



**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**Tuesday, July 28, 2020 -- Held at 6:00 p.m.**  
**Patriot Hall - Auditorium**  
**135 Haynsworth Street, Sumter, SC**

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

**COUNCIL MEMBERS PRESENT:** James T. McCain, Jr., Chairman; James R. Byrd, Jr., 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, Helen Roodman, Lorraine Dennis, Larry Horne, David Shumaker, Johnathan Bryan, Keysa Rogers, Joe Perry,

**MEDIA PRESENT:** The Item, Shelbie Goulding

**MEMBERS OF THE PUBLIC:** Approximately 93 members of the public were in attendance.

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

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

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

**APPROVAL OF AGENDA:** Regular Meeting Tuesday, July 28, 2020  
Chairman McCain asked the Clerk to Council if there were any changes to the agenda. She asked Council to consider moving the following three items from New Business to immediately after Action on the Minutes of July 14, 2020.

**NEW BUSINESS:**

1. Recognition Of Sheriff Anthony Dennis For Being Named S. C. Sheriff Of The Year By the S. C. Sheriff's Association.
2. Recognition Of Senior Detention Officer William Behuniak For Being Named S. C. Detention Officer of the Year By The S. C. Sheriff's Association.
3. Presentation By Sumter Ministerial Alliance - Dr. Clay Smith.

Chairman McCain stated that he would entertain a motion to approve the July 28, 2020, agenda of Sumter County Council as recommended by the Clerk to Council.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to approve the agenda as amended by moving three items from New Business to immediately after action on the Minutes of July 14, 2020, as recommended by the Clerk.

**APPROVAL OF MINUTES:** Chairman McCain said he would entertain a motion to take action on the approval of County Council Regular minutes held on July 14, 2020.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve County Council Regular July 14, 2020, as presented.

**NEW BUSINESS.**

1. Recognition Of Sheriff Anthony Dennis For Being Named S. C. Sheriff Of The Year By the S. C. Sheriff's Association.

On behalf of Sumter County Council, Chairman McCain presented a gift to Sheriff Anthony Dennis, Sheriff of Sumter County, for being named the S. C. Sheriff of the Year By the S. C. Sheriff's Association. Sheriff Dennis accepted the gift presented to him by Council.

2. Recognition Of Senior Detention Officer William Behuniak For Being Named S. C. Detention Officer of the Year By The S. C. Sheriff's Association.

On behalf of Sumter County Council, Chairman McCain presented a gift to Sumter County Senior Detention Officer William Behuniak of Sumter County, for being named the S. C. Detention Center Officer of the Year by the S. C. Sheriff's Association. Senior Detention Officer Behuniak accepted the gift presented to him by Council.

3. Presentation By Sumter Ministerial Alliance - Dr. Clay Smith.

On Behalf of Dr. Clay Smith and the Ministerial Alliance, Amanda Easton, Creative Pastor of Alice Drive Baptist Church, stated sixty-eight pastors in the Sumter Community met together after the Death of George Floyd, to discuss different issues surrounding the tragedy of Mr. Floyd's death. She asked ministers that were present at the meeting to stand and come forward with her. Then she relinquished the microphone to Dr. Marion Newton, Pastor of Jehovah Missionary Baptist Church. Dr. Newton stated that the Ministerial Alliance members met on the steps of Grace Baptist Church on June 14, 2020, and walked to the Sumter County Courthouse and collectively prayed there. Eventually, the group developed a statement of how they felt about racism and signed the statement. Dr. Newton presented Council with a framed copy of the statement and asked that it be placed in a location that will allow the public to see and read this firm statement from the Ministerial Alliance members and other Ministers united together against racism.

**ACTION:** Received as information.

**LAND USE MATTERS AND REZONING REQUESTS:**

**Planned Development/Rezoning Requests**

**NOTE:** RZ = Rezoning Of Property As Applicable In *Sumter County Zoning and Development Standards*

- (1) RZ-20-03 - 6850 Fish Road - (County) - Second Reading/Public Hearing - A Request To Rezone A +/- 2.71 Acre Tract From Agricultural Conservation (AC) To General Commercial (GC). The Property Is Located At 6850 Fish Road And Is Represented By Tax Map #093-00-01-015. (Prior To Action On

**Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

Mrs. Helen Roodman, the Interim Planning Director, presented this proposed rezoning request located on 6850 Fish Road for second reading and public hearing. The majority of the property in the area is Agricultural Conservation. Also, she stated that the Planning Commission staff members reviewed the request and concluded that allowing the application of a General Commercial Zoning District to the subject property introduces the potential for uses that are incompatible with the existing and anticipated development patterns, as well as the intent and purpose of the Rural Development Planning Area policies as found within the 2040 Comprehensive Plan. The existing ordinance regulations provide mechanisms through which commercial development is able to occur in Agricultural Conservation zoning districts, including the proposed general merchandise store use on this subject parcel, without the need to rezone property; therefore, the Planning Commission recommended denial of the request.

After Mrs. Roodman's comments, Chairman McCain asked Council members if they had any questions prior to convening the public hearing.

Councilman Sumpter asked Mrs. Roodman if the Developer for Dollar General, Mr. Googer, had considered any other location on Highway 261. He also stated that he is delighted to know that Dollar General wants to be located on Highway 261. Councilman Sumpter also stated that he has heard from many residents in this area and they are not in support of the location of the Dollar General in this residential area, but are in support of it being located elsewhere. Mrs. Roodman said that during conversations with Mr. Googer, the proposed location was the only location she discussed with Mr. Googer. However, Mr. Googer can better answer that should he speak during public hearing.

Then, Chairman McCain convened the public hearing; he asked if anyone wished to speak in favor of or opposition to the rezoning request. The Chairman also emphasized the rules for a public hearing and asked all speakers to speak up to three minutes and only through the Chairman. Additionally, Chairman McCain asked each speaker to respect social distancing.

The following persons spoke during public hearing.

1. Dr. Ora Spann introduced herself and said that Mr. Lanson Spann, her brother and over 50 residents, signed a petition that they do not want this area rezoning. The primary purpose of the Agricultural Zoning District is to preserve areas that are currently rural or agricultural. She further stated that the question is whether this proposal is appropriate and consistent with the 2040 Comprehensive Plan. It was also stated that there are two Dollar General Stores on Highway 441 within three miles of each other and a vacant building that used to be a Family Dollar Store. All of these stores lead to Highway 261, 521, and Highway 76. She also spoke of the safety to and from the proposed location and lack of safety in some of the areas of existing Dollar Generals. Lastly, Dr. Spann stated that she hopes that Council follow the recommendation of the Planning Commission.
2. Robert W. Dingle stated that he lives almost directly across from the proposed rezoning site. Also, Mr. Dingle stated that he signed the petition asking that this property not be rezoned General Commercial. Mr. Dingle further stated that he supports the comments made by Dr. Spann concerning the problems that currently exist with traffic and the road infrastructure. Mr. Dingle

said that the quiet area that they live in is what he and his neighbors enjoy and having this Commercial venue in the area would destroy their quiet lifestyle.

3. Leonard Hopkins said that he lives immediately adjacent to the property that is proposed to be rezoned. He said he supports not rezoning this property.
4. Mr. Greg Googer, representative for Dollar General as the Developer with Coastal Development Company, spoke on behalf of the rezoning request. He stated that Dollar General would like to serve this area based on the rural houses in this area which are not receiving service from a general retailer. This proposed Dollar General would serve the Highway 261 and Horatio area. If approved, there will be six to ten full time jobs. Mr. Googer asked Council to support the rezoning request.
5. Maggie Martin stated she was approached by Dollar General to sell this property for the proposed store at the intersection being discussed. She said that this is a much-needed financial venture because she is unable to pay the taxes on the property since her father passed away. Ms. Martin also stated that she thought a Dollar General would be good in the area; she is in support of the rezoning request.
6. Steven Deschamps stated that he is a real estate broker here in Sumter and he has worked with Mr. Googer on purchases of property throughout Sumter for the last six or seven years. Mr. Deschamps said that he understands Mr. Googer methodology in developing this area. The quality of work of Mr. Googer is good and he works to serve the community. Mr. Deschamps stated that he supports Mr. Googer in his selection of this particular site for development.
7. Lewis Watkins stated that he is not speaking in support of the particular site. He stated that there is a need for Dollar General or similar stores in the rural areas. Mr. Watkins also said that at one time there was not a Dollar General in the Wedgefield area, but now there is one in Wedgefield and it has made a difference for the people in the rural community. He further stated that he is aware that some people present in the meeting tonight are in support of the Dollar General in that area, if not at that location.
8. Timothy McCormick of Horatio also spoke in support of the Planning Commission's decision.

After all comments, the Chairman McCain asked if Council members had any comments or questions. Councilman Baten said that he is always impressed by when citizens in a community work together and come to Council's meetings to voice their concern or support of what will go into their community. Councilman Baten also said that the Planning Commission recommended denial of the request based on the information received from the Planning staff. Therefore, Councilman Baten offered the following motion, after a statement from Councilman Sumpter.

Councilman Sumpter thanked the citizens for attending the meeting and stated their desires of this rezoning request. He further stated that he would like to continue working with the stakeholders of Dollar General to find other opportunities in the area which will help the citizens in the northwestern portion of Sumter County.

Councilwoman McGhaney also commented that she supports the sentiment of the community; as well as the desire of those that would like to see a Dollar General in the community. She asked that the Developer and others involved in this project, as mentioned by Councilman Sumpter, work together to find a solution to the possibilities of a Dollar General in the community.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Sumpter, and unanimously carried by Council to deny second reading as presented. The motion carried.

- (2) **RZ-20-07 - 2035 Highway 521 S. (County) - Second Reading/Public Hearing - A Request To Rezone A Parcel Totaling +/- 143.86 Acres Of Land From Agricultural Conservation (AC) To Heavy Industrial (HI). The Property Is Located At 2035 Highway 521 S. And Is Represented By Tax Map #252-00-05-029. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

Mrs. Roodman introduced this proposed rezoning request for second reading and public hearing. The request is to rezone a 143.86-acre tract from Agricultural Conservation (AC) to Heavy Industry (HI). The applicant is requesting this rezoning in order to facilitate future industrial development project(s) on the site. The site is currently undeveloped and it is close in the vicinity of Continental Tire Company. The request is supported by the 2040 Plan and the Development Board is in support of the rezoning request.

Mrs. Roodman said that the Planning Department received the following comments by phone or email:

- Mrs. Earline Hatfield was concerned about what type of development would go in the area. Mrs. Roodman and her staff provided Mrs. Hatfield with information concerning the proposed rezoning. Mrs. Roodman also stated that there were several other citizens interested in what would be developed on the property. Since there is no particular project at this time to go on the property, Mrs. Roodman informed the public that it is for future development but no determination yet.

After all comments, Chairman McCain asked if Council members had any comments or questions before public hearing; no Council member had any questions. Therefore, the Chairman convened the public hearing. He asked if anyone wished to speak in favor of or opposition to the rezoning request. No one spoke during public hearing therefore the Chairman closed the public hearing and Council acted on second reading.

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

- (3) **RZ-20-08 - 2205 Myrtle Beach Hwy. (County) - Second Reading/Public Hearing - A Request To Rezone A Parcel Totaling +/- 5 Acres Of Land From Agricultural Conservation (AC) To General Commercial (GC). The Property Is Located At 2205 Myrtle Beach Hwy. And Is Represented By Tax Map #286-00-01-004. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

This request was also presented by Mrs. Roodman. She stated that the request is to rezone a +/- 5.00-acre portion of a larger 33.1-acre tract from Agricultural Conservation (AC) to General Commercial (GC). The site currently contains the Sumter Flea Market which is located at 2205 Myrtle Beach Highway. If approved, rezoning will allow for the development of a gas station. To accommodate set-back requirements, a portion of the Flea Market structure will be demolished for this development.



The Planning Department recommended approval of the request. This request is supported by the 2040 Comprehensive Plan.



After Mrs. Roodman’s comments, Chairman McCain asked if Council members had any comments or questions before public hearing; no Council member had any questions. Therefore, the Chairman convened the public hearing. He asked if anyone wished to speak in favor of or opposition to the rezoning request. No one spoke during public hearing; therefore, the Chairman closed the public hearing and Council acted on second reading.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman McGhaney, and unanimously carried by Council to grant second reading approval as presented. The motion carried.

- (4) **OA-20-02 - Fabricated Metal Products In The AC District (County) - Second Reading/Public Hearing - (20-931) -- To Amend The Sumter County - Zoning and Development Standards Ordinance To Include Fabricated Metal Products (SIC 34) As A Special Exception Use In The Agricultural Conservation (AC) Zoning District. Article 3, Section 3.n.4 Special Exception Uses In The AC District; Article 5, Section 5.b.2 Enumerations Of Certain Hazardous And/Or Potentially Disruptive Land Development Activities, And Section 5.b.3 Special Design Review Criteria For Applicable Items In 5.b.2 To Establish Finite Review Criteria For Uses Classified Under Fabricated Metal Projects (SIC - 34). (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)**

This Ordinance Amendment request is from Mr. David Merchant, owner of Merchant Iron Works. Mrs. Roodman presented OA-20-02 to Council for second reading consideration. She stated that this Ordinance Amendment is to establish fine review criteria for uses classified under Fabricated Metal Projects (SIC-34) Fabricated Metal Products.

Mrs. Roodman gave background information about this request stating that Merchant Iron Works is located at is 3250 Beulah Cuttino Road on property that is zoned Agricultural Conservation. Mr.

David Merchant is the applicant who was present at the meeting. Mrs. Roodman gave some history on the Company from 2008, 2014, 2018, and 2019.

***Historical Context***

The Applicant is the owner and operator of Merchant Ironworks located at 3215 Beulah Cuttino Rd. in Sumter County (TMS# 221-00-01-012), an Agricultural Conservation (AC) zoned parcel. The business has operated at this location since 2008. As per business licensing information from the Sumter City-County Business License Department, Merchant Ironworks is currently licensed as a Welding Contractor (SIC 1799). Within the AC district Contractors classified under SIC Code 1799 are a Conditional Use.

As the business has evolved, the facility at 3215 Beulah Cuttino Rd. has undergone two expansions – a minor expansion in 2014 (MSP-14-11) with a more substantial expansion in 2018 (MSP-18-10). Upon completion of the facility expansion in early 2019 the intensity of use at the site increased which has resulted in litigation due to noise and use classification for the property. On February 4, 2020, the applicant contacted the Planning Department with questions regarding the County Noise Ordinance and use classification for 3215 Beulah Cuttino Rd., the site of 2 Merchant Ironworks. At that time the applicant was provided links to Municode for the Sumter County Code of Ordinances related to Noise and provided a PDF of the copy of the Noise Ordinance. Additionally, the applicant was informed that in early 2019 the Zoning Administrator researched the use classification for 3215 Beulah Cuttino Rd. and believed at the time that the classification on the Business License was permitted in the AC District. That conversation ended with the Zoning Administrator agreed to look back into licensure/use to ensure that the current operating business was appropriately classified on the Business License.

On February 5, 2020, the Zoning Administrator began reviewing the licensing history and use of, 3215 Beulah Cuttino Rd. This review included reviewing the 2019 Orthophotography and the Merchant Ironworks website, in order to gain insight into the business, and reviewing the Standard Industrial Classification Code book to determine whether SIC Code 1799, which includes welding contractors, was the appropriate use classification in light of the apparent current use of the property. On February 6, 2020 the Zoning Administrator and Applicant discussed the business activity taking place on the property. It was conveyed to the Applicant that the Zoning Administrator was of the belief that the SIC Code classification that Merchant Ironworks is licensed for (SIC 1799) no longer reflects the business activity taking place at 3215 Beulah Cuttino Rd. Based on review of all available information it appeared that the SIC Code classification that the business should be listed under, 3441 – Fabricated Structural Metal, was not permitted in the AC District.

The Applicant and Zoning Administrator discussed rezoning of the property to a zoning district that would permit SIC Code 3441 – either Heavy Industrial (HI) or Light Industrial-Warehouse (LI-W). On February 7, 2020, the Applicant filed a rezoning request to rezone the property from AC to LI-W. The rezoning request was placed on hold at the Applicant’s request after consultation with their legal counsel.

On April 16, 2020, the Applicant submitted this Ordinance Amendment request in lieu of rezoning the property. The following is an analysis of the amendment request.

***Applicants Proposed Review Criteria***

The Applicant's proposal is to include Fabricated Metal Products (SIC Code 34) as a special exception use in the Agricultural Conservation (AC) District with the following finite review criteria:

1. *Lot Requirements: Minimum parcel size of 20 acres, which may be made up of separate contiguous parcels.*
2. *Building Requirements: Maximum Height of 35 ft.*
3. *Referenced use, to include all outdoor work areas/storage yards, equipment maneuvering/circulation areas in addition to structures shall not be located any closer than 100 ft. to any residential use as measured from the defined use area to residential structure.*
4. *All uses within this category shall be screened in such a fashion as to not be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms, or landscaping approved by the Board of Zoning Appeals upon recommendation of the Zoning Administrator. Where landscaping or trees are utilized there shall be a 15 ft. minimum buffer width that creates a year-round visual screen a minimum of six (6 ft.) feet in height over three growing seasons.*
5. *No material shall be placed in open storage in a manner that is capable of being transported by wind, water or other causes.*
6. *Noise: The parcel shall be effectively buffered to be in compliance in Exhibit 9 and Exhibit 10 in Article 5.*
7. *Operating House: Operating Hours shall be limited as follows:*
  - a. *6am – 9pm Monday – Friday*
  - b. *6am – 3pm Saturday*
  - c. *No Sunday Operation*

The historical detailed information can be reviewed on the Planning Commission Staff report for this proposed rezoning request, which can be obtained from the Planning Department. Inclusion of manufacturing/ fabrication uses in the agricultural district will not introduce activities of a greater intensity than those already permissible as special exceptions within the district. While it may make sense to expand the Special Exception Use list for the AC district to include some manufacturing activities from Major Group 34, careful consideration should be given to which of those use categories are most appropriate for the district as a whole. As previously stated, the activities taking place at 3215 Beulah Cuttino Rd., that most closely align with Merchant Ironworks on-site activities, fall under Fabricated Structural Metal (SIC Code 3441). In review of the 38 use subcategories in Major Group 34, there are a variety of manufacturing activities grouped under “Fabricated Metal Products.” Those activities range from operations that produce excessive noise due to repeated stamping that result in the recreation of a single product mass produced for market such as screws, valves and ammunition, all the way to custom fabricated one-off structural steel components for specific construction projects.

The inclusion of true repetitive manufacturing processes should remain solely in the industrial districts, however; uses that align with construction activities that are currently conditional uses in the AC District, such as those contained in the following six (6) subcategories of Major Group 34 should be considered for inclusion in the district as a special exception.

- *3441: Fabricated Structural Metal*
- *3442: Metal Doors, Sash, Frames, Molding, and Trim Manufacturing*
- *3444: Sheet Metal Work*
- *3446: Architectural and Ornamental Metal Work*
- *3448: Prefabricated Metal Buildings and Components*
- *3449: Miscellaneous Structural Metal Work*



As listed in the descriptions of the above referenced subcategories, the activities that fall within 3441, 3442, 3444, 3446, 3448, and 3449 tend to be custom work not mass produced for market as would be found in a repetitive manufacturing process.

Should Council approve this request, the Planning Staff recommends, at minimum, the Special Exception be limited to the following SIC Codes:

- (1) 3441: Fabricated Structural Metal
- (2) 3442: Metal Doors, Sash, Frames, Molding, and Trim Manufacturing
- (3) 3444: Sheet Metal Work
- (4) 3446: Architectural and Ornamental Metal Work
- (5) 3448: Prefabricated Metal Buildings and Components
- (6) 3449: Miscellaneous Structural Metal Work

After Mrs. Roodman’s comments, Chairman McCain stated that the actions to be taken by Council this evening is to grant or deny action on whether or not SIC Code 34, which is fabricated metal products, is an appropriate use in the agricultural conservation District as a *special exception*. Council is not taking any action on Mr. Merchant’s business as it operates today.

Councilman Baker asked if the Planning Commission’s staff have a way of measuring noise. Mrs. Roodman stated that a decimeter would have to be purchased and used to measure noise. Councilman Baker also asked how many jobs are at Merchant Iron Works. Mrs. Roodman deferred that question to Mr. Merchant.

The Chairman convened the public hearing and asked if anyone wished to speak in favor of or opposition to the proposed ordinance amendment. The following persons spoke during the public hearing:

Spoke in opposition of the rezoning request.

- Steve McKenzie stated that he is an attorney, from Manning, South Carolina and is present at the meeting on behalf of William Aycock, Sr. Mr. McKenzie stated that he is the attorney who filed the lawsuit against Sumter County. The lawsuit was filed in violation of the noise ordinance. Mr. McKenzie said what is most striking to him today is the Planning Commission discussion three vacant lots today. However, the issue before Council with this proposed ordinance amendment is not a vacant lot. What was not presented was the impacts, other than jobs, there are 50 homes within a square mile of building. Therefore, this ordinance amendment impacts families which include Mr. Aycock. Mr. McKenzie said that of those 50 homes, several people are present that want to speak, and others that are present on behalf of the community, which include: Ms. Ann York, Mack McLeod, Tray McLeod, Billy and Judy Aycock, Danny and Christie Mullis, Robert Aycock, Patrick Aycock, Brook Aycock. Wade and Diane Richardson, Grayson Royce, Butch Ardis, Devin Royce, Tray and Jessica Stevens, James Hudson, and Sammy Geddings. Mr. McKenzie said the people are present because their homes and families are impacted by the noise, such as tractor-trailers at all hours of the day and night. He further stated that the community is impacted everyday by the operation of this plant. Mr. McKenzie said this is not asking for something in the future concerning this plant, it has already been done. The community is asking you to stop what has already been done; asking for forgiveness by Merchant Iron Works.

- Billy Aycock state that he lives at 3446 Nazarene Church Road. He played an audio of the last two weeks coming from the company. Later he stated that this is what happens when an industrial business is placed in the middle of a residential neighborhood.
- Jessica Stevens stated that she lives at 3440 Nazarene Church Road; she said that what Mr. Billy Aycock played is typical. She and her family moved in the community about 12 years ago and up until about a year and one half to two years ago they did not have an issue. There was some noise, but not what it has grown into as played by Mr. Aycock. There has been some nights that the noise has awaken Ms. Stevens around 1:00 a.m. or 2:00 a.m. in the morning. Ms. Stevens stated that she has two young children that need to go to sleep at night and be ready for school. She further stated that there are houses all around the community except for this business. Also, Ms. Stevens said that someone that is planning to be the Mayor of Sumter can move their business. The community does not want anyone to lose their job because of the community's concern. However, they believe the funds and means are there to move this company out of a community so the members of the community can live in peace. It is entirely too loud.
- Charles Stevens said he lives at 3252 Highway 15, south. He owns a recording studio, and the audio that was played by Mr. Aycock was product that he, Mr. Stevens, produced. Mr. Stevens said that Mr. Aycock has hours upon hours of recordings of similar sounds. He asked Council how would they like to be outside on a sunny day on a Sunday and in the yard enjoying yourselves and the neighbors can hear steel being dragged across the floor. Mr. Stevens said that he lives about  $\frac{1}{4}$  of a mile from the facility and has his recording studio well sound proofed but he can hear the noise from this plant. The site started out as Williams Brothers as a crane company, they cranes did not bother anyone. The Crane Company was sold to the steel company; which has no consideration for the community. Mr. Stevens questioned whether the property where Merchant Iron Works is located was ever zoned for what is happening on the property currently. Lastly, Mr. Stevens said that this community needs for Council to rescue them from this atrocity.
- Michael Stevens stated that he heard something about a buffer to help with this type of steel. Mr. Stevens said he works for a steel company and there is no way to buffer the sound. He also said that the trucks that are coming in on Nazarene Church Road and Beulah Church Road are being torn up by Mr. Merchant's trucks.
- Rev. Sammie Geddings - 4295 Paige Drive that is approximately two miles from the company. Rev. Geddings stated that the community stated that he has potholes after pot holes on the road due to the big trucks coming on the road. He periodically has to call South Carolina Department of Transportation to fix the roads. Rev. Geddings said he has lived in the community since 1988. The road was not designed to handle these large steel beams. He said that as members of Sumter County Council, your responsibility is to the people of this County, and Council members have an awesome responsibility. He then said, who else do the people have that will help them alleviate this problem.
- James W. Hudson stated that he is an old man now and said that you don't put steel together without making fuss. Mr. Hudson said that is why he is deaf now and could not hear half of what was said tonight. Mr. Hudson said that Billy Aycock came into the community and married into a good family, built his home in a peaceful neighborhood and expected that to last. Mr.

Hudson said that the first thing was who issued the permit for Mr. Merchant? Also, Mr. Merchant's lawyer should have checked to see if the property was zoned properly; now maybe the property that is around the plant is devalued. On the other hand, the owner of the plant has gotten off to a good start at the plant. Lastly, he stated that the burden is on Council's shoulders and he hopes that the good Lord will help you make the right decision.

- Judy Aycock spoke to Council and she said that their property abuts to the property owned by Merchant Iron Works. She stated that she has worked 55 years and she can finally retire, enjoy her children, and enjoy her yard. Now she cannot do that; she cannot go outside because of the noise, nor can she swim in the swimming pool because of the abundance of noise. The noise scares her grandchildren. Mrs. Aycock said that they have been going through this for almost two years. She asked Council to please help.
- Mr. Stevens spoke again stated that according to Sumter County Register of Deeds Office where Deeds are filed, on July 2, 2020, Merchant Iron works purchased 5.16 acres of property at 1023 Brookland in Sumter. There is an alternative; I think the families of this community want you to look at the alternative.

Spoke In Support Of this Rezoning request.

- Jay Davis, Broker In Charge and President of Coldwell Bankers Commercial. Mr. Davis gave some background about how the Company reached this place as of today.
  - ✓ November 2007, the Williams Brothers approached Mr. Davis and asked if he could help them with their metal fabrication shop. The property was listed on November 16, 2007, it placed under contract on November 21, 2007. This building was a perfect fit for someone that was doing the same thing that the William Brothers were doing. The closing took place in January 2008. Mr. Davis stated that the reason he felt that this was a good fit for Mr. Merchant is that the previous business was a metal fabrication business and Mr. Merchant had the same type business. The property was an acreage track where steel work was done at the facility since 1990. William Brothers were doing metal fabrication. In 1990, there was no countywide zoning. Mr. Davis gave background on the many projects of the former business as it relates to large structural steel construction projects for schools, industries, and other businesses. Also, Mr. Davis, made comparisons as to what could have been asked for by Mr. Merchant to help the neighbors and his 53 employees. However, because Mr. Merchant wants to be a good neighbor, he asked for a special exception that would require Mr. Merchant to bear the burden of having this project approved.
- Chad Andrews spoke in favor of the request for Merchant Iron Works. Mr. Andrews stated that he lives in Sumter and works for N. W. White and Company, which is a materials, transport company and earth moving company based out of Columbia, SC. Mr. Andrews stated that he has been in the earth moving company for over twenty years. He further stated that Mr. Merchant contacted him last year about earth berms and the impact they can have on reducing noise. Mr. Merchant wanted to build some berms to protect his neighbors from the noise that was in his company. The Federal Department of Highways and Transportation released a report stating that earth and berms can reduce noise up to 15 decibels. The berm was eventually built although there were delays due to rain and finding enough earth to build the berm.

- Brad Smith, Plant Manager of Merchant Iron Works since 2017. Around April 2018, a call was received by the General Manager about the amount of noise that was being made by the company. Since Mr. Merchant was not in town, Mr. Smith said that he and the General Manager began working to find ways to decrease the noise from the Company for Mr. Aycock and his family. There were some older equipment that caused lots of noise; however, since that time, new equipment has been purchased to alleviate or decrease the noise. A meeting with the employees was conducted to discuss ways to decrease noise throughout the company, which would help the neighbors as well as the employees. Mr. Smith further said that the company as well as the employees want to be good neighbors, and they are concerned about each aspect of the company and how it affects the neighbors. Steel has been moved from behind the area of the company near Mr. Aycock’s home. Mr. Smith said he assumed all the changes were working after March or April because he had not heard anyone complain until just recently. There was a night shift, but when all the complaints started, the company stopped the night shift for approximately six months ago. There is no second shift at the company any longer. Mr. Smith ask Council to support Merchant Iron Works’ request, which will also be a support to Mr. Merchant and the employees of the company. Lastly he stated that the company and the employees will do all they can to help be good neighbors. Note: Many of the employees of the company were in attendance at this meeting.
- Kenneth Bass stated that he is the shipping manager for Merchant Iron Works. He stated that Mr. Merchant has been constantly “on him” about noise control. Mr. Bass said that he spent 25 years in the U. S. Army and retired and has worked for Mr. Merchant for almost two years. Mr. Bass said he has been working with the noise reduction level since he has worked for the company. Mr. Bass stated that there has not been any Sunday work at this company since he has worked at the company and only half days on Saturday.
- David Merchant stated that he is the President of Merchant Iron Works. He gave some history about his purchase of the Company and when his company moved in this area in 2008. Mr. Merchant also gave history of the progression of what was reported in a report from the Sumter Economic Development Office. There are 53 employees at the company and many of the employees were hired through Central Carolina Technical College Welding program. Eight Veterans, two persons hired from a local recovery program, and several persons were hired through a fresh start program. The average salary is \$41,911. Mr. Merchant has invested over 2.5 million dollars worth of equipment and improvements over the last five years. Eight welding fabrication companies operate in Sumter in the Agricultural Conservation zoning similar to Merchant Iron Works. April 22, 2019, was the last time second shift operated. Trying to find a compromise with the neighbors, Merchant Iron Works has implemented limiting the hours of operation, increased set-backs, installed sound bufferings, and other matters that have been presented. Mr. Merchant then gave a history about the complaints against his company as it relates to the neighborhood. He emphasized the number of calls and the number of persons that called (Mrs. Aycock). Although the complaint was made in 2019, Mr. Merchant found out about the call in February of 2020. It was also noted by Mr. Merchant that his company never had a third shift; the company has a second shift, which worked until 11:00 p.m. Mr. Merchant concluded his statements by saying that Merchant Iron Works is in the same business that the former owner was and has worked diligently to be a good neighbor in this area.

After all comments, the Chairman closed the public hearing and asked Council members if they had

any questions.

Councilwoman McGhaney asked Mr. Merchant if the compromises were discussed with the neighbors or were the compromises done based on what Mr. Merchant thought was best to alleviate the problem.

Mr. Merchant stated that he and his staff working with the Planning Department to try to come up with a compromise that would be appropriate for the Company and others moving forward that might seek the same opportunity in the Agricultural Conservation District.

The Chairman was concerned with Councilwoman McGhaney's statements and added that he understands that when there is a lawsuit filed that things are handled differently. Also, Chairman McCain said that all, if not most, of Council members visited the site and can see and hear that things have changed.

Councilman Baker said that when he along with several other Council members visited the site, the Air Planes from Shaw AFB were louder than the work being done at Merchant Iron Works. He also asked Mrs. Roodman what would happen if the noise got louder than it is now. Mrs. Roodman stated that once a complaint is received, the Planning Department's staff would check the validity of the complaint. Then a notice of violation would be served to the company. If the company does not correct the problem within a given timeframe, then a written ticket would be served and go to Magistrates Court. A ticket can be written every day that the violation is persisted after the initial ticket is written.

Also, Mrs. Roodman stated that if the company is in violation of the special exception, the Planning staff can shut the company down if they are in violation of one of the conditions after going through the proper process.

Chairman McCain asked the County Attorney to restate what actions Council is supposed to address in second reading according to the presentation by Mrs. Roodman. After all comments, Council took action on second reading.

**ACTION:** MOTION was made Councilman Edens, seconded by Councilman Baker, and carried by Council to grant second reading approval to this ordinance amendment as recommended with the "six special exceptions cited by Mrs. Roodman and listed below." Councilman Sumpter and Vice Chairman Byrd voted in opposition. The motion carried.

The Special Exception be limited to the following SIC Codes:

- (1) 3441: Fabricated Structural Metal
- (2) 3442: Metal Doors, Sash, Frames, Molding, and Trim Manufacturing
- (3) 3444: Sheet Metal Work
- (4) 3446: Architectural and Ornamental Metal Work
- (5) 3448: Prefabricated Metal Buildings and Components
- (6) 3449: Miscellaneous Structural Metal Work

**PUBLIC HEARINGS: None**

**NEW BUSINESS CONTINUED:**

4. **R-20-06 -- A Resolution Of Sumter County Council Urging That Face Coverings Or Masks Be Worn In Public In The Unincorporated Areas Of Sumter County During The Covid-19 Public Health Emergency And Recovery.**

The County Attorney, Mr. Johnathan Bryan, presented this proposed resolution to Council for consideration.

**ACTION:** MOTION was made Councilman Edens, seconded by Councilman Baten, and carried by Council to adopt resolution R-20-06 as presented and directed the Chairman and the Clerk to execute and deliver the resolution on behalf of the County. Vice Chairman Byrd voted in opposition. The motion carried.

**Resolution listed below:**

**WHEREAS:**

1. The 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and
2. The World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and on March 11, 2020, the World Health Organization declared a world-wide pandemic; and
3. The Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States; and
4. On January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States as a result of COVID-19 under Section 391 of the Public Health Service Act; and
5. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020; and
6. On March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State; and
7. On March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a State of Emergency for the State of South Carolina; and
8. The Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), 2020-40 (June 11) and 2020-44 (July 11); and
9. Health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

10. S.C. Code § 4-9-130 provides that “...To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;” and
11. The South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of local governments and is not preempted by state law; and
12. Sumter County Council has determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens, that although it would be within Sumter County’s police powers under Home Rule and S.C. Code § 4-9-30 to require by ordinance that individuals wear face coverings in certain situations and locations, but at this time the Council chooses instead to pass this Resolution urging the wearing of face coverings in public; and
13. COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and,
14. As of July 22, 2020, the daily SCDHEC report of new COVID cases was 1,932 bringing the total number of confirmed cases to 73,377 throughout the State of South Carolina with 95 new cases in Sumter County for a total of 1,810 confirmed cases in Sumter County and 1,221 confirmed deaths statewide and 34 confirmed deaths in Sumter County; and
15. SCDHEC has reported the number of new cases in Sumter County in the past three weeks to be in the “Increasing” category, with more than a 62% increase; and
16. Sumter County is located on the I-95 corridor with multiple exits, and as such is exposed to visitors from across our country and is particularly vulnerable to infection; and
17. The number of cases is growing rapidly, and if COVID-19 continues to spread in Sumter County, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and
20. It is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and
21. Sumter County has received a strong message from the medical community, that unless citizens curb the rising spread of COVID-19 through wearing facemasks and following social distancing protocol established by the CDC and included in the Executive Order of the

Governor of South Carolina, community medical facilities could be faced with more patients than any one institution can accommodate; and,

22. The Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of face coverings to slow the spread of COVID-19; and
23. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the County’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and
24. In order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the County, the County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and
25. In light of the foregoing, County Council deems it proper and necessary to adopt this Resolution, effective immediately.

**NOW, THEREFORE, BE IT RESOLVED BY THE SUMTER COUNTY COUNCIL ON THIS DATE THAT:**

County Council urges all persons in Sumter County to wear facial coverings or masks in public places and public buildings within the County to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. Definitions. As used herein, the terms below shall have the following meanings:
  - a. “Establishment” means a Foodservice Establishment or Retail Establishment.
  - b. “Face Covering” means a uniform piece of cloth, fabric, or other material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person’s nose and mouth.
  - c. “Foodservice Establishment” means any establishment within the unincorporated areas of Sumter County that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis, and includes Drinking Places where beer, wine, liquor or other alcoholic beverages are served for on premise consumption.
  - d. “Responsible Person,” with respect to an Establishment, means any individual associated with the Establishment who has the authority and ability to enforce the requirements of the Ordinance within the Establishment, such as an owner, manager, or supervisor. “Responsible Person” may also include an employee or other designee who is present at the Establishment but does not have the title of manager or supervisor, but who has the temporary or designated authority and ability to ensure that the requirements of this Ordinance are met while the Establishment is open to the public.
  - e. “Retail Establishment” means any retail business, organization, establishment, or facility open to the public within the unincorporated areas of Sumter County, including without limitation:



- i) grocery stores, convenience stores, and any other establishment engaged in the retail sale of non-prepared food;
    - ii) commercial stores engaged in the retail sale of goods or services to the public including without limitation sporting goods stores; furniture and home-furnishings stores; clothing, shoe, and clothing-accessory stores; jewelry, luggage, and leather goods stores; department stores; hardware and home-improvement stores; book, craft, and music stores; florists and flower stores; and all other stores that sell supplies for household consumption or use;
    - iii) pharmacies and other stores that sell medications or medical supplies;
    - iv) alcoholic beverage stores; and
    - v) laundromats.
  - f. “Dining” means the actual transfer of food or beverage to the mouth.
2. All persons entering an Establishment in the County or any building open to the public are encouraged to wear a Face Covering while inside the enclosed area of the Establishment, public place or building including religious establishments.
3. All Establishments in the County should require staff to wear Face Coverings while working in areas open to the general public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed.
4. All persons are encouraged to wear a Face Covering:
  - a. when walking in public where maintaining a distance of six (6) feet between other members of the public at all times is not possible;
  - b. while providing or utilizing public transportation including but not limited to taxis, Uber or Lyft;
  - c. when participating in a permitted or allowable gathering; and
  - d. while interacting with people in outdoor spaces, including but not limited to, curbside pickup, delivery and service calls.
5. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others would be excused from complying with this request.
6. Face coverings would generally not be worn by individuals in the following circumstances:
  - a) in outdoor or unenclosed areas appurtenant to Retail Establishments or Foodservice Establishments in which social distancing of at least six feet is possible and observed;
  - b) for people whose religious beliefs prevent them from wearing a face covering;
  - c) for those who cannot wear a Face Covering due to a medical or behavioral condition where the Face Covering causes or aggravates a health condition (i.e., asthma or the like);
  - d) for children under the age of eight years old, provided that adults accompanying children age eight or older shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Establishment;
  - e) when patrons of Food Service Establishments are dining, seated or socially distanced consuming food or beverage;

- f) in private, individual offices and for employees where they are separated from customers by a Plexiglas or glass shield;
- g) when complying with directions of law enforcement officers;
- h) in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming;
- i) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.
- j) by anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance;
- k) in personal vehicles;
- l) during outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times;
- m) when a person is alone or only with other household members; and
- n) by Police officers, Fire Fighters, EMS or other First Responders when it is not practical while engaged in a public safety matter or any emergency matter.

7. In the event this request for voluntary compliance and the wearing of face coverings fails to result in a lessening of the COVID-19 infections in Sumter County, Council may consider enacting an emergency ordinance requiring the wearing of face coverings, which could result in civil or criminal fines, and the possibility that further measures to prevent repeated failures to wear face coverings in Establishments to be a public nuisance, which may be abated by the County by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State.

5. **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. **20-930 – Third Reading – An Ordinance Calling For A Referendum To Determine Whether The South Carolina Department Of Revenue May Issue Temporary Permits To Allow For The Sale Of Beer And Wine For Off Premises Consumption On Sundays In The County Of Sumter.**

Mr. Johnathan Bryan, the County Attorney, stated that there are no changes to this ordinance since first reading. He also reemphasized that the ordinance is to allow for Sumter County to place on the November voting ballot a question asking *if the voters are in favor of allowing for the S. C. Department of Revenue to issue temporary permits to allow for the sale of beer and wine for off premises consumption on Sundays in the County of Sumter for seven days a week.*

**ACTION:** MOTION was made Councilman Baker, seconded by Councilman Sumpter, and carried by Council to grant third reading approval to this ordinance as presented. Councilman McGhaney voted in opposition. The motion carried.

**COMMITTEE REPORTS: None**

**MONTHLY REPORTS:**

- Sumter County Sheriff's Office June Monthly Report

**COUNTY ADMINISTRATOR'S REPORT**

- **UPDATE ON COVID-19** – The County Office Buildings remain closed to the public and the County remains on a modified schedule. There is an upcoming Medical University of South Carolina pre-testing at the St. John Elementary School on July 31, 2020, from 9:00 a.m. to 12:00 noon. Mr. Mixon thanked everyone for his or her work on this project.
- **UPDATE ON ADMINISTRATION BUILDING** – Plans are to start moving the Administration staff, Finance, and Purchasing back to the Administration Building on August 10, 2020. The Treasurer, the Auditor, and the Assessor's departments will be moved the week of August 24, 2020. After the move, the County will consider opening back to the public.

**PUBLIC COMMENT**

*A. Public Comment Is Suspended Until Further Notice By Sumter County Council.*

**ADJOURNMENT**

After all discussion and all comments from the public, motion was made by Vice Chairman Byrd, seconded by Councilman Sumpter to adjourn the meeting of Sumter County Council at 8:15 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: October 27, 2020

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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 21, 2020
- 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 21, 2020

Respectfully submitted,  
*Mary W. Blanding*  
Mary W. Blanding