



Minutes
Sumter County Council
Regular Meeting
Tuesday, August 14, 2018 -- Held at 6:00 p.m.
County Administration Building -- County Council Chambers
13 E. Canal Street, Sumter, SC

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Mary Blanding, Joe Perry, Johnathan W. Bryan, Lorraine Dennis; Chris Hilditch, two Sheriff Deputies, Allen Dailey, Helen Roodman

MEDIA PRESENT: Adrienne Sarvis, The Item Newspaper.

MEMBER OF THE PUBLIC: Approximately 25 members of the public were in attendance.

CALL TO ORDER: The Chairman of Sumter County Council called the meeting of August 14, 2018, to order.

INVOCATION: Councilman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: Everyone in attendance at this meeting repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, August 14, 2018

Chairman McCain asked the Clerk if there were any changes or additions to the agenda; Mrs. Blanding stated that there were no changes or additions to the agenda. Therefore, the Chairman called for a motion to approve the agenda as presented.

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

APPROVAL OF MINUTES: Regular Meeting Tuesday, July 24, 2018

Chairman McCain stated that he would entertain a motion concerning the approval of the Minutes of Tuesday, July 24, 2018.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant approval of the Minutes for Tuesday, July 24, 2018, as presented.

RECOGNITION:

Prior to discussing the Land Use Matters and Rezoning Requests, Chairman McCain recognized the visiting Boy Scout Troop Members and Leaders from Troop #86 of First Presbyterian Church. The Troop members are working on their Citizenship Badge. The Chairman thanked them for attending this meeting. Chris Hilditch, staff member of Sumter County, was present as one of the leaders for this Boy Scout Troop.

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

- (1) **OA-18-05 -- Flood Damage Prevention Ordinance (County) - 18-897 -- First Reading -- Amend Relevant Portions Of The Sumter County Flood Damage Prevention Ordinance To Adopt The Wateree Watershed Maps And Flood Insurance Study (FIS) Revisions That Become Effective September 28, 2018; And, To Update The Ordinance To Make Corrections And Clarifications Noted In The 2017 South Carolina Department Of Natural Resources Community Assistance Visit (CAV) And The Community Rating System (CRS) Cycle Visit.**

Mrs. Roodman, Planning Commission staff member, stated that OA-18-05, Flood Damage Prevention Ordinance, is presented in order to adopt the Wateree Watershed Map as well as the Flood Insurance Study that will become effective September 28, 2018, and other matters as listed in the caption. The County participates in the Community Assistance Community Rating System. The County must adopt an updated Flood Damage Prevention Ordinance. There are five things that will be updated to meet requirements.

- ✓ Section 130 - New Date of Ordinance which is September 28, 2018, which will effect on the Wateree Watershed Map and no other maps will be affected.
- ✓ New Section will be added called Section 400.1 - Which indicates that all permanent applications to determine whether the proposed building sites are reasonably safe from flooding.
- ✓ New Section 430 - Which will address standards for streams that have established based flood elevations, but do not have floodways.
- ✓ Add Language - Clarification on flood proofing buildings.
- ✓ Renumbering - The Ordinance will be renumbered to remove any erroneous or skipped numbers.

Ms. Roodman stated that the Planning Commission recommends approval of the request. Council members asked about flood elevations; Ms. Roodman stated that the section she is referring to as it relates to elevations has to do with commercial property only. Additionally, she noted that the changes to this ordinance would apply only to new constructions. Lastly, Ms. Roodman restated that the Wateree Map is for the Western part of the County; however, all language changes pertains to all sections of the County. After all comments, the Chairman called for a motion concerning this ordinance.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to this proposed ordinance as presented.

- (2) **PD-05-09 (Rev.1) -- 350 Myrtle Beach Highway - Carolina Truck & Trailer Parts (County) -Third Reading -- A Request To Amend The Ordinance For PD-05-09, Specifically For The Addition Of Used Motor Vehicle Parts (SIC Code 5015) As A Permitted Use On A 9.5 Acre Portion Of The Property Located At 350 Myrtle Beach Highway And Represented By Tax Map # 267-01-02-015.**

Chairman McCain introduced this proposed ordinance to Council for third reading consideration. Councilman Baten recused himself from discussion, action, and appearance of this Planned

Development. Councilman Baten gave the Clerk an original copy of his recusal letter, and she published that the recusal letter was in her possession. (See letter attached.)

This is a 47 acre tract of land; however, the applicant is requesting that a 9.5-acre portion of the property be rezoned to Light Industrial. From the last Council meeting there were some changes:

- ✓ No buildings or structures are to be permanent on the 9.5 acres.
- ✓ Minimum of a 100 feet landscape buffer is being required.
- ✓ Any new land clearing associated with development on the 9.5-acre portion (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018) will require site plan approval, land disturbance permit approval, and wetlands delineation submittal at minimum.
- ✓ All development, land disturbance, clearing or other applicable activities on TMS# 267-01-02-015 must adhere to the requirements and standards outlined in the Sumter County Zoning & Development Standards Ordinance unless otherwise specified by this ordinance (Ordinance PD-05-09 Revision 1).
- ✓ Upon 72 hour written notification from Sumter County, the property owner of record or their representative shall allow Sumter County Zoning & Code Enforcement Officials to enter the property to inspect for compliance with applicable Sumter County Ordinances.

Councilman Edens asked will the 9.5 acres be surveyed to allow the property owners to know the boundaries of the rezoning request. Mrs. Roodman informed Council that the property owners have already completed the survey; however, it will be noted in this report that the survey has been completed for any future references.

After all questions, Council took action on third reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter and unanimously carried by Council to grant third reading to this Planned Development as amended at third reading.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

(1) Presentation To Sumter County Council By Midlands Fatherhood.

Mr. Keith Ivey, Director of the Midlands Fatherhood Coalition was present to honor Sumter County Council with a plaque for Council's assistance in helping the Midlands Fatherhood program. The Fatherhood program is currently serving a four-county region (Sumter, Lee, Clarendon, and Kershaw Counties). Mr. Ivey stated that this program has been awarded a grant from Temple University which addresses the issues of women and co-parenting. Mr. Ivey also emphasized the progression of the participants of the program and the number of persons graduating from the program.

Mr. Birdie Blanding and Ms. Carol Bradley, staff members of the Fatherhood program were also present. Mr. Ivey presented Council with the plaque and the Chairman accepted it on behalf of Sumter County Council.

ACTION: Received as information.

- (2) **18-898 - First Reading -- An Ordinance Authorizing The Transfer Of Ohana Circle To The Adjoining Property Owners. Title Only.**

The County Attorney presented this proposed ordinance to Council for first reading approval. He stated that this ordinance is by Title Only; however, it is the desire of the County to abandon its interest in property located at Ohana Circle. Currently, Tammy and Charles Coleman would like to have this property placed with their property; however, Kevin and Rebecca Smith also live in this vicinity. Therefore, once the County's interest is abandoned, the Coleman's will grant the Smith's right away for ingress and egress to the Smith's property. A full ordinance will be provided at second reading.

After all comments, the Chairman convened a public hearing on this matter.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval of this ordinance by Title Only.

- (3) **18-893 - First Reading --An Ordinance Authorizing The Transfer Of Forest Drive Cul-De-Sac To The Adjoining Property Owners -- Title Only.**

Mr. Bryan stated that one person owns three sides of the Cul-De-Sac; while another property owner owns the property to the west of the Cul-De-Sac. Forest Drive is owned by S. C. Department of Transportation. When the property was recorded in the records of the County the Cul-De-Sac was recorded as a *street on paper*. After the presentation from the Attorney, Council took action on first reading.

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

- (4) **18-894 -- First Reading -- An Ordinance Authorizing The Transfer Of Part Of Winston Road To The Adjoining Property Owner. Title Only.**

Mr. Bryan reported that this road on the east end and the west end have been paved. There is a field in the middle of each of the ends of this property. The request came to Council from Representative Murrell Smith. Mr. Bryan stated that there is some additional work that needs to be done with research on this property.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval of this ordinance by Title Only.

- (5) **18-895 - First Reading -- An Ordinance Authorizing The Transfer Of Part Of Earle Street To The Adjoining Property Owners. Title Only.**

The County Attorney stated that Earle Street consists of two blocks and the area of the street being considered in this ordinance is from Manning Avenue and South Harvin. There are no plans to change anything from South Harvin to South Lafayette. There will be an upgrade for Manning Avenue which affects the area in this ordinance.

ACTION: MOTION was made by Councilman Baten, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant first reading approval of this ordinance by Title Only.

- (6) 18-896 - First Reading -- An Ordinance Authorizing The Transfer Of Alpenglow Court To The Adjoining Property Owner. Title Only.

The County Attorney stated that this property is a small right-a-way which exists only on a deed as a paper-street.

After all comments, Council took action on first as presented.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval of this ordinance by Title Only.

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

No Executive Session was held.

OLD BUSINESS:

- (1) 18-892 - Second Reading - An Ordinance To Approve An Intergovernmental Loan Agreement With The South Carolina Public Service Authority To Be Secured By A Mortgage On 20 Acres Of Real Property To Construct An Economic Development Building And Adjoining Building Pad To Attract A Manufacturer To Sumter County. (Public Hearing will be held on Tuesday, September 11, 2018.)

Mr. Bryan, the County Attorney, stated that this ordinance is to allow for the approval of an Intergovernmental Loan Agreement with the South Carolina Public Service Authority and Sumter County to construct an Economic Development Building better known as the speculative building. After review of the ordinance and the Intergovernmental Agreement which will be attached to the ordinance, the Chairman called for a motion on second reading.

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

WHEREAS, Sumter County Council voted on February 27, 2018 to approve a loan from the South Carolina Public Service Authority in the amount of One Million (\$1,000,000.00) Dollars to be used to construct a building on 20 acres of land at the corner of N. Wise Drive and Jefferson Road suitable for a manufacturer to be used to encourage an industry to locate at that site; and

WHEREAS, the form of the Intergovernmental Loan Agreement and Mortgage related thereto are now available and attached hereto as Exhibits A and B; and

WHEREAS, Sumter County Council intends to ratify its prior vote and incorporate by reference the terms of the attached Intergovernmental Loan Agreement and Mortgage,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. *Sumter County Council hereby incorporates by reference the terms of the Intergovernmental Loan Agreement and Mortgage, attached hereto as Exhibits A and B and further approves the language of those two documents.*
2. *Sumter County hereby agrees to enter into the Intergovernmental Loan Agreement with the South Carolina Public Service Authority and agrees to secure that Agreement with a Mortgage on the 20 acres of land described therein.*
3. *The Sumter County Administrator is hereby authorized to sign the Intergovernmental Agreement and Mortgage and any other ancillary documents associated with acquiring the One Million (\$1,000,000.00) Dollar loan from the South Carolina Public Service Authority.*
4. *The proceeds of the loan will be used to construct a building on the corner of N. Wise Drive and Jefferson Road that will be suitable for manufacturing and will be attractive to prospective industries.*
5. *This Ordinance shall take effect upon third reading.*

COMMITTEE REPORTS:

- (1) **Public Works Committee Meeting To Be Held On Tuesday, August 14, 2018, at 4:30 p.m. In County Council Conference Room.** *(Note: The Forfeited Land Commission Of Sumter County Will Meet At 5:00 p.m. On August 14, 2018.)*

The Committee Chairman, Councilman Baker, stated that a meeting was held at 4:30 and received an update on the Second Mill Dam Project; the construction of the dam should be completed by September 15, 2018. Also, the Committee discussed the abandonment of roads which included ordinances 18-893, 18-894, 18-895, 18-896, and 18-898 discussed earlier in this meeting. No action was taken during the Committee meeting.

- (2) **Special Meeting Of Sumter County Council To Be Held On Tuesday, August 14, 2018, At 5:30 p.m. In County Council Chambers Room.** *(Note: This Meeting Will Begin Immediately After The Conclusion Of The Forfeited Land Commission Meeting Or At 5:30 p.m.)*

Chairman McCain stated that the Special meeting which was held received information pertaining to Roberts Rule of Order and the Recusal Process. Additionally, Council discussed a contractual/employee matter in executive session and no action was taken on the executive session matter nor the information on Roberts Rule.

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

Councilman McGhaney reported on the following:

- ✓ **SCAC Conference** - She, as well as other Council members, the Administrator, Assistant County Administrator, the Clerk to Council, and the County Attorney attended the Conference. Local Government Fund is still being discussed by SCAC and the General Assembly. Councilman McGhaney also attended a workshop concerning SC Ethics Laws.
- ✓ **Santee Lynches COG** - Mr. James Campbell resigned as a member of the Santee Lynches COG. Mr. Campbell was a member of Sumter County Council and during that time, he was voted as Chairman two different times. Also, Mr. Campbell represented Sumter County Council on the COG.

Councilman Baten reported on the SCAC too. He said that the President of the National Association of Counties was present and spoke about the Disaster Relief Funds through FEMA. NACO President said that Counties will need to start preparing for Disaster Relief because there may not be enough funds from FEMA. Councilman Baten noted that it may be required of the County to increase its fund balance or add a Disaster Relief Fee or Fund to the County's Budget. Councilman Vivian added a comment about Councilman Baten's report; she stated that NACO President also stated that the States through may be asked to fund FEMA needs for local counties.

Councilman Baker reported that he and the Chairman of Council (who had to leave early due to a previous commitment), the Administrator, and several other staff members attended a luncheon at Patriot Hall with Congressman Ralph Norman. The main topic of discussion was retention and expansion of mission at Shaw Air Force Base.

MONTHLY REPORTS

- 1) Morris College Ribbon Cutting
- 2) Sheriff's Department Monthly Report - July
- 3) Commander's Breakfast - September 12, 2018
- 4) Santee Lynches COG 2045

COUNTY ADMINISTRATOR'S REPORT

Second Mill Dam - September 15, 2018, the construction will be completed unless there are other weather issues. FEMA Environmental assessments must be completed before the water can be raised to its capacity. Lastly, South Carolina Department of Health and Environmental Control will have to review the work that has been done before the area is completely ready for use and operation.

PUBLIC COMMENT

The Chairman asked if anyone wished to speak during public comment. The following persons spoke during this time.

- ✓ Willa Pembleton spoke to Council about meetings and notices concerning Planning Commission issues. She also stated that she was concerned about the Planned Development issue previously discussed by Council, PD-05-01 (rev.).

- ✓ Dr. Alexandra Baten stated that she is Councilman Baten’s daughter and she was asked by some constituents in this Council District as to what happens to the representation of a Councilman’s District if that person must recuse himself/herself from the meeting. It is as if there is no representation for the district.

ADJOURNMENT

After all business and the public comment, the meeting of Sumter County Council was adjourned after a motion by Councilman Edens, and seconded by Councilman Sumpter 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: August 28, 2018



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

- Public Notified: Yes
- Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building and was emailed to media, department heads, and certain citizens.
- Date Posted: August 13, 2018
- 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: August 10, 2018

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding

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**NOTICE OF ABSTENTION FROM
DELIBERATIONS AND RECUSAL FROM VOTING
DUE TO A CONFLICT OF INTEREST**

Pursuant to Section 8-13-700 of the *Code of Laws of South Carolina* (1986, as amended), I am hereby giving notice of my abstention from deliberations and recusal from voting on the matter of Caroline Trucks Co, 305 Myrtle Beach Hwy as it appears before Sumter County Council on August 14, 2018. The reason I am abstaining and recusing is because of a potential conflict of interest which is:

I own property next to the 9 acres that
is being rezoned

I am providing this statement to the Chairman and I request that this statement be printed in the official minutes of the referenced meeting.

Eugene R. Butler
County Council Member

Date: August 14, 2018