



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, February 26, 2019 -- 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:** James T. McCain, Jr., Chairman; James R. Byrd, Jr., Vice Chairman; Artie Baker, Eugene Baten, Charles T. Edens, and Vivian Fleming McGhaney.

**COUNCIL MEMBERS ABSENT:** C. F. "Chris" Sumpter II

**STAFF MEMBERS PRESENT:** Gary Mixon, Mary W. Blanding, Johnathan Bryan

**CALL TO ORDER:** Chairman James T. McCain, Jr. called the meeting to order.

**INVOCATION:** Council Member, Vivian Fleming McGhaney, gave the invocation.

**PLEDGE OF ALLEGIANCE:** Everyone in attendance repeated the Pledge to Allegiance to the American Flag.

**APPROVAL OF AGENDA:** Regular Meeting Tuesday, February 26, 2019  
The Chairman stated that he would entertain a motion concerning the approval of the agenda as presented.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the agenda as presented. (NOTE: Chairman McCain reminded Council and the public that the executive session which is listed under New Business will be heard after the public comment section on the agenda.

**APPROVAL OF MINUTES:** Regular Meeting Tuesday February 12, 2019  
Chairman McCain stated that he would entertain a motion concerning the approval of the minutes of February 12, 2019.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant approval of the minutes as presented.

**LAND USE MATTERS AND REZONING REQUESTS: None**  
**Planned Development/Rezoning Requests**

**OTHER PUBLIC HEARINGS: None**

**NEW BUSINESS:**

(1) Recognition And Presentation By The Red Cross.

Mr. Steve Shumake stated that he is speaking on behalf of the American Red Cross of our South Carolina Palmetto Region Central Carolina Chapter and the Sandhill Service Center. A presentation was made to the Sumter Fire Department. The Red Cross and Sumter Fire Department have been partners in the Home Fire Safety Campaign for numerous years and through their collaborative effort lives have been saved and there is documentation of these lives that have been saved due to this program. The program has allowed for installation of smoke alarms in homes in the Sumter area.

Mr. Shumake gave plaques known as "Sound the Alarm -- Save a Life" Plaques, and the Thank you Fire Safety Award presented on February 26, 2019. Mr. Shumake thanked Chief Karl Ford, Assistant Chief, Ernie Dollard; Division Fire Chief, and Fire Prevention Coordinator, Johnny Rose; and Assistant to the Division Fire Chief; Selina Ruth-Smith.

Plaques were given to Mr. Dollard and Ms. Ruth-Smith for their assistance in aiding a family during a home fire in Dalzall and their lives were saved due to the installation of the smoke alarms by the Sumter Fire Department. .

**ACTION:** Received as information.

- (2) **19-904 -- First Reading -- Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement To Provide For Infrastructure Credits To A Company Identified For The Time Being As Project Batch; And Other Related Matters.**

Mr. Johnathan Bryan presented this proposed ordinance to Council for first reading approval. Mr. Bryan said that this economic development has an investment of 4.2 million dollars, with 120 jobs expectation. Council members received a thorough briefing on this proposed ordinance during the Fiscal, Tax, and Property Committee meeting held earlier today.

After all comments, the Chairman called for a motion on first reading.

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

- (3) **19-905 - First Reading -- Amending The Master Agreement Governing The Sumter-Lee Industrial Park Dated December 31, 2012, Between Lee County, South Carolina And Sumter County, South Carolina So As To Expand The Boundaries Of The Park To Include Certain Property Owned And/Or Operated By A Company Identified For The Time Being As Project Batch; And Other Related Matters.**

Mr. Bryan, the County Attorney, also presented this proposed ordinance for first reading approval. He stated that this ordinance will allow for Project Batch to be located in the Sumter-Lee Industrial Park. After all comments, Council took action on first reading of this ordinance.

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

- (4) **It Is Necessary To Hold And Executive Session To Receive Legal Advise Leading To A Pending Claim, And It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter, Receive A Legal Briefing, An Employment Matter, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required. (This Item Will Be Held After Public Comment.)**

**See this matter listed below after public comment.**

**OLD BUSINESS:**

- (1) **19-903 - Second Reading -- An Ordinance Amending Ordinance 18-888 Of Sumter County, South Carolina (The 2018-2019 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 2018-2019 Budget Of Sumter County.**

Mr. Gary Mixon, presented this proposed ordinance to Council for second reading approval. The staff has requested a budget amendment. The following items will be included in the ordinance:

1. Up to One Hundred Thousand (\$100,000.00) Dollars shall be appropriated from the General Fund, Unassigned Fund Balance for a capital outlay to purchase two used fire trucks from the City of Sumter, and
2. Up to Forty Thousand (\$40,000.00) Dollars shall be appropriated from the General Fund, Unassigned Fund Balance; to scan certain mortgage records from aperture cards and index books and
3. The General Fund budgeted revenues and the Sheriff Department budgeted expenditures each will increase \$50,000 to account for the payments received from the Sumter County School District and the payments made to Sheriff Department personnel pursuant to the Interim Memorandum of Understanding

After all comments, the Chairman called for a motion on this matter for second reading.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Baten, and unanimously carried by Council to grant second reading approval to this ordinance as presented.

**COMMITTEE REPORTS:**

- (1) **Internal Affairs Committee Meeting To Be Held At 4:45 p.m. On Tuesday, February 26, 2019, in County Council's Conference Room. (Byrd, Baker, and Sumpter)**

Vice Chairman Byrd, the Chairman of the Internal Affairs Committee, presented the recommendation from the Committee meeting.

Santee Regional Transportation Board: Appoint Chairman James T. McCain to this Board.

**ACTION:** MOTION and second were received from the Committee and unanimously carried by Council to approve the recommendation of appointing Chairman James T. McCain to Santee Lynches Regional Transportation Authority's Board, replacing former Chairman Larry Blanding.

- (2) **Public Works/Solid Waste Committee Meeting To Be Held At 4:50 p.m. On Tuesday, February 26, 2019, in County Council's Conference Room. (Baker, Baten, and Sumpter)**

The Chairman of the Committee Councilman Artie Baker, gave the following report and recommendation from the Committee meeting.

Intersection Streetlight: It was recommended that an intersection streetlight be installed at Dargin Hill Road and Highway 441. The expenses for this request will be secured from the Road User Fee. After all comments, Council took action on the approval of the Intersection Streetlight.

**ACTION: MOTION** and second were received from the Committee and unanimously carried by Council to approve the recommendation of approving the installation of an intersection streetlight at the intersection of Dargin Hill Road and Highway 441 and funds to be secured from the Road User Fee account or other appropriate funds that other intersection street lights are funded.

- (3) **Public Safety Committee Meeting To Be Held At 5:00p.m. On Tuesday, February 26, 2019, In County Council's Conference Room. (Sumpter, Baten, and Byrd)**

The Chairman of the Public Safety Committee was not able to be present at the meeting; therefore, Vice Chairman Byrd, a member of this Committee, Chaired the committee meeting. The Committee reviewed information Concerning the Tethering laws and the possibility of Sumter County Council considering a Tethering Ordinance sometime in the very near future. The County Attorney along with Councilman Edens and input from the Sheriff's Attorney, will work together on the development of language for a Tethering Ordinance.

Sheriff Dennis' Chief staff members were present and participated in the discussion of this matter. Sheriff Dennis was provided with the discussion material prior to this meeting, and he is in support of the information that was discussed.

Although Microchipping was listed on the agenda; this matter was discussed but no action was taken.

- (4) **Fiscal, Tax, And Property Committee Meeting To Be Held At 5:30 p.m. On Tuesday, February 26, 2019, In County Council's Conference Room. (McCain, Edens, and McGhaney)**

Chairman McCain, Chairman of the Fiscal, Tax, and Property Committee, stated that Committee members received the financial update of the County by the Finance Director, Mr. James Michaelson.

Also, the Committee discussed an Economic Development matter in executive session. No action was taken on this matter.

- (5) **Report From Council Members On Other Meetings, Trainings, And/Or Conferences; And Any Other Council Comments.**

- ✓ Councilman McGhaney stated that she attended the South Carolina Association of Counties Mid-Winter Conference. She also stated that the Legislators did not give the Counties no new news about additional Local Government Funds for the 2019-2020 funding from the State.

- ✓ Councilman McGhaney thanked the two Fire Officers for their help in the community in such a needed project of handing out fire detectors and training people in fire protection.
- ✓ Councilman Edens reported that the House of Representative has included \$11,000,000 in the budget for Local Government Fund which is a minimal increase, but it is an increase which will help the counties if it makes it to final approval.
- ✓ Councilman Baten reported that he and Chairman McCain attended Santee Lynches Regional Council On Governments (SLRCOG) regional meeting concerning the Opioid problem in SLRCOG region and what the biggest threats and weaknesses are with this problem. It was discovered that Sumter has a larger problem of Opioid deaths in Sumter County than originally thought. It was stated that the Sumter Behavioral Department did not have as large number of opioid abuse case because the reporting has not been captured to show those that have overdosed, those that have been in the hospital, or those that have refused service. The reporting practices will need to be altered in order to capture a more closely related number of cases that have not been reported as we work with opioid abuse.

Councilman Baten further stated that the Narcaïn that is being used to help revive a person that has overdosed on opioid is being handed out like candy without any follow-up or feedback. SLRCOG will be the headquarters to collect and interpret the data. He also said that EMS and the Coroner's offices will have additional expenses due to the abuse of opioids. Stop The Shame - Report The Abuse.

#### **MONTHLY REPORTS**

- 1) Food Truck 2019 - March 2, 2019
- 2) Farm To Table 2019 - March 21, 2019
- 3) Chili Cook Off 2019 - March 9, 2019
- 4) High Heels In High Places - March 28, 2019
- 5) Rub O' The Green
- 6) Festival On The Avenue - April 10-13, 2019

#### **COUNTY ADMINISTRATOR'S REPORT**

- ✓ **SUPREME COURT HEARINGS:** Mr. Mixon reported that he and several Council Members attended the S. C. Supreme Court Hearings which were held at Patriot Hall. It is the intent of the Supreme Court to hold hearings throughout South Carolina. Sumter was the first County where these hearings were held.
- ✓ **ASSESSOR'S OFFICE:** Mr. Mixon informed everyone that by the next meeting on March 12, 2019, the Assessor's Office will have moved to Magnolia Place on Magnolia Street with the Treasurer and Auditor's Offices.

Once construction starts, there will be several other moves within this building; however, the Assessor's staff needed to move prior to additional changes being made. Also, the Assessor's Office and the Treasurer and Auditor work closely together and the Assessor's move will make business more convenient for the public.

#### **PUBLIC COMMENT**

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

- ✓ Eddy McComb spoke to Council about an Animal Ordinance. She said that she presented an Animal Control Ordinance to Council and that it is her understanding that Council is working on it. Ms. McCombs asked Council to share with her what input has the Sheriff had in this process. The Chairman stated that information about the Sheriff's input can be shared at another time as the ordinance is being developed.

**It Is Necessary To Hold And Executive Session To Receive Legal Advice Leading To A Pending Claim, And It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter, Receive A Legal Briefing, An Employment Matter, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required. (This Item Will Be Held After Public Comment.)**

Chairman McCain stated that he would entertain a motion to enter executive session concerning receiving legal advice leading to a pending claim, and any other matter pertaining to the legal advice on this matter.

**ACTION: MOTION** was made by Vice Chairman Byrd, and second by Councilman Edens to enter executive session to receive legal advice leading to appending claim, and to take appropriate action after executive session.

Upon motion by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council, the members of Council re-entered open session.

Once Council re-entered open session, the County Attorney read the following statements into the record:

Section 22-8-50 (B) of the South Carolina Code of Laws provides:

The County governing body of each County shall hear and determine contested cases arising within the County in connection with classification, reclassification, and compensation of magistrates, or with respect to the operation of the magistrates' court system within its County, in accordance with the provisions of Article 3, Chapter 23 of Title 1, and subject to judicial review as provided in Section 1-23-380.

Article 3, Chapter 23 of Title 1 starts with Section 1-23-310 and goes through Section 1-23-400 and sets out the procedures for contested cases.

Section 1-23-360, entitled, "Communication by members or employees of agency assigned to decide contested case" provides, "Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with

any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member:

- (1) May communicate with other members of the agency; and
- (2) May have the aid and advice of one or more personal assistants.

Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred fifty dollars or imprisoned for not more than six months."

**ADJOURNMENT**

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:54 p.m. after a motion by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council.

Respectfully submitted,

James T. McCain, Jr.  
 Chairman or Vice Chairman  
 Sumter County Council

Mary W. Blanding  
 Clerk to County Council  
 Sumter County Council

**Approved: March 12, 2019**

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I certify that public and media notification of the above-mentioned meeting was given prior thereto as follows required by Freedom of Information:

- Public Notified: Yes
- Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.
- Date Posted: February 22, 2019
- 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: February 22, 2019

Respectfully submitted,  
*Mary W. Blanding*  
 Clerk to County Council