



Minutes
Sumter County Council Regular Meeting
Tuesday, February 14, 2023 -- Held at 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

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

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

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

Chairman McCain called the meeting of February 14, 2023, to order.

INVOCATION: Council Member, Staff Member, Or Local Citizen

The invocation was given by Councilman Vivian Fleming McGhaney.

PLEDGE OF ALLEGIANCE: Led By **Veteran Keith Margeson**, Council District #6 Retired US Marine Veteran Keith E. Margeson served our Country from December 29, 1987 to December 31, 2007 with 20 years of honorable service. He is a Gulf War Service Veteran that supported Operation Desert Storm and Operation Iraqi Freedom. He currently lives in County Council District 6. Thank you for your service.



APPROVAL OF AGENDA: Regular Meeting Tuesday, February 14, 2023

Prior to action on the Agenda, Chairman McCain asked Council to consider moving items #1 and #2 under New Business to the first items listed after approval of Council's January 24, 2023, minutes. Then the Chairman called for a motion on action on the agenda of February 14, 2023.

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

APPROVAL OF MINUTES: Regular Meeting Tuesday, January 24, 2023

Chairman McCain asked for a motion concerning approval of the minutes of January 24, 2023.

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

NEW BUSINESS:

- (1) **Recognition Of 2023 Medal Of Valor Recipients, S. C. Law Enforcement Officers Association: SSgt. Blake Weathersbee, Deputy Joshua Kirby; and Lieutenant Robert Reynolds.**

The Chairman of Sumter County Council, James T. McCain, presented the American Legion recognition on behalf of Council members to each of the American Legion Honorees and the S. C. Law Enforcement Officers Association Medal of Valor Recipients. Each recipient received a certificate, and they received a gift from County Council. Sheriff Dennis gave a background on each Medal of Valor recipients as to why the officer received the award.

- (2) **American Legion Honorees: EMS Technician of the Year: Pvt. Taylor D. Harvin; Police Officer of the Year: Cpl. James Salmon; Firefighter of the Year: Lt. James Hemby Smith; Detention Officer of the Year:**

Senior Cpl. Tamiko Gregg-Wright; Sheriff's Officer of the Year; Sergeant Timothy Adams; and Public Safety Officer of the Year: SSgt. Blake Weathersbee.

The Department Head for each area gave a brief explanation as to why the person received the award and then Chairman McCain presented the recipients with a gift and a framed certificate.

NOTE: Chairman McCain also recognized Joshua Roodman, Boy Scout from Troop 339, American Legion, was present in the audience tonight.

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-22-14 -- 4605 Patriot Parkway -- (County) - First Reading -- Request to rezone +/- 1.89-acres of land from General Residential (GR) to Agricultural Conservation (AC). The property is located at 4605 Patriot Parkway and is represented by Tax Map #'s 156-00-01-009.**

Mrs. Roodman, the Planning Director, stated this rezoning request at 4605 Patriot Parkway, is requesting that 1.89 acres of land from General Residential to Agricultural Conservation. The property partially fronts on Patriot Parkway and near the railroad tracks towards Shaw AFB. The applicant hopes to build a hair salon on the property. Currently there is an old, manufactured home on portion of the property. The applicant plans to demolish the manufactured home prior to building the new business. The Planning Commission and Planning staff recommended approval. Then Chairman McCain called for a motion on first reading.

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

- (2) **RZ-22-13 -- 1700 Peach Orchard Road -- (County) - Third Reading -- A Request To Rezone +/- 0.22-Acre Portion Of TMS# 133-15-02-036 From Agriculture Conservation (AC) To General Commercial (GC). The Property Is Located At 1700 Peach Orchard Road, And It Is Represented By TMS # 133-15-02-036 (Part).**

Mrs. Roodman also presented this proposed rezoning request for third reading. She stated that this request would allow for a portion of this tract of land to be rezoned to General Commercial to allow for a Garden Nursery to be built on this property. After all comments, the Chairman called for a motion on third reading.

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

OTHER PUBLIC HEARINGS:

- (1) None

NEW BUSINESS CONTINUES:

- (3) R-23-01 – A Resolution Identifying A Project To Satisfy The Requirements Of Title 12, Chapter 44 Of The South Carolina Code, So As To Allow Investment Expenditures Incurred By A Company Known To The County As Project Ignis, Its Affiliates And Related Entities, To Qualify As Expenditures Eligible For A Fee-In-Lieu Of Ad Valorem Taxes Arrangement With Sumter County, South Carolina; Providing For A Fee In Lieu Of Ad Valorem Tax Incentive And Other Related Economic Development Incentives, Including Special Source Revenue Credits; And Other Matters Related Thereto.

The County Attorney, Johnathan Bryan, presented this proposed resolution as well as Ordinance #23-985 to Council on behalf of an economic development project. He stated that the resolution is to show good faith efforts on behalf of the County as it relates to the Company which is called Project Ignis. Mr. Bryan also stated that Ordinance #23-985 is before Council for first reading by Title Only as it relates to Project Ignis. After comments from the County Attorney, the Chairman called for action on the resolution and action on ordinance #23-985, as presented by the County Attorney.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to approve and adopt the resolution authorizing the Chairman and the Clerk to Council to execute and deliver the resolution on behalf of Sumter County.

Resolution #23-01

WHEREAS, Sumter County (the “County”) is a political subdivision of the State of South Carolina (the “State”) and as such has all powers granted to counties by the Constitution and the general law of this State; and

WHEREAS, the County, acting by and through its County Council, is authorized and empowered (i) under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”) to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State and to covenant with such industry to accept certain fee payments in lieu of ad valorem taxes (“FILOT”) with respect to such investment; and (ii) to make and execute contracts pursuant to Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, pursuant to Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (“MCIP Act”), the County is authorized (i) to develop multi-county industrial or business parks in partnership with counties having contiguous borders with the County, (ii) to include within the boundaries of such parks the property of eligible companies; and (iii) to grant credits against FILOT payments to qualifying companies to offset qualifying infrastructure related expenditures (“Special Source Revenue Credits”); and

WHEREAS, a company known to the County as Project Ignis, as Sponsor, along with one or more existing, or to-be-formed or acquired subsidiaries, or affiliated or related entities and any Sponsor Affiliates that the Sponsor may designate and the County may approve in accordance with the Act (collectively, the “Company”), contingent upon satisfaction of certain commitments made by and on behalf of the County, as set forth herein and to be further set forth in future agreements, and to the extent allowed by law, plans to establish a manufacturing and distribution facility in the County through the acquisition, lease, construction and purchase of certain land, buildings, furnishings, fixtures,

apparatuses, and equipment (collectively, the “Project”), which will result in significant investment in real and personal property in the County (“Investment”); and

WHEREAS, as an inducement for the Project, the Company requests and the County desires to provide certain incentives, including but not limited to, the following: (1) the incentive of a FILOT for a term of 30 years, and having a fixed assessment ratio of 6% with a millage rate (adjustable once every five (5) tax years in accordance with Section 12-44-50(A)(1)(b)(ii) of the Act) equal to the lowest millage rate permitted pursuant to Section 12-44-50(A)(1)(d) of the Act, the terms of which shall be further set forth in a fee-in-lieu of ad valorem taxes agreement between the County and the Company (“Fee Agreement”); (2) the maintenance of the Project in a multi-county industrial or business park of which the County is a member county; (3) the provision of an annual 40% Special Source Revenue Credit against those FILOT payments made by the Company to the County for the Project for a period of five (5) years and upon the Company meeting certain commitments as outlined in the Fee Agreement, the provision of an annual 30% Special Source Revenue Credit against those FILOT payments made by the Company to the County for the Project for a period of five (5) years immediately following the end of the initial five (5) year period; and (4) any other incentives that may be set forth in the Fee Agreement or other agreements by and between the County and the Company (collectively, the “Incentives”); and

WHEREAS, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives; and

WHEREAS, in accordance with Section 12-44-40 of the Act, and based on information provided by the Company, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits, not otherwise adequately provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

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

*Section 1. **Project Identification for Purposes of the Act.** The County hereby identifies the Project as a “project” as contemplated by Section 12-44-40 of the Act.*

*Section 2. **Project Findings.** Based on information provided by the Company, the County hereby finds and affirms its determination that: (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality and or a charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.*

*Section 3. **Authorization to Negotiate Incentives.** The County shall negotiate in good faith the Incentives and the agreements relating thereto, including but not limited to the Fee Agreement.*

*Section 4. **Placement of Project in a Multi-County Industrial or Business Park.** The County shall use its best efforts to cause the Project, if not already so placed, to be located within the boundaries of a multi-county industrial or business park as provided in Article VIII, Section 13 of the South Carolina Constitution and the MCIP Act.*

*Section 5. **Past and Future Acts.** The County Council hereby authorizes the Chair of the County Council and other County staff, along with any designees or agents designated thereby, including the County’s attorney for this Project, in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions, and enter into whatever further agreements, as are allowed by law and as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution and induce the Company to locate the Project in the County, and authorizes and ratifies all actions previously undertaken by Authorized Individuals with respect to the Project and the actions contemplated by this Resolution.*

*Section 6. **Severability.** Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding, or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.*

*Section 7. **Repealer Clause.** All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.*

- (4) **Ordinance #23-985 – First Reading -- An Ordinance Authorizing (1) Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Sumter County, South Carolina And A Company Known To The County As Project Ignis, As Sponsor, And One Or More Sponsor Affiliates To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; (2) The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between The County And Project Ignis With Respect To Certain Economic Development Property In The County, Whereby Such Property Will Receive Certain Special Source Revenue Credits; And (3) Other Related Matters. Title Only**

This ordinance was presented along with Resolution R-23-01. (See information above and action listed below).

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

- (5) **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 In Open Session If Necessary.**

No executive session was held.

OLD BUSINESS

- (1) **Ordinance #22-984 – Third Reading -- An Ordinance Authorizing The Sale Of The Property Located At 1987 Durant Lane To Adams Property Group, LLC.**

Mr. Bryan, the County Attorney stated that County Council and Adams Property Group, LLC have reached a contract on the property at 1987 Durant Lane. Therefore, a copy of the contract agreement is in Council’s packet for review. All changes are listed in the agreement before Council at this meeting.

After all comments, the Chairman called for a motion on third reading and adoption of this ordinance as presented.

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

COMMITTEE REPORTS:

- (1) **Internal Affairs Committee Meeting To Be Held On Monday, February 13, 2023, At 5:00 p.m. In The County Administrator’s Conference Room, 13 E. Canal Street, Sumter, SC 29150. (Byrd, Baker, McGhaney)**

The Chairman of the Committee, Vice Chairman Byrd, was at the meeting on Monday, February 13, 2023, and attended this meeting; however, he left early due to a previous commitment. Councilman Artie Baker, one of the Committee members, gave the following report and recommendations from the committee meeting.

- **Alcohol and Drug Abuse Commission:** The Committee recommended the following:
1. **Reappoint:** Margaret Carpenter, Joshua G. Coleman, and Mary Sheridan
 2. **Appoint:** Cynthia Yvonne Kelley and Daryl McGhaney (**Note:** *Councilman McGhaney was not at the meeting during the discussion, consideration, or voting on the appointment of Daryl McGhaney on February 13, 2023. Additionally, it was noted at the February 14, 2023, meeting of Council that Councilman Vioian Fleming McGhaney did not participate in the voting of the appointments for the Alcohol and Drug Abuse Commission members.*)

ACTION: MOTION and second were received from the committee, and unanimously carried by Sumter County Council to approve the appointments as presented. (**Note: Councilwoman McGhaney did not vote on any appointments for the Alcohol and Drug Abuse Commission.**)

- **Cultural Commission:** The Committee recommended the following:
1. **Reappoint:** Goliath Brunson, Jr.
 2. **Appoint:** Hakeem D. Drayton, Annie Meredith, Andrea Loney, Grace Kelley, Wygelia E. Palmer, Mary Anne Miles Scott, Stephanie Dowling, Jonathan Zimpleman, Elyn Croft, and Millie Jones Welch.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Sumter County Council to approve the appointments as presented.

- **Library Board:** After a report from the Clerk to Council concerning the expiration dates for the Library Board, which was recorded as 4 years per term; it was agreed that the term year would be changed to 3 years, per the Library Board Ordinance, but allow the ending term for the current board members to remain as is. The three-year term will be used for future appointments.

ACTION: It was the consensus of Sumter County Council that no action needed to be taken and agreed that the Clerk to Council would handle this matter as suggested above.

- (2) **Land Use Committee Meeting To Be Held On Tuesday, February 14, 2023, At 2:30 p.m. In The County Administrator’s Conference Room, 13 E. Canal Street, Sumter, SC 29150. (Edens, Baker, Baten)**

The Chairman of the Committee, Councilman Edens, stated that all the members were present and discussed one item pertaining to zoning districts and guidelines for Solar Development. The recommendation from the Committee was to direct the Planning Department staff to continue their research in this matter and report back to the Land Use Committee their findings at a later date.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Sumter County Council to approve the recommendation as stated in the report.

(3) **Public Works Committee Meeting To Be Held On Tuesday, February 14, 2023, At 3:00 p.m. In The County Administrator’s Conference Room, 13 E. Canal Street, Sumter, SC 29150. (Baker, Baten, Washington) This Meeting Will Begin Immediately After The Land Use Committee Meeting Or At 3:00 P.M.**

The Chairman of the Committee, Councilman Baker, stated that no action needs to be taken at this time; however, the committee met and all members were present as well as other Council members. The Committee received detailed information about the Litter Program and dirt road issues. Committee Chairman Baker stated that Councilman Washington had a lot of concerns about the Committee’s agenda items; therefore, he asked Councilman Washington if he had any comments to add to the report.

Councilman Washington thanked Councilman Baker for working with him closely on these two items (Litter and Roads). He further thanked other members of Council for understanding that these issues are important to the citizens of Sumter. After discussion, it was determined that the County Administrator and the Public Works Director will conduct some research and bring back some options that Council can execute to address the Litter Problem: (a) cost for contracting a litter company that can collect litter around rural area recycling centers where most of the trash is accumulating in a three-to-five-mile radius from around the recycling centers. Once the information is collected, it will be brought back to the Committee with the impact cost and then the County will be prepared to move forward with resolving the litter issues that we have. County Councilman Washington also thanked the volunteers that are working diligently with helping to alleviate the litter issues.

Councilman Washington also stated that the County will (b) rev up the enforcement issues as it relates to litter. Fines will be given, community service will be required of them, and there may be other consequences for repeat offenders. Also, (c) the Litter Committee will be implementing a litter education program in the schools.

It was also noted by Councilman Washington that the Committee discussed matters relating to the road conditions. Councilman Washington stated that there are a lot of private dirt roads in the County and many of these roads have 20 or more homes on the roads. Over the years, the roads have become impassable and at times, it may be impossible for emergency services to move quickly and fluidly on the roads if at all, i.e., fire, law enforcement, and EMS. It was further stated by Councilman Washington that three options were discussed, and the Administrator is to research these options and the financial impact of these three options. Once Council reviews the three options, then the options can be used as a tool to help the citizens on the dirt roads. He further thanked Council for understanding that a “rising tide raises all ships.”

ACTION: **ACTION:** MOTION and second were received from the Committee, and unanimously carried by Sumter County Council to approve the recommendation as stated in the report.

- (4) **Public Safety Committee Meeting To Be Held On Tuesday, February 14, 2023, At 4:00 p.m. In The County Administrator's Conference Room, 13 E. Canal Street, Sumter, SC 29150. (Washington, Baten, Byrd) This Meeting Will Begin Immediately After The Public Works Committee Meeting Or At 4:00 P.M.**

Councilman Washington deferred from providing a report based on the fact that the items he had on the Public Safety Committee Meeting were the same items, except for the Detention Center, that were on the Public Works Committee Meeting agenda and those items have been reported out. Note: The Detention Center will be placed on the February 28, 2023, meeting agenda for Public Safety.

- (5) **Fiscal, Tax, and Property Committee Meeting To Be Held On Tuesday, February 14, 2023, At 5:00 p.m. In The County Administrator's Conference Room, 13 E. Canal Street, Sumter, SC 29150. (McCain, Edens, and McGhaney) This Meeting Will Begin Immediately After The Public Safety Committee Meeting Or At 5:00 P.M.**

Chairman McCain, Chairman of the Fiscal, Tax, and Property Committee reported that the Committee, along with other Council members received a briefing from the Economic Development staff in executive session to discuss Project Ignis. No action was taken.

- (6) **Technology/Personnel Committee Meeting To Be Held On Tuesday, February 14, 2023, At 5:15 p.m. In The County Administrator's Conference Room, 13 E. Canal Street, Sumter, SC 29150. (McGhaney, Byrd, Washington) This Meeting Will Begin Immediately After The Fiscal, Tax, and Property Committee Meeting Or At 5:15 P.M.**

Committee Chairman Vivian Fleming McGhaney gave the report from the meeting stating that the Information Technology Department provided a presentation on the new set-up on the website which should go live in early August. The new viewing property records will be combined with the Auditor, Treasurer, Assessor, and the Register of Deeds Office. Citizens will be able to maneuver through the one screen without closing out one department and going into another. Also, Council members were asked to make sure they complete the KnowBe4 training so that security issues would be understood at a greater level. No action was taken.

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

Councilman Baten attended the NAACP Board Meeting on February 9, 2023; they are planning for the black history Program which will be held at St. Luke Methodist Church.

MONTHLY REPORTS

- 1) 2023 - South Carolina Rural Summit
- 2) SCAC Legislative Action Day
- 3) Sumter Rotary Club - Farm To Table 2023
- 4) State Of Sumter, Chamber of Commerce -- Friday, March 3, 2023
- 5) Sumter County Sheriff's Office January Monthly Report
- 6) Farm To City Dinner

COUNTY ADMINISTRATOR'S REPORT

No report was given.

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.*

- Myra Washington spoke during Public Comment. Mrs. Washington stated that she would be remiss if she did not congratulate the Councilman from Rembert on 30 years of marriage today. She said that she did not think it was possible, but they have made it together. She addressed Councilman Washington with this statement: *“Sweetheart I love you more today than I did 10,950 days ago. It has been a real ride and I am looking forward to the next 10,950 days ahead.”*
- Councilman Baten commended Mrs. Washington for her outstanding courage.
- Councilman Washington responded by stating that like most of his colleagues on Council, except Councilman McGhaney, he realized that he married above himself and he appreciates Myra as his wife, and he thanked her for being Mrs. Washington and putting up with him for 30 years.
- Jackie Hughes stated that she has an idea for County Council relating to litter. Ms. Hughes said that she picks up litter near her home, and most of the litter is from fast food. She asked Council if there is a way to add a fee to fast food businesses to help with litter. She also asked Council if the Item Newspaper can start putting people’s names and pictures in the paper when they are charged with littering.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:59 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: _____

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: February 10, 2023

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 Spectrum Cable.

Date Notified: February 10, 2023

Respectfully submitted,

Mary W. Blanding

Clerk To County Council