



Minutes
Sumter County Council
Regular Meeting
Tuesday, March 24, 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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COUNCIL MEMBERS PRESENT: James T. McCain, Chairman; James R. Byrd, Vice Chairman; Artie Baker, Charles T. Edens, Vivian Fleming McGhaney, and Chris Sumpter.

COUNCIL MEMBERS ABSENT: Baten

STAFF MEMBERS RPRESENT: Lorraine W. Dennis, Mary W. Blanding, Johnathan W. Bryan, Helen Roodman, Joe Perry, Allen Dailey, and one Sheriff Deputy

MEDIA PRESENT: None

MEMBERS OF THE PUBLIC RPRESENT: None

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

Chairman James T. McCain called the meeting to order.

INVOCATION: Council Member, Staff Member, Or Local Citizen

Councilman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: Everyone in attendance repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, March 24, 2020

Chairman McCain asked the Clerk to Council if there were any changes or deletions to the agenda. Mrs. Blanding, the Clerk to Council, stated that there were no changes or deletions to the Agenda for Tuesday, March 24, 2020. Therefore, the Chairman called for a motion to approve the agenda as printed.

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

APPROVAL OF MINUTES:

Chairman McCain asked for a motion for approving the minutes of March 10, 2020, Regular Meeting of Sumter County Council and the Emergency Meeting of Council held on March 18, 2020. The following actions were taken by Sumter County Council.

Regular Meeting Tuesday, March 10, 2020

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to approve the minutes of Council's regular meeting of March 10, 2020, as presented.

Emergency Meeting Wednesday, March 18, 2020

ACTION: MOTION was made by Councilman McGhaney, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of Council’s Emergency Meeting held on March 18, 2020, as presented.

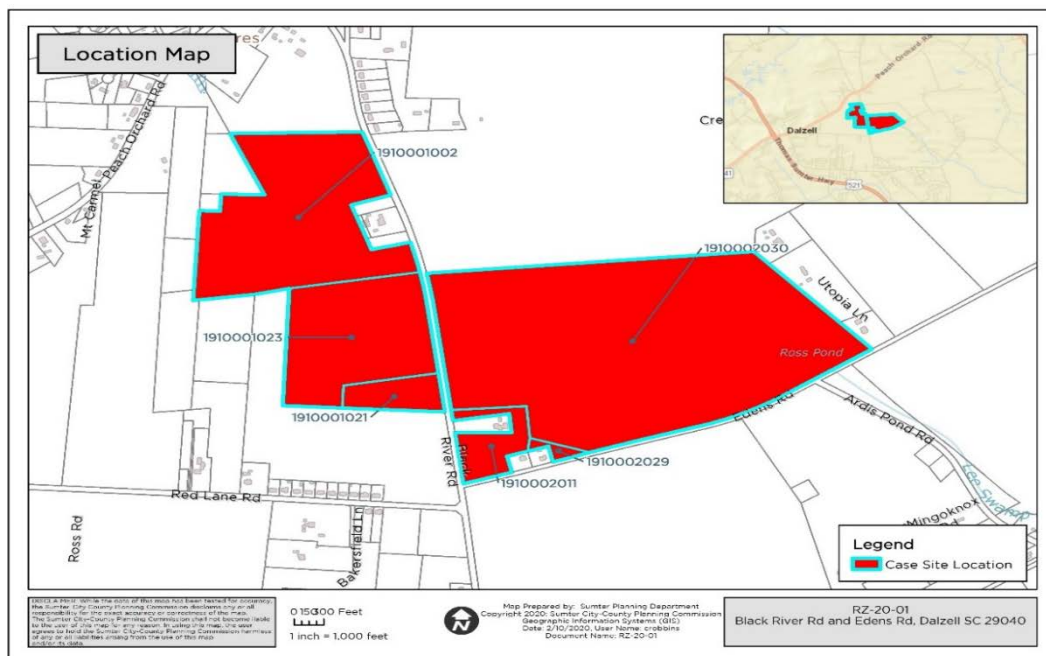
**LAND USE MATTERS AND REZONING REQUESTS:
Planned Development/Rezoning Requests**

NOTE: RZ = Rezoning Of Property As Applicable In *Sumter County Zoning and Development Standards*

1. **RZ-20-01 -- Black River Road And Edens Road (County) - Second Reading/Public Hearing -- A Request To Rezone 6 Separate Tax Parcels Totaling +/- 313.6 Acres Of Land From R-15 To Agricultural Conservation (AC). The Property Is Located Near The Intersection Of Black River Road And Edens Road And Represented By Tax Map #'S 191-00-02-011, 191-00-02-029, 191-00-01-021, 191-00-01-002, 191-00-01-023 And 191-00-02-030. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Matter.)**

Mrs. Roodman stated that this request is to rezone six (6) separate tax parcels totaling +/- 313.6 acres from Residential-15 (R-15) to Agricultural Conservation (AC). Members of Sumter County Council, who at their January 14, 2020, meeting unanimously voted to forward rezoning action to the Planning Commission for formal recommendation as required under State Law. Discussion of these R-15 zoned parcels originated from County Council adoption proceedings for the Sumter 2040 Comprehensive Plan.

The parcels are located near the intersection of Black River Road and Edens Road. Mrs. Roodman stated that the area is generally located northeast of Dalzell and south of Peach Orchard Road.



Mrs. Roodman further stated that the subject properties are rural in character with agricultural land uses. The largest parcel of the grouping, TMS# 191-00-02-030, is subject to a 2010 conservation easement agreement between the current property owner, Sumter Soil & Water Conservation District, and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). Per conditions of the agreement, only limited agricultural uses can occur on the property. This parcel is 174.45 acres in size and comprises 56% of the combined area related to this action.



All the property owners, as listed below, were notified of the request from members of Sumter County Council.

- | | |
|---------------------------|-------------|
| 1. Mark S. Edens, Sr. | 8.68 Acres |
| 2. Mark S. Edens, Sr. | 1.6 Acres |
| 3. Ben and Joyce F. Brown | 8.64 Acres |
| 4. Flo Fund Domestic, LLC | 172.7 Acres |
| 5. Flo Fund Domestic, LLC | 46.66 Acres |
| 6. Flo Fund Domestic, LLC | 75.32 Acres |

In Addition, Mrs. Roodman stated that she received comments by phone from the representative of Flo Fund Domestic, LLC and they had plans of attending the meeting; however, they were not present at the meeting. The only concern from this company is to make sure that they can, if they desire, to have commercial development on the property.

The following property owners own property that abuts to the property that is being rezoned.

1. Ben Brown is in support of the rezoning request.
2. Jesse Lee is in support of the rezoning request.

After comments from Mrs. Roodman, the Chairman convened a public hearing on this rezoning request. He stated that although there were no members of the public in attendance, he would still convene the public hearing. Being that no was present; the Chairman stated that the comments by the citizens that called into the Planning Commission in reference to this Public Hearing would be entered into the minutes. There being no comments from the public, the Chairman closed the public hearing and Council took action on second reading.

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

OTHER PUBLIC HEARINGS:

1. None

NEW BUSINESS:

1. Proclamation Proclaiming April As Fair Housing Month In Sumter County, South Carolina.

The Clerk to Council presented this proposed proclamation to Council for adoption. She stated that the Fair Housing Proclamation must be adopted each year showing support of Fair Housing locally, statewide, and nationally. By adopting this proclamation, Council will allow for the County and its affiliates to be in a position to apply for funds as it relates to Housing. After all comments, the Chairman called for a motion on the adoption of this proclamation.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval of the proclamation and directed the Chairman and the Clerk to execute and deliver the proclamation on behalf of Sumter County Council.

WHEREAS, Sumter County Council desires that its citizens be offered the opportunity to attain a decent and sanitary living environment; and,

WHEREAS, Sumter County Council recognizes that 2020 marks the 52nd Anniversary of the 1968 passage of the Federal Fair Housing Law that prohibits discrimination in housing; and in 1989, South Carolina passed a Fair Housing Law that provides rights and remedies substantially equivalent to those found in the Federal Fair Housing Act; and

WHEREAS, Sumter County Council desires that its citizens be offered the opportunity to attain a decent and sanitary living environment; and,

WHEREAS, Sumter County Council recognizes that 2020 marks the 52nd Anniversary of the 1968 passage of the Federal Fair Housing Law that prohibits discrimination in housing; and in 1989, South Carolina passed a Fair Housing Law that provides rights and remedies substantially equivalent to those found in the Federal Fair Housing Act; and

WHEREAS, Sumter County Council rejects discrimination on the basis of race, color, sex, national origin, religion, ancestral status, and disability; and,

WHEREAS, Sumter County desires that every citizen be offered the opportunity to live in the home of his or her choice; hence, Sumter County Government does not discriminate in its housing practices;

NOW THEREFORE BE IT RESOLVED, that we the members of Sumter County Council do hereby proclaim **April** as **FAIR HOUSING MONTH** in the County of Sumter, South Carolina and recognize the importance of Fair Housing benefits for its citizenry; Council will continue to promote and advocate fair housing for all of its citizens.

APPROVED AND RATIFIED, in the Sumter County Council regular meeting held this 24TH day of March 2020.

2. **EMERGENCY ORDINANCE: 20-921 - Sumter County Council Declaration Of Public Health Emergency In Response To The Public Safety Threat Of The Novel Coronavirus ("COVID-19"), And Emergency Ordinance Authorizing Members Of Sumter County Council To Participate In Meetings Electronically From Remote Locations Effective March 24, 2020.**

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for approval and adoption. Mr. Bryan informed Council that since this is an emergency ordinance, it only requires one reading.

The ordinance will allow for Sumter County to participate in meetings electronically and from remote locations effective March 24, 2020. After all comments, Council took action on approving this ordinance as listed below.

***WHEREAS**, the Governor of South Carolina, by Executive Order 2020-08, 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 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; and*

***WHEREAS**, the Sumter County Council must be able to meet and to take action to address the pending emergency; and*

***WHEREAS**, due to this emergency, it may be impossible or imprudent for one or more of the members of Sumter County Council to travel to the Sumter County Council Chambers to participate in the meeting in person.*

***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 electronic meeting participation plan.*

1. *Members who are unable to travel to Sumter County Council Chambers to participate in a regular or called meeting due to illness or impossibility may participate in the meeting and shall be counted in determining whether a quorum exists using the following procedures:*
 - a. *A conference call shall be arranged and the member(s) participating from remote locations shall call the host number, identify themselves when prompted and be recognized by the presiding officer who shall speak into a telephone instrument that is set to operate on its speaker.*
 - b. *The speaker on the telephone instrument shall be set so that everyone in the room can hear the voice of those participating from remote locations.*
 - c. *The presiding officer shall allow those participating from remote locations to participate in the discussion by calling on each remote participant and giving him/her an opportunity to speak during the discussion of any motion.*
 - d. *If a remote participant desires to be recognized by the presiding officer, the participant shall speak the words, "Mr. Chairman," or "Madam Chairwoman," and wait to be recognized by the presiding officer.*
 - e. *Votes will be taken from the remote participant(s) by the presiding officer asking him/her how he/she votes on the issue. The remote participant shall vote by saying, "I vote in favor of the motion," or "I vote against the motion."*
2. *This Ordinance shall remain in force until emergency conditions associated with COVID-19 have subsided and the emergency activities in Sumter County are no longer necessary to protect the life and property of our citizens, or upon the sixty-first (61st) day after the effective date of this emergency declaration.*

Effective the 24th day of March 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 for this date.

After all comments, the Chairman called for a public hearing on this emergency ordinance.

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

3. **20-922 – First Reading -- An Ordinance To Allow Sumter County Council Members To Participate In County Council Meetings From Remote Locations By Electronic Means In Certain Circumstances.**

Mr. Bryan stated that this ordinance is a regular type ordinance, which requires three readings. However, the content of the ordinance allows Council to hold meetings from remote locations by electronic means. If there is a hurricane, flood, medical reasons, etc. this ordinance, authorizes Council to hold a meeting as needed if there is a crisis.

After all comments, the Chairman called for a motion on approving first reading.

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

WHEREAS, during times of emergency and crisis the Sumter County Council must be able to meet and to take action to address the pending emergency; and

WHEREAS, due to the nature of any particular emergency, it may be impossible or imprudent for one or more of the members of Sumter County Council to travel to the Sumter County Council Chambers to participate in the meeting in person; and

WHEREAS, due to forum requirements and to give opportunity to members who cannot or should not travel to the Sumter County Council Chambers to participate in the deliberative meeting in person,

NOW, THEREFORE, BE IT ORDAINED, *Sumter County has implemented the following electronic meeting participation plan and procedures for members who are unable to travel to Sumter County Council Chambers to participate in a regular or called meeting due to illness or impossibility so that they may participate in the meeting and shall be counted in determining whether a quorum exists:*

1. *A conference call shall be arranged and the member(s) participating from remote locations shall call the host number, identify themselves when prompted and be recognized by the presiding officer who shall speak into a telephone instrument that is set to operate on its speaker.*
2. *The speaker on the telephone instrument shall be set so that everyone in the room can hear the voice of those participating from remote locations.*
3. *The first order of business will be determination, by majority vote of those attending in person and by electronic means that there is, in fact, an emergency affecting life, health, safety or the property of the people. A motion to make such a determination shall include a declaration that an emergency exists and shall describe the emergency. Only if the motion passes shall the members participating electronically shall be allowed to continue to participate.*
4. *The presiding officer will obtain from the member(s) participating remotely sufficient information to justify, in the opinion on the presiding officer, the reason why each member is not present in person. If the presiding officer has been made aware of that information prior to the meeting, (s)he shall convey that information to those present after the meeting has been opened and it shall be entered in the minutes.*
5. *The presiding officer shall allow those participating from remote locations to participate in the discussion by calling on each remote participant and giving him/her an opportunity to speak during the discussion of any motion.*
6. *If a remote participant desires to be recognized by the presiding officer, the participant shall speak the words, "Mr. Chairman," or "Madam Chairwoman," and wait to be recognized by the presiding officer.*
7. *Votes will be taken from the remote participant(s) by the presiding officer asking him/her how he/she votes on the issue. The remote participant shall vote by saying, "I vote in favor of the motion," or "I vote against the motion."*

This Ordinance is done, ratified and adopted _____, 2020.

4. **20-923 - First Reading -- An Ordinance To Rescind Ordinance 18-844 Which Established And Created A Special Tax District Within Sumter County, South Carolina, Known As The "Boyles Pond Special Tax District."**

The County Attorney also presented this ordinance for first reading approval. He stated that in 2018 County Council adopted an ordinance on behalf of the Boyles Pond Association to create a Special Tax District. The members of the Boyles Pond Association used the STD to collect funds to help pay for the repair of the Boles Pond Dam which was destroyed during the Flood of 2015.

After all comments, the Chairman called for a motion on approving first reading.

ACTION: MOTION was made by Councilman Sumpter, seconded by Councilman Edens, and unanimously carried by Council to grant first reading approval as presented.

WHEREAS, Sumter County Council established and created the Boyles Pond Special Tax district upon receipt of a petition signed by the owners of the individual parcels of land that had frontage on Boyles Pond and at the request of Boyles Pond HOA, Inc., their homeowners association;

WHEREAS, the purpose of the special tax district was to facilitate the collection of funds to be used to rehabilitate the Boyles Pond Dam; and

WHEREAS, it now appears that the costs to rehabilitate the dam have exceeded the property owners' expectation and they have voted to discontinue the dam restoration project as documented by letter of Henry L. Veatch, President of the Boyles Pond HOA, Inc. to The Sumter County Assessor and Sumter County Attorney dated March 10, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

- 1. That Sumter County Ordinance 18-884 is hereby rescinded.*
- 2. The Sumter County Auditor shall remove from the tax bills the special assessments from any parcels previously impacted by the Special Tax District for tax year 2020 and subsequent years.*
- 3. The Sumter County Treasurer shall collaborate with the Boyles Pond HOA, Inc. to account for any funds collected for the Special Tax District for tax year 2019 and any prior years.*

*DONE AND ENACTED IN MEETING DULY ASSEMBLED this ___ the day of
May, 2020.*

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 If Required.**

There was no executive session held.

OLD BUSINESS:

1. None

COMMITTEE REPORTS:

1. Fiscal, Tax, and Property Committee Meeting March 24, 2020, 5:30 p.m. In County Council's Conference Room, Sumter County Courthouse 141 N. Main Street, Room 301. (McCain, Edens, McGhaney)

The Chairman stated that there was an executive session held during the Fiscal, Tax, and Property Committee Meeting. Mr. Jay Schwedler presented to the Committee information concerning an economic development matter. No action was taken.

2. Report From Council Members On Other Meetings, Trainings, And/Or Conferences.
 - Councilman McGhaney stated that she provided some information to the Clerk concerning Santee Lynches Council On Governments' (COG) Grandparent Program. This program will allow for those grandparents that are rearing their grandchild a stipend to aid in offset of expenses to the grandparents. There are several other programs that the COG has and may be beneficial to be included in Council's monthly reports.

NOTE: In the future, The Clerk will add this information to Council's packets.

MONTHLY REPORTS

1. Cancellation of Sumter County Council's Meeting Of April 14, 2020.
2. Bragg Literacy STRrEAM Institute of Sumter - PowerPoint And Executive Summary (**Charter School**).
3. United Way Diamonds Program Budget Request Information.

COUNTY ADMINISTRATOR'S REPORT

Assistant County Administrator, Lorraine Dennis, informed Council that effective Monday, March 30, 2020, the County will start a Modified Schedule, with employees rotating days with half of the staff working on MWF and TT, then the next week the staff will rotate. Not all departments will be a part of the modified schedule due to them being essential employees.

PUBLIC COMMENT

- A. Public Comment Is Suspended Until May 12, 2020, or 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 6:26 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: April 28, 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: January 13, 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: January 10, 2020

Respectfully submitted,
Mary W. Blanding
Mary W. Blanding

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 first floor of the Court House Building.

Date Posted: March 23, 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: March 20, 2020

Respectfully submitted,

Mary W. Blanding