



**Minutes**  
**Sumter County Council Regular Meeting**  
**Tuesday, October 10, 2023 -- Held at 6:00 p.m.**  
**Sumter County Administration Building**  
**Third Floor, County Council Chambers**  
**13 E. Canal Street, Sumter, SC**

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*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>

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

**COUNCIL MEMBERS ABSENT:** Vivian Fleming McGhaney was absent due to a family matter.

**STAFF PRESENT:** Gary Mixon, Mary W. Blanding, Lorraine Dennis, Valerie Brunson, Joe Perry, Helen Roodman, Valerie Brunson, Sheriff Anthony Dennis, Chief Hampton Gardner, Chantae Lumpkins, Greg Hawkins, and approximately ten Sheriff Deputies.

**MEDIA PRESENT:** Tyler Fedor, News and Courier and Bryn Eddy, The Item Newspaper

**PUBLIC PRESENT:** There were approximately 13 members of the public in attendance at this meeting.

**CALL TO ORDER:** Chairman James T. McCain, Jr. called County Council's October 10, 2023, meeting to order.

**INVOCATION:** The Clerk to Council, Mary W. Blanding, gave the invocation.

**PLEDGE OF ALLEGIANCE:** Led By Veteran Kenneth R. Windland County Council District #7 Retired U.S. Army Veteran Kenneth R. Windland who served our country from 1979 to 2003. He served over 24 years and completed multiple war service tours in Southwest Asia. He also received several awards and medals including the three Bronze Service Star medals. He currently lives in County Council District 7. Thank you for your service.



**APPROVAL OF AGENDA:** Chairman McCain informed Council and the Clerk that he would like to move items #1, #2, #3, and #4, under New Business, immediately after action on the Minutes of September 26, 2023. called for a motion concerning the October 10, 2023, agenda.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to approve the recommendations presented by Chairman McCain to move Items #1, #2, #3, and #4, under New Business, immediately after action on the Minutes of September 26, 2023.

**APPROVAL OF MINUTES:** Chairman McCain called for a motion concerning the approval of the minutes of Sumter County Council's regular meeting held on Tuesday, September 26, 2023.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Edens, and unanimously carried by Council to approve the minutes of September 26, 2023, as presented.

**NEW BUSINESS:**

(1) Recognition Of Major Patricia Ray- 2023 South Carolina Jail Administrator of the Year.

Chairman McCain and Members of Sumter County Council congratulated Major Patricia Ray for being named the 2023 S. C. Jail Administrator of the Year Award. Chairman McCain presented Major Ray with a certificate and a gift from County Council for this outstanding statewide recognition.



**ACTION:** Received as information.

(2) Recognition Of Cpl. Tamiko Gregg-Wright – 2023 South Carolina Officer of the Year.

Chairman McCain and Members of Sumter County Council congratulated Sr. Cpl. Tomiko Gregg-Wright for being named the 2023 S. C. Jail Officer of the Year Award. Chairman McCain presented Sr. Cpl. Gregg-Wright with a certificate and a gift from County Council for this outstanding statewide recognition.



**ACTION:** Received as information.

(3) Action On A Proclamation Proclaiming October 22-27, As Respiratory Therapy Awareness Week In Sumter, South Carolina.

Chairman McCain presented this proclamation to Council members for approval. Once the proclamation was approved, as listed below, Chairman McCain recognized Mrs. Hilditch who requested the proclamation on behalf of all Respiratory Care Professionals. Mrs. Hilditch and her co-workers, all Respiratory Care Professionals were present on behalf of the proclamation, and they took pictures with the Chairman.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to adopt this proclamation as presented.

**WHEREAS:** *Members of Sumter County Council are working diligently to create an environment in which partnerships between the private and public sectors are developed for the purpose of improving the quality of life for our citizens; concerned for the health and safety of all citizens; and*

**WHEREAS:** *Respiratory Care Professionals (RCP) are one of the healthcare professionals that are on the front line to help the citizens of this County with many different healthcare issues including patients diagnosed with respiratory illnesses such as COVID-19, acute respiratory distress syndrome, chronic obstructive pulmonary disease, pneumonia, asthma, and many other diseases; and*

**WHEREAS:** *These outstanding healthcare professionals have been and continue to rise to the challenge of putting their health at risk to take care of all patients, from infants to the most senior citizens of this County; and*

**NOW, THEREFORE BE IT RESOLVED that, We, the members of Sumter County Council do hereby proclaim the week of October 22-28, 2023, as **RESPIRATORY CARE AWARENESS WEEK** in the County of Sumter,**

*South Carolina and salute each Respiratory Care practitioner for their commitment in caring for those that need to have assistance with breathing.*

**APPROVED, RATIFIED, and GIVEN UNDER THE SEAL** of the County in Sumter County Council's regular meeting held this 10th day of October 2023.

(4) Action On A Proclamation Proclaiming The Entire Month Of October As Cyber Security Awareness Month In Sumter, South Carolina.

Chairman McCain presented this proclamation to Council for action (See action below.). Then Gary Mixon, the County Administrator briefly gave Council members and the public some background information about the many aspects of the County that the IT department is involved with on a daily basis. Mr. Mixon also mentioned the need for more and more cyber security awareness due to the many cyber predators that are always looking for a person or company to invade. Mr. Mixon asked Les Vandevander to introduce his Informational Technology staff members. After the introductions, Chairman McCain took pictures with the IT staff.

**ACTION:** MOTION was made by Councilman Baten, seconded by Councilman Edens, and unanimously carried by Council to adopt this proclamation as presented.

- Les Vandevander, IT Department Director, introduced the staff members.
- Lisa Richardson, Senior Programmer, 28 years of service, responsible for the AS400 and Assist In The Day-to-Day Operations.
- Deidra Boone, Service Manager, 13 years of service, also responsible for the Help Desk, and is responsible for all the inventory for the County.
- David Shadoan, Chief Information Security Officer, 12 years of service, responsible for development, implementing, and enforcing the security policies to protect information for Sumter County and the Citizens of Sumter County.
- Daryl Skey, Network Engineer, 10 years of service, responsible for the County's firewalls, switches, network infrastructure, and assists the help desk team.
- Beth Shores, PC Lane Specialist, responsible for the help desk tickets and calls that come into the Help Desk, 10 years of service.
- Vinny Russo, PC Lane Specialist, responsible for the help desk tickets and calls that come into the Help Desk, 7 years of service.
- Joe Perry, Communications Director and Public Relations for the County as well as Webmaster, 6 years of service.
- Shelby Collins, Assistant Administrator, responsible for the County's two servers and data center, 1 year of service.

**WHEREAS:** *Sumter County Council recognizes the need to uphold its role in protecting the county and individuals from cyber threats, which threaten the security and privacy of our citizens, communities, and visitors; and*

**WHEREAS:** *Critical infrastructure such as financial services, educational institutions, energy, telecommunications, transportation, utilities, health care, and emergency response systems are increasingly reliant on the support of information systems and technology; and*

**WHEREAS:** *Cybersecurity education and awareness are crucial for everyone in Sumter County, including large corporations, small businesses, financial institutions, schools, government agencies, home users, and*

*anyone who connects to the internet, whether it be with a computer, mobile phone, or other devices; and*

**WHEREAS:** *Monitoring your accounts, being conscientious of what you share online, keeping computer software up to date, creating unique passwords and changing them regularly, installing antivirus programs and firewalls, and using mobile devices and other internet-connect devices safely are ways people and organizations can protect themselves from phishing, viruses, ransomware, other types of malwares, financial loss, and loss of sensitive data; and*

**WHEREAS:** *Sumter County Office of Information Technology (SCOIT) led by its Department Head, Les Vandevander, and his expert staff, secures the County systems and data that allows citizens in Sumter County, and others people throughout the United States and other areas to access the critical services they need; and*

**WHEREAS:** *October 2023 commemorates the 20th year of Cybersecurity Awareness Month, and Sumterites are encouraged to take actions to prevent cybersecurity threats against themselves and others.*

**NOW, THEREFORE BE IT RESOLVED** that, *We, the members of Sumter County Council do hereby proclaim the month of October as **CYBERSECURITY AWARENESS MONTH** in the County of Sumter, South Carolina and recognize the importance of Cybersecurity Awareness for its citizens.*

## **LAND USE MATTERS AND REZONING REQUESTS:**

### **Planned Development/Rezoning Requests:**

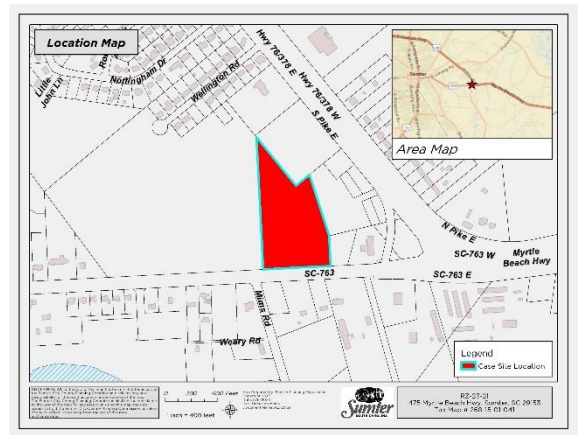
**NOTE:** RZ = Rezoning Of Property As Applicable In Sumter County Zoning and Development Standards.  
AC = Agricultural Conservation As Applicable In Sumter County Zoning and Development Standards.  
NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.  
LI-W = Light Industrial-Warehouse As Applicable in Sumter County Zoning and Development Standards.

- (1) **RZ-23-21 - 495 Myrtle Beach Hwy. (County) – First Reading – County -- A Request To Rezone A Parcel Of Land Totaling +/- 8.48-Acres From Light Industrial-Warehouse (LI-W) To Heavy Industrial (HI). The Property Is Located At 495 Myrtle Beach Hwy. And Represented By Tax Map # 268-15-01-033.**

Mrs. Roodman, the Planning Director, presented this first reading request to County Council for rezoning the property located at 495 Myrtle Beach Highway from Light Industrial-Warehouse (LI-W) to Heavy Industrial (HI). It was also said by Ms. Roodman that the applicant is Brown Investments of Sumter, LLC (Larry Barker), and that Tammy Brown was present on behalf of the rezoning request.

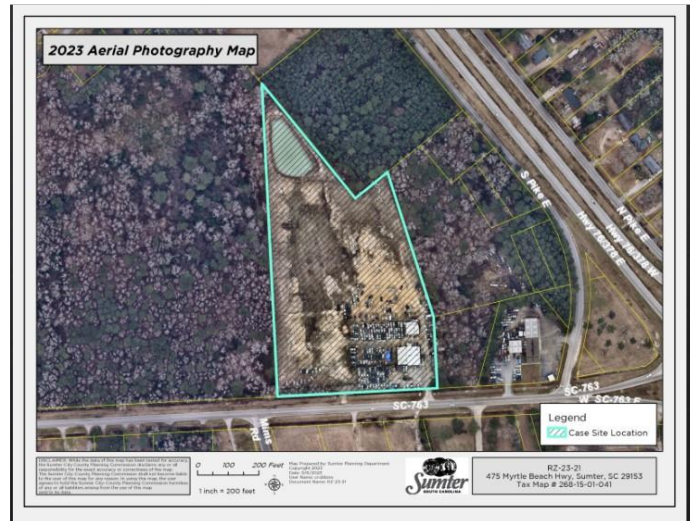
Additional background information was presented during Mrs. Roodman's presentation as listed below.

- ❖ The applicant is requesting the HI zoning designation in order to establish land uses that involve the sale of used automobile parts with on-site dismantling and storage of vehicles.
- ❖ This land use type is classified under NAICS 42314, and is only permitted in the HI district.
- ❖ The applicant made a prior request to change the zoning designation for a 7-acre portion of the property to the HI zoning district in 2020 (Case# RZ-20-16). This request was ultimately denied by County Council. This request can be considered again, since more than 1-year has passed since the denial.



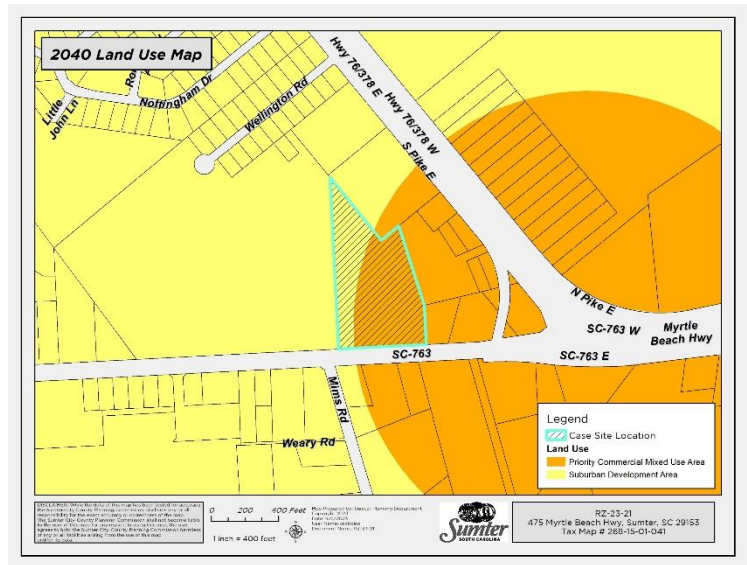


- ❖ The property previously consisted of 2 separate tax parcels – a 7-acre parcel and a 1.5 acre-parcel. The 7-acre portion was combined with the 1.5-acre portion for tax purposes in 2022. This request applies to the full acreage of the parcel as it exists today.
- ❖ Sale of used automobile parts with on-site dismantling and storage is a legal non-conforming use, not subject to discontinuance for the 1.5-acre portion of the property.
- ❖ If approved, this land use would no longer be subject to Article 6 requirements pertaining to non-conforming uses.
- ❖ The 7-acre portion of the property has been the subject of ongoing enforcement and civil litigation efforts to correct zoning violations pertaining to the use of land desired by the applicant (NAICS 42314). A full description and timeline of events is included with the staff report packet.
- ❖ Rezoning the property to HI would allow the applicant to come in compliance with all other necessary development standards and move forward with the process of legal establishing NAICS 42314 uses on the property.



Additionally, Mrs. Roodman gave the following information concerning the 2040 Land Use Plan:

- The request to rezone the property to the HI district is inconsistent with the policies within the Sumter 2040 Comprehensive Plan
- Priority Commercial Mixed-Use areas or nodes are identified on the future land use map to direct future, high quality commercial and residential mixed-use development. The areas include anticipated green fields and established locations expected to re-develop with higher and better uses over time. Continued commercial development is expected along the major corridors. New priority locations are designated for protection against undesirable uses such as industrial, automotive repair, or uses primarily engaged in outdoor storage.
- The type and form of development envisioned by 2040 Plan policies is a long-term vision for the area centered on the intersection of Myrtle Beach Hwy and the US 378 Bypass that will take both significant investment in infrastructure and favorable market conditions to achieve. What the applicant is requesting for this usage is dissimilar to what the 2040 Plan proposes for this area.



Lastly, Mrs. Roodman also had in her presentation that the recommendation from the Planning Commission is for approval of the request. It was noted that although rezoning the property to the HI District is not consistent with the 2040 Comprehensive Plan commercial/mixed-use designation, the existing pattern of development in close proximity to the site is similar to the proposed end use.

Councilman Baten asked if the Community was notified of this proposed rezoning request. Mrs. Roodman stated that the public hearing will take place at Council's meeting on October 24, 2023, if this rezoning is granted first reading approval. She also mentioned that the Public Hearing Announcement was in the paper on Sunday, October 8, 2023, and flyers went out this week for the neighboring property owners.

Councilman Baten also stated that his family has property cross the street, which belonged to his late wife and now his daughter and son are heirs to the property. He further stated that this property presently is a disgrace to the area; it looks like a junkyard. It was further stated by Councilman Baten that if this business is granted expansion, it will devalue the property across the street from it. Mrs. Roodman informed Council that the notification of the public hearing will go to the persons that receive the tax bill for the property in this area.

The following motion was offered.

**ACTION:** MOTION was made by Vice Chairman Baker, seconded by Councilman Edens to grant first reading to this rezoning request.

Chairman McCain asked if there were any discussions or questions on this rezoning request.

Councilman Baker asked if anything changed on this property from the last time when Council voted on this property matter. Mrs. Roodman said that no there has been no change; the only difference is under the prior request, the Planning Commission did not recommend approval of the request. However, under this application, the seated Planning Commission has recommended approval of the request. Also, at the Planning Commission Meeting, the applicant did not come to the meeting. She also stated that Council members can see that in the staff report, it was not a unanimous vote. The vote was a four/three split vote for those that were present at the meeting. The Planning Commission members had significant conversation about this request; however, the majority voted to approve the request.

Councilman Baker also asked if South Carolina Department of Health and Environmental Control (SCDHEC) would have to approve this type of business proposed to go on this property. Mrs. Roodman stated that there is a special type of industrial storm water permit that must be obtained through SCDHEC. She further stated that the applicant is aware of this; he has not yet obtained the permit, as of today. Additionally, it was noted that there are also other storm water permits that must be obtained.

Councilman Baker also asked what the difference is between a salvage yard and a used auto parts business. Mrs. Roodman stated that there is a distinction of each without a difference. She explained what makes them different and after all comments, the Chairman restated the motion and Council took action on first reading.

**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Edens to grant first reading to this rezoning request. Council members Bryd, Edens, Baker, Washington, and McCain voted in favor of first reading. Councilman Baten voted to abstain.

**OTHER PUBLIC HEARINGS:**

(1) None

**NEW BUSINESS CONTINUES:**

(5) Action On Sumter County Employees 2024 Holiday Calendar.

Chairman McCain presented this proposed 2024 Holiday Calendar for Sumter County Employees. After review, the Chairman called for a motion on this proposed 2024 calendar.

Monday, January 1	New Year's Day
Monday, January 15	Martin Luther King, Jr. Day
Monday, February 19	Presidents' Day
Friday, March 29	Good Friday
Monday, May 27	Memorial Day
Thursday, July 4	Independence Day
Monday, September 2	Labor Day
Tuesday, November 5	Election Day
Monday, November 11	Veterans Day
Thursday & Friday, November 28 & 29	Thanksgiving
Tues., Wed. & Thursday December 24, 25 & 26	Christmas
Varied	Employee's Birthday

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Edens to grant approval of the 2024 County Employee Holiday Calendar as presented. The motion was unanimously carried.

(6) Action On Sumter County Council 2024 Meeting Calendar.

Chairman McCain presented the proposed 2024 County Council Meeting Calendar. After review, the Chairman called for a motion on this proposed 2024 calendar.

Month Of Meeting	First Meeting Date	Second Meeting Date
January	9	23
February	13	27
March	12	26
April	9	23
May	14	28
June	11	25
July	9	23
August	13	27
September	10	24
October	8	22
November	12	26

December	10	None
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**ACTION:** MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker to grant approval of the 2024 County Employee Holiday Calendar as presented. The motion was unanimously carried.

- (7) 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** Is Scheduled For Tuesday, October 10, 2023, At 4:15 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC. (McCain, Edens, and McGhaney)

Chairman McCain, the Chairman of this Committee, reported that during the Committee discussion was held concerning Fee In Lieu of Taxes for Solar Farms. Mr. Jay Schwedler, the Economic Development Director spoke to the Council about possible scenarios as it relates to Solar Farms receiving Fee In Lieu of Taxes. No action was taken; however, it was noted in the meeting that Sumter County Council has the right to provide some or no Fee In Lieu of Taxes.

- (2) **Land Use Committee Meeting** Is Scheduled For Tuesday, October 10, 2023, At 4:45 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC. (Edens, Baker, and Baten) (The Land Use Committee Meeting Will Begin Immediately After The Fiscal, Tax, And Property Committee Meeting Or At 4:45 p.m.)

Councilman Edens, Chairman of the Land Use Committee, stated that the Committee received a presentation from Mrs. Helen Roodman, the Planning Director, in reference to Land Use Matters relating to Solar Farms. She provided Council members with a presentation which is attached to these minutes. The Committee voted to direct Mrs. Roodman to forward this matter to the Planning Commission for review and recommendation.

**ACTION:** MOTION and second were received from the Committee and unanimously carried by County Council to grant approval of the Committee's recommendation to direct the Planning Commission Director to carry the Land Use recommendations to the Planning Commission in reference to Solar Farms for review and recommendation. (See attachments – Land Use Committee 10-10-2023).



- (3) **Public Safety Committee Meeting Committee Meeting** Is Scheduled For Tuesday, October 10, 2023, At 5:15 p.m. In The County Administration Conference Room, Third Floor, 13 E. Canal Street, Sumter, SC. (Washington, Byrd, and Baten) (The Public Safety Committee Meeting Will Begin Immediately After The Land Use Committee Meeting Or At 5:15 p.m.)

Councilman Washington, Chairman of the Public Safety Committee, stated that the Committee had four different topics. First, Litter Funding which was referred to the Fiscal, Tax, and Property Committee. Second topic was about the abundance of debris after a storm which was in a particular neighborhood or throughout the County. The suggestion was to ensure that the Landfill and or nearby Recycling Centers are opened during these needed times. More information to come on this item. Thirdly, the Committee discussed issues relating to damages on motor vehicles on County roads, especially, unpaved roads. The County Administrator will provide additional information on this item sometime in the future. Lastly, the Committee discussed matters relating to Mental Health Patients by Court Order to the Detention Center. Committee Chairman Washington stated that the S. C. General Assembly is currently reviewing this matter since it is a Statewide issue. More information will come to the committee as the General Assembly makes rules on this matter.

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

The Chairman stated that the eSTEAM Festival and Parade was held on October 7, 2023. The Chairman reported that he drove one golf cart with Councilman Baten as his sidekick and Councilman Washington drove the other golf cart with Councilwoman McGhaney alongside him. There were approximate 6,500 people in attendance at this festival.

## **MONTHLY REPORTS**

The Clerk to Sumter County Council gave the following updates on Monthly Reports and other upcoming events.

- 1) Public Works Department
- 2) Clemson Advisory Board Meeting October 12, 2023
- 3) NAACP Annual Freedom Fund Celebration – November 3, 2023
- 4) Central Carolina Technical College Groundbreaking – October 16, 2023; 2:00 p.m.
- 5) Military Appreciation Day – November 3, 2023
- 6) USC Sumter Nursing Grand Opening – October 24, 2023; 6:30 p.m.

7) Morris College Parade - November 4, 2023; 10:00 a.m.

## COUNTY ADMINISTRATOR'S REPORT

The County Administrator, Gary Mixon, reminded Council about the October 21, 2023, Stash the Trash Litter Kick-off Event to be held on October 21, 2023. The event will be held at Lakewood High school.

<p>Join Team Sumter for the 3<sup>rd</sup> Quadrant Litter Kick-off Event</p> <p>Saturday October 21, 2023 11:00 AM – 1:00 PM</p> <p>Lakewood High School 350 Old Manning Road Sumter, SC 29150</p>	 <p><b>3<sup>rd</sup> Quadrant Litter Kick-off Event</b></p>
<p><b>SPONSORS</b></p> <p>    </p> <p>For more information: call 803-436-2241 or visit <a href="http://sumterlitteradvisoryboard.com">sumterlitteradvisoryboard.com</a></p>	<p>There will be interactive and educational activities for everyone. The City and County will have their litter equipment on display. Businesses, churches, and HOAs are welcome to attend.</p> <ul style="list-style-type: none"><li>• <b>FREE T-SHIRTS for the First 250 Attendees</b></li><li>• <b>Door Prizes</b></li><li>• <b>Meet the City &amp; County's Litter Officers</b></li></ul> <p>Come support our Quadrant 3 schools as they participate in a cheerleading competition, poster contest and video contest for Stash-the-Trash.</p>

**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.

No one spoke during public comment.

## 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.

Respectfully submitted,

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

Mary W. Blanding  
Clerk to County Council  
Sumter County Council

Approved: October 24, 2023

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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: October 6, 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: October 6, 2023

Respectfully submitted,

*Mary W. Blanding*

Clerk to County Council



# County Council Land Use Committee

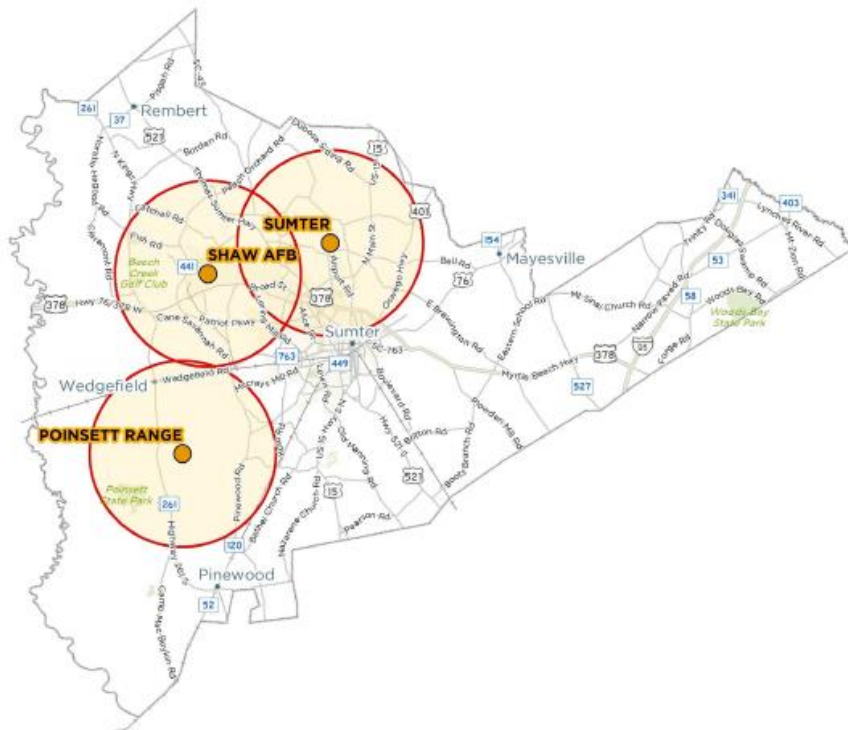
October 10, 2023

## Regulating Utility Scale Solar and Project Decommissioning

- ◆ 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 impacts property owner 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.

## Current Standards

- ◆ **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 **subject to use specific review criteria** if within 5 nautical miles of **Shaw AFB, Poinsett ECR, and Sumter County Airport**.





## Photovoltaic Solar Energy System, Primary or Accessory –

- ◆ **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. 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.
- ◆ **Accessory:** a ground or roof-mounted photovoltaic solar facility, 10,000 sq. ft. in size or greater, with components that provide for the collection, storage, and use of photovoltaic solar energy for space heating or cooling, electricity generation, or water heating for the primary use.

**m. Photovoltaic Solar Energy Systems (NAICS 221114).** Applies to all Primary and Accessory Photovoltaic Solar Energy Systems as defined in *Article 10.b.1.* and located within five nautical miles of the center point of the runway for Shaw Air Force Base and Sumter County Airport, as well as the center point of Poinsett Electronic Combat Range (ECR).

1. All ground-mounted photovoltaic solar collectors and associated outdoor storage shall maintain a minimum 50 ft. setback from all property lines, or the minimum yard setbacks as indicated for the zoning district within which the project is located, whichever is greater. This provision excludes any security fencing.
2. All ground mounted photovoltaic solar collectors shall be limited to a maximum height of 25 ft. above the ground when oriented at maximum tilt. This provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.
3. On-site electrical interconnections and power lines shall be installed underground wherever reasonably practical.
4. The applicant had the burden of providing that glare produced from a Photovoltaic Solar Energy System will not have a significant adverse impact on aviation interests, motor vehicle traffic, or neighboring properties.

5. The applicant shall provide documented proof of having notified the Shaw Air Force Base/Poinsett ECR Military Garrison Commander, or the commander's representative, and the Sumter County Airport Director, of a Photovoltaic Solar Energy System proposal. The applicant shall allow 14 days for written comments to be provided from these agencies. Any written comments received shall be submitted with the conditional use application.
6. It shall be demonstrated that the solar farm shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks and other historic resources.
7. For Primary Photovoltaic Energy Systems, written documentation of an agreement with an electric utility provider for interconnection of the completed facility shall be submitted at time of Conditional Use application. 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.
8. Satisfactory completion of a Decommissioning Plan per *Appendix D*. The Decommissioning Plan shall be recorded with the Sumter County Register of Deeds and included with any lease documents with the property owner.

## Potential Ordinance Amendments/Changes to Review Criteria

- ◆ Make photovoltaic energy systems (NAICS 221114) a **special exception use** in AC, CP, LI-W, and HI districts.
  - Special Exception Use require a **public hearing** with the **Board of Zoning Appeals**.
- ◆ Move established conditional use review criteria to special exception use criteria and expand the language.
  - Modify setback from roadways to 200 ft.; 50 ft. setback from all other property lines.
  - Require evergreen buffers along road frontages and between development site and abutting residential uses.
  - Require the planting of native vegetation and grasses – detailed planting plans.
- ◆ Look at possible reworking requirements for Base Commander feedback/input from aviation interest.
- ◆ More rigorous decommissioning requirements with financial assurance.



## Appendix D: Decommissioning Plan for Photovoltaic Energy Systems

- ◆ Lays out when decommissioning should occur.
- ◆ Outlines minimum requirements for site remediation.
- ◆ States responsible parties for decommissioning.
- ◆ Has triggers for when plan needs to be updated.
- ◆ Plan must be recorded with Sumter County Register of Deeds – this includes updates to the Plan.
- ◆ Is NOT a detailed list or cost estimate for the required activities to undertake the work for the specified site.
- ◆ Does not require a financial instrument to ensure completion.

## Potential Proposed Additional Decommissioning Language

*A form of surety equal to 125% of the entire cost of decommission under the plan, as estimated by a South Carolina licensed engineer under seal, and approved by the County Building Official and County Attorney, either through cash, a surety performance bond, irrevocable letter of credit of other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of Sumter County. This surety shall be retained by the County to cover the cost of the decommissioning requirements herein.*

*Following initial submittal of the surety, the cost calculation shall be reviewed annually, and adjusted accordingly based on an updated cost estimate of a South Carolina licensed engineer under seal, of the estimated decommissioning costs; provided however, any such periodic adjustments must be approved by Sumter County. Failure to comply with these requirements shall result in the immediate termination and revocation of all prior approvals and permits; further, the 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 Solar Energy Facility, even if still operational.*