



Minutes
Sumter County Council
Regular Meeting
Tuesday, October 8, 2019 -- Held at 6:00 p.m.
Sumter County Courthouse, Third Floor, Room 308
County Council's Chambers - 141 North Main Street, Sumter, SC

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

COUNCIL MEMBERS ABSENT: none

STAFF MEMBER PRESENT: Gary Mixon, Major Allen Dailey, Keysa Rogers, George McGregor, Mary Blanding, Johnathan Bryan, Joe Perry; two Sheriff Deputies.

MEMBERS OF THE PUBLIC PRESEN: Approximately 28 members of the public were in attendance.

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: Chairman McCain stated that he would entertain a motion concerning the approval of the Agenda for October 8, 2019.

ACTION: MOTION was made by Councilman Sumpter, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve the October 8, 2019 agenda as presented.

APPROVAL OF MINUTES: Regular Meeting Tuesday, August 27, 2019
The Chairman stated he would entertain a motion to approve the minutes of August 27, 2019. He also stated that there were no meetings of Sumter County Council on September 10 and September 24, 2018, due to a lack of action items.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Sumpter, and unanimously carried by Council to approve the minutes of August 27, 2019, as presented.

NOTE: *County Council Did Not Hold A Meeting On September 10 And September 24, 2019, Due To A Lack Of Action Items.*

LAND USE MATTERS AND REZONING REQUESTS:
Planned Development/Rezoning Requests

- (1) OA-19-09 -- Stand-Alone Truck Parking In The Agricultural Conservation (AC) District (County) (19-910) -- First Reading -- A Request To Amend Article 3 Section 3.N.3: Agricultural Conservation District (Conditional Uses) And Exhibit 5: Permitted And Conditional Uses In The Agricultural Conservation District Of The Sumter County Zoning & Development Standards Ordinance In Order To Include Commercial Truck And Trailer Parking Lots (SIC Code 752) As A Conditional Use (C-500) In The Agricultural Conservation (AC) Zoning District.

George McGregor stated that Hampton Gardner, the applicant, is requesting that Council consider amending the Sumter County Zoning and Development Standards Ordinance in order to include Commercial Truck and Trailer Parking Lots as a Conditional Use in The Agricultural Conservation Zoning District.

Mr. McGregor stated that the purpose of the request is to allow stand-alone commercial truck and trailer parking lots in the Agricultural Conservation (AC) District via conditional use (C-500) approval.

Note: The applicant originally applied to make this use a special exception in the AC district. However, after review, staff recommends that this use go forward through the Ordinance Amendment process as a Conditional Use (C-500) versus a special exception.

The Planning Director further stated that Stand-alone commercial truck and trailer parking areas are currently not permitted in the AC District. Within the Ordinance, this use is included under the larger classification of Automotive Parking SIC Code 752 as a permitted by-right use within the Light Industrial (LI) and Heavy Industrial (HI) zoning districts only. Additionally, it is a listed conditional use within the General Commercial (GC), Central Business District (CBD), and Multi-Use Industrial (MUI) zoning districts.

The Planning Commission recommended approval of the request. The Chairman called for a motion on first reading.

ACTION: MOTION was made by Vice Chairman Byrd and seconded by Councilwoman McGhaney to approve first reading of this ordinance.

The Chairman asked if there were any discussions. Mr. Edens asked if there are size limitations for the size of truck on a particular size of property. Mr. McGregor stated that it would be two acres of land for the truck parking. Also, paving is not required; however, crusher run is expected.

Then the Chairman restated the motion and Council took action on the motion.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilwoman McGhaney, and unanimously carried by Council to grant first reading approval to this ordinance as presented.

- (2) **19-911 - First Reading -- An Ordinance Adopting A Comprehensive Plan for Sumter County Entitled "2040 Compressive Plan."** Pursuant to the S. C. Local Government Comprehensive Planning Enabling Act of 1994, As Specifically Required By Section 6-29-310, *et seq.*

Mr. McGregor presented this proposed ordinance to Council for first reading approval, he stated that he will make a presentation tonight; however, most of the details will be presented at the public hearing which is scheduled for October 22, 2019.

Mr. McGregor said that the 2040 document is almost the same as the 2030 plan, but cleaning up some areas. This ordinance is both for the City and County so that it will be a clearer change. The Plan is a road map as to see where commercial, residential, and industrial growth may occur. One of the

elements in the Plan is to expand the Military Protection Area. The 2040 Plan has information in it that includes the following:

- Public Participation
- Population Element
- Housing Element
- Economic Development Element
- Historic and Cultural Resources Element
- Green Infrastructure Element
- Transportation Element
- Community Facilities Element
- Priority Investment Element
- Land Use Element
- Implementation Plan
- Maps, Figures, and Tables

The Planning Commission, City Council, and County Council will use the 2040 Plan to develop strategies for habitable land in the City and the County. Each Council is required to adopt a Plan for its area by December 31, 2019. However, the Planning Commission is presenting this document as a unified document in hopes that the 2040 Plan will be similar for the City and County Of Sumter. There is a Map within the draft 2040 Plan Comprehensive Plan that shows the proposed expansion of the Military Protection Area.

This ordinance is scheduled for second reading and Public Hearing at Sumter County Council's meeting on October 22, 2019. The Planning Commission recommended approval of the Plan as presented to Council at this meeting.

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

ACTION: MOTION was made by Councilman Baker, seconded by Councilman McGhaney, and carried by Council to grant first reading of this ordinance. Councilman Sumpter voted in opposition. The Ordinance was granted first reading.

OTHER PUBLIC HEARINGS:

(1) None

NEW BUSINESS:

- (1) **R-19-02 Sumter County Resolution** -- A Resolution Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Sumter County, South Carolina (The "County") And A Company Identified For The Time Being As Project Combine, 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.

The County Attorney, Johnathan Bryan, presented this proposed resolution to Council. He stated that this resolution will authorize a Fee In Lieu of Tax and Incentive Agreement between Sumter County Government and a company called Project Combine, which is the Economic Development name of the Company until it is officially revealed by them.

The following information is included in the resolution.

WHEREAS, Sumter County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), particularly Title 12, Chapter 44 of the Code (the "Negotiated FILOT Act") and Title 4, Chapter 1 of the Code (the "Multi-County Park Act" or, as to Section 4-1-175 thereof, and, by incorporation Section 4-29-68 of the Code, the "Special Source Act") (collectively, the "Act") and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; (iii) to permit investors to claim special source revenue credits against their FILOT payments ("Special Source Credits") to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County ("Special Source Improvements"); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits; and

WHEREAS, a company identified for the time being as Project Combine, acting for itself, one or more affiliates, and/or other project sponsors (collectively, the "Company") proposes to establish and/or expand certain facilities at one or more locations in the County (the "Project"); and

WHEREAS, the Company anticipates that, should its plans proceed as expected, it will invest, or cause to be invested, at least \$26,000,000, in the aggregate, in the Project and will create, or cause to be created, at least 10 new, full-time jobs, in the aggregate, within the County; and

WHEREAS, on the basis of the information supplied to it by the Company, the County has determined, *inter alia*, that the Project would promote the purposes of the Act and would be directly and substantially beneficial to the County, the taxing entities of the County and the citizens and residents of the County due to the investment to be made, or caused to be made, and the jobs to be created, or caused to be created, by the Company, all of which contribute to the tax base and the economic welfare of the County, and, accordingly, the County wishes to induce the Company to undertake the Project by offering certain negotiated FILOT and multi-county industrial or business park benefits, as well as the benefits of certain Special Source Credits, as set forth herein, all of which shall be further described and documented in a Fee in Lieu of Tax and Incentive Agreement to be entered into by the County and the Company (the "Incentive Agreement") and subject to the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Council, as follows:

Section 1. As contemplated by Section 12-44-40(I) of the Negotiated FILOT Act, the County makes the following findings and determinations:

- (a) The Project will constitute a "project" within the meaning of the Negotiated FILOT Act; and
- (b) The Project, and the County's actions herein, will subserve the purposes of the Negotiated FILOT Act; and
- (c) The Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; and
- (d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and
- (e) The purposes to be accomplished by the Project are proper governmental and public purposes; and
- (f) The benefits of the Project are greater than the costs.

Section 2.

(a) The County hereby agrees to enter into the Incentive Agreement with the Company, whereby the Company will agree to satisfy, or cause to be satisfied, certain investment requirements with respect to the Project within certain prescribed time periods in accordance with the Negotiated FILOT Act and the County, under certain conditions to be set forth in the Incentive Agreement, will agree to accept negotiated fee in lieu of *ad valorem* tax ("Negotiated FILOT") payments with respect to the Project.

(b) (i) The Negotiated FILOT shall be determined using: (1) an assessment ratio of 6%, (2) the lowest millage rate or millage rates allowed with respect to the Project pursuant to Section 12-44-50(A)(1)(d) of the Negotiated FILOT Act, which the parties presently believe to be 350.6 mills, and which millage rate or millage rates shall be adjusted every five (5) years in accordance with Section 12-44-50(A)(1)(b)(ii) of the Negotiated FILOT

Act for the full term of the Negotiated FILOT; (3) the fair market value of the Project, determined in accordance with the Negotiated FILOT Act; and (4) such other terms and conditions as will be specified in the Incentive Agreement, including, without limitation, that the Company, in its sole discretion, may dispose of property and replace property subject to Negotiated FILOT payments to the maximum extent permitted by the Negotiated FILOT Act.

(ii) The Negotiated FILOT shall be calculated as provided in this Section 2(b) for that portion of the Project consisting of economic development property under the Negotiated FILOT Act. For each annual increment of investment in such economic development property, the annual Negotiated FILOT payments shall be payable for a payment period of twenty (20) years, all in accordance with the Negotiated FILOT Act. Accordingly, if such economic development property is placed in service during more than one year, each year's investment shall be subject to the Negotiated FILOT for a payment period of twenty (20) years.

Section 3. The County will use its best efforts to ensure that the Project will be included, if not already included, and will remain, within the boundaries of a multi-county industrial or business park pursuant to the provisions of the Multi-County Park Act and Article VIII, Section 13(D) of the State Constitution on terms which allow the Company to seek from the State any additional jobs creation tax credits for the Project afforded by the laws of the State for projects located within multi-county industrial parks and on terms, and for a duration, which facilitate, the County's provision, and the Company's receipt, of the Special Source Credits referenced in Section 4 hereof.

Section 4. As an additional incentive to induce the Company to undertake the Project, and as reimbursement for investment in Special Source Improvements and subject to the requirements of the Special Source Act and the terms and conditions of the Incentive Agreement, the County does hereby agree that the Company shall be entitled to receive, and the County shall provide, Special Source Credits against each FILOT payment, including, but not limited to, each Negotiated FILOT payment, due with respect to the Project for a period of five (5) consecutive tax years, commencing with the tax year for which the initial Negotiated FILOT payment is due with respect to the Project, in an annual amount equal to fifteen percent (15%) of such FILOT payment, all as shall be set forth in greater detail in the Incentive Agreement. In accordance with the Special Source Act, the Special Source Credits authorized herein shall not, in the aggregate, exceed the aggregate cost of Special Source Improvements funded from time to time in connection with the Project.

Section 5. The provisions, terms, and conditions of the Incentive Agreement shall be subject to approval by subsequent Ordinance of the Council. The Incentive Agreement is to be in substantially the form customarily used by the County for similar transactions with such changes therein as shall be approved by said Ordinance.

Section 6. The Chairman of the Council, the County Administrator, and the Clerk to the Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to this Resolution.

Section 7. The execution and delivery of the Incentive Agreement is subject to the enactment by the Council of an ordinance authorizing the same and, in conjunction therewith, compliance with the provisions of the Home Rule Act regarding the procedural requirements for enacting ordinances.

Section 8. All orders, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force upon adoption by the Council.

After all comments, the Chairman called for a motion on adoption of this resolution.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant approval of the resolution as presented, and authorized the Chairman and Clerk to Council to execute and deliver the resolution on behalf of the County.

- (2) 19-913 -First Reading -- An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Sumter County, South Carolina (The "County") And A Company Identified For The Time Being As Project Combine, 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. (Title Only)

Mr. Johnathan Bryan, the County Attorney, stated that this resolution is by Title Only and is in reference to Resolution R-19-02 which is for Project Combine, an Economic Development Project. After Mr. Bryan's comments, Council took action on first reading by Title Only.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval by Title Only for ordinance 19-913.

- (3) 19-912 - First Reading - An Ordinance Authorizing The Transfer Of Property On Wedgefield Road To Wedgefield Baptist Church. (Title Only)

The County Attorney, Johnathan Bryan presented this proposed ordinance to Council stating that this ordinance is by Title Only, but is for the transfer of Property on Wedgefield Road. It is the desire of Wedgefield Baptist Church to purchase this property from the County. This matter will be on Council's agenda for October 22, 2019, for second reading and public hearing.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant first reading approval by Title Only for ordinance 19-91.

- (4) A Request For County Council's Approval For The Recommended Company To Begin Work On The Shannontown Project.

The County Administrator, Mr. Gary Mixon, presented this request to Council. He stated that the Shannontown Grant project requires that Asbestos Assessments be conducted. There were eleven bids with the apparent low bidder being JRJ Environmental in the amount of \$60,306.50. Mr. Mixon stated that upon review of the submitted bids, a math error was discovered on the G&P Construction Request For Bids. The total bid for the unit located at 100 Webb Avenue was submitted as \$12,317.00. The correct unit bid should have been \$13,892.00 and the total for all structures should have been \$141,905.00. Council was asked to approve the corrected cost and the bid award.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman McGhaney and unanimously carried by Council to approve the changes as presented. NOTE: The first house to be demolished will be demolished on October 9, 2019.

- (5) **It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter, An Employment 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) None

COMMITTEE REPORTS:

- (1) **Land Use Committee Meeting To Be Held At 4:30 p.m. On Tuesday, October 8, 2019, In County Council's Chambers (Room 308), 141 North Main Street, Sumter, SC. (Edens, Baker, and Baten)**

The Chairman of the Committee, Councilman Charles T. Edens, stated that the Committee received a briefing from Mr. McGregor, concerning the 2040 Comprehensive Plan. No action was taken.

- (2) **Fiscal, Tax, And Property Committee Meeting To Be Held At 5:30 p.m. On Tuesday, October 8, 2019, In County Council's Conference Room (Room 301), 141 North Main Street, Sumter, SC. (McCain, Edens, and McGhaney)**

The Committee Chairman, Chairman McCain, stated that three new School Resource Officers were discussed and recommended to be approved by resolution. This would increase the Sheriff's Office staff by three new positions. Therefore, the County's Employee Position Roster would need to be changed accordingly. The Resource Officers will be funded through a grant from the State of South Carolina. After the report, Council took action on the recommendation. (See resolution below.)

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the request to add three additional SRO positions to the County's Employee Position Control Roster and these SRO positions will be assigned to the Sheriff's Office and funds for the position will be received from a South Carolina State Grant.

Whereas South Carolina's Governor, the Honorable Henry McMaster, along with the General Assembly of South Carolina, included in the 2019-2020 Budget funding for School Resource Officers (SRO) for every school in this State; and

Whereas Sumter County Sheriff Office is the beneficiary of the actions taken by the General Assembly and the Governor and will receive salaries and benefits funding for three additional SRO and will increase the County's Employee Roster by three positions in the Sheriff's Office for SRO; and

Whereas The three School Resource Officers have a start date of November 1, 2019, and the work days and hours are Monday through Friday from 8:00 a.m. - 5:00 p.m. and will be assigned to the following schools:

1. Ebenezer Middle School
2. Hillcrest Middle School
3. R. E. Davis Elementary School

Whereas During Sumter County Council's meeting held on October 8, 2019, members of Council voted unanimously to approve adding three School Resource Officers slots to the County's Employee Roster, and matching funds from the State Of South Carolina for these positions.

Therefore Be It Resolved, that the action of Sumter County Council will take effect immediately to allow time for processing these individuals in order that they will be ready for employment on November 1, 2019.

Be It Further Resolved, that should the State of South Carolina cease funding these positions, Sumter County Council will review whether or not to fund the positions with County funds.

This resolution was adopted on the 8th day of **October** 2019, under the seal of Sumter County.

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

- ✓ Demonstration For County Council Members - New Voting Machines -- Tuesday, October 8, 2019, 4:00 p.m. Near County Council's Conference Room (Room 301).

Council members as well as other County Employees were given the opportunity to receive a demonstration of the new Voting Machines and were able to go through a simulated voting process. Council members thanked the Director of Voter Registration for this privilege. Several Council members were able to go through the simulated voting process when the Voter Registration Department set-up a Demonstration at the County Fair held in late September of this year.

MONTHLY REPORTS

- Fall For The Arts
- SCAC County Council Coalition Meeting
- HYPE After School Program Celebration
- School District Invitation

- Tour International Paper Company
- Veterans Day Parade Letter
- Elected Leaders Breakfast Midlands Fatherhood Coalition

COUNTY ADMINISTRATOR'S REPORT

The County Administrator gave the following report.

External Auditor: Webster Rogers, the County's External Auditors, are now on sight and working to ensure that the County's Audit is completed on time. They came on October 7, 2019, and will be here for two months.

National Convention: Mr. Mixon stated that he is the current president of the South Carolina City Managers and County Administrators Association and will be attending the National Conference for this organization on October 22, 2019. Therefore, Mr. Mixon will not attend the meeting of Council on October 22, 2019.

NOTE: Chairman McCain announced that he will not be at the meeting on October 22, 2019, due to a National Regional Council on Governments Convention that he will be attending.

Gamecock County Gazette: Joe Perry briefed Council on the new newsletter for the County. He stated that the newsletter is in its second edition. Mr. Perry said that everyone can read the newsletter by clicking on sumtercountysc.org homepage and scroll down on the front page to NEWS.

PUBLIC COMMENT

- A. **F.D. Schmidts** – Stated that she received a letter from the County's Assessor's Office stating that she is using the wrong house number. Mrs. Schmidts said that she and her husband were the first people on her street that applied for a physical address for the E-911 system and were approved by the Assessor's Office. Yet they are not saying that she must change her address. She also stated that if she does not change it, she could have to pay a \$200 fine or possibly go to jail.
- B. **Timmy Singletary** – stated that he would like to work with someone to develop a state-of-the-art Homeless Shelter. Mr. Singletary believes that the experts that work for the City and County can aid in this process. He also talked to Council about the probability that Lake City, South Carolina still has Ku-Klux-Klan (KKK) members living there and operating in that area. Mr. Singletary stated that his comments are in The name of God.
- C. **Barney Gadson** – Director of the HYPE Program stated that he is at the meeting tonight to personally invite each Council members to come to the Lights On Program scheduled for October 24, 2019, at 6:00 p.m. Mr. Gadson said that the HYPE program is celebrating 20 years of keeping the Lights On After School Program. There are nine locations throughout Sumter County with a location in the Pinewood Community and the R. E. Davis School Community. Mr. Gadson stated that he would like to make sure that we, as a community, can continue to work together to grow the HYPE program to make sure that the children are in a safe environment after school and during the summer months.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:38 p.m. after a motion by Councilman Baker, seconded Councilman Sumpter, and unanimously carried by Council.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: October 22, 2019

I certify that public and media notification of the above-mentioned meeting was given prior thereto as follows required by Freedom of Information:

- Public Notified: Yes
- Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.
- Date Posted: October 7, 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: October 4, 2019

Respectfully submitted,

Mary W. Blanding