



Minutes
Sumter County Council
Regular Meeting
Tuesday, October 13, 2020 -- Held at 6:00 p.m.
Patriot Hall - Auditorium
135 Haynsworth Street, Sumter, SC

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**Council members and the public will be required to wear a face mask
and have temperatures checked upon arrival. Social Distancing is also required.**

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Denise McLeod, Helen Roodman, Lorraine Dennis, David Shadoan, David Shoemaker, Johnathan Bryan, and Joe Perry.

MEMBERS OF THE PUBLIC PRESENT: Approximately five members of the public were in attendance.

MEDIA PRESENT: The Item, Shelbie Goulding

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

INVOCATION: Councilwoman 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, October 13, 2020
Chairman McCain stated that he would entertain a motion concerning Council's action on the approval of the October 13, 2020, agenda as presented.

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

APPROVAL OF MINUTES: Regular Meeting Tuesday, September 22, 2020
Chairman McCain asked for a motion to approve the minutes for County Council's May September 22, 2020, meeting.

ACTION: MOTION was made by Councilman Baten, seconded by Councilwoman McGhaney, and unanimously carried by Council to approve the minutes 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*
 OA = Ordinance Amendment As Applicable In Sumter County Zoning and Development Standards
 LC = Limited Commercial As Applicable In Sumter County Zoning and Development Standards.
 NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.

- (1) **RZ-20-12 - Corner Of Patriot Parkway & Deschamps Rd. - (County) - Third Reading - A Request To Rezone A Parcel Totaling +/- 2.00-Acre Portion Of A Tract From Agricultural Conservation (AC) To Limited Commercial (LC). The Property Is Located On The Corner Of Patriot Parkway and Deschamps Road And Is Represented By Tax Map #184-00-01-009 (part).**

Mrs. Roodman introduced this rezoning request to Council for third reading approval. She stated that there have been no changes since first reading. The Planning staff recommends approval of this rezoning request. Council then took action on third reading approval.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading approval of this rezoning request.

- (2) **OA-20-03 - General Merchandise Stores (SIC Code 53) In The Limited Commercial (LC) & Neighborhood Commercial (NC) Districts (County) - (20-936) - Third Reading - Amend Article 3, Section 3.g.3: Conditional Uses (NC), Article 3, Section 3.h.3: Conditional Uses (LC), Article 3, Exhibit 5: Permitted & Conditional Uses In The Commercial, Industrial, And Conservation Districts, And Article 5, Section 5.b.1: Criteria For Review In Order To Provide Different Size Classifications For General Merchandise Stores Uses (SIC Code 53) And To Allow General Merchandise (SIC Code 53) Stores Uses With A Gross Floor Area (GFA) of 11,000 Square Feet Or Less In The NC And LC Districts As Conditional Uses With Specific Conditional Criteria.**

Mrs. Roodman introduced this ordinance amendment to Council for third reading approval. A change has occurred since second reading. The Land Use Committee of Sumter County Council met at 4:30 to discuss the landscaping portion of this proposed ordinance amendment. The Committee recommended that the Landscaping Standards has been amended to reflect the landscaping requirements outlined in Article 8 Section D of the Landscaping Ordinance, and omit verbiage in this ordinance amendment pertaining to landscaping. The Planning staff recommends approval of this amended ordinance amendment. Council then took action on third reading approval with the recommendation of the Committee.

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

PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) **Ordinance #20-937 - First Reading - An Ordinance To Extend The Agreement With Waste Management Of South Carolina, Inc. For Transportation And Disposal Of Municipal Solid Waste In A "Subtitle D" Landfill Facility.**

Mr. Johnathan Bryan, County Attorney, stated that this ordinance is to extend the agreement with Waste Management of South Carolina for Transportation and Disposal of Municipal Solid Waste in a Subtitle D Landfill facility. Sumter County has used Waste Management for the last 20 years and this particular agreement is scheduled to expire June 30, 2021. This ordinance will authorize extension of the agreement for an additional five years which will expire June 30, 2026. This is the agreement to haul the waste from the transfer station at the landfill to Waste Management's facility on Screaming

Eagle Road. An extension agreement to this ordinance will be presented at second reading. Council then took action on first reading.

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

(2) Ordinance #20-938 – First Reading - An Ordinance To Extend The Contract With Waste Management Of South Carolina, Inc. For Convenience Center Operation, Collection And Disposal Of Municipal Solid Waste.

Mr. Johnathan Bryan, County Attorney, stated that this is a proposed extension for another contract Sumter County has with Waste Management. The contract is to operate convenience centers throughout Sumter County. If approved, this contract will be extended to June 30, 2025. This contract goes back when Sumter County entered into an agreement with Chambers Waste Systems in July 1, 1998. An extension agreement to this ordinance will be presented at second reading. Council then took action on first reading.

ACTION: MOTION was made by Councilwoman McGhaney, seconded by Councilman Baker, and unanimously carried by Council to grant first reading approval to this ordinance.

(3) Ordinance #20-939 – First Reading - An Ordinance To Authorize The Sale Of The Building Located At 1160 North Wise Drive And Approximately 12.50 Acres Of Property.

Mr. Johnathan Bryan, County Attorney, stated that this ordinance is for the sale of the spec building located at 1160 N. Wise Drive and approximately 12.5 acres of property. Sumter County received a letter offering to purchase that property. Mr. Bryan will have a more conventional real estate contract for Council to review at second reading. Council then took action on first reading.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant first reading approval to this ordinance.

(4) Resolution #R-20-07 - A Resolution Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By and Between Sumter County, South Carolina (The “County”) And A Company Identified For The Time Being As Project Lisa, Acting for Itself, One Or More Affiliates, And/Or Other Project Sponsors (Collectively, The “Company”), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities In The County (The “Project”), (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto.

Mr. Johnathan Bryan, County Attorney, stated that Resolution R-20-27 and Ordinance #20-940 are both related to Project Lisa. The resolution is a binding commitment for the County to approve a Fee-In-Lieu Tax Agreement with Project Lisa. This project is an investment of \$84,000,000.00 and 164 new jobs. The agreement will consist of a 6% assessment ratio, millage will adjust every five years, a 30 year deal with a 35% special source revenue for five years. Council then took action on first reading.

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

- (5) Ordinance #20-940 - First Reading - An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By and Between Sumter County, South Carolina (The "County") And A Company Identified For The Time Being As Project Lisa, Acting For Itself, One Or More Affiliates, And/Or Other Project Sponsors (Collectively, The "Company"), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities In The County (The "Project"); (2) The Benefits Of a Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connections With The Project; And (4) Other Matters Relating Thereto.

Mr. Johnathan Bryan, County Attorney, stated that this ordinance is to approve the actual Fee-In-Lieu of Tax Agreement. Mr. Bryan provided Council members with a draft copy of the agreement for Project Lisa. Council then took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve first reading for this resolution.

- (6) 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) 20-933 - Second Reading - An Ordinance To Authorize The Sale Of Property On Race Track Road.

Mr. Johnathan Bryan, County Attorney, stated that this ordinance and the two ordinances to follow all pertain to Project Tiger V. This ordinance is to approve the sale of approximately 15 acres of property on Race Track Road at \$15,000.00 per acre. This transaction will include an option on an additional 16.5 acres and a right of first refusal on an additional 17 acres. Mr. Bryan stated that a public hearing will be held at third reading on November 10, 2020. Council then took action on second reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve second reading for this ordinance.

- (2) 20-934 - Second Reading - An Ordinance Authorize The Execution And Delivery Of A Fee Agreement By And Between Sumter County, South Carolina And Project Tiger V Providing For A Payment Of A Fee In Lieu Of Taxes And Other Matters Related Thereto.

Mr. Johnathan Bryan, County Attorney, stated this ordinance to authorize the execution and delivery of a Fee in Lieu of Tax Agreement. The investment by Project Tiger V will be approximately \$15,000,000.00 and create 25 jobs. There will be a 6% assessment ratio, 30 years and millage will adjust, then a 10% Special Source Revenue Credit for the first ten years and a 7% Special Revenue Credit for the following ten years. Council then took action on second reading.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve second reading for this ordinance.

- (3) **20-935 – Second Reading - An Ordinance To Amend The Master Agreement Governing The Sumter-Lee Industrial Park Dated December 31, 2012 Between Lee County, South Carolina and Sumter County, South Carolina So As To Enlarge The Park To Include Certain Property Owned And/Or Operated By A Company Identified For The Time Being As Project Tiger V; And Other Related Matters.**

Mr. Johnathan Bryan, County Attorney, stated that this ordinance is to amend the Multi-County Industrial Park Agreement Sumter County has with Lee County, and the effect of this would be to include into the agreement the property which will be purchased by Project Tiger V. Council then took action on second reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve second reading for this ordinance.

COMMITTEE REPORTS:

- (1) **Land Use Committee Meeting, October 13, 2020, 4:30 p.m.** at Patriot Hall – Band Room, 135 Haynsworth Street, Sumter, SC (*Edens, Baker, and Baten*)

The Chairman of the Committee, Charles Edens, reported that all Committee members were in attendance. The Committee discussed the landscaping verbiage in Ordinance Amendment OA-20-03 and took action on this so that their action could be a part of the discussion on Land Use Matters in Council's Regular meeting at 6:00 p.m.

ACTION: MOTION by the Councilman Baker, seconded by Councilman Baten, and unanimously carried by Council to delete the landscaping verbiage from Ordinance Amendment OA-20-03 and to use the current Landscaping ordinance. The Landscaping ordinance will be addressed at a later date.

- (2) **Fiscal, Tax, and Property Committee Meeting March 24, 2020, 5:00 p.m.** at Patriot Hall – Band Room, 135 Haynsworth Street, Sumter, SC (*McCain, Edens, McGhaney*)

The Chairman of the Committee, James T. McCain, reported that all Committee members were in attendance. The Committee received information and discussed two economic development issues and three contractual matters in executive session. No action was taken.

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

Councilwoman McGhaney reported that she attended the Santee-Lynches Regional Council on Government's meeting held on October 5, 2020. She will forward the meeting information to the Clerk for dissemination to all Council members due to the volume of information.

Councilman Baten stated that he attend the Upward Bound Veteran's Program at Central Carolina Technical College, called Vet Talk held on September 24, 2020. The discussion was about military careers of those in attendance and why they served in the military. All attendees' stated they served because they felt they had an obligation to give to their country.

Councilman Baten also stated that the COVID-19 has impacted Sumter County and has a disproportionate impact on African-Americans and females. He was elated when The Item's front page on October 7, 2020, stated that the City of Sumter Extends Mask Mandate. He quoted Mayor McElveen from this article "covering worn by all residents could help City return to normal soon". Councilman Baten previously asked Council to approve a mask mandate to no avail. He stated that 12 counties in South Carolina have a Mask Mandate Ordinance.

Most Vietnam Veterans that attend the Vet talk meetings have underlying conditions. These conditions consist of age, heart disease, prostate cancer, diabetes, Hodgkinson disease, Parkinson disease, and approximately seven other conditions. These veterans go out into the community and see citizens not wearing masks and leave the venue. Councilman Baten mentioned that a Dollar General that he shops at frequently, has a mandatory mask sign on the door but it is not enforced. He inquired with the clerk and she stated they do not say anything so they will not get cursed, etc. by the patrons.

Councilman Baten encouraged Council once again to pass a Mask Mandate Ordinance if you care about the safety, health, welfare and life of the citizens in Sumter County. The members of City Council care about the citizens living in the City of Sumter to have a Mask Mandate Ordinance and extended the mandate on October 6, 2020, for another 30 days.

Councilman Baten further stated, I congratulate and admire Mayor McElveen for his excellent leadership in passing the mask ordinance passed and continue to do so.

MONTHLY REPORTS

- SCSO Detention Center September Report

COUNTY ADMINISTRATOR'S REPORT

Mr. Mixon, the County Administrator, introduced Mrs. Patricia Jefferson, Director of Sumter County Voter's Registration and Election Commission, to share some information with County Council.

- Mrs. Jefferson stated that she and the Sumter County Registration and Election Board (SCREB) are pleased to announce that Sumter County received a grant for \$110,000.00. She stated that with the population growing; her office has purchased new ballot marking devices which are \$3,376 each, two scanners which are over \$5,000 each. Also, SCRED has set up satellites at centers that were not in our budget, along with the paper, ink, and printers at each satellite center. Mrs. Jefferson reported that there is an influx of absentee voting at the satellite centers, over 1,000 voters per day. Currently, the County has over 6,000 voters that have voted at the satellite centers.
- Chairman McCain thanked Mrs. Jefferson for making the citizens' right to vote count. Councilwoman McGhaney thanked Mrs. Jefferson for the fine job she continues to do. Mr. Mixon added that we are very fortunate to have Mrs. Jefferson as Sumter County's Registration Director, very well respected throughout the State of South Carolina. She has done a wonderful job for many years, and hope we will have her for many more years to come.

- Mr. Mixon, the County Administrator, updated Council on COVID-19 cases in Sumter County. According to SCDHEC. We currently have 3,352 cases in Sumter County, an increase of 201 cases since our last Council meeting. This is an average of 9.5 cases per day. Sumter County Coroner Baker reported two additional deaths since Council’s last meeting, two white males, ages 73 and 93, neither were veterans.
- Mr. Mixon added that the next Sumter County Council meeting will be held at the Sumter County Administration Building in County Council Chambers.
- Councilman Baten stated his concern as to how many COVID-19 cases the Coroner (58) reports versus DHEC (84). He asked the County Administrator to contact DHEC to find out where they are receiving their statistics.

ADJOURNMENT

After all discussions, motion was made by Vice Chairman Byrd, seconded by Councilman Sumpter to adjourn the meeting of Sumter County Council at 7:20 p.m.

Respectfully submitted,

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

Denise P. McLeod
Acting Clerk to County Council
Sumter County Council

Approved: October 27, 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: October 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: October 8, 2020

Respectfully submitted,
Denise P. McLeod
Mary W. Blanding