



Minutes
Sumter County Council
Regular Meeting
November 8, 2011 - 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 Eugene Baten, Council District #7
2. Vice Chairman, Larry Blanding, Council District #6
3. Councilman Artie Baker, Council District #2
4. Councilman Jimmy Byrd, Council District #3
5. Councilman Charles T. Edens, Council District #4
6. Councilwoman Vivian Fleming McGhaney, Council District #5

COUNCIL MEMBERS ABSENT: Council Naomi D. Sanders (*Councilwoman Sanders attended the meeting held at 4:00 p.m.; however, due to a family emergency, she was unable to attend the regular meeting of Sumter County Council.*)

STAFF MEMBERS PRESENT:

Mary W. Blanding, Clerk to Council	Gary Mixon, County Administrator
Lorraine Dennis, Assist. County Administrator	George McGregor, Planning Director
Fred Gordan, Sumter County Magistrate	Two Deputy Sheriff Officers

MEDIA PRESENT:

The Item

THE PUBLIC PRESENT:

Approximately 48 members of the public were in attendance.

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CALL TO ORDER: Chairman of Council, Eugene R. Baten, called the meeting to order.

INVOCATION: Councilwoman Vivian Fleming McGhaney gave the invocation.

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

APPROVAL OF AGENDA: Chairman Baten stated that he would entertain a motion to approve the November 8, 2011, agenda as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to approve the agenda as presented.

APPROVAL OF REGULAR MEETING MINUTES: Chairman Baten stated that he would entertain a motion to approve the minutes of Sumter County Council's regular meeting held on October 25, 2011.

ACTION: MOTION was made by Vice Chairman Blanding, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of October 25, 2011, as presented.

LAND USE MATTERS AND REZONING REQUESTS
Development/Rezoning Request -

- (1) **RZ-11-10 -- 1671 And 1673 N. Main Street - First Reading - A Request To Rezone Two Parcels Totaling +/- 2.41 Acres Located At 1671 & 1673 North Main Street From General Residential (GR) To Agricultural Conservation (AC). The Property Is Represented By Tax Map #S 246-00-02-018, 246-00-02-054, & 246-00-02-055(Part).**

Mr. George McGregor, the Planning Director, stated that this rezoning request is to rezone two properties under separate ownership from General Residential (GR) to Agricultural Conservation (AC). The properties located at 1671 and 1673 North Main Street are situated on the east side of North Main Street approximately 260 feet south of the intersection of North Main Street and Queen Chapel Road. The owner of 1671 North Main Street initiated a rezoning request to rezone +/- 1.0 acre from residential to commercial to allow the re-establishment of a business on the property. Historically, the building which is currently located on the property was previously used as a retail ceramics shop. Based on Sumter County Business License records, there has not been an active license at 1671 North Main Street since 2003.

After review of this request, the Planning staff and Planning Commission recommended approval of this request. After all comments, Council took action on first reading.

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

- (2) **OA-11-12 -- Produce Sales (County) - First Reading -- (11-749) -- Request To Amend Article 3, Sections 3.G.3, 3.H.3, 3.I.3, & 3.N.3; Exhibit 5; Article 5, Section 5.B.1 And Article 10: Definitions Of The County Zoning And Development Standards Ordinance To Make Produce Sales A Conditional Use In The Neighborhood Commercial (NC), Limited Commercial (LC), General Commercial (GC), And Agricultural Conservation (AC) Zoning Districts.**

Mr. McGregor stated that this is an ordinance amendment request to allow for produce sales as a Conditional Use in the Neighborhood Commercial (NC) District. The applicants, Mr. and Mrs. Harris who own Harris Farms, would like to add this section to the County's Zoning Ordinance. Today, produce sales throughout the County on individual vacant lots exists on a daily basis although they are not permitted. This practice has become a bit of an enforcement challenge for the Planning staff because this is not a permitted use. It is suggested that the following changes be made to the ordinances.

PROPOSED ORDINANCE AMENDMENT

Amend Article 3, Section 3.g.3. to reflect the following (note that changes are in **Boldface** type):

*3.g.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

1. Mobile Produce Sales (see Section 5.b.1.k)

Amend Article 3, Section 3.h.3. to reflect the following (note that changes are in **Boldface** type):

*3.h.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

o. Mobile Produce Sales (see Section 5.b.1.k)

Amend Article 3, Section 3.i.3. to reflect the following (note that changes are in **Boldface** type):

*3.i.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

w. Mobile Produce Sales (see Section 5.b.1.k)

Amend Article 3, Section 3.n.3. to reflect the following (note that changes are in **Boldface** type):

*3.n.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

m. Mobile Produce Sales (see Section 5.b.1.k)

Amend Exhibit 5 to indicate Produce Sales, as a Conditional Use in the NC, LC, GC, & AC Zoning Districts.

Amend Article 5, Section 5.b.1. to reflect the following (note that changes are in **Boldface** type):

k. Produce Sales: The following conditions apply to all Produce Sales for conditional use approval:

- 1. Written permission from the property owners;**
- 2. Each individual seller must obtain their own Conditional Use for each location;**

3. **The Conditional Use approval is non-transferable, location specific and only applies to the individual or entity named on the application;**
4. **Sales site must have sufficient area to contain a minimum of three (3) parked cars in addition to the sales area/vehicle;**
5. **Safe and viable access to the site;**
6. **No portion of the public right-of-way may be used for customer parking or to set up for sales.**

Amend Article 10: Definitions to add the following definition:

Produce: fresh fruits, vegetables and other plant materials or plant by-products such as herbs, spices, edible mushrooms and honey

After Mr. McGregor's presentation, Councilman Edens stated that it was his understanding that the County's existing ordinance does allow for an individual to sell his/her produce on any site. Mr. McGregor stated that individuals can currently sell produce on their own property, but not on other property. Councilman Edens said he has a concern that this amendment does not specify whether the person has grown the produce or purchased the produce from another location and then sell it in Sumter. His concern is about those persons not paying property taxes, building fees, or business license fees but are bringing produce to the County to sell. Yet, those persons with a building on their property and set-up to sell produce that is brought into the County are required to pay all the fees and taxes.

The Planning Director stated that he will review this concern and get back with Council at Second Reading. After all comments, Council took action on first reading.

Councilwoman McGhaney stated that she would be interested in allowing the Planning Director to come up with some language that could level the playing field for this ordinance amendment and the concerns presented by Councilman Edens. She further stated that because she lives out in the rural community, she is used to the convenience of someone selling produce on an open lot whether it is something that they have grown or purchased from a Farmer's Market.

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

- (3) **MA-11-01 -- Sumter 2030 Comprehensive Plan Update - Population & Housing (County) - Second Reading/Public Hearing (11-748) -- A Request To Update The Sumter City-County Comprehensive Plan To Incorporate 2010 Census Population Figures And 2009 American Community Survey Housing, Income, And Education Figures. (Prior To Action On Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)**

Mr. McGregor stated that this Map Amendment would allow for the 2010 Census Population Figures and the 2009 American Community Survey Housing, Income, and Education Figures to be included in the 2030 Comprehensive Plan Update. There have been no changes since first reading. Then the Chairman convened a public hearing on this

matter. He stated that he would like to receive comments from those that are in favor of or opposition to this proposed map amendment.

No one spoke to this issue; therefore, the Chairman closed the public hearing and Council took action on second reading.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman McGhaney, and unanimously carried by Council to grant second reading approval to this request.

- (4) **OA-11-08 -- Auto Upholstery In LC (County) - Third Reading (11-746) -- Request To Amend Article 3, Section 3.H.3, Exhibit 5 And Article 5, Section 5.B.1 Of The County Zoning And Development Standards Ordinance To Make Upholstery Repair, Automotive And Automotive Tops (Canvas Or Plastic), Installation, Repair, Or Sales And Installation With SIC Code 7532 Conditional Uses In The Limited Commercial (LC) Zoning District.**

The Planning Director, Mr. George McGregor, stated that this ordinance amendment is before Council for third reading consideration. He stated that there was one change in the ordinance which would eliminate condition #5. Councilman Byrd stated that he was concerned about condition #3 referencing the number of vehicles that can be stored at the building. Mr. McGregor further stated that item #5 was removed because item #3 provided a limitation on the vehicles that could be stored. After all comments, Council took action on third reading.

ACTION: MOTION was made by Vice Chairman Blanding, seconded by Councilman Edens, and unanimously carried by Council to grant third reading and adoption as revised.

- (5) **OA-11-11 -- Permitted Uses In Limited Commercial District (County) - Third Reading (11-747) -- Request To Amend Article 3, Section 3.h.2. Permitted Uses In The Limited Commercial Zoning District And Exhibit 5 In Order To Include Additional Permitted Uses That Are Compatible With The Limited Commercial District.**

Mr. McGregor stated that this ordinance, if approved, would allow Article 3, Section 3.h.2. to be amended to add additional permitted uses in the Limited Commercial Zoning. There have been no changes since first reading as stated by Mr. McGregor.

Then Council took action on third reading.

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

Street Name Change - None

Grant Awards- None

OTHER PUBLIC HEARING: 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 at this meeting.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Held On **Tuesday, November 8, 2011, At 4:00 P.M.** In **Sumter County Administration Building, County Council's Conference Room-** (Byrd, McGhaney, and Sanders).

The Chairman of the Committee, Councilman Byrd, stated that the Committee met, however, no action was taken and no recommendation given.

ACTION: Received as information.

- (2) Fiscal, Tax, And Property Committee Meeting Held On **Tuesday, November 8, 2011, At 4:30 P.M.** In **Sumter County Administration Building, County Council's Conference Room-** (Baten, Blanding, And Edens).

The Chairman of the Committee, Chairman Baten, gave the following report. He reported that the committee did meet in executive session to discuss contractual matters however, no action was taken from executive session. The following action was taken on non-executive session matters.

- **Discussion Concerning 4% Audit and Possible Development of Policies Concerning This Matter.**

ACTION: MOTION and seconded that all properties that were not taxed at 4% and not correct rate of 6%, that the collections will go back one year (2010) and the current year 2011 as well as allow for an amenity letter to be distributed is to notify the taxpayer as to how much taxes are required. The letter will be sent before the next taxing year and will be included in the tax notices.

NOTE: The letter will ask the public to come in and make adjustments to their tax notices as well as settle with the County any underpayment of the tax notice.

- *Sumter County's First Quarter Financial Report:* The report was given by Keysa Rogers to Sumter County Council. No action is required.

(3) Report From Council Members On Other Meetings, Trainings, And/Or Conferences.

- Councilman Baker asked Mr. McGregor to review the landscaping issues as it relates to trees and the circumference of a tree – two inches in diameter. Mr. McGregor stated that the County’s requirement for planting trees as a landscaping question is a two inch caliber tree. Councilman Baker stated that the citizen that approached him with this concern said that a two inch tree is about three times more expensive than an inch and one-half tree. Councilman Baker said that he would like for Mr. McGregor and staff to review this concern and bring the requirement down to one and one-half inch tree for a newly planted tree as a landscaping requirement. (Chairman Baten also asked Mr. McGregor to review this matter with input from the landscaping industry and Clemson Extension.)
- Santee Lynches Regional Council On Governments (COG) and Santee Wateree Regional Transportation Authority (SWRTA).

Councilwoman McGhaney, a member of the COG’s Transportation Committee gave a report to Council about a bypass in Bishopville and a bypass for Kershaw County which is being requested.

She further stated that during Council’s last meeting, Council approved to waive SWRTA’s payment for the bond payment for December and February. However, the COG’s members were informed that SWRTA is in financial trouble. SWRTA gave an informative presentation and listed within the presentation a statement that there is a possibility that they have to default on the County’s bond payments. With that in mind, it was suggested that this matter be placed on Council’s Fiscal, Tax, and Property Committee meeting for November 22, 2011.

MONTHLY REPORTS:

- Veteran’s Day Ceremony
- Letter to Susan R. McDuffie
- SCAC Illegalization of Bath Salts, and Synthetic Marijuana
- Ron Hall Book Information and Wilson Hall School’s invitation to hear Ron Hall.

ADMINISTRATOR’S REPORT:

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

- Letter from the S. C. Department of Environmental Control stating that the County has a new certified landfill.
- All Redistricting Information has been sent to the U. S. Department of Justice.
- Continental Tire Company – a Citizen’s meeting will be held to answer questions about the pending construction on the company. The meeting will be held at the Planning Commission.

PUBLIC COMMENT:

The Chairman asked if anyone wished to speak during public comment; the following persons spoke to Council members during public comment.

- Dr. Juanita Britton, the Chairperson for the Rembert Area Community Coalition, she stated that she will be going to Brazil to learn about disaster preparedness. Dr. Britton stated that she realizes that Council could not assist in her going to Brazil. She asked for Council's prayers.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:48 p.m. after a motion by Vice Chairman Blanding, seconded by Councilman Byrd, and unanimously carried by Council.

Respectfully submitted,

Eugene R. Baten
Chairman or Vice Chairman
Sumter County Council

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: November 22, 2011



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: November 3, 2011

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: November 3, 2011

Respectfully submitted,

Mary W. Blanding

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