



Minutes
Sumter County Council
Regular Meeting
December 13, 2011 - Held at 6:00 p.m.
County Administration Building County Council Chambers
13 E. Canal Street, Sumter, SC

.....

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
7. Councilwoman Naomi D. Sanders, District 1

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

| | |
|--|--------------------------------------|
| Mary W. Blanding, Clerk to Council | Gary Mixon, County Administrator |
| Lorraine Dennis, Assist. County Administrator | Donna McCullum, Zoning Administrator |
| Daryl McGhaney, Assist. Deten. Center Director | Two Deputy Sheriff Officers |
| Keysa Roger, Budget Analyst | William T. Noonan |

MEDIA PRESENT:

The Item

THE PUBLIC PRESENT:

Approximately 19 members of the public were in attendance.

.....

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 December 13, 2011.

ACTION: MOTION was made by Councilman Baker, seconded by Councilwoman Sanders, 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 November 22, 2011.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve the minutes of November 22, 2011, as presented.

LAND USE MATTERS AND REZONING REQUESTS
Development/Rezoning Request -

- (1) **OA-11-14 -- Public Utilities (County) - First Reading - (11-751) - A Request To Amend The Sumter County Zoning Ordinance To Allow Certain Public Utilities As Permitted Uses In All Zoning Districts And Not Subject To Minimum Lot Requirements.**

Ms. Donna McCullum, Zoning Administrator, presented this proposed ordinance amendment to Council. She stated that Public Utilities provided needed local services to include water, sewer, electricity, gas, cable and telephone to residential, commercial and industrial uses in Sumter. Currently in the Zoning Ordinance, these uses require Special Exception approval from the Board of Appeals when constructed on properties owned by the service provided. However, when operating on a leased easement, they are exempt from certain development standards of the Zoning Ordinance and are not required Special Exception approval.

Ms. McCullum also stated that there is no distinction made in the Zoning Ordinance between large regional facilities and small, accessory substations. So there is a disconnect, making it unnecessarily burdensome to provide utilities. This amendment hopes to remedy any delays a company may have if they desire to install a substation building or actions such as this.

The Zoning Administrator also provided the following site criteria:

Site Criteria

NO minimum lot area requirements for minor utility stations as long as criteria below can be met:

- a. The minimum setback on all sides is 5 feet.
- b. The maximum impervious surface ratio is 75 percent.
- c. Maximum height will be in accordance with zoning district regulations.
- d. Each site must be reviewed by the Planning Staff for sight-triangle compliance and visibility before final approval of the above is approved.
- e. **All utilities required to be secured with a fence (minimum 6 foot opaque)**
- f. **A landscape buffer shall be required screening the area from public view. If area is wooded, applicant shall preserve the natural vegetation to the maximum extent possible and to meet buffering requirement.**
- g. **The site may be served via a private access easement or driveway.**
- h. **The site may be owned by the utility provided or may be on leased from the property owner with a utility easement.**

This amendment does not affect wireless telecommunication facilities. They will continue to be regulated by Article 5 of the Ordinance.

The Planning Commission and Planning staff recommended approval. Councilman Edens asked Ms. McCullum how this process would affect the ordinance for the minor utilities in a residential area versus the proposed new ordinance. McCullum stated that the new ordinance would add the minor utilities under the article and it would take out the requirement of special exception from the existing table. This would allow for the review to be completed at staff level and eliminate the review from the nine-member board. Councilman Edens stated that he will address any other questions at second reading.

After all comments, Council took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Blanding, and unanimously carried by Council to grant first reading.

- (2) **RZ-11-10 -- 1671 And 1673 N. Main Street - Third 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).**

Mrs. McCullum stated that there have been no changes to this rezoning request from its initial reading. Subsequently, Council took action on third reading.

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

- (3) **OA-11-12 -- Produce Sales (County) - Third Reading -- (11-749) - A 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.**

Mrs. McCullum stated that there have been no changes to this rezoning request from its initial reading; afterwards, Council took action on third reading.

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

Street Name Change - None

Grant Awards- None

OTHER PUBLIC HEARING:

- (1) 11-750 - An Ordinance Authorizing An Amendment To The Agreement For The Development Of A Joint County Industrial And Business Park Between Kershaw County And Sumter County Dated April 27, 1999, Adding Additional Property Of SRE Kershaw LLC, And Other Matters Related Thereto. (Council Make Take Action On Second Reading Right After The Public Hearing Or During Old Business.)

After the County Attorney briefed Council on this ordinance, as listed below, Chairman Baten convened a public hearing on this matter. He asked if anyone wished to speak in favor of or opposition to this proposed ordinance. No one spoke during public comment; therefore, the Chairman closed the public hearing and Council took action on second reading as listed under Old Business.

NEW BUSINESS:

- (1) 11-752 - First Reading - An Ordinance To Amend Sumter County Speeding Regulations.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council for first reading consideration. He asked Council to concern granting first reading by *Caption Only* because the bulk of the proposed ordinance text is the existing ordinance. The changes from the existing ordinance to the new ordinance will be given to Council at second reading. After review to the caption and the presentation by the Attorney, Council took action on first reading.

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

- (2) 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. 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:

- (1) 11-750 - Second Reading -- An Ordinance Authorizing An Amendment To The Agreement For The Development Of A Joint County Industrial And Business Park Between Kershaw County And Sumter County Dated April 27, 1999, Adding Additional Property Of SRE Kershaw LLC, And Other Matters Related Thereto.

The Chairman introduced this proposed ordinance to Council for public hearing. Then the County Attorney further explained this ordinance to Council prior to public hearing and action on second reading. Mr. Bryan stated this Multi-County Park agreement, if approved by Council, would allow Sumter County to receive one per cent of the revenue generated through this park agreement. He recommended that Council approve second reading after

the public hearing on this matter. (Public Hearing is listed above.) After the public hearing, Council took action on second reading.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant second reading to this proposed ordinance as presented.

- (2) **11-751 - Second Reading -- An Ordinance To Amend Sumter County Ordinance 09-692 Relating To The Technology Fee.**

The Chairman presented this ordinance to Council for second reading consideration. After review of the ordinance, Council took action on second reading.

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

- (3) **11-745 - Third Reading -- An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Between Sumter County, South Carolina, And Project XYZ, And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; And To Enter Into Any Other Necessary Agreements With The Sponsor To Effect The Intent Of This Ordinance; And Other Related Matters.**

Mr. Johnathan Bryan presented this ordinance to Council. He asked Council to defer third reading to this ordinance because all matters relating to the Incentive Agreement for Continental Tire are not completed. After Mr. Bryan's comments, Council took action on third reading of this ordinance.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to defer third reading of proposed ordinance as presented.

COMMITTEE REPORTS:

- (1) Fiscal, Tax, And Property Committee Meeting Held On **Tuesday, December 13, 2011, At 4:00 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 and recommendations.

- **Executive Session Matters:**
 - a) **Update On An Economic Development Matter:** Information Only
 - b) **Economic Development Matters Pertaining To Property and A Contract:** The Committee discussed this matter in executive session. At the conclusion of the

executive session, during open session the Committee took action to direct the Development Board to continue discussion on property with appropriate property owners. (Councilman Edens stated that he reclude himself from any discussion on this matter during executive session, open session, and any voting on this matter).

ACTION: MOTION and second were received from the committee, and carried by Council to approve the recommendation to allow the Development Board representatives to continue discussion on property with appropriate property owners. (Note: The Administrator and the County Attorney will be kept informed of the progression of these discussions. Likewise, Council will be kept informed). Councilman Edens did not date a part in the decision, review, or voting on this matter.

2. **Update From Election Commission Concerning Impending Political Primary:** Mrs. Patricia Jefferson, Director of Voter Registration/Election Commission, provided information to Council concerning a recent court case concerning a political party primary. No action taken.
3. **Discussion Concerning Action On A Restrictive Covenant (Army Corps of Engineers):** The Committee received a presentation from the County Attorney concerning a Restrictive Covenant with the Army Corps of Engineers. This property is used for wetlands mitigation and is located on a certain plat of William E. Lindler, PLS, dated originally on January 13, 2005, and most recently revised on August 9, 2010, and recorded in the Office of the Register of Deeds for Sumter County. The Committee recommended approval of the restrictive covenant.

ACTION: MOTION and second were received from the committee, and unanimously carried by Council to approve the recommendation from the Committee to ratify the approval of the Restrictive Covenant and directed the Chairman and the Clerk to execute and deliver the document as appropriate.

4. **Two Requests For Funds From The County's Infrastructure Account.** The Committee discussed two requests for funds from the County's Infrastructure Account. The Committee approved both requests. See motions below.

ROAD CONSTRUCTION COMPLETION (AU'SOME CANDY): MOTION, and second were received from the Committee to approve up to \$8,000 from the County's Infrastructure Fund to complete a road project for this industry. Council took action on the recommendation.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation from the Committee to approve up to \$8,000 to be secured from the County's Infrastructure Fund to complete the road project for the AU'SOME Candy Company.

REAL ESTATE PROJECT: MOTION and second were received from the Committee, and unanimously carried by Council to approve up to \$33,000 from the County's Infrastructure Fund to close on a bond pertaining to a real estate purchase of industrial property near Airport Road.

ACTION: MOTION and second were received from the Committee, and carried by Council to approve the recommendation from the Committee to approve up to \$33,000 to be secured from the County's Infrastructure Fund consummate this purchase. (NOTE: Councilman Edens did not participate in the discussion, review, or action on this matter; he reclused himself from all involvement relating to this matter.)

5. **Discussion On Administration Of General Funds In Reference To The Proceeds From The Sale Of Property:** The Committee discussed with staff the process of selling property through the County's Forfeited Land Commission (FLC) on GovDeal. Currently, once a property is sold, the funds are being deposited in a Revenue Account in the County's General Fund. Additionally, prior to the property being listed on GovDeal for auction, the property is cleaned up and the funds used to clean up the property have been obtained from the County's Property Cleanup line item in the General Fund. This Property Cleanup account has been depleted due to the ongoing cleanup of FLC property as well as other property not owned by FLC. The staff requested the following:
- (1) *That a Liability Account be established to received all previous funds {GovDeal Auction -- \$32,855.00} and future proceeds from the sale of property by FLC,*
 - (2) *That the County's Property Cleanup Account be replenished from the funds out of the FLC Liability Account equaling to the funds that were used to cleanup FLC property; and*
 - (3) *After this initial transfer of funds between the FLC Liability Account and the Property Cleanup Account the FLC Labiality Account will be used ONLY for clean-up of FLC property.*

(**Note:** the figure (\$32,855.00) listed above is from N. G. Lukens, Manager of the Forfeited Land Commission GovDeal Auction process.)

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented above.

6. **Update On Budgeted One-Time Salary Adjustment In Lieu Of Raise.** No action required at this time.
7. **Discussion Concerning Annual Community Report:** Information only, no action required.

- (2) **Information Only:** Portrait Unveiling - Former Chairman of Sumter County Council, Vivian Fleming McGhaney On **Tuesday, December 13, 2011, At 5:30 P.M.** In **Sumter County Administration Building, County Council's Chambers.**

Council members, staff, the public, and members of Councilwoman Vivian Fleming McGhaney's family attended the unveiling of the portrait of former Chairman, Vivian Fleming McGhaney. Councilwoman McGhaney was recognized and honored for serving as Chairman of Sumter County Council from March 28, 2006, to January 18, 2011.

- (3) **Report From Council Members On Other Meetings, Trainings, And/Or Conferences.**
- Councilman Edens stated that he attended the S. C. Association of Counties Legislative Policy Conference December 1-3, 2011. The Policy Manual was adopted and copies of the Policy Manual will be provided to all council members.

MONTHLY REPORTS:

- Sheriff's Department
- Public Works
- Letter From 2K Bail Bonds
- Sumter county Emergency Management Activity Report
- Letter From Randolph D. Bynum, Sr., Superintendent of Sumter School District
- Chamber Retreat Information
- Email From Yoli Crolley Reference Kershaw Bypass Field Trip
- Unity Celebration

ADMINISTRATOR'S REPORT:

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

- Capital Penny Sales Tax Expenditures
- Capital Penny Sales Tax Collections - 27 months
- Sumter County Recreation And Parks Economic Impact To The Sumter Community
- MLS Rentals Monthly Report

PUBLIC COMMENT:

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

- Mr. Kevin Johnson thanked the Chairman and the Clerk for their support on World Aids Day.

ADJOURNMENT:

There being no further business and no additional comments from the public, the meeting was adjourned at 6:49 p.m. after a motion by Councilman Baker, 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: January 10, 2012



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: December 7, 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: December 7, 2011

Respectfully submitted,

Mary W. Blanding
Mary W. Blanding

City-County Planning Commission

November 16, 2011

OA-11-14, Public Utilities (County)

I. THE REQUEST

Planning Department

Applicant:

Request:

A request to amend the **Sumter Zoning Ordinance** to allow certain public utilities as permitted uses in all zoning districts and not subject to minimum lot requirements.

II. BACKGROUND

Public Utilities provide needed local services to include water, sewer, electricity, gas, cable and telephone to residential, commercial and industrial uses in Sumter. Currently in the Zoning Ordinance, these uses require Special Exception approval from the Board of Appeals when constructed on properties owned by the service provided. However, when operating on a leased easement, they are exempt from certain development standards of the Zoning Ordinance and are not required Special Exception approval.

In addition, there is no distinction made in the zoning ordinance between large regional facilities and small, accessory substations. So there is a disconnect, making it unnecessarily burdensome to provide utilities. This amendment hopes to remedy this situation.

This amendment does not affect wireless telecommunication facilities. They will continue to be regulated by Article 5 of the Ordinance.

Ordinance Amendment: Changes shown in Bold

SECTION V: PUBLIC UTILITIES AND PUBLIC SERVICE COMPANIES

3.v.1. Public Utilities and Public Service Companies provide needed local services including water, sewer, electricity, gas, telephone, and cable services. In order to have a minimum impact on their operating costs and maintain the maximum tax base, the following

provisions/exemptions apply to those utilities and service companies **as defined in this Section**
~~:when operating on a utility easement:~~

Minor Utilities will be allowed in all zoning districts provided Planning staff has reviewed plans for compliance with the 2030 Comprehensive Plan as required under Section 6-29-540 of the South Carolina Code of Laws.

Major Utilities as defined by the SIC are subject to the use guidance of each district, as set forth in Article III and in Exhibit 5:

**SIC Code 484 Cable Services
SIC Code 491 Electrical Services
SIC Code 492 Gas Production & Distribution
SIC Code 493 Combination of Electric & Gas
SIC Code 494 Water Supply
SIC Code 4952 Sewerage Systems
SIC Code 48 Telephone Utility**

Site Criteria

NO minimum lot area requirement for minor utility stations as long as criteria below can be met:

- a. The minimum setback on all sides is 5 feet.
- b. The maximum impervious surface ratio is 75 percent.
- c. Maximum height will be in accordance with zoning district regulations.
- d. Each site must be reviewed by the Planning Staff for sight-triangle compliance and visibility before final approval of the above is approved.
- e. **All utilities required to be secured with a fence (minimum 6 foot opaque)**
- f. **A landscape buffer shall be required screening the area from public view. If area is wooded, applicant shall preserve the natural vegetation to the maximum extent possible and to meet buffering requirement.**
- g. The site may be served via a private access easement or driveway.
- h. **The site may be owned by the utility provided or may be on leased from the property owner with a utility easement.**

Exclusions from requirement:

Distribution lines and underground utilities are exempt from the above mentioned criteria.

Definitions to be inserted in Article 10

1. Public Utility – Companies and persons generating, transmitting, distributing, transporting and/or collecting in any manner public infrastructure including but not limited to: electricity (electrical utility), heat (other than means of electricity) water, sewer, communications (telephone utility) and cable to the public or any portion of for compensation. SIC Codes covered in this Section include the following: SIC 484, 491, 492, 493, 494, 4952, 48.

a. Major Public Utility—Infrastructure services providing regional or community-wide services.

b. Minor Public Utility—Infrastructure services that need to be located in or near the development or use it is intended to serve. These utilities are typically unmanned and include water towers, pump stations, and service compounds.

III. RECOMMENDATION

Staff recommends approval of this ordinance Amendment. This amendment complies with South Carolina State Law for governing public utilities and will allow staff to expedite the process in the future for new development.

IV. PLANNING COMMISSION – NOVEMBER 16, 2011

The Sumter City-County Planning Commission at its meeting on Wednesday, November 16, 2011, voted to recommend approval for this request.

V. COUNTY COUNCIL – DECEMBER 13, 2011 – FIRST READING

VI. COUNTY COUNCIL – JANUARY 10, 2012 – SECOND READING/PUBLIC HEARING

IX. COUNTY COUNCIL – JANUARY 24, 2012

Unveiling of portrait for former Chairman Vivian Fleming McGhaney - December 13, 2011.
Wilbur Jeffcoat, Photographer, Vivian Fleming McGhaney, and Rev. Daryl McGhaney (husband to Mrs. McGhaney.)

