

**Minutes**  
**Sumter County Council**  
**Regular Meeting**  
**March 25, 2008 - Held at 6:00 p.m.**  
**County Administration Building County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

**MEMBERS PRESENT:** Vivian Fleming-McGhaney, Chairwoman; Eugene Baten, Vice Chairman; Artie Baker, Larry Blanding, Jimmy Byrd, Charles T. Edens, Councilman Roland Robinson.

**MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Mr. William T. Noonan, County Administrator; Mrs. Mary W. Blanding, Clerk to County Council; Mr. George McGregor, Planning Director; Mrs. Pam Craven, Finance Director; Mrs. Lorraine Dennis, Deputy County Administrator/Human Resources Director; Mrs. Keysa Rogers, Budget Analyst; and the Honorable Verna Moore, Sumter County Coroner.

**MEDIA PRESENT:** The Item

**PUBLIC PRESENT:** Approximately 12 members of the public were in attendance.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of March 25, 2008, to order.

**INVOCATION:** Chairwoman Vivian Fleming McGhaney gave the invocation.

**PLEDGE OF ALLEGIANCE:** All in attendance repeated the Pledge of Allegiance.

**NOTE:** The Chairwoman stated that she wanted the public to know that Councilman Robinson is absent due to the death of his father. Council's prayers are extended to him and his family.

**RECONITION:** The Clerk recognized members of Junior County Council: Jeremy Richardson, Kimberly Arnold, and Trenton Green. Terry Sumter, the Advisor for Junior County Council, was also in attendance.

**APPROVAL OF AGENDA:** Councilwoman McGhaney stated that she would entertain a motion to approve the March 25, 2008, agenda with any additions, deletions, or as printed. The Clerk to Council, asked Council to consider removing from the March 25, 2008, agenda Item#1 under New Business: *Discussion And Possible Action On How To Handle Items Reported From Executive Session.*

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the March 25, 2008, agenda as amended by removing Item #1 under New Business.

**ACTION ON MINUTES OF MARCH 11, 2008:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of March 11, 2008.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Byrd, and unanimously carried by Council to grant approval of the minutes of March 11, 2008, as prepared by the Clerk.

## LAND USE MATTERS AND REZONING REQUESTS -

### Planned Development/Rezoning Request -

1. **MA-08-02 - (08-660) and RZ-08-02 -- Charles Hodge -- (County) --** Request to:

- (1) Amend The 2020 Comprehensive Land Use Designation From Residential Housing Type Optional (RHO) To Industrial Protection And Development (IPD); And

Mr. George McGregor, the Planning Director, stated that the applicant requests that the 2020 Comprehensive Land Use Plan be amended to change the land use designation for the subject parcel from Residential Housing-Type Optional to Industrial Protection and Development. Concurrently, the Applicant is also requesting to rezone said property from LI-W & GR to HI in order to permit him to move his various recycling, warehousing and manufacturing business interests to one facility. It is appropriate that these items track concurrently; however, the issue of the land use designation should be arbitrated prior to consideration of the zoning request.

He further stated that the approximate 36.21 acre parcel (the "Property") is located at 602 E. Fulton St. at the southwest corner of the intersection of Fulton St. and Industrial Rd. adjacent to the railroad tracks. The Property is part of a larger manufacturing complex made up of two separate tax parcels. Part of the complex is located in the City. Historically these parcels have been used for industrial and manufacturing purposes and continue to house materials, equipment, and buildings that continue to be used for industrial purposes.

The City portion of the complex is zoned HI and fronts on E. Fulton St. The property being reviewed under this request is located within the County and is zoned LI-W and GR. Although this manufacturing complex is separated by tax parcel lines and jurisdictions it is effectively one facility with both tracts of land under common ownership.

Mr. McGregor stated that for the following reasons, staff supports the proposed map amendment and concurrent rezoning request:

- 1) Upon further review of the Comprehensive Plan it appears possible, if not likely that an error was made in the original plan map when this property was designated RHO. At this time Staff recommends amending the Plan Map for this parcel and a thorough review of Comprehensive Plan Map Designations for adjacent properties as we undertake a rewrite of the Comprehensive Plan.
- 2) The Property has historically been the site of uses that are defined in the current County Zoning Ordinance as heavy industrial uses. Rezoning this property to HI will remedy a zoning anomaly and will allow the applicant to collocate many, if not all, of his current businesses to one location.

The following ordinance has been prepared for the Map Amendment and rezoning request:

**WHEREAS**, the "Procedure for Adopting Plan or Amendments" of the County of Sumter Comprehensive Plan for 1999-2020 adopted December 14, 1999, provides a procedure for amending the Official Comprehensive Plan Map of the County of Sumter, and

**WHEREAS**, said procedure has been followed, and the Sumter City-County Planning Commission has reviewed and hereby recommends favorably the following amendments to the Official County of Sumter Comprehensive Plan Map.

NOW THEREFORE, BE IT ORDAINED BY THE CHAIRPERSON AND THE COUNTY COUNCIL OF THE COUNTY OF SUMTER, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED BY THE AUTHORITY THEREOF, THAT:

- I. The property located at 602 E. Fulton St., owned by CBT Enterprises, LLC, is hereby re-designated from RHO to IPD, and identified by the following tax map block and parcel number:  
  
✓ 250-00-01-008
- II. Said property being officially re-designated to IPD, the official Comprehensive Plan Map of the County of Sumter is so amended to reflect said change.
- III. This ordinance shall become effective immediately upon its adoption on Third Reading.

After all comments, Council took action on first reading for the Map Amendment and the rezoning request.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to the MA-08-02 and the RZ-08-02 as presented.

- (2) Rezone From Light Industrial-Warehouse (LI-W) And General Residential (GR) To Heavy Industrial (HI) +/- 36.21 Acres Located At 602 E. Fulton Street. And Identified By Tax Map # 250-00-01-008.

This matter was presented in conjunction with MA-08-02.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to the RZ-08-02 and MA-08-02 as presented.

2. **RZ-08-03 - Second Reading and Public Hearing -- Albert and Joan Yonson -- Request To Rezone +/- 6.0 Acres Located At 2888 Cains Mill Road From Agricultural Conservation (AC) To Limited Commercial (LC); Tax Map # 180-00-03-001. (Prior to action on second reading, Council will hold a public hearing on this matter.)**

Mr. McGregor presented this proposed rezoning request from Mr. Albert and Joan Yonson. The property request is to rezone approximately six acres located at 2888 Cains Mill Road from Agricultural Conservation to Limited Commercial. As part of the adoption of the 2020 Comprehensive Land Use Plan, the County designated this parcel as Limited Business Development (LBD) with the intent of attracting future business growth to this intersection. The objective of the LBD designation is to (1) meet the needs of a smaller residential market, and (2) to serve as a transitional area between residential and general commercial development. Because of designed proximity to residential areas, the intensity of development in this classification is recommended to not exceed designated building size, limited floor area ratio, reduce impervious surface ratio, and a building height of 35 feet.

	Zoning	2020 Land Use Designation	Type of Uses	Overlay District
North	AC	LBD	Residential and a vacant Commercial building	RCD & HCPD
South	AC	RC	Residential	RCD
East	AC	LBD & RC	Residential	RCD
West	AC	RC	Residential	RCD & HCPD

➤ RCD- Range Compatibility District, HCPD- Highway Corridor Protection District

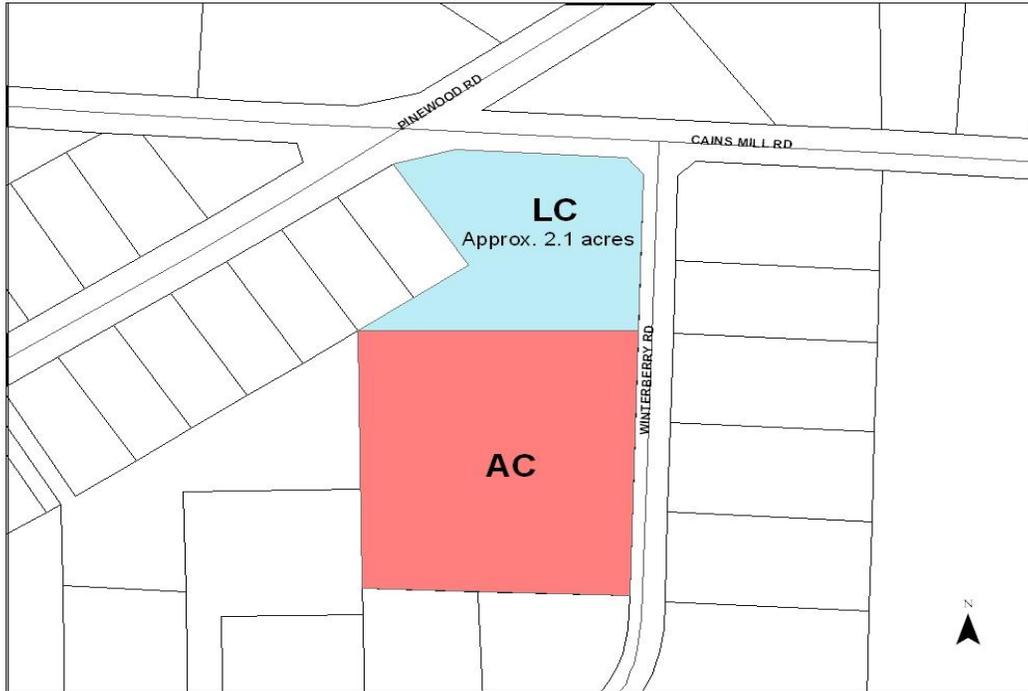
**Existing Parcel Zoning:** The Agricultural Conservation (AC) District is to protect and preserve areas of the County which are presently rural or agricultural in character and use, and are uniquely suited to agricultural use. Where urban development is permitted within the district, strict quality standards should be required.

**Proposed Parcel Zoning:** The Limited Commercial (LC) district is to accommodate commercial development along major streets, while promoting land use compatibility by limiting the type and conditions of development.

**Suitability to Existing Zoning:** The exiting single - family residential home is a conforming use in the AC District; therefore, it is well suited for this district.

**Suitable to Proposed Zoning:** The LC district considers single-family residential homes a conditional use; therefore, the existing single-family residential home would be a suitable use in the LC zoning district.

**Trend of Development:** Properties to the north are single-family residential dwellings, Pinewood Road and Cains Mill Road; properties to the south are single family residential dwellings; properties to the east are single family residential and Winterberry Road; properties to the west are single-family residential dwellings.



Mr. McGregor also stated that the Sumter County 2020 Comprehensive Plan designates this parcel as Limited Business Development, which is designed to meet the needs of a smaller residential market, and to serve as a transitional area between residential and general commercial development. By rezoning the property from Agricultural Conservation to Limited Commercial, the County of Sumter will be providing the means of implementing the limited commercial development of this property. However, as a matter of policy, the County Comprehensive Plan also addresses premature commercial developments by stating "all future commercial development are to be designed in a manner that minimizes the negative impacts on traffic circulation and adjacent land use; as well as, prohibits the encroachment of commercial development into established residential areas" (pg. 108, City/County Comprehensive Plan).

Therefore, in order to protect the property values and character of the surrounding residential area and meet the desires of the applicant and County, Staff recommends only a portion of the property, approx. +/- 2.1 acres, be rezoned from AC to LC. This recommendation is based on the 2020 Comprehensive Plan supporting the proposed rezoning, as well as, the adopted policies that are aimed to protect residential/rural areas from premature commercial development.

Finally, Staff recommends approval consistent with the below illustration. The Sumter City - County Planning Commission at its meeting on Wednesday, February 27, 2008, recommended approval of this request with staff's recommendation to rezone only +/- 2.1 acres at the front of the property facing Cain's Mill Road.

**PUBLIC HEARING:**

The Chairwoman convened a public hearing on this matter. She stated that she would entertain comments in favor of this proposed rezoning request as presented. The following persons spoke in support of the rezoning request.

- Norma Crawford spoke in support of this request. She stated that she is the daughter of Ms. Yonson. Ms. Crawford also said that her father is ill and that is why they want to sell the property and sell it at a profit to help offset the expenses related to her father's illness.
- Mrs. Dorothy Cromer stated that she lives right down the street from this property on Winterberry. She stated that she supports the rezoning so that if the family wants to sell the property, they ought to be able to sell it at the most profitable cost. Mrs. Cromer also stated that Mr. and Mrs. Yonson have tried to sell this property for over twenty years.
- Mr. Jack Cromer stated that he has lived on Woodberry for 21 years and there is only one child on the street that he knows of. He supports the Yonson's in their endeavor.

Then Chairwoman asked if anyone wished to speak in opposition to this proposed rezoning request. The following persons spoke in opposition of the rezoning request.

- ✓ Ms. Shannon Wilkinson presented the Chairwoman with a petition from some of the residents of Winterberry. Nineteen signatures were listed on the petition. She stated that she is not in support of the rezoning to Limited Commercial. Most of the people in the community have small children and this rezoning would not be good for the community. She added that if a convenience store is placed on Cains Mill Road, this will add congestion to an area that has dangerous traffic in the area. Ms. Wilkinson said that she empathizes with her neighbors, but that she cannot support this request; she added that she moved to this area because it is a country setting and quiet.
- ✓ James Hicks stated that he lives on a dead-end circle on Winterberry. He stated that he had to build a wall to keep people away from his home. He does not support this rezoning. Mr. Hicks also stated that the Yonson's could sell the property easier if they would subdivide the property and not try to sell it as one large track.
- ✓ Allen Smith spoke in opposition to the rezoning. He stated that he bought his property approximately four years ago and he purchased it because it is quiet in the neighborhood. He stated that he has a child that is 2 ½ years old and a child that is a week old. It is hoped that his children will learn about the country life and nature. Therefore, he is not in support of the rezoning with a business in such a wholesome setting. Mr. Smith stated that four years ago, he asked the Yonson's to allow him to purchase the last half of the property, but they would not sell it because Mr. Yonson did not want to subdivide the property.
- ✓ Brooks Wilkinson said that his main concern is the truck traffic already on Cains Mill Road and adding additional traffic would not be favorable for a country neighborhood. Extra traffic would only add problems to the turn-off from Pinewood Road to Cains Mill and would be a problem for Woodberry since it is a quiet setting.

- ✓ Paula Hicks spoke in opposition and said that if a convenience store is constructed then there will be loitering, extra traffic, etc. She also said that there are infants, children, and teenagers in the neighborhood. Parents like to walk their kids and the children and teens like to play in the neighborhood. Added traffic will just hinder an already quiet setting.
- ✓ Sandra W. Adams sent an email and asked that they be recorded as part of minutes stating her opposition to the rezoning request.

After all comments, the Chairwoman closed the public hearing and then Council continued deliberations on this matter. It was noted that there were nineteen signatures against the rezoning and one e-mail also in opposition. Councilman Blanding stated that there was no mention on the petition whether or not the persons are property owners, residents, residents and property owners, or what. He said that there should be some process whether the petition should be received earlier and that it could be validated that these persons live on the street.

Vice Chairman Baten asked what will be placed on the property if it is rezoned. Mr. McGregor stated that the applicant has not indicated what will be placed on the property if it is rezoned. Mr. McGregor further stated that a list of Limited Commercial could be retail and service oriented that would be permissible.

After all comments, Council took action on second reading.

**ACTION:** MOTION was made by Councilman Edens, seconded by Councilman Byrd, and unanimously carried by Council to deny second reading to RZ-08-03 as presented.

3. **OA-07-09 - Third Reading –08-659 - ATC Development (County) -- Request To Amend All Sections Of The City Of Sumter And The Sumter County Zoning And Development Standards Ordinances Regarding Development Standards For Townhouses.**

This is a request to amend the zoning ordinance relative to townhouses; there are no changes since first reading.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant third reading and adoption to OA-077-09 as presented.

**Street Name Change - None**

**Grant Awards - None**

**OTHER PUBLIC HEARINGS - None**

**NEW BUSINESS**

- (1) Discussion And Possible Action On How To Handle Items Reported From Executive Session.

This matter was removed from the agenda.

- (2) It May Be Necessary To Hold An Executive Session To Receive A Legal Briefing From The County Attorney Or Discuss Contractual Or Personnel Matters.

No executive session was held.

#### **OLD BUSINESS - None**

#### **COMMITTEE REPORTS:**

- (1) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, March 25, 2008, At 5:00 P.M. In County Council's Conference Room At The County Administration Building (Committee Members: McGhaney, Blanding, and Edens - All Council Members Are Asked To Attend This Meeting.)

The Chairwoman gave the following report and recommendation from the Committee meeting.

- (1) Executive Session Issues:
  - A. Discussion On Contractual Matter Pertaining To Economic Development.  
No action taken.
  - B. Discussion On A Contractual Matter Pertaining To A Local Industry.  
No action taken.
  - C. Discussion On A Potential Contractual Matter With The City Of Sumter.  
No action taken.
  - D. Discussion On Matters Relating To The Proposed Location, Expansion, Or The Provision Of Services Which May Encourage Location Or Expansion Of Industries Or Other Businesses In Sumter County.  
No action taken.
- (2) Update On Greenwood Subdivision. The Sumter County Public Works Department has spent approximately six days clearing the ditches in the Greenwood Subdivision to lower the water table in that community. Since this work has been completed, the water table has been lowered approximately two feet and the community residents have not had any problems with their septic tanks since the work was done. The Sumter County Public Works Department will periodically monitor this ditch so that there will be good water flow in the area.
- (3) Report From Council Members On Other Meetings, Trainings, and/or Conferences. Councilman Robinson stated that he has not attended a conference or training; however, he extended thanks to Council and staff for their visits, calls, and gifts during the death of his father.

**MONTHLY REPORTS:**

- ❖ Sumter County Financial Statement
- ❖ 2007 Actual Assessed Value X Growth History
- ❖ New Growth Dollars At 95% Collection
- ❖ Martha Greenway Retirement Reception
- ❖ Mayor's Prayer Breakfast 2008
- ❖ SCAC Hotel Reservation for 41<sup>st</sup> Annual Conference
- ❖ Letter -Dr C. Leslie Carpenter - Property Concerning Tennis Complex
- ❖ The Howard Association, Inc.
- ❖ Sumter County Active Lifestyles Pedestrian Plan
- ❖ Sumter County Public Works and Landfill Monthly Report
- ❖ Sumter County Emergency Management Activity Report
- ❖ Central SC Alliance

**ADMINISTRATOR'S REPORT:**

- SCAC Friday Report: Senate Bill 1105 Concerning Home Rule - This matter has been carried over to a Blue Ribbon Panel for further review.
- Millage rate has been recalculated; however, the County is proceeding with a 2.8% increase.
- Census numbers have been reviewed and there have been some miscalculations in the census numbers. However, these numbers will not be approved until the 2010 Census.
- Jail Recodification Senate Bill 590 is being considered and would be beneficial if approved by the Senate.
- Senate Bill 981 outlines a plan for the State to turn State maintained roads over to the County.
- Beaufort County Council members are pushing for Impact Fees to help pay for schools.
- House Bill 3812, which is a bill that would allow for a sixth exemption for increasing millage in a county, is being discussed in the House.
- Rimini Landing Grant has been awarded in the amount of \$148,000.

**PUBLIC COMMENT:**

The Chairwoman asked if anyone from the public would like to make comments to members of Sumter County Council.

- Mrs. Ann August, the Executive Director for Santee Wateree Regional Transportation Authority, updated Council on the construction of the James E. Clyburn Intermodal Transportation Center. She stated that the construction is within the 90-day timeframe for completion. Mrs. August asked Council members to consider visiting the facility for a tour prior to its completion.

Councilman Baten asked about a "wall" that is still standing in the yard of the Transportation Center. Mrs. August stated that the architect wanted to show the extent of the previous buildings and use this wall as a historical marker.

- Karen Watson, Executive Director of the Sumter County Gallery of Arts, thanked each Council member for their help with the Gallery.

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 6:43 p.m.

Respectfully submitted,

*Vivian Fleming McGhaney*

Chairman or Vice Chairman  
Sumter County Council

*Mary W. Blanding*

Clerk to County Council  
Sumter County Council

Approved: April 8, 2008

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

Public Notified: Yes

Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.

Date Posted: March 20, 2008

Media Notified: Yes

Manner Notified: Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities. Also, E-Mail notification was sent to Sumter County's Home Page, WIBZ, The Item, The Chamber, Time Warner Cable.

Date Notified: March 20, 2008

Respectfully submitted,

**MaryW.Blanding**

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Mary W. Blanding