



Minutes
Sumter County Council Regular Meeting
Tuesday, November 14, 2023 -- 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

Social Distancing Is Encouraged At All County Council's Meetings, And Seating Is On A First Come First Serve Basis.

<https://www.youtube.com/channel/UCAHjqzPaonQ9LFS2kO37tA>

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Gary Mixon, Mary W. Blanding, Joe Perry, Johnathan Bryan, Helen Roodman, and two Sheriff Deputies.

MEDIA PRESENT: Bryn Eddy, The Item Newspaper and Tyler Fedor, Post and Courier.

PUBLIC PRESENT: There were approximately 10 members of the public in attendance at this meeting.

CALL TO ORDER: Chairman James T. McCain, Jr. called County Council's November 14, 2023, meeting to order.

INVOCATION: Council Member Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chairman McCain.

APPROVAL OF AGENDA: Chairman McCain called for a motion on the approval of the agenda for Tuesday, November 14, 2023.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the agenda of November 14, 2023, as presented.

APPROVAL OF MINUTES: Regular Meeting -- Tuesday, October 24, 2023

Chairman McCain called for a motion concerning action on the October 24, 2023, minutes of County Council's meeting.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Edens, and unanimously carried by Council to approve the minutes of Sumter County Council's meeting of October 24, 2023, as presented.

LAND USE MATTERS AND REZONING REQUESTS:

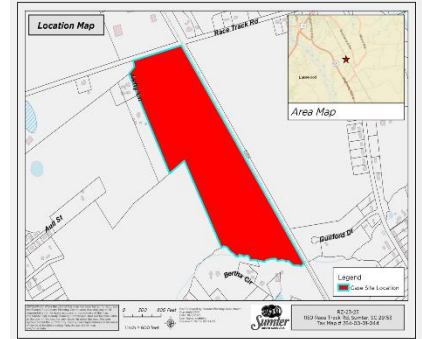
Planned Development/Rezoning Requests:

NOTE: RZ = *Rezoning Of Property As Applicable In Sumter County Zoning and Development Standards.*
AC = *Agricultural Conservation As Applicable In Sumter County Zoning and Development Standards.*
NC = *Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.*

LI-W = Light Industrial-Warehouse As Applicable in Sumter County Zoning and Development Standards.

(1) RZ-23-23, Race Track Rd. -- (County) – First Reading -- A Request To Rezone 1 Parcel Of Land Totaling +/- 78.60-Acres From Agricultural Conservation (AC) To Heavy Industrial (HI). The Property Is Located At Race Track Rd. And Is Represented By Tax Map # 264-00-01-044.

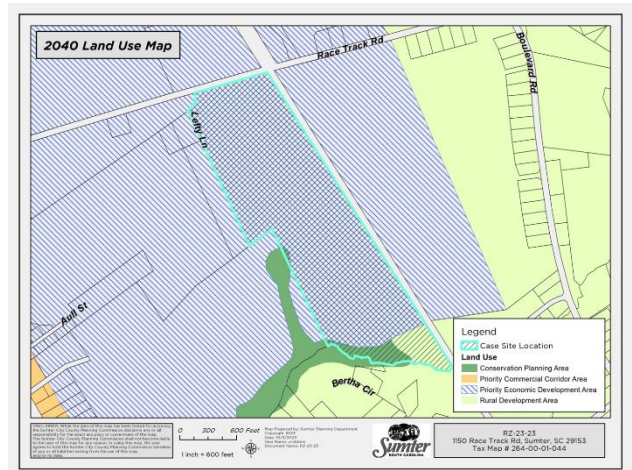
Mrs. Roodman, the Planning Director, presented this proposed rezoning request to Council for first reading consideration. She stated that the property owners hope to have the property rezoned from Agricultural Conservation to Heavy Industrial. The property is adjacent to Nova Molecular which is known as the Gibbs Rail Site, and was acquired by Sumter County in August 2023 following a two-year purchase option.



The property is currently an agricultural farm field which is not currently being used. The property is .75 miles of frontage on the CSX rail line, and lies across Race Track Road from the Pocotaligo East site where Nova Molecular Technologies is located. The remainder of the Pocotaligo East site is approximately 128 acres and is all zoned Heavy Industrial.

Mrs. Roodman also informed Council that due diligence activities are currently underway (*wetlands delineation, geotechnical assessment, Phase 1 Environmental, Cultural Resources Survey, and an endangered species review*). Upon completion of due diligence, the property will be listed as a designated "Palmetto Site", a category of industrial site designated as having particular characteristics ideal for industrial prospects, as managed by guidelines developed by the South Carolina Department of Commerce.

It was also noted by Mrs. Roodman that the Sumter 2040 Comprehensive Plan shows the property within the Priority Economic Development future land use designation. Mrs. Roodman said that prior to Continental Tire Plant coming to Sumter, the City and County worked together to designate this area as Heavy Industrial due to the rail line in this area. The designation offers protection to the existing industrial parks and identifies additional locations based on input from the Sumter County Development Board. She also said that the property is located in the Pocotaligo East Industrial Park adjacent to Nova Molecular and south of the Continental Tire plant. Rezoning the property to the HI District is supported by the Sumter 2040 Plan.



The Planning Commission recommended approval of this rezoning. It was also noted by the Planning Commission that the Gibbs Rail Site is the County's only publicly owned stand-alone rail-served greenfield property that can support heavy industrial uses. After all discussions, Chairman McCain called for a motion on first reading.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant first reading to this proposed rezoning request as presented by the Planning Director, Mrs. Helen Roodman.

- (2) **OA-23-01, Solar Projects -- (County) - First Reading -- Ordinance #23-993 - A Request To Amend The Sumter County Zoning And Development Standards Ordinance, Specifically, Article 3, Exhibit 5, To Add Primary - Solar Electric Power Generation (Photovoltaic Solar Energy System) With NAICS 221114, As A Special Exception In The Light Industrial (LI-W), Heavy Industrial (HI), Agricultural Conservation (AC), And Conservation Preservation (CP) Zoning Districts; Add Accessory - Solar Electric Power Generation (Photovoltaic Solar Energy Systems) NAICS 221114 As A Conditional Use In LI-W, HI, AC, And CP Zoning Districts; Amend Article 5.B.1.M To Establish Conditional Use Review Criteria For Accessory Photovoltaic Energy Systems (NAICS 221114), Amend Article 5.B.2 To Add Primary Photovoltaic Solar Energy Systems (NAICS 221114) To The Listing Of Certain Hazardous And/OR Potentially Disruptive Land Development Activities; Amend Article 5.B.3 To Add Specific Special Exception Use Review Criteria For Primary Photovoltaic Solar Energy Systems (NAICS 221114); And Amend Article 10.B.1 To Revise The Definition Of A Primary Photovoltaic Solar Energy System.**

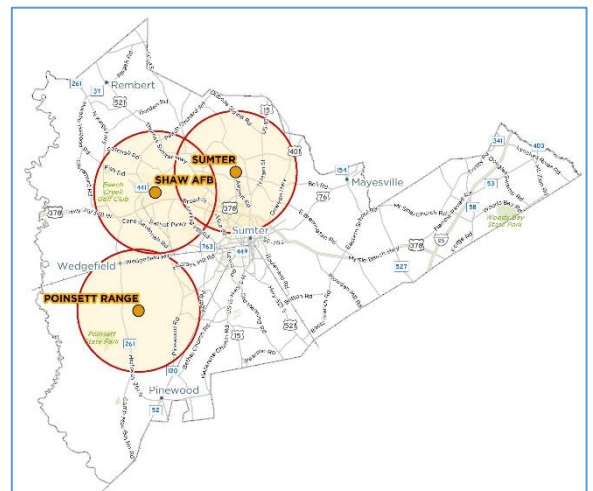
Mrs. Roodman also presented this proposed ordinance amendment to Council for first reading consideration. She stated that this request would allow for solar power facilities as a conditional use in the districts where they are allowed. This would make the primary general facilities special exception in the districts where they are currently allowed as conditional use. Additionally, new associated languages would need to be adopted for this ordinance amendment.

Mrs. Roodman stated that Council members want to make sure that the development of Solar Farms would be processed in a manner that will be good for the County and its citizens.

Three areas of concern that have been discussed related to solar development in the County:

- 1) Need to ensure future solar projects do not adversely impact community character.
- 2) Need to ensure use/site plan approval provides adequate notice to potentially impact property owners in proximity to a project site and a venue for their concerns to be voiced.
- 3) Need to ensure removal of solar facilities at end-of-life and/or cessation of operation at a facility – decommissioning plans must be backed by a financial instrument.

Mrs. Roodman also stated that in 2016, the first solar regulations were developed at that time. It was done as a Conditional Use requiring staff level approval in the Agricultural Conservation (AC), Conservation Preservation (CP), Light Industrial Warehouse (LI-W) and Heavy Industrial (HI) Districts. Only subjects to use specific review criteria if within 5 nautical miles of Shaw AFB, Poinsett ECR, and Sumter County Airport. current standards, OA-16-08.





Mrs. Roodman presented to Council members the current Conditional Use Standards – only apply to properties within 5 Nautical Miles of Specific Stites, then she presented to Council the proposed Ordinance Amendments/Changes to Review Criteria which included the following:.

- ❖ Make accessory photovoltaic energy systems (NAICS 221114) a staff level conditional use in AC, CP, LI-W, and HI districts.
- ❖ Make primary photovoltaic energy systems (NAICS 221114) a special exception use in AC, CP, LI-W, and HI districts.
- ❖ Special Exception Use *requires* a public hearing with the Board of Zoning Appeals.
- ❖ Modify established conditional use review criteria specific to accessory photovoltaic energy systems.
- ❖ Establish special exception use criteria and expand the language.
 - ✓ Modify setback to 200 ft. from roadways and all other property lines.
 - ✓ Require 50 ft. wide evergreen buffers along road rights of way and between development site and abutting residential uses.
 - ✓ Require the planting of native vegetation and grass in AC and CP districts.
 - ✓ More rigorous decommissioning requirements with financial surety for primary systems.



It was also noted by Mrs. Roodman, that there will be, if approved, general special exception criteria.

c. Special Exception:

1. Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.
2. Permits for Special Exceptions shall be evaluated by the Sumter City-County Board of Zoning Appeals on the basis of the following criteria:
 - a. That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.

- b. That the special exception will be in substantial harmony with the area in which it is located.
 - c. That the special exception will not discourage or negate the use of surrounding properties for use(s) permitted by right.
 3. In granting a special exception, the Sumter City-County Zoning Board of Appeals may impose additional stipulations, conditions, or safeguards as, in its judgement, will enhance the siting of the special exception. At the conclusion of the review, the Sumter City-County Zoning Board of Appeals shall approve the application with specific modification or disapprove the application. If approved, the Sumter City-County Zoning Board of Appeals shall instruct the Zoning Administrator to issue such permits contingent on the specific modification imposed. If disapproved, the Sumter City-County Zoning Board of Appeals shall notify the applicant, in writing, of the action disapproving the application, with the reasons therefore.

Additionally, Mrs. Roodman presented Proposed Special Exception Language.

- d. Primary Photovoltaic Solar Energy Systems (NAICS 221114). Applies to all Primary Photovoltaic Solar Energy Systems as defined in Article 10.b.1.
 1. All ground-mounted photovoltaic solar energy systems shall be setback 200 ft. from all property lines. This provision shall be interpreted to apply to all improved areas associated with the project(s).
 2. All access roads and storage areas shall be established on a 30-foot minimum easement to a public right-of-way.
 3. All ground-mounted photovoltaic solar energy systems shall be enclosed by perimeter security fence that is at least 6 ft. in height.
 4. All ground-mounted photovoltaic solar collectors shall be limited to a maximum height of 25 feet above the ground when oriented at maximum tilt. The provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.
 5. On-site electrical interconnections and power lines shall be installed underground wherever reasonably practical.
 6. The applicant has the burden of proving that glare produced from a primary photovoltaic solar energy system will not have a significant adverse impact on aviation interests, motor vehicle traffic, or neighboring properties. Submission of a glare assessment prepared by a qualified professional is required.
 7. For all locations within 5 nautical miles of the center point of the runway for Shaw Airforce Base, Poinsett Electronic Combat Range (ECR) and the Sumter County Airport:
 - a. The applicant shall provide documented proof of having notified the Shaw Air Force Base/Poinsett ECR Military Base Commander, or the commander's representative and/or the Sumter County Airport Director, of a Photovoltaic Solar Energy System proposal.
 - b. The applicant shall allow 21 days for written comments to be provided from these agencies. Any written comments received shall be submitted with the Special Exception use application.
 8. It shall be demonstrated that the Photovoltaic Solar Energy System will not unreasonably interfere with the view of, or from, significant sites of public interest such as public parks and historic sites and resources.
 9. Written documentation of an agreement with an electric utility provider for interconnection of the completed facility shall be submitted at time of Special Exception application. In lieu of a final executed interconnection agreement, documentation from the electric utility provider

that such a request is in process and under consideration may be accepted at the discretion of the Sumter City-County Zoning Board of Appeals. Once constructed, the project shall provide a copy of the signed certification of completion from the electric utility prior to issuance of the certificate of occupancy for the system.

10. All Landscape Buffering: a minimum 50 ft. wide landscape buffer containing evergreen vegetation screening is required to obscure solar energy system perimeters from public rights of way and residential uses on adjacent parcels. Buffers shall meet the following minimum criteria:
 - a. Existing mature vegetation in the required setback areas shall remain undisturbed. Said vegetation shall be supplemented to ensure a year-round visual screen of at least 6 ft. in height over three growing seasons and not less than 20 ft. in height at maturity.
 - b. Where existing vegetation is insufficient for required screening, a planting plan shall be developed and submitted that creates a year-round visual screen of at least 6 ft. in height over three growing seasons and not less than 20 ft. in height at maturity.
 - c. It shall be the developer's responsibility to ensure all buffer plants remain healthy and thriving. Failure to replace dying, diseased or plants failing to thrive constitutes a violation of the Ordinance and may result in enforcement action in accordance with Article 1 of the Ordinance.
11. For primary photovoltaic energy systems developed in the Agricultural Conservation (AC) and Conservation (CP) zoning districts – sites should be designed and developed using native ground cover/vegetation and other best practices as outlined in the Technical Guidance for the Development of Wildlife & Pollinator Habitat at Solar Farms (South Carolina Solar Habitat Act – March 2021) document or similar best practices document.
12. Decommissioning Plan:
 - a. Satisfactory completion of a Decommissioning Plan, per Appendix D. The Decommissioning Plan shall be recorded at the Sumter County Register of Deeds and be included with any leasing documents/agreements with the property owner.
13. Decommissioning Surety:
 - a. A form of surety equal to 125% of the entire cost to decommission the primary photovoltaic solar energy facility, as approved, is required. Decommissioning costs shall be estimated by an engineer licensed to practice in the State of South Carolina and approved by the Sumter County Administrator and Sumter County Attorney. *Note: salvage/recycling value of system elements may be taken into account in cost estimates.*
 - b. The surety is required to cover the costs of decommissioning the primary photovoltaic solar energy facility. Decommissioning costs shall include all work as described in Appendix D.
 - c. The surety can be in the form of cash, cashier's check, certified check, certificate of deposit, negotiable U.S. Treasury securities, performance bond, irrevocable letter of credit, or other instrument readily convertible into cash at face value.
 - d. The surety can be made directly to Sumter County or be placed in escrow within a financial institution designated as an official depository of Sumter County.
 - e. Following initial submittal of the surety, the cost calculation shall be reviewed every 5 years and adjusted accordingly based upon an updated estimate provided by an engineer licensed to practice in the State of South Carolina. Updated estimates must be reviewed and approved by the Sumter County Administrator and Sumter County Attorney. In the case of cost increase, the surety instrument used must be updated to reflect 125% of the entire cost to decommission the primary photovoltaic solar energy facility.

- f. Failure to comply with any of the requirements outlined in Article 5.b.3.c.13 shall result in the immediate termination and revocation of all prior approvals and permits; further, Sumter County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the primary photovoltaic solar energy facility, even if such facility is operational.

Lastly, Mrs. Roodman gave Council members information concerning the Proposed Modified Definition of Primary Photovoltaic Solar Energy System.

- Primary: a ground-mounted photovoltaic solar facility with components and subsystems that generate electricity from sunlight. To be sold to a wholesale electricity market through a regional transmission organization and an interconnection with the local utility power grid, to include battery storage facilities and/or other accessory power storage features. The area of the facility includes all the land inside the perimeter of the system, which extends to any fencing, land area required for setbacks, landscaping and signage.

Lastly, Mrs. Roodman stated that the Planning Commission recommended approval of the request as presented and that this information provided includes the following two statements:

1. Proposed changes address context sensitive incorporation of large scale solar into rural areas.
2. Provides public notice to adjacent property owners as part of the approval process.

After all comments, County Council took action on first reading.

ACTION: MOTION was made by Councilman Edens, seconded by Councilman Baker, and unanimously carried by Council to grant first reading to this proposed ordinance amendment as presented by the Planning Director, Mrs. Helen Roodman.

NOTE: Prior to carrying the motion, Councilman Baker asked about 125 percent that a company would have to ensure that the decommissioning would be handled properly. Vice Chairman Byrd asked if the County would be in good legal standing to ask for 125 percent for a decommissioning process surety. Mr. Bryan, the County Attorney, stated that the question from Vice Chairman Byrd was a question he has never considered. Mrs. Roodman stated that she talked with several attorneys that work with this type of an industry, and they had no qualms about the decommissioning, and they agreed with the language for decommissioning in this proposed ordinance.

Councilman McGhaney asked Mrs. Roodman if there were other counties in South Carolina that were considering the same type of ordinance or already had one in operation. Mrs. Roodman informed Council that there were no ordinances in South Carolina that she could find that would answer all the questions that Sumter County Council presented to her. Therefore, she called professionals in North Carolina to answer questions concerning the concerns about the Solar Farms and the possible decommissioning. After all questions, the motion was carried as listed above.

OTHER PUBLIC HEARINGS:

- (1) None

NEW BUSINESS:

- (1) **Ordinance #23-991 – First Reading -- An Ordinance Authorizing An Amendment To That Certain Fee In Lieu Of Tax Agreement By And Between Sumter County, South Carolina And A Company Currently Identified As Project Mole To Extend The Investment Period Thereunder, To Provide For Additional Special Source Revenue Credits, And To Address Other Matters Related To A Proposed Expansion. TITLE ONLY**

Mr. Bryan, the County Attorney, stated that this proposed ordinance, by Title Only, pertains to Project Mole, which is an economic development investment. He stated that the ordinance should be available to Council at second reading. 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 by Council to grant first reading to this proposed ordinance as presented by the County Attorney, Johnathan Bryan.

- (2) **R-23-05 –A Resolution Committing To Negotiate A Fee-In-Lieu Of Ad Valorem Taxes Agreement Between Sumter County And Project Black Nickel; Identifying The Project; And Other Matters Related Thereto.**

The County Attorney also presented this proposed resolution which allows for the County to commit to negotiating a Fee-In-Lieu Of Ad Valorem Taxes Agreement between Sumter County and the economic development Project known as Black Nickel. After review of the Resolution, which was previously discussed in executive session during the Fiscal, Tax, and Property Committee meeting held earlier, the Chairman called for a motion on this resolution.

ACTION: MOTION was made by Councilman Baten, seconded by Vice Chairman Byrd, and unanimously carried by Council to adopt the resolution as presented and authorized the Chairman and the Clerk to Council to execute and deliver the resolution on behalf of Sumter County. (See resolution below.)

R-23-05

WHEREAS, Sumter County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“the FILOT Act”) and Title 4, Chapter 1 of the Code (the “Multi-County Park Act” or, as to Section 4-1-175 thereof, and, by incorporation Section 4-29-68 of the Code, the “Special Source Act”) (collectively, the “Act”) and by Article VIII, Section 13(D) of the South Carolina Constitution to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by (i) entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of ad valorem tax (“FILOT Payments”) with respect to economic development property, as defined in the FILOT Act; (ii) allowing a sponsor to claim special source revenue credits against their FILOT payments (“Infrastructure Credits”) as allowed under the Special Source Act; and (iii) creating, in conjunction with one or more other counties, a multi-county industrial or business park in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Infrastructure Credits;

WHEREAS, Project Black Nickel, an entity whose name cannot be publicly disclosed at this time (“Sponsor”), desires to invest capital in the County in order to establish a manufacturing facility in the County (“Project”);

WHEREAS, the Project is anticipated to result in an investment of approximately \$506,270.000 in taxable real and personal property and the creation of approximately 300 new, full-time equivalent jobs;

WHEREAS, pursuant to the authority of Section 4-1-170 of the Multi-County Park Act and Article VIII, Section 13 of the South Carolina Constitution (collectively, the "Multi-County Park Authority"), the County intends to cause the site on which the Project is or may be located, to be included in a multi-county industrial and business park (a "Park") established by the County pursuant to a qualifying agreement with an adjoining South Carolina county (the "Park Agreement") if the Project site is not already located in a Park; and

WHEREAS, the County has determined and found on the basis of the information supplied to it by the Sponsor and on the basis of relevant factors and criteria prescribed by law that the Project would be a "project" and "economic development property" as such terms are defined in the Act, would meet all other requirements of the Act and would serve the purposes of the Act; and

WHEREAS, the County has determined and found on the basis of the information supplied to it by the Sponsor that the Project would constitute an "enhanced investment," as that term is defined in the Act; and

WHEREAS, as an inducement to the Sponsor locate the Project in the County, the Sponsor has requested that the County negotiate an agreement ("Agreement"), which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property, as defined in the Act; and

WHEREAS, the County and the Sponsor recognize and acknowledge that the Sponsor would not otherwise locate the Project in the County but for the delivery of the incentives described herein.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

Section 1. This Resolution is an inducement resolution for this Project for purposes of the Act.

Section 2. County Council agrees to negotiate in good faith to enter into the Agreement, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property. Provided the County and the Sponsor agree to the terms of, and sign, a Fee Agreement as provided under the FILOT Act in which the Sponsor commits to make a minimum investment of \$150,000,000 in economic development property (the "Enhanced Investment") within the 8-year investment period as provided under the FILOT Act (the "Investment Period") and Sponsor commits to creating not less than one hundred twenty-five (125) new full-time jobs (with benefits) at the Project within the Investment Period (the "Job Creation Requirement"), the County Council hereby authorizes a FILOT for the Project for a period of forty (40) years to be reflected in a Fee Agreement containing, without limitation, the following terms: (i) an assessment ratio on the Project's economic development property not to exceed four percent (4%); (ii) an initial millage rate of 348.47 mills that will be adjusted every five years; and (iii) the fair market value of the Project property shall be determined by the South Carolina Department of Revenue in accordance with the FILOT Act.

Section 3. County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

Section 4. Pursuant to Section 4-1-175 of the Multi-County Park Act, the County, subject to the limits set forth herein and pursuant to the Fee Agreement, intends to provide Infrastructure Credits against the FILOT payments by the Sponsor pursuant to the Park Agreement and/or the Fee Agreement, as the case may be, to reimburse the Sponsor related to the Special Source Improvements for the Project. In these respects, it is anticipated the Sponsor shall be entitled to claim an annual Special Source Credits in years one (1) through ten (10) equal to seventy-five percent (75%) of each year's FILOT payments, in years eleven (11) through twenty (20) equal to sixty percent (60%), and in years twenty-one (21) through thirty (30) equal to twenty percent (20%) of each year's FILOT payments pursuant to the Park Agreement and/or Fee Agreement, with respect to the Project (that is, with respect to the investment made by the Sponsor and/or any sponsor affiliate(s) under the Fee Agreement during the Investment Period). Should the Sponsor fail to meet the Enhanced Investment Requirement or the Jobs Creation Requirement by the end of the Investment Period, at the County's option, and Infrastructure Credits otherwise payable under the Fee Agreement shall no longer be payable by the County and the Sponsor shall be liable for certain claw back payments in accordance with the terms of the Fee Agreement.

Section 5. County Council intends to place the Project sites, if not already so placed, in a Park as provided in the Multi-County Park Act in connection with entering into a Fee Agreement under the FILOT Act but in no event later than December 31, 2023.

Section 6. This Resolution is effective and will be in full force after its approval by the County Council.

- (3) **Ordinance #23-992 - First Reading - An Ordinance Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes And Incentive Agreement By And Between Sumter County, South Carolina And Project Black Nickel To Provide For Payment Of A Fee-In-Lieu Of Taxes; Authorizing Certain Infrastructure Credits; Authorizing The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Project; And Other Related Matters.**

Mr. Byran informed Council that this ordinance is in conjunction with resolution R-23-05. Additional information may be added to the ordinance as negotiations are finalized due to R-23-05. After all comments, Chairman McCain called for a motion on first reading on this ordinance as presented.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman McGhaney, and unanimously carried by Council to grant first reading to this proposed ordinance as presented by the County Attorney.

- (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, If Necessary, Thereafter In Open Session.

No executive session was held.

OLD BUSINESS

- (1) None

COMMITTEE REPORTS:

- (1) **Fiscal, Tax, and Property Committee Meeting** Scheduled For Tuesday, November 14, 2023, At 4:30 p.m. In The County Administration Conference Room, Third Floor, 13 Canal Street, Sumter, SC. (McCain, Edens, and McGhaney)

Chairman McCain stated that all members were presented at this Committee meeting as well as all other Council members. The majority of the meeting was in executive session concerning particulars about the two economic development projects: Black Nickel and Mole. No further action needs to be taken at this time.

- (2) **Land Use Committee Meeting** Scheduled For Tuesday, November 14, 2023, At 5:00 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC (Edens, Baker, and Baten)

The Chairman of the Committee, Councilman Edens, said that there were two items on the agenda and Councilman Baten recused himself, and left the Conference Room, during the discussion on RZ-23-23. After discussion concerning RZ-23-23, the Committee recommended to send to the Planning Commission a request to allow Auto Salvage in Light Industrial Warehouse under Special Exception; special exception would also go to the Board of Zoning Appeals which would also require a public hearing at the Board of Zoning Appeals.

ACTION: MOTION and second were received from the Land Use Committee members, (except for Council Baten who recused himself), to recommend sending a request to the Planning Commission to allow Auto Salvage Businesses in Light Industrial Warehouse under Special Exception. The motion was unanimously carried. Note: Councilman Baten did not vote on this matter.

Committee Chairman Edens also stated that the Committee briefly discussed Landscaping concerns; however, there was not enough information at the meeting to discuss this matter in detail, therefore, the Committee asked the Clerk to place this matter on the November 28, 2023, agenda.

Then Councilman Washington asked Committee Chairman Edens if he intended to include the request for a community meeting with the applicant. Committee Chairman Edens thanked Councilman Washington for reminding him that the Committee did agree to *contact the Attorney for the applicant to see if a meeting could be held for this community with the applicant to allow them to know what the intent of the applicant is for this property and to answer questions from the community members.*

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

No report was given.

MONTHLY REPORTS

- 1) Chamber of Commerce, State Of Education
- 2) Public Works Monthly Report
- 3) Sheriff's Office October Monthly Report
- 4) Planning Commission Monthly Report and Upcoming Meeting
- 5) Chamber of Commerce Legislative Breakfast

COUNTY ADMINISTRATOR'S REPORT

Mr. Mixon reported that there was a community litter pick-up on Britton Road on November 9, 2023. Approximately 50 staff members agreed to participate in this litter pick-up. Several citizens stopped and thanked the group for the litter pick-up.

Plans are underway to start litter pick-ups in quadrant four which will be north of Highway 378 and east of Highway 15. The litter pick-ups in quadrant four should start in early spring and Council will be informed of the dates for litter pick-ups in this area.

PUBLIC COMMENT: Citizens Desiring To Speak During Public Comment Are Limited To Up To Three Minutes. Comments Are To Be Made Through The Chairman Of Sumter County Council. If There Are Any Questions, They Will Be Answered After The Meeting.

1. **Lewis Watkins** spoke to Council and emphasized that he understands the work that is required of Council members in trying to run the County and help the community. He said that as of today, he still has the same complaint that the public does not receive copies of information that is discussed on the agenda. Mr. Watkins stated that the meeting is *“still in the public rather than a public meeting.”*

Mr. Watkins also stated that in some counties, the streetlights are operated by solar energy; Council members may want to look into this matter.

2. **George Bates** stated that he has been coming to the meetings for the last three or four months as Council has been discussing Solar Farms. Mr. Bates stated that the presentation given by Mrs. Roodman at this meeting was very impressive. He also thanked Councilman Washington for his work in continuing to have Wedgefield litter problems handled.
3. **Wilbur Brown and David Brown**, brothers, spoke to Council about problems they have on the street they live on, 2544 Wedgefield Road, Sumter, SC (between Crescent Lane and Kendall). Mr. Brown said that they have spent thousands and thousands of dollars getting dirt in trying to keep their yard level because of the flooding in this area. Mr. Wilbur Brown said that the neighbors to the east of them have a ditch in front of their home and when it floods, it overflows into their yard, and it washes the dirt out of their yard that they paid for to help keep the yard level. Mr. Brown also mentioned that there is a swamp across the street from their home and if someone could put a pipe underground so that the water can drain into the swamp. However, they would like something to be done. Also, Mr. Wilbur Brown said that down from them is a road pipe that they cleaned out so that the 2015 flood would not flood the homes in the area.
4. **Jackie Hughs** talked to Council about Kingsbury Road and the litter clean-up that have been done. She also said that Lewis Road has recently been cut, but all the trash has been thrown on the road. She asked Council to consider placing cameras on Lewis Road and Kingsbury to catch some of those that are trashing this area.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 7:31 p.m. after a motion by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council.

NOTE: Luvenia Littles (Dyson Street) and Mrs. Lorraine Muhammad spoke to Council after the meeting adjourned. Councilman Baten asked Council members to hear these two ladies although the meeting was adjourned.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: November 28, 2023

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 are posted on Sumter County's Website and as a message on the Television Located on the first floor of the County Administration Building.

Date Posted: November 9, 2023

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County's Webpage, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, Spectrum Cable, and others that have requested to receive County Council's agenda.

Date Notified: November 9, 2023

Respectfully submitted,

Mary W. Blanding
Clerk to County Council