



**Minutes**  
**Sumter County Council**  
**Tuesday, February 23, 2021 – Held at 6:00 p.m.**  
**Sumter County Administration Building, Third Floor**  
**13 E. Canal 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.*

<https://www.youtube.com/channel/UCAHjiqzPaonQ9LFS2kO37tA>

**COUNCIL MEMBERS PRESENT:** James T. McCain, Chairman; James R. 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, Johnathan Bryan, Mary w. Blanding, David Shadoan, Joe Perry, Allen Dailey, Kelsey Andrews, Uvette Rogers, and two Sheriff Deputies.

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

**MEDIA PRESENT:** The Item Newspaper

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

**INVOCATION:** 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 Held On Tuesday, February 23, 2021.

Chairman McCain asked the Clerk to Council, Mrs. Mary W. Blanding, if there were any changes to the agenda. Mrs. Blanding stated that there were no changes to the agenda. Chairman McCain called for a motion on the approval of the agenda.

**APPROVAL OF MINUTES:** Regular Meeting Minutes For Tuesday, January 26, 2021.

Chairman McCain asked for a motion to approve the minutes of Sumter County Council's January 26, 2021, Regular Meeting as prepared by the Clerk to Council.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of February 9, 2021, as prepared by the Clerk to Council.

**MOMENT OF SILENCE:**

Councilman Baker asked the Chairman to allow for Council members, staff, and the public to allow for a moment of silence in memory of former Council Chairman, Naomi D. Sanders.

Councilman Baker stated that she was a friend, a really sweet woman, professional, and community advocate. He also said that he enjoyed her service as a council member and especially as Chairman of Sumter County Council.

In Loving Memory  
Naomi D. Sanders



**LAND USE MATTERS AND REZONING REQUESTS:** None

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.

**OTHER PUBLIC HEARINGS:**

- (1) **Ordinance 21-945 – An Ordinance To Amend Sumter County Code Of Ordinances, Chapter 26, Article II, Section 26-26, Relating To Business License Renewal Deadline. (Council May Take Action On this Ordinance Immediately After Public Hearing Or During Old Business.)**

The County Attorney, Johnathan Bryan, presented this proposed ordinance to Council for second reading and public hearing. Mr. Bryan stated that for the benefit of the public, this ordinance is before Council because the S. C. General Assembly passed a statute called the S. C. Business License Tax Standardization Act on September 30, 2020. This allow for there to be a standardized date for renewal of a business license and not 46 different dates throughout the State. In section 1-B Business License must be issued to a taxpayer for a twelve (12) month period beginning May 1, and ending on April 30. Sumter County’s 12-month period currently begins on March 15 and ends on March 14 of the following year. The ordinance before Council will move the license year for Sumter County from March 15 to May 1 of each year.

After Comments from Mr. Bryan, the Chairman convened a public hearing on this proposed ordinance. He asked if anyone wished to speak in favor of or opposition to this ordinance.

No one spoke during public comments. Therefore, Chairman McCain closed the public hearing and Council took action on this matter listed under Old Business.

- (2) **Ordinance 21-947 -- An Ordinance Authorizing The Declaration Of Restrictive Covenants On Land On Highway 521 South, St Matthew Church Road And Race Track Road. (Council May Take Action On this Ordinance Immediately After Public Hearing Or During Old Business.)**

Mr. Bryan also presented this ordinance to Council for public hearing and second reading. He stated that for the benefit of the public, this ordinance will allow for restrictive covenants to be placed on property known as the Lewis-Lawrence Tract, identified on the 2020 Sumter County Tax Maps as 252-00-05-029. Mr. Bryan also stated that Sumter County Council intends to develop the Lewis-Lawrence Tract as an industrial park to be known as the Pocatoligo East Industrial Park. It was also noted by Mr. Bryan that by placing the restrictive covenants on the property, it will make the Pocatoligo East Industrial Park more attractive to the kinds of industries that Sumter County would desire to have located in Sumter. Thereby enhancing the economic development of the area in Sumter County.

After comments from Mr. Bryan, Chairman McCain convened a public hearing on this proposed ordinance. He asked if anyone wished to speak in favor of or opposition to this ordinance. No one spoke during public hearing; therefore, the Chairman closed the public hearing and Council took action on second reading of this ordinance as listed under Old Business.

#### **NEW BUSINESS:**

- (1) **Presentation By External Auditors For Sumter County's Fiscal Year 2020 External Audit.**

Mr. Gary Mixon, the County Administrator, stated that Ms. Charlotte Allen was present on behalf of Webster Rogers Accounting Firm, to present Sumter County's Annual External Audit information to Council and the public.

*Note: Prior to this meeting, Mrs. Allen conducted a detailed thorough External Audit report to members of Sumter County Council during Council's Fiscal, Tax, and Property Committee Meeting which began at 5:15 p.m. today. The presentation by Mrs. Allen was approximately 45 minutes in length.*

Mrs. Allen thanked Council members for allowing Webster Rogers to conduct business for the County. She also stated that this formal audit was discussed with the Finance Staff and Management in detail, additionally, a thorough report was given at the Fiscal, Tax, and Property Committee meeting held prior to this meeting. Therefore, the report during this meeting will be a summary of the Audit report. Mrs. Allen stated that the responsibility for the Financial Statements rests with the County; the responsibility of the auditors is to render an opinion as to whether the financial statements are accurate and stated within the audit.

There are a number of opinion units such as: governmental activities, business activities, discretely presented component units (Library), the general fund, the Capital Penny Sales Tax II, Debt Service Funds, Other non-governmental funds, Proprietary Funds (Water and

Sewer), and fiduciary funds which are held by the Elected Official in some kind of fiduciary or escrow capacity. Mrs. Allen stated that it is the opinion of Webster Rogers Accounting Firm that the statements reviewed by the Firm for the County as cited above were presented fairly in all material for financial statements as of June 30, 2020, and the changes in financial positions.

Mrs. Allen also stated that the Accounting Firm reviewed how the County handled Federal Funds and The County's Internal Controls. There were no issues in 2020. She also thanked the Finance staff for all the work they did to complete the Audit in a "remote" process and in the absence of the Finance Director.

The Chairman and Mr. Mixon thanked Mrs. Allen for the report as presented. Then Mr. Mixon introduced the County's new Finance Director, Ms. Uvette Rogers. Mr. Mixon also thanked Kelsey Rogers for stepping in during the time that the County was without a Finance Director and she did a great job. Chairman McCain also thanked Kelsey and the Finance staff for all they did last year to keep the County moving. He also welcomed Uvette Rogers to the Sumter County employee family.

**ACTION:** Received as information.

(2) **R-21-02 -- A Resolution To Appoint And Commission A Code Enforcement Officer For The Proper Security, General Welfare, And Convenience Of Sumter County.**

Mr. Bryan presented this resolution to Council for consideration. He stated that George McGregor, the former Planning Director, asked Council members to allow some of his staff to be commissioned as Code Enforcement Officers so that they could write tickets, etc. as part of their duties. Mrs. Roodman, the new Planning Director, is currently the only person on her staff commissioned as a Codes Enforcement Officer who can write an ordinance summons for a Land Use violation. Therefore, if this resolution is passed, Mr. Dewort will be commissioned as an officer and then able to have the same authority as Mrs. Roodman relating to a Commissioned Code Enforcement Officer.

After all comments, Council took action on adopting this ordinance as presented.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman McGhaney, 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,** the Sumter County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Sumter County; and

**WHEREAS,** the Sumter County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina, (1976, as amended) to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County; and

WHEREAS, Sumter County Ordinance 18-900 sets forth the procedure for appointing Code Enforcement Officers, and

**NOW, THEREFORE, BE IT RESOLVED THAT** the following named individual is hereby appointed and commissioned as a Code Enforcement Officer of Sumter County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables in addition to such duties as may be imposed upon them by the governing body of this County, including the enforcement of the applicable building codes and the Sumter County Zoning and Development Standards Ordinance and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina, (1976, as amended) and Sumter County Ordinance 18-900. Provided, however, this named individual shall not perform any custodial arrests in the exercise of his duties as a Code Enforcement Officer and his authority to issue an ordinance summons will be in the unincorporated areas of Sumter County. This appointment shall remain in effect only until such time as this named individual is no longer employed by Sumter County as a Code Enforcement Officer.

**Jeff Derwort**

**Sumter City-County Planning Department**

- (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) Ordinance 21-942 -- Third 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 Thompson Construction Group, Inc., 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. Bryan stated that this is the ordinance which will gave the authority of a Fee In Lieu Of Tax Agreement for Thompson Construction Company. A public hearing was held at the last meeting and there are no changes to the ordinance. Chairman McCain called for a motion on third reading.

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

- (2) **Ordinance 21-943 – Third 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 Thompson Construction Group, Inc.; And Other Related Matters.**

Mr. Bryan stated that there have been no changes to this ordinance since first reading. The ordinance is in conjunction with the Fee In Lieu Of Taxes Ordinance #21-942. After all comments, Chairman McCain called for a motion on third reading.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman McGhaney, and unanimously carried by Council to grant approval of third reading to this ordinance as presented.

- (3) **Ordinance 21-944 – Third Reading– An Ordinance To Create The Sumter City-County Litter Advisory Board.**

Mr. Bryan stated that this ordinance is to create a City-County Litter Advisory Board. He also stated that there have been no changes to the ordinance since first reading. Chairman McCain called for a motion on third reading.

**ACTION:** MOTION was made by Councilman Edens and seconded by Councilman Baker.

Chairman McCain asked if there were any questions and the following discussion took place.

Councilman Washington stated that at the last meeting, he stated that the Sumter County Advisory Board would like to be a part of the Sumter City- County Litter Advisory Board with membership on the Board.

**ACTION:** MOTION was made by Councilman Washington to add one additional seat to the Litter Advisory Board which would be assigned to the Sheriff’s Advisory Council.

Additional discussion ensued.

Councilman Edens stated that it would have to be an amendment at this point since the ordinance has already received two readings. Councilman Washington stated that he would clarify the motion that it is suggested to “amend” the ordinance to add a seat on the board for the Sheriff’s Advisory Council.

The Administrator reminded Council that the Sheriff’s Office will have a seat on the Board in order to make changes to the ordinance, it would be best to discuss this at another time

and including the appropriate people and then bring those changes back to Council to add additional persons to the board if Council desires to do so.

Councilman Edens stated that he believes it would be good for the Sheriff's Advisory Board to meet as they normally do and then take their concerns and suggestions to whoever it is that the Sheriff will appoint to the Litter Advisory Committee.

Councilman Washington stated that the Sheriff is engaged; also he noted that Sumter has a serious litter problem and all hands need to be on deck with this problem particularly in rural areas. Also, Councilman Washington noted that District #1 area and District #2 area and Councilman Baten are areas where litter is a big problem. He further stated that the Sheriff's Advisory Council could play a very critical role in the process of eliminating litter in our communities.

It was also stated by Councilman Edens that he believes that the Sheriff's Advisory Council can be of great help to the Litter Advisory Board, but that they do not have to have a seat on the Board as the Sheriff's Appointee works with the Advisory Council. There also may be times, per Councilman Edens, that the Advisory Council will be providing additional information to the Advisory Board.

Chairman McCain stated to Councilman Washington that he agrees with him that all hands must be on deck to handle this enormous litter situation and the ordinance will allow for all hands to be on deck. However, the Chairman stated that Councilman Edens is stating that the Sheriff has the authority to say who will be on the Committee representing the Sheriff's Office.

Councilman McGhaney also stated that Councilman Washington was asking that one additional seat be added to the Litter Advisory Committee. She also mentioned that the Advisory Committee cannot forget about Palmetto Pride and other existing agencies that have worked with Litter issues.

Council members also discussed whether or not the City Policy Advisory Committee would have a seat on this Board. After all discussion on this matter. The Chairman went back to Councilman Washington's motion.

Chairman McCain asked that *there was no second to Councilman Washington's motion*, thereby, he restated the original motion and Council took action on the original motion.

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

- (4) **Ordinance 21-945 – Second Reading -- An Ordinance To Amend Sumter County Code Of Ordinances, Chapter 26, Article II, Section 26-26, Relating To Business License Renewal Deadline.**

The County Attorney Johnathan Bryan, presented this ordinance to Council prior to Council holding a public hearing. After Mr. Bryan's presentation, the Chairman convened a public

hearing. No one spoke during the public hearing. The Chairman closed the public hearing and Council took action on second reading.

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

- (5) **Ordinance 21-947 -- Second Reading -- An Ordinance Authorizing The Declaration Of Restrictive Covenants On Land On Highway 521 South, St Matthew Church Road And Race Track Road.**

Chairman McCain asked the County Attorney, Mr. Bryan, to present this ordinance for second reading and public hearing. After Mr. Bryan's presentation which is listed under Other Public Hearings, the Chairman convened a public hearing. No one spoke to this issue; therefore, 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.

#### COMMITTEE REPORTS:

- (1) **Fiscal, Tax, And Property Committee Meeting, February 23, 2021, 5:15 p.m. Held In The County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (McCain, Edens, and McGhaney)**

The Chairman stated that the Fiscal, Tax, and Property Committee meeting received information about the 2020 External Audit was also presented to Council during New Business Items of this agenda.

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

**Councilman Baten** reported on the COVID-19 as it relates to the Veterans. He also said that at the last meeting, Councilman Baker gave a report that was based on his survey of information, and it appears that Sumter is one of the safest counties to live. Councilman Baten stated that he begs to differ with Councilman Baker because based on information as it relates to Veterans. Councilman Baten further stated that the 78 days (December 8, 2020 - February 23, 2021), that he has been keeping a record of the deaths of veterans, there have been 58 veterans that have died. During the last meeting, February 9, 2021, there were 135 COVID-19 deaths and 47 deaths of veterans. Therefore, 11 veterans have died in the last two weeks. Councilman Baten stated that the source of his information is coming from The Item Newspaper Obituary. Councilman Baten said that he has only been keeping track of the Veterans' deaths for 78 days, he also stated that he would hate to think of how many deaths it would have been had he started keeping track as of January 1, 2020.

Councilman Baten stated that with the large population of veterans in Sumter as well as Shaw AFB and Army Central located here in Sumter, it is hard to believe the Sumter County



Council, will not pass a Mask Mandate for this County to help protect our military and are veterans. The new Chief Executive Officer for Prima Health Toumey, Louis Smith, stated that Sumter is seeing a surge in hospitalization of COVID-19 patients due to complications from the virus. Councilman Baten read several other statements from an article concerning the concerns of Mr. Louis Smith as it relates to COVID-19 and wearing masks. Councilman Baten also read a statement from a January 19, 2021, article concerning the City of Sumter extending its Mask Mandate Ordinance, yet, the County has not done the same. Councilman Baten asked Council members again to consider implementing a Mask Mandate Ordinance for Sumter County.

Councilman Edens asked Councilman Baten whether or not the number of veterans that are dying, per The Item Newspaper Obituary Column, do the obituaries state that the Veteran died from COVID-19 or another reason for the death?

### **MONTHLY REPORTS**

- 1) SCDOT Bridge Work
- 2) 2021 Rural Summit
- 3) SCDOT Survey
- 4) COVID- 19 February 19, 2021 Report

### **COUNTY ADMINISTRATOR’S REPORT**

**Budget 2021-2022** -- The County Administrator stated that the Budget Process has begun with the Department Heads receiving Budget information on Friday, February 19, 2021. The staff and Finance Department will be working to ensure that everything is completed so that Council can receive the information about the budget during the first meeting in April 2021.

**Public Comment** - As for the first meeting in March, the Council meetings will be open to the public for Public Comment if the DHEC numbers of COVID-19 cases continue to trend down.

Councilman Washington stated that several weeks ago he mentioned to County Council that there should be some planning session prior to the budget workshops because of the needs of the community, and there are many needs. There will also be some strong conversations about basic needs for those in the community. The Chairman sent out a request concerning a planning session, however, the response was “thin”. He further stated that he is hoping that we will not wait until April to begin these intense conversations. Councilman Washington also stated that he believes it is a good idea to start having these conversations now and identify those big ticket items that we will need to address. Also, Councilman Washington stated that “*Basic Services Are Lacking*” in Sumter County particularly in the rural areas. Councilman Washington asked Council members to rethink the process of what has been offered to begin discussing the budget in April, and to begin meeting now through some planning sessions. Lastly, Councilman Washington stated that it does not serve us (Council and the County) well to wait until County Council is in the “throws of a budget to make these types of decisions.” Council members ought to be on the same page or close to the same page prior to entering those budget discussions.

### **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 McGhaney, seconded by Councilman Edens to adjourn the meeting of Sumter County Council at 6:58 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: March 9, 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, February 19, 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: Thursday, February 19, 2021

Respectfully submitted,

*Mary W. Blanding*  
Mary W. Blanding

