoint Mr. James Davis to the Planning Commission.

Stormwater Management and Sediment Control Appeals Board – Directed the Clerk to send two names to the City of Sumter concerning reappointment of two people on this board.

ACTION: The Clerk was asked to send two names to the City of Sumter for action by the City.

Sumter County Penny Sales Tax Committee – It was discussed and recommended by the Committee to approve the appointees of the Penny Sales Tax Committee as defined by the position and not by name. Therefore, the person who holds the position would automatically be a member of the committee if there is a change in a position.

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

- (2) Public Works/Solid Waste Committee Meeting Held On **Tuesday, October 25, 2011, At 4:30 P.M.** In **Sumter County Administration Building, County Council’s Conference Room**– (Sanders, Baker, And Edens).

The Chairman of the Committee, Councilwoman Sanders, gave the following report and recommendations.

- **Request From Morris College:** The Committee received a request from Morris College requesting that the County waive the tipping fees at the Sumter County Landfill for a construction project that the College is undertaking at this juncture. It is recommended by the Committee, as outlined in Morris’ letter, to approve waiving the tipping fee of up to 85 tons of debris for this construction project.

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

- **Request To Reduce Speed Limit In Subdivisions In Sumter County:** The Committee received this request but took no action on this matter. It was suggested, however, that the Sheriff’s Department should monitor any calls in Subdivisions and make a determination to Council if there are concerns and whether or not Council needs to change its existing ordinance allowing 30 miles and hour in a subdivision.
- **Discussion On OA-11-03–Review:** The Committee received this presentation as information and this matter will be discussed at a later time.

ACTION: No action taken.

- (3) Fiscal, Tax, And Property Committee Meeting Held On **Tuesday, October 25, 2011, At 5:00 P.M.** In **Sumter County Administration Building, County Council’s Conference Room**– (Baten, Blanding, And Edens).

The Chairman of the Committee, Chairman Baten, gave a report concerning the Committee meeting. He gave the following report and recommendations.

- **Request From Sumter County Library –** The Committee received a request from the Library Director requesting that the County consider funding the repairs of a roof at the Branch Library on Wesmark Boulevard. The Committee recommended approval of the request for up to \$4,000 to fund this request from the Capital Improvement Fund.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented to secure up to \$4,000 from the County’s Capital Improvement Fund for roof repairs on the Branch Library at Wesmark Boulevard.

- **Request From Sumter County Coroner** - The Committee received a request from the County's Coroner requesting that the County consider funding the cost of a new radio, phone, accessories, and software (\$3,386.76). Also the Coroner is in need of a new refrigerator for storing evidence (\$1,298.00). The cost for both items is estimated at \$4,684.76. The Committee recommended approval of up to \$5,000 from the County's Capital Improvement Account.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented to secure up to \$5,000 from the County's Capital Improvement Fund as requested.

- **Request From Santee Wateree Regional Transportation Authority (SWRTA)** - The Committee received a request from SWRTA asking that the County waive their November 2011 and February 2012 bond payments. The Committee approved the request based on information from the Finance Office that SWRTA has made payments on a consistent basis to try to pay the Bond Office earlier; therefore, the agency was ahead in payments.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented to waive their November 2011 and February 2012 bond payments.

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

No reports were given.

MONTHLY REPORTS:

- Sumter County Sheriff's Office
- The Art of Richard Stenhouse
- Alice Ballard: A Walk Remembered
- Letter from Salem Black River Presbyterian Church
- Wilson Hall Mission Series - Ron Hall

ADMINISTRATOR'S REPORT:

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

- The South Carolina Arts Commission - Sumter County Cultural Commission has been approved for a grant in the amount of \$6,625.
- Recreation Department served as an emergency shelter for eighteen individuals due to an apartment complex fire which caused these individuals to be displaced from their homes. The emergency shelter will be managed by Red Cross.
- The Law Enforcement Center will be involved in the U. S. Drug Enforcement Agency National Drug Take Back Day.

- The County Managers meeting will host Superintendent Bynum.

PUBLIC COMMENT:

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

- Gardner Gore spoke to Council and reminded Council that he had spoken to them several months ago about a land deal in Dalzell. He was assured at that time that all questions would be answered and given to him. As of this date, he has not received the answers to his questions about this land deal, and Mr. Gore would like to receive the answers in the near future. Mr. Gore also said that he is concerned about all the fees that are being paid. Lastly, he talked about the fees that will be provided for the Continental Tire Company. Mr. Gore said he is in favor of the plant, but instead of calling things fees, just call them taxes just like they are.
- Doug Robinson spoke to Council about Weeks Street, Broom Street, Jessica Street, Wheat Street, and Bermuda. Mr. Robinson also said that they were told that they would get their road paved the same time as Whitehall Street; however, nothing has happened. He asked Council to give them some relief.
- Patty Wilson the Sumter School District is having a McDonald Fest on Pinewood Road. Half of the sales through the teachers at the McDonald Fest on Pinewood Road will go back to the schools that are involved in this process. She also thanked Chairman Baten and all other Council members who participated in the second annual VIP Summit. She also thanked Councilman Byrd for attending the Neighborhood Coalition Group meeting.

She asked Council members to consider placing information on the website about the County's Commissions and Boards.

NOTE: Councilman Byrd informed the public that the County is looking for a licensed plumber to serve on the Building Codes Board of Appeals.

- Marilyn Morgan spoke to Council members about the Continental Company. She stated that she and her husband are from Tampa, Florida. However, Sumter is now their new home. She stated that there is a very big gap here in Sumter. Ms. Morgan said that less than 1% of the employees in the County are either Hispanic or Asian. She said that this is extraordinary coming from a city where it was racially mixed. Ms. Morgan said that she has applied for a position as a Hispanic female and nothing happened; however, when she applied for a position as a white female, she did receive a call. Then she started a Translator Service Business as an interpreter. She said that she has given her card and other information about her business and her skills and nothing has happened. However, the Hispanic and Asian people will not have any help if they are at the hospital, law enforcement center, court system, etc. Lastly, she stated that the County needs to look beyond just black and white and English speaking people and look at the needs of other citizens too.

EXECUTIVE SESSION:

The Chairman stated that he would entertain a motion to enter executive session to discuss a contractual matter pertaining to a local agency.

ACTION: MOTION was made by Councilman Edens, seconded by Councilwoman McGhaney, and unanimously carried by Council to enter executive session.

At the Conclusion of Executive Session, by motion of Vice Chairman Blanding, seconded by Councilwoman McGhaney, and unanimously carried by Council members, Council reentered open session.

The Chairman reported that while in Executive Session, Council discussed a local agency in executive session pertaining to a contractual matter for information only; no action taken.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 8:08 p.m. after a motion by Vice Chairman Blanding, seconded by Councilman Byrd, 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: November 8, 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: October 19, 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: October 19, 2011

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY SUMTER COUNTY, SOUTH CAROLINA, OF ITS SPECIAL SOURCE REVENUE BOND IN ONE OR MORE SERIES OF BOND, PURSUANT TO THE PROVISIONS OF TITLE 4, CHAPTER 29 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,500,000

WHEREAS, Sumter County, South Carolina (the “County”), acting by and through its County Council is authorized and empowered under and pursuant to the provisions of Title 4, Chapters 1 and 29 of the South Carolina Code of Laws 1976, as amended (collectively the “Act”), to issue special source revenue Bond whereby the industrial development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing industrial enterprises to locate in and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State; and

WHEREAS, the County is further authorized by the Act to issue special source revenue Bond, as provided in the Act, secured and payable from all or a part of that portion of revenues which the County is entitled to retain pursuant to one or more joint county industrial or business park agreements established pursuant to Section 4-1-170 of the Act and Article VIII, Section 13, of the South Carolina Constitution, and for the purposes set forth in Section 4-29-68 of the Act; and

WHEREAS, the County has entered or will enter into agreements with one or more counties in the State providing for the establishment of certain joint county industrial or business parks pursuant to Section 4-1-170 of the Act in order to implement the public purposes enumerated in the Act; and

WHEREAS, in furtherance thereof, the County proposes to issue its Special Source Revenue Bond in one or more series of Bond (the “Bond”) in the aggregate principal amount of not exceeding \$1,500,000 to defray the costs of acquisition, for economic development purposes, of certain land (473.03 acres +/-) identified on the tax maps for the County as tax parcel# 231-00-01-004 (the “Project”); and

WHEREAS, it is now deemed advisable by the County to file with the State Budget and Control Board of South Carolina (the “State Budget and Control Board”), in compliance with Section 4-29-140 of the Act, the Petition of the County requesting approval by the State Budget and Control Board of the proposed issuance of the Bond.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Sumter County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared as follows:

(a) The issuance of the Bond, in one or more series, to defray the cost of the Project and the issuance of the Bond, in the principal amount of not exceeding \$1,500,000, will subserve the purposes and in all respects conform to the provisions and requirements of the Act applicable to the Bond.

(b) It is anticipated that the Project will benefit the general public welfare of the County by providing infrastructure necessary for the continued economic development of the County, and by providing additional employment opportunities for people from the County and adjacent areas when the Project is placed in full operation with a resulting alleviation of unemployment and a substantial increase in payrolls and other public benefits incident to the conduct of industrial development not otherwise provided locally.

(c) Except as to the fees in lieu of taxes as shall be pledged to the repayment of the Bond, neither the Project, the Bond proposed to be issued by the County to defray the cost of the Project, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to a pecuniary liability of the County or a charge against any of the general credit or taxing power.

(d) The issuance of the Bond by the County in the principal amount of not exceeding \$1,500,000 will be required to defray the cost of the Project.

(e) The amount necessary in each year to pay the principal of and interest on the Bond shall be set forth in an ordinance to be adopted by the County.

Section 2. There is hereby authorized and directed the submission on behalf of the County, of a Petition requesting the approval by the State Budget and Control Board of the proposal of the County to issue the Bond pursuant to the provisions of Section 4-29-140 of the Act, said Petition, which constitutes and is hereby made a part of this authorizing resolution, to be in substantially the form attached hereto.

Section 3. The Chairman or Vice-Chairman of the County Council of the County is hereby authorized and directed to execute said Petition in the name and on behalf of the County; and the Clerk of the County Council is hereby authorized and directed to attest the same and thereafter to submit an executed copy of this resolution to the State Budget and Control Board in Columbia, South Carolina.

Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption and approval.

Adopted and approved October 25, 2011.

SUMTER COUNTY, SOUTH CAROLINA

Chairman, County Council

(SEAL)

ATTEST:

Clerk to County Council

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)
)
)
 _____)
)
 TO THE STATE BUDGET AND CONTROL) PETITION
 BOARD OF SOUTH CAROLINA)
)
 _____)

This Petition of Sumter County, South Carolina (the "County"), pursuant to Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina 1976, as amended (collectively the "Act"), and specifically Section 4-29-140 thereof, respectively shows:

1. The County Council of Sumter County, South Carolina (the "County Council") is the governing body of the County and as such the "governing board" of the County referred to in the Act.

2. The Act empowers the County, subject to obtaining the approval of the State Budget and Control Board of South Carolina (the "State Budget and Control Board"), to issue special source revenue Bond for the purpose of defraying the costs of acquisition, for economic development purposes, of certain land (473.03 acres +/-) identified on the tax maps for the County as tax parcel# 231-00-01-004 as defined in Section 4-29-68(A)(2) of the Act and to secure the payment of such Bond from payments in lieu of taxes pursuant to certain joint county industrial or business park agreements received and retained by the County under Section 4-1-170 of the Act and Section 13 of Article VIII of the Constitution of the State of South Carolina 1985, as amended (the "State Constitution").

3. The County will issue its special source revenue Bond for the purpose of defraying the costs of acquisition, for economic development purposes, of certain land (473.03 acres +/-) identified on the tax maps for the County as tax parcel# 231-00-01-004 (the "Project").

4. The County has determined that the estimated cost of the Project will be approximately \$1,500,000 and desires to execute and deliver its Special Source Revenue Bond, in one or more series of Bond (the "Bond"), in the aggregate principal amount of not exceeding \$1,500,000 to defray such costs of the Project.

5. Pursuant to Section 4-29-60 of the Act, the County Council has made the requisite findings that: (i) the Project will subserve the purposes of the Act; (ii) it is anticipated that the Project will benefit the general public welfare of the County by providing employment and other public benefits not otherwise provided locally; (iii) the Project will give rise to no pecuniary liability of the County or a charge against its general credit or taxing power; (iv) the principal amount of the Bond required to finance the

Project is expected to be not exceeding \$1,500,000; (v) the County may, but shall not be required to, establish a reserve fund in connection with the retirement of the proposed Bond and the maintenance of the Project; and (vi) the County shall maintain the Project and carry all proper insurance with respect thereto, and as a part of the proceedings of the County, the County Council will make the requisite finding as to the amount necessary in each year to pay the principal and the interest on the Bond proposed to be issued to defray the cost of the Project.

7. Pursuant to Section 4-29-140 of the Act, the County sets forth the following information:

(a) The Project will include security financing, capitalized interest, costs of issuance and other related infrastructure to be owned or controlled by the County. It is anticipated that, upon completion, the Project will provide stimulation to the economy of the County and neighboring areas thereto by increased payrolls, capital investment and tax revenues.

(b) It is estimated that the cost of the Project, including the items of cost authorized in the Act, will be approximately \$1,500,000.

(c) Pursuant to Section 4-1-170 of the Act and Article VIII, Section 13 of the State Constitution, the County is authorized to establish, through agreement with partner counties (collectively, the "Park Agreements"), one or more joint county industrial or business parks, and to receive certain payments in lieu of taxes from the industries and businesses located thereon.

(d) Pursuant to Section 4-29-68 of the Act, the County is authorized to issue revenue Bond, payable from and secured by the payments in lieu of taxes referred to in (c) above, and to make an irrevocable pledge and assignment for the benefit of the holder of the Bond of the County's right, title and interest in and to said payments in lieu of taxes.

(e) Copies of the Ordinance and the Bond are available from the County. The following summary of their terms is in no wise intended to affect or alter the actual terms of the documents themselves:

(i) The Bond shall be payable from, and secured by payments in lieu of taxes payable in respect of the Park Agreements;

(ii) Pursuant to the Act, the County has made an irrevocable pledge and assignment for the benefit of the holder of the Bond of the County's right, title and interest in and to said payments in lieu of taxes; and

(iii) The enactment of the Ordinance and the issuance of the Bond will serve to impose no pecuniary liability on the County except to the extent of

payments in lieu of taxes pledged to the repayment of the Bond and do not create a charge upon the general credit or taxing power of the County.

Upon the basis of the foregoing, the County respectfully requests that the State Budget and Control Board (i) accept the filing of this Petition and the documents submitted herewith, (ii) make such review as it deems advisable; (iii) if it finds that the Project is intended to promote the purposes of the Act and may be reasonably anticipated to effect such result, that it approve the Project and the execution and delivery of the Bond by the County pursuant to the Act to defray the cost of the Project (including changes in any details of the said financing as finally consummated which do not materially affect the undertaking of the County) and (iv) give published notice of its approval in the manner set forth in Section 4-29-140 of the Act.

Respectfully submitted,

SUMTER COUNTY, SOUTH CAROLINA

Chairman, County Council

(SEAL)

ATTEST:

Clerk to County Council

October 25, 2011

ADOPTED BY THE SUMTER COUNTY COUNCIL ON OCTOBER 25, 2011, TO SUPPORT AND JOIN THE SOUTH CAROLINA ASSOCIATION OF COUNTIES IN FILING AN AMICUS CURIE BRIEF IN SUPPORT OF THE COMPLAINT FILED BY GREENVILLE, SPARTANBURG, BEAUFORT AND CHESTER COUNTIES IN A CIVIL ACTION CAPTIONED BEAUFORT COUNTY ET AL, PETITIONERS, VS THE SOUTH CAROLINA ELECTION COMMISSION ET AL, RESPONDENTS.

BE IT RESOLVED, by the County of Sumter, South Carolina, by vote of the County Council duly and lawfully assembled on October, 25, 2011, that the County supports and joins with the South Carolina Association of Counties in filing an Amicus Curie Brief to support the civil action filed by Greenville, Spartanburg, Beaufort and Chester Counties against the South Carolina Election Commission and other named Respondents filed with the South Carolina Supreme Court on October 17, 2011, challenging the legal authority of the South Carolina Election Commission and the State to mandate the County Election Commission to conduct a Presidential Preference Primary;

BE IT FURTHER RESOLVED, that the County of Sumter opposes such action because it is an illegal unfunded mandate imposed by an Executive Agency of State Government to force a County Legislative Body to use public funds raised through taxes imposed on the residents and citizens of this County to pay for a private entity's function, a political party primary. Such action is a dangerous violation of the Separation of Powers Doctrine which would subject a county government to levy taxes to pay for programs never approved by the local legislative body but imposed by the State. One level of government (the State) cannot and should not force another level of government (a County) to raise taxes to benefit a program adopted by the State. There can be no accountability for the actions of government if this is permitted and people will lose faith in their governmental institutions.