



Agenda
Sumter County Council
Regular Meeting
Tuesday, June 23, 2020 -- Held at 6:00 p.m.
Sumter County Courthouse, Third Floor, Room 308
County Council's Chambers - 141 North Main Street, Sumter, SC
Virtual

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**Sumter County Government Offices are currently closed to the public.
Please use the following method to attend County Council's Meeting.**

<https://www.youtube.com/channel/UCAHjiqzPaonQ9LFS2kO37tA>

COUNCIL MEMBERS PRESENT:

FACE-TO-FACE

Chairman James T. McCain, Jr., , Councilman Eugene R. Baten, and , Councilman Vivian Fleming McGhaney

VIRTUAL

Vice Chairman James R. Byrd, Councilman Artie Baker, Councilman Charles T. Edens, and Councilman Chris Sumpter

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

VIRTUAL

Gary Mixon

FACE-TO-FACE

Johnathan Bryan, Mary W. Blanding, Lorraine Dennis, Keysa Rogers, The Honorable Ernest Finney II, Kelsey Andrews, Allen Dailey, Joe Perry, and one Sheriff Deputy.

MEDIA: Bruce Mills and Shelbie Goulding

PUBLIC: No members of the public attended this meeting due to the County being closed to the public.

NOTE: Prior to the meeting being called to order, Chairman McCain stated that Solicitor Finney has been asked to attend County Council's regular meeting during the time for discussion on the Budget.

CALL TO ORDER: Chairman James T. McCain called County Council's June 23, 2020, regular meeting to order.

INVOCATION: Councilman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: Everyone in attendance and on Zoom (virtual software application) repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, June 23, 2020

Chairman McCain asked the Clerk to Council if there were any changes to the agenda. Mrs. Blanding, the Clerk to Council stated that there was one item that needed to be added to the agenda under New Business as Item #4 - *Consideration of Sumter City Council's Ordinance 2686 Concerning Boards and Commissions.*

ACTION: MOTION was made by Councilman McGhaney, seconded by Councilman Baten and unanimously carried by Council to approve the agenda as recommended for amendment by the Clerk to Sumter County Council.

APPROVAL OF MINUTES: Regular Meeting Tuesday, June 9, 2020

Chairman McCain stated that he would entertain a motion concerning the approval of the minutes of June 9, 2020.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman McGhaney, and unanimously carried by Council to grant approval of the minutes of June 9, 2020 as presented.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests

1. None

OTHER PUBLIC HEARINGS:

1. None

NEW BUSINESS:

Prior to discussion on R-20-05, Councilman Baten recused himself from the meeting due to a conflict of interest. Councilman Baten presented a recusal letter to the Chairman of Sumter County Council on March 12, 2020, as sent below.



Eugene R. Baten, MS/LMSW
Sumter County Council, District 7
Post Office Box 3193, Sumter, SC 29151

March 12, 2020

Mr. James T. McCain
Chairman, Sumter County Council
13 East Canal Street
Sumter, SC 29150

Chairman McCain:

Effective immediately, I am hereby recusing myself from involvement and discussion on all matters concerning Sumter School District and Sumter County Sheriff's Office/Sumter-Lee Regional Detention Center. My daughter, Dr. Alexandra T. Baten, is presently involved (as the Plaintiff) in litigation with both organizations.

Sincerely,

Eugene R. Baten, MS/LMSW
Sumter County Council
District 7

cc: Mary Blanding, Clerk to Council
Gary Mixon, Sumter County Administrator
Johnathan Bryan, Esq., Sumter County Attorney
Jimmy Byrd, Vice Chairman Sumter County Council
Artie Baker, Sumter County Council
Vivian Fleming McGhaney, Sumter County Council
Charles Edens, Sumter County Council
Christopher Sumpter, Sumter County Council

1. **R-20-05 -A Resolution by Members of Sumter County Council Adopting Council's Actions On The 2020-2021 Budget Request Of Sumter School District.**

County Administrator, Gary Mixon, presented the proposed resolution before Council for action, per Council's decision. Mr. Mixon stated that this matter was discussed during the Budget Workshop held today June 23, 2020. He further stated that the projections and requests from the School District for year-one of a three year plan would require 5.3 mills:

School District Request:

Year One of Three Year Plan - \$1,537,851 for 29 Positions

\$1,537,851 = 5.3 mills*

\$1,537,851 = \$ 588,840 1.5% Growth* and 3.3 mills*

* estimated

Chairman McCain stated that he feels the County needs to do something for the School District. Councilman Edens was concerned about the Schools District's excess for funds. Councilman Baker stated that he had concerns about the teacher's step increases.

Councilwoman McGhaney offered the following motion concerning the request from the Sumter School District.

ACTIONS: MOTION was made by Councilman McGhaney and seconded by Chairman McCain to grant approval of a 3.3 mill allocation above the appropriations from last year (160.1) totaling 163.4 mill appropriation for 2020-2021. The following votes were recorded for this motion.

In Favor of the Motion:

Councilwoman Vivian Fleming McGhaney

Chairman James T. McCain

Councilman Sumpter

In Opposition of the Motion

Vice Chairman James Byrd

Councilman Baker

Councilman Edens

The motion died for a lack of majority vote.

NOTE: Councilman Baten did not vote nor was he in Council Chambers during this discussion due to a conflict of interest. The same is true for all other actions concerning the proposed resolution.

Councilman Edens as well as Councilman Baker stated that they would prefer waiting to see what the State will do in reference to allocating the School District with additional funding sometime in September.

RESOLUTION

Be It Resolved by the County Council for Sumter County, South Carolina, in Council duly assembled:

1. That in accordance with the general law and local law, any millage increase over the prior fiscal year millage must be approved by the governing body of Sumter County.

2. The provisions of §6-1-320(A)(1) of the Code of Laws of South Carolina, allow for an increase in millage, based on the consumer price indices for the prior calendar year and the percentage increase in the previous year in the population of Sumter County as determined by the Revenue and Fiscal Affairs Office. The maximum permissible millage increases for fiscal year 2020-2021 is mills which is % of mills.

3. That the annexed copy of the proposed budget (the Budget) for the Sumter School District, which was submitted for approval to the County Council for Sumter County, South Carolina, by the Sumter School District pursuant to the provisions of South Carolina Act 387 of 2008, as amended by Act 112 of 2009 of the General Assembly of the State of South Carolina, is, together with any changes or amendments heretofore made thereon, made a part hereof, and incorporated into this Resolution by reference.

4. That the annexed Budget, inclusive of any and all changes and amendments thereto heretofore made thereon as are reflected on the annexed copy thereof, is hereby approved by the County Council for Sumter County, South Carolina, subject to the terms of Paragraph 5 herein.

5. That the appropriate officials of Sumter County, South Carolina, are authorized and directed to determine, assess, levy, collect, and disburse the Ad Valorem taxes which will be generated by _____ mills, which Ad Valorem taxes will be approximately \$ _____ million.

6 Notwithstanding any other provision of this resolution, should the total millage needed to fund any other amount appropriated herein exceed the **millage approved herein**, the amounts appropriated herein shall be automatically reduced to the amounts actually generated by the approved millage rate of _____.

7. Resolution shall take effect upon its adoption; adopted this **23rd** day of **June 2020**.

2. **20-930 – First Reading – An Ordinance Calling For A Referendum To Determine Whether The South Carolina Department Of Revenue May Issue Temporary Permits To Allow For The Sale Of Beer And Wine For Off Premises Consumption On Sundays In The County Of Sumter.**

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for first reading consideration. Mr. Bryan stated that this ordinance, if approved, will allow for Voter Registration to place this ordinance on the Ballot permitting voters to determine whether or not they would want to allow for the sale of beer and wine for off premises consumption on Sundays in Sumter County. The question would be on the ballot for the November election, and it will be a Yes or No question. See ordinance below. Chairman McCain stated that he would entertain a motion concerning first reading.

Prior to action being taken, Councilman Baten said that he is in favor of the sale of beer and wine for off premises consumption on Sundays. He sited that military personnel and their families are already purchasing Beer and Wine on Sundays from the Air Force Base Commissary and other facilities on the Base. Therefore, it would be worthwhile for the same to happen for stores that are not on the Air Force Base. However, Councilman Baten wanted to know why did the citizens need this on a Referendum, when members of Sumter County Council are the authorities that should be making this decision.

County Attorney Johnathan Bryan stated that the process of passing the ordinance to request the Voter Registration Office to place this matter on the November 2020 Voting Ballot is a State law requirement.

The County is following what is required statewide. After all comments, the Chairman restated the motion and Council acted on the motion as shown below.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and carried by Council to grant first reading approval of the ordinance as presented. Councilman McGhaney voted nay. The motion carried.

WHEREAS, certain businesses located in the County of Sumter (the "County") desire to sell beer and wine on Sundays so as to maintain competitiveness with other businesses in adjoining counties and municipalities that allow the sale of beer and wine on Sundays;

WHEREAS, pursuant to S.C. Code Ann. 61-6-2010(C)(4) (2009), counties are authorized by ordinance to call for a referendum to be conducted at the next general election on the issue of allowing the sale of beer and wine on Sundays; and

WHEREAS, County Council desires to place the following referendum on the ballot at the next general election to be held on November 3, 2020.

NOW, THEREFORE BE IT ORDAINED BY COUNTY COUNCIL, that the Sumter County Election Commission is hereby directed to place the following question on the ballot at the next general election to be held on November 3, 2020, and to cause a notice to be published in the newspaper of general circulation at least seven (7) days before the referendum.

The form of the question on the ballot shall be as follows:

"Shall the Department of Revenue be authorized to issue temporary permits in this county for a period not to exceed twenty-four hours to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?"

AND IT IS SO ORDAINED by Sumter County Council this 28th day of July, 2020 in meeting duly

3. **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.**

There was no executive session.

4. Consideration of Sumter City Council's Ordinance 2686 Concerning Boards and Commissions. Attorney Bryan stated that a section of the City of Sumter's Ordinance which is listed below, states that the City Manager has the authority to allow for the Boards and Commissions for the City and those that are joint with the County to determine whether or not the meeting should be held or not. This authority as it relates to the emergency issues that are ongoing with the COVID-19 Pandemic. Listed within the ordinance is language, which states that Sumter County can contest the actions in the ordinance for Joint Boards and Commissions, or the County can decide not to contest. If County Council does not contest, then no action needs to be taken. However, if County Council did contest, then formal action must be taken and forwarded to the City of Sumter.

It was the consensus of Sumter County Council *not to contest the actions listed with Ordinance 2686* of the City of Sumter. Therefor no action was need by Sumter County Council.

Ordinance No. 2686
Page 2

2. As an alternative to postponement and rescheduling, public meetings and hearings of City Boards and Commissions may be held with members and the public physically present if it is determined administratively by the City Manager, in his discretion and on advice of City staff for its boards and commissions, that public health concerns can be reasonably addressed and reasonable social distancing practices are available and followed at the public meeting and hearing. Unless the County, by formal action, objects, this provision also shall apply to all joint boards and commissions of the City and County.

This Ordinance, as an emergency ordinance, shall become effective immediately upon Council approval on one reading, and shall expire automatically on August 16, 2020, unless earlier amended, extended or repealed by action of Council.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUMTER, SOUTH CAROLINA, ON THIS 16TH DAY OF JUNE 2020.

OLD BUSINESS:

1. 20-926 - Third Reading -- Little John Lane Ordinance No. 20-926 An Ordinance Authorizing The Transfer Of Little John Lane To The Adjoining Property Owners.

County Attorney Bryan stated that there has been no change to this ordinance since first reading. After this statement by Mr. Bryan, the Chairman called for a motion on third reading of this ordinance.

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

2. 20-927 -- Third Reading -- An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, Series 2020, Or Such Other Appropriate Series Designation, In The Principal Amount Of Not Exceeding \$3,500,000; Fixing The Form And Details Of The Bonds; Authorizing The County Administrator To Prescribe Certain Details Relating To The Bonds; Providing For The Payment Of The Bonds And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.

Mr. Mixon, the County Administrator, stated that this is the Capital Projects Bond, which is a part of our budget process. See entire list of items attached to these minutes.

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

3. 20-928 -- Third Reading -- An Ordinance To Provide For A Levy Of Taxes For County Purposes Of Sumter County, S. C., (Known As The Budget Ordinance) For The Fiscal Year Of Said County Beginning July 1, 2020, To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto.

Chairman McCain stated that he asked Solicitor Finney to come to the regular meeting of Sumter County Council so that Council could further discuss Solicitor Finney’s Budget request during this meeting. As stated earlier in the Budget Workshop, Solicitor Finney stated that he needs an additional \$388,000 for his budget this year; the letter had \$450,000 but the request is for \$388,000.

Solicitor Finney emphasized that he has not received a budget increase for the past 10 years. He also stated that he wants to hire another Investigator and will need additional revenue to fund this position and several other positions in his department to include additional attorneys. Mr. Finney stated that two of his senior Solicitors resigned in January, and he has not paid their salaries since that time. He also stated that those two positions are not listed within his budget and he is actively seeking to fill the positions. These attorneys had 400 or more cases to be accounted for when they left employment with Sumter County. Solicitor Finney stated that the presentation he made earlier to Council during the budget workshop is for two additional Attorneys which will help in reducing the caseload in his office.

He further stated that he is asking for the Victim Advocate and the Investigator slot, which equates to four new positions. The requests that Solicitor Finney presented to Council for Sumter County and not for Williamsburg, Clarendon, or Lee Counties. Each of the Counties would have to fund the request for their individual County just like Sumter County is asked to fund the needs of Sumter County. Mr. Finney reassured Council that the funds from Sumter County for the investigator is not for an investigator to be used in Sumter, Lee, Clarendon, and Williamsburg County. He stated that he has contacted the other Counties to hire an investigator for their area and Sumter County’s investigator will be used in Sumter County. Currently, there are too many cases for one investigator. Lastly, Solicitor Finney stated that investigators are not as expensive as attorneys are. Yet they help to get people out of jail sooner and through court faster. It was noted by Solicitor Finney and Councilman Baten, that without the Investigator, other staff members, including Attorneys, are picking up the slack when the staff members, especially the Attorneys, can be doing other tasks that will aid in reducing the cases and help reducing the Detention Center population. After the presentation and comments by Council members, the Chairman made the following motion concerning the budget ordinance.

ACTION: MOTION was made by Chairman McCain, seconded by Councilman Baten to grant third reading approval of the budget by granting the Solicitor a level half of what has been asked for by the Solicitor, which will equate to a 2.6 mill increase for the budget.

ROLL CALL VOTE:

- **In Favor of Motion:** Councilman Baten and Councilman McCain
 - **In Opposition of the Motion:** Council members McGhaney, Sumpter, Edens, Baker, and Byrd
- The Motion failed.

Councilwoman McGhaney asked Solicitor Finney what would be the least that he could receive for additional budget requests. Solicitor Finney responded that what he is requesting is what is needed. If the funds are received, he can move the cases better and faster. He stated that he knows what is needed in his office and he does not need “a half measure,” he needs the whole measure. Councilman McGhaney also suggested decreasing the funding for Other Agencies in order to provide some funding for the Solicitor’s Office.

Mr. Finney stated that as Sumter County moves to being the best County that it can be; raising the mill would only help the County. He also mentioned that he is driving cars that have been in his office for the past ten years.

ACTION: MOTION by Councilman McGhaney and seconded by Councilman Sumpter to direct the County Administrator to go back to the budget process and come up with a balanced budget which will include a level of support for the Solicitor's Office.

ROLL CALL VOTE:

- **In Favor of Motion:** Council members McGhaney, Sumpter, and Baten
 - **In Opposition of the Motion:** Council members Baker, Byrd, Edens, and McCain
- The Motion failed.

Discussions continued concerning the budget. Then Councilman McGhaney stated that she would rather see the County Administrator and the Finance staff to review the budget again in every area of the budget to try to find funds that will allow for the School District and the Solicitor's Office to be funded without any tax increase for the County.

Councilman Baten stated that some Council members are stating that they do not want to increase the millage during bad times; however, Council members have not raised taxes even in good times. It appears that some Council members just do not want to raise taxes.

After all comments, the Chairman asked for another motion on the 2020-2021 budget.

ACTION: MOTION by Councilman Baker and seconded by Councilman Edens to grant approval of the budget ordinance which will include a 1.9 mill increase in the amount of \$51,163,769.

ROLL CALL VOTE:

- **In Favor of Motion:** Council members Baker, Byrd, Edens, McCain, Baten, McGhaney, and Sumpter
 - **In Opposition of the Motion:** None
- The Motion carried.

NOTE: Prior to the roll call vote, Councilman Baten stated that he was out of the room for action on the School District's Budget; therefore, he wanted to know how much increase the School District received. The County Administrator informed Councilman Baten that the motion failed and there is no increase to the School District. In addition, Mr. Mixon stated that the School District's budget and the County's budget are two different documents. The School District Budget Resolution failed to receive a majority vote. Councilman Sumpter stated that the resolution might have been approved if one of the Council members had not recused himself from the meeting.

Councilman McGhaney stated that it has been a long desire of hers for Council members to come together as a united front and vote unanimously on the budget even if it is at a time for a tax increase. She also stated that the County employees are carrying the burden of this budget because they will not receive a 3% COLA this year. Councilman McGhaney also stated that the County has an obligation to fund the County's departments and in her opinion, the Solicitor's Office is one of the Departments within the County. She added that some percentage could have been given to the

Solicitor. Councilwoman McGhaney also stated that she does not like to put a tax burden on the taxpayers.

Chairman McCain stated that he has met with Mr. Mixon and Mrs. Andrews during this budget process and they have cut the budget every way possible; since there seems not to be a compromise Council took action on the budget.

The County Administrator thanked Mrs. Andrews, Mrs. Dennis, Mrs. Rogers, and all the other Department Heads as well as Council Members for working on this budget very diligently. He also stated that he is committed to work with the Solicitor to review his budget to see if there is a way to help him in reaching some of his goals for the Solicitor's Office.

Then Councilman Baten stated that he agrees with Councilwoman McGhaney that Sumter County Council needs to work together to try to reduce the cost of Other Agencies' Line Items within the budget.

COMMITTEE REPORTS:

1. Budget Workshop/Special Meeting Held On June 23, 2020, 4:30 p.m. In County Council's Conference Room, Sumter County Courthouse, 141 N. Main Street, Room 308 (All Council Members).

Reported out during the budget ordinance.

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

STATEMENT by Councilman Baten:

Since becoming a member of Sumter County Council in 2005, I watched and helped to prepare our County for future Economic Development.

On October 6, 2011, our diligent efforts paid off when Continental Tires announced that they will build a 500 million dollars state of the arts, fire manufacturing tire facility in Sumter that will create 1,600 jobs paying salaries above our median income.

On that historical day, I said; as Chairman of Sumter County Council, "Continental clearly recognized that we have a skilled, dedicated, and loyal workforce that will help make the company successful. "That workforce that I referred to is educated and trained in our public schools."

Conversely, my message to my colleagues is, "If you support economic development in Sumter County, it's not enough to talk the talk, you must walk the walk."

Our children are our future workforce and leaders. Help them to be the best they can be.

MONTHLY REPORTS

1. Sheriff's Department

COUNTY ADMINISTRATOR'S REPORT

The Assistant County Administrator, Mrs. Lorraine Dennis, stated that she and the Administrator along with Mrs. Rogers agreed that it is important for the employees of Sumter County Council once again go

on a modified workweek. The change will begin effective June 29, 2020. The Offices of the County will remain closed until July 20, 2020.

The County has been purchasing essential items for the employees – facemasks, hand sanitizer, gloves, and face shields for those that will need the face shields. These items will be distributed to the employees prior to the opening of the buildings to the public on July 20, 2020.

Mrs. Dennis stated that she has also scheduled a Zoom Meeting for Department Heads to discuss the protocol for COVID-19 in case someone contracts the virus. The Department Heads have received emails concerning this matter, but Mrs. Dennis felt that it would be best to have the Zoom meeting to update the Department Heads. She also said that there would be a question and answer section for the Zoom meeting in case the Department Heads have questions that may not be covered in her presentation.

Decals for social distancing have also been purchased for the floors in County buildings, and areas that needed Plexiglas have had the Plexiglas installed.

NOTE: Chairman McCain thanked Council members and staff for their diligence in working together to complete the budget process. He also stated that he did not like this process with the Zoom meeting tonight and is requesting that the Administrator and the Clerk work together to ensure that the next meeting is held where social distancing can be accomplished even if it is held at Patriot Hall.

PUBLIC COMMENT

A. Public Comment Is Suspended Until Further Notice By Sumter County Council.

ADJOURNMENT

After all discussion and all comments from the public, Councilman McGhaney made a motion, seconded by Councilman Baten, and unanimously carried by Council to adjourn the meeting of Sumter County Council at 7:18 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: July 14, 2020

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

Public Notified: Yes

Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.

Date Posted: June 21, 2020

Minutes - Regular Meeting - Sumter County Council

Tuesday, June 23, 2020

Page 12

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County's Home Page, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, and Time Warner Cable.

Date Notified: June 19, 2020

Respectfully submitted,
Mary W. Blanding
Mary W. Blanding

		Sumter County FY 2021 Budget Data
Description	Funded	
EMS		
Lifepak (12)		519,023
1 Ambulance		135,000
1 Power Stretchers		35,000
Fleet request		
18 Vehicles (15 Sheriff, 1 Fire Dept., 2 Other)		568,955
Equipment for Sheriff vehicles		150,932
7 Pickup Trucks		110,584
Public Works		
1 Motorgrader	**	127,000
2 Backhoes	**	166,664
John Deere Boom Mower	**	154,543
Landfill		
Compactor	*	747,871
Detention Center		
40 Radios and Communications		171,272
250 Rip Proof Mattresses		24,968
Medical Exam Table		1,365
EKG Interception		599
Burdick EKG Printer		1,920
Public Buildings		
Courthouse		223,000
Existing EMS Headquarters		
SSRC		34,800
Building Housing Morge		25,000
Building Housing Morge		6,000
Detention Center		170,000
Airport Corporate Hangar		35,000
Administration Building		372,000
EMS Building		90,000
Technology		
Sheriff/Detention		406,475
Crystal Lakes		
Smithco Spray Star 2000		45,236
Recreation		
JD Terrain Cut Rough Mower		65,000
		<u>\$ 4,448,207</u>
Bond		
Solid Waste Fund Balance	\$	3,500,000
General Fund Balance		250,000
Road User Fee Fund Balance		250,000
		<u>448,207</u>
	\$	<u>-</u>

*Recommending to use \$250,000 in Solid Waste fund balance and \$250,000 in General fund balance to purchase compactor.

**Recommending to use \$448,207 in Road User fund balance to purchase motorgrader, backhoe, and boom mower.

Minutes - Regular Meeting - Sumter County Council

Tuesday, June 23, 2020

Page 14