



Minutes
Sumter County Council
Regular Meeting
September 8, 2009, - 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:

1. Chairman Vivian Fleming McGhaney, Council District #5
2. Vice Chairman Eugene Baten, Council District #7
3. Councilman Artie Baker, Council District #2
4. Councilman Larry Blanding, Council District #6
5. Councilman Jimmy Byrd, Council District #3
6. Councilman Charles T. Edens, Council District #4
7. Councilwoman Naomi D. Sanders, Council District #1

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

Denise McLeod; Administrative Assistant
Johnathan Bryan, County Attorney
Keysa Rogers, Budget Analyst
Latham Harris, County Assessor

William T. Noonan, County Administrator
Gary Mixon, Deputy Administrator
Pam Craven, Finance Director

MEDIA PRESENT:

The Item Newspaper - Gina Vissilli

THE PUBLIC PRESENT:

Approximately 10 members of the public were in attendance.

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CALL TO ORDER: Chairwoman Vivian Fleming McGhaney called Sumter County Council's meeting of September 8, 2009, to order.

INVOCATION: Chairwoman Vivian Fleming McGhaney gave the invocation.

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

APPROVAL OF AGENDA: Chairwoman McGhaney stated that she would entertain a motion to approve the September 8, 2009, agenda with any additions, deletions, or as printed.

Note: The Clerk to Council stated that everything was fine with Council's agenda; however, she then introduced to Council Miss Raven Glover, a Sumter High School student in the Teacher Cadet program, was present at the meeting as part of her class project. Council members welcomed Miss Glover to the meeting and invited her to make comments during public comment.

ACTION: MOTION was made by Vice Chairman Baten, seconded by Councilwoman Sanders, and unanimously carried by Council to approve the September 8, 2009, agenda as printed.

ACTION ON REGULAR MEETING MINUTES OF AUGUST 25, 2009: Chairwoman McGhaney stated that she would entertain a motion to approve the regular meeting minutes of Sumter County Council held on August 25, 2009.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the regular meeting minutes of August 25, 2009, as prepared by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS -
Planned Development/Rezoning Request -**

- (1) **RZ-09-03 - First Reading - Cary G. McKnight/Patriot Parkway - A Request To Rezone From Agricultural Conservation (AC) To Residential-15 (R-15) 3.80 Acres Located On The South Side Of Patriot Parkway (Between Louella Lane And Shedricks Lane) And Represented By Tax Map #156-15-01-050.**

Mr. McGregor, the Planning Director, stated that the applicant, Mr. McKnight, is requesting to rezone this property from Agricultural Conservation to Residential-15 zoning. The property consists of 3.80 acres and is located on the south side of Patriot Parkway between Louella Lane and Shedricks Lane. The applicant wishes to rezone the property so he can divide the property into 5 residential lots and construct small houses (approximately 1200 square feet). There is currently a recorded plat dated April 28, 2008, dividing the property into three lots meeting the minimum one-acre lot size which is required in the AC zoning district. He would like to add two additional lots for a total of five lots. This is the reason he is asking to rezone so he can have lots less than one acre in size. The lots will range from .50 to .81 of an acre.

Mr. McGregor further stated that if the property is rezoned to R-15, then the applicant will have to go through the subdivision review and approval process. With the R-15 zoning, the minimum lot size required by the Zoning Ordinance is 15,000 square feet lots. Although the applicant is proposing 5 lots, realistically with the R-15 zoning he could potentially have more lots. He could have a total of 7 lots with taking into account the minimum lot width requirement of 100 feet. DHEC of course will dictate the minimum lot size because of the need for septic tanks. Staff does have concerns with the potential number of access points this could create onto Patriot Parkway. This will be reviewed by staff with recommendations at the Subdivision level if rezoned.

Also, this property is also located within the County Highway Corridor Overlay district and will require architectural design approval for the houses to be built within this development. The surrounding properties consist of a mixture of conventional built houses and mobile homes with lots varying anywhere from .4 acre to 3 acres.

RC, Residential Conservation

- Objective - The objective of this designation is to conserve and protect the character and present use of existing single-family neighborhoods and subdivisions and to prohibit any use or development which would compromise or infringe on the prevailing character of such areas. This designation is designed to further single-family residential development where applicable to undeveloped areas.

- Policy - Where the symbol RC is applied on the Plan Map, it shall be the policy of the Planning Commission, and City and County Councils to deny zoning changes or ordinance amendments which would in any way compromise or alter the present use of the property. In neighborhoods so designated, any ordinance change that would permit dissimilar uses would be denied as a matter of policy, pending further study by the Planning Commission and Councils and subsequent amendments to the Plan Map. This policy effectively “locks out” development and zoning changes at variance with prevailing single-family uses. It is a policy of “no change” until such time as the plan objectives are reevaluated and restated by plan amendment. This designation is applied principally to existing stable, single-family residential areas and undeveloped areas with “like” residential potential.

This rezoning request complies with the Land Use Plan. Residential-15 is a compatible zoning district.

The following table is an overview of the surrounding area:

	Zoning	Comp. Plan Designation	Type of Use
North	AC	AC	Res./Agricultural
South	AC	AC	Res./Agricultural
East	AC	AC	Res./Agricultural
West	AC	AC	Res./Agricultural

* PD= Planned Development

The Planning staff has reviewed the request, visited the site, and recommends approval of this rezoning. The Sumter City-County Planning Commission at its meeting on Wednesday, August 26, 2009, voted to recommend approval for this request.

After comments from Mr. McGregor, Councilman Edens stated his concerns about the amount of lots that will be created by this rezoning request and the ingress and egress to the property. Councilman Baker also talked about the private dirt road in the area of where the proposed rezoning is being considered. Councilman Baker said that he is aware that many people have problems with this road even with the number of houses and traffic on the road at present. At the conclusion of all comments, the Chairwoman called for a motion on this matter.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant first reading to this rezoning request.

- (2) **RZ-09-04 - First Reading - Albert And Joan Yonson/2888 Cains Mill Road - A Request To Rezone From Agricultural Conservation (AC) To Limited Commercial (LC) +/- 6.00 Acres Located At 2888 Cains Mill Road And Represented By Tax Map #180-00-03-001.**

Mr. McGregor stated that Mr. and Mrs. Yonson, the applicants, made application concerning this property back in March of 2008; County Council voted 7-0 to deny an identical rezoning request by this applicant at second reading, after holding a public hearing with nine speakers.

Mr. and Mrs. Yonson have struggled to sell their home at this address and believe that a commercial zoning designation such as LC will enhance their efforts. We understand there are family and medical reasons at the core of the request. As over one year has passed since the request failed at County Council, the applicant has the right to resubmit this request.

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 existing 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; properties to the east are single family residential and Winterberry Rd.; properties to the west are single-family residential.

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). Those details could be reviewed at the time of site plan review; there is no specific use identified for this property at this time.

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, August 26, 2009 recommended approval for the above referenced request with staff recommendation

that only +/- 2.1 acres located at the front of the property, facing Cain's Mill Rd., be rezoned.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to grant first reading to this rezoning request with only the 2.1 acres located at the front of the property, facing Cain's Mill Road as recommended by the Planning Commission.

- (3) **OA-09-03 - Third Reading - Planning Staff - 09-695 - A Request To Amend Article 10, Section B, Definition Of The Sumter County Zoning And Development Standards Ordinance To Correct An Error And Conflict In The Definition Of "Yard, Side."**

Mr. George McGregor, the Planning Director, stated that there have been no changes to this ordinance amendment since first reading. After all discussions, Council took action on third reading and adoption to the ordinance amendment.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, and unanimously carried by Council to grant third reading and adoption to this Ordinance amendment as presented.

Street Name Change - None

Grant Awards -

The County Administrator presented the two grant awards (1) Magistrates Court/Security in the amount of \$12,300, and (2) Sheriff's Department in the amount of \$62,400 for Street Level Law Enforcement Activity.

OTHER PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) **It May Be Necessary To Hold An Executive Session To Discuss A Personnel Matter, Receive A Legal Briefing, Or Discuss A Contractual Matter And Appropriate Actions May Be Required And Taken Thereafter.**

No executive session was held.

OLD BUSINESS:

- (1) **09-694 -Third Reading -- An Ordinance Amending Ordinance No. 09-689, Creating The Sumter County Crystal Lakes Golf Course Advisory Board.**

The County Administrator stated that there have been no changes to this ordinance since first reading. He asked Council to adopt the ordinance as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant third reading and adoption to this ordinance.

COMMITTEE REPORTS:

- (1) Fiscal Tax and Property Committee Meeting Held on Tuesday, September 8, 2009, at 4:00 P.M. In County Council's Conference Room At The County Administration Building - (McGhaney, Blanding, and Edens.

The Chairman of the Committee, Chairwoman Vivian Fleming McGhaney, gave the following report and recommendations.

1. B. P. Barber And Associates - Presentation Concerning Stormwater. (Approximately 20 minute presentation.) - No action; received as information.
2. New Legislation - Expungement Flowchart - Judge Kathy Ward. No action; received as information.
3. Request From Central Carolina Technical College Concerning A Property Matter. No action; received as information.
4. Executive Session -If Necessary Council May Hold An Executive Session To Discuss Contractual, Economic Development, Personnel Matters, or Receive A Legal Briefing And Take Actions As Appropriate.
 - A. A Possible Economic Development Matter(s). No discussion on this item.
 - B. Contractual Matter Pertaining To Law Enforcement. No discussion on this item.
 - C. Discussion On Several Property Matters.

There were several property matters discussed in executive session, however, the Committee took action on one item as listed below.

- (1) The Committee received information concerning a "private drive" connecting to Patriot Park Sportsplex. The Committee recommended denial of the request.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to deny the request as presented.

- E. Update On Acquisition Of Property. A draft of the Memorandum of Understanding (MOU) between the City and County was provided to each Council member concerning the property around Shaw AFB. The County Attorney was asked to make several changes to the draft and to provide those changes to Council during its regular meeting of September 8, 2009. After

review of the revised document, Council members took action on the amended MOU.

ACTION: MOTION and second were received from the Committee, and carried by Council to approve the Memorandum Of Understanding as reviewed during the Committee meeting, revised by the Attorney, and then viewed again by Committee members and all other members of Council in the regular meeting of Sumter County Council as amended. Councilman Blanding voted nay. The motion carried.

NOTE: Vice Chairman Baten made comments about the proposed revision that he asked Council to include the revision on the MOU so that if Shaw AFB closes, the property would revert back to the City and County. Other Council members asked that language in Section #2 concerning capital improvements be amended.

5. **Continue Discussions On The Sumter County Forfeiture Land Commission.** The Committee received information from the County Attorney concerning the Forfeiture Land Commission. After discussions, the Committee recommended to approve the procedures for selling or disposing of mobile homes owned by the Sumter County Forfeited Land Commission as listed below. (Note - There is currently a mobile home ordinance in the County which also addresses this issue - Ordinance #02-476.)

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the procedure that was developed and shown below and ask that appropriate staff, including the Assistant Tax Collector and the Purchasing Director, or his designee, be involved in the process as appropriate.

Proposed procedure for selling or disposing of mobile homes owned by the Sumter County Forfeited Land Commission.

- A. If someone is living in the mobile home, offer to sell it to the occupant.
- B. If the occupant does not want to purchase the mobile home or, if there is no occupant and the condition is such that we believe the mobile home can be sold, we will attempt to notify the prior owner (delinquent tax payer) and sell it back to the prior owner.
- C. If there is no one living in the mobile home or if the person in the mobile home does not want to purchase it and the prior owner cannot be found or does not want to purchase the mobile home, offer it to the owner of the land.
- D. If the owner of the land does not want to purchase the mobile home, advertise the mobile home and sell it for the best offer. If the mobile home is inhabited, negotiate with the purchaser concerning any inhabitants, depending on whether the purchaser wants the inhabitants evicted or not.

- E. If the mobile home is dilapidated beyond repair, negotiate to sell it for scrap and have the mobile home certificate of title retired, and remove it from the tax records. The Deputy Treasurer responsible for posting delinquent tax notices on property will determine whether the property is dilapidated beyond repair.

6. **Discussions On Dedication Plaques For Soccer and Baseball Complex.**

The Clerk will follow-up on this matter.

7. **Discussions Concerning The Development Of A County Flag.**

The Clerk will follow-up on this matter.

8. Additional Item(s): None

(2) **Report From Council Members On Other Meetings, Trainings, and/or Conferences.**

None Council member reported on additional training.

MONTHLY REPORTS:

- Hibachi Sushi And Buffet – Ribbon Cutting
- 2030 Comprehensive Plan Memo
- Transportation Improvements Project Update – Open House – September 9, 2009
- Sumter County Historical Society – Major General George L. Mabry, Jr.
- 16th Annual Committee Of 100/Central Alliance
- Forest Ray Classic Run/Walk Celebration
- South Carolina Department Of Public Safety
- Letter To Mr. McCormick Concerning Accommodations Tax Advisory Committee.
- Letter Of Resignation From Library Board – Jack Howle
- Mid Carolina Commission For Higher Education
- Sumter Little Theatre

ADMINISTRATOR'S REPORT:

The Administrator Council reminded that Kimely Horn and Associates, Inc. is sponsoring the Transportation Improvements Project and the Lafayette Diamond Project Update Open House at the James E. Clyburn Transportation Center on September 9, 2009, from 5:30 p.m. 7:30 p.m. The public is invited to participate.

PUBLIC COMMENT:

The Chairwoman asked if anyone wished to speak to Council during public comment; no one spoke during this time. (**Note:** The student, Raven Glover, remained in Chambers to the end of the meeting, but declined to speak during public comment.)

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 8:02 p.m. after a motion, a second, and unanimously carried by Council.

Respectfully submitted,

Vivian Fleming McGhaney
Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: September 22, 2009

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: September 3

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, and Time Warner Cable.

Date Notified: September 3, 2009

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding