

**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, June 13, 2017 -- Held at 6:00 p.m.**  
Sumter County Administration Building - Third Floor  
County Council Chambers -- 13 E. Canal Street, Sumter, SC

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**COUNCIL MEMBERS PRESENT:** James T. McCain, Jr., James R. Byrd, Jr., Artie Baker, Eugene R. Baten, Charles T. Edens, Vivian Fleming McGhaney, and Chris Sumpter.

**COUNCIL MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Gary Mixon, James Michaelson, Lorraine Dennis, Johnathan Bryan, George McGregor, Mary W. Blanding, Keysa Rogers, Kathy Ward, Valerie Brunson; Lauretha McCants, Allan Dailey, and Joe Perry.

**PUBLIC PRESENT:** Approximately 18 people were in attendance.

**MEDIA PRESENT:** The Item Newspaper

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

**INVOCATION:** Councilwoman Vivian Fleming McGhaney gave the invocation.

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

**ACTION ON AGENDA:** The Chairman called for a motion on the approval of the Agenda for Tuesday, June 13, 2017,

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

**APPROVAL OF MINUTES:** Chairman James T. McCain, Jr. called for a motion on the approval of the Minutes for the regular meeting and the budget workshop meeting on May 23, 2017:

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to approve the budget workshop minutes of May 23, 2017, as presented.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Sumpter, and unanimously carried by Council to approve the regular meeting minutes of May 23, 2017, as presented.

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

1. **RZ-17-03 -- 2935 Broad Street -- (County) -- First Reading -- Request To Rezone A 0.49 Acre Portion Of A 7.12 Acre Tract From General Residential (GR) To General Commercial (GC). The Property Is Located At 2935 Broad Street And Is Represented By Tax Map # 187-00-02-018 (P).**

Mr. George McGregor, the Planning Director, presented this request to Council. He stated that the applicant, Mr. William Nock, the Trustee for this family, hopes to have the 0.49 acre portion of land

rezoned from General Residential (GR) to General Commercial (GC). The property is located on the west side of Hunters Crossing Subdivision, and adjoins commercially zoned property under the same ownership. This portion of land is the remnant of a former mobile home park that ceased operations in the late 1980s.

The Planning Commission recommended approval of the request.

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

#### **OTHER PUBLIC HEARINGS:**

- (1) 17-870 -- An Ordinance Amending Ordinance 16-849 Of Sumter County, South Carolina (The 2016-2017 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 2016-2017 Budget Of Sumter County. (Council Will Take Action On Third Reading Immediately After The Public Hearing Or During Old Business.)

The County Attorney, Mr. Bryan, gave a presentation about this proposed ordinance prior to the public hearing which is listed under Old Business. Then the Chairman convened a public hearing. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance. No one spoke during public hearing. Therefore, the Chairman closed the public hearing and Council took action on third reading.

- (2) 17-871 -- An Ordinance To Amend Sumter County, South Carolina Ordinances #09-691 and #11-732 Relating To The Solid Waste Disposal Fee. (Council Will Take Action On Third Reading Immediately After The Public Hearing Or During Old Business.)

The County Attorney also presented this proposed ordinance to Council prior to the public hearing; it is also listed under Old Business. Then the Chairman convened a public hearing. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance relating to allowing for any increases to the Solid Waste Disposal Fee to be included in the budget ordinance. No one spoke during public hearing. Therefore, the Chairman closed the public hearing and Council took action on third reading.

#### **NEW BUSINESS:**

- (1) R-17-03 -- A Resolution Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Sumter County, South Carolina (The "County") And A Company Identified For The Time Being As Project Volcano, Acting For Itself, One Or More Affiliates, And/Or Other Project Sponsors (Collectively, The "Company"), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities In The County (The "Project"); (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto.



Mr. Bryan stated that this is an economic development resolution. The Company will invest approximately \$34,000,000, and 80 new jobs. This property will be in an Industrial or Business Multi-County Park. After all comments, Council took action on this resolution as presented.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval of the resolution and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County.

*WHEREAS, Sumter County, South Carolina (the “County”), acting by and through its County Council (the “Council”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the “Code”), particularly Title 12, Chapter 44 of the Code (the “Negotiated FILOT Act”) and Title 4, Chapter 1 of the Code (the “Multi-County Park Act” or, as to Section 4-1-175 thereof, and, by incorporation Section 4-29-68 of the Code, the “Special Source Act”) (collectively, the “Act”) and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of ad valorem tax (“FILOT”) payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; (iii) to permit investors to claim special source revenue credits against their FILOT payments (“Special Source Credits”) to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County (“Special Source Improvements”); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits; and*

*WHEREAS, a company identified for the time being as Project Volcano, acting for itself, one or more affiliates, and/or other project sponsors (collectively, the “Company”) proposes to establish and/or expand certain facilities at one or more locations in the County (the “Project”); and*

*WHEREAS, the Company anticipates that, should its plans proceed as expected, it will invest, or cause to be invested, at least \$37,000,000, in the aggregate, in the Project and will create, or cause to be created, at least 80 new, full-time jobs, in the aggregate, within the County; and*

*WHEREAS, on the basis of the information supplied to it by the Company, the County has determined, inter alia, that the Project would promote the purposes of the Act and would be directly and substantially beneficial to the County, the taxing entities of the County and the citizens and residents of the County due to the investment to be made, or caused to be made, and the jobs to be created, or caused to be created, by the Company, all of which contribute to the tax base and the economic welfare of the County, and, accordingly, the County wishes to induce the Company to undertake the Project by offering certain negotiated FILOT and multi-county industrial or business park benefits, as well as the benefits of certain Special Source Credits, as set forth herein, all of which shall be further described and documented in a Fee in Lieu of Tax and Incentive Agreement to be entered into by the County and the Company (the “Incentive Agreement”) and subject to the terms and conditions set forth therein.*

*NOW, THEREFORE, BE IT RESOLVED by the Council, as follows:*

**Section 1.** *As contemplated by Section 12-44-40(I) of the Negotiated FILOT Act, the County makes the following findings and determinations:*

(a) *The Project will constitute a “project” within the meaning of the Negotiated FILOT Act; and*

(b) *The Project, and the County’s actions herein, will subserve the purposes of the Negotiated FILOT Act; and*

(c) *The Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; and*

(d) *The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and*

(e) *The purposes to be accomplished by the Project are proper governmental and public purposes; and*

(f) *The benefits of the Project are greater than the costs.*

**Section 2.**

(a) *The County hereby agrees to enter into the Incentive Agreement with the Company, whereby the Company will agree to satisfy, or cause to be satisfied, certain investment requirements with respect to the Project within certain prescribed time periods in accordance with the Negotiated FILOT Act and the County, under certain conditions to be set forth in the Incentive Agreement, will agree to accept negotiated fee in lieu of ad valorem tax (“Negotiated FILOT”) payments with respect to the Project.*

(b) (i) *The Negotiated FILOT shall be determined using: (1) an assessment ratio of 6%, (2) the lowest millage rate or millage rates allowed with respect to the Project pursuant to Section 12-44-50(A)(1)(d) of the Negotiated FILOT Act, which the parties presently believe to be 350.6 mills, and which millage rate or millage rates shall adjust every five years pursuant to Section 12-44-50(A)(1)(b)(ii) of the Negotiated FILOT Act for the full term of the Negotiated FILOT; (3) the fair market value of the Project, determined in accordance with the Negotiated FILOT Act; and (4) and such other terms and conditions as will be specified in the Incentive Agreement, including, without limitation, that the Company, in its sole discretion, may dispose of property and replace property subject to Negotiated FILOT payments to the maximum extent permitted by the Negotiated FILOT Act.*

(ii) ***The Negotiated FILOT shall be calculated as provided in this Section 2(b) for that portion of the Project consisting of economic development property under the Negotiated FILOT Act. For each annual increment of investment in such economic development property, the annual Negotiated FILOT payments shall be payable for a payment period of twenty (20) years, all in accordance with the Negotiated FILOT Act. Accordingly, if such economic development property is placed in service during more than one year, each year’s investment shall be subject to the Negotiated FILOT for a payment period of twenty (20) years.***

**Section 3.** *The County will use its best efforts to ensure that the Project will be included, if not already included, and will remain, within the boundaries of a multi-county industrial or business park pursuant to the provisions of the Multi-County Park Act and Article VIII, Section 13(D) of the State Constitution on terms which allow the Company to seek from the State any additional jobs creation tax credits for the Project afforded by the laws of the State for projects located within multi-county industrial*

*parcs and on terms, and for a duration, which facilitate, the County's provision, and the Company's receipt, of the Special Source Credits referenced in Section 4 hereof.*

***Section 4.** As an additional incentive to induce the Company to undertake the Project, and as reimbursement for investment in Special Source Improvements and subject to the requirements of the Special Source Act and the terms and conditions of the Incentive Agreement, the County does hereby agree that the Company shall be entitled to receive, and the County shall provide, Special Source Credits against each FILOT payment, including, but not limited to, each Negotiated FILOT payment, due with respect to the Project for a period of ten (10) consecutive tax years, commencing with the tax year for which the fourth Negotiated FILOT payment is due with respect to the Project, in an annual amount equal to fifteen percent (15%) of such FILOT payment, all as shall be set forth in greater detail in the Incentive Agreement. In accordance with the Special Source Act, the Special Source Credits authorized herein shall not, in the aggregate, exceed the aggregate cost of Special Source Improvements funded from time to time in connection with the Project.*

***Section 5.** The provisions, terms, and conditions of the Incentive Agreement shall be subject to approval by subsequent Ordinance of the Council. The Incentive Agreement is to be in substantially the form customarily used by the County for similar transactions with such changes therein as shall be approved by said Ordinance.*

***Section 6.** The Chairman of the Council, the County Administrator, and the Clerk to the Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to this Resolution.*

***Section 7.** The execution and delivery of the Incentive Agreement is subject to the enactment by the Council of an ordinance authorizing the same and, in conjunction therewith, compliance with the provisions of the Home Rule Act regarding the procedural requirements for enacting ordinances.*

***Section 8.** All orders, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force upon adoption by the Council.*

- (2) **17-875 - First Reading An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Sumter County, South Carolina (The "County") And A Company Identified For The Time Being As Project Volcano, Acting For Itself, One Or More Affiliates, And/Or Other Project Sponsors (Collectively, The "Company"), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities In The County (The "Project"); (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto. (Title Only)**

The County Attorney, Johnathan Bryan, stated that this ordinance is by Title Only; however it is in conjunction with the resolution which was passed by Council (R-17-03). The Ordinance will be in more detailed than the Resolution. It is recommended to grant first reading for this ordinance. After all comments, the Chairman called for a motion on this ordinance.

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

- (3) 17-872 -- First Reading -- An Ordinance To Authorize The Sale Of 0.89 Acre Of Property On South Guignard Parkway.

Mr. Bryan presented this ordinance to Council. He stated that Mr. Edward Tiller would like to purchase the property through a contract. The details of the contract were discussed during executive session in the Budget Workshop/Special Meeting. After all comments, Council took action on first reading of the ordinance with the contract as an attachment to the contract.

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

- (4) 17-873-- First Reading -- An Ordinance To A Permanent Easement To Black River Electric Cooperative, Inc. On Land Adjoining North Wise Drive.

The County Attorney briefed Council about this ordinance. He stated that the ordinance would allow for a permanent easement to be granted to the Speculative Building on North Wise Drive to allow for Black River Electric to run electrical lines to the building and to maintain those lines as necessary. After all comments, the Chairman called for a motion.

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

- (5) 17-874-- First Reading -- An Ordinance To Amend Ordinance 83-98 And Code Of Ordinances Of Sumter County, South Carolina, Chapter 2, Article V. Purchasing Regulations.



Mr. Bryan stated that Mr. Robert Galloway, the Purchasing Director, requested this ordinance base on a request Mr. Galloway received from Grant providers. These providers would like to see a dispute resolution procedure and information about women and minorities in Sumter County's Procurement Code. After all comments, the Chairman called for a motion on this ordinance.

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

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

No executive session was held.

**OLD BUSINESS:**

- (1) 17-866 - Third Reading -- An Ordinance To Provide For A Levy Of Taxes For County Purposes Of Sumter County, S. C., (Known As The Budget Ordinance) For The Fiscal Year Of Said County Beginning July 1, 2017, To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto.

The County Administrator, Mr. Gary Mixon, stated that he was pleased to present to Council a balanced budget of \$51,594,169 of expenditures and revenues. Although there was a change to the budget during the Budget Workshop/Special Meeting; it did not change the bottom figure.

The adjustments made during the Budget Workshop included the following:

County Operations - adjusting increase to the Public Safety Line Item -- Sheriff's Operations from \$20,654,971 to \$20,694,675 - this would be an increase of \$37,704. The funds would be used to adjust salaries in the Sheriff's Department for approximately 48 employees.

- Reduced Other General Expenditures From \$3,271,671, to \$3,233,967.
- Exhibits Are Listed In The Budget Ordinance: Projected Revenue Summary; Position Control, Change in the language for the Employee Handbook; Other Funds, Appropriations for Other Agencies. Also a statement was added for County Council to receive COLA increases: *County officials are provided a cost-of-living increase beginning at the first pay period of January after a General Election, as budgeted for other County Employees).*

After all comments from the Administrator, the Chairman called for a vote on the budget.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant third reading approval for this ordinance as presented.

- (2) **17-867 -- Third Reading -- An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, Series 2017a, Or Such Other Appropriate Series Designation, In The Principal Amount Of Not To Exceed \$2,500,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator To Prescribe Certain Details Relating To The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto; And Adopting Written Procedures Related To Continuing Disclosure.**

Mr. Mixon presented this proposed ordinance to Council. He stated that this ordinance will take effect on July 1, 2017, for \$2,500,000 for capital purchases. This will give the County an opportunity to begin purchases earlier than in the past. After all comments, the Chairman called for a motion on this ordinance.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant third reading approval for this ordinance as presented.

- (3) **17-870 - Third Reading -- An Ordinance Amending Ordinance 16-849 Of Sumter County, South Carolina (The 2016-2017 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 2016-2017 Budget Of Sumter County.**

Prior to the Public Hearing on this ordinance; the County Attorney, Mr. Johnathan Bryan, briefed Council and the public about the purpose of this ordinance. He stated that the ordinance is an amendment to the 2016-2017 budget which will allow for funds to be expended up to \$187,000 for the purchase of a track-loader and up to \$11,000 to be used for the purchase of a Zero Turn Mower. These funds will be secured from the Solid Waste Disposal Fund. Then the Chairman convened a public hearing. After the public hearing, Council took action on third reading.

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

- (4) **17-871 -- Third Reading -- An Ordinance To Amend Sumter County, South Carolina Ordinances #09-691 and #11-732 Relating To The Solid Waste Disposal Fee.**

Mr. Bryan presented this proposed ordinance to Council and the public. He stated that this ordinance will allow for Council to set its Solid Waste Disposal Fee as part of the budget ordinance. The ordinance language would include the following:

1. *There is hereby imposed an annual service fee on each residential unit in Sumter County which shall be known as the Solid Waste Disposal Fee. The amount of the fee shall be set annually by the Sumter County Council in its budget ordinance.*

After all comments, the Chairman called for a motion on third reading for this ordinance.

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

#### **COMMITTEE REPORTS:**

- (1) **Technology Personnel Committee Meeting Held On Tuesday, June 13, 2017, at 4:30 p.m. In County Council's Conference Room.**

The Chairman of the Committee, Councilman Vivian Fleming McGhaney, stated that there was a meeting held at 4:30; however, the discussions were in executive session. No was action taken; and no report necessary at this time.

- (2) **Report From Council Members On Other Meetings, Trainings, And/Or Conference.**  
(A) **County Council Budget Workshop/Special Meeting Held On Tuesday, June 13, 2017, at 5:00 p.m. In County Council's Conference Room - All Members Of Council Are Asked To Attend.**

No reports given.

#### **MONTHLY REPORTS**

1. SCAC-50<sup>th</sup> Annual Conference
2. Sumter Lee Regional Detention Center
3. Board Zoning Appeal

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

No report given.

#### **PUBLIC COMMENT**

Chairman McCain asked if anyone from the public would like to speak during public comment up to three minutes. The following persons spoke during public comment.

1. Larry Huff spoke to Council about the Mabry Park located on Highway 76/378. He stated that the eternal light has been broken, the flag has been stolen and other vandalism has occurred at this park.



He asked Council members to please provide the funding to clean up this area and bring it back to its dignity.

2. F. D. Schmidt thanked Council for a no tax increase in the budget.
3. Councilman Baten talked to Council about the opioid drug epidemic. He stated that opium is roughly 2-3 times more potent than other drugs and this drug is highly addictive. Councilman Baten further stated that he has a report that he would like to share with the Public Safety Committee. The Councilman Baten said that he believes it is time for a task force of law enforcement, social agencies, and leaders of Sumter to come together to help eradicate and reduce the opioid drug problem before it gets out of hand in Sumter.
4. Councilwoman McGhaney thanked everyone for their concern during the sickness and death of her sister.

#### ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:35 p.m. after a motion by Councilman Baker, seconded by Vice Chairman Byrd, 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: June 27, 2017

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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: June 12, 2017

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: June 9, 2017

Respectfully submitted,

*Mary W. Blanding*

Mary W. Blanding