



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, May 11, 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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*County Staff Members, Council Members, And The Public Will Be Required To Wear A Facemask And Have Temperatures Checked Upon Arrival To The Meeting. Social Distancing Is Required And Seating Is On A First Come First Serve Basis.*

<https://www.youtube.com/channel/UCAHjizPaonO9LFS2kO37A>

**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 (Walker and Cubbage).

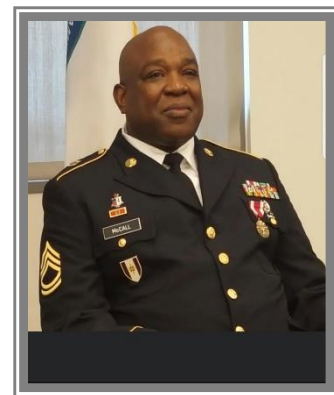
**MEMBERS OF THE PUBLIC PRESENT:** Approximately 19 members of the public attended the meeting.

**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:** County Council was led in the Pledge of Allegiance to the American Flag by US Army Retired Veteran Randy McCall who served our country for 24 years. Advancing to the rank of Sgt. 1<sup>st</sup> Class he endured many deployments in Iraq and Afghanistan. Some of his military achievements include the Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Korea Defense Service medal, and the Iraq Campaign Medal. He served in Imminent Danger, and he also received the campaign star ribbon, the NCO Professional Development Ribbon, the Army Service Ribbon, and many other ribbons and awards. Veteran McCall wants you to know that Councilman Baker was his high school Football and Track Coach and is a close family friend. He currently enjoys working with several Charity Organizations and likes to travel. He has been married to his beautiful wife Dina for 34 years and they have three children and are looking forward to getting grandchildren. He currently lives in Dalzell (District 2). Councilman Baker presented Mr. Randy Stevie McCall with a certificate for his participation in Council's meeting.



**LAND USE MATTERS AND REZONING REQUESTS:**

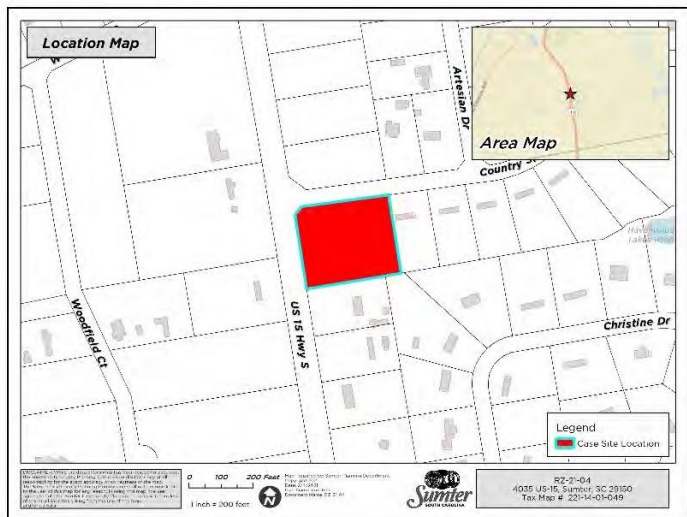
**Planned Development/Rezoning Requests -**

**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-21-04, 4035 US Hwy. 15 South (County) -- First 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.**

Ms. Roodman, the Planning Director, presented this proposed rezoning request to Council for first reading consideration. She stated that the request is from CDP Sumter 5, LLC, which is the Authorized Agent for this request. The request is to rezone 1.72 acres of land located at 4035 U. S. Highway 15, South from Agricultural Conservation to Neighborhood Commercial. The intent of the applicant is to develop a general merchandise store use under 11,000 square feet of gross floor area in size on this property.

The property is adjacent to agriculturally zoned residential land uses to the north, south, east and west, which include Country Springs, Thurmond, and Havenwood Lakes Subdivisions. The Planning Commission recommended approval of the request as presented. The reason for the NC zoning district is to accommodate the commercial and service needs generated by nearby residential development. Goods and services normally available in this district are of a "convenience variety." The Planning staff recommended approval of the request so that 1.72 acres in size, would be used for a free-standing zoning area. Mrs. Roodman also stated that the staff finds that the request is in general alignment with the Sumter 2040 Comprehensive Plan policies.



Prior to action on first reading, Councilman Edens recused himself from discussion and action on this matter due to a conflict of interest. He left Council Chambers prior to action on this request.

After Ms. Roodman's presentation, Chairman McCain called for a motion on first reading.

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

**NOTES:** (1) Councilman Edens did not vote, nor did he participate in the discussion on this request. He returned to Council Chambers after Council voted on this matter. (2) Councilman Baker stated that since this proposed request is located on a corner lot with homes located all around the proposed property, it would be good if the applicant talk to

the neighbors to see what they think of the propose development.

- (2) **RZ-21-08, 1045 Cockerill Rd. (County) -- First 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.**

Ms. Roodman stated that Mr. Joseph Brown is the Authorized Agent. The original request was to rezone a single parcel from Heavy Industrial (HI) to General Residential (GR) in order to allow construction of one additional residence at 1045 Cockerill Road; at the March 2021 Planning Commission Meeting the Commission deferred action to allow the applicant to consider revisions. This is an amended request to add additional land area and to change the requested zoning district from General Residential (GR) to Agricultural Conservation (AC). The property was changed to Heavy Industrial during the implementation of the Planning and Zoning Development Standards during the 1990's.

This request represents the 18.99 acres that represents a residential enclave within the Black Oak Industrial Park. The crux of this request is to address the larger question of whether zoning should be changed to protect the existing residential land use pattern on Cockerill Road. The graphic represents the properties impacted by this request.



Live Oak Industrial Park has been in continual development since the 1980s. Sumter County assembled the land and provided a road network for the park, while the City of Sumter provided required water/sewer infrastructure. Currently, a majority of the land within the original land assemblage has been acquired by private interests. The industrial park has developed around a pocket of pre-existing residential land uses along Cockerill Road and Campbell Court. The majority of existing residential uses with frontage on Cockerill Road are zoned HI and are considered non-conforming uses. Property along Campbell Court retained a residential designation.

Due to the location of the property adjacent to established industrial uses and its location in the heart of the Live Oak Industrial Park, any rezoning request for a residential purpose in this area must be carefully considered.

This rezoning request is not consistent with the stated Priority Economic Development Planning Area policies of providing protection to existing industrial parks since it would allow residential uses and other use types not generally consistent with industrial park development within the general boundary of the park. However, staff notes that this area of Cockerill Road has historically been residential in nature, with the Live Oak Industrial Park being developed around it and that the zoning was changed to HI at the time of park development. This request would cover all the Clark family land, which is not likely to be developed for industrial use in the foreseeable future.

Mrs. Roodman also noted that the request for the AC zoning designation is less impactful to

adjacent HI zoned properties that are developed, or maybe developed in the future, than compared to a request for a defined residential zoning district. HI property adjacent to residential zoning districts require significantly greater setback restrictions. The AC zoning district would not result in increased setback requirements for adjacent HI zoned properties as this zoning classification is not considered to be a residential zoning district per *Article 2, Section 2.a.1* of the *Sumter County Zoning & Development Standards Ordinance*. Further, the AC zoning district minimum lot size of 1 acre would not permit dense residential development and AC zoning district setback requirements are more restrictive than compared to defined residential zoning districts.

*The primary question to be considered with this request is whether the County should protect the current residential land use pattern on this section of Cockerill Road or allow it to covert to industrial land use over time.*

The Planning Commission recommended approval of the rezoning request at its April 28, 2021, meeting and as the Planning staff presented to Council at this meeting of May 11, 2021.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to this proposed rezoning request.

- (3) **RZ-21-05 -- 1765 N. Main Street -- (County) - Third Reading -- A Request To Rezone +/- 2.23-Acres Of Land From Agricultural Conservation (AC) And Neighborhood Commercial (NC) To General Commercial (GC). The Property Is Located At 1765 N. Main St. And Is Represented By Tax Map # 246-00-02-015.**

Mrs. Roodman presented this rezoning request to Council for third reading consideration. She stated that there were no changes to this request since first reading. The Chairman called for a motion on third reading.

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

- (4) **RZ-21-06 -- 6815 Claremont Lane -- (County) - Third Reading -- A Request To Rezone +/- 1.99 Acres Of Land From Agricultural Conservation (AC) To Neighborhood Commercial (NC). The Property Is Located At 6815 Claremont Lane And Is Represented By Tax Map #073-00-05-025.**

The Planning Director, Mrs. Roodman, also presented this rezoning request to Council for third reading consideration. She stated that there were no changes to this request since first reading. The Chairman called for a motion on third reading.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Baker, to grant third reading to this rezoning request.

Prior to the Chairman carrying the motion, Councilman Washington asked to speak on this because it is in Council District #1 and he represents Council District #1. He stated that he had

previously asked to reserve all rights until third reading concerning this matter, (*Councilman Washington clarified his vote to mean that he offered an abstention vote*). Councilman Washington stated that this same developer was trying to develop property on Fish Road and Highway 261. During the time of the readings for the Fish Road development, at least 100 people signed a petition opposing the location of the Dollar General at that location. However, Council members denied that request; now the developers have moved south of the Fish Road proposed Development to Claremont Lane and Highway 261. Councilman Washington stated that in Council's conversation last week, Mr. Googer stated that they are sensitive to the fact that this store will be next to residential zoning. This is the same issue that the residents had at Fish Road. Councilman Washington stated that he is surprised that Mr. Googer chose that sight after having the experience on Fish Road. He further stated that he has observed Highway 261, and there are properties on down Highway 261 that are opened and some of them are available for such a project; yet they are not in the middle of a residential neighborhood.

*Councilman Washington also stated that Mr. Googer stated that they are sensitive to the fact that this store will be next to residential zoning on one side and a convenient store on the other side. Additionally, Mr. Googer and staff have already reached out to some of the property owners as it relates to screening fencing. Councilman Washington said that Chairman McCain asked Mr. Googer what the response has been from the neighbors. Mr. Googer stated that the response has been positive. Councilman Washington also said that Charlene Avant said that she personally went to the neighbors six houses in each direction to talk to them about the Dollar General coming to the area.*

Then Councilman Washington stated that Council members received a letter from Mrs. Floyd who lives in a home three doors down from the proposed development, and she is not a renter, nor a leasor, she is a property owner; she was not contacted by the developer, she is at the meeting tonight. Councilman Washington said that it appears that Mr. Googer has not done what he said he would do - meet with the residents of the area of Claremont and Highway 261.

Councilman Washington stated that he would like for Council to defer third reading until such time that we can work out a scenario with the Developer and those folks that will be directly impacted by the placement of this development in this location. Once the discussions/meeting occurs, third reading will be brought back to Council. It was noted by Councilman Washington that the people in this area have concerns about litter, lighting, fencing, and operational hours.

Councilman Baten and Baker withdrew their action on granting third reading. The following motion was offered.

**ACTION:** MOTION was made by Councilman Washington, seconded by Councilman Baker, and carried by Council to defer third reading until such time that the Developer, Mr. Googer, meet with the neighbors who are directly impacted by this development in order to work out a plan for implementing the proposed development in the area. Councilman Edens voted in opposition. The motion carried.

- (5) RZ-21-09 -- 950 & 980 Oswego Highway -- (County) -Third Reading -- A Request To Rezone +/- 29.11-Acres Of Land From Light Industrial-Warehouse (LI-W) To Agricultural Conservation (AC). The Property Is Located At 950 & 980 Oswego Highway And Is Represented By Tax Map # 248-00-01-005.

Mrs. Roodman stated that she would be presenting this rezoning request based on the changes that the property owner desires to do since second reading of the proposed rezoning request. Mrs. Wendy Miller and her representative, Mr. Frank Shuler meet with Mrs. Roodman subsequently to come up with a plan that would best suit Ms. Miller's new goals for her property development.

Ms. Miller hopes to do the following:

1. Rezone 29.11 acres of property to Agricultural Conservation instead of Light Industrial.
2. Subdivide three acres from the original tract of 32.11 to convey (3 acres) to the neighboring property.
3. Use the 29.11 acres of land in the future to construct a nature-based outdoor children's camp on the property.



After all comments from Mrs. Roodman and County Council members, the Chairman called for a motion on third reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant third reading as presented at this meeting with changes as presented by the Planning Director.

**OTHER PUBLIC HEARINGS:** None

**NEW BUSINESS:**

- (1) **Ordinance #21-953 - First 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. (Title Only)**

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council. He informed Council that an ordinance to implement Solid Waste Disposal Fee was enacted in 2009 (\$40). In 2011, Council approved an ordinance to add a 3% annual increase, to the Solid Waste Disposal Fee with an ending day of June 30, 2021. Therefore, the ordinance before Council at this meeting will continue the annual 3% increase for another 10 years. After all comments, Council 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 by title only to this ordinance as presented by the County Attorney. (Note: Prior to the meeting, a completed ordinance was provided to Council members in their dropbox.) .

- (2) **Ordinance #21-951 - First 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.**

The County Administrator, Gary Mixon, presented this proposed ordinance to Council for first reading consideration. He stated that this is a request for a 2021 Bond for Capital needs for the County. The major purchases for this Bond Series are as follows:

1. The Sheriff's Office Vehicles
2. Public Building Renovations
3. Information Technology Needs.

After all comments, the Chairman called for a motion on first reading of this ordinance.

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

- (3) **Ordinance #21-950 - First 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.**

The County Administrator stated that this is first reading for the County's 2021-2022 Fiscal Year Budget. Council members and staff have reviewed the details of the budget during a budget workshop at 5:00 p.m. today. Mr. Mixon presented the following information to Council for first reading of the budget:

Expenditures	\$52,422.481
Revenues	\$52,484,152
Difference	<b>\$61,672</b>
1 Mill tax increase for the Litter	3% COLA Increase for all full time employees
1 Mill tax increase for new positions	2 - Solicitor's Office, 1 Veteran Affairs Office, 1 Treasurer's Office, 1 Coroner's Office

After all comments, Council took action on first reading of this ordinance.

**ACTION:** MOTION was made by Councilman McGhaney, seconded by Councilman Baker, and carried by Council to grant first reading to this ordinance as presented by the County Administrator. Councilman Edens voted in opposition.

**NOTE:** Councilman Edens stated that he is in favor of the mill for the Litter; however, he is not in favor of the mill increase for the new positions.

- (4) 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) Ordinance #21-952 - Second Reading -- An Ordinance Authorizing The Conveyance Of An Interest In Property To The State Of South Carolina And Then Grant An Easement For Ingress And Egress To The State Of South Carolina. (Public Hearing Will Be Held At Third Reading.)

Mr. Byran, the County Attorney, stated that this ordinance will allow for an Easement for ingress and egress to the State of South Carolina from Sumter County as the State works to provide a retirement complex for Veterans in this County. After all comments, the Chairman called for a motion on second reading of this ordinance.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman McGhaney, and carried by Council to grant first reading to this ordinance as presented by the County Administrator. Councilman Edens voted in opposition.

#### COMMITTEE REPORTS:

- (1) Budget Workshop/Special Meeting Held On Tuesday, May 11, 2021, 5:00 p.m. Held In The County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (All Council Members Are To Attend The Budget Workshop.)

Mr. Mixon stated that the information on the budget was presented during first reading of Ordinance 21-590. No additional information.

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



- Councilman Baten stated that in the last 154 days 3 persons died from the Army and 4 Air Force persons died. He also stated that one person that died was 92 years of age. Councilman Baten stated that the issue with COVID-19 is still alive and he is very concerned about the deaths of the veterans.
- Councilman McGhaney talked to Council about her passing the NACO Leadership Program which was provided to Sumter County gratis. She will send information to the Clerk to share with Council members which will have information on the Leadership Instructors including Colin Powell.
- Chairman McCain briefed Council on the Veterans Only Days for Vaccinations at the Civic Center from May 10-14, 2021. Additionally, the RTA bus and van are providing rides for the Veterans and their family members to take the Vaccination.

### **MONTHLY REPORTS**

- 1) Administrator's COVID19 Tracking Report
- 2) COVID Vaccination Schedule For Veterans
- 3) Bluegrass and Barbeque
- 4) Rural Area Vaccination Schedules and Civic Center

### **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator and staff are continuing to work with Ms. Angel Brown concerning the Memorial Light for those that are missing and citizens of Sumter County. Council will be kept informed about this project.

**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.*

The following persons spoke during public comment:

Gwendolyn Floyd stated that she is concerned about businesses impacting people's homes. She also stated that there needs to be more recreation in the County - walking trails, parks, etc.

Randy Stevie McCall spoke concerning the problems on Keystone Boulevard next to Cannery Road. It is the oldest road in Dalzell. He also stated that he does not think that there should be dirt roads in Sumter County. The road is in bad condition. He asked Council to consider fixing this road.

### **ADJOURNMENT**

After all business of Sumter County Council and comments, motion was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to adjourn the meeting of Sumter County Council at 7:08 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:** May 25, 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, May 7, 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, May 7, 2021

Respectfully submitted,

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