



Minutes
Sumter County Council
Regular Meeting
Tuesday, July 24, 2018 -- Held at 6:00 p.m.
County Administration Building -- County Council Chambers
13 E. Canal Street, Sumter, SC

NOTE: Members of Sumter County Council will tour the new Fire Station located at 315/335 North Lafayette Boulevard from 3:30 p.m. to 4:30 p.m. and will have supper afterwards at same location.

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

COUNCIL ABSENT: none

STAFF: Gary Mixon, Mary W. Blanding, Johnathan Bryan, George McGregor, Keysa Rogers, Lorraine Dennis, Chief Hampton Gardner, Patricia Jefferson, Joe Perry, Eddie Hobbs, Deputy Gonzales, Sergeant James, and Two Sheriff Deputies.

PUBLIC PRESENT: Approximately 89 people were present during this meeting.

MEDIA PRESENT: The Item Newspaper -Adrienne Sarvis

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

INVOCATION: Councilwoman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge Of Allegiance to the American Flag.

APPROVAL OF AGENDA: Chairman McCain asked the Clerk to Council if there were any changes or deletions to the July 24, 2018, agenda. Mrs. Blanding asked Council members to consider moving items one and two from under New Business to immediately after the approval of the Minutes of Council Tuesday, July 10, 2018 meeting.

- (1) Recognition of Explores From Sheriff Department Who Participated In The Cherryvale Litter Pick-Up.
- (2) Introduction Of Sumter County's Summer Youth Participants - Mrs. Lorraine Dennis and Mrs. Keysa Rogers.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval of the agenda as recommended by the Clerk to Council.

APPROVAL OF MINUTES: Chairman McCain called for a motion to approve the minutes of the Regular Meeting of Sumter County Council held on Tuesday, July 10, 2018.

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

NEW BUSINESS:

(1) Recognition of Explores From Sheriff Department Who Participated In The Cherryvale Litter Pick-Up.

Chief Gardner and Eddie Hobbs informed Council members that the young people in this program (James Vaughn, Johlane Fields, Nakeem, Robert Tension, Terrell Mason, Keion Dicks, and Noah Bittinger) participated in the Cherryvale Litter Pick-up as well as the South Sumter Pick-Up. The students have also participated in over 30 community programs throughout the Sumter Community. The Members of the Explorers Program are interested in one day becoming a Law Enforcement Officer. After introduction of each student, Council members presented the Explorers with a Certificate of Appreciation and a gift for their work done through this program.

(2) Introduction Of Sumter County's Summer Youth Participants - Mrs. Lorraine Dennis and Mrs. Keysa Rogers.

Mrs. Keysa Rogers, the Human Resources Director, informed Council members about the process in which the Summer Youth Workers had to undertake in order to be in this program. The students had to follow instructions on how to secure an application, fill out the application, and provide other supporting documentation for the interview. They went through an interview process and were expected to arrive on time for the appointment and appropriately dressed. Once selected, the students were assigned to different departments within the County and the County's partners which included the Library and Sumter Senior Services. The students were paid and they also have various mentoring programs associated with the program.

Four of the students spoke to Council about what they learned:

Marcus Campbell, Crestwood High School - Information Technology Department

Jarod Bauers, Sumter High School - Crystal Lakes High School

Laura Kirby St. Frances Xavier High School - Judicial Center

Shalyiah Steward, Crestwood High School - Members of Sumter County Council

After all comments, the students were presented with gifts from Sumter County Council.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests

- (1) **RZ-18-06, 3425 Thomas Sumter Highway (County) - Second Reading/Public Hearing - A Request To Rezone A +/- 1.9 Acre Portion Of A 4.85 Acre Tract Located At 3425 Thomas Sumter Highway From General Commercial (GC) To Residential-9 (R-9). The Property Is Represented By Tax Map # 189-00-02-096. In Lieu Of Rezoning 3425 Thomas Sumter Highway, Council May Consider A Zoning Ordinance Text Amendment To Add Stand-Alone Cemeteries To The General Commercial (GC) Zoning District, As Recommended By The Sumter City-County Planning Commission. (Council Will Hold A Public Hearing Prior To Action On Second Reading Of This Rezoning Request.)**

Mr. George McGregor, the Planning Director, presented this proposed rezoning request to Council for second reading approval. He stated that the property is approximately 4.85 acre tract of land on Thomas Sumter Highway. The owner wants to allow for a Cemetery on the front part of the property. The Department of Health and Environmental Control (DHEC) has no role of permitting cemeteries throughout the State of South Carolina. It is DHEC though that each County will use their Zoning laws to permit cemeteries throughout the County.

Additionally, Mr. McGregor stated that the layout of the Cemetery, which would include the entrance would be determined after the property is rezoned by working with the owner and the Zoning Administrator. The Planning Commission recommended approval of the rezoning request.

After Mr. McGregor's presentation, Chairman McCain convened a public hearing, asking if anyone wished to speak in support of the rezoning request.



Pastor Sanders spoke in support of the rezoning request. She stated that the church purchased the property in hopes to build a church and have an adjoining cemetery behind the church; however, the church has been blessed to purchase a church building and will not be building a church on the property. Therefore, the members still want to use a portion of the property for a cemetery and will develop it in such a way that the Cemetery will not cause the community to look bad. It will be maintained in a proper manner

The Chairman asked if anyone wished to speak against the rezoning request.

Fred Gordon spoke in opposition of the rezoning request. He stated that the flood of 2015 had that property completely flooded. Mr. Gordon also spoke about the maintenance of the cemetery and could potentially reduce the property value in the adjacent Subdivision.

Freddie Bradshaw stated that he is in opposition of the rezoning request. He mentioned that he has lived in Kel Sam Subdivision for over 30 years. The proposed cemetery is directly across the street from the entrance of the Subdivision; this is not something that he wants to look at every time he enters or leaves the subdivision. Mr. Bradshaw also stated that there has been flooding on the front of the property long before the 1,000 year flood.

Frazier Saunders spoke in opposition of the rezoning request. Mr. Saunders stated that he wants some financial assurance that the property would be maintained.

Wilma Singleton stated that she is concerned about the eyesore of the property and she also stated that she is concerned about the flooding and potential of floating coffins.

Rhonda Pearson said that she also agrees with the things stated by the previous speakers and property owners of Kel Sam Subdivision. Ms. Pearson said that she understands that the Church has property elsewhere and therefore, they could put the cemetery out on that property instead of this property across from Kel Sam Subdivision.

Approximately 12 people were present who were in opposition of the rezoning request; two people were present in support of the request.

The Chairman then closed the public hearing.

If the property is not rezoned, the front of the property will remain zoned as General Commercial and can be used for any commercial development as seen on Broad Street in Sumter. Also, Councilman Baker stated that for him, his decisions are based on "who was there first." The Kel Sam Farm Subdivision residents were living their first. Therefore, Councilman Baker said he would lead towards denial of the request as it is written.

After all comments, the Chairman called for a motion on this matter.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and carried by Council to deny second reading. Councilman Sumpter voted in opposition of the motion. During the discussion phase of the motion, the following statements were made.

- Councilman Sumpter thanked Pastor Sanders for trying to help the people in the community to have a cemetery area that is affordable for all people. He pledged his support to try to help Pastor Sanders find a good use for the property and her investment in this endeavor.
- Councilman Baten stated that he was impressed that the community worked together to voice their concern about this rezoning request which would potentially affect their biggest investment which is a "home."
- Councilman McGhaney thanked everyone for handling this matter in a respectful manner.

- (2) **PD-05-09 (Rev.1) -- 350 Myrtle Beach Highway. - Carolina Truck & Trailer Parts (County) - Second Reading/Public Hearing -- 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. (Council Will Hold A Public Hearing Prior To Action On Second Reading Of This Planned Development.)**

Mr. McGregor presented this proposed Planned Development as requested by the applicant to amend the text of the Ordinance for Planned Development (PD-05-09) *Section III* in order to allow for Used Motor Vehicle Parts (SIC Code 5015) as a permitted use. The use would be a continuation of the Carolina Truck & Trailer Parts Business located on property immediately adjacent to the west at 300 Myrtle Beach Highway. This business was approved for Truck Repair and Used Motor Vehicles Parts uses, which includes the wholesale and retail of used motor vehicle parts per SIC Code descriptions.

This Planned Development Ordinance amendment request is specifically for a 9.95 acre portion of the overall +/- 47 acre property tied to this specific PD. This area is identified on a plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018. A +/- 6 acre portion of the 9.95 acres is currently being used for overflow storage of motor vehicles and parts associated with the business. According to the business owner, this is an overflow area where trucks and parts are stored until they are hauled off-site for recycling and/or repurposing. The applicant has stated that in the future they may wish to expand the existing area, not to exceed the area shown on the plat below.

Councilman Edens, asked what happens to the vehicle once the parts have been taken from the vehicle. Mr. McGregor stated that the vehicle is removed from the site; however, at this point, it is not fully known the total timeframe for this process, but the applicant can discuss this further once the public hearing takes place. Mr. McGregor also stated that the process for the removal of the vehicles will need to be monitored by the Planning Commission's staff because the removal of the dismantled vehicle is a concern of the Planning Commission and staff.

Councilman Baker stated that he would prefer that this property be zoned Heavy Industrial instead of Light Industrial based on the work that is being done at this business. Mr. McGregor stated that the Planning Commission plans to review the differences between Heavy Industrial and Light Industrial Zoning as it pertains to this propose request.

Councilman Sumpter asked about the Wetlands area on this property; Mr. McGregor stated that the conditions on the property show that there could be some wetlands conditions; but no specific area has been determined as Wetlands.

Councilman Baten stated that he conducted some research about the property and the expansion of this business as well as the conditions of this expansion (the applicant expanded without prior approval from the Planning Commission and that is why they are going through the process now.) Councilman Baten also stated that this business has expanded right to the property line of one of the neighbors. Additionally, Councilman Baten informed Council that since he owns property that abuts to this Planned Development, he has to recuse himself from action on this request. He also stated that this property looks more like a junk yard and not a parts business.

Then the Chairman called for a public hearing. He asked if anyone wished to speak in favor of this proposed Planning Development.

Kathy Cole spoke in support of the request. She stated that she works for this Company and lives next to the company. Ms. Cole is the office manager for the company and personal assistant to the Owners of the Business.

Ms. Cole stated that once the vehicles are dismantled they contact AMP Recycling to remove the vehicles. During the last two months, they have had AMP Recycling to remove 47 loads of dismantled vehicles from the property. Carolina Truck & Trailer Parts Business is a licensed dealership of eighteen wheeler trucks. This company sells parts to businesses from Georgia, North Carolina, Florida, etc. Thereby, this company is bringing in people from outside the community to help with Sumter's economy.

Ms. Cole also asked to clarify the concern of Councilman Baker to change the rezoning from Light Industrial to Heavy Industrial. She stated that she does not know if the owners would object, but they have been at this location for five years operating under Light Industrial. Also, she mentioned that David Merchant owned the property prior to the owners purchasing the property and it was Light Industrial at that time and prior to Mr. Merchant purchasing the property. She also stated that she lives next to this property and she there is no problem of any bad smells or orders from the property where the business is located.

Councilman Baten asked the Chairman if he could ask Ms. Cole a question, the Chairman reminded Councilman Baten that he had asked to be recused from discussion. Councilman Baten stated that he just wanted to make sure that a statement that Ms. Cole made would be clarified or corrected. Councilman Baten asked Ms. Cole whether she lived next door or across the street from the Business, Ms. Cole clarified her statement and said that she lives across the street, not immediately next door to the property.

Mr. Eubie Dicks spoke in opposition of this request. He stated that the neighborhood was quiet before this company came to this location. Mr. Dicks also stated that the property does have wetlands because a pond used to be on the property when he was a small boy; he further emphasized that he is concerned about this being an eyesore and he is totally against this request.

Richard Mitchum stated that he lives on Mims Road and he has a pond on his property and wants to make sure that the water table is not in any danger with the stocked pond. Mr. Mitchum stated that the property owner has assured him that Mr. Mitchum's pond is not in danger.

Council Members asked for clarifications on the particular request as it relates to Light Industrial as opposed to Heavy Industrial. Mr. McGregor stated that this property would only be grandfathered in if the Planning Commission and Council members agree to make adjustments to the Zoning Ordinance.

It was also noted that the 9.9 acres can and would be requested to have buffer between the Light Industrial and the abutting neighbors. This request was made at this meeting that there is sufficient buffer between the residential property owners and the Light Industrial property.

Councilman Baten spoke again about having this company ensure they have the correct buffer between his property and the company's property as well as the neighbors.

The Vice Chairman Byrd offered the following motion as carried through by the Chairman.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and carried by Council to grant second reading to this proposed ordinance with a request to provide information concerning Buffering (Heavy Industrial Buffer). *Councilman Baten stated that he recuse himself from voting on this matter.*

- (3) **OA-18-02 - Third Reading -- 18-891 -- Miscellaneous And Temporary Signs (County) -- A Request To Amend Relevant Portions Of Article 8, Section I: Sign Regulations Of The Sumter County Development Standards Ordinance To Allow Certain Fluttering Devices, Including Feather Flags In The County.**

Mr. McGregor stated that this proposed ordinance amendment would allow for certain Fluttering Devices. Council members were given a copy of the changes that were discussed during the first and second reading of this ordinance. After all comments the following motion was provided.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and carried by Council to grant third reading to the Ordinance Amendment as presented at third reading. Councilman Baten and Chairman McCain voted in opposition of this ordinance amendment; however, the Motion carried.

Chairman McCain asked who determines if the fluttering flags are in bad condition; Mr. McGregor stated that it would be the Zoning Administrator or other Planning Staff members. The setbacks for the fluttering devices will follow the Zoning District requirements and will be listed within this ordinance.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) Presentation By Sumter County Information Technology Department - Mr. Larry Horne, IT Department Head and Mr. Joe Perry, Communications Director.

Mr. Mixon introduced Mr. Larry Horne and Mr. Joe Perry who rolled out the "New Sumter County Website." Both men took part in introducing different features on the new website and that it will be live within the next few days. Some of the features include:

- Activities at different events - Cultural Center, Civic Center, etc.
- Registration On-line will happen through this new website
- Social Media - Facebook, Youtube, etc.,
- Penny For Progress Projects
- Job Application Submittal Process
- Intranet For County Employees
- Photo Galleries for Community Events
- Commercials about Sumter County

Received as information.

- (2) 18-892 - First 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.

Johnathan Bryan, the County Attorney, presented the proposed ordinance to Council for first reading approval. Mr. Byran stated that there is an Intergovernmental Loan Agreement that is affixed to this ordinance. The purpose of the ordinance and agreement is to allow for the South Carolina Public Service Authority to provide a Million Dollar loan to the County to be used to construct a new Speculative Building. (See ordinance information below.) After all comments, Council took action on first reading.

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.*

After all discussions, the Chairman called for a motion on this proposed ordinance.

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

- (2) 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 at this meeting.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting To Be Held On Tuesday, July 24, 2018, At 5:45 p.m. In County Council Conference Room.

The Chairman of the Committee, Chairman McCain gave the following report.

Financial Information. The Finance Director informed Council members during the Fiscal, Tax, and Property Committee meeting that the initial review of information concerning the 2017-2018 year-end financials reflects that the County should be able to have a balance of \$3,850,000 to place in the County's fund balance. Additional information will be provided as the audit process begins.

Request For Funds - CSX Maintenance: The Committee discussed the need to secure funds from the Infrastructure Account to use for repairs on the CSX Rail in the County's Industrial Park. The Committee recommended to secure \$25,500 from the Infrastructure Account to accomplish this project.

ACTION: MOTION and second were received from the Committee, and unanimously carried to allocate \$25,500 from the County's Infrastructure Fund to be used to conduct maintenance work on the CSX Rail.

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

No Comments.

MONTHLY REPORTS

- Commanders Breakfast
- Planning Commission Monthly Meeting
- Building Report
- Bragg Literacy Institute - July 26, 2018
- 2018 SCAC Conference

COUNTY ADMINISTRATOR'S REPORT

No report given

PUBLIC COMMENT

Bonnie Disney, School Board Member, spoke to Council about the new website and she asked Council to place information on the website about the County.

Richard Pembleton - asked about the Myrtle Beach High request. The Chairman stated that he would speak to him after the meeting.

Patty Wilson complimented Council and Mr. Perry on the new Website; she asked Mr. Perry not to forget Festival on the Avenue.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 7:32 p.m. after a motion by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: August 14, 2018

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

- Public Notified: Yes
- Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.
- Date Posted: July 23, 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: July 19, 2018

Respectfully submitted,
Mary W. Blanding
Clerk to County Council