



Minutes
Sumter County Council
Regular Meeting
Tuesday, September 8, 2020 -- Held at 6:00 p.m.
Patriot Hall - Auditorium
135 Haynsworth Street, Sumter, SC

.....

**Council members and the public will be required to wear a face mask
and have temperatures checked upon arrival. Social Distancing is also required.**

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

COUNCIL MEMBERS ABSENT: James R. Byrd, Jr., Vice Chairman

STAFF MEMBERS PRESENT: Gary Mixon, Denise McLeod, Helen Roodman, Lorraine Dennis, David Shadoan, David Shoemaker, Johnathan Bryan, Keysa Rogers, and Joe Perry.

MEMBERS OF THE PUBLIC PRESENT: Approximately five members of the public were in attendance.

MEDIA PRESENT: The Item, Shelbie Goulding

CALL TO ORDER: Chairman James T. McCain, called the meeting to order.

INVOCATION: Councilwoman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: Everyone in attendance repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, September 8, 2020
Chairman McCain asked for a motion to take action on the approval of the September 8, 2020 agenda of Sumter County Council.

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

APPROVAL OF MINUTES: Chairman McCain said he would entertain a motion to take action on the approval of County Council Regular minutes held on August 25, 2020.

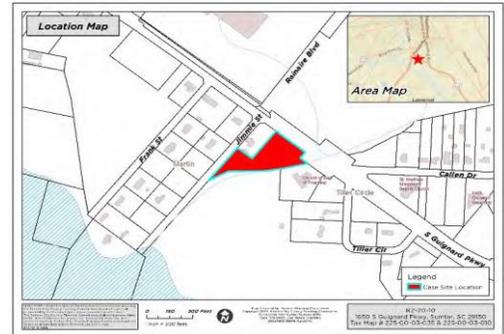
ACTION: MOTION was made by Councilman McGhaney, seconded by Councilman Edens, and unanimously carried by Council to approve the minutes as presented.

LAND USE MATTERS AND REZONING REQUESTS:
Planned Development/Rezoning Requests

NOTE: *RZ = Rezoning Of Property As Applicable In Sumter County Zoning and Development Standards*
 OA = Ordinance Amendment As Applicable In Sumter County Zoning and Development Standards

(1) RZ-20-10 - 1650 S. Guignard Pkwy. - (County) - First Reading – A Request To Rezone Two Parcels Totaling +/-2.2 Acres Of Land From Agricultural Conservation (AC) To Limited Commercial (LC). The Property Is Located At 1650 S. Guignard Pkwy. And Is Represented By Tax Map #'s 225-00-03-010 & 225-00-03-035.

Mrs. Roodman introduced this rezoning request to Council for first reading approval. She stated that the applicant, Mr. Raymond Smith, is requesting to rezone two parcels totaling +/- 2.2 acres from Agricultural Conservation (AC) to Limited Commercial (LC). Mr. Smith, purchased the property in June of this year with the intent of developing a car stereo retail sales and installation use on the site. The applicant intends to partner with Morris College to provide training and internship opportunities as a significant portion of their business staffing plan. At this time, it is the Planning staff's understanding that a +/- 4,800 sf metal building with brick veneer on the front is being proposed on the property. The subject parcels are located on the south side of S. Guignard Pkwy. (US Hwy 521) near its intersection with Jimmie St. and Raniaire Blvd., as shown on the location map. This section of S. Guignard Parkway was widened to five (5) lanes in the late 2000s, in part to provide a more efficient connection between Manning Rd. and US Hwy 15 S. and, to promote development of key industrial sites in the general vicinity. Current land use in close proximity to the property primarily consists of single-family residential uses on larger lots, vacant land, and religious institutional uses. Adjacent land to the north, across S. Guignard Parkway is zoned Heavy Industrial (HI). There are existing industrial uses to the northwest of the property that are setback several hundred feet from the S. Guignard Parkway right-of-way.



Above: Site Picture

Currently, the subject property is mostly wooded with various sized trees and dense undergrowth. A dilapidated residential structure sits on the property and is visible from S. Guignard Pkwy.

As shown in the zoning map on page 3, the site is currently within the AC zoning district and is adjacent to AC zoning to the east, west, and south. Adjacent land to the north, on the opposite side of S. Guignard Pkwy., is zoned Heavy Industrial (HI).

The AC zoning district is designed to protect and preserve areas of the county which are presently rural or agricultural in character and use. AC parcels are required to be at least one (1) acre in size, and primarily permit single family residential and agricultural uses, with select nonresidential uses permitted with additional conditional and special exception use review.



The proposed use of the site falls under *Standard Industrial Classification (SIC) Code 5731 –Radio, Television, and Consumer Electronic Stores*. The proposed use is a Conditional-500 (C-500) use in the AC zoning district. As a part of the Conditional-500 use review process, the applicant must obtain consent signatures from at least 67% of property owners and tenants within 500 ft. of the development and meet all other general conditional use criteria outlined in *Article 5.b.1.a – 5.b.f of the Sumter County – Zoning & Development Standards Ordinance*. The applicant has submitted a conditional use application concerning the use on the site but is concerned about obtaining consent signatures as required by the C-500 process. The proposed use is a by-right permitted use in the Limited Commercial (LC) district.

The LC zoning district is intended to accommodate commercial development along major streets while promoting land use compatibility by limiting the type and conditions of development. Below is a non-exhaustive list of permitted and conditional uses in the LC zoning district.

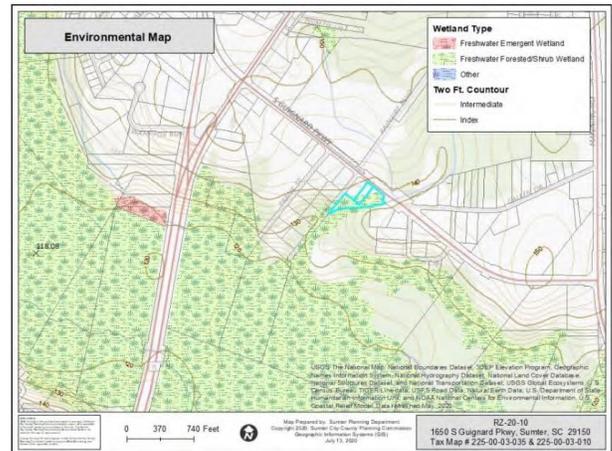
Permitted Uses	Conditional Uses
<p><i>Administrative Offices</i> <i>Grocery Stores</i> <i>Convenience Stores</i> <i>Apparel & Accessory Stores</i> <i>Eating Places</i> <i>Laundry Mats</i> <i>Consumer Electronics Stores</i> <i>Barber Shops</i> <i>Car Washes</i> <i>Dance Studios</i> <i>Physical Fitness Facilities</i> <i>Nursing Care Facilities</i> <i>Residential Care</i></p>	<p><i>Mini-Warehouses</i> <i>Automotive Dealers</i> <i>Movie Theaters</i> <i>Churches, Religious Organizations</i> <i>Social Service Facilities</i> <i>Massage Parlors and Spas</i> <i>Residential Uses</i></p>

Per conversations with the applicant, wholesale distribution activities will be an accessory component of the business. It is staff’s understanding that this is a minor segment of the business consisting of no more than 20% of activities on the site. Therefore, consumer electronic retail sales and associated installation is considered to be the primary use at this time. Full evaluation of proposed uses on the site will take place during the development review and business license process. Full review of compliance with development standards will be completed at time of site plan submittal.

Based on review of the subject property, if the two parcels subject to this request are combined in one property, there is sufficient land area to construct a +/- 4,800 sf commercial building and meet basic development standards within the LC or AC zoning districts.

The property is not located in regulated Special Flood Hazard Area (SFHA) per FEMA Firm Panel: 45085C0313D Effective Date: 2/16/2007.

The site is in close proximity to a blue line stream as shown on USGS topographic maps, and predominately within areas identified to be wetlands per National Wetland Inventory (NWI) data available through the US Fish and Wildlife Service. The NWI is used to identify likely locations of wetland areas, the actual delineation of wetlands boundaries must be performed by a qualified professional. The jurisdictional status of any such wetlands must be determined by the US Army Corps of Engineers.



Per information from the Soil Survey of Sumter, South Carolina prepared by the USDA Natural Resources Conservation Service (NRCS) and Sumter County GIS data, the soil type that covers most of the subject property is Rains Sandy Loam. This soil type is considered hydric and may be permanently or seasonally saturated by water. Hydric soils are a primary characteristic of wetland areas.

At some point in time, a drainage canal was constructed along the eastern border of the subject property. Staff does not have sufficient information at this time to determine how this drainage feature may impact the overall develop ability of the site.

Right: Picture of Drainage Feature



The topography of the site is relatively flat with a gentle downhill slope to the southwest of approximately 8 feet from S. Guignard Parkway to rear of the property.

The site can be served by public water provided through the City of Sumter. Sewer is currently unavailable to the site but is located in close proximity. Sewer service provision would require an extension of main lines and potentially the installation of a lift system. These improvements would have to be coordinated with the City of Sumter Utility Department with improvement costs borne by the developer. If sewer is unable to be provided to the property, a private septic system would have to be installed. Private septic systems are approved by SC DHEC.

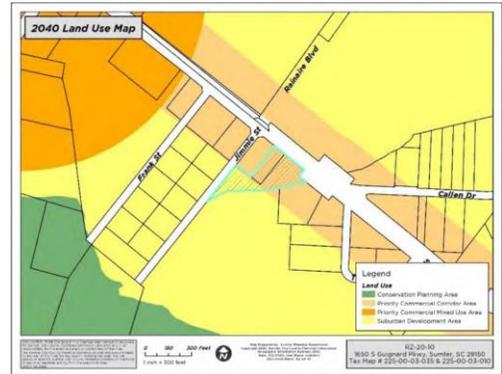


As shown in the 2040 Land Use Map, the property is located within the Suburban Development planning area and is influenced by the Priority Commercial Corridor designation.

The primary goal of the Suburban Development planning area is to scrutinize and manage existing development patterns, identify appropriate locations for new commercial and industrial development, to focus on improvements to the form and design of new development, and to ensure that land is developed in an orderly and efficient manner.

The Priority Commercial Corridor designation is an overlay Priority Investment Area identified in the Sumter 2040 Comprehensive Plan. Areas with this designation have been host to a diversity of uses from large, destination retail uses to more base industrial outdoor storage uses. The goal of all identified Priority Investment Areas is to identify, direct, and concentrate new development opportunities more acutely. As outlined previously in this report, the majority of the property is within areas identified as wetlands per National Wetland Inventory (NWI) data provided by the US Fish & Wildlife Service. Due to the potential that there are wetlands on the site, the following Green Infrastructure Element Policies may be applicable to this request:

- Where logical, green infrastructure features should be left in their natural state, untouched, except for passive recreation uses such as trails.
- All land development projects shall protect environmental resources whenever possible through the use of conservation design techniques, the practice of identifying green infrastructure and designing around these resources.



A commercial zoning district is in line with the policies for Priority Commercial Corridor areas, as such designations typically apply to older primarily commercial areas along arterial roadways. This segment of S. Guignard Pkwy was widened to five (5) lanes in the late 2000s in part to provide better transportation connections and to promote industrial growth in nearby areas. However, the site is also located within the broader Suburban Development area where the goal is to scrutinize and manage existing development patterns and to identify appropriate locations for new commercial and industrial development. Existing land uses close to the subject property consists of single-family residential houses on larger lots, vacant land, and religious institutional uses. There are industrial uses located on the opposite side of S. Guignard Parkway to the northwest of the property that are setback several hundred feet from the road. Based on applicable Sumter 2040 policies, a less intensive commercial zoning district is appropriate.

The location of the proposed rezoning is at 1650 S. Guignard Parkway (US-521). The site's primary road frontage is on US-521, which is an SCDOT-owned and maintained road. US-521 is a 5-lane highway functionally classified as a Major Arterial Road. The 2019 annual average daily traffic (AADT) volume for US-521 was 7,700, based on SCDOT count station #138. The site is located in Traffic Analysis Zone (TAZ) #16003. Any proposed development at the subject property will have its transportation impacts evaluated at time of site plan approval with appropriate mitigation measures required.

Mrs. Roodman stated that the Planning staff recommends approval of this request to rezone +/- 2.2 acres of property from Agricultural Conservation to Limited Commercial a less intense commercial designation as well as supported by the 2040 plan and the existing pattern of development.

After all comments, the Chairman of County Council stated that he would entertain a motion for first reading for this rezoning request.

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

(2) RZ-20-12 - Corner Of Patriot Parkway & Deschamps Rd. - (County) - First Reading – A Request To Rezone A Parcel Totaling +/- 2.00-Acre Portion Of A Tract From Agricultural Conservation (AC) To Limited Commercial (LC). The Property Is Located On The Corner Of Patriot Parkway and Deschamps Road And Is Represented By Tax Map #184-00-01-009 (part).

Mrs. Roodman introduced this rezoning request to Council for first reading approval. She stated that the applicant, J. H. Seale and Son, represented by Louis Tisdale, Black River Land Services, is requesting to rezone a 2.00-acre portion of an overall 7.2-acre tract from Agricultural Conservation (AC) to Limited Commercial (LC). The applicant is requesting this rezoning in order to facilitate development of a future gas station and convenience store project on the site. The site is currently undeveloped.



Photos of the subject property as it exists today:



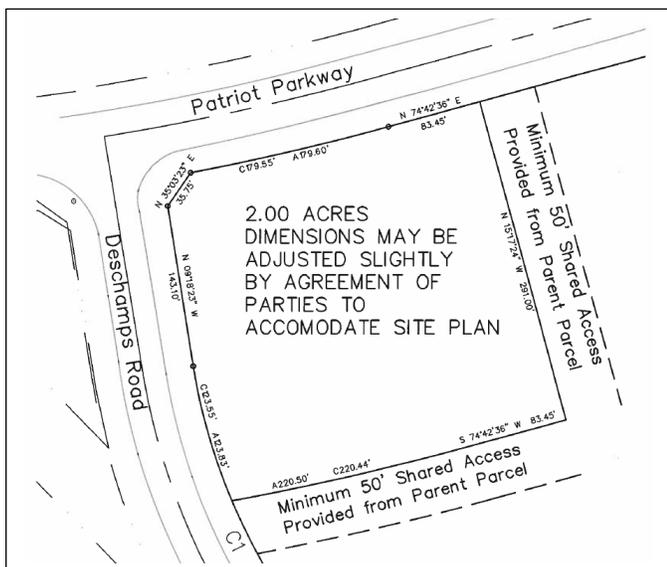
Site as viewed from intersection with Deschamps Rd.



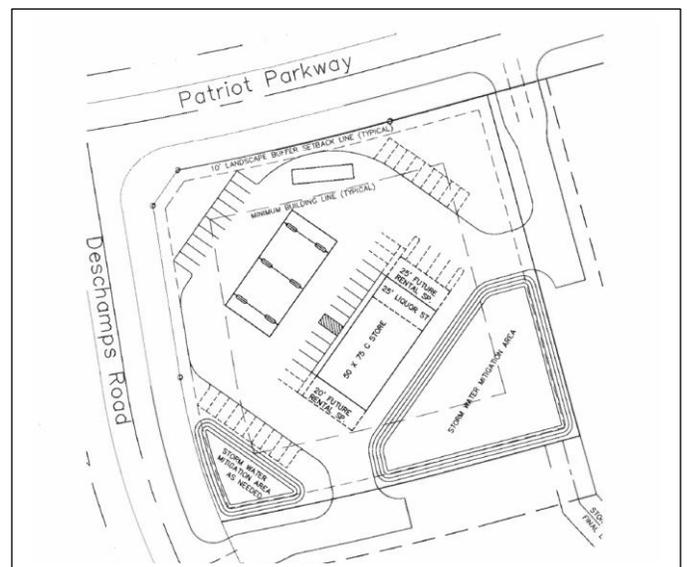
View west along Patriot Parkway from site.

The proposed rezoning covers a 2.0-acre portion of a 7.2 acre tract. If this rezoning is successful, the remaining 5.2 acres will continue to be zoned Agricultural Conservation (AC). A preliminary site plan and preliminary parcel subdivision boundaries are illustrated below:

Preliminary Parcel Boundaries

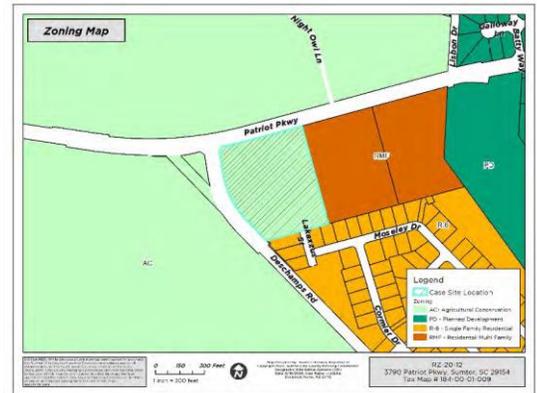


Preliminary Site Plan



As shown on the zoning map to the right, the properties to the north and west of the subject property are zoned Agricultural Conservation (AC). The area to the east is zoned Residential Multi-Family (RMF). The area to the south is zoned small-lot Residential (R-6).

The primary purpose of the AC zoning district is to preserve areas that are currently rural or agricultural in use. The subject parcel consists of planted pine trees. AC zoning primarily permits low density residential development as well as low density commercial development centered on small scale neighborhoods serving commercial uses.

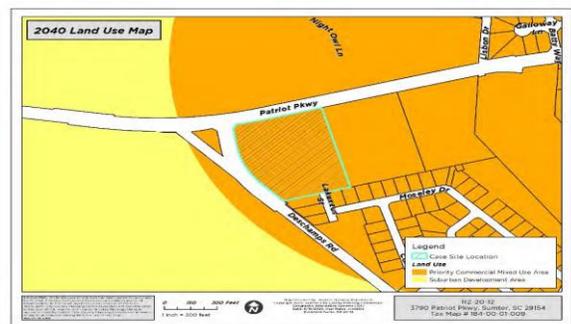


The subject property is influenced by the Sumter County Highway Corridor Protection District (HCPD), a design review overlay district that influences exterior appearance of structures and other site development requirements. Any commercial or industrial development that would occur on site would be required to comply with the corresponding design and form guidelines in the HCPD.

The proposed use of the site after rezoning is for a convenience store with accessory gasoline pumps (SIC 531), which is a permitted use in the Limited Commercial Zoning District.

As shown on the 2040 Land Use Map to the right, the property is located within the Priority Commercial Mixed-Use Area.

Priority Commercial Mixed-Use Area designation offers opportunity to direct future, high quality commercial and mixed-use development. These areas include anticipated greenfields such as the Sumter West area along Patriot Parkway, as well as established locations expected to redevelop with higher and better uses over time. As set forth in the broader suburban policies, continued commercial development is expected along major corridors. Priority locations are designated for protection against undesirable uses such as industrial, automotive repair, or uses primarily engaged in outdoor storage. These locations encourage both destination retail commercial uses and neighborhood commercial uses as appropriate. Design, layout, impact on adjacent properties, landscaping, and architecture all play a vital role in determining context viability.



This site is just west of the Sumter West Planned Development. The Limited Commercial (LC) zoning district, by definition, permits commercial development along major streets while promoting land use compatibility by limiting the type and conditions of development. Rezoning to a commercial designation is supported by the plan. The broader policy implications related to design and aesthetics must be evaluated at time of site planning regardless of the end use/user.

Patriot Parkway (SC-441) is an SCDOT owned two-lane roadway. It is functionally classified as a minor arterial road. The 2019 annual daily trip count (AADT) for Patriot Parkway was 10,600 vehicles. Deschamps Rd (S-983) is an SCDOT owned two-lane roadway. It is functionally classified as a minor arterial road. The 2019 annual daily trip count (AADT) for Deschamps Rd was 2,900 vehicles. The intersection is unsignalized, with Patriot Parkway having right-of-way. The site is located in Traffic Analysis Zone (TAZ) #17011.

The SUATS 2045 Long Range Transportation Plan calls for a roadway widening on this section of Patriot Parkway. However, this project is not included in the fiscally constrained portion of the plan and is rather left to the vision element. The LRTP also calls for improvement of bicycle and pedestrian facilities along the Patriot Parkway corridor, including improvement of both Patriot Parkway and Deschamps Rd for bicycle use as well as extension of an existing paved multi-use path from its current terminus at Lisbon Dr. to US-378, which would cross the subject parcel.

Any proposed development at the subject property will have its transportation impacts evaluated at time of site plan approval with appropriate mitigation measures imposed as needed.

Mrs. Roodman stated that the Planning staff recommends approval of this request to rezone 2.0 acres of property from Agricultural Conservation to Limited Commercial as it is consistent with the 2040 Land Use Plan. Also it is at the intersection of two minor arterial roadways and the development pattern surrounding the property does support this type of use and request.

After all comments, the Chairman of County Council stated that he would entertain a motion for first reading for this rezoning request.

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

(3) OA-20-03 - General Merchandise Stores (SIC Code 53) In The Limited Commercial (LC) & Neighborhood Commercial (NC) Districts (County) - (20-936) - First Reading – Amend Article 3, Section 3.g.3: Conditional Uses (NC), Article 3, Section 3.h.3: Conditional Uses (LC), Article 3, Exhibit 5: Permitted & Conditional Uses In The Commercial, Industrial, And Conservation Districts, And Article 5, Section 5.b.1: Criteria For Review In Order To Provide Different Size Classifications For General Merchandise Stores Uses (SIC Code 53) And To Allow General Merchandise (SIC Code 53) Stores Uses With A Gross Floor Area (GFA) of 11,000 Square Feet Or Less In The NC And LC Districts As Conditional Uses With Specific Conditional Criteria.

Mrs. Roodman introduced this ordinance amendment to Council for first reading approval. The Planning staff is requesting an amendment to the *Sumter County – Zoning & Development Standards Ordinance* (the Ordinance) in order provide two distinct size classifications for general merchandise stores (SIC Code 53) and to include general merchandise stores with a gross floor area (GFA) of 11,000 sf or less as a conditional use within the Neighborhood Commercial (NC) and Limited Commercial (LC) districts. Further, staff has developed specific conditional use criteria that would be applied to such uses in addition to the general conditional use criteria outlined *Article 5, Section 5.b.1.a – Section 5.b.1.f*.

This request is a result of multiple conversations with small general merchandise store chains concerning potential locations within Sumter County. Currently within Sumter County jurisdiction, general merchandise stores are permitted by-right in the General Commercial (GC) district and Central Business District (CBD) districts and are allowed as standard conditional uses in the Light Industrial-Warehouse (LI-W) and Multi Use Industrial (MUI) districts. Conditional-500 (C-500) approval is required in the Agricultural Conservation (AC) district.

General merchandise stores are defined by the Standard Industrial Code Classification Manual under Major Group 53 – General Merchandise Stores as retail establishments which sell a number (multiple) of lines of merchandise, such as dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. Types of retail establishments included within this definition include department stores, variety or discount stores, and general stores. This definition includes “big box”

retailers such as a Wal-Mart, Target, Sears, Big Lots, etc. and also includes retail establishments with a smaller development footprint such as Dollar General, Family Dollar, Dollar Tree, Fred’s, as well as locally owned and operated general merchandise stores.

Under the parameters of the current Ordinance, uses under SIC Code 53 are only permitted in zoning districts that allow the most intensive commercial uses or in districts where they are subject to conditional use review, including C-500 review requiring adjacent property owner and tenant consent signatures in the AC district. They are not permitted by-right, conditionally, or by special exception approval in the NC or LC districts. The current Ordinance makes no distinction concerning the overall size of the use.

Restricting larger regional serving “big box” retailers, as well as other medium sized general merchandise store retail establishments, from the NC and LC districts is appropriate. These uses generate significant traffic impacts, have longer operational hours, have a much larger development footprint, and generally need access from high traffic arterial roadways. However, smaller sized establishments within the SIC Code 53 classification do not have the same level of trip generation, are more local or neighborhood serving, and have impacts similar to other retail uses already permitted in the NC and LC districts.

Staff is proposing that general merchandise stores with 11,000 sf of GFA or less be included as conditional uses, not by-right permitted uses, in order to mitigate potential conflicts with less intensive land uses. The NC district is intended to meet the commercial and service needs generated by nearby residential development. Goods and services normally available in this district are of a “convenience variety”, and the size of the district should relate to the surrounding residential market areas. The LC district is intended to accommodate commercial development along major streets, while promoting land use compatibility by limiting the type and conditions of development. These zoning districts are intended to either serve nearby residential areas or to serve as a buffer between residential areas and zoning districts that permit more intensive uses. As such, these districts are immediately adjacent to residential or less intensive zoning districts in many instances. Therefore, an additional level of review with specific conditions relating to site access, landscaping, commercial dumpster enclosures, and site exterior lighting are appropriate for consideration.

All conditional uses must meet the general conditional use criteria outlined in Article 5, Section 5.b.1.a – Section 5.b.1.f, as follows:

- a) That ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;
- b) The off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties;
- c) That refuse and service areas be adequately screened so as not to be visible from adjacent property or public rights-of-way and shall be located in such a way as not to create a nuisance to adjacent properties;
- d) That screening, buffering or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties;
- e) That proposed signs and exterior lighting be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties;
- f) That the affected site shall be suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to insure compatibility and the safety and welfare of area residents.

In addition to the standard conditional use criteria, staff is proposing specific conditions applicable to SIC Code 53 uses that have 11,000 sf of GFA or less in size in the NC and LC districts. The conditions are fully outlined in the section below and in the Attachment #1 strike-through document attached to this report. Major conditions are discussed in more detail in the paragraph below:

- Site Access - Site access is specifically limited to no more than one (1) access per street frontage. Under current applicable development standards, non-residential uses in commercial districts can have two site accesses per street frontage, provided there is more than a 150 linear feet (lf) of street frontage.
- Landscaping - Specific plantings requirements included where property is adjacent to the street and adjacent to residential, commercial, office, agricultural, and industrial type uses. Further, conditions are included for parking lot landscaping and mechanical irrigation to promote healthy plant growth.
- Dumpster Enclosure - An opaque enclosure consisting of either masonry, stucco, or vinyl exterior materials on three (3) sides of the dumpster is required. An opaque gate is required for the open side of the enclosure. Wood exterior materials are not permitted.
- Exterior Lighting - Submittal of an exterior lighting plan is required. Exterior lighting must use either “Full Cut Off” or “Fully Shielded” fixtures. Light spill over to adjacent non-residential property shall not exceed 0.1 foot-candles and light spill over to adjacent residentially used property shall not exceed 0.05 foot-candles. Exterior lighting conditions were developed using the “Guidelines for Good Exterior Lighting Plans” prepared by the Dark Sky Society as guidance.

Proposed Text Amendment

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

1. Amend Article 3, Section 3.g.3. Conditional Uses to include general merchandise stores (SIC Code 53) with a GFA of an 11,000 sf or less as a conditional use within the NC district.
2. Amend Article 3, Section 3.h.3. Conditional Uses to include general merchandise stores (SIC Code 53) with a GFA of an 11,000 sf or less as a conditional use within the LC district.
3. Amend Article 3, Exhibit 5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts in order provide two distinct size classifications for general merchandise store uses (SIC Code 53), specifically stores that have 11,000 sf of GFA or less and stores that have more than 11,000 sf of GFA. Additionally, show general merchandise stores (SIC Code 53) with 11,000 sf of GFA or less as conditional uses in the NC and LC districts.
4. Amend Article 5, Section 5.b.1. Criteria for Review in order to add specific conditions for general merchandise stores (SIC Code 53) with an 11,000 sf of GFA in the NC and LC districts. Proposed conditions are outlined below:
 - All conditional use criteria outlined in Article 3, Section 5.b.1.a thru 5.b.1.f. shall be met.
 - All other applicable requirements of this Ordinance shall be met.
 - Access - Site access shall be limited to one access driveway per street frontage.
 - Landscaping - Site landscaping shall consist of at least the minimum features outlined below:
 - Street bufferyard planting area that is 10 foot in width and consists of three (3) canopy trees and twenty (20) shrubs per one hundred (100) linear feet (lf).
 - Where a property is adjacent to a residential use - Bufferyard planting area that is 15 foot in width and consists of a mixture of canopy trees, evergreen trees, and tall shrubs capable of achieving a six (6) foot opaque screen within three (3) growing seasons. An opaque

privacy fence can be used to meet this requirement only if such a fence is proposed with plantings that meet Section 5.b.1.o.3.c requirements.

- Where a property is adjacent to vacant, agricultural, religious, commercial, or office uses – Bufferyard planting area that is five (5) foot in width and consists of two (2) canopy trees, two (2) understory trees, and fifteen (15) shrubs per 100 linear feet (lf).
- Where property is adjacent to industrial uses – Bufferyard planting area that is ten (10) foot in width and consists of a mixture of canopy trees, evergreen trees, and tall shrubs capable of achieving a six (6) foot opaque screen within three (3) growing seasons. An opaque privacy fence can be used to meet this requirement only if such a fence is proposed within plantings that meet Section 5.b.1.0.3.c requirements.
- Parking lot landscape islands that are a minimum of nine (9) feet by seventeen (17) feet in dimension are required at the end of each parking space row where such a row is not adjacent to a perimeter landscape and are required throughout a parking area in sufficient number that there are no more than fifteen (15) parking stalls between parking lot landscape islands. Each parking lot landscape island shall contain a minimum of one (1) canopy tree and three (3) shrubs.
- All landscaped areas are required to have an irrigation system that ensures that all plant materials and landscaped areas are watered on a regular basis. Irrigation systems shall not be installed to water inside retention areas or storm water facilities. All components of irrigation systems shall be maintained in proper working order.
- Existing trees may be retained to achieve landscaping requirements. Existing trees to be retained must be shown and identified by species and diameter at breast height (DBH) measurement on landscape plans.
- Dumpster Enclosure – All exterior dumpsters or exterior garbage containers (excluding containers or groups of containers with a combined capacity of less than six cubic yards) shall be screened on three (3) sides by an opaque enclosure consisting of masonry, stucco, or vinyl exterior materials. Such enclosures are required to have an opaque gate for the open side of the enclosure. No portion of the enclosure or gate shall consist of wood exterior materials. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height.
- Exterior Lighting –
 - An exterior lighting plan consisting of the following features of at minimum the following features is required:
 - Location of all exterior lighting on the site
 - Maximum illuminance levels expressed in foot-candle measurements on a grid of the site showing foot-candle readings in every five (5) or ten (10) foot squares. The grid shall include light contributions from all exterior sources and shall show foot-candle reading five (5) feet beyond the property lines.
 - “Full Cut Off” or “Fully Shielded” exterior light fixtures are required.
 - Light Spill over to adjacent non-residential property shall not exceed 0.1 foot candles. Light spill over to adjacent residentially used property shall not exceed 0.05 foot-candles.

Mrs. Roodman stated that the Planning staff recommends approval of this ordinance amendment. Smaller general merchandise stores do not have the same impacts as larger “big box” retailers serving a regional market or medium sized retailers serving significant portions of a jurisdictional area. Such uses, with a GFA of 11,000 sf or less, will typically serve neighborhood scale markets and have impacts that are equivalent to other retail uses already permitted in these districts. However, given the purpose of these

districts, there is an increased likelihood of proximity to less intensive zoning districts and an increased potential for conflict with such district. Therefore, specific conditional use criteria are recommended to mitigate any such conflict.

Mr. Edens asked what determines whether or not a business is required to have a retention pond. Mrs. Roodman stated that it is actually determined based on the Storm Water Management ordinance. Factors considered are property size, soil type, how much impervious surface they have, some by SCDOT encroachment permits because their post construction runoff cannot exceed preconstruction runoff, which sometimes spurs the requirement to build a retention pond. Usually a business site less than an acre in size obtains an exemption from the local storm water ordinance, but the requirement to build a pond is pushed on them by having to get their SCDOT encroachment permits.

Mr. Edens stated there is a Dollar General located on Highway 15 North with a retention pond located between the highway and parking lot. The pond is overgrown and an eyesore for those traveling 15N, which is an entrance into Sumter. Mr. Edens stated that maybe some verbiage can be placed in the Regulatory Ordinance to maintain the pond.

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

(4) RZ-20-11 - 1855 Loring Mill Road - (County) - Third Reading - A Request To Rezone A Parcel Totaling +/- 12.1 Acres Of Land From Residential-15 (R-15) To Agricultural Conservation (AC). The Property Is Located At 1855 Loring Mill Road And Is Represented By Tax Map #186-00-03-027.

Mrs. Roodman stated that this rezoning request to rezone +/- 12.1 acres of land from Residential-15 (R-15) to Agricultural Conservation (AC), has received first and second readings with no changes. She asked Council to consider granting third reading as presented. Chairman McCain called for a motion on this proposed rezoning request.

ACTION: MOTION was made Councilman Baker, seconded by Councilman Baten, and unanimously carried by Council to grant third reading approval and adoption of this rezoning request as presented.

PUBLIC HEARINGS: None

NEW BUSINESS:

(1) 20-933 - First Reading - An Ordinance To Authorize The Sale Of Property On Race Track Road.

Mr. Johnathan Bryan, County Attorney, introduced this ordinance for first reading approval. Mr. Bryan stated this is a piece of property on the corner of Race Track Road and the railroad tracks consisting of approximately 20 acres. Sumter County is negotiating what options or right of purchase refusal the purchaser will have after the sale of the 20 acres. The Chairman of County Council stated that he would entertain a motion for first reading to this ordinance.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval as presented.

(2) 20-934 - First Reading - An Ordinance Authorize The Execution And Delivery Of A Fee Agreement By And Between Sumter County, South Carolina And Project Tiger V Providing For A Payment Of A Fee In Lieu Of Taxes And Other Matters Related Thereto.

Mr. Johnathan Bryan, County Attorney, introduced this ordinance for first reading approval. Mr. Bryan stated Ordinance 20-934 and 20-935 are related. This ordinance is to approve a Fee In Lieu of Tax Agreement between Sumter County and an Economic Development Project known as Tiger V. The Chairman of County Council stated that he would entertain a motion for first reading to this ordinance.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to grant first reading approval as presented.

- (3) **20-935 – First Reading** - An Ordinance To Amend The Master Agreement Governing The Sumter-Lee Industrial Park Dated December 31, 2012 Between Lee County, South Carolina and Sumter County, South Carolina So As To Enlarge The Park To Include Certain Property Owned And/Or Operated By A Company Identified For The Time Being As Project Tiger V; And Other Related Matters.

Mr. Johnathan Bryan, County Attorney, introduced this ordinance to amend the agreement between Sumter County and Lee County concerning a multi-county industrial park. Sumter County is putting the property bordered by St. Matthews Church Road, Race Track Road, 521 and the railroad tracks into the multi-county park. This tract is referred to as the Lewis-Lawrence tract and this ordinance puts this tract into the multi-county park. The Chairman of County Council stated that he would entertain a motion for first reading approval to this ordinance.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Edens, and unanimously carried by Council to grant first reading approval as presented.

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

No executive session was held.

OLD BUSINESS: None

COMMITTEE REPORTS:

1. **Fiscal, Tax, and Property Committee Meeting March 24, 2020, 5:30 p.m.** at Patriot Hall – Band Room, 135 Haynsworth Street, Sumter, SC (McCain, Edens, McGhaney) (*Note: This meeting will begin immediately after the conclusion of the Forfeited Land Commission Meeting scheduled at 5:15 p.m. in Patriot Hall's Band Room.*)

The Chairman of the Committee, James T. McCain, stated all Committee members were in attendance. The Committee discussed one item in executive session. After the executive session, the Committee took action on recommending spending up to \$300,000 from the Hospitality Fund.

ACTION: MOTION and second were received from the Committee, and carried by Council to approve spending up to \$300,000 from the Hospitality Fund for a project at Crystal Lakes Golf Course.

NOTE: County Attorney, Johnathan Bryan, briefed the Committee members and Council on an economic development matter, Project Tiger V.

2. Report From Council Members On Other Meetings, Trainings, And/Or Conferences.

No report.

MONTHLY REPORTS

- SCSO Detention Center August Report

COUNTY ADMINISTRATOR'S REPORT

- Mr. Mixon, the County Administrator, updated Council on COVID-19 cases in Sumter County. The news erroneously reported this morning that Sumter County had a pediatric death and actually was an 81 year old woman. Mr. Mixon confirmed this information from the Coroner. There has been four deaths in Sumter County since our last meeting all who were elderly and African American. We have seen a pattern of the COVID-19 cases slowing down, but we have Labor Day weekend which may increase COVID-19 cases. Also, Mr. Mixon reported that the County has arranged with MUSC to conduct testing sites every Thursday. The first site will be Thursday, September 10, 2020, at the Civic Center.

Mr. Baten has concerns with the discrepancy of COVID-19 cases the Coroner reports versus what DHEC reports. Also, Mr. Baten asked if the Coroner is able to obtain the status of military veterans' deaths due to COVID-19.

ADJOURNMENT

After all discussions, motion was made by Councilman Sumpter, seconded by Councilman Baker to adjourn the meeting of Sumter County Council at 6:25 p.m.

Respectfully submitted,

James T. McCain, Jr.
Chairman or Vice Chairman
Sumter County Council

Denise P. McLeod
Acting Clerk to County Council
Sumter County Council

Approved: _____

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: September 4, 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: September 4, 2020

Respectfully submitted,
Denise P. McLeod
Mary W. Blanding