



Minutes
Sumter County Council
Regular Meeting
Tuesday, September 25, 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, Jr., Chairman; James R. Byrd, Jr., Vice Chairman; Artie Baker, Charles T. Edens, Vivian Fleming McGhaney, and Chris Sumpter.

COUNCIL MEMBER ABSENT: Eugene R. Baten (Councilman Baten called in to inform Council that he would not be able to attend due to a medical issue.)

STAFF PRESENT: Mary Blanding, Gary Mixon, Johnathan Bryan, Steve Campbell, Lorraine Dennis, Keysa Rogers, George McGregor, Joe Perry, and two Sheriff Deputies – McLeod.

MEDIA PRESENT: The Item – Adrienne Sarvis

PUBLIC PRESENT: Approximately six persons from the public were in attendance.

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

INVOCATION: Vivian Fleming McGhaney gave the invocation at this meeting.

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

APPROVAL OF AGENDA: Chairman McCain asked the Clerk if there were any changes to the agenda. Mrs. Blanding, stated that there were no changes to the Tuesday, September 25, 2018, agenda. Therefore, the Chairman called for a motion on the approval of the agenda.

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

APPROVAL OF MINUTES: Chairman McCain stated that he would entertain a motion concerning the approval of the minutes for September 11, 2018.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant approval of the September 11, 2018, minutes as presented by the Clerk with any grammatical/typographical changes if necessary.

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

- (2) **RZ-18-09 – 2800 Dock Road & 0 Thomas Sumter Hwy. (County) – Second Reading/Public Hearing**
– Request To Rezone Two Parcels, Totaling 2.45 Acres, From General Commercial (GC) And Agricultural Conservation (AC) To Agricultural Conservation (AC). The Parcels Are Located At 2800 Dock Road And 0 Thomas Sumter Highway, On The West Side Of Thomas Sumter Highway. The Properties Are Represented By Tax Map #S188-00-01-015 And 188-00-01-107. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)

Mr. McGregor, presented this proposed rezoning request. He stated that the applicant would like to rezone two parcels, totaling 2.45 acres of land from General Commercial-Agricultural Conservation to Agricultural Conservation. The property currently has two types of zoning on each parcel. The applicant hopes to place two manufacturing homes on this property, and the Planning Commission recommends approval. Mr. McGregor also stated that legal access to the property is located on Dock Road; however, there has been some access from Thomas Sumter Highway which is not legal access. If there is a cut-away done for Thomas Sumter Highway from Dock Road, it would have to be approved by South Carolina Department of Transportation.

After discussion on this matter, 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. No one spoke to this matter, therefore, the Chairman closed the public hearing and Council took action on second reading to this rezoning request.

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

(Note: Councilman Sumpter arrived at the meeting prior to OA-18-06 being presented.)

- (2) **OA-18-06 - Schools in Commercial Zoning Districts (County) - 18-901 - Second Reading/Public Hearing** - Request To Amend Article 3, Sections 3.F.3, 3.G.3, 3.H.3, And 3.I.3, And Exhibit 5 To Add Elementary And Secondary Schools With SIC Code 821 To The Professional Office (PO), Neighborhood Commercial (NC), Limited Commercial (LC), And General Commercial (GC) Zoning Districts As A Conditional Use. *(Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)*

Mr. McGregor stated that the applicant, Ms. Shelia Coplin, is the owner of 1-On-1 Plus, LLC which is an organization that provides tutoring, childcare services and owns the K-12 school known as *Sheila E. Academy*. Currently this organization is licensed to operate a tutoring service and childcare facility at 4107 Thomas Sumter Highway in Dalzell. However, the applicant wishes to house *Sheila E. Academy* at the property as well. The property is zoned General Commercial (GC). In the GC district in the County, Elementary and Secondary Schools with SIC Code 821 are not a permitted use.

The Planning Director stated that at current, elementary and secondary schools with SIC Code 821 are a Conditional Use in all residential zoning districts and the Agricultural Conservation (AC) zoning district. Elementary and secondary schools are expressly excluded from all commercial and industrial districts, and have been since at least 1999.

Mr. McGregor also stated that fundamentally the question is, does it make sense to allow elementary and secondary schools in the commercial (PO, NC, LC, GC) zoning districts? Just as with religious and residential uses in the commercial districts, Staff believes that the inclusion of elementary and secondary schools with SIC Code 821 as a conditional use allows each location to be evaluated based on existing patterns of development and the unique characteristics of each site. The text amendment as proposed would permit elementary and secondary schools, with SIC Code 821 as a Conditional Use in the PO, NC, LC, and GC Districts subject to review and approval by Planning Staff. After all discussion, the Chairman of Council convened a public hearing on this ordinance amendment.

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

- (3) **OA-18-07 -- Used Auto Parts Sales (County) -- 18-902 -- Second Reading/Public Hearing** -- Request To Amend Article 3 Section K: Light Industrial-Warehouse District, Article 3 Section M: Multi-Use Industrial (MUI) District, And Exhibit 5: Permitted And Conditional Uses In The Commercial Industrial, Agricultural, And Conservation Districts Of The *Sumter County Zoning & Development Standards Ordinance* In Order To Remove The SIC Code 5015 - Used Motor Vehicle Parts Classification As Being A Permitted, Conditional, Or Special Exception Use In All County Zoning Districts Except The Heavy Industrial (HI) District. *(Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)*

Mr. George McGregor also presented this proposed ordinance amendment to Council for review. This particular Ordinance Amendment was suggested by Council to better define certain uses in Heavy Industrial Zoning as oppose to Light Industrial Zoning. After Mr. McGregor's presentation, Chairman convened a public hearing on this proposed ordinance as presented. No one spoke to this issue during public hearing; therefore, the Chairman closed the public hearing and Council took action on second reading.

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

OTHER PUBLIC HEARINGS:

- (1) **18-899 -- An Ordinance Authorizing --The Transfer Of Property On Jefferson Road To Becton, Dickinson And Company.** *(Council Will Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)*

Mr. Johnathan Bryan presented this proposed ordinance to Council for second reading approval prior to the public hearing. Currently, the property is between property owned by Becton Dickinson Company and property owned by the children of Scott Rumph. Becton Dickinson is purchasing 15 acres of property from the children of Scott Rumph; therefore, Becton Dickinson needs this strip of land from the County to allow for this Company's property to be contiguous to each other. After Mr. Bryan's presentation, the Chairman called for a public hearing on this proposed ordinance.

Chairman McCain asked if anyone wished to speak in favor of or opposition to this ordinance as presented. No one spoke during public comment; therefore, the Chairman closed the public hearing and called for a motion on this ordinance as listed under Old Business.

NEW BUSINESS:

- (1) **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) **18-899 -- Second Reading -- An Ordinance Authorizing --The Transfer Of Property On Jefferson Road To Becton, Dickinson And Company.**

Mr. Bryan gave a briefing concerning the contents of this ordinance. After his presentation, the Chairman convened a public hearing. No one spoke during public hearing; therefore, the Chairman closed the public hearing and Council took action on second reading as listed below.

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

(2) **18-900 - Second Reading -- An Ordinance Authorizing The Appointment Of Code Enforcement Officers By Resolution.**

The County Attorney, Johnathan Bryan, and Steve Campbell, the Building Official, presented this ordinance to Council. Mr. Bryan stated that this ordinance authorizes County Council the authority through a resolution, to appoint Code Enforcement Officers. These officers will be working for the Building Official who will ensure that the current employees and any potential new employees are trained in the requirements of the Building Department and the Codes concerning buildings that are under construction or renovations. However, it is important that this ordinance is passed so that the citations would have *some bite* to them and make it more stringent for those that tend to be habitual offenders.

Mr. Campbell stated that because of the natural disasters that have occurred in this area in the last several years we have had contractors that come from out of town camouflaging their intent to do good for the community and trying to help the homeowners. However, there have been some unscrupulous contractors that have taken approximately \$250,000 from Sumter's citizens. These contractors want money upfront and then they leave town without doing the work, or do the work improperly and leave town not to return to correct any issues.

It is hard for the Building Department to catch some of these type offenders because they do not apply for building permits. If there is a building permit, there will be an inspection. However, as the Building Inspectors are going from one inspection to the next, if they see construction work going on, they will call the office to see if a permit has been applied for that particular worksite. If not, then the inspector will visit the site to check on the work and give a curtesy notice that a building permit must be applied for. There is case by cases that show the habitual offenders are still do the same thing. Earl McLeod is in support of this project. The biggest problem is a contractor doing the work at a lower standard. They do not do a "building permit."

After all comments, Council took action on second reading.

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

COMMITTEE REPORTS:

(1) **Fiscal, Tax, and Property Committee Meeting Held On Tuesday, September 25, 2018, at 5:30 p.m. In County Council's Conference Room.**

Chairman McCain, the Chairman of the Fiscal, Tax, and Property Committee, stated that the Financial Report was received by the Committee. Mr. James Michaelson, the Finance Director, has made Council aware that the software being used by the county allows for expedient reporting of financial

information. This in turn helps the Finance Department and the Treasurer to manage the County's money more efficiently.

The Committee also had an executive session concerning a contractual matter. However, no action was taken.

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

The Chairman asked Council members if they had any reports or would like to speak to any matter. No Council member spoke during this time.

MONTHLY REPORTS

- 1) Planning Commission Meeting Information
- 2) Building Report
- 3) Army's 75th Anniversary Gala
- 4) Oyster Roast 2018
- 5) My Community and Me

COUNTY ADMINISTRATOR'S REPORT

The County Administrator, Mr. Gary Mixon, gave the following report.

1. The Emergency Management Team went into full operation on Thursday, September 7, 2018.
2. The Team included people from Sumter County, City of Sumter, School District, Sheriff's Department, City Police Department, EMS, Department of Social Services, Red Cross, and other local and state agencies throughout Sumter County.
3. Sumter County had a non-essential workforce shutdown on September 12, 2018; nonetheless, the Emergency team was in full-force throughout the storm twenty-four-seven.
4. Mayewood Middle School was the Emergency first Shelter Opened and it had 94 persons located in the Shelter
5. Sumter High School was also opened and it housed 126 persons during the storm.
6. The Emergency Team shutdown on Saturday, September 15, 2018, because all threats of bad weather were gone away from our area.
7. Although the emergency was over by September 17, 2018, the Lynches River Flooding was being watched due to water coming from North Carolina. This included areas on Truluck Road and Highway 403, the northern part of Trinity Road. St. Mark Church was the safety housing for this area during the aftermath of the hurricane/storm. As of Saturday, September 22, 2018, the flooding has crested.

PUBLIC COMMENT

Chairman McCain asked if anyone wished to speak during public comment. The following person spoke.

Willa Pembleton stated that she had three items of concern:

1. Mrs. Pembleton stated that she has lived in the Dalzell community since 2007; she has never heard of a town meeting so that the Council representative can keep the community informed of matters going on in the Community and other parts of Sumter County.
2. Mrs. Pembleton also stated that she is concerned about public notification of land matters and other issues that may be happening but the notification is not widespread in the community. Mrs.

Pembleton stated that she has heard about two things at this meeting and if she had not come to the meeting she would not know that they were going on near the subdivision where she lives.

- 3. Lastly, Mrs. Pembleton stated that she read in the newspaper that the South Carolina Arts Commission gave out \$4,000,000 in grant funds; however, there was no mention of the school in Sumter County receiving any of those funds. She also wanted to know who was responsible for working to get some of the grant funds for Sumter County and why did this county not receive any of these funds.

No one else spoke during public comment.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:45 p.m. after a motion by Councilman Baker, seconded by Councilman Edens, 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: October 9, 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: September 24, 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: September 21, 2018

Respectfully submitted,
Mary W. Blanding
 Clerk to County Council

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