



Minutes
Sumter County Council
Regular Meeting
Tuesday, August 27, 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, Chairman; James R. Byrd, Vice Chairman; Artie Baker, Eugene R. Baten, Charles T. Edens, Vivian Fleming McGhaney, and Chris Sumpter.

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Johnathan W. Bryan, Mary W. Blanding, Lorraine W. Dennis, George McGregor, Joe Perry, the Honorable Carolina B. Richardson, Major Allen Dailey, and two Sheriff's Deputies.

PUBLIC PRESENT: Approximately 25 citizens were present at this meeting.

CALL TO ORDER: Chairman James T. McCain called the meeting to order for Council, August 27, 2019, meeting of Sumter County Council.

INVOCATION: Council Member Vivian Fleming McGhaney gave the invocation at this meeting.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, August 27, 2019

Chairman McCain stated that he would entertain a motion to approve the agenda for Sumter County Council's August 27, 2019, meeting.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by County Council to grant approval of the August 27, 2019, meeting agenda.

APPROVAL OF MINUTES: Regular Meeting Tuesday, August 13, 2019

The Chairman asked for a motion to approve the minutes of Sumter County Council's meeting held on August 13, 2019.

ACTION: MOTION was made by Councilman Sumpter, seconded by Councilman Baker, and unanimously carried by County Council to grant approval of the August 13, 2019, meeting minutes of Sumter County Council as presented.

LAND USE MATTERS AND REZONING REQUESTS:
Planned Development/Rezoning Requests

- (1) **RZ-19-11 -- 1040/1050/1060 Concord Circle (County) - Second Reading/Public Hearing -- A Request To Rezone 3 Parcels, Totaling +/- 2.12 Acres Of Land, From Agricultural Conservation (AC) To General Commercial (GC). The Property Is Located At 1040, 1050, And 1060 Concord Circle And Is Represented By Tax Map Numbers 287-00-03-040, 041, And 042. (Prior To Taking Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

The Planning Director, Mr. McGregor, stated that this request is to rezone +/- 2.12 acres of land (three separate tax parcels) from Agricultural Conservation (AC) to General Commercial (GC).

The applicant is requesting this rezoning in order to facilitate future commercial development on the undeveloped site. Ms. Mayester Capers, the applicant, is envisioning a strip mall on this property with vacant tenant space available for rent. She hopes to have businesses such as a barbershop, beauty shop, restaurants, and a specialty stores. The property is located on Concord Circle, immediately off Plowden Mill Road.

The property is located within the Rural Development Planning Area; the intended purpose of this area is to preserve the rural and agricultural heritage of the County. The area supported low-density residential development and selected non-residential and agricultural uses in a relaxed regulatory climate.

When the long-range plan was adopted, Rural Development Planning Area policies state that small scale, rural serving non-residential commercial uses are to be directed to locate at intersections with arterial roads or major crossroads. This request is not compatible with 2030 Plan policies. The Planning Commission recommend denial of the request.

It is noted in the staff report that there are a number of commercial uses that are permitted already under the Agricultural Conservation (AC) Zoning ordinance as a conditional use with either the AC 300 or AC 500 designation. This means that the applicant would have to seek signatures from the majority of adjacent property owners within 300 or 500 feet. Mr. McGregor stated that commercial uses are doable without the rezoning.

After Mr. McGregor's presentation, the Chairman convened a public hearing on this matter. The following persons spoke during the public comment.

- Ms. Capers' Attorney, Frank Shuler, stated that he is the Attorney representing Mrs. Capers. Mr. Shuler gave a background of Ms. Capers' journey in the Sumter area. He stated that she grew up in Sumter and moved away at an early age to New Jersey. She worked for a transit company for 50 years, and retired from the transit company. Mrs. Capers moved back to Sumter, and now she hopes to use the three properties that she owns to the best and highest use. In the Concord community are elderly and retired people that do not have the ability to have transportation to get out to the stores in Sumter. It is Ms. Capers' desire to look at investing in a country store, which would be more of a general store. Ms. Capers is also an avid gardener, and she would like to sell some of her harvest at the country store. She supports her community and her neighbors. Mr. Shuler further stated that he was hired last week to help Ms. Capers with this matter. In addition, he has had an opportunity to speak with Mr. McGregor and recognized that there are other avenues that Ms. Capers could explore to accomplish her goal. Mr. Shuler asked Council members to consider allowing this matter to be granted second reading and to allow for him and Mr. McGregor to meet to explore the other opportunities.
- Mrs. Capers spoke in support of the rezoning request. She said that the area needs a barbershop, beauty shop, a general store. She also stated that there are many retired people in the community and some of these people do not want to travel that far to get every-day supplies. Lastly, she said that many people love this area and just want to enjoy the fresh air.

- Eartha Beaufort stated that she lives in the same neighborhood. Ms. Beaufort said she has lived in this area since 1970; however, Mrs. Capers has just purchased property in this area. It was further stated by Ms. Beaufort that her cousin purchased property back in the 70's, and her cousin said he was going to develop the property into a day care center for children. The cousin kept the property undeveloped for several years and then he developed a nightclub, on the property. She said that during the time of the Night Club days, Ms. Capers was living in New Jersey and not in this community. There would be cars lined up and down the road and in front of her (Ms. Beaufort) home. For years, this traffic and lack of consideration of her property went on for years. The building is currently in disrepair and is falling down. There was also a killing at this nightclub. Ms. Beaufort stated that she would not be in favor of commercial development in this area if it will cause things such as traffic and parking issues, selling drugs, or someone being killed at the location.
- Louise Watkins stated that he is a life-long resident of Sumter County; however, like Ms. Capers, he left home and went to stay up north until he retired and came back home. Mr. Watkins said that the first thing he wanted to do when he came home was to develop a business for the community. He said that he is in support of this request.
- Mandy E. Brunson stated that she is in support of having a Country Store as suggested by Ms. Capers. Ms. Brunson said that she left Sumter for approximately twenty years and returned due to receiving an inheritance. She also stated that she has been seeking help to start a small business and it has been a big challenge for her. Ms. Brunson said the red tape to begin a small business is just very hard.

After all comments, the Chairman closed the public hearing, and he asked if there are any further questions or comments from Council members. Councilman Edens stated that this is the perfect example of why the County placed certain restrictions in the Agricultural Conservation District to allow for certain businesses in the area. He further stated that once the property is rezoned General Commercial, then there is a door opened to many uses that the community will probably not want in this location. If the property is rezoned to General Commercial, the property owners can develop the property without consideration of what the community wants. However, if it is zoned Agricultural Conservation Conditional Use, then all the uses that were mentioned, falls into a category of either 300 feet or 500 feet, all of the neighbors within the 300 or 500 feet would be notified about the possible business, and the neighbors will have a voice as to what would be in their neighborhood. It takes at least two-thirds affirmative signatures from the neighbors to approve the request. Councilman Edens further stated that he thinks that this is a good idea of what Ms. Capers wants to do, but he also believes that the request as it stands now is not the right request for Agricultural Conservation areas.

Councilman Byrd asked Mr. McGregor how long it would take to have the Agricultural Conservation request processed. Mr. McGregor stated that the approval process is very quick; it is a matter of working with staff about the type of use. The applicant would then be asked to go contact the neighbors and get signatures and once the signatures are brought back to the Planning Commission, the staff will review the entire package from that point. The process could take a few days to a few weeks. The building process is something different from the rezoning approval process. After all comments, the Chairman called for a motion concerning second reading.

ACTION: MOTION was made by Councilman McGhaney, seconded by Vice Chairman Byrd, and unanimously carried by Council to defer second reading to allow the applicant, her attorney, and the Planning staff to review other avenues to accomplish the needs of the applicant.

OTHER PUBLIC HEARINGS:

1. None

NEW BUSINESS:

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

Council did not hold an executive session.

OLD BUSINESS:

1. None

COMMITTEE REPORTS:

- (1) Fiscal, Tax, And Property Committee Meeting To Be Held At 5:00 p.m. On Tuesday, August 27, 2019, In County Council's Conference Room 13 E. Canal Street, Sumter, SC. (McCain, Edens, and McGhaney)

The Chairman of this Committee, Chairman McCain stated that an executive session was held to discuss the following matters:

1. Discuss An Economic Development Matter.
2. Receive And Discuss Information Concerning The Terms And Conditions Of Employment.
3. Receipt of Legal Advice Where the Legal Advice Relates to Potential Claims.
4. Report On Negotiations Concerning Property Contractual Matters.

Chairman McCain reported that no actions was taken on any of these items.

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

No report given.

MONTHLY REPORTS

- 1) Planning Commission and Building Report.
- 2) Shaw Sumter Community Council Social September 4, 2019.
- 3) Air Force Ball
- 4) Day Of Remembrance 2019 Theme: "Our Unshakable Hope." September 19, 2019.

5) Arts and Cultural Fundraise

COUNTY ADMINISTRATOR'S REPORT

The County Administrator, Gary Mixon, reported on the following:

- **County Newsletter** - Mr. Joe Perry is developing a monthly County Newsletter, which will keep the public informed about matters going on in our community. In addition, the Penny for Progress Projects and other County projects will be highlighted in the newsletter. There will also be a section that Mr. Perry will highlight staff members and departments. Georgetown County initiated this type of newsletter several years ago, and Georgetown has many followers on their County webpage.
- **Move From Administration To Courthouse** - The move to the Courthouse for the Finance Department, Human Resources, Purchasing, County Attorney, County Administration, and the Council's Office (Chambers, Conference Room, and Clerk's Office) has already started. The last offices moving will be Council and the Administration.

PUBLIC COMMENT

Chairman McCain opened the public comment section of the agenda, and he made the following comments:

Comments to Council are limited to 3 minutes per person, and there is a countdown clock to keep everyone on schedule. Comments are to be made through the Chairman. Personal verbal attacks are not allowed. Council will not make any comments during the public comments. As a point of order, if anyone wants to speak on the ongoing investigation on Little Miss Nevaeh Adams, Sumter County nor the Sheriff's Department Office have any jurisdiction over this case.

- **Terrance Whitfield** with Midlands Fatherhood Coalition (MFC) stated that several weeks ago MFC made a presentation to Council concerning the progress that the agency is making with the fathers and their families. Recently MFC sponsored an outing with the fathers and the children. As a token of MFC's appreciation, Mr. Whitfield presented Council with a plaque, which also had a picture of the outing on the plaque.
- **Dupree Adams** stated that he is Nevaeh's father and asked why does the County not have any jurisdiction about his daughter's case with her being missing and the fact that the person that killed her mother confessed originally that he had killed Nevaeh. *Chairman McCain stated that he would talk to Mr. Adams after the meeting; however, it is a City matter.*
- **Minister Mustafa** said he is advocating with the family in regards to the missing child, Nevaeh Adams. He said that they are very disappointed in the local government in regards to the action taken by Law Enforcement during this matter. Minister Mustafa said that he greets Council with peace and blessings; however, there is no peace and blessings for us. He further stated that for the family to hear that the County has no jurisdiction, when most of their family live in the county, so what effects the City affects the County. Minister Mustafa said the family is very disappointed but do commend Councilman Eugene Baten because he attended the funeral of Nevaeh's mother and the only one that has interest

in this case. He asked Council if they could pass a resolution asking the City to pass a Nevaeh Adams Alert. Mr. Mustafa ended his comments by stating that it is appalling what is happening with the leadership; therefore, it is time for new leadership.

- **Tawana Maxville** said that she is a member of the family of Nevaeh Adams – She stated that in all due respect; the family members are not supposed to say much about this case, but the family members are Nevaeh’s Voice. There are so many leaders in Sumter, yet only one showed interest in the tragedy and came to the funeral. Councilman Baten did not have to open his mouth; he was there to show that he cared. Ms. Maxville asked Council to do all that they can do for the ones that cannot do for themselves.
- **Louise Watkins** stated that he grew up in Sumter; he said he is sorry for Mr. Adams loss. Mr. Wakins also stated that he was a part of the Civil Rights Movement in Sumter before he left Sumter; since he has been back, he does not see that Sumter has changed that much. There are laws that need to be changed and pressure should be placed on the elected officials to make these changes.
- **Tasha Levy** stated that she too is related to the young person that is missing. She also stated that there has been a public announcement that the man that killed Nevaeh’s mother and said he killed Nevaeh but retracted the statement has now been charged with Nevaeh’s murder kidnapping. Ms. Levy said that it was her belief that the City and County works hand-in-hand. However, during this tragedy, it seems as though the government agencies are not working together. She stated that the City and County cannot stay stuck in the same way of handling matters; they must grow and explore new ways to handle issues.
- **Tashike Glisson** said she is the cousin of Little Nevaeh and Ms. Glisson said this matter has taken a toll on her family. This situation is not just about Nevaeh, anybody’s child could go missing. However, the standards for an Amber Alert need to be reviewed. Ms. Glisson said that the individual that killed Nevaeh’s mother could be lying about killing Nevaeh, but because he said it, then the Amber Alert could not be enacted. Although Nevaeh might be a deprived child, this could happen to others and the Amber Alert should have been enacted. Ms. Glisson said that her family is the voice for Nevaeh, now they need Council members to speak for them to help find Nevaeh.
- **Nashaunda Caldwell** said that she is also Nevaeh’s cousin. Ms. Caldwell said there are many African American men who are not active in their children’s lives. However, Nevaeh’s father has been active in her life and just had her in his arms on Saturday before it was announced that she was missing. Ms. Caldwell also asked Council to help them on how to do things the right way so that the family can get some positive help. Ms. Caldwell said the family is not trying to overstep their boundaries; they just need help from those that can and should give them help. In addition, Ms. Caldwell said that the family would continue looking for Nevaeh even if they have to go to the landfill in Sumter or other places.
- **Sabrina Belton** said that she started a petition for Nevaeh; however, the petition did not meet the criteria for an Amber Alert. Yet, this family has a child that is missing solely off a statement that the killer made. Ms. Belton said if everyone would look at the things that he did to Nevaeh’s mother, there should be no jurisdiction to stop an investigation that could potentially bring Nevaeh home.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the Chairman adjourned at 6:45 p.m. after a motion by Councilman Baker, seconded Councilman Sumpter, and unanimously carried by Council.

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: October 8, 2019

NOTE: *There were no Council meetings held during September due to a lack of official business.*

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

- Public Notified: Yes
- Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.
- Date Posted: August 26, 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: August 23, 2019

Respectfully submitted,

Mary W. Blanding