



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, January 8, 2019 -- Held at 6:00 p.m.**  
**County Administration Building -- County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

**Immediately After The Approval of Council's Minutes Of December 11, 2018, Council Will Elect Its Officers.**



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

**COUNCIL MEMBERS ABSENT:** None

**STAFF PRESENT:** Gary Mixon, Lorraine Dennis, Keysa Rogers, Johnathan Bryan, Joe Perry, Allen Dailey, Mary W. Blanding, George McGregor, Margaret Held, and two Sheriff Deputies.

**PUBLIC:** All Seats Filled - Approximately 69 people from the public were present.

**MEDIA:** No one from the media was present.

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

**INVOCATION:** Councilman Vivian Fleming McGhaney gave the invocation.

**PLEDGE OF ALLEGIANCE:** Everyone present repeated the Pledge Allegiance to the American Flag.

**APPROVAL OF AGENDA:** Regular Meeting Tuesday, January 8, 2019

The Clerk to Council, Mary W. Blanding, reminded Council that during this meeting immediately after action on the minutes of December 11, 2018, Council will elect its officers for the period of January 2019 through December 2020. Also, she asked Council to move the Executive Session matter immediately after public comment. The Chairman called for a motion as outlined by the Clerk, Mary W. Blading.

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

**APPROVAL OF MINUTES:** Regular Meeting Tuesday, December 11, 2018

The Chairman asked for a motion concerning the approval of the minutes of Tuesday, December 11, 2018.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Sumpter, and unanimously carried by Council to approve the minutes of December 11, 2018, as presented by the Clerk to Council.

**NEW BUSINESS:**

- (1) Election Of Officers For Sumter County Council - Chairman and Vice Chairman - Term 2019-2020).

Councilman McCain declared that all offices were vacant. Then he called for a motion for the office of Chairman.

Councilman Edens made a motion to nominate Councilman James McCain as Chairman; Councilman Baker seconded the motion.

Councilman McCain asked for other nominations for Chairman of Sumter County Council. There were no additional nominations; therefore, Councilman Edens MOTIONED that the nomination come to a close on the name of James T. McCain, Jr. and Councilman Baker, seconded the motion and unanimously carried by Council to close the nomination on James T. McCain, Jr.

Then Councilman McCain stated that he would entertain nominations for Vice Chairman; Councilman Baker MOTIONED for Councilman Jimmy Byrd to fill the position of Vice Chairman and Councilman Edens seconded the motion. Then Councilman McCain asked for any more nominations; there were no additional nominations; therefore, Councilman Sumpter MOTIONED and Councilman Baker seconded the motion to close the nominations on the name of James R. Byrd, Jr., as Vice Chairman. Councilman McCain closed the nomination on the name of James R. Byrd, Jr., as Vice Chairman.

#### **ELECTION OF OFFICERS:**

Since there was one nomination for each position, the Chairman asked for a voice vote for the election of the offices:

**Councilman McCain** stated that all in favor of approving the nomination of James T. McCain, Jr. as Chairman of County Council for 2019-2020; vote yes. All Council members voted in the affirmative. Therefore, the office of Chairman will be held by James T. McCain, Jr.

**Chairman McCain** asked for each person that is in favor of approving the nomination of James R. Byrd, Jr., as Vice Chairman of Sumter County Council for 2019-2020; vote in the affirmative. All Council members voted in the affirmative. Therefore, the office of Vice Chairman will be held by James R. Byrd, Jr. for the period of 2019-2020.

#### **LAND USE MATTERS AND REZONING REQUESTS:**

##### **Planned Development/Rezoning Requests**

- (1) **RZ-18-13 - 2110 Loring Mill Road (County) - Second Reading/Public Hearing - Request To Rezone A +/- 1.48 Acre Parcel And A +/- 0.74 Acre Portion Of An Adjoining Parcel From Agricultural Conservation (AC) To Light Industrial-Warehouse (LI-W). The Property Is Located At 2110 And 2115 Loring Mill Rd. And Is Represented By Tax Map #'S 186-07-01-027 And 86-07-01-017 (Part). (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

George McGregor presented this proposed ordinance to Council for second reading. Mr. McGregor stated that the owner, Mr. Randolph Black hopes to produce and sell Tiny Houses at this location. The property consists of 1.48 acres on one parcel and .74 acres on the other portion of property. The Zoning would be rezoned from Agricultural Conservation to Light Industrial-Wholesale. The Planning Commission recommended approval of the request and the request is in compliance with the Military Protection Zoning. Also, the applicant was present on behalf of the rezoning request.

Chairman McCain convened a public hearing on this proposed rezoning request. He asked if anyone was in favor of this request as presented.

- Randolph Black stated that he does not camp in Sumter, he lives in Sumter. He also said that he has the community's best interest at heart. Mr. Black asked if there is any way for a caveat to be placed in this rezoning request, if approved, that if the property ever changes from his ownership to someone else's ownership, that the Light Industrial Zoning would revert back to AC Zoning. Then the community would not have to be concerned about what would come in the area if the property leaves his hands.
- Pattie Wilson spoke in support of Mr. Black's business. She stated that Sumter County Council has supported small businesses in the past; therefore, she hopes that Sumter County will support Mr. Black in his endeavors to build a business which will help the community.
- Louis Watkins stated that he is a resident of Sumter County and a property owner of property in close proximity of the property of Mr. Black's. Mr. Watkins stated that he was originally opposed to the development; however, after looking at the business that Mr. Black is trying to implement on this property as a production and show room Company. Mr. Watkins is now in support of this request.

Then the Chairman asked if anyone wished to speak in opposition to this request.

- Mr. Mac Kolb spoke in opposition to this request; he stated that he represents the people in the Lee Preserve subdivision. Mr. Kolb said that he lives on Grits Mill Lane in the Mill Pond Subdivision, which he developed for the Lee Family. Mr. Kolb also developed Lees Preserve which is 430 acres in the Military Protection with five acres or larger parcels are in this subdivision. Spot zoning is out of character for this area.
- Trip Laynick stated that he is representing Lee's Preserve Homeowners Association. There are approximate 35 acres in this subdivision and the owners are trying to preserve the area. The Homeowners Association is not in support of this rezoning request. Mr. Laynick said that the proposal that Mr. Black brought to Council tonight might be doable, but how he is presenting it now is not acceptable by the subdivision.
- Margaret M. Held stated that she is a County Employee and lives on Loring Mill Road. She was concerned about how fast Mr. McGregor's presentation was given. She also asked for the paperwork that was presented by Mr. McGregor. Ms. Held said that she wants to do what she wants on her property; and believes that Mr. Black wants to do the same; however, the rezoning is just not in the same flavor as the homes already in the area. She also spoke about the traffic; and is not in support of this request.
- James Goodson stated that his future home will be in Lees Preserve and he just rezoned his property to Agricultural Conservation to keep the country look in the community. He stated that he is in opposition to this rezoning request.

Then the Chairman closed the public hearing and called for a motion on the rezoning request.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Baker to deny second reading to this rezoning request. Council members Baker, Sumpter, and Baker voted in

the affirmative. Council members Byrd, McCain, McGhaney, and Baten voted in opposition. **The motion did not carry.**

Comments From Council Members:

1. Councilman Byrd asked if this is the only possible zoning that can be considered for this request. Mr. McGregor stated that there are a few options and the one that is on the table for consideration is one of the zoning that can be considered.
2. Councilman Baker stated that the way in which the rezoning is being considered is like spot zoning.
3. Councilman Baten asked how far from the rezoning request by Mr. Black is from the nearest Commercial Zoning at the corner of Broad Street; Mr. McGregor stated that it is approximately 620 feet from the nearest General Commercial Zoning.
4. Councilwoman McGhaney asked if there is a possibility for any type of buffering for site and noise which would allow for Mr. Black to conduct his business as he is requesting. Mr. McGregor stated that the site plan for neither landscaping nor noise is not available at this time. The site plan is normally developed after the rezoning is completed and approved. She also asked the County Attorney if there were any alternative zoning that could be considered.
5. County Attorney noted that without research on this matter, he believes it may be a possibility that a restrictive conveyance could be recorded about the property with language in the conveyance that if the property leaves Mr. Blacks hands the property would revert back to agricultural conservation. Mr. Bryan emphasized that he would have to do some research to make sure that this could be done.
6. Councilman McGhaney further stated that she feels that Council members as well as Mr. Black and the community can reach a compromise on this matter if all heads could come together and discuss this matter further.
7. Councilman Baker stated that he has dealt with restrictive conveyances in the past and cannot see how this property could have a restrictive conveyance on it. The conveyance is between the neighbors; Mr. Black does not have anyone else as an owner on the property.
8. Councilman Edens said that he has talked to many of the neighbors about the Light Industrial Zoning which is a big problem for the community; however, the truck traffic that will be placed on this road due to a manufacturing company using the road is also a safety concern for the area.
9. Mr. Black offered another suggestion to remove the manufacturing piece of the request from the rezoning request, and keep the sale of the homes on the property.

After all discussions, the Chairman called for a motion concerning this proposed rezoning request. Councilman Chris Sumpter stated that there has been much dialogue about the pros and cons of this request. Additionally, the public as well as Council members are trying to find the best solution for the homeowners who have invested in their property and homes for decades, and what is the best solution for Mr. Black and his request. Therefore, Councilman Sumpter offered the following motion.

ACTION: MOTION was made by Councilman Sumpter, seconded by Councilman Baker, and unanimously carried by Council to defer second reading until such time that further details can be reviewed about the needs for the applicant and the other property owners in this community as well as the Planning Commission Director and Mr. Black meeting to amend or withdraw his request as presented at this meeting and prepare a new request to amend Conditional Uses under Agricultural Conservation and bring the amended or new request back to Sumter County Council for consideration.

- (2) **RZ-18-15 - 2320 Beckwood Road - (County) - First Reading - Request To Rezone A +/-46.99 Acre Parcel Located At 2320 Beckwood Road From Agricultural Conservation (AC) To Residential-15 (R-15). The Property Is Represented By Tax Map # 201-00-03-013.**

Mr. George McGregor presented this proposed ordinance to Council for first reading. The applicant is requesting that the property be rezoned from Agricultural Conservation to Residential-15 to allow for the development of a subdivision. Currently, the property is undeveloped. The Planning staff and Planning Commission recommended approval of the request. After all comments, the Chairman called for a motion on first reading.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimous carried by Council to grant first reading to this rezoning request as presented.

- (3) **RZ-18-16 -- 160 Jefferson Road -- (County) -- First Reading -- Request To Rezone A +/-15.00 Acre Parcel And A 1.39 Acre Parcel Located At 160 Jefferson Road From General Residential (GR) To Heavy Industrial (HI). The Property Is Represented By Tax Map #S 231-00-04-006 And 231-00-04-007.**

Mr. McGregor stated that this request is on behalf of Sumter County through the County Attorney for Becton Dickinson Company's expansion. The County's Comprehensive Plan supports this request to allow for this property to be rezoned from General Residential to Heavy Industrial.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimous carried by Council to grant first reading to this rezoning request as presented.

**OTHER PUBLIC HEARINGS: None**

**NEW BUSINESS:**

- (2) **It Is Necessary To Hold An Executive Session To Discuss A Personnel/Employment Matter And It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter Receive A Legal Briefing, Discuss A Contractual Matter, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required.**

This item was moved to the last item for the meeting after public comment.

**OLD BUSINESS: None**

**COMMITTEE REPORTS:**

- (1) **Report From Council Members On Other Meetings, Trainings, And/Or Conferences; And Any Other Council Comments.**

No Comments.

**MONTHLY REPORTS**

- 1) 2019 Rural Summit
- 2) SAVE The Date Morris College Presidential Inauguration

- 3) Sheriff's Department Monthly Report
- 4) Patriot Hall Johnathan Green
- 5) Board Of Zoning Appeals
- 6) County Holiday Calendar
- 7) County Council Meeting Dates

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

1. External Audit - At Council's meeting on January 22, 2019, the Webster Rogers Company will provide Council with a bound report and details about the Audit.
2. Sumter Veterans Park - January 9, 2019, Bid Opening for the construction of this park.
3. Administration building - January 10, 2019, demolition will occur on the small building connected to this building.
4. High Street - On January 15, 2019, a construction meeting will be held concerning this street.
5. Dillon Park - On January 10, 2019, will be an update on the Dillon Park.
6. Lafayette Diamond - Equipment is being mobilized for this project.
7. Second Mill - The County was notified by FEMA that a new representative has been hired and must be brought up-to-date about the Second Mill Project.

#### **PUBLIC COMMENT**

The Chairman asked if anyone would like to speak during public comment. The following persons spoke during public comment.

1. Mrs. Watson stated that she lives on Cannery Road in Dalzell; she was not told by her realtor that the home she was purchasing would be on a dirt road and that the road was being used as a trash dump by people that come and dump bags of trash, furniture, and other belongings. She asked Council for help to alleviate this problem and that the street needs to be paved. She also stated that the furniture has been on the road for 18 months.
2. Leroy Jones spoke to Council about the poor condition of Cannery Road in Dalzell and that the public safety vehicles cannot use this road because of the bad condition of this road.
3. Earl Keith Shultzs - spoke to Council about problems he is having with a refund from the Auditor's Office. The Chairman asked the Administrator to follow up on this matter.
4. Louis Watkins talked to Council again about a complaint phone line or department to process the complaints that are received by the County. He added that this is needed by the City and the County.
5. Izetta Davis stated that Cannery Road; it is so bad that she slid in the ditch then the person helping her also slid in the ditch. They had to call a wrecker to get them out of the ditch.
6. Mark Alston - stated that he has lived on the road for 12 years. The population and traffic on the road has been increased over the years and it has gotten worse. He also lives on Cannery Road.
7. Mary Russell - stated that Cannery road is bad; even if it is not paved, maybe some gravel and better maintenance. The trash is bad, the drainage is bad, and of course the road is bad.
8. Rosa Chapman also spoke about the poor conditions of Cannery Road.
9. Jackie Hughes - stated that she is representing American Legion Post 15. She also said that the American Legion recognizes the Public Safety Officers -- Sheriff, Police, Corrections, EMS, and Fire. Ms. Hughes gave each Council member an invitation for the upcoming banquet for American Legion Post 15 which will be held on February 4, 2019. She thanked Chairman McCain for his attendance last year and she asked that he attend this year too.

The Chairman closed the public comment section of the meeting and then Councilman Sumpter made the following comments.

Councilman Sumpter stated that he recognized the community members because he is the Council representative for this area. He stated that he will work with the County officials to ensure that the maintenance, ditches, etc. are receiving the property maintenance on the road.

Councilman Baten stated that in 2005 he along with other Council members took a tour of the County Roads to see the condition of this road.

#### NEW BUSINESS

- (2) It Is Necessary To Hold And Executive Session To Discuss A Personnel/Employment Matter And It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter Receive A Legal Briefing, Discuss A Contractual Matter, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required.

Councilman McGhaney recused herself from the meeting due to a conflict of interest about this personnel/employment matter.

The Chairman called for a motion to enter Executive Session to discuss a personnel/employment matter.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to enter Executive Session to discuss a personnel/employment matter.

At the conclusion of executive session, MOTION was made by Councilman Byrd, seconded by Councilman Sumpter, and unanimously carried to enter open session.

Chairman McCain stated that he would entertain a motion concerning the Executive Session matter.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Baker, and carried by Council to approve the Sheriff's request to add a second "Major" position for the Detention Center on the County Employment Roster. Councilman Baten voted in opposition. Councilman McGhaney was not present during the discussion of this matter and nor was she present during the open session and voting on this matter due to a conflict of interest.

#### ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 7:50 p.m. after a motion by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council.

Respectfully submitted,

James T. McCain, Jr.  
Chairman or Vice Chairman

Mary W. Blanding  
Clerk to County Council

Sumter County Council

Sumter County Council

**Approved: January 22, 2019**

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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 bulletin board on third floor of the Administration Building.
- Date Posted:            January 9, 2019
- Media Notified:        Yes
- Manner Notified:      Agenda Information is listed on Sumter County's Home Page, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, and Time Warner Cable.
- Date Notified:         January, 4, 2019

Respectfully submitted,  
*Mary W. Blanding*  
Clerk to County Council