



Minutes
Sumter County Council Regular Meeting
Tuesday, February 13, 2024 -- 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

Social Distancing Is Encouraged At All County Council's Meetings, And Seating Is On A First Come First Serve Basis.

<https://www.youtube.com/channel/UCAHjiqzPaonQ9LFS2kO37tA>

COUNCIL MEMBERS PRESENT: James T. McCain, Jr., Chairman, James R. Byrd, Jr., Vice Chairman; Artie Baker, Eugene R. Baten, Charles T. Edens, Vivian Fleming McGhaney, and Carlton B. Washington.

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Gary Mixon, Mary W. Blanding, Helen Roodman, Lorraine Dennis, Johnathan Bryan, Greg Hawkins, Sheriff Dennis, other deputies, public safety officers, and three Sheriff Deputies On Duty.

MEDIA PRESENT: No Media was present at this meeting.

PUBLIC PRESENT: There were 40+ members of the public in attendance at this meeting.

CALL TO ORDER: Chairman James T. McCain, Jr. called County Council's February 13, 2024, to order.

INVOCATION: Councilman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: U.S. Marine Veteran James L. Sinkler Honorably served our country from 1984 to 1988. After separating from the military, he became a SC State Trooper, and retired as a First Sergeant after 25 years of loyal service. He is currently a Sergeant Major with the Sumter City Police Department and oversees the Community Service Department. Thank you for your Service!



APPROVAL OF AGENDA: Chairman McCain informed the Clerk and members of Council that he would like to move Items #1 and #2 listed under New Business immediately after the action on the minutes of January 23, 2024. Then the Chairman called for a motion on the proposed amended agenda.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Baten, and unanimously carried by Council to approve the agenda of February 13, 2024, as amended.

APPROVAL OF MINUTES: Chairman asked for a motion concerning action on the minutes of Council's meeting held on Tuesday, January 23, 2024,

ACTION: MOTION was made by Councilman Baten, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve the minutes of January 23, 2024.

NEW BUSINESS:

(1) **Recognition Of The 2023 American Legion Public Safety Officers Of The Year**

- **Firefighter of the Year:** Division Chief Hal Watts was introduced by Fire Chief Karl Ford. Then Chief Ford stated that Division Chief Hal Watts was selected for this honor because of his heroic action of jumping into a pond off Lewis Road to help save a mother and her son. After the introductions, Chairman McCain presented Division Chief Hal Watts with a gift from Sumter County.

Each honoree was presented a gift from Chairman McCain after being introduced by their public safety leader.

- Police Officer of the Year: Sgt. Robert Beckford was introduced by City Police Chief Russell. He gave Council members information concerning Sgt. Beckford's work as an outstanding School Resource Officer.
- Detention Officer of the Year: Sr. Cpl. Joshua Howell was introduced by Chief Hampton Gardner of the Sheriff's Office. He stated that Sr. Cpl. Joshua Howell baptized approximately 50 inmates at the County's Detention Center.
- EMS Technician of the Year: Lt. James Watson was introduced by Mr. Kyle Stuckey, from the EMS Department. He stated that Lt. Watson has worked diligently with the Sumter EMS Department and has completed his Paramedics classes, and he is an overall go-getter.
- Sheriff's Deputy of the Year: Sgt. Mike McCauley and American Legion Post 15 Law Enforcement Office of the Year: Sgt. Mike McCauley: Sgt. Mike McCauley was introduced by Chief Hampton Gardner of the Sheriff's Office. He stated that Sgt. McCauley is the MVP of the Criminal Investigation Division of the Sheriff's Office; it was also noted by Chief Gardner that Sheriff Dennis knows that if a crime scene is in the hands of Sgt. McCauley, he is assured that everything will be handled correctly.

(2) Sumter County Government Receiving Recognition From The 24th Marine Expeditionary Unit, United States Marine Corps.

Lt. Col. Raymond Kaster, USMC, Operations Officer, Expeditionary Operations Training Group (EOTG), II Marine Expeditionary Force (II MEF), Camp Lejeune, NC was present and presented the plaque to the Chairman. Also, Present was NCIS agent Jason Bettis, as well as Jeffery Richardson of the Sheriff's Office and a member of this team. Lt. Col Kaster informed Council members that Sumter County has been a staple for the type of training that the 24th Marine Expeditionary Unit has to undergo. He added that the staff, Sheriff's Department, Police Department and Airport and other areas in Sumter were very accommodating, and the facilities were perfect for the combat training that they must do in order to be prepared for actual live combat.

Chairman McCain thanked Lt. Col. Kaster as well as NCIS Agent Jason Bettis and Mr. Jeffery Richardson. All Council members, staff, and the public applauded these officers for the work they do to keep the United States safe.

LAND USE MATTERS AND REZONING REQUESTS:

- (1) OA-23-05 -- First Reading -- Ordinance 24-995 -- Used Motor Vehicle Parts Merchant Wholesalers (County) -- Amend Article 3, Exhibit 5; Article 5.B.2; And Article 5.B.3 Of The Sumter County Zoning & Development Standards In Order To Permit Used Motor Vehicle Parts Merchants (NAICS 42314) With On-Site Vehicle Dismantling And/Or Storage In The Light Industrial-Warehouse (LI-W) District As Special Exception Use With Specific Special Design Criteria.

Mrs. Helen Roodman presented this proposed ordinance amendment to members of Council. She stated that Sumter County has initiated an amendment to the Sumter County Zoning & Development Standards Ordinance (the Ordinance) in order to allow Used Motor Vehicle Parts Merchants with on-site vehicle

dismantling and/or storage to be established in the Light Industrial-Warehouse (LI-W) zoning district as a special exception use with specific special design criteria.

Currently, per Ms. Roodman, this use is not permitted in the LI-W zoning district. In October 2018, Sumter County Council adopted an ordinance amendment (Case # OA-18-07) that disallowed uses under SIC 5015 – Used Motor Vehicle Parts from being established in the LI-W district. All uses outlined in the Ordinance have previously been amended to reflect more up to date NAICS classifications vs. the older SIC Classifications. However, SIC 5015 uses are generally the same as NAICS 42314 uses. Prior to the 2018 amendment, this use was permitted by-right in the LI-W district. It is the staff’s understanding that when this amendment was being considered, concerns existed about the scale of outdoor automobile/parts storage and the potential for conflict and impact on adjacent uses.

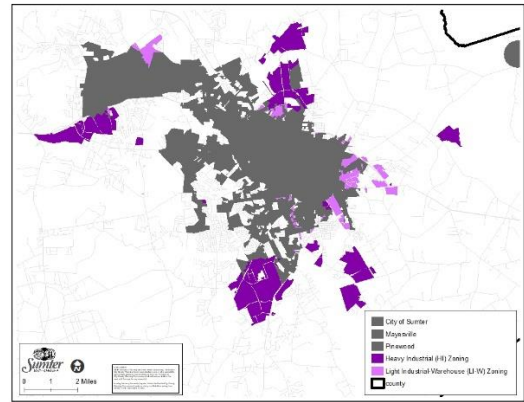
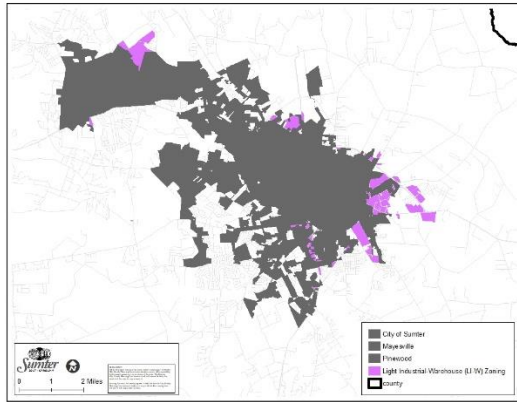
She also mentioned that recently, a request was made to change the zoning designation of a specific property along Myrtle Beach Hwy. from LI-W to Heavy Industrial (HI) in order to allow for the establishment of a use that would include the sale of used automobile parts with on-site vehicle dismantling and storage of vehicles to be used for parts. This request was deferred by the full County Council to the County’s Land Use Committee after the Public Hearing to discuss potential options available. The County’s Land Use Committee discussed this matter during open committee meetings on November 14, 2023, and November 28, 2023. The County Land Use Committee directed staff to prepare an ordinance amendment for consideration that would make these use types a special exception in the LI-W district with specific special design criteria for siting and development.

Staff has prepared this ordinance amendment for consideration. Specific attention was given to screening these uses from view, protecting sensitive adjacent uses from noise and nuisance impacts, and ensuring that proper state industrial user permitting is being obtained. These considerations are reflected in the proposed special design criteria applicable to siting these uses in the LI-W zoning district. The proposed amendment is only applicable to the LI-W district. Uses under NAICS 42314, as described in Article 3, Exhibit 5 of the Ordinance, will still be a by-right use in the HI district.

Used Motor Vehicle Parts Merchant Wholesaler, Junk Yards (NAICS 42314)

- ❖ This industry comprises establishments primarily engaged in the merchant wholesale distribution of used motor vehicle parts (except used tires and tubes) and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts.
- ❖ Included in this definition are:
 - Automotive parts, used, merchant wholesalers
 - Generators, motor vehicle electrical, used, merchant wholesalers
 - Junk yards, auto, merchant wholesalers
 - Motor vehicle parts, used merchant wholesalers
 - Parts, used motor vehicles, merchant wholesalers
 - Used parts, motor vehicle, merchant wholesalers
 - Retail sale of vehicle parts with on-site dismantling and auto storage (via Ordinance)

Mrs. Roodman also provided Council with copies of maps to help understand the layout of the existing Used Motor Vehicle Parts Merchant Wholesaler, Junk Yards (NAICS 42314).



Then Mrs. Roodman provided Council with a copy of the “Use Table Exhibit 5.”

NAICS Code	NAICS Description	R-15	R-9	R-6	GR	RMF	PO	NC	LC	GC	LI-W	HI	AC	CP	Notes	NAICS Sector (2 Digit)
42314	Motor Vehicle Parts (Used) Merchant Wholesalers										S	P			Retail sales of new and used parts in conjunction with on-site dismantling of vehicles and/or vehicle storage shall be reviewed in this use category as permitted. Ref. to Article 5 b.3. in LI-W district.	42 - Wholesale
42344	Junkyards (as defined in Article 10)											P			Ref. Article 10 definition	42 – Wholesale
4413	Automotive Parts, Accessories, and Tire Retailers (New and Used)								C	P	P	P			Ref. Article 5 b.1. Uses with on-site dismantling of vehicles and/or outdoor storage of vehicles used for parts removal shall be reviewed under NAICS 42314. No on-site dismantling of vehicles for used parts permitted in any zoning district. Outdoor storage or sales areas must be completely screened. (See NAICS 42314)	

5.b.3. Special Design Review Criteria for Applicable items in Article 5.b.2

g. Used Motor Vehicle Parts Merchant Wholesaler (NAICS 42314) in the Light Industrial-Warehouse (LI-W) District:

1. Areas designated for draining and storage of vehicle fluids shall not be located closer than 500 ft. to a residential use; church; public/private school; historic structure, site, or district on the National Register of Historic Places; or public park/playground. This stated separation distance shall be measured in a straight line from structure to structure or in a straight line from designated activity area to designated activity area, whichever is more applicable.
2. Areas designated for the crushing and shredding of vehicles shall not be located closer than 500 ft. to a residential use; church; public/private school; historic structure, site, or district on the National Register of Historic Places; or public park/playground. This stated separation distance shall be measured in a straight line from structure to structure or in a straight line from structure to structure or in a straight line from designated activity area to designated activity area, whichever is more applicable.
3. Automobile crushing and/or shredding shall occur between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday only.

4. The use of permanently installed automobile crushing and/or shredding machinery is not permitted.
5. The stacking of automobiles on top of one another for any purpose is not permitted.
6. All materials and activities not located within a fully enclosed building(s) shall be screened by an opaque wall or fence that is at least 7 ft. in height and in primarily uniform in exterior appearance throughout all sections. The exterior facing color of such a fence or wall shall be a muted “earth tone” hue of gray, khaki, brown, beige, olive or other similar color. Such fences or walls must be reviewed and approved by the Zoning Board of Appeals.
7. Landscape buffering consisting of 2 canopy trees, 1 understory tree, and 15 shrubs per 100 linear feet (lf) shall be installed on the outside of the opaque wall or fence along the entire extent of the opaque wall or fence. Alternate combinations of plantings may be considered by the Zoning Board of Appeals.
8. A National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Permit shall be issued and in effect prior to the issuance of a Sumter County Business License.

Mrs. Roodman stated that the Planning Commission recommended approval of the request. Then Chairman McCain asked Mrs. Roodman if it is true that only new or for sale refurbished-operable cars/vehicles will be allowed on the outside of the fenced of this type of business and junk or non-useable cars/vehicles will be behind the fence. Mrs. Roodman stated that was the intent of the ordinance however, it is not in writing, and she can add similar such language to the ordinance prior to second reading and public hearing.

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

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and carried by Council to grant first reading approval as presented with directions to the Planning Director to add additional information as to what is allowed and prohibited in the front of the fence of Used Motor Vehicle Parts Merchant Wholesalers.

Prior to the motion being carried, Councilman McGhaney asked what the Committee discussed about this issue as it relates to the community. Councilman Edens said that the Committee worked together as it relates to the previous concerns of Council and the citizens. Councilman Edens also stated that the language that Mrs. Roodman will add to the ordinance should indicate that the vehicles should be operational and not anything that is considered junk, wrecked, or non-useable, etc. in view of the neighbors.

NOTE: Councilman Baten recused himself from voting on this ordinance due to a conflict of interest.

OTHER PUBLIC HEARINGS:

- (1) None

NEW BUSINESS CONTINUED:

- (3) Discussion And Possible Action Concerning Sumter County’s Business License Ordinance.

Councilman Washington presented this proposed topic to Council and the public. He stated that since Council’s meeting on January 23, 2024, much work has occurred as it relates to the Business License Ordinance. He informed Council that he has a video that he would like for the Clerk to Council to play

and also, he stated that Attorney Andrea Loney as well as his wife, Myra Washington, were the ones that work the hardest in getting this information ready Council’s meeting tonight. Councilman Washington also thanked Sheriff Anthony Dennis, the Chief Deputy Hampton Gardner, Solicitor Finney, and Chairman McCain.

The video was presented by the Vice President of the United States, the Honorable Kamara Harris. She announced that the Federal Government will be able to offer loans to persons that were formerly incarcerated but are not working in a business; and would like to become a business owner. Councilman Washington stated that the “business loan program” is a nonpartisan effort and he also noted that he works as a nonpartisan public servant and Council person.

The following language was presented to Council and the public.

Section 26-36. – DENIAL OF LICENSE

CURRENT LANGUAGE:

C. (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods.

PROPOSED REVISION:

C. (3) The applicant, licensee, or the person in control of the business has been convicted of a crime within the last three years directly related to a business enterprise for which the license is sought.

CHANGE TRACKER:

C. (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted of a crime within the last previous three ten years directly related to a business enterprise for which the license is sought. ~~of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods.~~

CURRENT LANGUAGE:

D. (4) The applicant, licensee, prior licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the County or in another jurisdiction.

PROPOSED REVISION:

D. (4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in nuisance activities directly related to a business enterprise for which the license is sought in the County or in another jurisdiction.

CURRENT LANGUAGE:

D. (4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods.

SECTION 26-37. – SUSPENSION OR REVOCATON OF LICENSE.

PROPOSED REVISION:

D. (4) A licensee has been convicted within the last three years of a crime directly related to a business enterprise for which the original license was issued.

CHANGE TRACKER:

D. (4) A licensee has been convicted within the ~~previous ten~~ last three years of a crime directly related to a business enterprise for which the original license was issued. ~~of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods.~~

CURRENT LANGUAGE:

E. (5) A licensee has engaged in an unlawful activity or nuisance related to the business.

PROPOSED REVISION:

E. (5) A licensee has engaged in nuisance activity directly related to a business enterprise for which the license was issued.

CHANGE TRACKER:

E. (5) A licensee has engaged in nuisance activity directly related to a business enterprise for which the license was issued. ~~an unlawful activity or nuisance related to the business.~~

Councilman Washington informed the citizens that this information will not be placed before Council for a vote tonight. He further stated that what will happen is that if all Council members agree, then this new language will be incorporated into the ordinance and then the ordinance will be brought back to Council for three readings and a public hearing. If agreed upon, the new ordinance should be on Council's next agenda on February 27, 2024.

The Chairman called for a motion on the proposed changes.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman McGhaney, and carried by Council to approve the language presented above to be incorporated into Council's Business License Ordinance and to direct the Administrator and the County Attorney to prepare the ordinance for first reading at Council's meeting on February 27, 2024.

Chairman McCain thanked Councilman Washington, and he thanked Attorney Loney for her work on this matter and he also thanked Mrs. Washington for her assistance with these proposed ordinance revisions. Lastly, Chairman McCain thanked the Sheriff for his input as well.

Councilman Baten thanked Council members for working together and he also voiced his concern about the City's Business License Ordinance. The Councilman also referenced an article that was placed in the today Item Newspaper and how disparity for former felons should end as it relates to owning and operating a business.

Chairman McCain emphasized that at no time did any County Council member consider changing the language of the County's Business License Ordinance to reflect the City's Business License Ordinance. The Chairman also stated that what had a great impact on him was when Attorney Loney said to him that a person that wants to apply for a Business License would look at the language and decide NOT to even try to apply for the license based on what is written. Therefore, it could be many people that wanted to apply, but decided not to simply because of the language.

- (4) It May Be Necessary To Hold An Executive Session To Discuss An Employment Matter, An Economic Development Matter, A Legal Briefing, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions, If Necessary, Thereafter In Open Session.

No executive session was held at this meeting.

OLD BUSINESS

- (1) **None**

COMMITTEE REPORTS:

- (1) Public Works Committee Meeting Scheduled For Tuesday, February 13, 2024, At 5:00 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC (Baker, Baten, and Washington)

The Chairman of the Committee, Councilman Baker, stated that the Committee met today concerning Kangaroo Road and that there are other matters that need to be discussed about this road at a later time. No action was taken.

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

No report from members of Sumter County Council.

MONTHLY REPORTS

- 1) Ethics Information
- 2) Board of Zoning Appeals and Adjustments Meeting
- 3) Kiwanis Club Lunch With U. S. Representative Ralph Norman
- 4) USC Sumter Softball Field Groundbreaking
- 5) Ribbon Cutting Ceremony - 25th Attack Group MQ-9 Complex - Shaw AFB
- 6) Sumter Springfest -- Main Street Sumter

COUNTY ADMINISTRATOR'S REPORT

The Administrator reminded Council that they approved the process of going forward with the Referendum for the Capital Projects Sales Tax in November of 2024. Mr. Mixon informed Council that he would like to have a Special Meeting of Council to discuss the proposed projects for "Sumter County." Council members will be asked to provide proposed projects to the Clerk so that she can combine the projects and have those projects ready for discussion at the February 27, 2024, meeting. The Clerk will also provide a copy of the 2022 proposed projects that were listed on the election ballot.

PUBLIC COMMENT: Citizens Desiring To Speak During Public Comment Are Limited To Up To Three Minutes. Comments Are To Be Made Through The Chairman Of Sumter County Council. If There Are Any Questions, They Will Be Answered After The Meeting.

Chairman McCain asked if anyone from the public wished to speak during public comment. The following citizens spoke during public comment.

1. **Desire Webb**, a teacher from Pocalla Springs Elementary School, talked to Council members about the beavers that are being killed on Pinewood Road near Marlboro Estates. She informed Council that she

has made this problem as a class project and a learning tool. The students are writing about what can be done about saving beavers and how important beavers are to nature and the environment. She also invited Council members to *I Love Beavers Valentine* activity in hopes to “Save The Beavers.”

2. **Neil Neaderhiser** stated that he wrote a letter to the Editor about the Business License and Felons. Mr. Neaderhiser mentioned that he is not saying that there should be more restrictions, he believes from a military point of view, there should be more review before approving a business license. Lastly, he added that because Council is proposing a change to the ordinance that he will make his comments short and wait to see the changes in the new ordinance.
3. Calvin Bennett thanked Council for what they are doing; however, he asked Council to consider talking to City Council about what they are doing as it relates to the Business License Ordinance.
4. Tasha Gardner talked to Council about the upcoming Litter Pick-up –February 18, 2024. She also thanked Council and the public for all that has been done in the Litter Stash the Trash Program. She encouraged everyone to find a street to adopt and pick up trash with family, neighbors, and friends. Ms. Gardner also mentioned that if anyone needed any bags or other supplies to pick up the trash to contact her or Sumter County Public Works Department.
5. George Bates asked Council if there is anyway that they could encourage the Sheriff to have his deputies to drive down community streets and not just drive through Wedgefield.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 8:31 p.m. after a motion by Councilman Baker, seconded by Councilman McGhaney, and unanimously carried by Council to adjourn this meeting.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: February 27, 2024

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 are posted on Sumter County’s Website and as a message on the Television Located on the first floor of the County Administration Building.

Date Posted: February 9, 2024

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County’s Webpage, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, Spectrum Cable, and others that have requested to receive County Council’s agenda.

Date Notified: February 9, 2024

Respectfully submitted,

Mary W. Blanding
Clerk to County Council