



Minutes
Sumter County Council Regular Meeting
Tuesday, October 24, 2023 -- Held at 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

Social Distancing Is Encouraged At All County Council's Meetings, And Seating Is On A First Come First Serve Basis.

<https://www.youtube.com/channel/UCAHjqzPaonQ9LFS2kO37tA>

COUNCIL MEMBERS PRESENT: James T. McCain, Jr., 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 PRESENT: Gary Mixon, Mary W. Blanding, Joe Perry, Jeff Derwort, Greg Hawkins, and two Sheriff Deputies.

MEDIA PRESENT: Bryn Eddy, The Item Newspaper

PUBLIC PRESENT: There were approximately 13 members of the public in attendance at this meeting.

CALL TO ORDER: Chairman James T. McCain, Jr. called County Council's October 24, 2023, meeting to order.

INVOCATION: Council Member Vivian Fleming McGhaney gave the invocation

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chairman McCain.

APPROVAL OF AGENDA: Chairman McCain called for a motion on the approval of the agenda for Tuesday, October 24, 2023.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the agenda of October 24, 2023, as presented.

Then Councilman Washington asked if Council would allow for the Adjournment of this meeting to be in Memory of Mr. Steven Buchea, a Lobbyist for the City of Sumter. He was injured in an accident after he fell and hit his head causing a fracture to his head. Councilman Washington noted that Mr. Buchea was a business partner of his and Mr. Buchea will be greatly missed. The Chairman and Council agreed to the request from Councilman Washington.

APPROVAL OF MINUTES: Regular Meeting -- Tuesday, October 10, 2023

Chairman McCain called for a motion concerning action on the October 10, 2023, minutes of County Council's meeting.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Edens, and carried by Council to approve the minutes of Sumter County Council's meeting of October 10, 2023, as presented. Councilman McGhaney abstained because she was unable to attend the meeting on October 10, 2023.

LAND USE MATTERS AND REZONING REQUESTS:

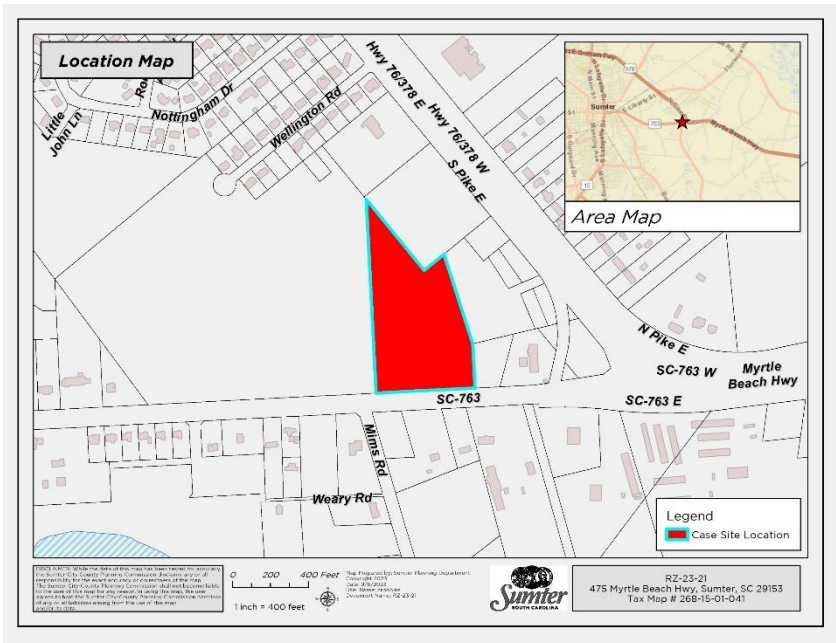
Planned Development/Rezoning Requests:

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-23-21 - 495 Myrtle Beach Highway (County) – Second Reading/Public Hearing – County -- A Request To Rezone A Parcel Of Land Totaling +/- 8.48-Acres From Light Industrial-Warehouse (LI-W) To Heavy Industrial (HI). The Property Is Located At 495 Myrtle Beach Highway And Represented By Tax Map # 268-15-01-033. (Prior To Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

Chairman McCain introduced this item to Council for second reading and public hearing. Prior to Mr. Jeff Derwort, the Zoning Administrator, presenting this rezoning request, Councilman Baten recused himself from participation in this rezoning request and he removed himself from the room. The recusal was based on his daughter having ownership of property located across the street from 495 Myrtle Beach Highway.

Mr. Derwort presented this proposed rezoning request to Council for second reading and public hearing. He stated that this request was made by Brown Investment, LLC; they are the authorized agents for the owner. The owner is Larry Barker. This is a request to rezone a parcel of land from Light Industrial-Warehouse to Heavy Industrial.



It was also noted by Mr. Derwort that surrounding zoning is also zoned Light Industrial Warehouse except for property that is across the street on the Southern side of Myrtle Beach Highway which is zoned GR Light Industrial Warehouse. The applicant is requesting Heavy Industrial Warehouse Zoning to establish land usage for the sale of automobile parts with onsite dismantling and storage of vehicles. The land use type is classified under NAICS 42314 and is only permitted in the HI District as it relates to Sumter County Zoning and Development Standards Ordinance.

It was also mentioned that the applicant made a prior request to change the zoning designation for a 7-acre portion of the property to the HI zoning district in 2020 (Case# RZ-20-16). This request was ultimately denied by County Council. This request can be considered again, since more than 1-year has passed since the denial.

The property previously consisted of 2 separate tax parcels, a 7-acre parcel and a 1.5-acre-parcel. The 7-acre portion was combined with the 1.5-acre portion for tax purposes in 2022. This request applies to the full acreage of the parcel as it exists today. Mr. Derwort stated that there is an ongoing non-conforming use that is on-going on the property for sales of automotive parts and onsite dismantling of the cars that is located on the 1.5-acre tract of land that is allowed to continue its non-conforming which is not subject to discontinuance.



If the rezoning request is approved, it will allow this 7-acres of property as well as it will not make the 1.5-acre property nonconforming. The seven acres of the property has ongoing enforcement of civil litigation and there is an exhibit in your staff report that fully details all the activities up to date. Mr. Derwort said that rezoning the property to HI would allow the applicant to move forward with the process of legally establishing the desired use of the property.

The property is influenced by the priority commercial mixed use planning area which is a priority investment area centered around the intersection of Myrtle Beach Highway and the US-378 Bypass. This request is inconsistent with Comprehensive Plan Designation. However, the staff notes that there are uses like this that currently exist along the corridor in this general area. The Planning Commission recommended approval of the request; however, per Mr. Derwort, it was not unanimous. It was a four to three vote.

Councilman Washington asked Mr. Derwort if the Planning Commissioners that voted against the rezoning gave any explanation as to why they voted that way. Mr. Derwort stated that from what the staff understood during the discussions in the Planning Meeting, the members that voted against approval are concerned about the appearance of the area when it is actually a gateway into the Sumter Community.

Councilman Washington also asked if the community is concerned about pollutants and soil matters. Mr. Derwort said that he is aware that some letters have been sent to County Council and he is aware of those concerns from the public as it relates to stormwater pollutant emission.

Councilman Washington further stated that he saw the correspondences that were sent to Council members about pollutants in streams. Then Chairman McCain convened a public hearing on this proposed rezoning request.

PUBLIC HEARING:

- Senator Thomas McElveen spoke to Council concerning Mr. William R. Brown who has been his client for approximately 20 years and Mr. Brown's Wife, Tammy Brown. The Brown's are the principal investors of Brown Investments who submitted this rezoning request to the Planning Commission for action by County Council. Mr. Brown asked Senator McElveen to come to this meeting to speak on his behalf during the public hearing for this rezoning request. The Senator stated that Mr. Brown has been in business on the Myrtle Beach Highway area for over 50 years in some capacity and in the Senator's estimation Mr. Brown is an astute businessman. It is the hope of Mr. Brown that Council will grant Mr. Brown's request to conduct business at this location once the property is rezoned. Other points made by Mr. McElveen were as follows:
 - a. Conduct business as other companies along Myrtle Beach Highway are allowed to do.
 - b. Sell automobile parts with on sight dismantling.
 - c. Storage for old automobiles that have not been sold.
 - d. There is another automotive industry in this area which conducts sale of used automotive parts and dismantled vehicles.
 - e. Mr. Brown asks to be treated the same way others are being treated with similar activity.
 - f. Mr. Brown wants to operate his business in a respectful, clean, and orderly manner as much as possible.
 - g. Cars and other vehicles are outside of the perimeter fence; however, these will be moved to the back once the property is rezoned.
 - h. There is another business that has inventory spilling near the roadway, and it's been that way for as long as Senator McElveen can remember.
 - i. If the property is given third reading approval, Mr. Brown and his wife and partner Ted Brown will go out of their way to have the premises looking neat, presentable, and respectful.
 - j. They will be courteous to the neighbors in the area.
 - k. Senator McElveen asked Council to adopt the recommendations as approved by the Planning Commission so that Mr. Brown, his wife, and his partner can continue with its business as listed in the Staff Report.

After Mr. McElveen's comments, Chairman McCain stated that he had spoken to Mr. McElveen who stated that Mr. Brown would move the cars behind the fence. Then Chairman McCain said that this second concern was the for-sale sign on the property. He also said that if Mr. Brown sells the property, if it was rezoned to Heavy Industrial, what could go into this location.

Mr. McElveen stated that Chairman McCain's question was a reasonable concern for members of Council. He further stated that he believes Mr. Brown is frustrated and decided to place the for-sale sign on the property. Lastly, Mr. McElveen stated that he believes that there is more than one way to work out this matter and he believes Mr. Brown is willing to be ready to solve this issue.

Councilman Washington asked about the draining and/or storage of automobile fluids. Who will inspect the process; will there be documentation that this is taking place; will DHEC conduct the inspections? Will there be mitigation procedures? Councilman Washington also stated that he has concerns about a statement in the staff report that says "its worth noting that the applicant already

demonstrated a tendency to cut corners with respect to local ordinances by clear cutting seven acres and erecting a fence without permits.

Mr. McElveen reemphasized that he is not able to answer all the questions; however, with the disposal of certain materials he said he would assume that the owner would subject to DHEC in that regulation.

Councilman Washington also asked if Mr. Brown has met with the Community or not; Mr. McElveen stated that he believes that Mr. Brown has talked with some of the neighbors, but Mr. McElveen did not know precisely who Mr. Brown has talked to as of this meeting. It appears that some of the people that live on Myrtle Beach Highway are in Mr. Brown's direct proximity across the street, his neighbors know what is happening and they're comfortable with this rezoning change. He further stated that he knows Mr. Brown as someone who is a reasonable man. After all comments by Mr. McElveen, he left the meeting due to another engagement.

- Tammy Brown spoke in support of the rezoning. She stated that she and her husband are owners of Brown Investments of Sumter, LLC, known as American Auto Sales. Ms. Brown said that she and her husband applied to the Planning Department to rezone the property and were advised by the Planning Department that their only option was to rezone the property from Light Industrial to Heavy Industrial. She gave Council historical information pertaining to the one and a half acres of property as to what is being requested to-date. Ms. Brown also stated that the property was listed for sale after an injunction was filed against them on the seven acres of property. It was further stated by Mrs. Brown that the contract on the property expired in February 2023 and the for-sale sign just has not been taken down. It was noted that they had several potential buyers, but the buyers did not want to have the headache of dealing with the Sumter County Planning Department. Mrs. Brown said they were set to purchase the old Oil Company Property to be used as a used auto dealership, used tires, and repair shop for their vehicles. However, the Planning Department informed that that it would not be feasible for them to attempt to have this business at that location. However, per Mrs. Brown, six months later Max Mobile Car Care has an auto dealership selling used tires and has a clean-up shop at the same location. Mrs. Brown added that the aforementioned company passed right through without any hassle at all. Yet the Brown's eight and one-half acres have been inspected by DHEC and the Army Corps of Engineers and both entities gave the Browns a clear report. It was noted that the Army Corps of Engineers' Inspector had never written an approval letter for anyone before Mrs. Brown asked that the letter be prepared. Mrs. Brown also said that she and her husband were set up to make sure there was absolutely no contamination occurring on the property, all fluids are drained from the vehicles before the parts are removed. She said that the fluids are contained until the recycling company comes to pick up the fluids approximately once a month. Then Mrs. Brown said that their intent was to have the vehicles out of sight and the vehicles out front would be the Sales of Automobiles. She also said they have never had their business described as an eyesore like Councilman Baten stated at the last meeting of Sumter County Council. Mrs. Brown said that they would like to expand their business just like their neighbors have been able to do. Lastly, she said that they don't necessarily need the property rezoned to heavy industrial unless County Council sees fit to treat their company the same way that Carolina Truck and Trailer was treated. She asked Council to give them a chance to grow their business.

- Dr. Alexandra Baten spoke in opposition to the rezoning request. She stated that she and her aunt, Barbara Brockington, own 10 acres of property that is directly across the street from Mr. Brown's business. Dr. Baten stated that no one has spoken to her or her aunt about the proposed rezoning request. She also said that she heard information about how it looks now, it looks bad, it looks terrible, it is ugly. Dr. Baten said that approximately 60 or 70 people own the land and that she is also part owner. Her aunt, Ms. Brockington had to pay approximately \$10,000 to have the property cleared in order for the family to start the process of building homes in this area. Dr. Baten also stated that several of her relatives that are part owners in the property are interested in building homes on the property that is across the street from the Brown's business, and it is a monstrosity. It was also mentioned by Dr. Baten that the junk cars on the property are horrible, and the fencing is not aesthetically pleasing. She said that her family is not the only ones that feel that way, the Friends of Swan Lake Iris Gardens also feel the same way. Dr. Baten referenced a letter that was sent to County Council members concerning this area and this group believes that the Myrtle Beach Highway is a direct corridor into Sumter, and it needs to be aesthetically pleasing to those traveling into Sumter. Dr. Baten said that she is vehemently against this rezoning. It was also noted that if the Browns can clean up this area and ensure that there are no issues with contamination of water, her family would be glad to talk with them. Lastly, she said that the family has also sought legal advice concerning this matter.
- Mrs. Brockington stated that she is a retired schoolteacher, and she is currently back in education. She stated that their property is in a very good location for a residential area. The property expands from Mims Road to Boulevard Road. Mrs. Brockington said that when she was checking on clearing the trees, she was told that the car dealership was no longer there, it was now a salvage yard. Then Mrs. Brockington referenced a letter that was sent to Mary Blanding from Kim Harvin asking that the property not be rezoned. Lastly, Mrs. Brockington stated that the issue around this rezoning reminds her of Flint Michigan and her family does not want that type of company in their neighborhood. She said that it is her hope that this can be resolved.
- Kim Harvin stated that she is on the Planning Commission and that she voted against the rezoning and most of her points have already been stated. Her concern is if the property is rezoned Heavy Industrial it would expand the company to have a salvage yard. Ms. Harvin said that according to IPA a salvage yard harms the groundwater, and they have the potential to leak a variety of chemicals, oil, gasoline, diesel fuel, anti-freeze, sulfuric acid, and mercury. She said that she is deeply concerned about this rezoning because many residents rely on well water. Ms. Harvin also said she is deeply concerned about the drainage and how the inspections are done, who inspects the process other than the owner, as well as what mitigation procedures exists in case there is a leakage during a thousand-year storm or torrential rain.

Ms. Harvin said that the applicant tends to cut corners by clearcutting the seven acres and they did not have the permits to do so. It was suggested by Mrs. Harvin that an industrial park or the County's landfill would be more of a suitable place for this type of business. She emphasized that this particular business is an eyesore, its unsightly on a highway that serves a major gateway into Sumter.

After all comments from the public. The Chairman closed the public hearing and then Councilman Baker asked to speak. He said that the issue with contamination is not going to be an issue because

DHEC regulates it and checks on it yearly. He further said that anyone with this type of business has a lot to go through with its operations. Councilman Baker said that he thinks that Mr. Brown has enough woody area to buffer his property; however, Councilman Baker's issue with the property is the consideration to rezone it heavy industrial. He further stated that he is not comfortable with rezoning the property to heavy industrial. Councilman Baker said that he feels sure that Mr. Brown will do well with his business, but having the property rezoned heavy industrial is not something he, as a Councilman, can support. Councilman Baker then offered the following motion for Council's consideration.

ACTION: MOTION by Councilman Baker to defer second reading and send this matter to County Council's Land Use Committee to review it and develop a solution to this matter. Councilman Edens seconded the motion. Councilman Washington abstained. Councilman Baten recused himself and was not in Chambers during discussion on this matter. The motion carried to defer.

NOTE: A Land Use Committee Meeting will be scheduled for November 14, 2023, in order to discuss this rezoning request.

OTHER PUBLIC HEARINGS:

- (1) None

NEW BUSINESS:

- (1) 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, If Necessary, Thereafter In Open Session.

None

OLD BUSINESS

- (1) None

COMMITTEE REPORTS:

- (1) Public Works And Solid Waste Committee Meeting Scheduled For Tuesday, October 24, 2023, At 5:00 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC. (Baker, Baten, and Washington)

The Committee Chairman, Councilman Artie Baker, reported that the Committee met, and they received a report from Ms. Karen Hyatt concerning the Public Works Department Litter Budget and an update on the Litter Program. The report was received as information.

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

No report from Council members.

MONTHLY REPORTS

- 1) NAACP Annual Freedom Fund Celebration – November 3, 2023
- 2) Military Appreciation Day 2023
- 3) Morris College Parade - November 4, 2023
- 4) 2023 Sumter Green Fall Feast – October 28, 2023
- 5) Sumter Sheriff's Office September Monthly Report

COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Mixon, the County Administrator, stated that during the Public Works Committee Meeting, Ms. Hyatt stated that the County Litter Pick-Up would be held on November 17, 2023. However, the date is November 9, 2023, on Britton Road.

PUBLIC COMMENT: Citizens Desiring To Speak During Public Comment Are Limited To Up To Three Minutes. Comments Are To Be Made Through The Chairman Of Sumter County Council. If There Are Any Questions, They Will Be Answered After The Meeting.

The Chairman asked if anyone from the public would like to speak during public comment and reminded them that they would be allowed up to three minutes. The following persons spoke during public hearing.

- Mr. George Bates stated that he is speaking to Council to give his monthly request to Council to ask that the back-log of positions in the Sheriff's office be filled. He asked for this to be done because it takes too long for the Sheriff's staff to get to Wedgefield community. He also stated that Council should fund the Sheriff's Office request for more vehicles and give the staff more pay.
- Dr. Brenda Williams stated that she lives on Aubrey Circle in Sumter and that she and her husband own and operate Family Unit, Inc. a non-profit Health Care business. Dr. Williams reminded Council that there is a tremendous amount of poverty in this County. She asked Council members to provide funds for the poor folks of this community.

She also spoke to Council about the Highway 378 project that needs to correct the problem of people crossing this area 77 times a day per the ACOM Engineering Firm. She asked Council members that are seated members on the SUATS Committee to please ask SUATS to speed up the process for helping these people to find a safer way to cross Highway 378 By-pass.

NOTE: Councilman Byrd thanked the IT Department for fixing his monitor and Councilman Baker's Monitor.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 7:31 p.m. after a motion by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: November 14, 2023

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 are posted on Sumter County’s Website and as a message on the Television Located on the first floor of the County Administration Building.

Date Posted: October 20, 2023

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County’s Webpage, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, Spectrum Cable, and others that have requested to receive County Council’s agenda.

Date Notified: October 20, 2023

Respectfully submitted,

Mary W. Blanding
Clerk to County Council