



Minutes
Sumter County Council Regular Meeting
Tuesday, November 28, 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/UCAHjiqzPaonQ9LFS2kO37tA>
Verbatim information for this meeting can be found on the above YouTube channel.

COUNTY COUNCIL MEMBERS PRESENT: James T. McCain Jr., James Byrd, Artie Baker, Eugene Baten, Charles T. Edens, Vivian McGhaney, and Carlton Washington.

COUNTY COUNCIL MEMBERS ABSENT: None

MEDIA PRESENT: Bryn Edy, The Item Newspaper

MEMBERS OF THE PUBLIC PRESENT: There were 32 members of the public present at this meeting.

STAFF PRESENT: Gary Mixon, Mary W. Blanding, Joe Perry, Johnathan Bryan, Helen Roodman, Greg Hawkins, Valerie Brunson, Regenia Giles, and two Sheriff Deputies.

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

INVOCATION: Council Member Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: Veteran William Sanders, Council District #1, led everyone in the pledge of Allegiance to the American Flag. U.S. Army Veteran William Sanders fought for our Country in the Vietnam War from 1968 to 1970. He retired from the Army Reserves after serving 30 years of Honorable Service (1970 to 2001). He is also a Retired Sumter County Magistrate Court Judge. He currently lives in County Council District 1. Thank you for your service.



APPROVAL OF AGENDA: Tuesday, November 28, 2023

Chairman McCain noted that Council will not have a public hearing for Ordinance 23-992 during this meeting; however, the public hearing will be held on December 12, 2023. Then he asked for a motion approving the agenda of November 28, 2023, with the deletion of 23-992 from the agenda.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried to approve the agenda as amended.

APPROVAL OF MINUTES: County Council Regular Meeting -- Tuesday, November 14, 2023

Chairman McCain stated that he could entertain a motion concerning action on the November 14, 2023, agenda of Sumter County Council.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by County Council to approve the minutes of Council's November 14, 2023, meeting.

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.

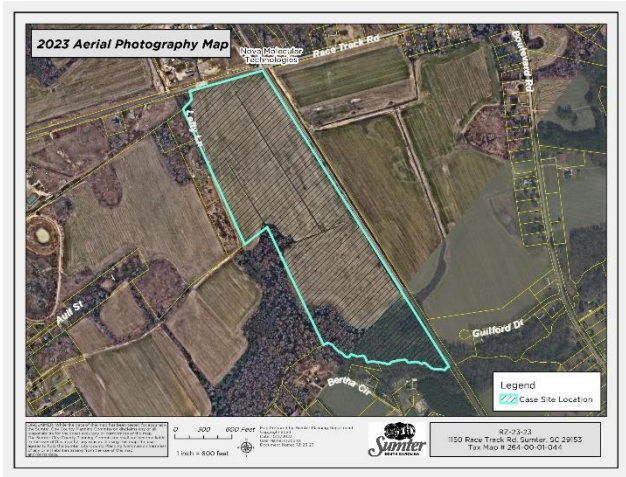
NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.

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

- (1) **RZ-23-23 -- Race Track Road -- (County) – Second Reading/Public Hearing -- 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 Road And Is Represented By Tax Map # 264-00-01-044. (Prior To Second Reading, Council Will Hold A Public Hearing On This Rezoning Request.)**

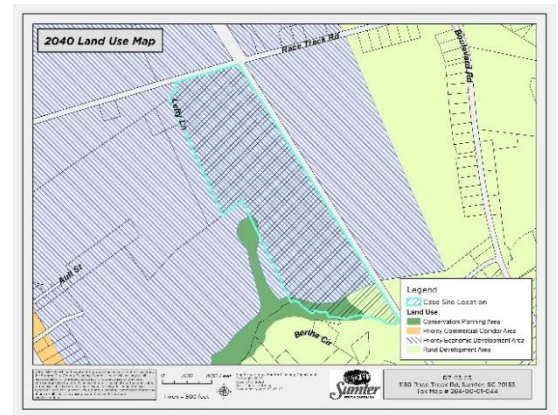
Mrs. Helen Roodman stated that the property on Race Track Road is approximately 78.60 acres of Agricultural Conservation Property. The property owner, Sumter County, hopes to rezone the property to Heavy Industrial Property. She gave the following points concerning the property and the intended use of the property.

- ❖ The property is commonly referenced as the “Gibbs Rail Site” and was acquired by Sumter County in August 2023 following a two-year purchase option.
- ❖ The property has approximately 0.75 miles of frontage on the CSX rail line, and lies across Race Track Rd. from the Pocatigo East site where Nova Molecular Technologies is located. The remainder of the Pocatigo East site is approx. 128 acres and is all zoned Heavy Industrial.
- ❖ There are approximately four single family residential dwellings adjacent to the western boundary of the subject property.
- ❖ 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.



Then Mrs. Roodman provided information to Council and those present at the meeting concerning the 2040 Land Use Map as it relates to this property.

- ✓ The Sumter 2040 Comprehensive Plan shows the property within the Priority Economic Development future land use designation.
- ✓ The designation offers protection to the existing industrial parks and identifies additional locations based on input from the Sumter County Development Board.



- ✓ The property is located in the Pocatigo 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.

Lastly, Mrs. Roodman stated that the Planning Commission recommended approval of this request and she noted the following two points:

- Rezoning from AC to HI is supported by the 2040 Comprehensive Plan and existing patterns of development to the north.
- The property (also known as the Gibbs Rail Site) is the County’s only publicly owned stand-alone rail-served greenfield property that can support heavy industrial uses.

Then Chairman McCain asked if anyone had any questions for Mrs. Roodman. Councilman Washington stated that he heard Mrs. Roodman’s statement that four families currently live near the property; he asked if there has been any mitigation on the property in question as it relates to the four families.

Mrs. Roodman informed Councilman Washington that at the time of rezoning, the staff and applicant does not talk about mitigation; the mitigation process is generally dealt with during the site development process. During that process, the staff looks at buffering and landscaping. She also mentioned that since the property is not residential, it would not trigger a one-hundred-foot setback. However, there are requirements to put buffering and separation between the residential use and the particular user of the facility. Also there will be discussions on accessibility to the property concerning the Boulevard Road and Highway 521. Councilman Washington further asked Mrs. Roodman what type of due diligences there are for this property. She replied that it is best for Mr. Jay Schwedler, the Economic Development Director, to answer that question more precisely. She does know that prior to negotiations with a company, the property must be able to handle the potential company. However, she deferred to Mr. Schwedler. Then Councilman Washington asked Mrs. Roodman if there have been any meetings with the Community. Mrs. Roodman stated that at this time, and as general practice, the Public Hearing is the vehicle used to meet with the public. After Mr. Washington restated his question about the meetings, Mrs. Roodman said that no one from her office has had any meetings with the public.

Councilman Baten said that a community member called him, and he asked the gentleman to contact Mrs. Roodman; she said she spoke to the gentleman and encouraged him to be at this meeting. She also informed him that if all his questions were not answered she would meet with him after the meeting of Sumter County Council.

NOTE: Councilman Washington suggested that Council should review the process in which people have an opportunity to know about what is being rezoned in their community prior to public hearing/second reading. He reminded Council that Government is for the people. He further stated that people like Council members to come to their community in an informal seating to discuss their community issues.

PUBLIC HEARING:

The following people spoke **in opposition** to this proposed rezoning request.

1. **Lou Newman** said that he was in opposition of the request and that he lives between Race Track Road and Boulevard and he is in opposition for the follow reasons: (a) A family farm for over two generations – 40 years, (b) economic work for Sumter County through the produce grown on the farm as well as over 50 employes, some full time and others seasonal, (c) industrial reduces land for

farming which includes too much traffic, and peaceful living on a farm, (d) consider postponing approving this request until Council and the community can meet.

2. Marie Thompson spoke to Council concerning her opposition to this rezoning request, she stated that the property is adjacent to her property. Then she provided Council members with a petition that has 424 signatures, 351 Sumter, SC citizens and 73 Agricultural Business Partners and others. Ms. Thompson also voiced her concerns about the lack of Due Diligence and that a report of the Due Diligence has not yet been completed. Ms. Thompson's other concerns included the fact that it is stated that property is not developed; however, she stated that the property is developed as agricultural. Lastly, Ms. Thompson mentioned that the property will not go back to agricultural use if it is rezoned.
3. Kenny Newman spoke in opposition; he added that he is concerned about the spring branch that is on his property. Mr. Newman asked that County Council to consider deferring action on this rezoning request until the reports are provided to Council and the citizens. He stated that he wants to know whether or not this particular industry will bring danger to this spring branch that is on his property. Mr. Newman thanked Councilman Washington for his earlier comments about Council coming to the neighborhood so that Council and the neighbors can work out something about this rezoning instead of pushing this in their faces. He also thanked Councilman Baten and Mrs. Roodman for the information that was given to him.
4. Barbara Hill spoke in opposition and said that her property is next to the proposed rezoning and Nova Molecular. Ms. Hill said that she agrees with Mr. Newman to defer action on this property at this time until more can be understood about the impacts of this proposed rezoning. Ms. Hill also mentioned that she is concerned about the loss of farmland in this community that cannot be returned to farmland. Lastly, she said that she works for an industry and the industries are needed, but Council should look at using some of the buildings where other industries have closed their businesses in Sumter.
5. Burke Watson asked Council why did they purchase the property and now they are trying to have the property rezoned to heavy industrial.
6. Marion Huggins stated that he agrees with Mr. Watson as to why the County purchased this property and is now rezoning it. He also said that he is the President of Sumter County Farm Bureau Association; therefore, he represents approximately 2,100-2,200 members and 406 former members that vote in this County. He heard about this rezoning request about two weeks ago and it does not sit well with the farmers.

Chairman McCain asked if anyone wished to speak in support of the rezoning request.

The following spoke in support of the rezoning request:

1. Jay Schwedler spoke in support of the rezoning request and mentioned that Mrs. Roodman did a great job in explaining the rezoning request. He also said that the 2040 Comprehensive Development Plan has identified this area as an area of Economic Development priority. He mentioned that as the CEO of the Development Board, the group has been exploring many different scenarios as to what would fit on this particular parcel. The development of the area came to the County in 2020 and the two-year option on the property was executed August of 2023. Mr. Schwedler stated that there is a

variety of due diligence that is being done at this time including the Wetland delineation and other matters such as endangered species and archaeological and soil concerns. The due diligence is a public document, and it is only a schematic of what potentially could occur on the property as a result of all of the due diligence. Mr. Mixon asked Council to consider this request as a favorable rezoning request for approval since this is the only rail-serve site that the County owns.

Councilman Charles Edens asked Mr. Schwedler about when should the rezoning of the property take place; especially since the County has approximately \$100,000 invested in the property at this time.

Mr. Schwedler stated that the rezoning of industrial property could take place at any time. However, it was decided that this property was needed for potential industrial development and the property has a request to be rezoned because of the activity level the Development Board is seeing. He further stated that the rezoning is just one part of the overall change of status for this property to ensure that the property can be marketable.

Councilman Edens asked Mr. Schwedler how long it would take for the due diligence to be completed and the property is certified. Mr. Schwedler said it will take approximately 60 to 90 days. Mr. Schwedler also said that he has met with several people in the community.

Councilman Washington asked Mr. Schwedler would he and his staff be willing to meet with the people in this community in an informal setting so that they can discuss this matter; Mr. Schwedler said that he has an open-door policy, and he is always willing to meet with the community members wherever they want him to meet them.

Vice Chairman Byrd asked Mr. Schwedler to clarify the information concerning the older buildings that are in Sumter County and why some of the buildings are not being used for this project. Mr. Schwedler said the site selection process is very complicated and every community has dilapidated and obsolete facilities within a community. When the company starts its search, they are asking for a greenfield site or a brownfield site, and usually it is a 98% to 2% for a greenfield site. Mr. Schwedler further stated that there are properties that must be redeveloped in order to be ready to use again; however, in this process, the Company wants a greenfield.

Additional Comments from Council members and the Public:

Councilman Eugene Baten stated that he is a strong believer in economic development as far back as 1970 when he came to Sumter County. During that time when Black kids finished high school they would have a diploma in one hand and a bus ticket in the other. They were searching for jobs and there were none in Sumter County. However, since that time Sumter County has continued to grow economically. Councilman Baten also said he is at a dilemma because he does not want the County to get at a point where economic development is impacting on livelihood and life of other people. Councilman Baten said that he is in support of meeting with the people; what is the compromise.

Councilman Carlton Washington said that he was very concerned when the Farmer spoke about his concerns relating to this proposed development and his return on investment, stormwater, drainage, health issues, etc. Councilman Washington also stated that Mr. Schwedler was top notched, and that Council supports Mr. Schwedler in his economic development efforts. It was also mentioned by

Councilman Washington that Council has to do a better job in meeting with the community prior to these items coming before County Council.

2. Mr. Frank Newman talked to Council about how people are trying to destroy the beauty of the rural community by throwing trash along the roads and cigarette butts and when the grass is cut, then the area looks awful. He also stated that Sumter County has a poor drainage system.
3. Mr. Lewis Watkins stated that he is one of the people that left Sumter during the 1970's because there were no good jobs. He said that he is in between; we need the farmers and other industries are needed. Mr. Watkins also stated that many Black people are not into farming.
4. Mr. Abraham Perry said he is proud to say that he worked for industry in Sumter from 1977 to 2002 when he retired. He said that he is a farmer, and that Mr. Newman helps him with his soy bean farm. He also voiced his concern for the lady that will be living next door to the company who may have to take fly and leave her home. Because she will not be able to live next door to an industry. Mr. Perry also talked about the chemicals that are used at Crescent Tools and even the chemicals that are used on a farm. Lastly, he said that any drainage or rain run off will be bad for the people in the community.

After all comments the following motion was offered by Councilman Washington:

ACTION: MOTION was made by Councilman Washington, seconded by Councilman Baker, and unanimously carried by Council to *defer second reading* until Council hears back from Jay Schwedler concerning the due diligence on this property which could take as much as 90 days.

- (2) OA-23-01 -- Solar Projects -- (County) - Second Reading/Public Hearing -- 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. (Prior To Second Reading, Council Will Hold A Public Hearing On This Ordinance Amendment.)

Mrs. Helen Roodman presented this detailed proposed ordinance to Council. She informed Council that this ordinance presentation will be in a lengthy outline so that Council and the public will be able to hear all the details about this proposed ordinance.

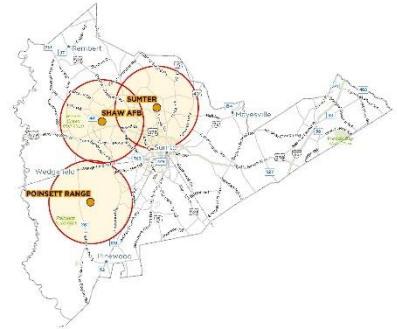
Mrs. Roodman provided info on the three areas of concern that have been discussed related to solar development in the County:

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 impacted 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 stated that the current standards for Solar Farms in Sumter County:

- 1) Established in 2016 (OA-16-08).
- 2) Conditional Use requiring staff level approval in The Agricultural Conservation (AC), Conservation Preservation (CP), Light Industrial-Warehouse (LI-W) and Heavy Industrial (HI) Districts.
- 3) Only subject to use specific review criteria if within 5 nautical miles of Shaw AFB, Poinsett ECR, and Sumter County Airport.



Also Mrs. Roodman provided the current Conditional Use Criteria, and then she briefed Council on the Proposed Ordinance Amendments/Changes to Review Criteria as listed below.

- ❖ 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 grasses in AC and CP districts.
 - ✓ More rigorous decommissioning requirements with financial surety for primary systems.

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 buffer-yards, 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 site 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.

- 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.

Then Mrs. Roodman provided Council with the Modified Definition For 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, the Planning Director indicated that the Planning Commission recommended approval of this request as presented. It was also noted that proposed changes address context sensitive incorporation of large scale solar into rural areas and provides public notice to adjacent property owners as part of the approval process.

Chairman McCain asked if there were any comments or questions by Council.

Councilman Washington stated that the Planning staff has done an excellent job on developing this document for the County and could possibly be helpful for other areas. He asked Mrs. Roodman whether or not the 50-foot setback was large enough.

Councilman Baker stated that Council has also discussed limiting the number of Solar Farms in Sumter; then he asked Mrs. Roodman if a farmer has 2,000 acres and wants to put solar on each section of the farm, can a person do that if the property is sectioned off that way as well as would it have to be gated and buffered. Mrs. Roodman said it would need to be treated as more than one solar farm. She also informed Council that the Life Span of the current Solar Farms is from 25-30 years.

Chairman McCain stated that he likes the ordinance that the Planning Director has provided and the fact that the revenue from Solar Farms will help the County.

Councilman Edens said that he is more in favor of the larger farms and the fact that if they ask for a Fee In Lieu of Taxes, Council has the privilege of negotiating or turning down the Fee In Lieu of Taxes. He said that he is pleased with the decommissioning process of the proposed ordinance.

Mrs. Roodman mentioned to Council that there are two applications for Solar Farms that are going before the Board of Zoning Appeals in December. One was received prior to first reading of this ordinance and the other was received after first reading. Which means that one will fall under the requirements of this ordinance if the ordinance is approved; while the other will fall under the existing solar ordinance which has no decommissioning requirements.

Chairman McCain convened the public hearing and asked if anyone wished to speak in opposition to this proposed ordinance amendment.

PUBLIC HEARING:

The following people spoke **in opposition** to this proposed rezoning request.

1. Ms. Ashley Goza stated that she is a fourth generation farming family since 1887. She said she currently lives in the nucleus of a 4,000-acre farm. She is concerned about these companies damaging

the soil. Where will Sumter County put all the debris from the Solar Farms when they are decommissioned. Agri Business is the number one business in South Carolina. She stated that she is concerned about the business that she has which is a wholesale nursery. Ms. Goza also said that she believes that a Solar Farm is a big business now and the State and others do not understand the importance and the impact of this business as it relates to soil.

2. Clay Lowder spoke in opposition and informed Council members that he is a third-generation farmer, and he thanked Council for the work that they did on the previous zoning request to allow the neighbors time to understand what is going on in their community. Additionally, Dr. Lowder stated that although he is a medical doctor, he is taking care of the farm, and he is making sure he protects the property. Dr. Lowder said he has worked with those that allowed him to build two businesses in the opportunity zones in Sumter. He also mentioned that he has 10 practices in Sumter and employs approximately 425 people. He is farming approximately 2,000 acres. Ms. Goza lives adjacent to Mr. Lowder. He is asking Council to protect the land. Dr. Lowder also stated that he and the local farmers supports Pilgram Pride; he has local people working on the farm, he also said he helps Black Farmers, and provide economic development for this County. He asked Council to help keep the property from becoming sterile.
3. John Rivers asked how the Solar Farms will be taxed versus regular presentational farms and why is economic development pushing for Solar Farms so hard.
4. Burke Watson asked what would happen to the marketability of houses if these Solar Farms harm the property. He also said that the Solar Farms will definitely affect local habitat and wildlife. Mr. Watson also asked the question what will happen if the solar developer cannot return the land to its pre-existing condition.
5. Ashley Nichols from Shaw Air Force Base spoke in support of the proposed ordinance amendment as presented. She also stated that Shaw AFB appreciates the continued development dialogue and collaboration with Sumter County. She also said similar to many of Shaw's fellow installations and peers, the military is seeing an increase in solar systems requests, and more are anticipated, and this particular ordinance amendment will assist in mitigating many of the concerns we have on Base while we do have concerns outside of the Land Development, Shaw AFB does anticipate that this amendment will help in mitigating many of issues. Ms. Nichols thanked Mrs. Roodman for all the work that she and her staff does to help the Community and Shaw AFB. Ms. Nichols also thanked Council for including Shaw AFB in the conversation about the Solar Farms.
6. Jay Schwedler answered the questions of Burke Watson by stating that Solar Farms would have taxes of 10.5% as an agreement through a Fee In Lieu of Agreement. He also informed Mr. Watson that the Development Board is not pushing Solar Farms; solar came to the Development Board. Therefore, the Development Board is trying to support Council as well as the company. Mr. Schwedler also said that the solar farm industry is not a high employment company, but it does regenerate tax revenue. Lastly, Mr. Schwedler stated that Development Board is not pushing Solar Farms.
7. Lewis Watkins stated that Solar Farms use batteries and batteries use acid and over a period of time batteries will wear out. He asked Council what will happen once the batteries wear out. Where will this material be stored? Mr. Watkins also asked will the taxes be increased due to the Solar Farms in the area?

After all comments, the Chairman closed the public hearing. Then Councilman Edens stated to those present that the State is currently preparing legislation concerning Solar Farms in the State of South Carolina. He also stated that the County decided that Council would do something before the Solar Farm business became too active before Council could have rules about what the County wants in this area concerning Solar Farms. Additionally, he said that he wanted to place a moratorium on Solar Farms in Sumter until the State of South Carolina could come up with a solution as to what would be accepted in the State as it relates to Solar Farms.

Councilman Washington stated that he believes that the County is putting the cart before the horse as it relates to Solar Farms. Chairman McCain said that there are two Solar Farms in the harper now and if there are no regulations in place, where would that put Sumter County. Then the Chairman asked Mrs. Roodman to speak on this matter.

Mrs. Roodman again informed Council that there are two applications for Solar Farms that are going before the Board of Zoning Appeals in December. One was received prior to first reading of this ordinance and the other was received after first reading, which means that one will fall under the requirements of this ordinance if the ordinance is approved; while the other will fall under the existing solar ordinance which has no decommissioning requirements. One is called Rocky Bluff and the other is near Poinsette Range. The announcements to the public and neighboring homes, have also been sent out to let the public know to come to the Board of Zoning Appeals meeting in December. During much dialogue, the following motion was offered.

ACTION: MOTION was made by Vice Chairman Byrd to grant second reading to the proposed ordinance as presented. Councilman Charles Edens seconded the motion.

Chairman McCain asked if there were any questions or discussion.

Councilman Baten stated that he believes that solar energy is a benefit for homeowners and that solar energy is a thing of the present and future. Therefore, Sumter County must review the companies that want to come in the County. Lastly, he stated that that he cannot say no to this type of company.

Councilman McGhaney stated that she has listened to everything and there are pros and cons to each part and she is in favor of a moratorium; however, she does understand that the two businesses are ready to go through the process and one may not have as many restraints as the other.

Councilman Washington asked Council to allow for the group from his District, Ms. Ashley Nichols and her neighbors meet with Mrs. Roodman to develop some additional language since Solar Farms are already coming down the pipe so that Council can give them some time to come together to develop this language for the ordinance and come back to Council for third reading. Councilman Baker said he is all in favor of it if Council acts on second reading. Mrs. McGhaney said she is in support of it but would like to meet with the group since some of the land is in her Council District as well.

Mrs. Roodman stated that she believes that if the Planning Staff could sit down with the community members, we can address some of their concerns and this may not be as big of an issue for them if they understand what is trying to be done through this ordinance. Mrs. Roodman said she would suggest that the meeting be held prior to third reading and then those concerns could be addressed.

Then the Chairman restated the motion, to grant second reading to the ordinance, and Council took action on the motion.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Charles Eden, and carried by Council to grant second reading to this ordinance as presented. The motion carried unanimously.

NOTE: Mrs. Roodman and the Planning staff will meet with Ms. Ashley Nichols and others to try to develop additional language which will be more palatable for the community members; however, the ordinance will need to meet the requirements of County Council members as well.

OTHER PUBLIC HEARINGS:

1. Ordinance #23-992 – Second 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. (County Council May Take Action On Second Reading For This Ordinance Immediately After The Public Hearing Or During Old Business).

This item was removed from the agenda and will be placed on the agenda for December 12, 2023.

NEW BUSINESS:

- (1) Sumter County Annual Report – Joe Perry

Mr. Mixon introduced this matter to County Council and stated that Mr. Perry has worked on this project for a while and not only has he prepared an Annual Report, but he has also prepared a video for Shaw AFB as new troops are entering the County.

Then Mr. Joe Perry informed Council about the different contents of the Annual Report which includes information about the budget, financial reports, highlight of different departments, different veterans, different events such as Shot Pouch Greenway, the Christmas Tree Lighting, etc.

All the information that Mr. Joe Perry presented will be placed on the County's website.

ACTION: Received as information.

Mr. Mixon thanked Mr. Perry for all that he has done on this project.

- (2) 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) Ordinance #23-992 – Second 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. Bryan presented this proposed ordinance to Council for second reading approval. He stated that this ordinance will have third reading at Council's December 12, 2023, meeting. This company will provide 200 jobs, \$506,000,000 for investments, and other requirements to be located in Sumter County and will be in a multicounty industrial park. Mr. Bryan stated that the public hearing will be held at the next meeting of County Council. After Mr. Bryan's briefing, Council took action on second reading.

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

COMMITTEE REPORTS:

- (1) **Fiscal, Tax, and Property Committee Meeting** Scheduled For Tuesday, November 28, 2023, At 4:45 p.m. In The County Administration Conference Room, Third Floor, 13 Canal Street, Sumter, SC. (McCain, Edens, and McGhaney)

Chairman McCain reported that the Fiscal, Tax, and Property Committee Meeting was held and received a briefing from Mr. Jay Schwedler; no action was taken.

- (2) **Land Use Committee Meeting** Scheduled For Tuesday, November 28, 2023, At 5:00 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC (Edens, Baker, and Baten) (This Meeting Will Begin Immediately After The Fiscal, Tax, And Property Committee Meeting Or At 5:00 p.m.)

Councilman Edens, Chairman of the Land Use Committee, reported that the Committee discussed changing land use for salvage yards from Heavy Industrial to Light Industrial Warehouse through special exception. This matter was sent to the Planning Commission.

Landscape Ordinance was discussed and sent to the Planning Commission for development and bring back to the Land Use Committee in the future.

- (3) **Report From Council Members On Other Meetings, Trainings, And/Or Conferences.**
No report from County Council Members.

MONTHLY REPORTS

- 1) Chamber of Commerce Legislative Breakfast 2023
- 2) Christmas Tree Lighting December 1, 2023, 5:00 p.m.
- 3) 2023 Christmas Parade
- 4) County Council Christmas Dinner December 11, 2023
- 5) County Council and School District Christmas Drop-In - December 14, 2023, Patriot Pavilion

COUNTY ADMINISTRATOR'S REPORT

No report given.

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.*

The following persons spoke during public hearing.

- Dr. Alexandra Baten thanked Councilman Washington for his desire to have community involvement concerning items that affect the community. She asked Council members to do the same for the recent rezoning request on Myrtle Beach Highway. She also asked Mr. Schwedler to do what he can concerning the economic development issues on that highway; she solicited his help. Lastly, she stated that since Councilman Baten, her father, cannot participate in the discussions concerning this matter, she asked Chairman McCain to please represent the citizens on Myrtle Beach Highway. She also asked when will the Myrtle Beach Highway citizens be able to meet with Mr. Brown about this matter of rezoning.

- Dr. Brenda Williams spoke to Council about the food desert on Highway 378/76, and she also talked to Council about the safety issues on Bypass of Highway 378/76. Dr. Brenda stated that 77 people per day cross this dangerous location where many people have died crossing the highway. Dr. Williams also asked for the City and County to provide \$2,000,000 for the food desert that can be used for matching funds to go to RTA for transportation for the low-income people to have a ride back and forth out of the food desert.

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: December 12, 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 25, 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 25, 2023

Respectfully submitted,
Mary W. Blanding