



**Minutes
Sumter County Council
Regular Meeting**

**Tuesday, January 14, 2020 -- Held at 6:00 p.m.
Sumter County Courthouse, Third Floor, Room 308
County Council's Chambers - 141 North Main Street, Sumter, SC**

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COUNCIL MEMBERS PRESENT: James T. McCain, Chairman; James R. Byrd; Vice Chairman; Artie Baker; Eugene R. Baten, Charles T. Edens, and Vivian Fleming McGhaney, and Chris Sumpter

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Gary Mixon, Mary W. Blanding, Johnathan Bryan, Joe Perry, George McGregor, Lorraine Dennis, Keysa Rogers, Allen Dailey, and approximately thirty-two Sheriff's Deputies.

MEDIA PRESENT: The Item Newspaper

PUBLIC IN ATTENDANCE: Approximately 10 members of the public attended the meeting.

CALL TO ORDER: Chairman Or Vice Chairman Of Sumter County Council
Chairman McCain called the meeting of Tuesday, January 14, 2020, to order.

INVOCATION: Council Member, Staff Member, Or Local Citizen
Councilman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE

All in attendance repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, January 14, 2020
Chairman McCain asked for a motion to approve the agenda for County Council's January 14, 2020, meeting.

ACTION: MOTION was made by Councilman Sumpter, seconded by Councilman Baker, and unanimously carried by Sumter County Council to approve the agenda for Council's January 14, 2020, meeting as presented.

APPROVAL OF MINUTES: Regular Meeting Tuesday, December 10, 2019
Chairman James T. McCain stated that he would entertain a motion to approve the minutes for County Council's December 10, 2019, meeting as presented.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman McGhaney, and unanimously carried by County Council to approve the minutes for Council's December 10, 2019, as presented.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests

- **RZ-19-17, 830 Race Track Road -- (County) - First Reading - A Request To Rezone +/- 2.0 Acres Of Land From Agricultural Conservation (AC) To General Commercial (GC). The Property Is Located At 830 Race Track Rd. And Is Represented By Tax Map # 253-00-03-001 (Part).**

Mr. George McGregor, the Planning Director presented this rezoning to Council for first reading consideration. He stated that the request is to rezone a +/- 2.00 acre tract from Agricultural Conservation (AC) to General Commercial (GC). The applicant is requesting this rezoning in order to facilitate development of a Dollar General store on the site. The site is currently undeveloped.

Mr. McGregor stated that the applicant has indicated that this property will be developed with a 9,100 Square-foot general merchandise store, specifically a Dollar General. This use is classified as SIC 5399, Miscellaneous General Merchandise. While the use of a Dollar General is allowed in the Agricultural-Conservation (AC) zoning district as a Conditional Use -500, the applicant has chosen not to pursue the conditional use process. Instead, the applicant prefers to pursue rezoning the property to a commercial district so as to not limit the future reuse of this property.

The Planning staff recommends approval; while this area currently has a less intensive development pattern consisting primarily of agricultural uses, with some nearby industrial zoning, the site is located on a major arterial highway and is located in an area identified in the Sumter 2030 Future Land Use Plan for priority mixed use commercial development. General Commercial (GC) zoning is consistent with this future land use designation. After all comments, the Chairman called for a motion on first reading consideration.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by County Council to approve first reading to this rezoning request as presented.

2. **OA-19-11, Donation Bins - (County) - First Reading - (20-916) - Amend Article 4, Section K: Containers And Dumpsters And Article 10 Definitions Within The Sumter County Zoning And Development Standards Ordinance To Include Specific Requirements And Definitions Pertaining To Donation Bins.**

The Planning Director, Mr. McGregor, also presented this proposed ordinance amendment. He stated that the applicant, Green Zone Recycling, has submitted an ordinance amendment request with the goal of establishing specific criteria concerning the placement of donation bins in the County. Donation bins can be defined as mobile structures used to receive materials including but not limited to clothing, office supplies, and other household goods donated by the public.

Mr. McGregor stated that in recent years, donation bins have been placed on private property by a variety of organizations with the intent of collecting donated goods from the general public. Organizations collecting these goods are both for-profit and not-for-profit businesses. Staff inspection of the bins has revealed that most are owned and operated by for-profit organizations. Based on information available on the websites of these for-profit organizations, the donated goods received are processed and sold to second hand markets for profit. Often, these organizations tout that their services provide environmental benefits by facilitating re-use of donated goods that would otherwise end up in solid waste landfills. Planning staff does not refute any benefits, environmental or otherwise, that are being claimed by these organizations. However, in most instances, these bins are being placed on commercial property at highly visible locations along the busiest thoroughfares within the community. Additionally, there are instances where bins have been placed in the middle of parking lots and in required dedicated parking spaces. At some bin locations, materials have been left outside of bins, decreasing the aesthetics of the general area.

Currently, the majority of donation bins located within the County conflict with *Zoning & Development Standards Ordinance* requirements and are in conflict with *Comprehensive Plan* policies and goals, specifically the overarching goal to “transform the built, visual image of Sumter”.



Mr. McGregor stated that the Planning staff recommends approval of the staff developed ordinance amendment. This ordinance language is content neutral as far as it is applicability to the for-profit or not-for-profit status of the bin operator. Additionally, it is content neutral with respect to whether or not a donation bin is associated with a brick and mortar business location or whether it is placed on a property by an off-site bin operator. If a donation bin is located outside of the exterior walls of a building, these requirements are applicable, with screening requirements being applicable in cases where donation bins are not located adjacent to existing buildings. Screening is an important consideration as a majority of donation bins are located in the Highway Corridor Protection District (HCPD), a design overlay district along major roads in the City and County. Most of the current bin locations are also within the Priority

Commercial Corridor Planning Area as described in the Comprehensive Plan. Design, layout, impact on adjacent properties, landscaping, and architecture all play a vital role in determining context viability in the planning area. Finally, the recommended ordinance language helps facilitate the overarching Comprehensive Plan goal to transform the built, visual image of Sumter.



The Planning Commission recommended approval of the request after its meetings on November 20, December 12, and December 18, 2019.

Several Council members (Eugene Baten, Vivian Fleming McGhaney, and James R. Byrd) stated their concerns about the requirements of these very nice bins when non-profits may not be able to afford the development of these bins. After comments, the Chairman called for a motion on first reading

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman McGhaney to defer first reading and forward this request to Council's Land Use Committee for review and to continue with public hearing at Council's meeting on January 28, 2020.

3. **OA-19-12, Cemeteries In The R-15 District -- (County) -- First Reading - (20-917) -- Amend Article 3, Section 3.B.3; Article 3, Exhibit 4, And Article 5, Section 5.B.1.I To Permit Cemeteries In The R-15 District As A C-300 Conditional Use.**

Mr. McGregor stated that this request originated as a rezoning application, RZ-19-16, that was heard by the Planning Commission at the November 20, 2019 meeting. The applicant, Raymond Rhodes, requested to rezone from Residential-15 to Agricultural Conservation (AC) in order to establish a six (6) plot private family cemetery on that parcel where his home is located. After discussion between the Planning Commission and Mr. Rhodes, the request was converted to a zoning ordinance text amendment. The analysis of the ordinance amendment request and proposed text amendment follow.

Private or personal cemeteries are not an uncommon feature in some of the more rural portions of the county. These uses are not operated for profit, typically are small in scale, and are often established on generationally owned land. While cemetery uses on their face seem simple and straightforward, they can potentially have significant land use impacts. The presence of a cemetery on a private property impacts the ability to sell the property in the future, and significantly hinders future redevelopment of the site, as moving human remains once interred is a lengthy and complicated legal process. Once established, most cemeteries operate in perpetuity, and so careful consideration should be given to ensure that cemetery locations do not conflict with plans for future development of the area.

Mr. McGregor further stated that under the current zoning regulations, cemeteries that are not operated by a Church or Religious Organization are primarily confined to less densely developed, more rural zones: the AC, AC-10, and CP zoning districts. Establishing a cemetery use in these zones requires obtaining C-300 Conditional Use approval, which includes obtaining approval signatures from $\frac{3}{4}$ (75%) of the property owners within 300 ft. of the proposed use, meeting the requisite development standards, and providing details on the location, size, upkeep, and maintenance of the facility. While the R-9 District does allow for for-profit, commercially operated cemeteries, none of Sumter County's residential zones allow for personal cemetery uses. The applicant has proposed amendment would alter the current zoning configuration to allow for cemeteries in the R-15 District.

The R-15 District is characterized by residential lot sizes 15,000 sq. ft. in size or greater, and primarily consists of areas that are suburban in nature. The R-15 District is typically developed into residential subdivisions with lots that are typically developed at a size and character that would be incompatible with an on-site personal cemetery use. However, there are certain areas of Sumter County that have R-15 zoning, but are more similar to rural zoned areas in lot size, pattern of development, and character. Under the current zoning regulations, the only way to establish a personal cemetery use at these larger R-15 properties would be to apply for a rezoning, as the applicant initially did. However, rezoning these properties in order to facilitate a proposed family cemetery use is not always prudent, as switching the residential zone to a non-residential zone like the AC district opens the formerly residential property to a wider range of potentially incompatible commercial and non-residential uses.

It was, also stated by the Planning Director that the intent of this text amendment is to provide a pathway for large residential properties within the R-15 District to establish personal cemeteries without having to rezone the property. The key considerations in adapting cemetery uses to the R-15 district are to ensure that the property is of a sufficient size and character to accommodate the use, that there is consensus among the residents of the area about the appropriateness of the use, and that long term plans for the upkeep and maintenance of the facility are in place.

Proposed Text Amendment:

A strike-through of the proposed text amendments is attached as "Attachment #1". The proposed amendments would impact the following sections:

1. Amend Article 3: Section 3.b.3- Conditional Uses (R-15 District) to include Cemeteries as a conditional use in the R-15 District.
2. Amend Article 3: Exhibit 4 - Permitted and Conditional Uses in the Residential Districts to include Cemeteries as a C-300 use in the R-15 District

3. Amend *Article 5: Section 5.b.1.i* to list use requirements specific to C-300 Cemetery uses in the R-15 District.

After all comments, the Chairman called for a motion on first reading.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried to grant first reading to this ordinance amendment as presented.

4. **OA-19-14, Mini-Warehouse Off-Street Parking Requirements --- (County) - (20-918) -- First Reading - Amend Article 8, Exhibit 23: Off Street Parking Requirements For Non-Residential Land Uses In The Sumter County Zoning & Development Standards Ordinance In Order To Reduce Minimum Parking Requirements For Mini-Warehouse Uses.**

Mr. George McGregor also presented this ordinance amendment as being initiated by Planning Staff in response to discussions with developers concerning the current off-street parking requirements for mini-warehouse uses. The current minimum parking requirement for this specific use is 1 space per every 10 storage units. The intent of this amendment request is to reduce this requirement in order to be in greater alignment with actual parking demand for this use and to support broader best practice goals regarding impervious surface coverage, storm water management, quality of site design, and landscape and tree preservation.

He stated that in the mini-warehouse development models most commonly seen in Sumter, customers can (and do) park directly in front of their units in common circulation areas. While these areas are not striped as parking spaces, staff does consider them when reviewing minimum parking standards during site plan review. Recently, there has been some interest in the development of multi-story, climate controlled mini-warehouse units. These types of developments generally have internal unit access, smaller unit size, and larger unit counts. The current requirement of 1 space per every 10 storage units would also apply to this mini-warehouse development model, without the benefit of common circulation area space directly in front of units being used toward meeting minimum off street parking requirements.

This issue has led staff to review the current minimum off street parking requirements for mini-warehouse uses. During this review staff researched the requirements of other jurisdictions, the Institute of Transportation (ITE) Trip Generation Manual, and furnished security gate counts for a 538 unit mini-warehouse development in North Carolina. Based on the findings of this review, staff is recommending approval of a reduced minimum off street parking requirement for mini-warehouse uses. Full details of this review and associated staff analysis are located in the *Analysis Section* of this report. 2

Proposed Text Amendment

The same amendment is being proposed for the City and the County Zoning & Development Standards Ordinances.

1. Amend *Article 8, Exhibit 23: Off Street Parking Requirements for Non-Residential Land Uses* to reduce the minimum required parking for mini-warehouses to 5 spaces or 1 space per 100 storage units, whichever is greater.

Analysis

In preparing this ordinance amendment request, staff researched the minimum off street parking requirements of other jurisdictions related to mini-warehouse uses. The full results of this research are located in the table below. In general, both the County requires significantly more off-street parking for this use type than the jurisdictions researched. No jurisdiction researched required more off-street parking than our current standard. Only the City of Columbia has a comparable requirement. Lancaster County has no minimum off-street parking requirement for mini-warehouse uses.

Mini-Warehouse Off Street Parking Requirement Comparisons Minimum Requirement		Maximum Requirement
City of Sumter/Sumter County, SC	1 space per 10 storage units	NA
City Comparables		
City of Greenville, SC	1 space per 20 storage units	1 space per 10 storage units
City of Spartanburg, SC	1 space per 2000 sf of GFA	NA
City of Rock Hill, SC	1 space 100 storage units	
City of Anderson, SC	1 space per 300 sf of office area, plus any required spaces for onsite dwellings	NA
City of Columbia, SC	1 space per 10 storage units, parking lane in front of units is permitted	NA
City of Shelby, NC	1 space per 5,000 sf of space devoted to storage	NA
County Comparables		
Spartanburg County, SC	1 space per on-site employee, with a minimum of 3 spaces overall	NA
Richland County, SC	5 spaces overall	10 spaces overall
Lancaster County, SC	No minimum or maximum parking requirements for mini-warehouse use	
Brunswick County, NC	5 spaces overall or 1 space per 100 storage units, whichever is greater.	NA

The Planning staff and Commission recommended approval of the request as presented. After all comments, the Chairman called for a motion on first reading.

ACTION: MOTION was made by Councilman McGhaney, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant first reading to this proposed ordinance amendment.

OTHER PUBLIC HEARINGS:

- (1) **19-915 -An Ordinance Authorizing The Transfer Of Hideaway Court To The Adjoining Property Owners.** *(Council Will Take Action On Second Reading Immediately After The Public Hearing Or During Old Business.)*

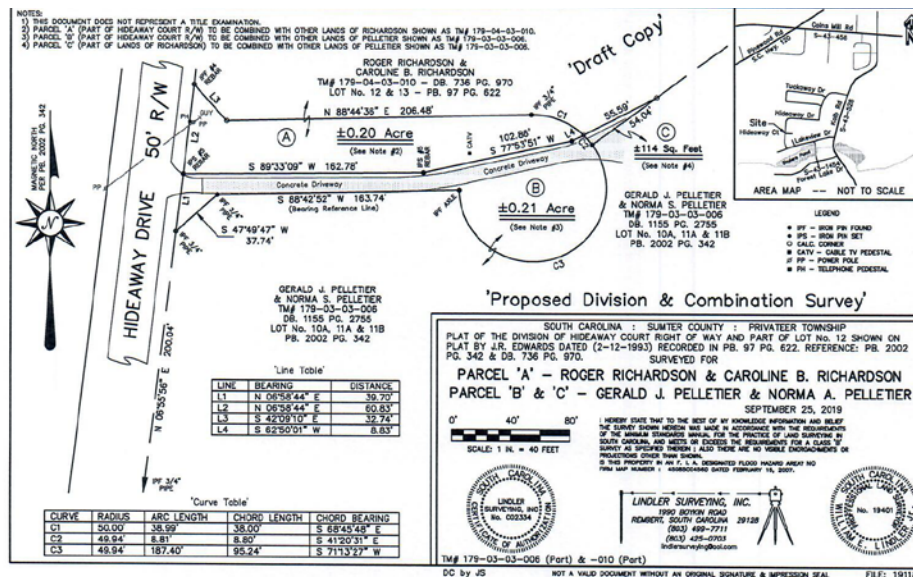
Chainman McCain stated that this is a second reading for this proposed ordinance. Prior to taking action on second reading, Council will hold a public hearing. The Chairman asked the County Attorney to give a briefing on this ordinance.

Mr. Bryan stated that Hideaway Court was never developed, it is a paper street. Therefore, the two owners, the Richard's and the Pelletier's, have requested that the property be equally divided and maintained as the two property owners desire.

After comments from the Attorney, the Chairman convened a public hearing; he asked if anyone wished to speak in favor of or opposition to this proposed ordinance. The following person spoke during public hearing.

- Lewis Watkins stated that he lives in Sumter County. He stated that in terms of transferring the property to the property owners it is only a loan to the County. The paper street should be returned to the original owners who originally allowed the easement and not to the people that live on this street.

After all comments, Council took action on this ordinance listed under Old Business.



NEW BUSINESS:

- (1) It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter, An Employment Matter, A Legal Briefing, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required.

No new business.

OLD BUSINESS:

- (1) 19-915 -Second Reading -- An Ordinance Authorizing The Transfer Of Hideaway Court To The Adjoining Property Owners.

Information on this matter is listed under Public Hearing. After all comments from the public hearing, Council members, and staff members, Council took action on second reading.

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

COMMITTEE REPORTS:

- (1) Land Use Committee Meeting January 14, 2020, 5:30 p.m. In County Council's Conference Room, Sumter County Courthouse 141 N. Main Street, Room 301. (Edens, Baker, and Baten)

The Land Use Committee Chairman, Councilman Edens, gave the following report and recommendations from the Committee meeting.

1. The Committee recommended that this matter be forwarded to the County Attorney to develop language which would change Section 6.c.3 - Loss Of Legal Nonconforming Status (Mobile Home Parks) Threshold From 50% To 30% In The County's Zoning And Development Standards Ordinance Effective July 1, 2019, and bring the recommended change back to the Committee for review.

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

2. The Committee recommended to send a request to the Planning Commission to take actions on rezoning certain parcels as listed below in the northwestern portion of Sumter County near Black River Road and Edens Road from Residential-15 (R-15) to Agricultural Conservation (AC) and other matters that may relate to this request.

ACTION: MOTION and second were received from the Committee and unanimously carried by Council to approve the recommendation as presented for the following locations:

1. 191-00-01-002
2. 191-00-01-023
3. 191-00-02-030
4. 191-00-01-021
5. 191-00-02-029
6. 191-00-02-011

3. Report From Council Members On Other Meetings, Trainings, And/Or Conferences.
 - A. Councilman Baten stated that there will be an Annual Dr. Martin Luther King Day event on Monday, January 20, 2020, sponsored by the Sumter Chapter of the NAACP. The event will be held at Trninity Baptist Church on 155 Wall Street, Sumter, SC, beginning at 3:00 p.m. Rev. Dr. Shawn Johnson will be the speaker.
 - B. Councilman McGhaney thanked the staff and Council members for attending #WearBlueDay held on January 10, 2020, on the front lawn of the Courthouse. It was a success and she asked everyone to continue to be mindful of the issues surrounding Human Trafficking.

MONTHLY REPORTS

- 1) Planning Department Yearly Meetings For the Planning Commission and the Board of Zoning Appeals
- 2) Sheriff's Department December Monthly Report
- 3) Chamber Retreat

COUNTY ADMINISTRATOR'S REPORT

The County Administrator, Mr. Gary Mixon, stated that at the next meeting of Sumter County Council, the External Audits will present the County's 2019 Completed External Audit report.

Mr. Mixon also stated that Jason Stoddard will also be present at the next meeting to give a Census Drive update.

PUBLIC COMMENT

- **Louis Watkins** - Salute the Sheriff's Office and Officers that were present at this meeting. He stated that in all of his professional career, he has never seen such a professional department as this County's Sheriff's Department. He commended those at the meeting for being so professional. Mr. Watkins further stated that he has a problem with how the language of the agenda is presented. Although Council members may know what an OA is, the average person does not know that an OA is an Ordinance Amendment; a RZ is a rezoning requests, etc. He also stated that very little information is given; more needs to be done about the agenda and not present it in codes.

Mr. Watkins said that he has also has a concern that dead animals will stay on the street until they become a grease spot. He asked Council members which agency is responsible for removing dead animals that are on the street.

- **Jacqueline K. Hughes** stated that the American Legion Public Safety Awards Banquet will be held on February 3, 2020, at 6:30 p.m. She added that the awards will be given to the Police Department, the Sheriff's Office, the Correctional Center, EMS, and the Fire Department. Ms. Hughes asked Council members to come to the banquet.
- **Bryan Urlong** stated that he has worked for the Sheriff's office for 14 years. He asked Council members to please do the right thing and provide a salary increase to the Sheriff's employees. Mr. Urlong stated that the deputies are under-represented and misunderstood. The officers serve selflessly.

Chairman McCain stated that he and other Council members just received a letter from the Sheriff which provides information on a proposed salary increase for the Sheriff's Office. This information will be review by Council members.

- **Councilman Baten** stated that he has always supported Law Enforcement. He further stated that he was in Law Enforcement during his Military days and that his son is currently a Law Enforcement Officer. These officers put their lives on the line each day. Councilman Baten asked his fellow Council persons to work diligently during the upcoming budget cycle to give the Sheriff's Office its raise that they deserve.
- **Deputy Craig Pomochalek** stated that he has worked for the Sheriff's Office for 13 years of dedicated service. He too asked Council members to consider providing a raise to the Sheriff's Office. Also to

change the compensation for the people that have been working for years but their compensation is the same as someone coming in off the street. He also stated that there are those that are working additional security to make ends meet for their family. Better compensation is necessary.

- **Jacqueline Hughes** stated that she is in support of the Sheriff's Officers need for a pay increase. She also said that she is willing to pay more taxes to get the officers their raise.
- **Nelson Rosario** stated that he has been offered another job, but he is loyal to Sumter County. However, he believes that a pay increase would be good for him and others that show their dedication to the Sheriff's Office.
- **Louis Watkins** stated that he pays taxes in another County and on the tax notice, there is a line item that indicates Sheriff's Office tax collection. The County needs to adopt a similar policy so that people will see their taxes going to the Sheriff's Office.
- **Randel Stewart** said that he supports the statements made by his fellow Officers. However, he was at the meeting concerning the problems that he and his neighbors are having with Waste Management. His community did not receive notification that there would be a change from Republic Services and Waste Management. The problem of not having waste containers has been going on for three weeks. He asked Council for some type of help.

ADJOURNMENT

After all discussion and all comments from the public, motion was made by Councilman Baker, seconded by Councilman Sumpter to adjourn the meeting of Sumter County Council at 6:54 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: January 28, 2020

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: January 13, 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: January 10, 2020

Respectfully submitted,
Mary W. Blanding
Mary W. Blanding

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 first floor of the Court House Building.
- Date Posted: January 12, 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: January 10, 2020

Respectfully submitted,

Mary W. Blanding