



**Agenda**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, October 26, 2021 -- Held at 6:00 PM.**  
**Sumter County Administration Building – County Council Chambers**  
**Third Floor, 13 E. Canal Street, Sumter, SC**

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**1. CALL TO ORDER:**

- 1) Chairman Or Vice Chairman Of Sumter County Council

**2. INVOCATION: Council Member, Staff, or Member of the Public**

**3. PLEDGE OF ALLEGIANCE:**

- 1) Led By Veteran, Les Vandevander, Council District #7

**4. APPROVAL OF AGENDA: October 26, 2021**

**5. APPROVAL OF MINUTES: Regular Meeting Held On**

- 1) Regular Meeting Tuesday, October 12, 2021

**6. LAND USE MATTERS AND REZONING REQUESTS:**

- 1) **RZ-21-19 -- 301 E. Hunter St. (County) – Third Reading** – A request to rezone +/- 3.76-acre tract from Residential-9 (R-9) to Agricultural Conservation (AC). The property is located at 301 E. Hunter St. and is represented as a portion of Tax Map # 248-00-01-002 (Part).

- 2) **OA-21-05 -- Drinking Places and Special Events Facilities (County) – Third Reading – 21-963** -- (Ordinance A Request To Amend Article 3, Section 3.F.3, 3.G.2, 3.G.4, 3.H.2, 3.H.4, 3.I.2, 3.I.3, 3.I.4, 3.J.2, 3.J.3, 3.J.4, 3.K.3, 3.K.4, 3.M.3, 3.M.4, 3.N.3, & 3.N.4; Article 3, Exhibit 5; Article 5, Section 5.B.1; Article 5, Section 5.B.2; Article 5, Section 5.B.3; Article 8, Exhibit 23, And Article 10, Section 10.B.1 To Establish Clear Definitions For Drinking Place Uses, Bottle Club Uses, Night Club Uses, And Special Event Facility Uses, Establishing That Bottle Club Uses And Night Club Uses Require The Same Approval Process As Drinking Place Uses In Applicable Zoning Districts, Establishing That Special Event Facility Uses Require Conditional Use Approval In Applicable Zoning Districts, Establishing Use Specific Conditional Use Criteria For Special Event Facility Uses, Establishing Minimum Off-Street Parking Requirement For Special Event Facility Uses, And To Correct Other Minor Zoning Ordinance Text Inconsistencies.

**7. OTHER PUBLIC HEARINGS:**

- 1) **Ordinance #21-964** — An Ordinance Authorizing The Development Of A Jointly Owned And Operated Industrial/Business Park In Conjunction With Kershaw County, Such Industrial/Business Park To Be Geographically Located In Kershaw County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended; To Provide For A Written Agreement With Kershaw County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto. ***(Council Will Take Action On This Matter Immediately***

*After Public Hearing Or During Old Business.)*

## **8. NEW BUSINESS:**

- 1) Recognition of American Legion Public Safety Winners
  1. Captain Terrance Dupree, Firefighter of the Year
  2. Senior Cpl. Gary Beaver, Sheriff’s Deputy of the Year
  3. Officer First Class Charles Conyers, Police Officer of the Year and American Legion’s Law Enforcement Officer of the Year
  4. Cpl. Alicia Haynes, Detention Officer of the Year
  5. Capt. Paramedic Mary Pack EMS Technician of the Year
  6. Assistant Director Paramedic Henry “Kent” Hall, EMS Technician of the Year
  
- 2) A Proclamation Proclaiming October 24-30, 2021, As Respiratory Care Week In Sumter County, South Carolina.
  
- 3) Sumter County Employee 2022 Calendar –Revised.
  
- 4) It May Be Necessary To Hold An Executive Session To Discuss An Employment Matter, An Economic Development Matter, A Legal Briefing, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required.

## **9. OLD BUSINESS:**

- 1) **Ordinance #21-959 –Third Reading** An Ordinance Authorizing The Issuance And Sale Of A Waterworks System Refunding Revenue Bond (Wedgfield-Stateburg Rural Community Water System), Series 2021, Or Such Other Appropriate Series Designation, In The Principal Amount Of Not Exceeding \$1,300,000; Fixing The Form And Details Of The Bond; Authorizing The County Administrator To Prescribe Certain Details Relating To The Bond; Providing For The Payment Of The Bond And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.
  
- 2) **Ordinance #21-964 –Third Reading** -- An Ordinance Authorizing The Development Of A Jointly Owned And Operated Industrial/Business Park In Conjunction With Kershaw County, Such Industrial/Business Park To Be Geographically Located In Kershaw County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended; To Provide For A Written Agreement With Kershaw County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto.

## **10. COMMITTEE REPORTS:**

- 1) **Public Safety Committee Meeting** Scheduled For **Tuesday, October 26, 2021, at 4:45 p.m.** In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. *(Washington, Baten, and Byrd)*
  
- 2) **Technology Personnel Committee Meeting** Scheduled For **Tuesday, October 26, 2021, at 5:15 p.m.** In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. *(McGhaney, Byrd, and Washington)*  
*(Technology Personnel Committee Meeting Will Begin Immediately After The Public Safety Committee*

*Concludes Or At 5:15 p.m.)*

3) **Fiscal, Tax, and Property Committee Meeting** Scheduled For **Tuesday, October 26, 2021, at 5:45 p.m.** In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. *(McCain, Edens, and McGhaney)*  
*(Fiscal, Tax, and Property Committee Meeting Will Begin Immediately After The Technology/Personnel Committee Concludes Or At 5:45 p.m.)*

4) Report From Council Members On Other Meetings, Trainings, And/Or Conferences.

**11. MONTHLY REPORTS:**

**12. COUNTY ADMINISTRATOR’S REPORT:**

**13. PUBLIC COMMENT:**

**14. ADJOURNMENT:**

**In compliance with ADA/Section 504, Sumter County Is Prepared To Make Accommodations For Individuals Needing Assistance To Participate In Our Programs, Services, Or Activities.**

Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda was posted on the bulletin board at the County Administrative Office, 13 East Canal Street, Sumter, SC and the Sumter County website [www.sumtercountysc.org](http://www.sumtercountysc.org) under Our Council Agenda/Minutes. In addition, the agenda electronically sent to newspapers, radio stations, television, and concerned citizens

## Veteran Biography

### Pledge of Allegiance County Council Meeting (Oct. 20, 2021)

Les Vandevander is a Sumter native who served our Nation for 12 years in the South Carolina Air National Guard with service during Operation Desert Storm and Operation Desert Shield. He was first inspired to serve our Country after attending an air show at Shaw Air Force Base with his father.

Les has been the Information Technology Director for Sumter County Government since January 2021 and enjoys working with a skilled team of IT professionals.

Les and his wife Chris have been married for 24 years and have a son, Jordan. His wife teaches at Sumter High School and his son works for Georgia Pacific while also serving as a volunteer firefighter with the Sumter Fire Department.

Les and his family lives in County Council District 7. Thank you for your Service!



Sumter County Council Meetings are held in the  
Council Chambers located on the 3rd floor of the  
County Administration Building  
13 E. Canal Street

The meeting starts at 6:00pm, and we will meet you inside the chamber at 5:45pm



Minutes  
Sumter County Council  
Regular Meeting

Tuesday, October 12, 2021 -- Held at 6:00 p.m.  
Sumter County Administration Building  
Third Floor, County Council Chambers  
13 E. Canal Street, Sumter, SC

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**Social Distancing Is Required At All of County Council's Meetings And Seating Is On A First Come First Serve Basis.**  
<https://www.youtube.com/channel/UCAHjiqzPaonQ9LFS2kO37tA>

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

**COUNCIL MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Gary Mixon, Mary W. Blanding, Lorraine Dennis, Helen Roodman, Johnathan Bryan, Joe Perry, Valerie Brunson, Kathy Ward, Major Stewart, Lt. Hawkins, and two Sheriff Deputies.

**MEMBERS OF THE PUBLIC PRESENT:** Approximately 32 members of the public attended the meeting.

**MEDIA PRESENT:** The Item Newspaper, Shelby Goulding.

**CALL TO ORDER:** Chairman Or Vice Chairman Of Sumter County Council.

Chairman James T. McCain Called the meeting to order.

**INVOCATION:** Council Member, Staff Member, Or Local Citizen.

Councilman Vivian Fleming McGhaney gave the invocation.

**PLEDGE OF ALLEGIANCE:** Led By Veteran, Robert L. Baker, Jr., Council District #5 - U.S. Army Veteran Robert L. Baker, Jr. is a lifelong resident of Sumter County. After his military service, he dedicated his life to law enforcement and became a Sumter County Sheriff's Deputy. He retired as Captain after 29 years of service. Mr. Baker has been the Sumter County Coroner since 2017. He is also a member of the American Legion Post 15. He is married to Terry Baker and they have 2 children and 6 grandchildren. He currently lives in County Council District 5. Thank you for your Service!



**APPROVAL OF AGENDA:** Regular Meeting Tuesday, October 12, 2021  
Chairman McCain asked the Clerk to Council if there were any additions or deletions to the agenda. Mrs. Blanding, stated that there were no changes. Therefore, the Chairman called for a motion on approving the agenda.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Edens, and unanimously carried by Council to grant approval of the agenda as presented.

**APPROVAL OF MINUTES:** Regular Meeting Tuesday, September 28, 2021, and Special Meeting of County Council, September 28, 2021.

Chairman McCain called for a motion concerning action on the minutes for Council’s regular meeting of September 28, 2021, and Council’s special meeting of September 28, 2021.

**ACTION:** MOTION was made by Councilman McGhaney, seconded by Councilman Baker, and unanimously carried by Council to grant approval of the regular meeting minutes and the special meeting minutes of September 28, 2021, as presented.

**LAND USE MATTERS AND REZONING REQUESTS:**

**Planned Development/Rezoning Requests:**

**NOTE:**

RZ = Rezoning Of Property As Applicable In Sumter County Zoning and Development Standards.

AC = Agricultural Conservation As Applicable In Sumter County Zoning and Development Standards.

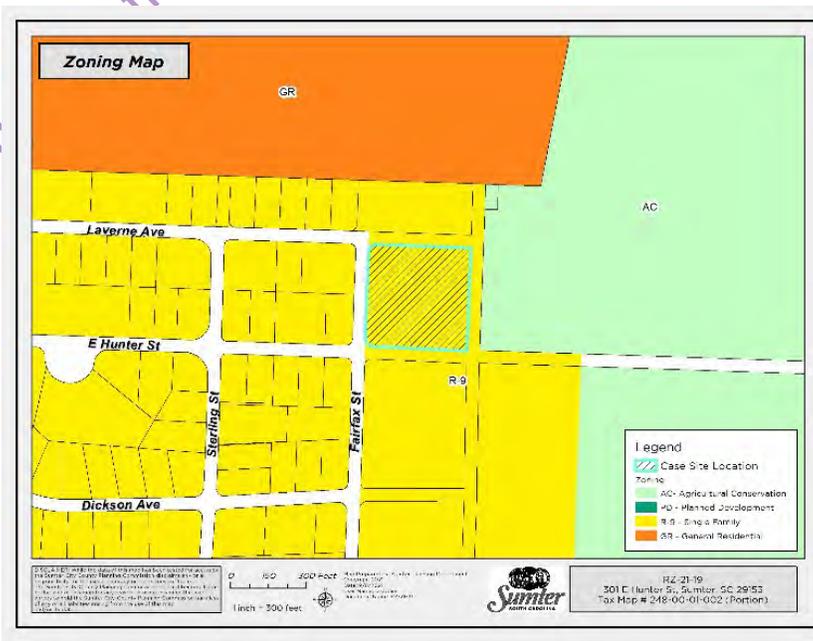
NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.

LI-W = Light Industrial-Warehouse As Applicable in Sumter County Zoning and Development Standards.

1. **RZ-21-19 -- 301 E. Hunter St. (County) -- Second Reading/Public Hearing** – A request to rezone +/- 3.76-acre tract from Residential-9 (R-9) to Agricultural Conservation (AC). The property is located at 301 E. Hunter St. and is represented as a portion of Tax Map # 248-00-01-002 (Part). *(Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)*

Mrs. Helen Roodman, the Planning Director, stated that the property owner and Mr. William Hayes, the applicant for this property and the representative for the property owner, were present on behalf of this rezoning request. Ms. Roodman stated that on the Zoning Map, the streets in a square are Laverne Avenue, E. Hunter Street and Fairfax Street. She mentioned that E. Hunter Street and Laverne Streets are paper streets and have not been developed.

The property owner hopes to allow for a single mobile home to be placed at 301 E. Hunter Street for one of his children. The property is currently undeveloped, and the property is zoned R-9. The property was platted in the 1970’s and 1980’s. The Hunter Street property and a portion of other property in this area lacks sewer infrastructure which is required for R-9 construction.



The Planning Director stated that when the Planning staff looks at rezoning requests, they review the Comprehensive Land Use Plan. She stated that normally in the Suburban Development, it does not support down-zoning property, from R-9 to Agricultural Conservation (AC). Water and sewer services are expected in the R-9 Zoning; therefore, the absence of sewer services makes the R-9 Zoning

impracticable. It was also said by Mrs. Roodman that manufactured housing is permitted in AC Zoning. Also, she stated that because the existing development pattern and zoning in the vicinity of the property indicates that there was a plan to extend the Lafayette Heights single-family residential subdivision on the subject parcel and the parcels adjacent to it. However, the subdivision was never extended east of Fairfax St. Additionally, there is no sewer service in the area to support R-9 zoning densities and the primary soil classification of the property (Lynchburg Soil) does not accommodate on-site septic systems well. Given these considerations, a rezoning of the property to Agricultural Conservation (AC), which has a one-acre minimum lot size requirement, is appropriate in this location.

After Mrs. Roodman's comments, the Chairman convened a public hearing on this proposed rezoning request. He asked if anyone wished to speak in favor of or opposition to this proposed rezoning request. Councilman Edens asked about the size of the lots in the area; Mrs. Roodman stated that the lot sizes are almost an acre, but not quite.

The following persons spoke during public comments.

- Mr. Mike Lynn spoke during this matter; he stated that he has lived on Laverne Street for nearly 42 years which is very near the property in question. Mr. Lynn said his property has been zoned R-9 for the entire 42-years' timeframe, to his knowledge. Mr. Lynn said their home was built with the R-9 zoning classification; and he asked, why does it need to be changed now? Mr. Lynn further stated that he does not understand why the property will be rezoned to allow a trailer house in this community. The property in the area never had City Water; everyone out in the area wants septic tanks and well water. He asked Council to deny the request and not change the zoning in this area.

Chairman McCain asked for clarification on what would be rezoning in the area. Mrs. Roodman stated that the squared area of property, which is currently wooded, from E. Hunter, Fairfax, and Laverne Streets would be rezoned to AC and nothing else.

- William Hayes spoke in support of this rezoning request. He stated that he and others are trying to give a young man a start in life to allow him to place a mobile home on the property. Mr. Hayes also stated that there are other mobile homes that already exist in this community area. It was also stated by Mr. Hayes that they are not trying to do anything to degrade property value; they want to improve the area.

After all comments, 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 approval of the rezoning request as presented.

2. **OA-21-05 -- Drinking Places and Special Events Facilities (County) – Second Reading/Public Hearing – 21-963 -- (Ordinance A Request To Amend Article 3, Section 3.F.3, 3.G.2, 3.G.4, 3.H.2, 3.H.4, 3.I.2, 3.I.3, 3.I.4, 3.J.2, 3.J.3, 3.J.4, 3.K.3, 3.K.4, 3.M.3, 3.M.4, 3.N.3, & 3.N.4; Article 3, Exhibit 5; Article 5, Section 5.B.1; Article 5, Section 5.B.2; Article 5, Section 5.B.3; Article 8, Exhibit 23, And Article 10, Section 10.B.1 To Establish Clear Definitions For Drinking Place Uses, Bottle Club Uses, Night Clubs Uses, And Special Event Facility Uses, Establishing That Bottle Club Uses And Night Clubs Uses Require The Same Approval Process As Drinking Place Uses In Applicable Zoning Districts, Establishing That Special Event Facility Uses Require Conditional Use Approval In Applicable Zoning Districts, Establishing Use Specific**

Conditional Use Criteria For Special Event Facility Uses, Establishing Minimum Off-Street Parking Requirement For Special Event Facility Uses, And To Correct Other Minor Zoning Ordinance Text Inconsistencies. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)

Mrs. Roodman stated that this proposed Ordinance Amendment is in relation to Drinking Places and Special Event Places within the County. If approved, this ordinance amendment will amend multiple sections of the Zoning and Development Standards Ordinance to provide definitions and specific requirements for Special Event Places, Drinking Places, Bottle Clubs, and Night Clubs.

She further stated that the background to this proposed ordinance is due to trends and factors that the Planning staff has seen. She added that in particular there has been a frequent increase to establish Special Events facilities throughout the community. With a lack of clarity in the existing ordinance text of what constitutes a Special Events facility, we have seen people coming into the office for a license for a Special Events facility. However, what they really want is to run BYOB's, which is a Bottle Club. Also, it was noticed by the staff that:

- The increasing frequency of requests to establish special event facility uses throughout Sumter County.
- The lack of clarity in the current text of the Ordinance on what defines a special event facility uses.
- The increasing frequency of establishments licensed as Special Events facilities that are for all intents and purposes operating as drinking place establishments, with the only exception being that no alcohol sales for on-premises consumption are provided at the facility. In lieu of alcohol sales for on-premises consumption, bring-your-own-beverage (BYOB) is permitted.

Mrs. Roodman also stated that staff has determined that special event facility uses fall under SIC Code 7299, Miscellaneous Personal Services, as this is the same SIC Code that includes banquet halls and wedding venues. However, a specific definition and additional requirements are needed to address a recent negative trend concerning facility operators using Special Events facility designations to operate establishments that offer BYOB alcohol consumption and on-site entertainment in lieu of establishing legal Drinking Places.

Additionally, the Planning Director mentioned that Drinking Places masquerading as Special Events facilities have the same land use impacts as a drinking place use would. However, since alcohol sales for on-premises consumption are not provided, the owners and operators of these uses are not subject to the SC Department of Revenue licensing process. Further, the SIC Code classification for Special Events facilities allows for a less stringent zoning approval process that does not involve a public hearing in front of the Sumter City-County Board of Zoning Appeals.

Mrs. Roodman said that properly classifying facilities operating as Drinking Places and Night Clubs, but describing themselves as special event facilities, is further complicated by the SIC Manual definition which states that Drinking Places, Night Clubs, etc. derive a primary portion of their revenue from alcohol sales. To fully address this matter, definitions for special event facility uses, drinking place uses, Night Clubs uses, and bottle club uses are needed to provide clarity from a zoning administration standpoint.

The proposed definitions were provided to Council and staff as shown below, along with the proposed Ordinance text changes, clarify that facilities essentially operating as Drinking Places or Night Clubs via BYOB on-premises alcohol consumption require special exception approval by the Sumter City-County Board of Zoning Appeals. This will treat those uses in the same manner as a properly licensed drinking place use providing alcohol sales for on-premises consumption.

**Drinking Place:** A commercial establishment whose primary activity is the sale or provision of alcoholic beverages to be consumed on the premises. Such establishments are properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission. Drinking Places include, but are not limited to, establishments referred to as bars, beer gardens, beer parlors, taverns, cabarets, cocktail lounges, saloons, tap rooms, and wine bars. Cigar Bars and Hookah Lounges with any on-premises consumption alcohol sales are included in this definition. Eating places, with on-premises consumption alcohol sales and where the primary activity is the sale of food, are not included within this definition.

**Bottle Club:** Any establishment engaged in the business of catering to patrons who bring to the establishment an alcoholic beverage to be consumed on the premises. Such establishments do not sell or provide alcoholic beverages on the premises and/or are not properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premises consumption alcoholic beverage sales. Such establishments can be private or open to the public, and often provide entry via cover charge and provide on-premises entertainment. Cigar Bars and Hookah Lounges with any on-premises consumption of alcoholic beverages by patrons who bring such beverages to the premises are included within this definition.

**Night Clubs:** An establishment operating as a place of entertainment, characterized by either of the following as a primary activity: (1) live, recorded, or televised entertainment, including but not limited to performance by musicians, disc jockey’s, comedians, or other entertainers; (2) dancing; where this primary activity is coupled with on-premise sale and consumption of alcoholic beverages via proper licensing by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premise consumption or by patrons who bring to the establishment an alcoholic beverage to be consumed on the premises is a common characteristic of a Night Clubs. Such establishments are private or open to the public. Often, such establishments require payment of entry cover charges or other entry considerations such as dues, membership fees, etc. Such establishments may also be referred to as discotheques, dancehalls, etc.

**Special Event Facility/Venue:** A commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Events facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations contracting to rent the facility may provide alcoholic beverages for guests in accordance with applicable state law. This definition does not include Bottle Clubs, Night Clubs, or Drinking Places.

Lastly, Mrs. Roodman stated that the proposed amendment also separates typical Special Event facility uses that provide space for such events as weddings, receptions, birthday parties, conferences, family reunions, etc. from the larger grouping of SIC Code 729 uses. With this separation, staff finds that special event facility uses are not appropriate in the Professional Office (PO) and Neighborhood Commercial (NC) zoning districts unlike the broader range of uses under SIC Code 729 that are currently permitted and are appropriate in these districts. This finding is based on the potential for Special Event facilities to have greater land use impacts to adjacent property, including noise, traffic, loitering, etc. Thus, appropriate clarifications are made in the proposed amendment referencing that Special Event facilities are not permitted in these districts. It is also being proposed that Special Event facilities require conditional use approval, with specific conditional review criteria, in any zoning district where they can locate. Finally, minimum off-street parking requirements for Special Event facilities are included as a part of the proposed amendment.

The Planning staff and Planning Commission recommend approval of the ordinance amendment as presented by Mrs. Roodman.

After her comments, the Chairman asked Council members if they had any questions. Councilman McGhaney asked if there would be any concerns for existing Special Event's Places. Mrs. Roodman stated that as long as the existing Special Event's place is handling their business as a Special Event's place, there would be no changes. However, if the company begins to ask for events that are veering away from the intent of the business, then there would be a need to go through a conditional review of the Special Event.

Councilman Edens asked for clarification, asking if Special Events facilities will not be able to charge individually. Mrs. Roodman said that it is not spelled out in the ordinance because sometimes a Special Events facility may have tickets that have been sold individually. She also said that the events that sell tickets for a gala, it is usually a gala that happens only once a year.

Then Chairman McCain convened a public hearing, he stated that if anyone wished to speak in favor of or opposition to the proposed ordinance to please address all comments through the Chairman. The following persons spoke during public hearing:

1. Major Randy Stewart, Sheriff's Office, spoke to Council on behalf of Sumter County Sheriff Anthony Dennis. Major Stewart stated that small business, economic development growth, and entertainment venues are vital to this community's growth, and the Sheriff's Office fully understands that commitment. The Sheriff's Office continues to support the proposed amendments as cited by Mrs. Roodman on behalf of the Planning Commission and staff. It is important that this Ordinance Amendment be approved for the simple fact of the issues law enforcement may face when someone does not qualify for an Alcohol Drinking License (ADL), then would use the generic definition of a Special Events license, then try to get around doing the right thing then when they are actually operating as a de facto Night Clubs, in lieu of, when they did not otherwise qualified for an ADL. The Sheriff's Office position has not changed.

After all comments, Chairman McCain closed the public hearing and Council took action no second reading.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant second reading approval of the proposed ordinance amendment as presented.

**OTHER PUBLIC HEARINGS: None**

**NEW BUSINESS:**

(1) **R-21-10 – A Resolution Authorizing The County Administrator To Begin Work On The 2023 Capital Projects Sales Tax Referendum.**

The County Administrator, Mr. Gary Mixon, introduced this proposed resolution. Mr. Mixon stated that this resolution will be used as official notification that Sumter County plans to begin work on the 2023 Capital Projects Sales Tax Referendum process. He further stated that this process will take approximately eight to nine months, beginning at the end of this month or the beginning of next month and end sometime in May or June of 2022. This is the public announcement of what the County plans to do.

- A Penny Commission will be appointed sometime after the first of the year to review a number of projects that have been submitted.
- Once a complete list of the proposed projects are submitted, sometime in May or June, members of County Council will vote to approve or reject the projects, as a whole, through an ordinance for the projects to be placed on a referendum.
- If approved, the ordinance is approved, then the projects will be placed on the referendum for the November 2022 election.

After all comments, the Chairman called for a motion on the approval of this resolution as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Baten, and unanimously carried by Council to approve the resolution as presented.

***WHEREAS, The South Carolina General Assembly has enacted the Capital Project Sales Tax Act, S.C. Code Ann. Section 4-10-300 et seq. (the Act), pursuant to which Sumter County Council, the governing body of Sumter County, South Carolina, may impose a One Percent Sales and Use Tax by ordinance, subject to a referendum, within the county area for a specific purpose or purposes and for a limited time; and***

***WHEREAS, S.C. Code Ann. Section 4-10-340(C)(2) of the Act, authorizes county voters to reimpose a Sales and Use Tax for additional projects; and***

***WHEREAS, Sumter County is currently imposing and collecting a One Percent Sales and Use Tax as authorized by the Act pursuant to a favorable referendum held in Sumter County on November 4, 2014, such current tax being set to terminate on April 30, 2023; and***

*WHEREAS, Sumter County, upon the approval of County voters, may reimpose a Capital Project Sales and Use Tax to fund new capital projects.*

**BE IT RESOLVED THEREFORE, that Sumter County Council finds the following:**

- 1. The time has arrived to begin the survey of communities, stakeholders, and interested parties for proposed projects to be considered by a Commission to be appointed by a subsequent Resolution in accordance with SC Code Section 4-10-320 (2021).*
- 2. The Sumter County Administrator is directed to proceed to make contact with community leaders, stakeholders, and interested parties to seek ideas for proposed projects and to ascertain the costs of such proposed projects so that those projects and the associated costs may be considered by the Commission to be appointed by the subsequent Resolution.*

(2) County Council To Take Action On The Sumter County 2022 Employees Holiday Calendar.

The Clerk to Council presented the 2022 Employee Calendar on behalf of the Administrator. She stated that this calendar is a duplicate of the dates for the 2021 calendar holidays for the employees. Vice Chairman Byrd questioned the date for New Years, and the Clerk stated that she would follow up on that portion of the proposed calendar. After all comments, the Chairman called for a motion on the 2022 Employees Holiday Calendar.

Friday, December 31	New Year's Day
Monday, January 17	Martin Luther King, Jr. Day
Monday, February 21	President's Day
Friday, April 15	Good Friday
Monday, May 30	Memorial Day
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Friday, November 11	Veteran's Day
Thursday & Friday, November 24 & 25	Thanksgiving
Friday & Monday, December 23 & 26	Christmas
Varied	Employee Birthday

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Baten, and unanimously carried by Council to approve the Employees Holiday Calendar with one change.

(3) County Council To Take Action On Its Annual 2022 Meeting Calendar.

The Clerk to Council also presented this proposed meeting calendar for Sumter County Council’s meeting dates. She stated that the dates coincide with Council’s standard meeting dates of the second and fourth Tuesday of each month except for December. After review of the calendar, Council took action on adopting the calendar as the official meeting dates for Sumter County Council during calendar year 2022.

Month Of Meeting	First Meeting Dates	Second Meeting Dates
January	11	25
February	8	22
March	8	22
April	12	26
May	10	24
June	14	28
July	12	26
August	9	23
September	13	27
October	11	25
November	8	22
December	13	None

After all comments, Chairman McCain called for a motion on approving the calendar.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the 2022 Meeting Calendar for Sumter County Council as presented.

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

No executive session was held.

**OLD BUSINESS:**

(1) Ordinance #21-964 - Second Reading -- An Ordinance Authorizing The Development Of A Jointly Owned And Operated Industrial/Business Park In Conjunction With Kershaw County, Such Industrial/Business Park To Be Geographically Located In Kershaw County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended; To Provide For A Written Agreement With Kershaw County To Provide For The Expenses Of The Park, The Percentage Of Revenue

Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto. (Public Hearing Will Be Held At Third Reading On October 26, 2021.)

The County Attorney, Johnathan Bryan, stated that this ordinance is before Council to consider approval a new business to operate in the industrial/business park in Kershaw County. The industrial/business park agreement is attached to the ordinance. After Mr. Bryan's presentation, the Chairman called for a motion on second reading.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Edens, and unanimously carried by Council to grant second reading approval as presented.

**COMMITTEE REPORTS:**

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

After the County Administrator gave his report, Councilman Baten asked to be heard concerning the COVID-19 report which was presented by the Clerk. Councilman Baten stated that there are deaths every day from COVID-19. He also stated that Sumter County's numbers for people that are unvaccinated is still high. Also, Councilman Baten said that 95% of those that are in the hospital with COVID-19 and are on ventilators are people that have not taken the vaccine. This is a good indicator that these people are spreading the virus throughout the County; also, the County does not have a mask mandate which would probably help reduce the number of people in the hospital. Councilman Baker stated that he is encouraging people to please wear your mask and to take the vaccine. The COVID-19 report shows that 38 veterans have died from this virus. The Councilman said he just wants to encourage people to take the vaccination and do not listen to the misinformation. He also said the vaccination will help people to save their spouses, save their children, and said themselves. Lastly he restated that it is important to wear a mask. He asked people to please take care of themselves and he said may God be with them.

**MONTHLY REPORTS**

- 1) Cece Winan's Concert
- 2) BOA - Zoning Board Of Appeal
- 3) 2021 Octoberfest
- 4) Sheriff's Office Newsletter
- 5) Clean-Up Days In Sumter
- 6) 2022 Chamber Retreat
- 7) Public Works Department Monthly Report
- 8) Sheriff's Office Monthly Report

**COUNTY ADMINISTRATOR'S REPORT**

The County Administrator informed Council that the Purchasing Department provided him with a Request For Qualifications (RFQ) concerning the proposed ARPA Home Improvement grants and work. Mr. Mixon stated that after review of the document, by himself and other staff members, it is hoped that the grant RFQ will be publicized by the week of October 17, 2021. The RFQ will have a deadline date to return to the County on the 15<sup>th</sup> day after it is publicized. It could be that the County will use one, two, or more agencies; as long

as they are qualified. Decisions will be determined who will be allowed to do the work for the ARPA Mobile Home Improvement Project. This project is for repairs to older mobile homes that over 20 years old.

**PUBLIC COMMENT -- Citizens Desiring To Speak Are Limited To No More Than Three (3) Minutes; Comments Are To Be Made Through The Chairman Of Sumter County Council.**

The following people spoke during public comment.

- Frank Kelly stated that he spoke to Council members a month ago. He also thanked Council for beginning work on the roads in the area. Mr. Kelly stated his concern about the trees and limbs in the driveway, roads, etc. He asked Council members and others to help. Mr. Kelly said that there are many elderly people in the area and they are all taxpayers. Something needs to be done with the roads and the maintenance of the trees and bushes in the roadways.
- Dr. Brenda Williams stated that she and her husband, Dr. Joseph Williams are doctors in the Sumter Community and they are owners of the Family Unit, Inc. which is a 501c3 non-profit business. She thanked Council for what they are doing to help those that are in need in this community for their homes. Dr. Williams also stated that she believes that a community is judged by how they treat those that are in need. Dr. Williams asked the County to provide one-tenth of the \$10,000,000.
- Mamie Smith stated that her concern is about the bus route not being on her road any longer. Ms. Smith said that she has lived in this community for over 30 years and the bus would also pick up her kids and now her grandchildren. After contacting the bus route people, she was told that one of the property owners does not want the business to turn around on his property. Ms. Smith stated that she has enough property for the busses to turn around on her property, but as of today, no one has answered her concerns and the business did not come to pick-up her grandchildren. Ms. Smith also thanked Dr. Williams for her work for those that are in need. **Get address of the property from Mrs. McGhaney.**

**ADJOURNMENT**

After all business of Sumter County Council and comments, motion was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to adjourn the meeting 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: \_\_\_\_\_

\*\*\*\*\*

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

Minutes – Regular Meeting - Sumter County Council

Tuesday, October 12, 2021

Page 12

Public Notified: Yes

Manner Notified: Agendas posted on Television first floor of the Administration Building.

Date Posted: Thursday, October 7, 2021.

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County's Home Page, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, and Time Warner Cable.

Date Notified: Thursday, October 7, 2021.

Respectfully submitted,

*Mary W. Blanding*

Clerk to County Council  
Sumter County Council

Council Members will take action on these minutes on October 26, 2021



**SUMTER CITY-COUNTY PLANNING COMMISSION  
WEDNESDAY OCTOBER 27, 2021 @ 3:00 P.M.  
FOURTH FLOOR CITY COUNCIL CHAMBERS  
SUMTER OPERA HOUSE  
21 N. MAIN STREET**

**I. APPROVAL OF MINUTES – SEPTEMBER 22, 2021**

**II. NEW BUSINESS:**

**1. MAJOR SITE PLAN**

**[MSP-21-36/HCPD-21-17, 1710 US Hwy. 15 South \(City\)](#)**

A request for Major Site Plan Approval for a +/- 15,000 sq. ft Church Facility.

**2. PLANNED DEVELOPMENT**

**[PD-04-15 \(Rev. 9\), Hunters Crossing Subdivision – Increase of Maximum Allowed Residential Development to 699 Units, and addition of new Commercial Development Parcel to PD \(City\)](#)**

Revision to increase maximum allowed residential development units to 699 total units for the Hunter's Crossing Development to allow additional residential development east of Mason Rd., as well as add a new commercial parcel to the Planned Development.

**3. REZONING**

**[RZ-21-6830 Fish Rd. \(County\)](#)**

A request to rezone +/- 2.71-acre tract from Agricultural Conservation (AC) to Residential-15 (R-15). The property is located at 6830 Fish Rd. and is represented by Tax Map # 093-00-01-115.

**III. OLD BUSINESS**

**IV. OTHER BUSINESS**

Continuing Education Training – Friday, October 29, 2021 – Liberty Center

**V. DIRECTOR'S REPORT**

**VI. ADJOURNMENT**

# Sumter County Council

## SECOND READING / PUBLIC HEARING

### October 12, 2021

### RZ-21-19, 301 E. Hunter St. (County)

#### I. THE REQUEST

<b>Applicant:</b>	William Hayes
<b>Status of the Applicant:</b>	Authorized Agent for Property Owner
<b>Request:</b>	A request to rezone a +/- 3.76 acre tract (portion of TMS# 248-00-01-002) from Residential-9 (R-9) to Agricultural Conservation (AC).
<b>County Council District</b>	District 5
<b>Location:</b>	Fairfax St. between Laverne Ave and E. Hunter St.
<b>Size of Property:</b>	+/- 3.76 acres
<b>Present Use/Zoning:</b>	Undeveloped / Residential-9 (R-9)
<b>Proposed Use of Property:</b>	Agricultural Conservation (AC)
<b>Tax Map Reference:</b>	248-00-01-002 (Part)
<b>Adjacent Property Land Use and Zoning:</b>	North – Undeveloped / R-9 South – Undeveloped / R-9 East – Undeveloped / AC West – Single-Family Residential / R-9

#### II. BACKGROUND

This is a request to rezone +/- 3.76 acres of land located on Fairfax St. between E. Hunter St. and Laverne Ave. (herein referred to as the property) from Residential-9 (R-9) to Agricultural Conservation (AC). The property is shown on the location map to the right.

The applicant is considering placing a manufactured home on the subject property, which is currently undeveloped.



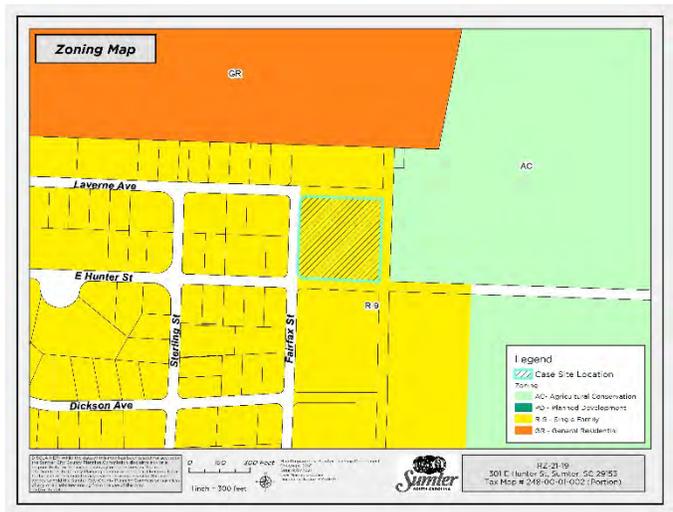
## Zoning

The property is currently zoned Residential-9 (R-9), and is adjacent to R-9 zoning to the north, west, and south, and AC to the east.

The intent of the AC zoning district is to protect and preserve areas of the county which are presently rural or agricultural in character and use, and are uniquely suited to agricultural use. Where urban development is permitted within the district, strict quality standards should be required.

### Permitted and Conditional Uses:

Manufactured housing uses are permitted by-right in the AC zoning district, per the Sumter County Zoning & Development Standards Ordinance (the Ordinance). However, if the request is approved, the applicant would be permitted to develop all uses indicated for the AC zoning district as shown on the use table found at *Article 3, Exhibit 5* of the Ordinance in accordance with the indicated process. This use table is attached to this report as Exhibit 1. Uses with a “P” are allowed by-right, uses with a “C” require conditional use approval, uses with an “S” require special exception approval by the Sumter City-County Board of Zoning Appeals (BZA), and uses with no letter are not permitted.



## III. COMPATIBILITY WITH THE 2040 COMPREHENSIVE PLAN

The Sumter 2040 Comprehensive Plan shows that the property is influenced by the Suburban Development Planning Area.

The Suburban Development Planning Area is characterized by the influences of modern suburban development: the separation of distinct commercial, residential, and industrial areas. Functionally, this pattern of development amounts to a strict separation of homogeneous residential enclaves; strip commercial corridors and finite, stand alone, employment centers.



The primary goal of the Suburban Development Planning Area is to scrutinize and manage existing development patterns, identify appropriate locations for new commercial and industrial development, to focus on improvements to the form and design of new development, and to ensure that land is developed in an orderly and efficient manner.

#### **IV. TRANSPORTATION REVIEW**

The property has frontage on Fairfax St., an SCDOT-owned and maintained road. In the area of the site, Fairfax Rd. is a 2-lane road with one travel lanes in each direction. Fairfax Rd. is functionally classified as a local access road. There are no current traffic counts for Third Ave.

The site is located in Traffic Analysis Zone (TAZ) #07001.

#### **V. STAFF RECOMMENDATION**

While rezoning property from R-15, R-9, or R-6 designated residential districts to an AC classification is generally rare, the primary motive for this request is to change the zoning designation to a district that allows for a manufactured house to be placed on this property.

The existing development pattern and zoning in the vicinity of the property indicates that there was a plan to extend the Lafayette Heights single-family residential subdivision on the subject parcel and the parcels adjacent to it. However, the subdivision was never extended east of Fairfax St. Additionally, there is no sewer service in the area to support R-9 zoning densities and the primary soil classification of the property (Lynchburg Soil) does not accommodate on-site septic systems well.

Given these considerations, a rezoning of the property to Agricultural Conservation (AC), which has a one-acre minimum lot size requirement, is appropriate in this location.

#### **VI. DRAFT MOTION**

- 1) I move that the Planning Commission recommend **approval** of RZ-21-19, rezoning +/- 3.76 acres from Residential-9 (R-9) to Agricultural Conservation (AC).
- 2) I move that the Planning Commission recommend **denial** of RZ-21-19, rezoning +/- 3.76 acres from Residential-9 (R-9) to Agricultural Conservation (AC).
- 3) I move an alternate motion.

#### **VII. PLANNING COMMISSION – September 22, 2021**

Sumter Planning Commission at its meeting on Tuesday, September 22, 2021, recommended approval of this request.

#### **VIII. SUMTER COUNTY COUNCIL – SEPTEMBER 28, 2021 – FIRST READING**

Sumter County Council at its meeting on Tuesday, September 28, 2021, gave First Reading approval of this request.

#### **IX. SUMTER COUNTY CONCIL – OCTOBER 12, 2021 – SECOND READING / PUBLIC HEARING**

**EXHIBIT 3-5**  
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL,  
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Agriculture, Farming				C		P	P		P	P	P	01, 02, 021, 0212, 0214, 0219, 024, 027, 0271, 0272, 0273, 0279, 029
Stockyards						S	S		S			0211
Poultry Houses									S	S		025
Swine Farms									S	S		0213
Soil Preparation Services/Crop Services				P	P	P	P		P	P	P	071, 072
Veterinary Services	C			P		P	P		P	P		074
Vet Services for Animal Specialties [Small Animals Only]	C		P									0742
Animal Services (except veterinary)				C		C		C	C-500	C		075
Commercial Kennels				S		S	S		S	S		0752
Farm Labor & Management Services				P	P	P	P		C-500			076
Landscape & Horticultural Services				P	P	P	P		P	P	P	078
Landscape Counseling & Land Planning			P									0781
Forestry						P	P		P	P	P	08
Fishing, Hunting & Trapping						P	P		P	P	P	09
Administrative Offices	P	P	P	P	P	P	P	C	C-200			1 Auxiliary Code
Metal Mining							S		S			10
Oil & Gas Extraction							P		C1000			13
Mining & quarrying of non-metallic minerals							C		C	C		14
Building Construction-general contractors				P		P	P	C	C-500			15
Heavy Construction-other than building construction contractors							P	C	C-500			16
Construction-Special Trade Contractors				C		P	P	C	C-500			17
Research, Development testing labs	P		P	P	P	P	P	C	C-500			2 Auxiliary Code
Food & Kindred Products							P	C				20
Slaughter Houses							S					2011/2015
Tobacco Products							P	C				21

**EXHIBIT 3-5**  
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL,  
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PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Textile Mill Products							P	C				22
Apparel & Other Finished Products made from Fabric							P	C				23
Lumber & Wood Products, except furniture						P	P	C				24
Furniture & Fixtures						P	P	C				25
Paper and Allied Products							P	C				26
Printing & Publishing				P	P	P	P	C	C-500			27
Chemicals & Allied Products							P	C				28
Petroleum Refining							P					29
Warehouses				P	P	P	P	C				3 Auxiliary Code
Rubber and Misc. Plastic Products							P	C				30
Leather and Leather Products							P	C				31
Stone, Clay, Glass, and Concrete Production							P	C				32
Primary Metals Industries							P	C				33
Fabricated Metal Products, Except Machinery & Transportation Equipment						P	P	C				34
Industrial & Commercial Machinery & Computer Equipment							P	C				35
Electronic & Other Electrical Equipment and Components Except Computer Equipment					P	P	P	C				36
Transportation Equipment							P	C				37
Truck Trailers						P	P	C				3715
Optical Goods Stores/Misc. Manufacturing					P	P	P	C				38/39
Transportation Communications				C	C	P	P	C				40, 41, 42, 44, 4493 (only in AC) 4212, 46
Mini-Warehouses			C	C		C	C	C	C			4225
U.S. Postal Services	P	P	P	P	P	P	P	C	P			43
Transportation by Air							P	C	C			45
Transportation Services				P	P	P	P	C	C-500			47

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**INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Travel Agencies, Tour Operators, Arrangement of Transportation			P									472
Telephone Utility	P	P	P	P	P	P	P	P	P	P	P	48
Communications				P	P	P	P	C	C	C		48
Communication Towers	S	S	S	S	S	S	S	S	S	S	S	48
Cable Services	P	P	P	P	P	P	P	P	P	P	P	484
Electric, Gas, & Sanitary Services				S		S	S	S	S	S		49
Electrical Services	P	P	P	P	P	P	P	P	P	P	P	491
Photovoltaic Solar Energy System, Primary or Accessory						C	C		C	C	C	4911
Gas Production & Distribution	P	P	P	P	P	P	P	P	P	P	P	492
Combination of Electric & Gas	P	P	P	P	P	P	P	P	P	P	P	493
Water Supply Facilities	P	P	P	P	P	P	P	P	P	P		494
Sewerage Systems	P	P	P	P	P	P	P	P	P	P	P	4952
Manned Convenience Centers			C	C	C	C	C		C			4953
Poultry Incinerators									S	S		4953
Wholesale Trade						P	P					50/51 (Except 5015,5093 & 5194)
Motor Vehicle Parts, Used							P					5015
Scrap Metal							P					5093
Animal Auctions						S	S		S	S		5154
Building Materials				P		P	P		C-500			52
Paint, Glass, and Wallpaper				P	P	P	P		C-500			523
Paint and Wallpaper – Not Glass			P									523
Hardware Stores		P	P	P	P	P	P		C-300			525
Retail Nurseries & Lawn Garden Shop			P	P	P	P			C	C		526
Mobile Home Dealers				C		C						527
General Merchandise Stores				P	P	C		C	C-500			53
Grocery Stores		P	P	P	P	C		C	C-500			54
Convenience Stores		P	P	P	C	P	P	C	C-500			541

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PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Automotive Dealers		C	C	P	C	C		C				55
Fuel Dealers							P					5541
Apparel & Accessory Store		P	P	P	P	C		C	C-500			56
Home Furniture, Furnishing Stores		P	P	P	P	C		C	C-500			57
Eating Places		P	P	P	P	P		C	C			5812
Drinking Places		S	S	S	S	S		S	S			5813
Drug & Sundry Stores	P	P	P	P	P	C		C	C-500			591
Liquor Stores		S	S	S	S	S						592
Used Merchandise & Pawn Shops				P	P	C			C-300			593
Flea Markets				C		C			C-300			593
Sporting Goods & Bicycle Shops		P	P	P	P	C		C	C-300			5941
Book Stores		P	P	P	P	C		C	C-300			5942
Stationary Shops		P	P	P	P	C		C	C-300			5943
Jewelry Stores		P	P	P	P	C		C	C-300			5944
Hobby, Toy, Game Shop		P	P	P	P	C		C	C-300			5945
Camera, Photo Supply Houses		P	P	P	P	C		C	C-300			5946
Gift, Novelty, Souvenirs Shops		P	P	P	P	C		C	C-300			5947/5948
Sewing, Needle & Piece Goods		P	P	P	P	C		C	C-300			5949
Catalog & Mail Order Houses		P	P	P	P	C		C	C-300			5961
Automatic Merchandising Machine Operators		C	C	C		C	C		C			5962
Fuel Dealers				P		P	P					598
Florist		P	P	P	P	C		C	C-300			5992
Tobacco Stores		P	P	P	P	C		C	C-300			5993
Optical Goods Store	P	P	P	P	P	C		C	C-300			5995
Misc. Retail (i.e. artist supplies, Antenna rooms, stamps, & Telephone stores)		P	P	P	P	C		C	C-300			5999
Firewood Shops				P		P			P	P		5999
Pet Shops		P	P	P	P	C		C	C-300			5999
Fireworks				P		P	P		C-300			5999

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PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Monuments & Tombstones				P		P	P		C			5999
Depository & Non-Depository Institution	P	P	P	P	P	C		C	C-300			60, 61
Security & Commodity Brokers	P	P	P	P	P	C		C	C-300			62
Insurance Carriers & Agents	P	P	P	P	P	C		C	C-300			63, 64
Real Estate, Holding Investment	P	P	P	P	P	C		C	C-300			65
Hotel & Motels				P	P	C		C	C-300			701
Rooming & Boarding Houses	C	C	C	C	C			C				702
Recreational Vehicle Parks and Camps				C		C		C	C-300		C	703
Organization Hotels & Lodges	C	C	C	P	C			C	C-300			704
Power Laundries / Dry Cleaning Plants			C	C		P	P	C	C-500			7211/7216
Agents for Laundry & Dry Cleaners, Linen Supply		P	P	P	P	P	P	C	C			7212/7213
Coin Operated Laundries		P	P	P	C	P		C	C-300			7215
Carpet & Upholstery Cleaning, Other				P		P	P	C	C-300			7217/7219
Industrial Laundries				C	C	P	P	C				7218
Photographic Studios	P	P	P	P	P	P		C	C-300			722
Beauty & Barber Shops	P	P	P	P	P	P		C	C			723, 724
Shoe Repair, Shoe Shine, Hat Cleaning		P	P	P	P	P		C	C-300			725
Funeral Homes & Crematories			P	P		P			C-500			726
Miscellaneous Personal Services	C	P	P	P	P	C		C	C-300			729
Massage Parlors and Spas	C			C		C		C				7299
Adult Uses				S								7299
Tattoo Parlor				S		S						7299
Business Services				P	P	C		C				73
Advertising Agencies			P									7311
Credit Consumer Reporting			P									732
Mailing Reproduction, Art & Photography			P									733
Commercial Art / Graphic Design			P									7336
Secretarial / Court Services			P									7338

**EXHIBIT 3-5**  
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INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Disinfecting and Pest Control Services including the following: Bird proofing; deodorant servicing of rest rooms; disinfecting service; exterminating service; fumigating service; pest control in structures; rest room cleaning service; termite control; and washroom sanitation						P	P					7342
Heavy construction equipment rental and leasing including the following: Bulldozer rental and leasing; construction equipment, heavy: rental and leasing; crane rental & leasing; earth moving equipment rental & leasing						P	P					7353
Equipment Rental & Leasing, Not Elsewhere Classified including <u>only</u> the following: Airplane rental and leasing; appliance rental & leasing; coin-operated machine rental & leasing; electronic equipment rental & leasing, except medical and computer; industrial truck rental & leasing; oil field equipment rental and leasing; oil well drilling equipment rental & leasing; toilets, Portable: rental & leasing; tool rental and leasing; vending machines, rental only						P	P					7359
Employment Agencies	P			P	P	C		C				7361
Help Supply Services			P									7363
Computer Programming Services			P									7371, 7376, 7379,
Detective Agencies [except rental of dog for protective service & armored care services			P									7381
Security System Services			P									7382

**EXHIBIT 3-5**  
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PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Salvage of Damaged Merchandise							S					7389
Business Services [not elsewhere classified] Specifically listed below: Agents & Brokers for Authors and Non-performing Artists; Appraisers[except real estate]; Arbitration and Conciliation Services; Artists' Agents and Brokers [except performing artists]; Authors' Agents and Brokers; Business Brokers[buying and selling business enterprises]; Decoration Service for Special Events; Drafting Services; Fundraising on a Contract or Fee Basis; Handwriting analysis; Interior Decorating Consulting Service [except painters and paper hangers]; Interior Designing services [except painters and paper hangers]; Lecture Bureaus; Map Drafting Service, Map Making-including aerial; Message Service/Telephone Answering[except beeper service]; Notary Public, Paralegal Service; Photogrammetric mapping Service[not professional engineers] Photography Brokers, Playwrights' Brokers; Process Serving Service; Recording Studios on a Contract or Fee Basis; Speakers' Bureaus; Tax Collection Agencies: collecting for a city, county or state; and Translation Services;			P									7389
Auto Rental & Leasing			P	P	P	P		C	C-300			751
Automotive Parking				C	C	P	P	C				752
Commercial Truck and Trailer Parking				C	C	P	P	C	C-500			752
Auto Repair Shop				C	C	P	P	C	C-300			753

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PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Automotive Tops (Canvas or plastic), installation, repair, or sales and installation; and upholstery repair, automotive ONLY			C									7532
Auto Service Except Repair			P	P	P	P		C	C			754/7549
Car Washes		C	P	P		P			C-300			7542
Miscellaneous Repairs				P	P	P	P	C	C-300			76
Watch, Clock & Jewelry Repair			P									7631
Motion Picture Dist.				P	P	P		C				782
Motion Picture Theaters			C	P	P	C		C				783
Video Tape Rentals		P	P	P	P	P		C	C			784
Dance Studios			P	P	P	C		C	C			791
Bowling Alleys / Theatrical Producers				P	P	C		C	C-500			793/792
Professional Sports Clubs & Promoters				P	P	P			C-500			7941
Racing Track and Operations				S		S						7948
Bingo Parlor / Pool Hall				S		S						7999
Physical Fitness Facilities		P	P	P	P	P	C	C	C-300			7991
Physical Fitness Facilities		P	P	P	P	P	C	C	C-300			7991
Golf Courses, Public				P		P		C	C		C	7992
Coin Operated Amusement Devises		C	C	P	P	P		C	C-300			7993
Amusement Parks				P		P		C				7996
Membership Sports & Rec. Clubs				P	P	P		C	C			7997
Amusements & Rec. (Not Classified)		S	S	S		S		S	S			7999
Electronic Gaming Establishments				S		S						7999
Outdoor Pistol, Rifle and Skeet Ranges		S	S	S		S	S	S	S			7999
Medical & Dental Offices	P		P	P	P	C		C	C			801, 802, 804
Doctors of Osteopathy	P		P	P	P	C		C	C			803
Nursing Care Facility	P	P	P	P	P	C		C	C-500			805
Hospitals				P	P	C		C				806
Medical & Dental Laboratories				P	P	P		C	C-300			807
Home Healthcare Services/Misc.	P		P	P	P	P	C	C	C			808

**EXHIBIT 3-5**  
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL,  
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

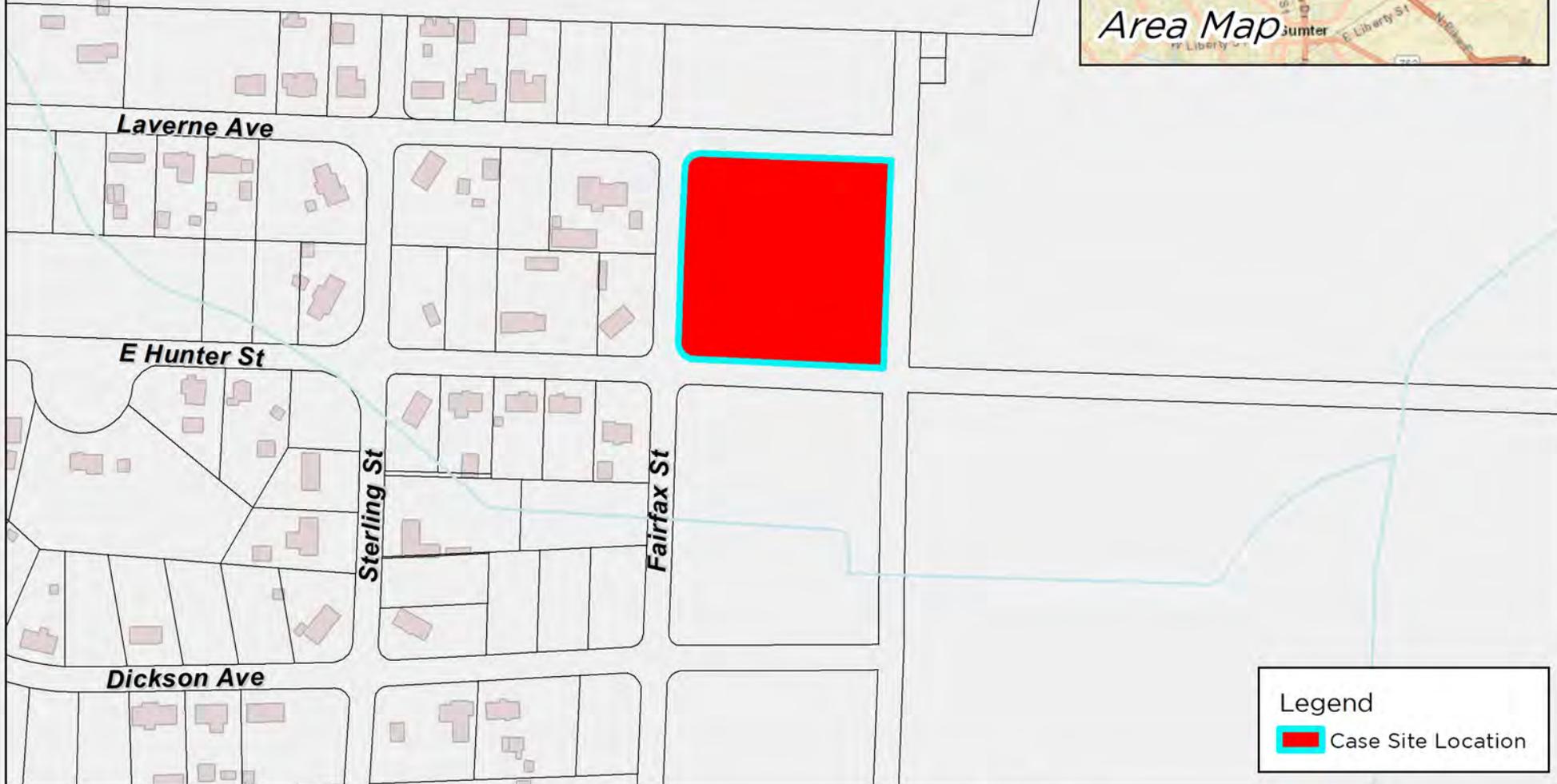
<b>PERMITTED &amp; CONDITIONAL USES</b>	<b>PO</b>	<b>NC</b>	<b>LC</b>	<b>GC</b>	<b>CBD</b>	<b>LI</b>	<b>HI</b>	<b>M-U-I</b>	<b>AC</b>	<b>AC-10</b>	<b>CP</b>	<b>SIC CODE</b>
Legal Services Offices	P		P	P	P	C		C	C			81
Elementary, Secondary Schools	C	C	C	C	C				C			821
Colleges, University, Professional Schools					C	C			C			822
Libraries	P		P	P	P	P		C	C			823
Vocational Schools			P	P	P	P	P	C	C			824
Other Schools & Education Services			P	P	P	P	P	C	C			829
Social Seminars, Individual & Family	P			P	P	C		C	C			832
Individual & Family Social Services			P									832
Job Training & Rehabilitation Services			P	P	P	P		C	C-300			833
Child Care Services	P	P	P	P	P	P	P	C	C			835
Residential Care	P	P	P	P	P		S		P		P	836
Other Social Services				P	P	P		C	C-300			839
Museums & Art Galleries	P		P	P	P	C		C	C-300			841
Botanical Gardens	P		P	P	P	C		C	C-300			842
Organization Facilities & Business Assoc.	P		P	P	P	P		C	C			861, 862, 863, 864, 865
Churches & Religious Organizations	C	C	C	C	C	C		C	C			866
Other Membership Organizations	P		P	P	P	C		C	C-500			869
Engineering, Accounting, Research	P		P	P	P	P	P	C	C-300			87
Misc. Services—Artist, Authors, etc.	P		P	P	P	C		C	C-300			89
Government Offices	P		P	P	P	P	C	C	C			911, 912, 919, 92, 93, 94, 95, 96
Correctional Institutions/Facilities			S	S	S	S	S		S			9223
Fire Protection Facilities	P	P	P	P	P	P	P	C	P	P		9224
National Guard Armory				P		P	P		C			97
Social Service Facilities & Ash Gardens	C	C	C	C	C	C			C		C	N/A
Single Family Detached	C	C	C	P	C			C	P	P	P	N/A
Single Family Attached	C	C	C	P	C			C				N/A
Duplex, Residential	C	C	C	P	C			C				N/A (2 Acre Minimum)

**EXHIBIT 3-5**  
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL,  
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	M-U-I	AC	AC-10	CP	SIC CODE
Townhouses, Patio Holmes	C	C	C	P	C			C				N/A
Tri-plex & Quadraplex	C	C	C	C	C			C				N/A
Multi-family Apartments	C	C	C	C	C			C				N/A
Parks & Playgrounds	P	C	P	P	P			C	P	P	P	N/A
Cemeteries									C-300	C-300	C-300	N/A
Mobile Homes									P	P	P	N/A
Mobile Home Park				C								N/A
Bed & Breakfast	C	C	C		C				C	C		N/A
Mobile Homes									P	P	P	N/A
Mobile Home Park				C								N/A
Bed & Breakfast	C	C	C		C				C	C		N/A
Second Story and above Residences					P				C			N/A
Ambulance Services			P	P								
Produce Sales		C	C	C					C			

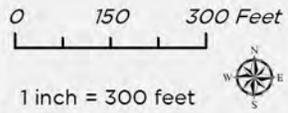
1. If just a C, then staff review and/or established conditions are used.
2. If C with a distance, the Conditional Use approval is based on the following
  - a. The distances are measured in a straight line from the building walls
  - b. Distances are in feet
  - c. Any movement of the building/site requires a re-evaluation of the distance.
  - d. Any adjacent property that falls within the prescribed distance is an affected property.
  - e. Approval from 2/3 or 67% of the effected property owners is required
  - f. Additionally, if any property is occupied by renters, approval from 2/3 or 67 percent of the effected renters is required.
  - g. The applicant is required to contact and secure approval from all effected property owners and/or renters.
  - h. The completed approval document should then be attached to the conditional use.
  - i. Established fees and administrative procedures will be used to approve the conditional use and issue an approval letter.
  - j. A copy of the approval letter will be attached to any associated building permits and business licenses.

# Location Map



**Legend**  
 Case Site Location

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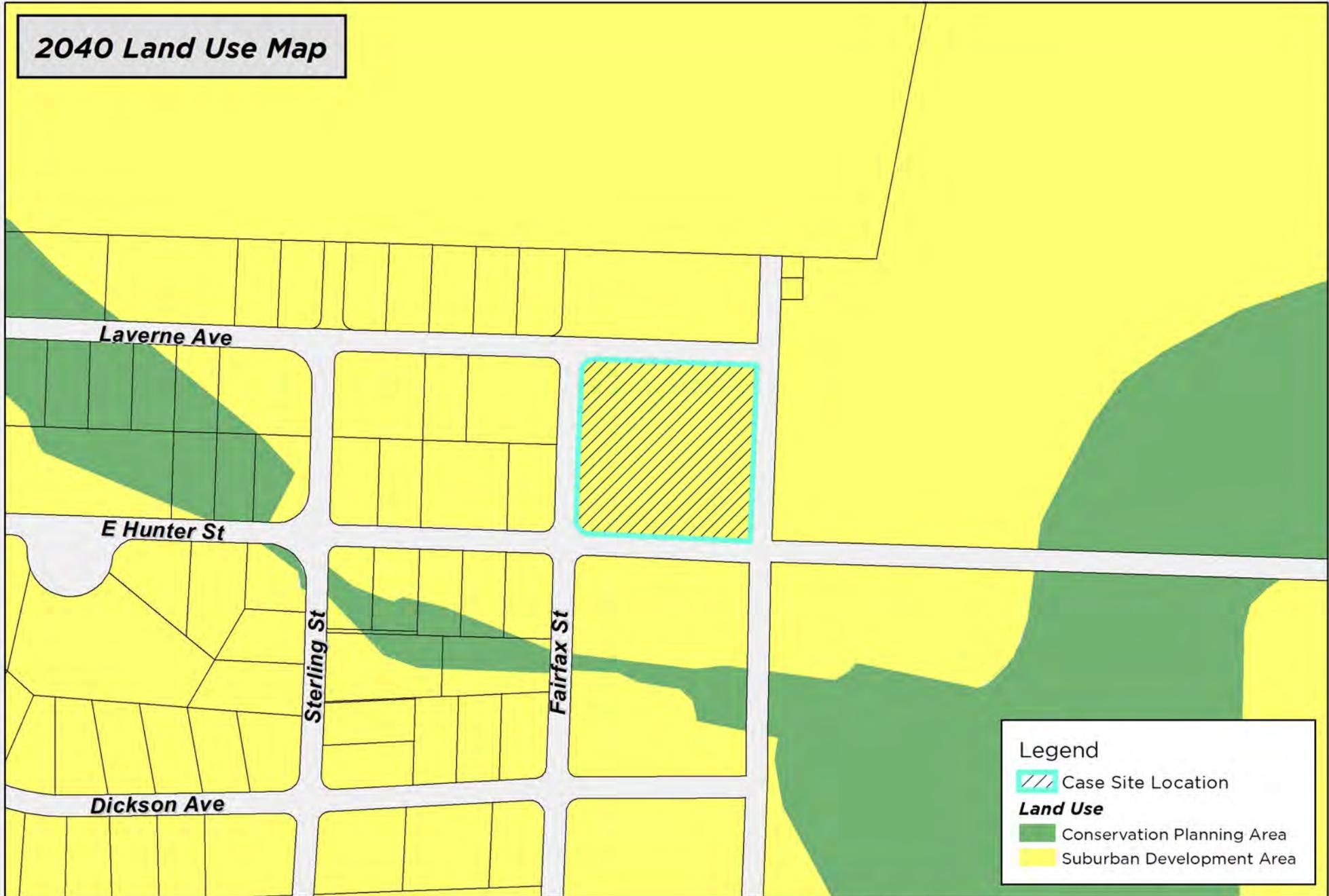


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Date: 9/8/2021  
User Name: crobbins  
Document Name: RZ-21-19



RZ-21-19  
301 E Hunter St, Sumter, SC 29153  
Tax Map # 248-00-01-002 (Portion)

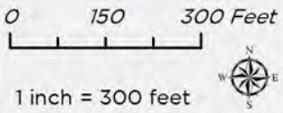
# 2040 Land Use Map



**Legend**

-  Case Site Location
- Land Use**
-  Conservation Planning Area
-  Suburban Development Area

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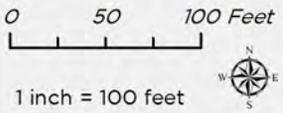
RZ-21-19  
 301 E Hunter St, Sumter, SC 29153  
 Tax Map # 248-00-01-002 (Portion)

# 2021 Aerial Photography Map



**Legend**  
 Case Site Location

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# Zoning Map

GR

AC

Laverne Ave

E Hunter St

Dickson Ave

Sterling St

Fairfax St

R-9

## Legend

 Case Site Location

Zoning

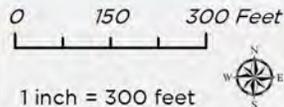
 AC- Agricultural Conservation

 PD - Planned Development

 R-9 - Single Family

 GR - General Residential

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RZ-21-19  
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Tax Map # 248-00-01-002 (Portion)

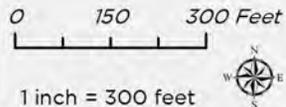
# Flood Zone Map



**Legend**

- Case Site Location
- Flood Zone**
- A
- AE

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Tax Map # 248-00-01-002 (Portion)

# Sumter County Council

## SECOND READING

October 12, 2021

### OA-21-05, Drinking Places & Special Event Facilities (County)

#### I. THE REQUEST

**Applicant:** Sumter County

**Request:** Amend Article 3, Section 3.f.3, 3.g.2, 3.g.4, 3.h.2, 3.h.3, 3.h.4, 3.i.2, 3.i.3, 3.i.4, 3.j.2, 3.j.3, 3.j.4, 3.k.3, 3.k.4, 3.m.3, 3.m.4, 3.n.3, & 3.n.4; Article 3, Exhibit 5; Article 5, Section 5.b.1; Article 5, Section 5.b.2; Article 5, Section 5.b.3; Article 8, Exhibit 23, and Article 10, Section 10.b.1 with the purpose of establishing clear definitions for drinking place uses, bottle club uses, night club uses, and special event facility uses, establishing that bottle club uses and night club uses require the same approval process as drinking place uses in applicable zoning districts, establishing that special event facility uses require conditional use approval in applicable zoning districts, establishing use specific conditional use criteria for special event facility uses, establishing minimum off-street parking requirement for special event facility uses, and correcting other minor zoning ordinance text inconsistencies.

#### II. BACKGROUND

The primary purpose of this Ordinance Amendment is to address the need for distinct zoning requirements for special event facility uses. This involves amending multiple sections of the Sumter County Zoning & Development Standards Ordinance (the Ordinance) for consistency. Meeting the purpose of the amendment also involves providing clear definitions for drinking place uses, night club uses, and bottle club uses.

The need for this amendment has presented itself due to the following factors:

- The increasing frequency of requests to establish special event facility uses throughout Sumter County.
- The lack of clarity in the current text of the Ordinance on what defines a special event facility uses.
- The increasing frequency of establishments licensed as special events facilities that are for all intents and purposes operating as drinking place establishments, with the only exception being that no alcohol sales for on-premises consumption are provided at the facility. In lieu of alcohol sales for on-premises consumption, bring-your-own-beverage (BYOB) is permitted.

Currently, the Ordinance uses the Standard Industrial Classification (SIC) Manual (1987 edition) for the purposes of classifying and regulating land uses by each separate zoning district established by City Council. This method is dated and does not adequately classify or define special event facility uses. Moreover, no definition for special event facility uses or similar type uses are provided in the Ordinance.

Staff has determined that special event facility uses fall under SIC Code 7299, Miscellaneous Personal Services, as this is the same SIC Code that includes banquet halls and wedding venues. However, a specific definition and additional requirements are needed to address a recent negative trend concerning facility operators using special events facility designations to operate establishments that offer BYOB alcohol consumption and on-site entertainment in lieu of establishing legal drinking places.

Drinking places masquerading as special events facilities have the same land use impacts as a drinking place use would. However, since alcohol sales for on-premises consumption are not provided, the owners and operators of these uses are not subject to the SC Department of Revenue licensing process. Further, the SIC Code classification for special events facilities allows for a less stringent zoning approval process that does not involve a public hearing in front of the Sumter City-County Board of Zoning Appeals.

Properly classifying facilities operating as drinking places and night clubs, but describing themselves as special event facilities, is further complicated by the SIC Manual definition which states that drinking places, night clubs, etc. derive a primary portion of their revenue from alcohol sales. To fully address this matter, definitions for special event facility uses, drinking place uses, night club uses, and bottle club uses are needed to provide clarity from a zoning administration standpoint.

The proposed definitions below, along with the proposed Ordinance text changes, clarify that facilities essentially operating as drinking places or night clubs via BYOB on-premises alcohol consumption require special exception approval by the Sumter City-County Board of Zoning Appeals. This will treat those uses in the same manner as a properly licensed drinking place use providing alcohol sales for on-premises consumption.

**Drinking Place:** A commercial establishment whose primary activity is the sale or provision of alcoholic beverages to be consumed on the premises. Such establishments are properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission. Drinking places include, but are not limited to, establishments referred to as bars, beer gardens, beer parlors, taverns, cabarets, cocktail lounges, saloons, tap rooms, and wine bars. Cigar Bars and Hookah Lounges with any on-premises consumption alcohol sales are included in this definition. Eating places, with on-premises consumption alcohol sales and where the primary activity is the sale of food, are not included within this definition.

**Bottle Club:** Any establishment engaged in the business of catering to patrons who bring to the establishment an alcoholic beverage to be consumed on the premises. Such establishments do not sell or provide alcoholic beverages on the premises and/or are not properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premises consumption alcoholic beverage sales. Such

establishments can be private or open to the public, and often provide entry via cover charge and provide on-premises entertainment. Cigar Bars and Hookah Lounges with any on-premises consumption of alcoholic beverages by patrons who bring such beverages to the premises are included within this definition.

**Night Club:** An establishment operated as a place of entertainment, characterized by either of the following as a primary activity: (1) live, recorded, or televised entertainment, including but not limited to performance by musicians, disc jockey's, comedians, or other entertainers; (2) dancing; where this primary activity is coupled with on-premise sale and consumption of alcoholic beverages via proper licensing by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premise consumption or by patrons who bring to the establishment an alcoholic beverage to be consumed on the premises is a common characteristic of a night club. Such establishments are private or open to the public. Often, such establishments require payment of entry cover charges or other entry considerations such as dues, membership fees, etc. Such establishments may also be referred to as discotheques, dancehalls, etc.

**Special Event Facility/Venue:** A commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Events facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations contracting to rent the facility may provide alcoholic beverages for guests in accordance with applicable state law. This definition does not include bottle clubs, night clubs, or drinking places.

The proposed amendment also separates typical special event facility uses that provide space for such events as weddings, receptions, birthday parties, conferences, family reunions, etc. from the larger grouping of SIC Code 729 uses. With this separation, staff finds that special event facility uses are not appropriate in the Professional Office (PO) and Neighborhood Commercial (NC) zoning districts unlike the broader range of uses under SIC Code 729 that are currently permitted and are appropriate in these districts. This finding is based on the potential for special event facilities to have greater land use impacts to adjacent property, including noise, traffic, loitering, etc. Thus, appropriate clarifications are made in the proposed amendment referencing that special event facilities are not permitted in these districts. It is also being proposed that special event facilities require conditional use approval, with specific conditional review criteria, in any zoning district where they can locate. Finally, minimum off-street parking requirements for special event facilities are included as a part of the proposed amendment.

### ***Proposed Text Amendment***

A strike-through of the proposed text amendment is included with this report as “Attachment #1”. The proposed amendments impact the following sections:

1. Amend Article 3, Section 3.f.3. to clarify that special event facility are not included within the SIC Code 729 uses allowed in the PO zoning district via conditional use. Clarification is also provided for other SIC Code 729 uses that are not allowed via conditional use approval per the existing use table.

2. Amend Article 3, Section 3.g.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the NC zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
3. Amend Article 3, Section 3.g.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the NC zoning district.
4. Amend Article 3, Section 3.h.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the LC zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
5. Amend Article 3, Section 3.h.3. to add special event facility uses as a conditional use in the LC zoning district.
6. Amend Article 3, Section 3.h.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the LC zoning district.
7. Amend Article 3, Section 3.i.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the GC zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
8. Amend Article 3, Section 3.i.3. to add special event facility uses as a conditional use in the GC zoning district.
9. Amend Article 3, Section 3.i.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the GC zoning district.
10. Amend Article 3, Section 3.j.2. to clarify that special event facility uses are not included within the SIC Code 729 uses permitted by-right in the CBD zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted by-right in this district per the existing use table.
11. Amend Article 3, Section 3.j.3. to add special event facility uses as a conditional use in the GC zoning district.
12. Amend Article 3, Section 3.j.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the CBD zoning district.
13. Amend Article 3, Section 3.k.3. to add special event facility uses as a conditional use in the LI-W zoning district.

14. Amend Article 3, Section 3.k.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the LI-W zoning district.
15. Amend Article 3, Section 3.m.3. to add special event facility uses as a conditional use in the MUI zoning district. Clarification is also provided for other SIC Code 729 uses that are not permitted as conditional uses in the MUI zoning district per the existing use table.
16. Amend Article 3, Section 3.m.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the MUI zoning district.
17. Amend Article 3, Section 3.n.3. to add special event facility uses as a Conditional-300 use in the AC zoning district.
18. Amend Article 3, Section 3.n.4. to clarify that bottle club and night club uses under SIC 5813 require special exception approval in the same manner that drinking places do in the AC zoning district.
19. Amend Article 3, Exhibit 5 to reflect the changes stated above in the Exhibit 5 use table.
20. Amend Article 5, Section 5.b.1. to add specific conditional use criteria for special event facility uses.
21. Amend Article 5, Section 5.b.2. to clarify that bottle clubs and night clubs under SIC Code 5813 are included as certain hazardous and/or potentially disruptive land development activities requiring special exception approval.
22. Amend Article 5, Section 5.b.3. to clarify that the special design review criteria that apply to drinking place uses also apply to bottle club and night club uses.
23. Amend Article 8, Exhibit 23 to add specific minimum parking requirements for special event facility uses.
24. Amend Article 10, Section 10.b.1. to add definitions for bottle club, night club, drinking place, and special event facility uses.

### **III. STAFF RECOMMENDATION**

Staff recommends approval of this request. This amendment will provide needed clarification and additional requirements for special events facility uses. Additionally, the amendment will provide clear language stating that facilities that operate in the same manner as a drinking place or night club, with the exception that on-premises alcohol consumption is accomplished via BYOB versus on-premises sales requiring SC Department of Revenue licensing, requires the same special exception approval process as a standard drinking place or night club use.

These Ordinance changes will help promote public health and safety by ensuring that a full review and proper process is in place to address true special event facility uses, as well as facilities that are bypassing SC Department of Revenue and Board of Zoning Appeals special exception review by operating as drinking places and night clubs with BYOB alcohol consumption by describing themselves as special event facilities.

**IV. PLANNING COMMISSION – SEPTEMBER 22, 2021**

The City-County Planning Commission at its meeting on Wednesday, September 22, 2021, recommended approval of this request.

**V. SUMTER COUNTY COUNCIL – SEPTEMBER 28, 2021 – FIRST READING**

Sumter County Council at its meeting on Tuesday, September 28, 2021, gave First Reading approval of this request. County Council Land Use Committee also reviewed this request prior to the regular session meeting. The Land Use Committee voted to include special events facilities as a conditional use in the Limited Commercial (LC) zoning district. The proposed amendment has been updated to reflect this change.

**VI. SUMTER COUNTY COUNCIL – OCTOBER 12, 2021 – SECOND READING / PUBLIC HEARING**

**OA-21-05, Ordinance Strike-Through**

*Amend Article 3, Section 3.f.3 (PO District Conditional Uses) as follows:*

**3.f.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:

- d. Miscellaneous personal services, massage parlors, and spas, (except special events facilities, tattoo parlors, and adult uses) with SIC Codes 729 & 7299

*Amend Article 3, Section 3.g.2. (NC District Permitted Uses) as follows:*

**3.g.2. Permitted Uses:** Within the NC District, a building or premise shall be used for only the following purpose:

- s. Miscellaneous personal services (except special events facilities, massage parlors & spas, tattoo parlors, and adult uses) with SIC Code 729

*Amend Article 3, Section 3.g.4 (NC District Special Exception Uses) as follows:*

**3.g.4. Special Exceptions:** Review and approval by the Sumter City-County Zoning Board of Zoning Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- b. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Section 3.h.2 (LC District Permitted Uses) as follows:*

**3.h.2. Permitted Uses:** Within the LC District, a building or a premise shall be used for only the following purposes:

- x. Miscellaneous personal services (except special events facilities, massage parlors & spas, tattoo parlors, and adult uses), with SIC Code 729

*Amend Article 3, Section 3.h.3 (LC District Conditional Uses) as follows:*

**3.h.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- h. Power laundries and dry cleaning plants, with SIC Codes 7211, 7216;
- i. Special Events Facilities with SIC Code 7299. (See Section 5.b.1.p.);
- j. Top and upholstery repair shops with SIC Code 7532 to include only Automotive tops (canvas or plastic), installation, repair, or sales and installation and upholstery repair, automotive. See Section 5.b.1.j. for conditions;

*Amend Article 3, Section 3.h.4 (LC District Special Exception Uses) as follows:*

**3.h.4. Special Exceptions:** Review and approval by the Sumter City-County Zoning Board of Zoning Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- b. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Section 3.i.2. (GC District Permitted Uses) as follows:*

**3.i.2. Permitted:** Within the GC District, a building or a premise shall only be used for the following purpose:

- o. Personal service stores, such as: photo studios, beauty shops, barber shops, shoe repair, funeral services & crematories, ~~miscellaneous personal services (not massage parlors & spas)~~, with the following SIC Codes 722, 723, 724, 725, 726, ~~729~~;
- p. Miscellaneous personal services (except special events facilities, tattoo parlors, and adult uses) with SIC Code ~~729~~;

*Amend Article 3, Section 3.i.3. (GC District Conditional Uses) as follows:*

**3.i.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- m. Industrial Laundries, with SIC Code 7218;
- n. Special Events Facilities with SIC Code 7299. (See Section 5.b.1.p.);
- o. Massage parlors, and spaces with SIC Code 7299;

*Amend Article 3, Section 3.i.4 (GC District Special Exception Uses) as follows:*

**3.i.4. Special Exceptions:** Review and approval by the Sumter City-County Zoning Board of Zoning Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- k. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Section 3.j.2 (CBD District Permitted Uses) as follows:*

**3.j.2. Permitted:** Within the CBD District, a building or a premise shall be used only for the following purpose:

- l. Personal service establishments, such as laundry & dry cleaners, linen supply services, photographic studios, beauty & barber shops, shoe repair shops, business services, automotive rental, automotive services, car washes, miscellaneous repair, motion picture theaters & film distribution, video tape rentals, with SIC Codes 7212, 7213, 722, 723, 724, 725, ~~729~~, 73, 751, 754, 7549, 76, 782, 783, 784;

m. Miscellaneous personal services (except special events facilities, massage parlors & spas, tattoo parlors, and adult uses) with SIC Code 729;

*Amend Article 3, Section 3.j.3. (CBD District Conditional Uses) as follows:*

**3.j.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- e. Coin operated laundries, industrial laundries, with SIC Code 702 & 704 from 3.j.2.g., and SIC Codes 7215 and 7218;

f. Special Events Facilities with SIC Code 7299. (See Section 5.b.1.p.);

f.g. Automobile parking lots with SIC Code 752;

*Amend Article 3, Section 3.j.4 (CBD District Special Exception Uses) as follows:*

**3.j.4. Special Exceptions:** Review and approval by the Sumter City-County Zoning Board of Zoning Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- b. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Section 3.k.3 (LI-W District Conditional Uses) as follows:*

**3.k.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Use identified below:

- l. Miscellaneous personal services, massage parlors & spas, business services, (except special events facilities, tattoo parlors, and adult uses) with SIC Codes 729, 7299, 73;

m. Special Events Facilities with SIC Code 7299 (See Section 5.b.1.p.);

m.n. Employment agencies, with SIC Code 7361;

*Amend Article 3, Section 3.j.4 (LI-W District Special Exception Uses) as follows:*

**3.k.4. Special Exceptions:** Review and approval by the Sumter City County Zoning Board of Zoning Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- c. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Section 3.m.3 (MUI District Conditional Uses) as follows:*

**3.m.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with Article 5 of this Ordinance shall be a prerequisite to the issuance of a business license and/or building permit for any Conditional Uses identified below:

- s. Miscellaneous personal services (except special event venues, tattoo parlors, and adult uses), massage parlors & spas, business services, and employment agencies, with SIC Codes 73, 729, 72999, 7361;

- t. Special Events Facilities with SIC Code 7299. (See Section 5.b.1.p.);

- u. Auto rental, leasing, repair shops, service except repair and miscellaneous repair with SIC Codes 751, 753, 7549, and 76;

*Amend Article 3, Section 3.m.3. (MUI District Special Exception Uses) as follows:*

**3.m.4. Special Exception:** Review and approval by the Sumter City-County Zoning Board of Zoning Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- c. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Section 3.n.3 (AC District Conditional Uses) as follows:*

**3.n.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- h. Automatic Merchandising Machine Operator, with SIC Code 5962;

- i. Special Events Facilities (C-300) with SIC Code 729. (See Section 5.b.1.p.)

- h.j. Commercial Truck and Trailer Parking Lot (C-500), with SIC Code 752 (See Section 5.b.1.n)

*Amend Article 3, Section 3.n.4. (AC District Special Exception Uses) as follows:*

**3.n.4. Special Exception:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- k. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813);

*Amend Article 3, Exhibit 5 as follows:*

Permitted & Conditional Uses	PO	NC	LC	GC	CBD	LI	HI	MUI	AC	AC-10	CP	SIC Code
Drinking Places/ <u>Night Clubs/Bottle Clubs</u>		S	S	S	S	S		S	S			5813
Miscellaneous Personal Services	C	P	P	P	P	C		C	C-300			729
<u>Special Events Facilities</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C-300</u>			7299

Amend Article 5, Section 5.b.1 as follows:

p. Special Events Facilities (SIC Code 7299): The following conditions apply to all Event Venues for conditional use approval:

- a. An on-site manager shall be present and available for the duration of all events occurring at the venue. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager’s contact information changes.
- b. An operation plan shall be submitted with the conditional use application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional Zoning Administrator approval. The operational plan shall include, at a minimum, the following items:
  - i. Maximum capacity of the facility, based on building and fire code.
  - ii. Contact information for the on-site facility manager;
  - iii. Types of events anticipated/marketed;
  - iv. Anticipated annual number of events;
  - v. How solid waste will be disposed of;
  - vi. A floor plan of the facility showing the square footage and use of each room.;
  - vii. A plot plan showing building footprint, property lines, parking areas, delineated outdoor event space (if applicable). A formal site plan submission may be required by the Zoning Administrator.
- c. Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles in accordance with applicable Fire Code, as determined by the Sumter City-County Fire Inspector.

Amend Article 5, Section 5.b.2 as follows:

**5.b.2 Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities:**

As per 5.a.1.c above, the following uses shall be reviewed by the Sumter City-County Board of Appeals, and if approved shall be classified as a permitted special exception;

- i. Drinking Places/Bottle Clubs/Night Clubs (SIC Code 5813)

Amend Article 5, Section 5.b.3 as follows:

**5.b.3 Special Design Review Criteria for Applicable Items in 5.b.2:** Due to the unusual nature of some of the operations associated herein, the following shall be required of the development and/or included in any review process:

f. Drinking Places/Bottle Clubs/Night Clubs (SIC 5813):

- 1. This use shall not be within 300 feet (measured in a straight line from structure to structure) of a residential use, church, school, or public playground on a separately platted parcel.

- 2. A six-foot fence that is a visual screen will be installed to separate this use from residential uses, where such residential uses are directly adjacent to the property or site containing the use.

Amend Article 8, Exhibit 23 as follows:

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
<b>RETAIL TRADE</b>	
Eating <u>Places</u> ,& Drinking Places, <u>Bottle Clubs, Night Clubs</u>	1.2 per 100 sq. ft. GFA
<u>Special Event Facilities</u>	<u>1.2 per 100 sq. ft. of rentable building area (excluding area for storage, bathrooms, administrative office space, and kitchen space) or by individual review if outdoor space is the primary events area</u>

Amend Article 10, Section 10.b.1. as follows:

**10.b.1. Definitions:**

(Note: Only proposed additional listed below)

**-Drinking Place:** A commercial establishment whose primary activity is the sale or provision of alcoholic beverages to be consumed on the premises. Such establishments are properly licensed by the South Carolina Department of Revenue–Alcohol Beverage

Licensing Commission. Drinking places include, but are not limited to, establishments referred to as bars, beer gardens, beer parlors, taverns, cabarets, cocktail lounges, saloons, tap rooms, and wine bars. Cigar Bars and Hookah Lounges with any on-premises consumption alcohol sales are included in this definition. Eating places, with on-premises consumption alcohol sales and where the primary activity is the sale of food, are not included within this definition.

**Bottle Club:** Any establishment engaged in the business of catering to patrons who bring to the establishment an alcoholic beverage to be consumed on the premises. Such establishments do not sell or provide alcoholic beverages on the premises and/or are not properly licensed by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premises consumption alcoholic beverage sales. Such establishments can be private or open to the public, and often provide entry via cover charge and provide on-premises entertainment. Cigar Bars and Hookah Lounges with any on-premises consumption of alcoholic beverages by patrons who bring such beverages to the premises are included within this definition.

**Night Club:** An establishment operated as a place of entertainment, characterized by either of the following as a primary activity: (1) live, recorded, or televised entertainment, including but not limited to performance by musicians, disc jockey’s, comedians, or other entertainers; or (2) dancing; where this primary activity is coupled with on-premise sale and consumption of alcoholic beverages via proper licensing by the South Carolina Department of Revenue–Alcohol Beverage Licensing Commission for on-premises consumption or by patrons who bring to the establishment an alcoholic beverage to be consumed on the premises. Such establishments are private or open to the public. Often, such establishments require payment of entry cover charges or other entry considerations such as dues, membership fees, etc. Such establishments may also be referred to as discotheques, dancehalls, etc.

**Special Event Facility/Venue:** A commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Events facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations contracting to rent the facility may provide alcoholic beverages for guests in accordance with applicable state law. This definition does not include bottle clubs, night clubs, or drinking places.

ORDINANCE NO. 21-959

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A WATERWORKS SYSTEM REFUNDING REVENUE BOND (WEDGEFIELD-STATEBURG RURAL COMMUNITY WATER SYSTEM), SERIES 2021, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,300,000; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR TO PRESCRIBE CERTAIN DETAILS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Definitions. Unless the context shall clearly indicate some other meaning, the terms defined in this Section shall have, for all purposes of this Ordinance and of any ordinance, resolution, certificate, opinion, instrument or other document herein or therein mentioned, the meanings hereinafter specified, with the definitions equally applicable to both the singular and plural forms and *vice versa*. The term:

“1993 Bond” shall mean the original principal amount \$142,100 Waterworks System Revenue Bond of 1993 (Third Lien) of Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina, dated January 12, 1993.

“2002 Bond” shall mean the original principal amount \$212,200 Waterworks System Revenue Bond of 2002 (Third Lien) of Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina, dated May 24, 2002.

“2003 Bond” shall mean the original principal amount \$1,307,800 Waterworks System Revenue Bond of 2003 (Third Lien) of Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina, dated February 14, 2003.

“1993 Resolution” shall mean the Resolution of the District adopted by its Board of Directors on January 7, 1993, authorizing the issuance and sale of the 1993 Bond.

“2002 Resolution” shall mean the Resolution of the District adopted by its Board of Directors on May 6, 2002, authorizing the issuance and sale of the 2002 Bond.

“2003 Resolution” shall mean the Resolution of the District adopted by its Board of Directors on January 12, 2003, authorizing the issuance and sale of the 2003 Bond.

“Act” shall mean Title 6, Chapter 21, Code of Laws of South Carolina 1976 as amended.

“Bondholder” or the term “Holder” or any similar term shall mean the registered owner the Series 2021 Bond.

“Bonds to be Refunded” shall mean the 1993 Bond, the 2002 Bond, and the 2003 Bond.

“Books of Registry” shall mean the registration books maintained by the Registrar in accordance with Section 6 hereof.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“County” shall mean Sumter County, South Carolina.

“County Administrator” shall mean the Administrator of the County.

“County Council” shall mean the County Council of Sumter County, South Carolina.

“District” shall mean the Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina.

“Expenses of Operating and Maintaining the System” shall mean the costs and expenses of operating and maintaining the System in good repair and working order including wages, salaries, costs of materials and supplies, costs of routine repairs, renewals, replacements or alterations occurring in the normal course of business, the reasonable fees and charges related to any outstanding debt, the cost of an annual audit and the premium for all insurance required with respect to the System. However, Expenses of Operating and Maintaining the System shall not include any allowance for depreciation or renewals or replacements of capital assets of the System or other equity transfers.

“Government Obligations” shall mean only those specific obligations set forth in Section 6-5-10 of the South Carolina Code.

“Net Revenues” shall mean all moneys, fees, charges, income, rents, receipts and returns derived from the ownership and operation of the System less the Expenses of Operating and Maintaining the System.

“Ordinance” shall mean this Ordinance.

“Paying Agent” shall mean the County Treasurer.

“Prior Resolutions” shall mean the 1993 Resolution, the 2002 Resolution, and the 2003 Resolution.

“Purchaser” shall mean the initial purchaser of the Series 2021 Bond.

“Registrar” shall mean the County Treasurer.

“Series 2021 Bond” shall mean the not exceeding \$1,300,000 Waterworks System Refunding Revenue Bond (Wedgefield-Stateburg Rural Community Water System), Series 2021 (or such other appropriate series designation as determined by the County Administrator), of the County authorized to be issued pursuant to this Ordinance.

“South Carolina Code” shall mean South Carolina Code of Laws 1976, as amended.

“State” shall mean the State of South Carolina.

“System” shall mean the Wedgefield-Stateburg Rural Community Water System.

SECTION 2. Findings and Determinations. The County Council hereby finds and determines:

(a) Pursuant to Section 4-9-10 of the South Carolina Code, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) The District was created pursuant to Act No. 1022 of the Acts and Joint Resolutions of the General Assembly of the State, Session of 1964, as amended (the "Act 1022"), now codified as Section 6-13-10 to 6-13-10, inclusive, of the South Carolina Code, and a referendum held on June 15, 1965. Also pursuant to Act 1022, the District was authorized to borrow money and to make and issue negotiable bonds, notes and other evidence of indebtedness, payable from all or a portion of the revenues derived from the operation of its system.

(c) Pursuant to Act 1022 and the Act, the District issued the Bonds to be Refunded.

(d) Pursuant to Ordinance No. 10-701 of the County enacted on February 21, 2010, and the successful referendum held in the District on November 2, 2010, the District was dissolved and its assets and liabilities were distributed to the County.

(e) Pursuant to a successful referendum held in the County on November 4, 1980, and Ordinance No. 92-232 enacted by County Council on May 12, 1992, the County Council certified that the unincorporated areas of the County constitute a "designated service area" within the meaning of Section 5-7-60 of the South Carolina Code.

(f) Section 14(7) of Article X of the Constitution of the State of South Carolina (the "State Constitution") provides that the counties of the State may issue bonded indebtedness without regard to their constitutional debt limitation provided such bonded indebtedness is issued pursuant to Section 12 of Article X of the State Constitution. Section 12 of Article X of the State Constitution allows counties to incur bonded indebtedness for water service benefitting only a particular geographical section of the County provided that a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness or revenue bonds incurred for such purposes shall be imposed upon the area or persons receiving the benefit therefrom. In accordance therewith, upon assumption of the Bonds to be Refunded, the County imposed water charges in the District sufficient to defray the debt service on the Bonds to be Refunded.

(g) The Bonds to be Refunded are subject to redemption at any time at the redemption price of par, together with accrued interest to the date fixed for redemption.

(h) Thus, with respect to the Series 2021 Bond, the Council may cause to be issued a waterworks and sewer system revenue bond in the aggregate principal amount of not exceeding \$1,300,000 to be repaid from Net Revenues of the System for the purpose of refunding the Bonds to be Refunded and paying the costs of issuance of the Series 2021 Bond.

(i) Based on current market conditions and projections of savings, the County Council finds that it is in the best interest of the County to effect a refunding of the Bonds to be Refunded because a savings can be effected through the refunding and redemption of such Bonds to be Refunded. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, that will be realized through the refunding of the Bonds to be Refunded, and that the County Administrator is authorized and empowered to determine certain matters relating to such refunding as set forth in Section 4 of this Ordinance. If the rate of interest proposed by the anticipated Purchaser of the Series 2021 Bond authorized by this Ordinance does not result in satisfactory debt service savings (as determined by the County Administrator), the County Administrator will be authorized to reject the anticipated Purchaser's proposal for the purchase of the Series 2021 Bond and determine to not issue the Series 2021 Bond.

(j) The proceeds of the Series 2021 Bond authorized by this Ordinance shall be used to refund the Bonds to be Refunded and to pay costs of issuance of the Series 2021 Bond. The issuance of the Series 2021 Bond authorized by this Ordinance for such purpose is necessary, and such Series 2021 Bond will be issued for a corporate purpose and a public purpose of the County.

(k) It is now in the best interest of the County to provide for the issuance and sale of the Series 2021 Bond in the principal amount of not exceeding \$1,300,000 to provide funds to refund the Bonds to be Refunded and to pay costs of issuance of the Series 2021 Bond.

SECTION 3. Authorization of Series 2021 Bond. Pursuant to the aforesaid provisions of the Constitution and the Act, there is hereby authorized to be issued a not exceeding \$1,300,000 Waterworks System Refunding Revenue Bond (Wedgfield-Stateburg Rural Community Water System), of the County (the "Series 2021 Bond"), the proceeds of which will be used to effect a refunding of the Bonds to be Refunded and payment of financial and legal fees relating thereto and other incidental costs of issuing the Series 2021 Bond.

The Series 2021 Bond shall be designated "\$[principal amount issued] Waterworks System Refunding Revenue Bond (Wedgfield-Stateburg Rural Community Water System), Series 2021 [or such other appropriate series designation], of Sumter County, South Carolina."

The Series 2021 Bond shall be issued in fully registered form; shall be registered as to principal and interest in the name of the Purchaser; shall be dated as of the date of their delivery; shall bear interest from their at the rate or rates as may be determined by the County Administrator at the time of the sale thereof; shall be issued as a single bond in the denomination of not exceeding \$1,300,000; and shall mature as determined by the County Administrator pursuant to Section 5 hereof. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months or such other basis as may be agreed upon by the County Administrator and the Purchaser of the Series 2021 Bond.

Both the principal of and interest on the Series 2021 Bond shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

SECTION 4. Prepayment Provisions; Refunding of the Bonds to be Refunded. The Series 2021 Bond may be subject to prepayment prior to maturity at such time or times and upon such terms and conditions as shall be agreed upon between the County Administrator and the Purchaser of the Series 2021 Bond.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Series 2021 Bond which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded matures and is called for redemption in accordance with the respective

provisions of the Prior Resolutions, at the redemption price thereof, together with accrued interest on such Bonds to be Refunded to the date fixed for redemption.

Upon the delivery of the Series 2021 Bond, the principal proceeds thereof, less costs of issuance, shall either be paid directly to holder of the Bonds to be Refunded. The County Administrator is hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance relating to the refunding of the Bonds to be Refunded.

SECTION 5. Authority to Determine Certain Matters. The County Council hereby authorizes the County Administrator to offer the Series 2021 Bond for sale at such date and time and in such manner as he may determine. The County Council hereby further authorizes the County Administrator to: (a) determine the original issue date of the Series 2021 Bond; (b) determine the aggregate principal amount of the Series 2021 Bond, provided such aggregate principal amount shall not exceed \$1,300,000; (c) determine the respective principal payment dates and principal amounts maturing on such dates for the Series 2021 Bond; (d) determine the date and time of sale of the Series 2021 Bond; (e) determine the manner in which the Series 2021 Bond shall be sold, including (i) negotiation of the terms of the sale of the Series 2021 Bond directly with the Purchaser; and (ii) receipt of bids for the purchase of the Series 2021 Bond on behalf of the County pursuant to a Notice of Sale in such form and distributed in such manner as shall be determined by the County Administrator; (f) award the sale of the Series 2021 Bond and determine the interest rate on the Series 2021 Bond; and (g) negotiate and execute all other contracts and approve any other matters necessary to effect the refunding of the Bonds to be Refunded, and the issuance of the Series 2021 Bond.

After the sale of the Series 2021 Bond, the County Administrator shall submit a written report to the County Council setting forth the results of such sale.

SECTION 6. Registration of the Series 2021 Bond. The County shall cause the Books of Registry to be kept at the offices of the Registrar, for the registration and transfer of the Series 2021 Bond. Upon presentation at its office for such purpose, the Registrar shall register or transfer, or cause to be registered or transferred, on such Books of Registry, the Series 2021 Bond under such reasonable regulations as the Registrar may prescribe.

The Series 2021 Bond shall be transferable only upon the Books of Registry of the County, which shall be kept for such purpose at the principal office of the Registrar, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of the Series 2021 Bond, the Registrar on behalf of the County shall issue in the name of the transferee a new fully registered bond of the same aggregate principal amount, interest rate and maturity as the surrendered Series 2021 Bond. The Series 2021 Bond surrendered in exchange for a new registered Series 2021 Bond pursuant to this Section shall be canceled by the Registrar.

The County, the Registrar and the Paying Agent may deem or treat the person in whose name the fully registered Series 2021 Bond shall be registered upon the Books of Registry as the absolute owner of such Series 2021 Bond, whether such Series 2021 Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Series 2021 Bond and for all other purposes and all such payments so made to any such registered owner or upon his order and shall be valid and effectual to satisfy and discharge the liability upon such Series 2021 Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar or the Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring bonds is exercised, the County shall execute and the Registrar shall authenticate and deliver a Series 2021 Bond in accordance with the provisions of this Ordinance. Neither the County nor the Registrar or the Paying Agent shall be obliged to make any such transfer of the Series 2021 Bond during the fifteen (15) days preceding an interest payment date on the Series 2021 Bond.

With the consent of the Purchaser of the Series 2021 Bond, and notwithstanding any provision to the contrary contained in this Ordinance or in the Series 2021 Bond, the Series 2021 Bond may be sold or transferred by the Purchaser thereof only to purchasers (“Qualified Investors”) who execute an investment letter or equivalent thereto delivered to the County, in form satisfactory to the County, containing certain representations, warranties and covenants as to the suitability of such purchasers to purchase and hold the Series 2021 Bond. Such restrictions shall be set forth on the face of the Series 2021 Bond and shall be complied with by each transferee of the Series 2021 Bond.

SECTION 7. Execution of Series 2021 Bond. The Series 2021 Bond shall be executed in the name of the County with the manual or facsimile signature of the Chair of County Council attested by the manual or facsimile signature of the Clerk to County Council under the seal of the County to be impressed or affixed thereon.

SECTION 8. Form of Series 2021 Bond. The Series 2021 Bond and the provisions for registration to be endorsed thereon shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference:

SECTION 9. Sale of the Series 2021 Bond. The Bond shall be offered for public sale on the date and at the time designated by the County Administrator. A Request for Proposals in a form approved by the County Administrator shall be distributed to prospective bidders.

SECTION 10. Security for Series 2021 Bond. The County hereby pledges the Net Revenues of the System for the payment of the principal of and interest on the Series 2021 Bond. The County has the right, but not the obligation, to use other legally-available revenues for the payment of the principal and interest on the Bonds; provided, however, such other revenue shall not include ad valorem taxes.

SECTION 11. Rates and Charges. The County hereby covenants and agrees to operate the System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the System as may be necessary or proper, which fees, rates and other charges will at all times be sufficient after making due and reasonable allowance for contingencies and for a margin of error in estimates, to provide in each July 1 through June 30 fiscal year of the City, an amount equal to:

(a) 100 percent of the amounts required to pay Expenses of Operating and Maintaining the System for the then current fiscal year; and

(b) 110 percent of the amounts required to discharge its indebtedness by payment of principal of and interest on the Bond, as the same becomes due and payable for the then current fiscal year;

SECTION 12. Statutory Lien. There is hereby created and established in accordance with Section 6-21-330 of the Code of Laws of South Carolina 1976, as amended, a statutory lien upon the System in favor of the holder of the Bond. The System shall remain subject to such statutory lien until payment in full of the Series 2021 Bond and any additional bonds.

SECTION 13. Additional Bonds. The County is authorized to issue additional bonds on a parity with the Series 2021 Bond to finance the costs of acquisition and construction of any project or a portion thereof, if there shall be delivered a report from an accountant stating that the amount of the Net Revenues of the System for any consecutive twelve (12) month period out of the last twenty-four (24) month period is not less than 125% of the maximum debt service for any succeeding fiscal year of bonds then outstanding and the bonds

then proposed to be issued. With this consent of the holder of the Series 2021 Bond, this provision can be waived.

SECTION 14. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to the Series 2021 Bond, and the Series 2021 Bond shall no longer be deemed to be outstanding hereunder when:

(a) the Series 2021 Bond shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) payment of the principal of and interest on the Series 2021 Bond either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with the Paying Agent in trust and irrevocably setting aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment. At such time as the Series 2021 Bond shall no longer be deemed to be outstanding hereunder, the Series 2021 Bond shall cease to draw interest from the maturity date thereof, and, except for the purposes of any such payment from such moneys or Government Obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of this Ordinance.

SECTION 15. Exemption from State Taxes. Both the principal of and interest on the Series 2021 Bond shall be exempt, in accordance with the provisions of Section 12-2-50 of the South Carolina Code from all State, county, municipal, school district, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 16. Deposit and Use of Proceeds. A portion of the proceeds derived from the sale of the Series 2021 Bond necessary to provide for the payment of the Bonds to be Refunded shall be paid directly to the holder of the Bonds to be Refunded. The remaining proceeds shall, at the direction of the County Treasurer, be applied to payment of costs of issuance of the Series 2021 Bond.

SECTION 17. Filings with Central Repository. In compliance with Section 11-1-85 of the South Carolina Code, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the County's revenue or its tax base.

SECTION 18. Tax Covenants. The County hereby covenants and agrees with the holders of the Series 2021 Bond that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2021 Bond to become includable in the gross income of the bondholder for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Series 2021 Bond and that no use of the proceeds of the Series 2021 Bond shall be made which, if such use had been reasonably expected on the date of issue of the Series 2021 Bond would have caused the Series 2021 Bond to be "arbitrage bonds", as defined in the United States Internal Revenue Code of 1986 (the "Code"), and to that end the County hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Series 2021 Bond is outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the times and places required by the Code.

The County Administrator is hereby authorized to adopt written procedures to ensure the County's compliance with federal tax matters relating to the Series 2021 Bond.

The County Administrator is hereby authorized to determine whether the Series 2021 Bond will be designated as a "qualified tax exempt obligation" as defined in Section 265(b)(3) of the Code. To the extent that the Series 2021 Bond is so designated, the County and all subordinate entities thereof do not anticipate to issue more than \$10,000,000 in tax-exempt bonds or other tax-exempt obligations in the year in which such Series 2021 Bond is issued (other than private activity bonds that are not qualified Section 501(c)(3) bonds), or the Series 2021 Bond will otherwise meet the requirements necessary for such bond to be designated (or deemed-designated) as a "qualified tax exempt obligation" as defined in Section 265(b)(3) of the Code.

SECTION 19. Miscellaneous. The County Council hereby authorizes the Chair of County Council, the County Administrator, the Clerk to County Council and County Attorney, to execute such documents and instruments as may be necessary to effect the refunding of the Bonds to be Refunded and the issuance of the Series 2021 Bond. The County Council hereby retains Burr & Forman, LLP as bond counsel and Compass Municipal Advisors LLC as financial advisor in connection with the issuance of the Series 2021 Bond. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

SECTION 20. Repeal of Conflicting Ordinances. All orders, resolutions, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Series 2021 Bond are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 21. Codification. This Ordinance shall be forthwith codified in the Code of County Ordinances in the manner required by law.

SECTION 22. Effective date. The provisions of this Ordinance shall be effective upon its enactment.

Enacted by the County Council of Sumter County, South Carolina this 28<sup>th</sup> day of September, 2021.

SUMTER COUNTY, SOUTH CAROLINA

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Chair, County Council

(SEAL)

ATTEST:

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Clerk to County Council

Date of First Reading: August 24, 2021

Date of Second Reading: September 14, 2021

Date of Public Hearing: September 14, 2021

Date of Third Reading: \_\_\_\_\_, 2021

(FORM OF BOND)

THIS BOND MAY BE SOLD OR TRANSFERRED IN WHOLE OR IN PART ONLY TO A PURCHASER OR TRANSFEREE CONSTITUTING A QUALIFIED INVESTOR (AS SUCH TERM IS DEFINED IN THE HEREAFTER DEFINED ORDINANCE UNDER WHICH THIS BOND IS ISSUED), AND ONLY UPON SUCH QUALIFIED INVESTOR DELIVERING TO THE COUNTY AN INVESTMENT LETTER IN THE FORM REQUIRED UNDER THE ORDINANCE.

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
SUMTER COUNTY  
WATERWORKS SYSTEM REFUNDING REVENUE BOND  
(WEDGEFIELD-STATEBURG RURAL COMMUNITY WATER SYSTEM), SERIES 2021

KNOW ALL MEN BY THESE PRESENTS, that Sumter County, South Carolina (the “County”), is justly indebted and, for value received, hereby promises to pay to \_\_\_\_\_, in \_\_\_\_\_ (the “Purchaser”), its successors or registered assigns, the principal amount of \$ \_\_\_\_\_ together with interest on the unpaid principal balance hereof at the rate of \_\_\_\_% per annum. Interest on this Bond is payable on \_\_\_\_\_, \_\_\_\_\_, and [semi]annually thereafter on \_\_\_\_\_ 1 [and \_\_\_\_\_ 1] of each year until the final maturity [or earlier redemption] of this Bond. Principal on this Bond is payable in annual installments on \_\_\_\_\_ of each of the years and in the principal amounts, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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Interest on this Bond shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Both the principal of and interest on this Bond are payable at the office of the Sumter County Treasurer, as paying agent (the “Paying Agent”), in Sumter, South Carolina, without presentation and surrender of this Bond in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, the Purchaser agrees to surrender this Bond before or within a reasonable time after its final maturity.

This Bond is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “State Constitution”); Title 6, Chapter 21, Code of Laws of South Carolina, 1976 as amended (the “South Carolina Code”); and Ordinance No. \_\_\_\_ duly enacted on \_\_\_\_\_, 2021, by the County Council of the County (the “Ordinance”) for the purpose of effecting the refunding of the Bonds to be Refunded (as defined in the Ordinance.

For the payment of the principal and interest of this Bond as they respectively mature, the County has pledged the net revenues of the County’s **Waterworks and Sewer System**.

[Redemption Provisions].

This Bond is transferable as provided in the Ordinance, only upon the registration books of the County kept for that purpose at the office of the Sumter County Treasurer, as registrar (the "Registrar"), in Sumter, South Carolina, by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount, interest rate, redemption provisions and maturity dates shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner thereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina (the "State"), this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law.

IN WITNESS WHEREOF, SUMTER COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the manual signature of the Chair of County Council, attested by the manual signature of the Clerk to County Council under the seal of the County impressed or affixed hereon and this Bond to be dated the \_\_\_ day of \_\_\_\_\_, 2021.

SUMTER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair of County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk to County Council

REGISTRATION

This Bond has been registered in the name of \_\_\_\_\_ in \_\_\_\_\_, on the registration books kept by the Treasurer of Sumter County, South Carolina.

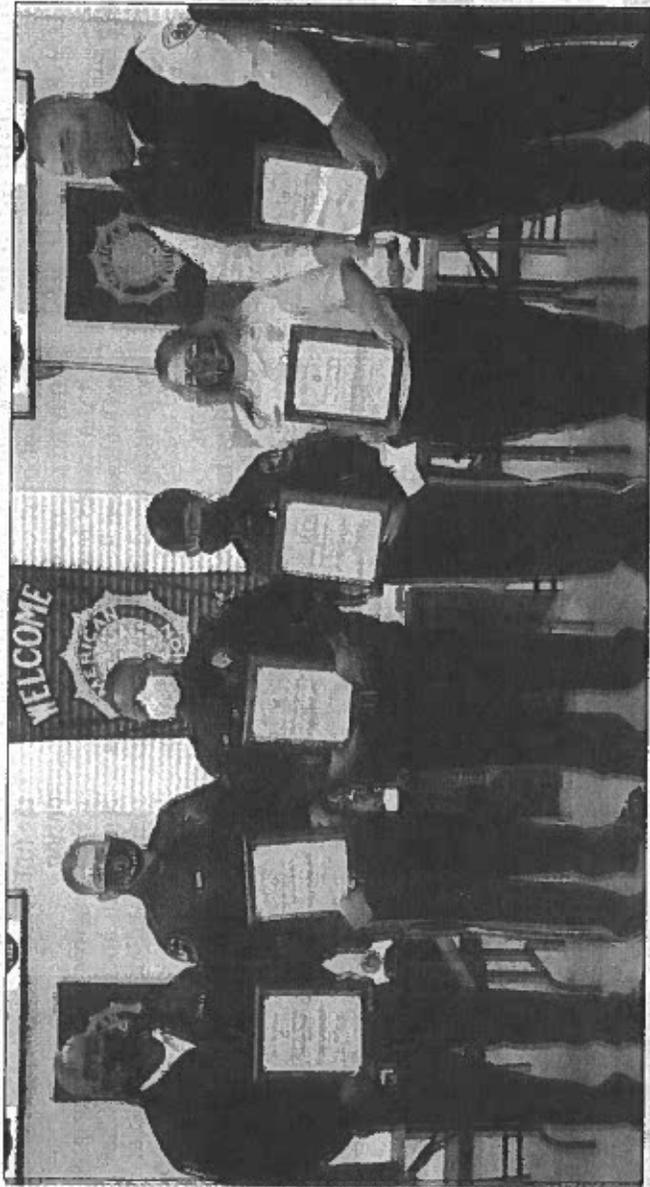
Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Treasurer of Sumter County, South Carolina



# SECOND FRONT

Call: (803) 774-1226 | E-mail: [pressrelease@theitem.com](mailto:pressrelease@theitem.com)



**SHELBE GOULDING / THE SUMMER ITEM**  
From left are Capt. Terrance Dupree, Firefighter of the Year; Senior Cpl. Gary Beaver, Sheriff's Deputy of the Year; Officer First Class Charles Conyers, Police Officer of the Year and American Legion's Law Enforcement Officer of the Year; Cpl. Alicia Haynes, Detention Officer of the Year; and Capt. Paramedic Mary Pack and Assistant Director Paramedic Henry "Kent" Hall, EMS Technicians of the Year. See more photos at [www.theitem.com](http://www.theitem.com).

## American Legion Post 15 honors 6 first responders



### Know who and how to contact for information on COVID-19, vaccination

BY **KAYLA GREEN**  
[kayla@theitem.com](mailto:kayla@theitem.com)

Prisma Health is opening certain sites, including one at its Tuomey Hospital in Sumter, to walk COVID-19 vaccinations for those eligible in phases including individuals 70 and older.

While Prisma Health, the state's largest vaccinator as of Wednesday with 87,137 vaccinations, is taking walk-ins on a limited basis, the number of available slots will likely change every day on vaccine availability at the time. Community

South Carolina  
County of Sumter

# Proclamation

**WHEREAS**, the health and safety of all Sumterites is essential to the happiness and well-being of all the families and communities in Sumter, countywide; and

**WHEREAS**, respiratory diseases are among the most common medical conditions in the United States; and

**WHEREAS**, during the COVID-19 pandemic, respiratory care professionals have risen to the challenge and put their health at risk to take care of COVID-19 patients, and have been on the *frontlines of the pandemic from the beginning*; and

**WHEREAS**, respiratory care practitioners are involved in some of the most at risk procedures, including intubation, noninvasive ventilation, and delivering nebulized medication; and

**WHEREAS**, since 1982, the American Association of Respiratory Care has been the sponsor of National Respiratory Care Week; and during this week, respiratory care practitioners are recognized for their work that includes specialized treatment to patients diagnosed with respiratory illnesses such as COVID-19, acute respiratory distress syndrome, chronic obstructive pulmonary disease, pneumonia, asthma, and many other diseases; and

**WHEREAS**, services provided by respiratory care practitioners help their patients experience a healthier quality of life; and respiratory care practitioners are dedicated health care professionals committed to reducing the suffering and recovery times of patients experiencing respiratory illnesses.

**NOW, THEREFORE**, I, James T. McCain, Jr., on behalf of Members of Sumter County Council, do hereby Proclaim **October 24-30, 2021**, as **RESPIRATORY CARE WEEK** in Sumter County, South Carolina, and laude all respiratory care practitioners for their dedication in treating and preventing all types of illnesses; especially during the fight against COVID-19.

In WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Sumter County to be affixed this **26th** Day of **October** 2021.

**SUMTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
James T. McCain, Jr. Chairman  
Sumter County Council

**Attest:**

\_\_\_\_\_  
Mary W. Blanding, Clerk to County Council



GARY M. MIXON  
ADMINISTRATOR

Sumter County  
Sumter, South Carolina  
29150

ADMINISTRATION BUILDING  
13 EAST CANAL STREET  
TELEPHONE: (803) 436-2102  
Fax: 436-2108

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## MEMORANDUM

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TO: All Department Managers  
FROM: Gary M. Mixon  
RE: 2022 Holiday Calendar  
DATE: October 26, 2021

Friday, December 31	New Year's Day (Observed)
Monday, January 17	Martin Luther King, Jr. Day
Monday, February 21	Presidents' Day
Friday, April 15	Good Friday
Monday, May 30	Memorial Day
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Friday, November 11	Veterans Day
Thursday & Friday, November 24 & 25	Thanksgiving
Friday, Monday & Tuesday, December 23, 26 & 27	Christmas
Varied	Employee's Birthday

ORDINANCE NO. 21-959

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A WATERWORKS SYSTEM REFUNDING REVENUE BOND (WEDGEFIELD-STATEBURG RURAL COMMUNITY WATER SYSTEM), SERIES 2021, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,300,000; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR TO PRESCRIBE CERTAIN DETAILS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Definitions. Unless the context shall clearly indicate some other meaning, the terms defined in this Section shall have, for all purposes of this Ordinance and of any ordinance, resolution, certificate, opinion, instrument or other document herein or therein mentioned, the meanings hereinafter specified, with the definitions equally applicable to both the singular and plural forms and *vice versa*. The term:

“1993 Bond” shall mean the original principal amount \$142,100 Waterworks System Revenue Bond of 1993 (Third Lien) of Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina, dated January 12, 1993.

“2002 Bond” shall mean the original principal amount \$212,200 Waterworks System Revenue Bond of 2002 (Third Lien) of Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina, dated May 24, 2002.

“2003 Bond” shall mean the original principal amount \$1,307,800 Waterworks System Revenue Bond of 2003 (Third Lien) of Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina, dated February 14, 2003.

“1993 Resolution” shall mean the Resolution of the District adopted by its Board of Directors on January 7, 1993, authorizing the issuance and sale of the 1993 Bond.

“2002 Resolution” shall mean the Resolution of the District adopted by its Board of Directors on May 6, 2002, authorizing the issuance and sale of the 2002 Bond.

“2003 Resolution” shall mean the Resolution of the District adopted by its Board of Directors on January 12, 2003, authorizing the issuance and sale of the 2003 Bond.

“Act” shall mean Title 6, Chapter 21, Code of Laws of South Carolina 1976 as amended.

“Bondholder” or the term “Holder” or any similar term shall mean the registered owner the Series 2021 Bond.

“Bonds to be Refunded” shall mean the 1993 Bond, the 2002 Bond, and the 2003 Bond.

“Books of Registry” shall mean the registration books maintained by the Registrar in accordance with Section 6 hereof.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“County” shall mean Sumter County, South Carolina.

“County Administrator” shall mean the Administrator of the County.

“County Council” shall mean the County Council of Sumter County, South Carolina.

“District” shall mean the Wedgefield-Stateburg Rural Community Water System of Sumter County, South Carolina.

“Expenses of Operating and Maintaining the System” shall mean the costs and expenses of operating and maintaining the System in good repair and working order including wages, salaries, costs of materials and supplies, costs of routine repairs, renewals, replacements or alterations occurring in the normal course of business, the reasonable fees and charges related to any outstanding debt, the cost of an annual audit and the premium for all insurance required with respect to the System. However, Expenses of Operating and Maintaining the System shall not include any allowance for depreciation or renewals or replacements of capital assets of the System or other equity transfers.

“Government Obligations” shall mean only those specific obligations set forth in Section 6-5-10 of the South Carolina Code.

“Net Revenues” shall mean all moneys, fees, charges, income, rents, receipts and returns derived from the ownership and operation of the System less the Expenses of Operating and Maintaining the System.

“Ordinance” shall mean this Ordinance.

“Paying Agent” shall mean the County Treasurer.

“Prior Resolutions” shall mean the 1993 Resolution, the 2002 Resolution, and the 2003 Resolution.

“Purchaser” shall mean the initial purchaser of the Series 2021 Bond.

“Registrar” shall mean the County Treasurer.

“Series 2021 Bond” shall mean the not exceeding \$1,300,000 Waterworks System Refunding Revenue Bond (Wedgefield-Stateburg Rural Community Water System), Series 2021 (or such other appropriate series designation as determined by the County Administrator), of the County authorized to be issued pursuant to this Ordinance.

“South Carolina Code” shall mean South Carolina Code of Laws 1976, as amended.

“State” shall mean the State of South Carolina.

“System” shall mean the Wedgefield-Stateburg Rural Community Water System.

SECTION 2. Findings and Determinations. The County Council hereby finds and determines:

(a) Pursuant to Section 4-9-10 of the South Carolina Code, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) The District was created pursuant to Act No. 1022 of the Acts and Joint Resolutions of the General Assembly of the State, Session of 1964, as amended (the "Act 1022"), now codified as Section 6-13-10 to 6-13-10, inclusive, of the South Carolina Code, and a referendum held on June 15, 1965. Also pursuant to Act 1022, the District was authorized to borrow money and to make and issue negotiable bonds, notes and other evidence of indebtedness, payable from all or a portion of the revenues derived from the operation of its system.

(c) Pursuant to Act 1022 and the Act, the District issued the Bonds to be Refunded.

(d) Pursuant to Ordinance No. 10-701 of the County enacted on February 21, 2010, and the successful referendum held in the District on November 2, 2010, the District was dissolved and its assets and liabilities were distributed to the County.

(e) Pursuant to a successful referendum held in the County on November 4, 1980, and Ordinance No. 92-232 enacted by County Council on May 12, 1992, the County Council certified that the unincorporated areas of the County constitute a "designated service area" within the meaning of Section 5-7-60 of the South Carolina Code.

(f) Section 14(7) of Article X of the Constitution of the State of South Carolina (the "State Constitution") provides that the counties of the State may issue bonded indebtedness without regard to their constitutional debt limitation provided such bonded indebtedness is issued pursuant to Section 12 of Article X of the State Constitution. Section 12 of Article X of the State Constitution allows counties to incur bonded indebtedness for water service benefitting only a particular geographical section of the County provided that a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness or revenue bonds incurred for such purposes shall be imposed upon the area or persons receiving the benefit therefrom. In accordance therewith, upon assumption of the Bonds to be Refunded, the County imposed water charges in the District sufficient to defray the debt service on the Bonds to be Refunded.

(g) The Bonds to be Refunded are subject to redemption at any time at the redemption price of par, together with accrued interest to the date fixed for redemption.

(h) Thus, with respect to the Series 2021 Bond, the Council may cause to be issued a waterworks and sewer system revenue bond in the aggregate principal amount of not exceeding \$1,300,000 to be repaid from Net Revenues of the System for the purpose of refunding the Bonds to be Refunded and paying the costs of issuance of the Series 2021 Bond.

(i) Based on current market conditions and projections of savings, the County Council finds that it is in the best interest of the County to effect a refunding of the Bonds to be Refunded because a savings can be effected through the refunding and redemption of such Bonds to be Refunded. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, that will be realized through the refunding of the Bonds to be Refunded, and that the County Administrator is authorized and empowered to determine certain matters relating to such refunding as set forth in Section 4 of this Ordinance. If the rate of interest proposed by the anticipated Purchaser of the Series 2021 Bond authorized by this Ordinance does not result in satisfactory debt service savings (as determined by the County Administrator), the County Administrator will be authorized to reject the anticipated Purchaser's proposal for the purchase of the Series 2021 Bond and determine to not issue the Series 2021 Bond.

(j) The proceeds of the Series 2021 Bond authorized by this Ordinance shall be used to refund the Bonds to be Refunded and to pay costs of issuance of the Series 2021 Bond. The issuance of the Series 2021 Bond authorized by this Ordinance for such purpose is necessary, and such Series 2021 Bond will be issued for a corporate purpose and a public purpose of the County.

(k) It is now in the best interest of the County to provide for the issuance and sale of the Series 2021 Bond in the principal amount of not exceeding \$1,300,000 to provide funds to refund the Bonds to be Refunded and to pay costs of issuance of the Series 2021 Bond.

SECTION 3. Authorization of Series 2021 Bond. Pursuant to the aforesaid provisions of the Constitution and the Act, there is hereby authorized to be issued a not exceeding \$1,300,000 Waterworks System Refunding Revenue Bond (Wedgfield-Stateburg Rural Community Water System), of the County (the "Series 2021 Bond"), the proceeds of which will be used to effect a refunding of the Bonds to be Refunded and payment of financial and legal fees relating thereto and other incidental costs of issuing the Series 2021 Bond.

The Series 2021 Bond shall be designated "\$[principal amount issued] Waterworks System Refunding Revenue Bond (Wedgfield-Stateburg Rural Community Water System), Series 2021 [or such other appropriate series designation], of Sumter County, South Carolina."

The Series 2021 Bond shall be issued in fully registered form; shall be registered as to principal and interest in the name of the Purchaser; shall be dated as of the date of their delivery; shall bear interest from their at the rate or rates as may be determined by the County Administrator at the time of the sale thereof; shall be issued as a single bond in the denomination of not exceeding \$1,300,000; and shall mature as determined by the County Administrator pursuant to Section 5 hereof. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months or such other basis as may be agreed upon by the County Administrator and the Purchaser of the Series 2021 Bond.

Both the principal of and interest on the Series 2021 Bond shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

SECTION 4. Prepayment Provisions; Refunding of the Bonds to be Refunded. The Series 2021 Bond may be subject to prepayment prior to maturity at such time or times and upon such terms and conditions as shall be agreed upon between the County Administrator and the Purchaser of the Series 2021 Bond.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Series 2021 Bond which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded matures and is called for redemption in accordance with the respective

provisions of the Prior Resolutions, at the redemption price thereof, together with accrued interest on such Bonds to be Refunded to the date fixed for redemption.

Upon the delivery of the Series 2021 Bond, the principal proceeds thereof, less costs of issuance, shall either be paid directly to holder of the Bonds to be Refunded. The County Administrator is hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance relating to the refunding of the Bonds to be Refunded.

SECTION 5. Authority to Determine Certain Matters. The County Council hereby authorizes the County Administrator to offer the Series 2021 Bond for sale at such date and time and in such manner as he may determine. The County Council hereby further authorizes the County Administrator to: (a) determine the original issue date of the Series 2021 Bond; (b) determine the aggregate principal amount of the Series 2021 Bond, provided such aggregate principal amount shall not exceed \$1,300,000; (c) determine the respective principal payment dates and principal amounts maturing on such dates for the Series 2021 Bond; (d) determine the date and time of sale of the Series 2021 Bond; (e) determine the manner in which the Series 2021 Bond shall be sold, including (i) negotiation of the terms of the sale of the Series 2021 Bond directly with the Purchaser; and (ii) receipt of bids for the purchase of the Series 2021 Bond on behalf of the County pursuant to a Notice of Sale in such form and distributed in such manner as shall be determined by the County Administrator; (f) award the sale of the Series 2021 Bond and determine the interest rate on the Series 2021 Bond; and (g) negotiate and execute all other contracts and approve any other matters necessary to effect the refunding of the Bonds to be Refunded, and the issuance of the Series 2021 Bond.

After the sale of the Series 2021 Bond, the County Administrator shall submit a written report to the County Council setting forth the results of such sale.

SECTION 6. Registration of the Series 2021 Bond. The County shall cause the Books of Registry to be kept at the offices of the Registrar, for the registration and transfer of the Series 2021 Bond. Upon presentation at its office for such purpose, the Registrar shall register or transfer, or cause to be registered or transferred, on such Books of Registry, the Series 2021 Bond under such reasonable regulations as the Registrar may prescribe.

The Series 2021 Bond shall be transferable only upon the Books of Registry of the County, which shall be kept for such purpose at the principal office of the Registrar, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of the Series 2021 Bond, the Registrar on behalf of the County shall issue in the name of the transferee a new fully registered bond of the same aggregate principal amount, interest rate and maturity as the surrendered Series 2021 Bond. The Series 2021 Bond surrendered in exchange for a new registered Series 2021 Bond pursuant to this Section shall be canceled by the Registrar.

The County, the Registrar and the Paying Agent may deem or treat the person in whose name the fully registered Series 2021 Bond shall be registered upon the Books of Registry as the absolute owner of such Series 2021 Bond, whether such Series 2021 Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Series 2021 Bond and for all other purposes and all such payments so made to any such registered owner or upon his order and shall be valid and effectual to satisfy and discharge the liability upon such Series 2021 Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar or the Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring bonds is exercised, the County shall execute and the Registrar shall authenticate and deliver a Series 2021 Bond in accordance with the provisions of this Ordinance. Neither the County nor the Registrar or the Paying Agent shall be obliged to make any such transfer of the Series 2021 Bond during the fifteen (15) days preceding an interest payment date on the Series 2021 Bond.

With the consent of the Purchaser of the Series 2021 Bond, and notwithstanding any provision to the contrary contained in this Ordinance or in the Series 2021 Bond, the Series 2021 Bond may be sold or transferred by the Purchaser thereof only to purchasers (“Qualified Investors”) who execute an investment letter or equivalent thereto delivered to the County, in form satisfactory to the County, containing certain representations, warranties and covenants as to the suitability of such purchasers to purchase and hold the Series 2021 Bond. Such restrictions shall be set forth on the face of the Series 2021 Bond and shall be complied with by each transferee of the Series 2021 Bond.

SECTION 7. Execution of Series 2021 Bond. The Series 2021 Bond shall be executed in the name of the County with the manual or facsimile signature of the Chair of County Council attested by the manual or facsimile signature of the Clerk to County Council under the seal of the County to be impressed or affixed thereon.

SECTION 8. Form of Series 2021 Bond. The Series 2021 Bond and the provisions for registration to be endorsed thereon shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference:

SECTION 9. Sale of the Series 2021 Bond. The Bond shall be offered for public sale on the date and at the time designated by the County Administrator. A Request for Proposals in a form approved by the County Administrator shall be distributed to prospective bidders.

SECTION 10. Security for Series 2021 Bond. The County hereby pledges the Net Revenues of the System for the payment of the principal of and interest on the Series 2021 Bond. The County has the right, but not the obligation, to use other legally-available revenues for the payment of the principal and interest on the Bonds; provided, however, such other revenue shall not include ad valorem taxes.

SECTION 11. Rates and Charges. The County hereby covenants and agrees to operate the System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the System as may be necessary or proper, which fees, rates and other charges will at all times be sufficient after making due and reasonable allowance for contingencies and for a margin of error in estimates, to provide in each July 1 through June 30 fiscal year of the City, an amount equal to:

(a) 100 percent of the amounts required to pay Expenses of Operating and Maintaining the System for the then current fiscal year; and

(b) 110 percent of the amounts required to discharge its indebtedness by payment of principal of and interest on the Bond, as the same becomes due and payable for the then current fiscal year;

SECTION 12. Statutory Lien. There is hereby created and established in accordance with Section 6-21-330 of the Code of Laws of South Carolina 1976, as amended, a statutory lien upon the System in favor of the holder of the Bond. The System shall remain subject to such statutory lien until payment in full of the Series 2021 Bond and any additional bonds.

SECTION 13. Additional Bonds. The County is authorized to issue additional bonds on a parity with the Series 2021 Bond to finance the costs of acquisition and construction of any project or a portion thereof, if there shall be delivered a report from an accountant stating that the amount of the Net Revenues of the System for any consecutive twelve (12) month period out of the last twenty-four (24) month period is not less than 125% of the maximum debt service for any succeeding fiscal year of bonds then outstanding and the bonds

then proposed to be issued. With this consent of the holder of the Series 2021 Bond, this provision can be waived.

SECTION 14. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to the Series 2021 Bond, and the Series 2021 Bond shall no longer be deemed to be outstanding hereunder when:

(a) the Series 2021 Bond shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) payment of the principal of and interest on the Series 2021 Bond either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with the Paying Agent in trust and irrevocably setting aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment. At such time as the Series 2021 Bond shall no longer be deemed to be outstanding hereunder, the Series 2021 Bond shall cease to draw interest from the maturity date thereof, and, except for the purposes of any such payment from such moneys or Government Obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of this Ordinance.

SECTION 15. Exemption from State Taxes. Both the principal of and interest on the Series 2021 Bond shall be exempt, in accordance with the provisions of Section 12-2-50 of the South Carolina Code from all State, county, municipal, school district, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 16. Deposit and Use of Proceeds. A portion of the proceeds derived from the sale of the Series 2021 Bond necessary to provide for the payment of the Bonds to be Refunded shall be paid directly to the holder of the Bonds to be Refunded. The remaining proceeds shall, at the direction of the County Treasurer, be applied to payment of costs of issuance of the Series 2021 Bond.

SECTION 17. Filings with Central Repository. In compliance with Section 11-1-85 of the South Carolina Code, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the County's revenue or its tax base.

SECTION 18. Tax Covenants. The County hereby covenants and agrees with the holders of the Series 2021 Bond that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2021 Bond to become includable in the gross income of the bondholder for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Series 2021 Bond and that no use of the proceeds of the Series 2021 Bond shall be made which, if such use had been reasonably expected on the date of issue of the Series 2021 Bond would have caused the Series 2021 Bond to be "arbitrage bonds", as defined in the United States Internal Revenue Code of 1986 (the "Code"), and to that end the County hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Series 2021 Bond is outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the times and places required by the Code.

The County Administrator is hereby authorized to adopt written procedures to ensure the County's compliance with federal tax matters relating to the Series 2021 Bond.

The County Administrator is hereby authorized to determine whether the Series 2021 Bond will be designated as a "qualified tax exempt obligation" as defined in Section 265(b)(3) of the Code. To the extent that the Series 2021 Bond is so designated, the County and all subordinate entities thereof do not anticipate to issue more than \$10,000,000 in tax-exempt bonds or other tax-exempt obligations in the year in which such Series 2021 Bond is issued (other than private activity bonds that are not qualified Section 501(c)(3) bonds), or the Series 2021 Bond will otherwise meet the requirements necessary for such bond to be designated (or deemed-designated) as a "qualified tax exempt obligation" as defined in Section 265(b)(3) of the Code.

SECTION 19. Miscellaneous. The County Council hereby authorizes the Chair of County Council, the County Administrator, the Clerk to County Council and County Attorney, to execute such documents and instruments as may be necessary to effect the refunding of the Bonds to be Refunded and the issuance of the Series 2021 Bond. The County Council hereby retains Burr & Forman, LLP as bond counsel and Compass Municipal Advisors LLC as financial advisor in connection with the issuance of the Series 2021 Bond. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

SECTION 20. Repeal of Conflicting Ordinances. All orders, resolutions, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Series 2021 Bond are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 21. Codification. This Ordinance shall be forthwith codified in the Code of County Ordinances in the manner required by law.

SECTION 22. Effective date. The provisions of this Ordinance shall be effective upon its enactment.

Enacted by the County Council of Sumter County, South Carolina this 28<sup>th</sup> day of September, 2021.

SUMTER COUNTY, SOUTH CAROLINA

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Chair, County Council

(SEAL)

ATTEST:

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Clerk to County Council

Date of First Reading: August 24, 2021

Date of Second Reading: September 14, 2021

Date of Public Hearing: September 14, 2021

Date of Third Reading: \_\_\_\_\_, 2021

(FORM OF BOND)

THIS BOND MAY BE SOLD OR TRANSFERRED IN WHOLE OR IN PART ONLY TO A PURCHASER OR TRANSFEREE CONSTITUTING A QUALIFIED INVESTOR (AS SUCH TERM IS DEFINED IN THE HEREAFTER DEFINED ORDINANCE UNDER WHICH THIS BOND IS ISSUED), AND ONLY UPON SUCH QUALIFIED INVESTOR DELIVERING TO THE COUNTY AN INVESTMENT LETTER IN THE FORM REQUIRED UNDER THE ORDINANCE.

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
SUMTER COUNTY  
WATERWORKS SYSTEM REFUNDING REVENUE BOND  
(WEDGEFIELD-STATEBURG RURAL COMMUNITY WATER SYSTEM), SERIES 2021

KNOW ALL MEN BY THESE PRESENTS, that Sumter County, South Carolina (the “County”), is justly indebted and, for value received, hereby promises to pay to \_\_\_\_\_, in \_\_\_\_\_ (the “Purchaser”), its successors or registered assigns, the principal amount of \$ \_\_\_\_\_ together with interest on the unpaid principal balance hereof at the rate of \_\_\_\_% per annum. Interest on this Bond is payable on \_\_\_\_\_, \_\_\_\_\_, and [semi]annually thereafter on \_\_\_\_\_ 1 [and \_\_\_\_\_ 1] of each year until the final maturity [or earlier redemption] of this Bond. Principal on this Bond is payable in annual installments on \_\_\_\_\_ of each of the years and in the principal amounts, as follows:

Year                      Principal Amount                      Year                      Principal Amount

Interest on this Bond shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Both the principal of and interest on this Bond are payable at the office of the Sumter County Treasurer, as paying agent (the “Paying Agent”), in Sumter, South Carolina, without presentation and surrender of this Bond in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, the Purchaser agrees to surrender this Bond before or within a reasonable time after its final maturity.

This Bond is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “State Constitution”); Title 6, Chapter 21, Code of Laws of South Carolina, 1976 as amended (the “South Carolina Code”); and Ordinance No. \_\_\_\_ duly enacted on \_\_\_\_\_, 2021, by the County Council of the County (the “Ordinance”) for the purpose of effecting the refunding of the Bonds to be Refunded (as defined in the Ordinance.

For the payment of the principal and interest of this Bond as they respectively mature, the County has pledged the net revenues of the County’s **Waterworks and Sewer System**.

[Redemption Provisions].

This Bond is transferable as provided in the Ordinance, only upon the registration books of the County kept for that purpose at the office of the Sumter County Treasurer, as registrar (the "Registrar"), in Sumter, South Carolina, by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount, interest rate, redemption provisions and maturity dates shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner thereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina (the "State"), this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law.

IN WITNESS WHEREOF, SUMTER COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the manual signature of the Chair of County Council, attested by the manual signature of the Clerk to County Council under the seal of the County impressed or affixed hereon and this Bond to be dated the \_\_\_ day of \_\_\_\_\_, 2021.

SUMTER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair of County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk to County Council

REGISTRATION

This Bond has been registered in the name of \_\_\_\_\_ in \_\_\_\_\_, on the registration books kept by the Treasurer of Sumter County, South Carolina.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Treasurer of Sumter County, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF KERSHAW )  
COUNTY OF SUMTER )

AGREEMENT FOR THE  
DEVELOPMENT  
OF A JOINT INDUSTRIAL  
AND BUSINESS PARK  
(Sumter and Kershaw Counties)

THIS AGREEMENT for the development of a joint industrial and business park to be located within Kershaw County and Sumter County is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between Kershaw County and Sumter County.

**WITNESSETH:**

WHEREAS, Kershaw County, South Carolina (“Kershaw County”) and Sumter County, South Carolina (“Sumter County”), are contiguous counties which, pursuant to Ordinance No. \_\_\_\_\_ adopted by Sumter County Council on \_\_\_\_\_, 2021, and Ordinance No. \_\_\_\_\_ adopted by Kershaw County Council on September 14, 2021 (collectively, the “Enabling Ordinances”), have each determined that, in order to promote economic development and thus provide additional employment opportunities within both of said counties, there should be established, initially in Kershaw County, a Joint County Industrial and Business Park (the “Park”), to be located upon property described in Exhibit A hereto; and

WHEREAS, as a consequence of the establishment of the Park, property comprising the Park and all property having a situs therein shall be exempt from ad valorem taxation pursuant to Article VIII, Section 13 of the South Carolina Constitution, but the owners or lessees of such property shall pay annual fees in an amount equal to that amount for which such owner or lessee would be liable except for such exemption;

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Effective Date. This Agreement is effective immediately, except to the extent that the property described in Exhibit A is subject to an existing park agreement. In the event that the property described in Exhibit A is included within an existing park agreement, this Agreement shall become effective immediately upon termination of the existing agreement covering the property described in Exhibit A.

2. Binding Agreement. This Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on Kershaw County and Sumter County, and their successors and assigns.

3. Authorization. Article VIII, Section 13(D) of the Constitution of South Carolina provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a manner in which the value of property in such park will be

considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability pursuant to any provision of law which measures the relative fiscal capacity of a school district to support its schools based on the assessed valuation of taxable property in the district as compared to the assessed valuation of taxable property in all school districts in South Carolina. Section 4-1-170, Code of Laws of South Carolina, 1976, as amended (the "Code") satisfied the conditions imposed by Article VIII, Section 13(D) of the Constitution and provides the statutory vehicle whereby a joint county industrial or business park may be created.

4. Location of the Park.

(A) As of the date of this Agreement, the Park consists of properties located in Kershaw County only, as further identified in Exhibit A (Kershaw) hereto. It is specifically recognized that the Park may, from time to time, consist of non-contiguous properties within each county. The boundaries of the Park may be enlarged or diminished from time to time as authorized by ordinances or resolutions of the County Councils of both Kershaw County and Sumter County. If the Park encompasses all or a portion of a municipality, the counties must obtain the consent of the municipality prior to creation of the Park.

(B) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A (Kershaw County Properties) or Exhibit B (Sumter County Properties), as the case may be, which shall contain a legal description of the boundaries of the Park, as enlarged or diminished, together with a copy of the ordinances or resolutions of Kershaw County Council and Sumter County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the adoption by Kershaw County Council and by Sumter County Council of ordinances authorizing the diminution of the boundaries of the Park, separate public hearings shall first be held by Kershaw County Council and by Sumter County Council. Notice of such public hearings shall be published in newspapers of general circulation in Kershaw County and Sumter County, respectively, at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearings shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any real property which would be excluded from the Park by virtue of the diminution.

(D) The owner, or, if applicable, lessee of any property located within the Park, may remove personal property from the Park at any time, unless specifically prohibited otherwise.

5. Fee in Lieu of Taxes. Pursuant to Article VIII, Section 13(D), South Carolina Constitution, property located in the Park shall be exempt from ad valorem taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount (referred to as fees in lieu of ad valorem property taxes) equivalent to the ad valorem property taxes that would have been due and payable but for the location of such property within the Park, provided that this paragraph shall not prohibit Kershaw or Sumter from entering into a negotiated fee in lieu of tax incentive agreement applicable to any property located within the park. Payments of fees in lieu of taxes will be made on or before the due date for taxes for a

particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The counties, acting by and through the Treasurers of Kershaw County and Sumter County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of ad valorem taxes.

6. Allocation of Expenses. Kershaw County and Sumter County shall bear expenses, including, but not limited to, development, operation, maintenance and promotion of the Park and the cost of providing public services, in the following proportions:

If property is in Kershaw County portion of the Park:

(1)	Kershaw County	100%
(2)	Sumter County	0%

If property is in Sumter County portion of the Park:

A.	Kershaw County	0%
B.	Sumter County	100%

7. Allocation of Revenues. Kershaw County and Sumter County shall receive an allocation of all revenue generated by the Park through payment of fees in lieu of ad valorem property taxes or from any other source (net of any special source revenue credits provided by either County) in the following proportions:

If property is in Kershaw County portion of the Park:

A.	Kershaw County	99%
B.	Sumter County	1%

If property is in Sumter County portion of the Park:

A.	Kershaw County	1%
B.	Sumter County	99%

8. Revenue Allocation Within Each County.

(A) Revenues generated by the Park through the payment of fees in lieu of ad valorem property taxes shall be distributed to Kershaw County and to Sumter County, as the case may be, according to the proportions established by Paragraph 6 herein. With respect to revenues allocable to Kershaw County or Sumter County by way of fees in lieu of taxes generated within its own County (the "Host County"), such revenue shall be distributed within the Host County in the manner provided by ordinance of the county council of the Host County; provided, that (i) all taxing districts which overlap the applicable revenue-generating portion of the Park shall receive at least some portion of the revenues generated from such portion, and (ii) with respect to

amounts receivable in any fiscal year by a taxing entity, the governing body of such taxing entity shall allocate the revenues received to operations and/or debt service of such entity. Each Host County is hereby specifically authorized to use a portion of revenue for economic development purposes as permitted by law and as established by ordinance of the County Council of the Host County.

(B) Revenues allocable to Kershaw County by way of fees in lieu of taxes generated within Sumter County shall be distributed solely to Kershaw County. Revenues allocated to Sumter County by way of fees in lieu of taxes generated within Kershaw County shall be distributed solely to Sumter County.

9. Fees In Lieu of Taxes Pursuant to Title 4 or Title 12 of the Code of Laws of South Carolina. It is hereby agreed that the entry by Kershaw County into any one or more fee in lieu of tax agreements pursuant to Title 4 or Title 12 of the Code with respect to property located within the Kershaw County portion of the Park and the terms of such agreements shall be at the sole discretion of Kershaw County. Likewise, entry by Sumter County into any one or more fee in lieu of tax agreements pursuant to Title 4 or Title 12, of the Code as amended, with respect to property located within the Sumter County portion of the Park and the terms of such agreements shall be at the sole discretion of Sumter County.

10. Regulation and Jurisdiction. Any ordinances of Kershaw County and Sumter County concerning zoning, health and safety regulations, and building code requirements will apply for the respective portions of the Park in Kershaw County and Sumter County. The Sheriff's Departments of Kershaw County and Sumter County will have jurisdiction to make arrests and exercise all authority and power within the boundaries of the respective portions of the Park in Kershaw County and Sumter County.

11. Assessed Valuation. For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code, allocation of the assessed value of property within the Park to Kershaw County and Sumter County and to each of the taxing entities within the participating counties shall be identical to the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to Paragraph 7 herein.

12. Severability. In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

13. Termination. Notwithstanding any provision of this Agreement to the contrary, Kershaw County and Sumter County agree that this Agreement may not be terminated by either party with respect to any property included herein without the consent of the affected property owner for the term of any Infrastructure Credits to which Kershaw Hospitality, LLC is entitled pursuant to the Infrastructure Credit Agreement by and between Kershaw County and Kershaw Hospitality, LLC entered into substantially contemporaneously herewith.

WITNESS our hands and seals as of the date first above written.

KERSHAW COUNTY, SOUTH CAROLINA

(SEAL)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Clerk to County Council

SUMTER COUNTY, SOUTH CAROLINA

(SEAL)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Clerk to County Council

## EXHIBIT A

### KERSHAW COUNTY PROPERTIES

#### KERSHAW HOSPITALITY, LLC

All that piece, parcel or lot of land, with improvements thereon, or to be erected thereon, situate, lying and being in the City of Camden, County of Kershaw, State of South Carolina, at the corner of Broad and Rutledge Streets in the said City, fronting on Broad Street for a distance of ninety-three (93') feet, more or less, and extending back with a uniform width to a depth of one hundred twenty-nine (129') feet, more or less, and being bounded as follows: North by Rutledge Street; East by Public Alley; South by property of Chewning and West by Broad Street. This property is more particularly shown on a plat prepared by S. Tetterton, R.L.S., dated March 29, 1965, and filed of record in the Office of the Register of Deeds for the County of Kershaw in Plat Book 32 at page 82, and is expressly incorporated herein by reference.

This being the identical property conveyed by deed from The Keenan Company/Realtors to Audrey L. Trotter, dated August 4, 1978, and filed of record August 7, 1978, in the Office of the Register of Deeds for the County of Kershaw in **Deed Book IL at Page 326**.

This also being the identical property devised under the Last Will and Testament of **Audrey Bird Trotter** filed of record in **Box 1220, Package 38535**, of the Probate Court for the County of Richland, and conveyed by Henry Eugene Trotter, Sr. as Executor of the **Estate of Audrey Bird Trotter**, also known as Audrey L. Trotter, to H. Eugene Trotter a.k.a. Henry Eugene Trotter, Sr., an undivided one-third interest, and Joe M. Trotter, an undivided one-third interest, and William M. Trotter, Jr., an undivided one-third interest, all as reflected in **Probate Court file 83-ES-28-31**.

With regard to the undivided one-third interest inherited and owned by **Joe M. Trotter a.k.a. Joe Moies Trotter**, this being the identical property devised by and under Item 1.5 of his Last Will and Testament to Joe David Trotter, as reflected by an Estate filed in the Office of the Probate Court for the County of Mecklenburg, State of North Carolina, and indexed under Estate File Number 94-E-2047, and as reflected in an Exemplification of the Estate filed in the Office of the Probate Court for the County of Kershaw, State of South Carolina, on June 25, 2014, and indexed under **Estate File Number 2014-ES-28-00246**.

With regard to the undivided one-third interest inherited and owned by William M. Trotter, Jr., this being the identical property conveyed by Deed of Distribution from Elizabeth T. Brown, as Personal Representatives of the Estate of William M. Trotter, Jr., to Elizabeth T. Brown, as Trustee of the William M. Trotter Revocable Trust, dated April 22, 2008, and filed of record April 23, 2008, in the Office of the Register of Deeds for the County of Kershaw in **Record Book 2352 at Page 43**, and being the identical property conveyed by Limited Warranty Deed from Elizabeth T. Brown, as Trustee of the William M. Trotter Revocable Trust, to Mitzie F. Trotter, dated April 30, 2008, and filed of record May 2, 2008, in the Office of the Register of Deeds for the County of Kershaw in **Record Book 2357 at Page 192**, and being the identical property conveyed by Limited Warranty Deed from Mitzie F. Trotter to Margaret T. MacDowell, an undivided fifty percent (50%) interest, and Elizabeth T. Brown, an undivided fifty percent (50%) interest, dated April 30, 2008, and filed of record May 2, 2008, in the Office of the Register of Deeds for the County of Kershaw in **Record Book 2357 at Page 196**.

With regard to the undivided one-third interest inherited and owned by Henry Eugene Trotter, Sr., this being the identical property conveyed by Deed of Distribution from Henry Eugene Trotter, Jr. and Allison T. Nation, as Co-Personal Representatives of the Estate of Henry Eugene Trotter, Sr., to Henry Eugene Trotter, Jr. and Allison T. Nation, as Successor Co-Trustees of the Henry Eugene Trotter, Sr. Living Trust UTD January 24, 2011, dated April 30, 2014, and filed of record July 7, 2014, in the Office of the Register of Deeds for the County of Kershaw in **Record Book 3250 at Page 105**, and being the identical property conveyed by Limited Warranty Deed from Henry Eugene Trotter, Jr. and Allison T. Nation, as Successor Co-Trustees of the Henry Eugene Trotter, Sr. Living Trust UTD January 24, 2011, to H. Eugene Trotter, Jr., as Trustee of the H. Eugene Trotter, Jr. Revocable Trust UAD dated July 27, 2006, an undivided fifty percent (50%) interest, and Allison T. Nation, an undivided fifty percent (50%) interest, dated April 30, 2014, and filed of record July 7, 2014, in the Office of the Register of Deeds for the County of Kershaw in **Record Book 3250 at Page 112**.

TMS Number: C284-16-00-055

**EXHIBIT B**

**SUMTER COUNTY PROPERTIES**

None as of \_\_\_/\_\_\_/2021



First, unless Sumter County elects to pay or credit the same from only those revenues which Sumter County would otherwise be entitled to receive as provided under “Third” below, to pay annual debt service on any special source revenue bonds issued by Sumter County pursuant to, or to be utilized as a credit in the manner provided in the second paragraph of, Section 4-1-175, Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, payable in whole or in part by or from revenues generated from any properties in the Park; and

Second, at the option of Sumter County, to reimburse Sumter County for any expenses incurred by it in the development, operation, maintenance and promotion of the Park or the businesses located therein;

Third, to those taxing districts which overlap the applicable properties within Sumter County’s portion of the Park, in a pro-rata fashion based on comparative millage rates for the year in question of such taxing districts;

provided, that (i) all taxing districts which overlap the applicable properties within the Park shall receive some portion of the revenues generated from such properties; and (ii) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of such taxing entity; and (iii) the County may, by ordinance, from time to time, amend the distribution of the fee in lieu of tax payments to all taxing entities.

SECTION V: This Ordinance shall supersede and amend in its entirety any other ordinances or resolutions of Sumter County Council pertaining to the Park.

SECTION VI: Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

SECTION VII: This Ordinance shall be effective after third and final reading thereof.

(ATTEST:

SUMTER COUNTY,  
SOUTH CAROLINA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_





Agenda  
Sumter County Council  
Committee Meeting: **Public Safety**  
Tuesday, October 26, 2021 - 4:45 P.M.  
County Administration Building, Third Floor  
County Council Conference Room Or Chambers  
13 E. Canal Street, Sumter, SC

*Council members and the public will be asked to wear a facemask and have temperatures checked upon arrival to the meeting. Social Distancing is required.*

- I. **Call to Order** - Committee Chairman, The Honorable Carlton B. Washington
  - II. **Invocation** - Member of Council Or Staff
  - III. **Action On Agenda** - Tuesday, October 26, 2021
  - IV. **New Business:**
    1. **Executive Session:** It Is Necessary To Hold An Executive Session To (1) Receive Information Concerning A Criminal Investigation and (2) To Discuss A Contractual Medical Matter, and (3) Others Matters Relating To Executive Session As Appropriate. If Necessary, Actions Will Be Taken On These Matters At The Conclusion Of Executive Session.
    2. Additional Information: \_\_\_\_\_.
  - V. **Old Business:**
    1. None
  - VI. **Adjournment**
- cc: Committee Members - Washington, Baten, and Byrd  
Staff  
Media

**ADA Information:** In compliance with ADA/Section 504, Sumter County Is Prepared To Make Accommodations For Individuals Needing Assistance To Participate In Our Programs, Services, Or Activities.

**Press:** Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda was posted on the bulletin board at the County Administrative Offices, 13 East Canal Street, Sumter, SC, and the Sumter County website -- [[www.sumtercountysc.org](http://www.sumtercountysc.org)] under Our Council Agendas/Minutes. In addition, the agenda was electronically sent to newspapers, radio stations, television stations, and concerned citizens.



**Agenda**  
**Sumter County Council**  
**Committee Meeting: Technology/Personnel**  
**Tuesday, October 26, 2021 - Held at 5:15 p.m.**  
**Sumter County Administration Building**  
**Third Floor, County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

*Social Distancing Is Required At All of County Council's Meetings And Seating Is On A First Come First Serve Basis.*

*(The Technology Committee Meeting Sumter County Council Will Begin Immediately After The Public Safety Committee Concludes Or At 5:15 p.m.)*

- I. **Call to Order:** Committee Chairman, The Honorable Vivian Fleming McGhaney
- II. **Invocation:** Council Member, Staff Member, Or Local Citizen
- III. **Action On Agenda:** Tuesday, October 26, 2021
- IV. **New Business:**
  1. **Executive Session:** It Is Necessary To Hold An Executive Session To Discuss An Item Pertaining to Cyber Security And Components Thereof And If Necessary, To Take Action Thereafter In Open Session.
  2. Additional Items:\_\_\_\_\_.
- V. **Old Business**
  1. None
- VI. **Adjournment**
  - cc: Committee Members – *(McGhaney, Byrd, Washington)*  
Staff  
Media

**ADA Information:** In compliance with ADA/Section 504, Sumter County Is Prepared To Make Accommodations For Individuals Needing Assistance To Participate In Our Programs, Services, Or Activities.

**Press:** Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda was posted on the bulletin board at the County Administrative Offices, 13 East Canal Street, Sumter, SC, and the Sumter County website -- [[www.sumtercountysc.org](http://www.sumtercountysc.org)] under Our Council Agendas/Minutes. In addition, the agenda was electronically sent to newspapers, radio stations, television stations, and concerned citizens.



**Agenda**  
**Sumter County Council**  
**Committee Meeting: Fiscal, Tax, And Property**  
**Tuesday, October 26, 2021 - Held at 5:45 p.m.**  
**Sumter County Administration Building**  
**Third Floor, County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

.....  
*Social Distancing Is Required At All of County Council's Meetings And Seating Is On A First Come First Serve Basis.*

*The Fiscal, Tax, And Property Committee Meeting Sumter County Council Will Begin Immediately After The Technology/Personnel Committee Concludes Or At 5:45 p.m.)*

1. **Call to Order:** Committee Chairman, The Honorable James T. McCain, Jr.
  2. **Invocation:** Council Member, Staff, or Citizen
  3. **Action On Agenda:** Tuesday, October 26, 2021
  4. **New Business:**
    - a) Discussion And Possible Action On Race Track Road
    - b) Rail Road Spur maintenance.
    - c) **Executive Session:** It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter, A Property Contractual Matter, And/Or Other Appropriate Items For Executive Session -- And To Take Actions Thereafter On Any Of These Matters In Open Session.
    - d) Additional Agenda Item: \_\_\_\_\_.
  5. **Old Business**
    - (1) None
  6. **Adjournment**
- cc: Committee Members - (McCain, Edens, McGhaney)  
Staff  
Media

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**Administrator Report**  
**Sumter County COVID-19 Update**  
 October 9, 2021 through October 22, 2021

Total Number of Confirmed Sumter County Positive Cases:	<u>13,517</u>
Total Number of Cases Over the Past 14 Days:	<u>267</u>
Daily Average Number of Cases Over Past 14 Days:	<u>19</u>
Previous 14 day Daily Average (September 25, 2021 through October 8, 2021):	<u>32</u>

**Deaths:**

Confirmed Number of Deaths In the Past 14 Days:	<u>4</u>
Total Number Suspected* & Confirmed Deaths In the Past 14 Days:	<u>8</u>
Total Number of Confirmed Deaths:	<u>241</u>
Total Number Suspected* & Confirmed Deaths:	<u>292</u>

\* Suspected deaths are those deaths under investigation.

**Age Statistics all Deaths:**

Average Age:	<u>70.5</u>
Maximum Age:	<u>103.0</u>
Median Age:	<u>70.0</u>
Minimum Age:	<u>21.0</u>

<b>Recent Death Demographics (last 14 days):</b>		
<b>Age Group</b>	61+	5
	31-60	3
	30 & Below	0
<b>Race</b>	African-American	3
	Caucasian	2
	Other	3
<b>Gender</b>	Male	3
	Female	5
<b>Veterans</b>	0	

<b>Death Demographic Totals:</b>		
<b>Age Group</b>	61+	232
	31-60	55
	30 & Below	0
<b>Race</b>	African-American	114
	Caucasian	104
	Other	73
<b>Gender</b>	Male	144
	Female	145
<b>Veterans</b>	38 deaths since 10/2020	

NOTE: Death data based on Suspected and Confirmed Deaths. Data suppressed for categories with less than 5 individuals in aggregate data. Some numbers may not be comparable from category to category as a result of rounding (i.e. gender versus total number of deaths).

Percent Eligible Population Vaccinated\*\* (as of 10-23-2021) 54.13%

\*\*Percentage of Sumter County residents age 12+ who have received at least 1 dose of COVID Vaccine. Approximately 79% of the Sumter County Population is old enough to receive the vaccine.

**39,493 of the 89,604 residents of Sumter County age 12 and over eligible to be vaccinated have completed the COVID-19 Vaccination Series.**