



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, June 8, 2021 -- Held at 6:00 p.m.**  
**Sumter County Administration Building**  
**Third Floor, County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

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*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/UCAHjiqzPaonQ9LFS2kO37tA>

**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, David Shadoan, Les Vandevander, Johnathan Bryan, Joe Perry, Allen Daily, Valerie Brunson, and two Sheriff Deputies.

**MEMBERS OF THE PUBLIC PRESENT:** Approximately 19 members of the public attended the meeting.

**MEDIA PRESENT:** The Item Newspaper, Shelby Goulding.

**CALL TO ORDER:** Councilman James T. McCain, called the meeting to order.

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

**PLEDGE OF ALLEGIANCE:** Was led by Veteran Robert D. Fisette, Council District #4. Councilman Charles Edens introduced Mr. Fisette and stated that he is a Retired US Air Force Veteran Robert D. Fisette served our Country for more than 20 years. While serving as an advisor for the Vietnamize, he was wounded in the Vietnam War and received the Purple Heart medal for his injuries. He was in the Air Borne Division jumping out of all kinds of Military Air Craft. He also served as an Army Ranger and a Drill Sargent. He currently enjoys working with the Purple Heart Chapter in Sumter. He is married to Clara Fisette and they have five Children, 16 grandchildren, 27 great-grandchildren, and one great-great-grandson. Mr. Fisette currently lives in District 4.



**APPROVAL OF AGENDA:** Regular Meeting Tuesday, June 8, 2021  
Chairman McCain asked if there were any changes to the agenda. The Clerk stated that there were no changes to the agenda. Then the Chairman asked for a motion on approval of the agenda.

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

**APPROVAL OF MINUTES:** Chairman of County Council, James T. McCain, asked for a motion concerning the approval of the minutes for the Regular Meeting of Sumter County Council and the Budget Workshop Meeting held on Tuesday, May 25, 2021. The following motion and action were completed.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve the minutes of both meetings for June 8, 2021, as presented by the Clerk to Council.

**LAND USE MATTERS AND REZONING REQUESTS:**

**Planned Development/Rezoning Requests - None**

**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-21-10 -- 915 N. Wise Drive -- (County) - First Reading -- A Request To Rezone +/- 77.14-Acres Of Land From Heavy Industrial (HI) To Limited Commercial (LC). The Property Is Located At 915 N. Wise Drive And Is Represented By Tax Map # 230-00-01-015 (Part).**

Mrs. Roodman, the Planning Director, stated that this rezoning request is for 915 N. Wise Drive and the applicant is S. C. Department of Mental Health. This agency is requesting to rezone 77.14 acres of land from Heavy Industrial to Limited Commercial in order to construct a veteran's nursing home and for future transitional housing for veterans. Ms. Roodman stated that the least intense zoning district compatible with Heavy Industrial is Limited Commercial which will allow for the proposed use.

There are some areas on the property that are flood-hazard areas and there will be no construction on those areas. The Planning Commission does recommend approval of the request. The property abuts to Crystal Lakes Golf Course to the South and the north of the property is undeveloped. Also, the property is on the east side of Wise Drive. The Planning Commission's staff and Planning Commission recommends approval of the request as presented. The Chairman called for a motion on first reading.

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

- (2) **RZ-21-12, 911 Oswego Highway -- (County) -- First Reading -- Request To Rezone +/- 0.29-Acres Of Land From Light Industrial-Warehouse (LI-W) To Agricultural Conservation (AC). The Property Is Located At 911 Oswego Highway And Is Represented By Tax Map #'S 248-00-02-040 & 248-00-02-041.**

Mrs. Roodman also presented this rezoning request. She stated that this request is on Oswego Highway by the property owner, Mr. Michael Heriot. He hopes to have the property rezoning from Light Industrial WLI-W to Agricultural Conservation. It is a very small piece of property and has had a house on the property since the 1950's. However, when the County adopted the Countywide Zoning during the late 1990's, this property was zoned Light Industrial Warehouse. Mr. Heriot is asking for the grandfathered non-conforming status be removed from the property so that he can make it a residential use as a "by-right-use" on the property. If the rezoning request is approved, this would give Mr. Heriot

the right to do what he needs on the property if he has to reconstruct the home should something happens to the house. Therefore, he would not have to deal with the grandfather issues. After all comments, the Chairman called for a motion on this request as presented.

The Planning staff and the Planning Commission recommended approval of this request as presented by Mrs. Roodman. Councilwoman McGhane stated that she hopes that Mr. Heriot understands the flood issues in this area. She noted that she has had many calls from the residents in this area concerning flooding and issues with septic tank problems.

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

- (3) **RZ-21-04 -- 4035 US Hwy. 15 South (County) - Third Reading -- A Request To Rezone +/- 1.72-Acres Of Land From Agricultural Conservation (AC) To Neighborhood Commercial (NC). The Property Is Located At 4035 US Hwy 15 South And Is Represented By Tax Map # 221-14-01-049.**

Mrs. Roodman stated that there have been no changes to this ordinance since first reading. Therefore, the Chairman McCain called for a motion on third reading. (*Note: Councilman Edens recused himself from voting on this rezoning request for each of its readings.*) After all comments, the Chairman called for a motion on third reading.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading to the rezoning request as presented.

- (4) **RZ-21-08 -- 1045 Cockerill Rd. (County) - Third Reading -- A Request To Rezone +/- 18.99-Acres Of Land From Heavy Industrial (HI) To Agricultural Conservation (AC). The Property Is Located At 1045 Cockerill Rd And Is Represented By Tax Map #S 208-00-03-056, 208-00-03-016, And 208-00-03-022.**

The Planning Director, Mrs. Roodman, stated that there have been no changes to this ordinance since first reading. Therefore, the Chairman McCain called for a motion on third reading.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Baten, and unanimously carried by Council to grant third reading to the rezoning request as presented.

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

- (1) **Ordinance #21-953 – An Ordinance To Amend Sumter County Ordinance 09-691, Previously Amended By Ordinance 11-732, Relating To The Sumter County Solid Waste Disposal Fee. (Council May Take Action On Third Reading Immediately After Public Hearing Or During Old Business.)**

Mr. Johnathan Bryan, County Attorney, stated that this ordinance allows for the increase in the Solid Waste Disposal Fee from \$52.19, to \$53.76, beginning fiscal year 2021-2022, and allow for an automatic 3% increase for the next 10 years, ending on June 30, 2031. After all comments, the Chairman asked if anyone wished to speak during public hearing in favor of or opposition to this propose ordinance amendment. No one spoke to this issue; therefore, the Chairman closed the public hearing and Council acted on third reading listed under Old Business.

#### **NEW BUSINESS:**

(1) R-21-05 -- A Resolution By Members of Sumter County Council Adopting Council's Actions On The 2021-2022 Budget Request Of Sumter School District.

Chairman McCain introduced this proposed resolution to Council. He stated that the resolution has a two mill increase as requested by the School District and voted on by the duly elected School Board of Trustees for Sumter School District.

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

Prior to calling for a vote on the motion, the following discussion took place.

Councilman Baten said that he would like to make a statement concerning the school's request for millage and to clear up an insult to him as a County Council member.

As Councilman Baten began to make his comments, Chairman McCain said that his statement (See below) had no bearing on the motion that was on the floor; consequently, Councilman Baten offered a substitute motion.

**SUBSTITUTE MOTION:** MOTION was made by Councilman Baten, and seconded by Councilman Washington, to provide \$700,000 additional funds beyond the two mills to Sumter School District

It was noted by Councilman Baten that the School District is entitled to 13 mills under the Law, Act 388. He further stated that the School District has desperate needs for these funds because the School District is ranked in the bottom 25% of S. C. State Schools Districts; it has a high rate of Title I Schools (Low Income Schools), it has failing schools. Two of the failing schools and low-income schools are in the District that Councilman Baten represents, Council District #7. He stated that by failing to give these kids, a majority of low-income families and majority black, Council is failing to qualify, and make sure that these kids receive a high quality of education from the start. He further stated that the school district is entitled to 13 mills, but Council only wants to give the School District 2 mills. Council is leaving \$2,057,000 on the table that the law says that Sumter School District is entitled to. While Council continues to defund public education, and also saying that education is the backbone of economic development, but yet Council does not want to invest in it. Councilman Baten further stated that it is a shame for this Council to keep making this statement.

The Chairman called for action on the substitute motion; however, Councilman Washington asked to be recognized.

Councilman Washington thanked the Chairman for recognizing him and stated that he has been talking about "Basic services" the entire budget cycle. He further stated that based on the comments by the Councilman from Myrtle Beach Highway has laid out, \$374,000, which is 15% of the \$2.4 million. Councilman Washington further stated that when he reviewed the other budget items, there are agencies' requests of \$61,000, with \$52,000 going to the Animal Shelter. The Animal Shelter was originally slated for \$30,000. Under Sumter County's Budget plan they will be getting \$52,000, which is almost a 75% increase, but the County is giving the School District a 15% increase. Councilman Washington said that some might say that County Council is choosing animals over people. Councilman Washington further

stated that Council could have used the increase from the half million dollars that Council gave to Patriot Park to use for litter, and not do a mill increase. Again, Councilman Washington said, basic services, and education is a basic service. He further stated that when he looked at the projected expenditures for the school district (teacher step increase, retirement increase, health insurance increase, utility increase), Councilman Washington said that what he finds interesting about all that has been said is that under the County's budget, there are similar requests, COLA increase for employees, (which he is in agreement), increase in retirement, increase in health insurance, gas and diesel costs, which are similar costs compared to the School District. Yet the County is shorting the School District. However, the County has increased the funding for the Animal Shelter, by almost 75%, agency funding has been increased...

Chairman McCain tried to inject a statement to Councilman Washington; however, Councilman Washington was trying to dictate his statements. The Chairman stated that there is a motion on the floor and action needs to be taken on the motion. Councilman Washington said that he was trying to speak to the motion; yet the Chairman was trying to dictate his statements. Chairman McCain stated again that he was not trying to dictate Councilman Washington's statements.

Then Councilman Washington stated that much has been said about the Charter School; the Chairman of Council injected a stated that the Charter School has nothing to do with the motion on the floor; however, Councilman Washington again stated that the Chairman is trying to control his comments. Chairman McCain said that he was not trying to control Councilman Washington's statements; however, Councilman Washington said that if the Chairman continued with his actions that he, Councilman Washington, would put up a vote of "no confidence", the motion would fail, and Councilman Washington said he knows that, but he wants it to be on record. It was stated by Councilman Washington again that the Chairman cannot dictate his comments and stated that the Chairman was out of order. Chairman McCain stated again that the information was not relevant to the motion; however, Councilman Washington said that the information was relevant because he was giving background information. It was also said by Councilman Washington that he wants Council and the public to understand exactly what Council is doing during this budget process including action for the School District. The School District came to County Council, but County Council was not fully aware of the background. Councilman Washington stated that he and a couple of the Council members met with School Board Officials, outside of the rest of the Council members, then came to Council's meeting and said that two mills is what the School District wants and shoving it down the other Council members throats. Chairman McCain stated that the School District Superintendent and the Board requested the two mills. (Councilman Baten injected a statement saying that the School Board wants more money.) Then, Councilman Washington said that he has met with the School District Board Officials and they want to meet with County Council. Councilman Washington said that he would like the Chairman and staff to come up with a time that the School Board can meet with Council so that the meetings can be at least twice a year. The first meeting would be a foundational meeting.

In his closing comments, Councilman Washington stated that the Charter School funding through the General Assembly allows for funding to be provided to the students in-person (\$3,500), virtual (\$1,900), disabled (\$4,300). Lastly, he stated that he just does not understand how Sumter County Council can provide funding for agencies that are not basic services and leave the School Board hanging.

Councilman Baten stated that the Chairman has a way of trying to dictate to certain people on this Council as to what they can say and then allow other people to insult other Council members. Chairman McCain asked for Councilman Baten to name those persons; however, Vice Chairman Byrd asked the

Chairman to continue with the meeting and allow for private conversations to be between those persons on Council. Then the Chairman called for the substitute motion and action was taken as follows.

**SUBSTITUTE MOTION:** MOTION was made by Councilman Baten, and seconded by Councilman Washington, to provide \$700,000 additional funds beyond the two mills to Sumter School District. Council members Washington, Baten, and McGhaney voted in support of the motion. Council members Byrd, Baker, Edens, and McCain voted in opposition, the motion failed.

**ORIGINAL MOTION:** MOTION was made by Councilman Baker, and seconded by Vice Chairman Byrd to approve the School Resolution by providing an additional two mill increase for fiscal year 2021-2022 as requested by the School District. Councilman Baten voted in opposition. The motion carried (6 to 1).

**Note:** *Councilman Baten asked the Chairman if members of the School Board came to Council and said that they wanted two mills out of the 13 mills that the School District is entitled to by law. Chairman McCain said that was true. Councilman Baten stated that Dr. Martin-Knox is gun-shy to ask for the entitled amount of funds.*

- (2) 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 during this meeting.

**OLD BUSINESS:**

- (1) Ordinance #21-953 - Third Reading -- An Ordinance To Amend Sumter County Ordinance 09-691, Previously Amended By Ordinance 11-732, Relating To The Sumter County Solid Waste Disposal Fee.

After the Attorney presented this ordinance to Council and a public hearing was held, the Chairman called for a motion on third reading.

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

- (2) Ordinance #21-951 - Third Reading -- An Ordinance Authorizing The Issuance And Sale Of General Obligation Bonds, Series 2021, 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. Gary Mixon, the County Administrator, presented this Capital Budget ordinance to Council for third reading. The capital requests started out with \$14,000,000 worth of requests and was narrowed to \$3,500,000. After all comments, Council took action on third reading.

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

- (3) **Ordinance #21-950 – 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, 2021, To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto.**

Mr. Mixon stated that the General Fund Operating Budget requests ordinance is for \$52,473.65; he also stated that this is a balanced budget request. There have been no changes since second reading. After all comments, Council acted on third reading of this ordinance request.

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

#### COMMITTEE REPORTS:

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

There were no comments.

#### MONTHLY REPORTS

1. COVID-19 REPORT.
2. Sheriff's Office May Report.
3. South Carolina Association of Counties Institute Classes and Conference Registration Information.
4. Mayesville Downtown Revitalization Ribbon Cutting and Grand Opening July 8, 2021. Penny for Progress Project.

#### COUNTY ADMINISTRATOR'S REPORT

The Administrator thanked Mrs. Uvette Rogers and Mrs. Kelsey Andrews for their work on the Budget. He also thanked the department for working diligently with him and the finance staff to prepare the budget for Council.

**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.**

Chairman McCain asked if anyone wished to speak during public comment. The following person spoke during public comment.

- **Michael Heriot** stated that during discussion on the property on Oswego Road concerning the sewer – the sewer permit is in hand and he has had the permit for almost 20 years. Councilman McGhaney thanked Mr. Heriot for the information.

#### ADJOURNMENT

After all business of Sumter County Council and comments, motion was made by Vice Chairman Byrd, seconded by Councilman Edens, to adjourn the meeting of Sumter County Council; prior to the Chairman carrying the motion, Councilman Baten informed the Chairman that his entire statement that he prepared for

this meeting would be given to the Clerk to Council to have included in the minutes of this meeting. Then the Chairman completed the action on the motion to unanimously adjourn the meeting of Sumter County Council at 6:38 p.m.

Sumter School District (SSD) FY 2021-22 Budget.

1. *Sumter County Council voted four consecutive years (2021-2020) to deny the SSD their request for millage increases that they are entitled to under SC Law ACT 388.*
2. *In 2020 (FY 2019-2020) County Council denied the SSD funding request by a 3-3 vote (Voting was along party lines, as well as race).*
3. *On March 12, 2020, I sent a letter to Chairman McCain stating that I will recuse myself from involvement and discussions on all matters concerning SSD Budget for FY 2019-2020. I sent a copy of this letter to all County Council Members, County Administrator, County Attorney, and Clerk to Council.*
4. *My decision to recuse myself was due to my daughter, Dr. Alexandra T. Baten's, involvement in litigation with SSD. I discussed this matter with the State Ethics Commission and the Sumter County Attorney, Johnathan Bryan. I was told, by both, that I should recuse myself to avoid any conflicts.*
5. *As indicated on June 24, 2020, in the Sumter Item article titled, "County Council denies School District funding request 3-3, Baten recuses himself," by Bruce Mills, Item Reporter, I departed and did not participate in any discussions on the SSD's Budget in FY 2019-2020. I followed the advice of the Ethics Commission and the Sumter County Attorney.*
6. *During the Sumter County Budget Workshop on May 25, 2021, School District Recap and Millage Review, Vice Chairman Jimmy Byrd repeatedly attacked my decision to recuse myself during the vote on the SSD millage request in FY 2019-2020. These attacks took place in front of the SSD Superintendent (Dr. Martin-Knox) and the Chairperson of the SSD Board of Trustees, Mrs. Barbara Jackson.*
7. *The repeated attacks by Vice Chairman Byrd were an insult to my integrity, my honesty, and the oath I have taken as an Elected Official. He stated that I did not have to recuse myself. Thereby, implying that my recusal was the reason the SSD did not get the millage they requested in FY 2019-2020.*
8. *Vice Chairman Byrd is accusing my recusal to vote as the reason SSD did not receive its millage request in FY20219-2020. By doing this, he is neglecting the fact that while I could not vote, he voted against the millage request. Factually, he voted against the SSD millage requests for the past four years.*
9. *Vice Chairman Byrd's conduct and behavior in this matter is highly reprehensive and not the quality desired or needed by someone in his position. I pray that he realizes that his actions are a reflection on this body.*



Respectfully submitted,

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

*Mary W. Blanding*  
Clerk to County Council  
Sumter County Council

Approved: June 22, 2021

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

Public Notified: Yes

Manner Notified: Agendas posted on Television first floor of the Administration Building.

Date Posted: Friday, June 4, 2021

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: Friday, June 4, 2021

Respectfully submitted,  
*Mary W. Blanding*  
Clerk to County Council  
Sumter County Council