



**MINUTES**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, June 9, 2020 -- Held at 6:00 p.m.**  
**Sumter County Courthouse, Third Floor, Room 308**  
**County Council's Chambers - 141 North Main Street, Sumter, SC**

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**Sumter County Government Offices are currently closed to the public.**

*Anyone wishing to make a comment on ONLY the three public hearings can attend the meeting but must adhere to social distancing. Otherwise public hearing comments can be sent to the Clerk To Council ([Clerk@sumtercountysc.org](mailto:Clerk@sumtercountysc.org)) by 5:00 p.m. on Monday, June 8, 2020, to be read during the public hearing on June 9, 2020.*

**Please use the following method to attend County Council's Meeting.**  
<https://www.youtube.com/channel/UCAHjqzPaonQ9LFS2kO37tA>

**COUNCIL MEMBER ATTENDED:** James T. McCain, Jr., Chairman; James R. Byrd, Vice Chairman; Artie Baker, Eugene R. Baten, Charles T. Edens, Vivian Fleming McGhaney, and Chris Sumpter.

**COUNCIL MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Gary Mixon, Carolina B. Richardson, Lorraine Dennis, Keysa Rogers, Mary W. Blanding, Johnathan Bryan, Kelsey Andrews, Joe Perry, Allen Dailey, and one Sheriff's Deputy.

**MEDIA PRESENT:** The Item Newspaper

**CALL TO ORDER:** The meeting was called to order by Chairman James T. McCain.

**INVOCATION:** Council Member Vivian Fleming McGhaney gave the invocation.

**PLEDGE OF ALLEGIANCE:** All in attendance repeated the Pledge Of Allegiance to the American Flag.

**APPROVAL OF AGENDA:** Regular Meeting Tuesday, June 9, 2020  
Chairman McCain stated that he would entertain a motion concerning Council's action on the approval of the June 9, 2020, agenda as presented.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the agenda for Council's June 9, 2020, meeting as presented.

**APPROVAL OF MINUTES:** Regular Meeting Tuesday, May 26, 2020  
Chairman McCain asked for a motion to approve the minutes for County Council's May 26, 2020, meeting.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to approve the minutes of May 26, 2020, meeting as presented.

**LAND USE MATTERS AND REZONING REQUESTS:**  
**Planned Development/Rezoning Requests**

1. None

**OTHER PUBLIC HEARINGS:**

1. 20-926 – Little John Lane Ordinance No. 20-926 An Ordinance Authorizing The Transfer Of Little John Lane To The Adjoining Property Owners. (Council Will Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)

County Attorney Johnathan Bryan presented this ordinance to Council for public hearing and consideration for second reading approval. Mr. Bryan stated that this ordinance will allow for a “paper street” to be conveyed to Mr. Bryant Simmons. Mr. Simmons wants to maintain this portion of the road since it has not been maintained since he has been an owner of property on this s’street. Neighboring property owners in agreement that Mr. Simmons can have the property in question transferred to him.

After Mr. Byran’s presentation, the Chairman convened a public hearing and asked the Clerk if anyone called or emailed their concern about this public hearing. The Clerk to Council noted that no one called to report his or her position on this public hearing.

The Chairman closed the public hearing and Council took action on second reading, which is listed under Old Business.

2. 20-927 -- 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. (Council Will Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)

County Administrator Gary Mixon, presented this proposed ordinance to Council for second reading and public hearing. He stated that Bond Series 2020 ordinance has the following items within the ordinance:

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	34,800
SSRC	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	\$ 3,500,000
Solid Waste Fund Balance	250,000
General Fund Balance	250,000
Road User Fee Fund Balance	<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.

After Mr. Mixon’s presentation, the Chairman convened a public hearing and asked the Clerk if anyone called or emailed their concern about this public hearing. The Clerk to Council noted that no one called to report his or her position on this public hearing.

The Chairman closed the public hearing and Council took action on second reading, which is listed under Old Business.

3. **20-928 -- 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. (Council Will Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)**

Mr. Mixon also presented this proposed ordinance to Council. He stated during the budget workshop, Council was presented with a balanced budget of **\$51,059,854**. Some of the highlights within the budget include the following:

- A 2% COLO for Employees
- Funding For Sheriff’s Department Wage Study
- 1.5 Mill Increase for the Operating Budget

After Mr. Mixon’s presentation, the Chairman convened a public hearing and asked the Clerk if anyone called or emailed their concern about this public hearing. The Clerk stated that no one called to report his or her position on this public hearing.

The Chairman closed the public hearing and Council took action on second reading, which is listed under Old Business.

**NEW BUSINESS:**

1. **R-20-04 – 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 Black River, Its Affiliates And Related Entities, To Qualify As Expenditures Eligible For A Fee-In-Lieu Of Taxes Arrangement With Sumter County, South Carolina; Providing For Other Related Economic Development Incentives, Including Special Source Revenue Credits; And Other Matters Related Thereto.**

Mr. Johnathan Bryan presented this proposed ordinance to Council for approval consideration. He stated that this resolution will allow investment expenditures for a project called the Black River project to receive A Fee-In-Lieu of Taxes and other Economic Development Incentives which will include Special Source Revenue Credits and others matters to have this project here in Sumter County.

After all comments, Council took action on the approval of this resolution as presented.

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

*WHEREAS, Sumter County (the “County”) is a political subdivision of the State of South Carolina 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 of South Carolina (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 Black River, 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, “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 solar energy generation 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 approximately \$70,500,000 in new 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 fixed millage rate 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 placement of the Project in a multi-county industrial park of which the County is a member county; (3) the provision of an annual Special Source Revenue Credit against those FILOT payments made by the Company to the County for the Project equal to the difference between a net FILOT payment liability of a multiplier of \$2,750 per megawatt of alternating current generation output at the Project and such FILOT payments due (for example, the anticipated megawatt generation output being 74.9 would result in an annual net FILOT payment of \$205,975); 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 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 park as provided in Article VIII, Section XIII 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.*

2. 20-929 -- Emergency Ordinance Sumter County Council Declaration Of Continuing Public Health Emergency In Response To The Public Safety Threat Of The Novel Coronavirus ("Covid-19"), And Emergency Ordinance Effective June 9, 2020, Suspending Door-To-Door Sales.

Mr. Bryan presented this proposed emergency ordinance to Council for consideration of approval. He stated that the City of Sumter has already adopted a similar ordinance. This ordinance, if approved, would suspend door-to-door sales within the County for a 60-day period. Since the City of Sumter's City Limits are not in a straight line, this ordinance would be helpful in the County since a similar ordinance has already passed in the City. Door-to-Door Sales occur periodically in the County, especially in subdivisions. Some streets are split, having one side in the City and the other side in the County. For consistency in writing code violations by Code Enforcement Officers, it would be good to have this ordinance adopted in the County as well.

After discussion on this ordinance, Council took action on its adoption.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Baten, and carried by County Council to adopt the proposed ordinance with the dates to coincide with the City of Sumter which would include language stating ... “the 54<sup>th</sup> day after the effective date of this emergency declaration. Vice Chairman Byrd voted nay. The motion carried.

**WHEREAS,** the Governor of South Carolina, by Executive Order 2020-08, extended by Executive Order 2020-38 on May 27, 2020, has declared that a State of Emergency exists by virtue of the threat posed by the 2019 Novel Coronavirus (“COVID-19”); and

**WHEREAS,** Sumter County has taken, and must continue to take, all necessary and appropriate actions in proactively preparing for and promptly responding to the COVID-19; and

**WHEREAS,** as cases of COVID-19 continue to increase, causing an imminent threat to the citizens and visitors of Sumter County, it is necessary for Sumter County to implement emergency planning for anticipated problems and prepare for emergency actions needed to confront the challenges of this public health emergency.

**NOW, THEREFORE, BE IT ORDAINED,** in accordance with South Carolina Code of Laws Title 4, Article 9, Section 130, Sumter County declares that a State of Emergency exists, and that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing and anticipated situation. Sumter County has implemented the following COVID-19 operations plan, which is effective immediately until further notice.

1. The activity of unsolicited visits for door-to-door sales and solicitation for goods and services by any person as described Section 26-2 of the Code of Ordinances for Sumter County is hereby prohibited and unlawful.
2. The issuance by the Sumter City-County Business License Office of identification cards pursuant to Code Section 26-2 (a) of the Code of Ordinances for Sumter County is hereby suspended.
3. This Ordinance shall remain in force until emergency conditions associated with COVID-19 have subsided and the emergency activities described herein are no longer necessary to protect the life and property of our citizens, or upon the fifty-fourth (54<sup>th</sup>) day after the effective date of this emergency declaration.
4. This Ordinance is subject to repeal, extension or amendment by a subsequent ordinance.

Effective the 9<sup>th</sup> day of June 2020, in the County of Sumter, South Carolina by the affirmative vote of at least two-thirds of the members of Sumter County Council present at the regularly scheduled meeting this date.

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.**

No executive session was held.

#### **OLD BUSINESS:**

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

This ordinance was discussed during public hearing as listed above. Then the Chairman called for a motion on second reading.

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

2. **20-927 -- Second 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.**

This ordinance was discussed during public hearing as listed above. Then the Chairman called for a motion on second reading.

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

3. **20-928 -- Second 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.**

This ordinance was discussed during public hearing as listed above. Afterwards the Chairman called for a motion on second reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and carried by Council to grant second reading approval as presented. Councilman Baten abstained.

#### **COMMITTEE REPORTS:**

1. **Budget Workshop/Special Meeting Held On June 9, 2020, 4:00 p.m. In County Council's Conference Room, Sumter County Courthouse, 141 N. Main Street, Room 308 (All Council Members).**

The Chairman stated that he would forego the Budget Workshop/Special meeting report since this was disused during the public hearing about the Budget Ordinance.

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



Councilwoman McGhaney stated that she will be forwarding information to Council members about Santee Lynches Regional Council of Governments resources, especially Personal Protective Equipment availability.

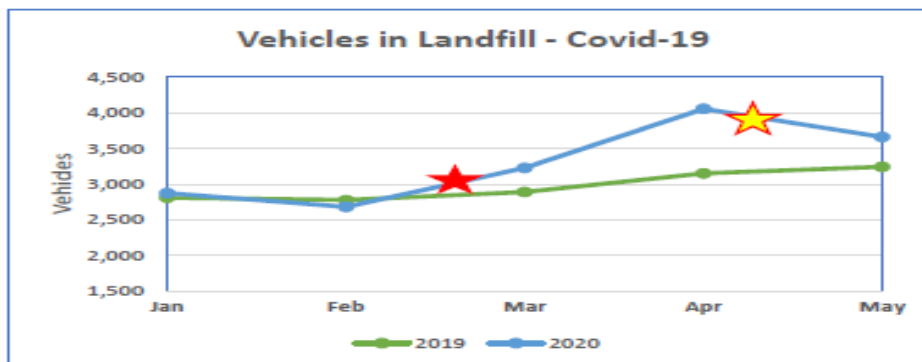
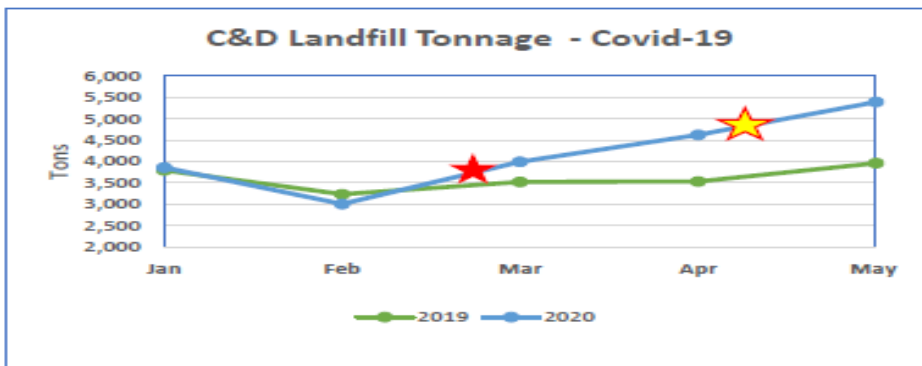
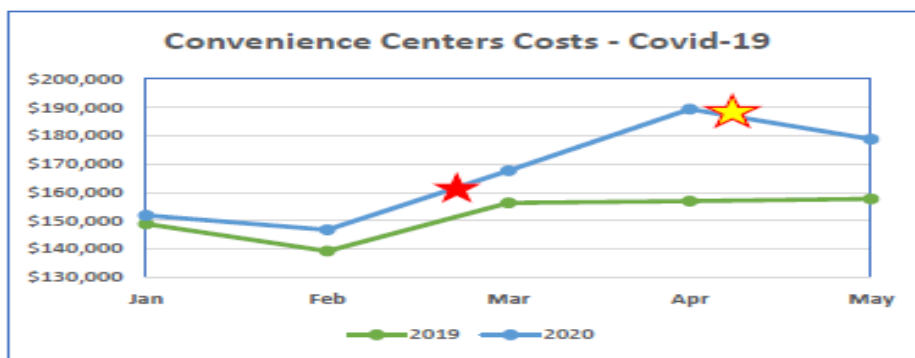
**MONTHLY REPORTS**

- SCAC Annual Conference.

**COUNTY ADMINISTRATOR’S REPORT**

Mr. Mixon presented the following report to Council members concerning the waste disposal at the Landfill and Convenience Centers since Covid-19.

**Sumter County Landfill/Convenience Centers - Covid-19 Effects**



★ March 19, 2020 - Stay-at-home ordered issued.

★ May 4, 2020 - Lifting of stay-at-home begins.

**PUBLIC COMMENT**

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

**ADJOURNMENT**

After all discussion and all comments from the public, motion was made by Councilman Baker, seconded by Councilman Sumpter to adjourn the meeting of Sumter County Council at 6:23 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: June 23, 2020

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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 bulletin board on third floor of the Administration Building.
- Date Posted:            June 8, 2020
- 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 5, 2020

Respectfully submitted,  
*Mary W. Blanding*  
Mary W. Blanding