



Minutes
Sumter County Council Regular Meeting
Tuesday, August 23, 2022 -- Held at 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

.....
Council Members, Staff, And The Public Will Be Asked To Wear A Facemask At The Meeting. Social Distancing Is Required At All Of County Council's Meetings. Seating Is On A First Come First Serve Basis.

<https://www.youtube.com/channel/UCAHjqzPaonQ9LFS2kO37tA>

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

COUNCIL MEMBERS ABSENT: Chairman James T. McCain, Jr., and Councilman Artie Baker.

COUNTY STAFF PRESENT: Gary Mixon, Mary Blanding, Johnathan Bryan, Keysa Rogers, Valerie Brunson, Naeehma Scott, Jeff Derwort, Greg Hawkins, Joe Perry, and two Sheriff Deputies.

MEDIA PRESENT: The Item Newspaper, Shelbie Goulding.

MEMBERS OF THE PUBLIC PRESENT: Approximately 15 members of the public were present.

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

Vice Chairman Byrd called County Council's meeting of August 23, 2022, to order.

INVOCATION: Council Member, Staff Member, Or Local Citizen

Councilman Vivian McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Veteran David "Bush" Hanson, Council District 4. Thank you for your Service.

APPROVAL OF AGENDA: Regular Meeting Tuesday, August 23, 2022

Vice Chairman Byrd chaired this meeting since the Chairman was absent due to a previous obligation. Vice Chairman Byrd asked the Clerk if there were any changes to the agenda. Mrs. Blanding, the Clerk to Council, stated that there were no changes to the agenda; therefore, Vice Chairman Byrd said he would entertain a motion to act on approving the agenda.

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

APPROVAL OF MINUTES: Regular Meeting Tuesday, August 9, 2022

Vice Chairman Byrd stated that he would entertain a motion on the approval of the minutes of, August 9, 2022.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman McGhaney, and unanimously carried by County Council to approve the minutes of August 9, 2022, 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.

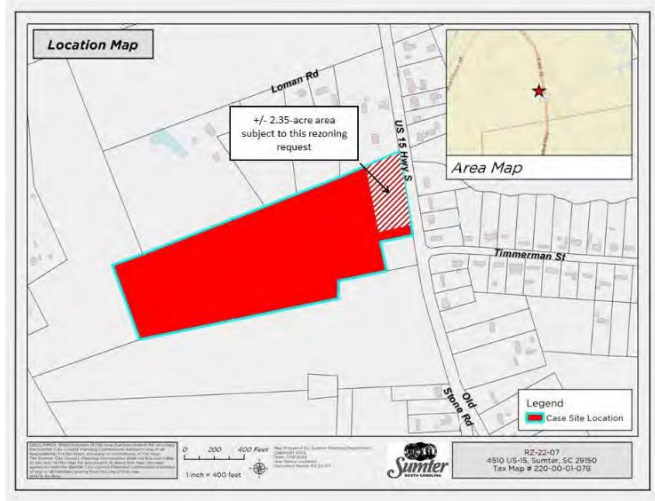
NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.

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

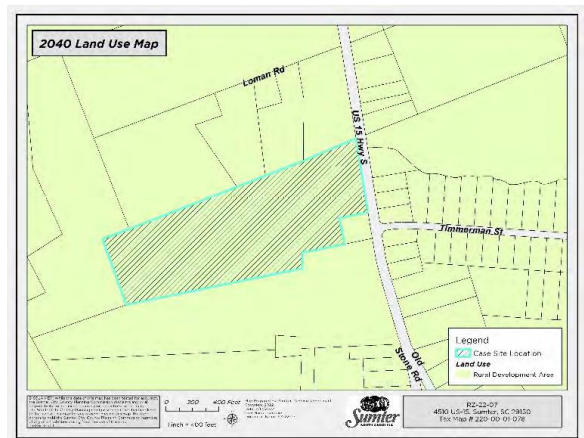
- (1) **RZ-22-07-- 4510 S US 15 Highway (County) –Second Reading/Public Hearing – Request To Rezone +/- 2.35 Acres From A +/- 29.12 Acre Tract Of Land From Agriculture Conservation (AC) To Limited Commercial (LC). The Property Is Located At 4510 S. US 15 Highway And Is Represented By Tax Map # 220-00-01-078 (part). (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

Mr. Jeff Dewort, the Planning Department Zoning Administrator. He stated that this rezoning request is before County Council for second reading and public hearing. The applicant, Patrick James, was present at the meeting on behalf of this request. Mr. James hopes to rezone 2.35 acres from a 29.12-acre tract of land from Agriculture Conservation to Limited Commercial to allow for the development of a Funeral Home.

Councilman Edens asked for Mr. Dewort to show where the cemetery was located on this property. However, Mr. Dewort was not aware where the cemetery is located on the property, but he said that he has heard that there is a cemetery on the property. The location map does not show where the cemetery is located.



Mr. Dewort stated that a funeral home could be constructed now on this property through the AC 500 Conditional Use process which requires that the Conditional Use Criteria must be met plus the property owner would have to obtain two-thirds of the property owners' signatures in support of the Conditional Use and that are within 500 feet of the proposed rezoning request. Also, all AC requirements must be met for this zoning.



Funeral Homes in the LC District are permitted by right and must meet the LC Development Standards. He also stated that the AC District has more restrictions than the LC District. Mr. Dewort further stated that this rezoning request is not generally consistent with the 2040

Comprehensive Plan due to the surrounding residential use and it is not at a major crossroad intersection.

The Planning Commission recommended approval of the rezoning request. After his comments, the Vice Chairman convened a public hearing on this rezoning request. He stated that anyone wishing to

Speak during public hearing will have three minutes and their comments should be addressed to the Vice Chairman.

The following persons spoke during the public hearing.

- Gloria Neal Showers stated that she represents the Neal Family Association who owns the Neal Cemetery on Highway 15 South. She discussed this rezoning request with members of the Neal Family Association, and they are concerned about a Funeral Home being located in this residential area that is zoned agricultural. Ms. Showers stated that the first concern is the proximity of the funeral home to the residential homes in the area. She also stated that given the fact that this has been property on the books so long, and that it was stated at the last meeting that there is no record of a cemetery approval so that gave the Association great concern. It was also noted that they have a fear of soil contamination from the use of formaldehyde. How is it going to be disposed of, will it seep into the ground? The Neal Association members have farms in this area, and they are concerned about the soil and their plants and livestock. Also, they want to know if the funeral home has a crematorium; how will the ashes be made and handled. Additionally, she stated that they have worked with this family a long time and not necessarily an adversarial position that the Neals are taking, but they would have appreciated them talking to the residents in this area. Ms. Showers stated that the Neal Family Association disapprove of the funeral home being in this area.
- Charlie Wells stated that he has some of the same concerns of the Neal Family. Mr. Wells said that he lives just north of the property; he is not against the funeral home but is concerned about the pollutants both aerial and soil. Mr. Wells also said that he has horses in this area and that he does not want anyone complaining about his horses.

Vice Chairman Byrd asked if anyone else wished to speak during public hearing. No one else spoke; therefore, the Vice Chairman closed the public hearing.

Councilman Edens stated that the County has in place for the Agricultural Conservation a Conditional Use. It was set up to allow for the Property Owner to talk with his/her neighbors about the proposed change in the property use. He further stated that an applicant can go to his neighbors and secure a signature stated that they are OK with the proposed rezoning. Councilman Edens also stated that if two-thirds of the neighboring property owners do not agree with the proposed rezoning, then it should not be granted. Councilman Edens also said that it is not that hard of a process to get the signatures of the neighbors that live 500 feet from the proposed rezoning.

Councilman Washington stated that Councilman Edens laid out the process really well and he is in support of the statements made by Councilman Edens. Additionally, Councilman Washington stated that he has said before that he is always going to support the community members that are already living in the area. Also, Councilman Washington stated that Councilman Edens pointed out that there is a process that Mr. Patrick James can follow to work on this project in conjunction with the neighbors and he will be supporting denial of this request.

Councilman McGhaney stated that even if Mr. James goes back and does as it is suggested to get the signatures of the community members that are 500 feet from the proposed rezoning, Mr. James should

still provide information about the possibility of contaminates, the ground, water, and air, if the funeral home is approved.

Patrick James was asked if he would like to speak; Mr. James agreed to speak and started off with clarifying comments made about contaminates. He stated that the Neal Association has a cemetery that is older and have been burying people in the cemetery. He also stated that he cannot understand the concerns by the Neal Family when they already have a cemetery near this location. Additionally, Mr. James stated that an outer container would be required for burials in the cemetery that they plan to develop; it would not be just a wooded container, it would have to have a container to place the coffin in for burial. It was also noted by Mr. James that the funeral home would have to follow the guidelines as stated by the Statewide Funeral Board. He further stated that anytime the funeral home does something, his license is on the line. Mr. James said that one of the other concerns that was heard was the crematory and the ashes that may be in the air. He said that currently, the process for cremation has changed and there are less ashes because everything has to be burnt down as required by the Environmental Protection Agency (EPA). It commented that it is not like the Cremator is burning trash, *(he said he was saying that comment very lightly)* they must follow EPA guidelines.

Councilman Washington asked Mr. James was there any particular reason he did not reach out to the community in advance of applying for the rezoning request which would have allowed him to talk to the community and address any concerns. Mr. James answered stating that there was no reason for not contacting the community, nor any malice in how the process was handled. Mr. James further stated that it was his thoughts to go through this process and have the public hearing, addressing all issues at one time and allow the governing body to make the decision.

Councilman Washington stated that many rural community members have felt that they were overlooked in the past; however, several rural communities are stepping up to ensure that their voices are heard when it comes to developments in their area. Councilman Washington also said that is why he is on Council to make sure that the voice of the people is heard. Councilman Washington advised Mr. James and any other developer to develop a relationship with the community prior to starting the development process. This will make the process go faster. Mr. James said that he is a part of the rural community because his address is Pinewood and he understands the needs of the rural community. He added that his development has no malice, and he was very open to everyone and there will never be 100% of the people in favor of projects.

Councilman Edens reminded Mr. James that a Conditional Use in the Agricultural Conservation District only requires 56%. He also said to Mr. James that he is firm on his thoughts that he would rather see Mr. James contacting his potential neighbors about the project which involves the community. Lastly, Councilman Edens said that he is not against the development at all; he just wants to make sure the community is involved rather than a government body making a decision.

Councilman McGhaney stated that she appreciated Mr. James explaining his reason for bringing the request to council through the rezoning process instead of the Conditional Use process. She also said that she hopes that Mr. James can meet with the community and see what can be accomplished through that process.

Councilman Washington suggested that Mr. James meet with the community prior to going through another process. Councilman Baten stated that it appears that it would be best to defer second reading instead of denying second reading. Councilman Edens stated that this denying second reading does not kill the project; it just requires that Mr. James go through the Conditional Use process and get at least two-thirds of the community to agree with the development.

Mr. Jeff Dewort stated that if Council denies second reading, then the Applicant, Mr. James, could submit a Conditional Use application. If all the conditions are met, including the two-thirds supportive signatures from the neighbors, then the project would go forward without coming back to Sumter County Council.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman McGhaney, and carried by Council to deny second reading to this rezoning request. Vice Chairman Byrd voted in opposition to the motion. The motion carried with four votes in the affirmative and one in opposition.

OTHER PUBLIC HEARINGS:

- (1) None

NEW BUSINESS:

- (1) 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 Thereafter If Required.

No executive session was held.

OLD BUSINESS:

- (1) Ordinance #22-978 - Third Reading -- An Ordinance Authorizing The Conveyance Of The Property Located At 645 Manning Avenue To The City Of Sumter.

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for third reading. He stated that this ordinance will allow for the County to convey the property at 645 Manning Avenue, Sumter, SC to the City of Sumter for a “Art Park Project.” Mr. Bryan also stated that there have been no changes to the ordinance since first reading. The Clerk provided copies of the map for this area and the proposed layout of the Art Park Project. After all comments, Vice Chairman Byrd called for a motion on third reading.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman McGhaney, and unanimously carried by County Council to grant third reading approval to this ordinance as presented.

- (2) Ordinance # 22-979 - Third Reading - An Ordinance Authorizing The Conveyance Of The Property Located At 538 South Sumter Street To The Sumter County Community Development Corporation.

Mr. Bryan also presented this proposed ordinance to Council for third reading. He stated that this ordinance will allow for the County to convey the property at 538 South Sumter Street to the Sumter County Community Development Corporation to be used in a future development project(s) for low to moderate income housing. Mr. Bryan also stated that there have been no changes to the ordinance since first reading. The Clerk provided copies of the map for this area and a letter from the SCCDC stating that they are in support of this ordinance. After all comments, Vice Chairman Byrd called for a motion on third reading.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman McGhaney, and unanimously carried by County Council to grant third reading to this ordinance as presented.

COMMITTEE REPORTS

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

Councilman Washington stated that over the weekend he and Vice Chairman Byrd attended an event and during the event, a lot of people asked about the Capital Project Sales Tax (CPST) projects. He thanked Vice Chairman Byrd for how he informed those that were present at the event about CPST process and projects.

Councilman Washington said that he thought that it would be good for Council to do something publicly in a Council meeting about the projects that will be on the ballot. This information process would inform each district exactly what project will be on the ballot for each district. He also suggested that each Council meeting beginning in September would highlight a district and what projects will be developed in that district.

Councilman McGhaney stated that she feels that this is a good idea, but we may want to include what projects have been completed in the 2014 CPST and the 2008 CPST.

Councilman Baten said he too thinks it is a good idea, but Council must be careful that although the project may be in a district, it could be a project that helps all districts.

Councilman Washington stated that he understands that the people in the City understand what the process is about, and the Rural community understands as well. However, this is only an informational process to make sure the people are aware of what they are voting for on the ballot in November.

MONTHLY REPORTS

1. Airport Commission June and July Monthly Meeting Minutes
2. Sheriff's Office July Monthly Report
3. Festival On The Avenue
4. Premier Showing Of "Waiting For Superman"
5. Return To Bollywood - Red Carpet Affair - YWCA
6. Building Report And Planning Commission Information
7. Ribbon Cutting Ceremony - Lincoln Center

COUNTY ADMINISTRATOR’S REPORT

Gary Mixon reminded Council that there are only four meetings left prior to the election. However, mention that there are four categories of the Capital Projects Sales Tax Projects. He further stated that it might be better to present the projects in the category order instead of by Council Districts.

On August 10, 2022, the Administrator and other staff members presented the Capital Projects Sales Tax (CPST) Projects to the Board of Directors of the Chamber Of Commers and the Board voted unanimously to support and promote the Capital Project Sales Tax Projects upcoming referendum. It was noted by Mr. Mixon stated that during the previous CPST referendums, the Chamber worked diligently to help promote the passage of the CPST referendum. More information will follow including a pamphlet for the projects.

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.

There were no comments from the public.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:38 p.m. after a motion by Councilman Edens, seconded by Councilman McGhaney, 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: September 13, 2022

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 on first floor of the Administration Building.
- Date Posted: August 19, 2022
- 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 19, 2022

Minutes – Regular Meeting - Sumter County Council
Tuesday, August 23, 2022
Page 8

Respectfully submitted,
Mary W. Blanding
Clerk to County Council