



Minutes
Sumter County Council
Regular Meeting
Tuesday, September 28, 2021 -- Held at 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

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

<https://www.youtube.com/channel/UCAHjizPaonQ9LFS2kO37tA>

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Mary W. Blanding, Helen Roodman, Keysa Rogers, David Shadoan, Les Vandevander, Johnathan Bryan, Joe Perry, Valerie Brunson, Lt. Hawkins, and two Sheriff Deputies.

MEMBERS OF THE PUBLIC PRESENT: Approximately 12 members of the public attended the meeting.

MEDIA PRESENT: The Item Newspaper, Shelby Goulding.

CALL TO ORDER: Chairman Or Vice Chairman Of Sumter County Council.

Chairman James T. McCain Called the meeting to order.

INVOCATION: Council Member, Staff Member, Or Local Citizen.

Councilman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the American Flag was led by Veteran, Peter St Onge, from County Council District #4.

The Clerk to Council read the biography for Retired U.S. Air Force Veteran Peter St Onge. He served our Country for over 22 years. He supported Operation Desert Shield and Desert Storm; he also served in the Persian Gulf War, supporting Operation Enduring Freedom and the war in Afghanistan. Veteran St Onge is currently the Area Commander for the Sumter County American Legion, Commander of American Legion Post 15, and the Assistant Department SSG-at-Arms for the State American Legion. He is married to Toshia St Onge and they have 5 children and 6 grandchildren. He currently lives in County Council District 4. Thank you for your Service! After the Pledge, Councilman Charles T. Edens, Council District 4, presented the veteran with a plaque.



APPROVAL OF AGENDA: Regular Meeting Tuesday, September 28, 2021

Chairman McCain asked the Clerk to Council if there were any changes to the agenda. Mrs. Blanding stated that there were no changes or additions to the agenda. Then Chairman McCain stated that he would entertain a motion to approve the agenda as presented.

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

APPROVAL OF MINUTES: Regular Meeting Tuesday, September 14, 2021, and Special Meeting of County Council, September 14, 2021

Chairman McCain stated that there are two sets of minutes that Council needed to act on. He asked for a motion concerning the Regular Meeting of Sumter County Council and the Special Meeting of Sumter County Council, both meetings were held on September 14, 2021.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve both sets of minutes as presented.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests:

NOTE RZ = *Rezoning Of Property As Applicable In Sumter County Zoning and Development Standards.*

AC = Agricultural Conservation As Applicable In Sumter County Zoning and Development Standards.

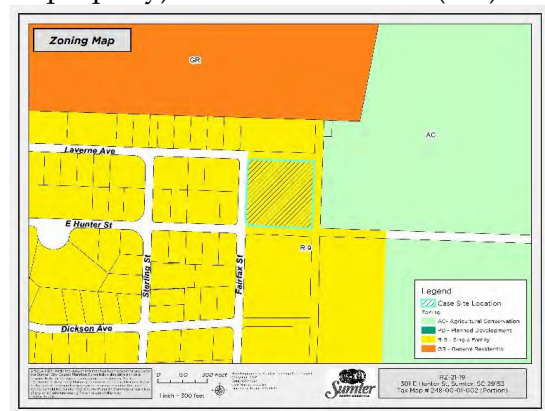
NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.

LI-W = Light Industrial-Warehouse As Applicable in Sumter County Zoning and Development Standards.

1. **RZ-21-19, 301 E. Hunter St. (County) -- First Reading** – A request to rezone +/- 3.76-acre tract from Residential-9 (R-9) to Agricultural Conservation (AC). The property is located at 301 E. Hunter St. and is represented as a portion of Tax Map # 248-00-01-002 (Part).

Ms. Helen Roodman presented this proposed rezoning request to Council for first reading. She stated that this is a request to rezone +/- 3.76 acres of land located on Fairfax St. between E. Hunter St. and Laverne Ave. (herein referred to as the property) from Residential-9 (R-9) to Agricultural Conservation (AC). The property is shown on the location map to the right. The applicant, Mr. William Hayes, is considering placing a manufactured home on the subject property, which is currently undeveloped. The property is currently zoned Residential-9 (R-9), and is adjacent to R-9 zoning to the north, west, and south, and AC to the east.

The intent of the AC zoning district is to protect and preserve areas of the County which are presently



rural or agricultural in character and use, and are uniquely suited to agricultural use. Where urban development is permitted within the district, strict quality standards should be required. However, since this property is contiguous to existing property that is owned by the applicant, the Planning Commission is in support of the rezoning request. It was also noted by Mrs. Roodman, that the streets shown on the Zoning Map that is owned by the applicant are paper streets and have not been subdivided, although the map shows the previous intent to subdivide the property. Mr. Hayes hopes to allow one of his children to place a manufactured home on the property.

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

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant first reading approval of this rezoning request.

2. **OA-21-05, Drinking Places and Special Events Facilities (County) – First Reading – 21-963 -- (Ordinance A Request To Amend Article 3, Section 3.F.3, 3.G.2, 3.G.4, 3.H.2, 3.H.4, 3.I.2, 3.I.3, 3.I.4, 3.J.2, 3.J.3, 3.J.4, 3.K.3, 3.K.4, 3.M.3, 3.M.4, 3.N.3, & 3.N.4; Article 3, Exhibit 5; Article 5, Section 5.B.1; Article 5, Section 5.B.2; Article 5, Section 5.B.3; Article 8, Exhibit 23, And Article 10, Section 10.B.1 To Establish Clear Definitions For Drinking Place Uses, Bottle Club Uses, Night Club Uses, And Special Event Facility Uses, Establishing That Bottle Club Uses And Night Club Uses Require The Same Approval Process As Drinking Place Uses In Applicable Zoning Districts, Establishing That Special Event Facility Uses Require Conditional Use Approval In Applicable Zoning Districts, Establishing Use Specific Conditional Use Criteria For Special Event Facility Uses, Establishing Minimum Off-Street Parking Requirement For Special Event Facility Uses, And To Correct Other Minor Zoning Ordinance Text Inconsistencies.**

Mrs. Helen Roodman, the Planning Commission Director, presented the following report.

Report From Planning Director:

The primary purpose of this Ordinance Amendment is to address the need for distinct zoning requirements for special event facility uses. This involves amending multiple sections of the Sumter County Zoning & Development Standards Ordinance (the Ordinance) for consistency. Meeting the purpose of the amendment also involves providing clear definitions for drinking place uses, night club uses, and bottle club uses.

The need for this amendment has presented itself due to the following factors:

- The increasing frequency of requests to establish special event facility uses throughout Sumter County.
- The lack of clarity in the current text of the Ordinance on what defines a special event facility uses.
- The increasing frequency of establishments licensed as special events facilities that are for all intents and purposes operating as drinking place establishments, with the only exception being that no alcohol sales for on-premises consumption are provided at the facility. In lieu of alcohol sales for on-premises consumption, bring-your-own-beverage (BYOB) is permitted.

Currently, the Ordinance uses the Standard Industrial Classification (SIC) Manual (1987 edition) for the purposes of classifying and regulating land uses by each separate zoning district established by City Council. This method is dated and does not adequately classify or define special event facility uses. Moreover, no definition for special event facility uses or similar type uses are provided in the Ordinance.

Staff has determined that special event facility uses fall under SIC Code 7299, Miscellaneous Personal Services, as this is the same SIC Code that includes banquet halls and wedding venues. However, a specific definition and additional requirements are needed to address a recent negative trend concerning facility operators using special events facility designations to operate establishments that offer BYOB alcohol consumption and on-site entertainment in lieu of establishing legal drinking places.

Drinking places masquerading as special events facilities have the same land use impacts as a drinking place use would. However, since alcohol sales for on-premises consumption are not provided, the owners and operators of these uses are not subject to the SC Department of Revenue licensing process. Further, the SIC Code classification for special events facilities allows for a less stringent zoning approval process that does not involve a public hearing in front of the Sumter City-County Board of Zoning Appeals.

Properly classifying facilities operating as drinking places and night clubs, but describing themselves as special event facilities, is further complicated by the SIC Manual definition which states that drinking places, night clubs, etc. derive a primary portion of their revenue from alcohol sales. To fully address this matter, definitions for special event facility uses, drinking place uses, night club uses, and bottle club uses are needed to provide clarity from a zoning administration standpoint.

The proposed definitions below, along with the proposed Ordinance text changes, clarify that facilities essentially operating as drinking places or night clubs via BYOB on-premises alcohol consumption require special exception approval by the Sumter City-County Board of Zoning Appeals. This will treat those uses in the same manner as a properly licensed drinking place use providing alcohol sales for on-premises consumption.

Drinking Place: A commercial establishment whose primary activity is the sale or provision of alcoholic beverages to be consumed on the premises. Such establishments are properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission. Drinking places include, but are not limited to, establishments referred to as bars, beer gardens, beer parlors, taverns, cabarets, cocktail lounges, saloons, tap rooms, and wine bars. Cigar Bars and Hookah Lounges with any on-premises consumption alcohol sales are included in this definition. Eating places, with on-premises consumption alcohol sales and where the primary activity is the sale of food, are not included within this definition.

Bottle Club: Any establishment engaged in the business of catering to patrons who bring to the establishment an alcoholic beverage to be consumed on the premises. Such establishments do not sell or provide alcoholic beverages on the premises and/or are not properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premises consumption alcoholic beverage sales. Such

establishments can be private or open to the public, and often provide entry via cover charge and provide on-premises entertainment. Cigar Bars and Hookah Lounges with any on-premises consumption of alcoholic beverages by patrons who bring such beverages to the premises are included within this definition.

Night Club: An establishment operated as a place of entertainment, characterized by either of the following as a primary activity: (1) live, recorded, or televised entertainment, including but not limited to performance by musicians, disc jockey's, comedians, or other entertainers; (2) dancing; where this primary activity is coupled with on-premise sale and consumption of alcoholic beverages via proper licensing by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premise consumption or by patrons who bring to the establishment an alcoholic beverage to be consumed on the premises is a common characteristic of a night club. Such establishments are private or open to the public. Often, such establishments require payment of entry cover charges or other entry considerations such as dues, membership fees, etc. Such establishments may also be referred to as discotheques, dancehalls, etc.

Special Event Facility/Venue: A commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Events facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations contracting to rent the facility may provide alcoholic beverages for guests in accordance with applicable state law. This definition does not include bottle clubs, night clubs, or drinking places.

The proposed amendment also separates typical special event facility uses that provide space for such events as weddings, receptions, birthday parties, conferences, family reunions, etc. from the larger grouping of SIC Code 729 uses. With this separation, staff finds that special event facility uses are not appropriate in the Professional Office (PO) and Neighborhood Commercial (NC) zoning districts unlike the broader range of uses under SIC Code 729 that are currently permitted and are appropriate in these districts. This finding is based on the potential for special event facilities to have greater land use impacts to adjacent property, including noise, traffic, loitering, etc. Thus, appropriate clarifications are made in the proposed amendment referencing that special event facilities are not permitted in these districts. It is also being proposed that special event facilities require conditional use approval, with specific conditional review criteria, in any zoning district where they can locate. Finally, minimum off-street parking requirements for special event facilities are included as a part of the proposed amendment.

Proposed Text Amendment

A strike-through of the proposed text amendment is included with this report as "Attachment

#1". The proposed amendments impact the following sections:

1. Amend Article 3, Section 3.f.3. to clarify that special event facility are not included within the SIC Code 729 uses allowed in the PO zoning district via conditional use. Clarification is also provided for other SIC Code 729 uses that are not allowed via

conditional use approval per the existing use table.

2. Amend Article 3, Section 3.g.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the NC zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
3. Amend Article 3, Section 3.g.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the NC zoning district.
4. Amend Article 3, Section 3.h.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the LC zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
5. Amend Article 3, Section 3.h.3. to add special event facility uses as a conditional use in the LC zoning district.
6. Amend Article 3, Section 3.h.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the LC zoning district.
7. Amend Article 3, Section 3.i.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the GC zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
8. Amend Article 3, Section 3.i.3. to add special event facility uses as a conditional use in the GC zoning district.
9. Amend Article 3, Section 3.i.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the GC zoning district.
10. Amend Article 3, Section 3.j.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the CBD zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
11. Amend Article 3, Section 3.j.3. to add special event facility uses as a conditional use in the GC zoning district.
12. Amend Article 3, Section 3.j.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the CBD zoning district.

13. Amend Article 3, Section 3.k.3. to add special event facility uses as a conditional use in the LI-W zoning district.
14. Amend Article 3, Section 3.k.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the LI-W zoning district.
15. Amend Article 3, Section 3.m.3. to add special event facility uses as a conditional use in the MUI zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted as conditional uses in the MUI zoning district per the existing use table.
16. Amend Article 3, Section 3.m.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the MUI zoning district.
17. Amend Article 3, Section 3.n.3. to add special event facility uses as a Conditional-300 use in the AC zoning district.
18. Amend Article 3, Section 3.n.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the AC zoning district.
19. Amend Article 3, Exhibit 5 to reflect the changes stated above in the Exhibit 5 use table.
20. Amend Article 5, Section 5.b.1. to add specific conditional use criteria for special event facility uses.
21. Amend Article 5, Section 5.b.2. to clarify that bottle clubs and night clubs under SIC Code 5813 are included as certain hazardous and/or potentially disruptive land development activities requiring special exception approval.
22. Amend Article 5, Section 5.b.3. to clarify that the special design review criteria that apply to drinking place uses also apply to bottle club and night club uses.
23. Amend Article 8, Exhibit 23 to add specific minimum parking requirements for special event facility uses.
24. Amend Article 10, Section 10.b.1. to add definitions for bottle club, night club, drinking place, and special event facility uses.

After presenting the report on this ordinance amendment, Mrs. Roodman stated that the Planning staff as well as the Planning Commission recommended approval of this request. She mentioned that the amendment will provide needed clarification and additional requirements for special events facility uses. Additionally, the amendment will provide clear language stating that facilities that operate in the same manner as a drinking place or night club, with the exception

that on-premises alcohol consumption is accomplished via BYOB versus on-premises sales requiring SC Department of Revenue licensing, requires the same special exception approval process as a standard drinking place or night club use. It was also stated by Mrs. Roodman that these Ordinance changes will help promote public health and safety by ensuring that a full review and proper process is in place to address true special event facility uses, as well as facilities that are bypassing SC Department of Revenue and Board of Zoning Appeals special exception review by operating as drinking places and night clubs with BYOB alcohol consumption by describing themselves as special event facilities.

After all comments, the Chainman called for a motion on this Ordinance Amendment as presented by Mrs. Roodman.

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

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) **R-21-09** – A Resolution Authorizing The Negotiation, Execution, And Delivery Of Lease No. 004-0605904-101 Dated August 19, 2021, (The “Lease”), Between Sumter County dba Crystal Lakes Golf Course, 13 E. Canal Street, Sumter, SC 29150 And VGM Financial Services, A Division Of The Huntington National Bank, 11100 Wayzata Blvd, Suite 801, Minnetonka, MN 55305; And Prescribing Other Details In Connection Therewith.

Johnathan Bryan, the County Attorney, presented this proposed resolution to Council which will authorize the negotiation, execution, and deliver of the lease as stated in the caption above between Sumter County (Crystal Lakes Golf Course) and VGM Financial Services to allow for certain equipment to be leased. (Lease is attached to these minutes.) The County’s Purchasing Director, Robert Galloway, has reviewed this lease and is in support of the County and this company entering into this lease agreement.

Councilman McGhaney stated that for the benefit of the public, Council members were briefed on this resolution during County Council’s Fiscal, Tax, and Property Committee meeting earlier today. After all comments, the Chairman called for a motion concerning the resolution.

ACTION: MOTION was made by Councilman Baten, seconded by Vice Councilman Baker and unanimously carried by Council to approve the resolution and allow for staff to execute and deliver the resolution on behalf of the County.

- (2) **Ordinance #21-964 - First Reading** -- An Ordinance Authorizing The Development Of A Jointly Owned And Operated Industrial/Business Park In Conjunction With Kershaw County, Such Industrial/Business Park To Be Geographically Located In Kershaw County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended; To Provide For A Written Agreement With Kershaw County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto.

Mr. Bryan, the County Attorney, also presented this proposed ordinance to Council for first reading consideration. He stated that Kershaw County was able to secure a new Industrial Business in its County. They announced that the business will be placed in a new jointly owned and operated industrial/business park in Kershaw County in conjunction with Sumter County. It was noted by Mr. Bryan that the existing Industrial/Business Park that is currently in agreement between Kershaw County and Sumter County will remain as it is and this new Industrial/Business Park will be added. After all comments, the Chairman called for a motion on this proposed ordinance.

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

BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA:

SECTION I: *Sumter County is hereby authorized to jointly develop an industrial and business park with Kershaw County (the "Park"). The Park shall be located initially on lands located in Kershaw County only as authorized by Sec. 4-1-170 of the South Carolina Code of Laws 1976, as amended.*

SECTION II: *Sumter County will enter into a written agreement to develop the Park jointly with Kershaw County in substantially the form attached hereto as Schedule I and incorporated herein by reference (the "Park Agreement"). The Chairman of Sumter County Council is hereby authorized to execute the Park Agreement on behalf of Sumter County, with such changes thereto as the Chairman shall deem, upon advice of counsel, necessary and do not materially change the import of the matters contained in the form of agreement set forth in Schedule I.*

SECTION III: *The businesses or industries located in the Park will pay a fee in lieu of ad valorem taxes as provided for by law or as set forth in the Park Agreement. With respect to properties located in the Sumter County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Sumter County. That portion of such fee allocated pursuant to the Park Agreement to Kershaw County shall be thereafter paid by the Treasurer of Sumter County to the Treasurer of Kershaw County within ten (10) business days of receipt for distribution in accordance with the terms of the agreement. With respect to properties located in the Kershaw County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Kershaw County. That portion of such fee allocated pursuant to the Park Agreement to Sumter County shall thereafter be paid by the Treasurer of Kershaw County to the Treasurer of Sumter County within ten (10) business days of receipt for distribution in accordance with the terms of the Park Agreement.*

SECTION IV: *Revenues generated from industries or businesses located in the Sumter County portion of the Park and to be retained by Sumter County pursuant to the Park Agreement shall be distributed within Sumter County in the following manner:*

First, unless Sumter County elects to pay or credit the same from only those revenues which Sumter County would otherwise be entitled to receive as provided under "Third" below, to pay annual debt service on any special source revenue bonds issued by Sumter County pursuant to, or to be utilized as a credit in the manner provided in the second paragraph of, Section 4-1-175, Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, payable in whole or in part by or from revenues generated from any properties in the Park; and

Second, at the option of Sumter County, to reimburse Sumter County for any expenses incurred by it in the development, operation, maintenance and promotion of the Park or the businesses located therein;

Third, to those taxing districts which overlap the applicable properties within Sumter County's portion of the Park, in a pro-rata fashion based on comparative millage rates for the year in question of such taxing districts;

provided, that (i) all taxing districts which overlap the applicable properties within the Park shall receive some portion of the revenues generated from such properties; and (ii) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of such taxing entity; and (iii) the County may, by ordinance, from time to time, amend the distribution of the fee in lieu of tax payments to all taxing entities.

SECTION V: This Ordinance shall supersede and amend in its entirety any other ordinances or resolutions of Sumter County Council pertaining to the Park.

SECTION VI: Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

SECTION VII: This Ordinance shall be effective after third and final reading thereof.

- (3) 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 Thereafter If Required.

No executive session was held.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Land Use Committee Meeting Scheduled For Tuesday, September 28, 2021, at 4:00 p.m. In County Administration Conference Room, 13 E. Canal Street, Sumter, SC (Edens, Baten, and Baker)

Councilman Edens, Chairman of the Land Use Committee, reported that the Committee meet to discuss OA-21-05. Committee Chairman Edens stated that the only change that was made to the ordinance was allowing Special Events to Limited Commercial Districts. The Ordinance was granted first reading as listed under Land Use Matters in these minutes.

- (2) Public Safety Committee Meeting Scheduled For Tuesday, September 28, 2021, at 4:30 p.m. In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (Washington, Baten, Byrd) (Public Safety Committee Meeting Will Begin Immediately After The Land Use Committee Concludes Or At 4:30 P.M.)

Committee Chairman, Councilman Carlton B. Washington, stated that the Committee had some extensive discussions on the possibilities of Sumter County having a Mask Mandate. He stated that because of the current limitations and from the advice of the County Attorney, as well as advice from the Sheriff's Office, Attorney and Staff, and guidance's and statues from the S. C. General Assembly, there will be no action taken at this time. However, per Committee Chairman Washington, this matter will be left open to take action in the future if necessary.

Councilman Baten asked to say something. He said he was not going to speak until he saw the Administrator's COVID-19 Report which really concerned him; that during the last fourteen days, September 11-September 25, 2021, the confirmed deaths from COVID-19 is 15 deaths. It is also expected that there may be three more deaths from COVID-19 once they are confirmed. Councilman Baten said that that is very sad that there will be 18 deaths due to COVID-19.

Then Councilman Baten said that he would read "The Conclusion" of a written statement that he wrote, but will not read the entire document.

The Conclusion (Councilman Baten Read This Statement): *Economic Development is one of County Council's primary responsibilities. We also have the responsibility to ensure the safety, health, and welfare of all citizens of Sumter County. Any member of this governing body who don't recognize or don't accept the fact that Sumter County has a serious health problem caused by COVID-19 is in denial or refuse to accept reality. Sumter County is at a very high COVID-19 risk level. Only 51% of the population have received at least one of the vaccine doses. Since the pandemic began, Sumter County has had 14,800 people tested positive for the virus; with over 562 hospitalized, and 264 deaths. As I stated, sadly with the last 14 days, 15 people have died. Now is the time to take immediate actions to save the lives of people who depend on us to timely respond to crisis situations with effective solutions. It is time for Leaders to Lead. We know from medical experts that getting vaccinated and wearing the mask are two actions that people can take to protect themselves and others from COVID-19. Again, unfortunately, Sumter County has very low vaccinations completion rate. Many citizens are reluctant to get vaccinated due to misinformation and conspiracy theories. Getting people vaccinated is an uphill battle and is time consuming. Therefore, requiring people to wear masks is a fast and effective alternative to reducing the spread of COVID-19. Sumter County has the authority to require people that are living in the boundaries of the County to wear a mask. Mask mandates are not unconstitutional, and have seen them implemented so far. The Constitution gives States the ability to protect the public with the Tenth Amendment. Joe McElveen, former Mayor of the City of Sumter, wrote a commentary in Sumter Item, on September 23, 2021, entitled, "Don't Go AWOL In The Fight Against COVID-19." Mr. McElveen said friends are telling him that he is wasting his time trying to convince more of his fellow Sumterites to vaccinate and mask-up. He said he cannot give up because many people he cares about are getting sick and getting worse. He said that we know that physical separation and wearing a mask can protect others and ourselves. He said the pandemic has caused us all to sacrifice to defeat COVID-19. Lastly, he said that we cannot return to normal unless we do our part to conquer COVID 19. The best plan is to get vaccinated and mask-up. People please don't go AWOL in this fight. It is worthy to know that under Mr. McElveen's leadership when he was the Mayor of the City of Sumter, City Council passed a mask mandate which was enforced by the Sumter Police Department. So to my colleagues, I am asking you to don't go AWOL in this. The life you save may be your spouse, your children, or your grandchildren. The mask mandate can be an effective way to deal with the issue. Unfortunately, I do not have the support of this body to push this issue forward. So therefore, I am going to pull back and wait when this body realizes that we need to do something about people dying in Sumter County from COVID-19. Thank You.*

Councilman Washington asked the Chairman of Council if he could speak. Chairman McCain granted permission for Councilman Washington to speak. Then Councilman Washington said that he just wanted to remind those that are of this body, those that are in the audience, and those that may be tuning into the Council meeting that a mask mandate would be fantastic but the actions of the South Carolina General Assembly prevented that from happening particularly with our most vulnerable, our children. If we implemented a mask mandate today, it would not be enforceable in our schools based on the proviso as it is written and those are our most sacred treasurers. Our Sheriff, who is an excellent Sheriff, has indicated that the mask mandate is not enforceable. Our legal counsel has advised us that if we chose to go down this road, there would be a 50/50 chance of having any success. I agree that mask mandates are important, but the responsibility for that lies with our Legislative Delegation, and the folks in Columbia. By the way, we have a very powerful Legislative Delegation; we have two House of Representative members that sit on the very powerful Ways and Means Committee with one of them being the Chairman of Ways and Means. We have two State Senators that sit on the Senate Finance Committee which is the comparable Legislative powerful body in the Senate. I am sure as most of you have seen, the General Assembly has punted in coming back to Columbia to deal with this issue. A matter of fact, the South Carolina Senate was scheduled to come back on the 12th of October. They have not punted; to lay the burden of this issue at the feet of County Council is not factual and it is not accurate. The power lies in Columbia, South Carolina with the South Carolina General Assembly. And I want to be sure that everyone understands that. I agree with the Councilman on how important this issue is, but unfortunately, if we, we meaning Council and the citizens of this County, are serious about a mask mandate, then we should take notes from the teachers. Two years ago, they put 10,000 people on the State House grounds because they wanted better pay and a number of other things. We just do not have that outpouring right now. That is where our power is and that is where our efforts need to be focused. Thank you Mr. Chairman.

- (3) **Fiscal, Tax, and Property Committee Meeting Scheduled For Tuesday, September 14, 2021, at 5:00 p.m. In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (McCain, Edens, and McGhaney) Fiscal, Tax, and Property Meeting Will Begin Immediately After The Public Safety Committee Meeting Concludes Or At 5:00 P.M.)**

The Chairman of the Committee, Chairman McCain stated that all members were present at the meeting. The Committee met in executive session with the Economic Development Director, Jay Schwedler to discuss several items, but no action was taken.

Purchase of Property on Brewington Road: The Committee discussed the purchase of property on Brewington Road near the Sumter Airport. The Committee voted unanimously to recommend that up to \$71,000 be taken from the County's Infrastructure Account to fund this purchase.

Chairman McCain called for a motion on the Committee's recommendation.

ACTION: MOTION and a second were received from the Committee and unanimously carried by Council to approve the recommendation as received from the Committee to allow up to \$71,000 to be taken from the County's Infrastructure Account to fund the purchase of property on Brewington Road near Sumter Airport.

- (4) **Special Meeting Of Sumter County Council Scheduled For Tuesday, September 28, 2021, at 5:30 p.m. In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (All Council Members) The Special Meeting Of Sumter County Council Will Begin Immediately After The Fiscal, Tax, and Property Committee Meeting Concludes Or At 5:30 P.M.)**

Mr. Mixon, the County Administrator, stated that Council and staff meet at 5:30 p.m. to discuss the ARPA and the work thus far that the staff had done with two types of programs (1) Mini Grant Program and the (2) Mobile Home Repair Program.

- **Mini Grant Program:** The application process for the Mini Grant Program started on September 20, 2021, and it will close on October 22, 2021. On November 5, 2021, the application review process will begin. Also, on November 19, 2021, awards will be granted to those that have had an application approved for the Mini Grant Program. As of today, there were only two applications; however, more applications will be coming in to consider.
- **Request For Qualification (RFQ) – Mobile Home Repair Program:** Council has approved for the staff to seek a Request For Qualification to be submitted to the Community to determine agencies and/or organizations that have experience in working with these type projects. Once the RFQ's are received, this information will be brought back to Council for recommendation from staff and determined by Council. The program will assist those that live in mobile home that need repairs.
- **Other Information Has Been Received From Other Programs:** It was decided that the County Administrator and staff will continue to collect information from other programs, i.e. (1) Black Chamber of Commerce, Small Business needs, (2) Sumter County Community Development Corporation for renovation of an historic home to be used as a home for homeless Veterans, (3) Rembert Rafting Creek Community Development Corporation for Broad Band, etc.

Councilman Washington recognized Dr. Brenda Williams in the audience and stated that he knows that she is well pleased with hearing the information tonight from the Administrator concerning the Mobile Home Repair Program.

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

No one spoke during this agenda item.

MONTHLY REPORTS

- 1) Public Works Department August Report
- 2) Building Department Monthly Report

COUNTY ADMINISTRATOR'S REPORT

The Administrator, Gary Mixon, stated that beginning at the first meeting of October, staff will begin providing information to Council concerning the proposed referendum for continuation of the Capital Penny Sales Tax 2023. Some of the processes and procedures that were held during the last effort of the Capital Penny Sales Tax 2014. However, the staff will come up with some creative ways to have the public involved in this process.

PUBLIC COMMENT -- Citizens Desiring To Speak Are Limited To No More Than Three (3) Minutes; Comments Are To Be Made Through The Chairman Of Sumter County Council.

- Estell Brunson and Rodney Brunson came before Council asking for help on repairing Rodney’s mobile home. He lives on Raymon Jenkins Road. Mr. Brunson is a taxpayer and a registered voter.
- Dr. Brenda Williams stated that she thanked God for people that have compassion, love, and empathy for people. Dr. Williams also said that the Family Unit Incorporated is a 501c3 charitable organization that reaches out to people that are in poverty and despair. She thanked Sumter County Council for being compassionate for people in need. She stated that it is her hope that Sumter County Council will provide \$100,000 to be used in this program for 20 families. Lastly, Dr. Williams said that Sumter County has received \$10,000,000 from the Federal Government. She asked Council to devote one tenth of those funds to help those in poverty.

Councilman McGhaney stated that she knows that Dr. Williams’ time ran out, but she wanted Dr. Williams to know that those on Council are advocating for funds to help those in need. Councilman McGhaney said that the ten percent is an Abrahamic Principle; when one receives plenty, they should grant ten percent of the overflow. Councilman McGhaney stated that she is advocating for an additional \$500,000 and even more if possible.

ADJOURNMENT

After all business of Sumter County Council and comments, motion was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to adjourn the meeting at 6:58 p.m.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: October 12, 2021

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 Television first floor of the Administration Building.

Date Posted: Friday, September 24, 2021, and again on Monday, September 27, 2021.

Media Notified: Yes

Minutes – Regular Meeting - Sumter County Council

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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: Friday, September 24, 2021, and again on Monday, September 27, 2021.

Respectfully submitted,

Mary W. Blanding

Clerk to County Council

Sumter County Council

RESOLUTION
LEASE NO. 004-0605904-101
DATED AS OF AUGUST 19, 2021

A resolution authorizing the negotiation, execution, and delivery of Lease No. 004-0605904-101 dated August 19, 2021 (the "Lease"), between Sumter County dba Crystal Lakes Golf Course, 13 E Canal Street, Sumter, SC 29150 and VGM Financial Services, a division of The Huntington National Bank, 11100 Wayzata Blvd, Suite 801, Minnetonka, MN 55305; and prescribing other details in connection therewith.

WHEREAS, Sumter County dba Crystal Lakes Golf Course, (the "Lessee") is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of South Carolina; and

WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements; and

WHEREAS, Lessee hereby finds and determines that the execution of a Lease for the purpose of leasing with the option to purchase the property designated and set forth in the Lease is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, VGM Financial Services, a division of The Huntington National Bank, (the "Lessor") shall act as Lessor under said Lease; and

WHEREAS, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF Sumter County dba Crystal Lakes Golf Course:

Section 1. The Lease, in substantially the form as presently before the governing body of the Lessee, is hereby approved, and the _____ of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the governing body of the Lessee, with such changes therein as shall be approved by such officer, and which Lease will be available for public inspection at the offices of Lessee.

Section 2. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease.

Section 3. The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and such obligations under the Lease shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of South Carolina.

Section 4. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized, ratified and approved.

Section 5. This resolution shall take effect immediately upon its adoption and approval.

CERTIFIED AS TRUE AND CORRECT this ____ day of _____, 20 ____.

Signature of Clerk, Secretary or Assistant Secretary

Printed Name of Clerk, Secretary or Assistant Secretary