



Agenda
Sumter County Council
Regular Meeting
Tuesday, August 14, 2018 -- Held at 6:00 PM.
Sumter County Administration Building – County Council Chambers
Third Floor, 13 E. Canal Street, Sumter, SC

1. CALL TO ORDER:

- 1) Chairman Or Vice Chairman Of Sumter County Council

2. INVOCATION: Council Member, Staff, or Member of the Public

3. PLEDGE OF ALLEGIANCE:

4. APPROVAL OF AGENDA: August 14, 2018

5. APPROVAL OF MINUTES: Regular Meeting Held On

- 1) Regular Meeting Tuesday, July 24, 2018

6. LAND USE MATTERS AND REZONING REQUESTS:

- 1) **OA-18-05 -- Flood Damage Prevention Ordinance (County)– 18-897 -- First Reading** -- Amend Relevant Portions Of The Sumter County Flood Damage Prevention Ordinance To Adopt The Wateree Watershed Maps And Flood Insurance Study (FIS) Revisions That Become Effective September 28, 2018; And, To Update The Ordinance To Make Corrections And Clarifications Noted In The 2017 South Carolina Department Of Natural Resources Community Assistance Visit (CAV) And The Community Rating System (CRS) Cycle Visit
- 2) **PD-05-09 (Rev.1) -- 350 Myrtle Beach Highway. - Carolina Truck & Trailer Parts (County) –Third Reading** -- A Request To Amend The Ordinance For PD-05-09, Specifically For The Addition Of Used Motor Vehicle Parts (SIC Code 5015) As A Permitted Use On A 9.5 Acre Portion Of The Property Located At 350 Myrtle Beach Highway And Represented By Tax Map # 267-01-02-015.

7. OTHER PUBLIC HEARINGS:

- 1) None

8. NEW BUSINESS:

- 1) Presentation To Sumter County Council By Midlands Fatherhood.
- 2) **18-898 – First Reading** -- An Ordinance Authorizing The Transfer Of Ohana Circle To The Adjoining Property Owners. **Title Only.**
- 3) **18-893 – First Reading** --An Ordinance Authorizing The Transfer Of Forest Drive Cul-De-Sac To The Adjoining Property Owners -- **Title Only**

- 4) **18-894 -- First Reading** -- An Ordinance Authorizing The Transfer Of Part Of Winston Road To The Adjoining Property Owner. **Title Only.**
- 5) **18-895 – First Reading** -- An Ordinance Authorizing The Transfer Of Part Of Earle Street To The Adjoining Property Owners. **Title Only**
- 6) **18-896 – First Reading** -- An Ordinance Authorizing The Transfer Of Alpenglow Court To The Adjoining Property Owner. **Title Only.**

- 7) It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter Or A Personnel Matter, Receive A Legal Briefing, Discuss A Contractual Matter, Or Other Matter Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required.

9. OLD BUSINESS:

- 1) **18-892 – Second Reading** – An Ordinance To Approve An Intergovernmental Loan Agreement With The South Carolina Public Service Authority To Be Secured By A Mortgage On 20 Acres Of Real Property To Construct An Economic Development Building And Adjoining Building Pad To Attract A Manufacturer To Sumter County.
(Public Hearing will be held on Tuesday, September 11, 2018.)

10. COMMITTEE REPORTS:

- 1) **Public Works Committee Meeting** To Be Held On Tuesday, August 14, 2018, at 4:30 p.m. In County Council Conference Room. (Note: The Forfeited Land Commission Of Sumter County Will Meet At 5:00 p.m. On August 14, 2018.)

- 2) **Special Meeting Of Sumter County Council** To Be Held On Tuesday, August 14, 2018, At 5:30 p.m. In County Council Chambers Room. (Note: This Meeting Will Begin Immediately After The Conclusion Of The Forfeited Land Commission Meeting Or At 5:30 p.m.)

- 3) Report From Council Members On Other Meetings, Trainings, And/Or Conferences; And Any Other Council Comments.

11. MONTHLY REPORTS:

- 1) Morris College Ribbon Cutting
- 2) Sheriff's Department Monthly Report-July
- 3) Commander's Breakfast
- 4) Santee Lynches COG 2045

12. COUNTY ADMINISTRATOR'S REPORT:

13. PUBLIC COMMENT:

14. ADJOURNMENT:

In compliance with ADA/Section 504, Sumter County Is Prepared To Make Accommodations For Individuals Needing Assistance To Participate In Our Programs, Services, Or Activities.

Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda was posted on the bulletin board at the County Administrative Office, 13 East Canal Street, Sumter, SC and the Sumter County website www.sumtercountysc.org under Our Council Agenda/Minutes. In addition, the agenda electronically sent to newspapers, radio stations, television, and concerned citizens



**Minutes
Sumter County Council
Regular Meeting
Tuesday, July 24, 2018 -- Held at 6:00 p.m.
County Administration Building -- County Council Chambers
13 E. Canal Street, Sumter, SC**

NOTE: Members of Sumter County Council will tour the new Fire Station located at 315/335 North Lafayette Boulevard from 3:30 p.m. to 4:30 p.m. and will have supper afterwards at same location.

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

COUNCIL ABSENT: none

STAFF: Gary Mixon, Mary W. Blanding, Johnathan Bryan, George McGregor, Keysa Rogers, Lorraine Dennis, Chief Hampton Gardner, Patricia Jefferson, Joe Perry, Eddie Hobbs, Deputy Gonzales, Sergeant James, and Two Sheriff Deputies.

PUBLIC PRESENT: Approximately 89 people were present during this meeting.

MEDIA PRESENT: The Item Newspaper –Adrienne Sarvis

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

INVOCATION: Councilwoman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: All in attendance repeated the Pledge Of Allegiance to the American Flag.

APPROVAL OF AGENDA: Chairman McCain asked the Clerk to Council if there were any changes or deletions to the July 24, 2018, agenda. Mrs. Blanding asked Council members to consider moving items one and two from under New Business to immediately after the approval of the Minutes of Council Tuesday, July 10, 2018 meeting.

- (1) Recognition of Explores From Sheriff Department Who Participated In The Cherryvale Litter Pick-Up.
- (2) Introduction Of Sumter County's Summer Youth Participants – Mrs. Lorraine Dennis and Mrs. Keysa Rogers.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval of the agenda as recommended by the Clerk to Council.

APPROVAL OF MINUTES: Chairman McCain called for a motion to approve the minutes of the Regular Meeting of Sumter County Council held on Tuesday, July 10, 2018.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval of the minutes as presented.

NEW BUSINESS:

- (1) Recognition of Explores From Sheriff Department Who Participated In The Cherryvale Litter Pick-Up.

Chief Gardner and Eddie Hobbs informed Council members that the young people in this program (James Vaughn, Johlane Fields, Nakeem, Robert Tension, Terrell Mason, Keion Dicks, and Noah Bittinger) participated in the Cherryvale Litter Pick-up as well as the South Sumter Pick-Up. The students have also participated in over 30 community programs throughout the Sumter Community. The Members of the Explorers Program are interested in one day becoming a Law Enforcement Officer. After introduction of each student, Council members presented the Explorers with a Certificate of Appreciation and a gift for their work done through this program.

(2) Introduction Of Sumter County's Summer Youth Participants – Mrs. Lorraine Dennis and Mrs. Keysa Rogers.

Mrs. Keysa Rogers, the Human Resources Director, informed Council members about the process in which the Summer Youth Workers had to undertake in order to be in this program. The students had to follow instructions on how to secure an application, fill out the application, and provide other supporting documentation for the interview. They went through an interview process and were expected to arrive on time for the appointment and appropriately dressed. Once selected, the students were assigned to different departments within the County and the County's partners which included the Library and Sumter Senior Services. The students were paid and they also have various mentoring programs associated with the program.

Four of the students spoke to Council about what they learned:

Marcus Campbell, Crestwood High School – Information Technology Department

Jarod Bauers, Sumter High School – Crystal Lakes High School

Laura Kirby St. Frances Xavier High School – Judicial Center

Shalyiah Steward, Crestwood High School – Members of Sumter County Council

After all comments, the students were presented with gifts from Sumter County Council.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests

(1) **RZ-18-06, 3425 Thomas Sumter Highway (County) – Second Reading/Public Hearing – A Request To Rezone A +/- 1.9 Acre Portion Of A 4.85 Acre Tract Located At 3425 Thomas Sumter Highway From General Commercial (GC) To Residential-9 (R-9). The Property Is Represented By Tax Map # 189-00-02-096. In Lieu Of Rezoning 3425 Thomas Sumter Highway, Council May Consider A Zoning Ordinance Text Amendment To Add Stand-Alone Cemeteries To The General Commercial (GC) Zoning District, As Recommended By The Sumter City-County Planning Commission. (Council Will Hold A Public Hearing Prior To Action On Second Reading Of This Rezoning Request.)**

Mr. George McGregor, the Planning Director, presented this proposed rezoning request to Council for second reading approval. He stated that the property is approximately 4.85 acre tract of land on Thomas Sumter Highway. The owner wants to allow for a Cemetery on the front part of the property.

The Department of Health and Environmental Control (DHEC) has no role of permitting cemeteries throughout the State of South Carolina. It is DHEC though that each County will use their Zoning laws to permit cemeteries throughout the County.

Additionally, Mr. McGregor stated that the layout of the Cemetery, which would include the entrance would be determined after the property is rezoned by working with the owner and the Zoning Administrator. The Planning Commission recommended approval of the rezoning request.

After Mr. McGregor's presentation, Chairman McCain convened a public hearing, asking if anyone wished to speak in support of the rezoning request.



Pastor Sanders spoke in support of the rezoning request. She stated that the church purchased the property in hopes to build a church and have an adjoining cemetery behind the church; however, the church has been blessed to purchase a church building and will not be building a church on the property. Therefore, the members still want to use a portion of the property for a cemetery and will develop it in such a way that the Cemetery will not cause the community to look bad. It will be maintained in a proper manner

The Chairman asked if anyone wished to speak against the rezoning request.

Fred Gordon spoke in opposition of the rezoning request. He stated that the flood of 2015 had that property completely flooded. Mr. Gordon also spoke about the maintenance of the cemetery and could potentially reduce the property value in the adjacent Subdivision.

Freddie Bradshaw stated that he is in opposition of the rezoning request. He mentioned that he has lived in Kel Sam Subdivision for over 30 years. The proposed cemetery is directly across the street from the entrance of the Subdivision; this is not something that he wants to look at every time he enters or leaves the subdivision. Mr. Bradshaw also stated that there has been flooding on the front of the property long before the 1,000 year flood.

Frazier Saunders spoke in opposition of the rezoning request. Mr. Saunders stated that he wants some financial assurance that the property would be maintained.

Wilma Singleton stated that she is concerned about the eyesore of the property and she also stated that she is concerned about the flooding and potential of floating coffins.

Rhonda Pearson said that she also agrees with the things stated by the previous speakers and property owners of Kel Sam Subdivision. Ms. Pearson said that she understands that the Church has property elsewhere and therefore, they could put the cemetery out on that property instead of this property across from Kel Sam Subdivision.

Approximately 12 people were present who were in opposition of the rezoning request; two people were present in support of the request.

The Chairman then closed the public hearing.

If the property is not rezoned, the front of the property will remain zoned as General Commercial and can be used for any commercial development as seen on Broad Street in Sumter. Also, Councilman Baker stated that for him, his decisions are based on “who was there first.” The Kel Sam Farm Subdivision residents were living their first. Therefore, Councilman Baker said he would lead towards denial of the request as it is written.

After all comments, the Chairman called for a motion on this matter.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and carried by Council to deny second reading. Councilman Sumpter voted in opposition of the motion. During the discussion phase of the motion, the following statements were made.

- Councilman Sumpter thanked Pastor Sanders for trying to help the people in the community to have a cemetery area that is affordable for all people. He pledged his support to try to help Pastor Sanders find a good use for the property and her investment in this endeavor.
- Councilman Baten stated that he was impressed that the community worked together to voice their concern about this rezoning request which would potentially affect their biggest investment which is a “home.”

- Councilman McGhaney thanked everyone for handling this matter in a respectful manner.

(2) **PD-05-09 (Rev.1) -- 350 Myrtle Beach Highway. - Carolina Truck & Trailer Parts (County) – Second Reading/Public Hearing** -- A Request To Amend The Ordinance For PD-05-09, Specifically For The Addition Of Used Motor Vehicle Parts (SIC Code 5015) As A Permitted Use On A 9.5 Acre Portion Of The Property Located At 350 Myrtle Beach Highway And Represented By Tax Map # 267-01-02-015. *(Council Will Hold A Public Hearing Prior To Action On Second Reading Of This Planned Development.)*

Mr. McGregor presented this proposed Planned Development as requested by the applicant to amend the text of the Ordinance for Planned Development (PD-05-09) *Section III* in order to allow for Used Motor Vehicle Parts (SIC Code 5015) as a permitted use. The use would be a continuation of the Carolina Truck & Trailer Parts Business located on property immediately adjacent to the west at 300 Myrtle Beach Highway. This business was approved for Truck Repair and Used Motor Vehicles Parts uses, which includes the wholesale and retail of used motor vehicle parts per SIC Code descriptions.

This Planned Development Ordinance amendment request is specifically for a 9.95 acre portion of the overall +/- 47 acre property tied to this specific PD. This area is identified on a plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018. A +/- 6 acre portion of the 9.95 acres is currently being used for overflow storage of motor vehicles and parts associated with the business. According to the business owner, this is an overflow area where trucks and parts are stored until they are hauled off-site for recycling and/or repurposing. The applicant has stated that in the future they may wish to expand the existing area, not to exceed the area shown on the plat below.

Councilman Edens, asked what happens to the vehicle once the parts have been taken from the vehicle. Mr. McGregor stated that the vehicle is removed from the site; however, at this point, it is not fully known the total timeframe for this process, but the applicant can discuss this further once the public hearing takes place. Mr. McGregor also stated that the process for the removal of the vehicles will need to be monitored by the Planning Commission's staff because the removal of the dismantled vehicle is a concern of the Planning Commission and staff.

Councilman Baker stated that he would prefer that this property be zoned Heavy Industrial instead of Light Industrial based on the work that is being done at this business. Mr. McGregor stated that the Planning Commission plans to review the differences between Heavy Industrial and Light Industrial Zoning as it pertains to this propose request.

Councilman Sumpter asked about the Wetlands area on this property; Mr. McGregor stated that the conditions on the property show that there could be some wetlands conditions; but no specific area has been determined as Wetlands.

Councilman Baten stated that he conducted some research about the property and the expansion of this business as well as the conditions of this expansion (the applicant expanded without prior approval from the Planning Commission and that is why they are going through the process now.) Councilman Baten also stated that this business has expanded right to the property line of one of the neighbors. Additionally, Councilman Baten informed Council that since he owns property that abuts to this Planned Development, he has to recuse himself from action on this request. He also stated that this property looks more like a junk yard and not a parts business.

Then the Chairman called for a public hearing. He asked if anyone wished to speak in favor of this proposed Planning Development.

Kathy Cole spoke in support of the request. She stated that she works for this Company and lives next to the company. Ms. Cole is the office manager for the company and personal assistant to the Owners of the Business.

Ms. Cole stated that once the vehicles are dismantled they contact AMP Recycling to remove the vehicles. During the last two months, they have had AMP Recycling to remove 47 loads of dismantled vehicles from the property. Carolina Truck & Trailer Parts Business is a licensed dealership of eighteen wheeler trucks. This company sells parts to businesses from Georgia, North Carolina, Florida, etc. Thereby, this company is bringing in people from outside the community to help with Sumter's economy.

Ms. Cole also asked to clarify the concern of Councilman Baker to change the rezoning from Light Industrial to Heavy Industrial. She stated that she does not know if the owners would object, but they have been at this location for five years operating under Light Industrial. Also, she mentioned that David Merchant owned the property prior to the owners purchasing the property and it was Light Industrial at that time and prior to Mr. Merchant purchasing the property. She also stated that she lives next to this property and she there is no problem of any bad smells or orders from the property where the business is located.

Councilman Baten asked the Chairman if he could ask Ms. Cole a question, the Chairman reminded Councilman Baten that he had asked to be recused from discussion. Councilman Baten stated that he just wanted to make sure that a statement that Ms. Cole made would be clarified or corrected. Councilman Baten asked Ms. Cole whether she lived next door or across the street from the Business, Ms. Cole clarified her statement and said that she lives across the street, not immediately next door to the property.

Mr. Eubie Dicks spoke in opposition of this request. He stated that the neighborhood was quiet before this company came to this location. Mr. Dicks also stated that the property does have wetlands because a pond used to be on the property when he was a small boy; he further emphasized that he is concerned about this being an eyesore and he is totally against this request.

Richard Mitchum stated that he lives on Mims Road and he has a pond on his property and wants to make sure that the water table is not in any danger with the stocked pond. Mr. Mitchum stated that the property owner has assured him that Mr. Mitchum's pond is not in danger.

Council Members asked for clarifications on the particular request as it relates to Light Industrial as opposed to Heavy Industrial. Mr. McGregor stated that this property would only be grandfathered in if the Planning Commission and Council members agree to make adjustments to the Zoning Ordinance.

It was also noted that the 9.9 acres can and would be requested to have buffer between the Light Industrial and the abutting neighbors. This request was made at this meeting that there is sufficient buffer between the residential property owners and the Light Industrial property.

Councilman Baten spoke again about having this company ensure they have the correct buffer between his property and the company's property as well as the neighbors.

The Vice Chairman Byrd offered the following motion as carried through by the Chairman.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and carried by Council to grant second reading to this proposed ordinance with a request to provide information concerning Buffering (Heavy Industrial Buffer). *Councilman Baten stated that he recuse himself from voting on this matter.*

- (3) **OA-18-02 – Third Reading -- 18-891 -- Miscellaneous And Temporary Signs (County) -- A Request To Amend Relevant Portions Of Article 8, Section I: Sign Regulations Of The Sumter County Development Standards Ordinance To Allow Certain Fluttering Devices, Including Feather Flags In The County.**

Mr. McGregor stated that this proposed ordinance amendment would allow for certain Fluttering Devices. Council members were given a copy of the changes that were discussed during the first and second reading of this ordinance. After all comments the following motion was provided.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and carried by Council to grant third reading to the Ordinance Amendment as presented at third reading. Councilman Baten and Chairman McCain voted in opposition of this ordinance amendment; however, the Motion carried.

Chairman McCain asked who determines if the fluttering flags are in bad condition; Mr. McGregor stated that it would be the Zoning Administrator or other Planning Staff members. The setbacks for the fluttering devices will follow the Zoning District requirements and will be listed within this ordinance.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) Presentation By Sumter County Information Technology Department – Mr. Larry Horne, IT Department Head and Mr. Joe Perry, Communications Director.

Mr. Mixon introduced Mr. Larry Horne and Mr. Joe Perry who rolled out the “New Sumter County Website.” Both men took part in introducing different features on the new website and that it will be live within the next few days. Some of the features include:

- Activities at different events – Cultural Center, Civic Center, etc.
- Registration On-line will happen through this new website
- Social Media – Facebook, Youtube, etc.,
- Penny For Progress Projects
- Job Application Submittal Process
- Intranet For County Employees
- Photo Galleries for Community Events
- Commercials about Sumter County

Received as information.

- (2) **18-892 – First Reading** – An Ordinance To Approve An Intergovernmental Loan Agreement With The South Carolina Public Service Authority To Be Secured By A Mortgage On 20 Acres Of Real Property To Construct An Economic Development Building And Adjoining Building Pad To Attract A Manufacturer To Sumter County.

Johnathan Bryan, the County Attorney, presented the proposed ordinance to Council for first reading approval. Mr. Byran stated that there is an Intergovernmental Loan Agreement that is affixed to this ordinance. The purpose of the ordinance and agreement is to allow for the South Carolina Public Service Authority to provide a Million Dollar loan to the County to be used to construct a new Speculative Building. (See ordinance information below.) After all comments, Council took action on first reading.

WHEREAS, Sumter County Council voted on February 27, 2018, to approve a loan from the South Carolina Public Service Authority in the amount of One Million (\$1,000,000.00) Dollars to be used to construct a building on 20 acres of land at the corner of N. Wise Drive and Jefferson Road suitable for a manufacturer to be used to encourage an industry to locate at that site; and

WHEREAS, the form of the Intergovernmental Loan Agreement and Mortgage related thereto are now available and attached hereto as Exhibits A and B; and

WHEREAS, Sumter County Council intends to ratify its prior vote and incorporate by reference the terms of the attached Intergovernmental Loan Agreement and Mortgage,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. *Sumter County Council hereby incorporates by reference the terms of the Intergovernmental Loan Agreement and Mortgage, attached hereto as Exhibits A and B and further approves the language of those two documents.*
2. *Sumter County hereby agrees to enter into the Intergovernmental Loan Agreement with the South Carolina Public Service Authority and agrees to secure that Agreement with a Mortgage on the 20 acres of land described therein.*
3. *The Sumter County Administrator is hereby authorized to sign the Intergovernmental Agreement and Mortgage and any other ancillary documents associated with acquiring the One Million (\$1,000,000.00) Dollar loan from the South Carolina Public Service Authority.*
4. *The proceeds of the loan will be used to construct a building on the corner of N. Wise Drive and Jefferson Road that will be suitable for manufacturing and will be attractive to prospective industries.*
5. *This Ordinance shall take effect upon third reading.*

After all discussions, the Chairman called for a motion on this proposed ordinance.

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

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

No executive Session was held at this meeting.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Fiscal, Tax, and Property Committee Meeting To Be Held On Tuesday, July 24, 2018, At 5:45 p.m. In County Council Conference Room.

The Chairman of the Committee, Chairman McCain gave the following report.

Financial Information. The Finance Director informed Council members during the Fiscal, Tax, and Property Committee meeting that the initial review of information concerning the 2017-2018 year-end financials reflects

that the County should be able to have a balance of \$3,850,000 to place in the County's fund balance. Additional information will be provided as the audit process begins.

Request For Funds – CSX Maintenance: The Committee discussed the need to secure funds from the Infrastructure Account to use for repairs on the CSX Rail in the County's Industrial Park. The Committee recommended to secure \$25,500 from the Infrastructure Account to accomplish this project.

ACTION: MOTION and second were received from the Committee, and unanimously carried to allocate \$25,500 from the County's Infrastructure Fund to be used to conduct maintenance work on the CSX Rail.

(2) **Report From Council Members On Other Meetings, Trainings, And/Or Conferences; And Any Other Council Comments.**

No Comments.

MONTHLY REPORTS

- Commanders Breakfast
- Planning Commission Monthly Meeting
- Building Report
- Bragg Literacy Institute – July 26, 2018
- 2018 SCAC Conference

COUNTY ADMINISTRATOR'S REPORT

No report given

PUBLIC COMMENT

Bonnie Disney, School Board Member, spoke to Council about the new website and she asked Council to place information on the website about the County.

Richard Pembleton – asked about the Myrtle Beach High request. The Chairman stated that he would speak to him after the meeting.

Patty Wilson complimented Council and Mr. Perry on the new Website; she asked Mr. Perry not to forget Festival on the Avenue.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 7:32 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: _____

I certify that public and media notification of the above-mentioned meeting was given prior thereto as follows required by Freedom of Information:

Public Notified: Yes

Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.

Date Posted: July 23, 2018

Media Notified: Yes

Manner Notified: Agenda Information is listed on Sumter County's Home Page, and E-mailed to The Item, The Chamber, WIS-TV, WBTW, and Time Warner Cable.

Date Notified: July 19, 2018

Respectfully submitted,

Mary W. Blanding

Clerk to County Council

Sumter County Council

1st Reading
August 14, 2018

Planning Commission Staff Report

OA-18-05, Flood Damage Prevention Ordinance (County)

I. THE REQUEST

Applicant: Planning Department Staff

Request: Amend relevant portions of the *Sumter County Flood Damage Prevention Ordinance* to adopt the Wateree Watershed Maps and Flood Insurance Study (FIS) revisions that become effective September 28, 2018; and, to update the Ordinance to make corrections and clarifications noted in the 2017 South Carolina Department of Natural Resources Community Assistance Visit (CAV) and the Community Rating System (CRS) Cycle Visit.

II. BACKGROUND

The *Flood Damage Prevention Ordinance* (the “Ordinance”) in effect today was adopted May 14, 2013 when the County’s floodplain development regulations were consolidated into a single document in order to streamline the floodplain development regulations. The Ordinance exists outside of the *Sumter County – Zoning and Development Standards Ordinance* as a stand-alone regulation administered by the Planning Department. Part of administering these regulations includes periodic ordinance updates allowing the community to remain compliant with the National Flood Insurance Program (NFIP) and/or Federal Emergency Management Agency (FEMA) requirements.

This ordinance amendment addresses changes requested as part of the September 20, 2017 CAV visit from the State Coordinator’s Office and adopts the Wateree Watershed map updates and associated Flood Insurance Study. In order to remain in the NFIP, the County has until September 28, 2018 to adopt the Wateree Maps and associated FIS.

Proposed Text Amendment

A clean copy of the proposed ordinance text has been attached to this report. The attached draft ordinance document does not change how floodplain management is performed in the community nor does it make development in the floodplain more restrictive. The amendment does the following:

- 1) Updates Section 130 to include the September 28, 2018 FIS revision date.

- 2) Adds a section to Article IV, 400.1 to state, *“Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.”*
- 3) Adds Article IV, Section 430 to address, *“Standards for Streams with Established Base Flood Elevations but without Floodways.”* This language is an NFIP minimum requirement and inclusion in the Ordinance is required.
- 4) Adds language in Section 410.2 to clarify that, *“floodproofed buildings must be floodproofed no lower than 2 feet above the level of base flood elevation in lieu of elevation.”* This clarification addresses a comment from the CRS Cycle Visit in July of 2017.
- 5) The sections of the Ordinance have been renumbered to remove erroneous and skipped number sequences and then verified to confirm that all section references are correct based upon the renumbering.

III. STAFF RECOMMENDATION

Staff recommends approval of this request. The proposed revisions have been reviewed by the South Carolina Department of Natural Resources (SCDNR) Flood Mitigation Office State Coordinator for compliance with Federal Emergency Management (FEMA) and National Flood Insurance program (NFIP) requirements. The document has been to be in compliance with all state, federal and NFIP requirements while addressing CAV comments.

IV. DRAFT MOTIONS

Motion #1:

I move that the Sumter City-County Planning Commission recommend approval of OA-18-05, Flood Damage Prevention Ordinance to adopt the Wateree Watershed Maps and Flood Insurance Study (FIS) revisions; and to update the Ordinance to make corrections and clarifications noted in the 2017 SCDNR Community Assistance Visit and the Community Rating System (CRS) Cycle Visit.

Motion #2

I move an alternative motion.

V. PLANNING COMMISSION – JULY 25, 2018

The Sumter City-County Planning Commission at its meeting on Wednesday, July 24th, 2018, voted to recommend approval for this request.

VI. COUNTY COUNCIL – AUGUST 14, 2018 – FIRST READING

Flood Damage Prevention Ordinance

Sumter County

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ARTICLE I. GENERAL PROVISIONS

Section 100 – Statutory Authorization. The Legislature of the State of South Carolina has in SC Code of Laws, Title 5, Chapters 7, 23, and 25 (Article 5 and 7) and Title 6, Chapter 7, and amendments thereto, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Council of Sumter County, South Carolina does ordain as follows:

Section 110 – Findings of Fact. The flood hazard areas of the Sumter County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy on flood hazard areas by uses vulnerable to floods or hazardous to other lands which area inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section 120 – Statement of Purpose and Objectives. It is the purpose of this ordinance to protect human life and health, minimize property damage, and to encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

Section 130 – Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Sumter County as identified by the Federal Emergency Management Agency in its Flood Insurance Study, Dated ~~February 16, 2007~~September 28, 2018, with accompanying maps and other supporting data, which are hereby adopted and declared to be part of this ordinance. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Sumter County, with accompanying map and other data, are declared part of this ordinance.

Section 140 – Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

Section 150 – Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 160 – Interpretation. In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 170 – Partial Invalidity and Severability. If any part of this ordinance is declared invalid, the remainder of the ordinance shall not be affected and shall remain in force.

Section 180 – Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is passed on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This

ordinance shall not create liability on the part of Sumter County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 190 – Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violated this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Sumter County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE II. DEFINITIONS

Section 200 – General. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning that they have in common usage and to give this ordinance its most reasonable application.

Section 210 – Definitions.

210.2 – Accessory structure (Appurtenant Structure) – structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

210.2 – Addition (to an existing building) – an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements of new construction regardless as to whether the addition is a substantial improvement or not. Where a fire wall or load bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

210.3 – Agricultural structure – a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are **not** exempt from the provisions of this ordinance.

- 210.4 – Appeal** – a request for a review of the local Floodplain Administrator’s interpretation of any provision of this ordinance.
- 210.5 – Area of shallow flooding** – a designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths of on to three feet where a clearly defined channel does not exist, where the past of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- 210.7 – Base flood** – the flood having a one percent chance of being equaled or exceeded in any given year.
- 210.8 – Basement** – means any enclosed area of a building which is below grade on all sides.
- 210.9 – Building** – any structure built for support, shelter, or enclosure for any occupancy or storage.
- 210.10 – Not Applicable (V-zones only)**
- 210.11 – Development** – any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 210.12 – Elevated building** – a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
- 210.13 – Existing construction** – means, for the purposes of determining rates, structures for which the start of construction commenced before March 1, 1978, for FIRMSs effective before that date.
- 210.14 – Existing manufactured home park or manufactured home subdivision** – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouting of concrete pads) is completed before July 7, 1987.
- 210.15 – Expansion to an existing manufactured home park or subdivision** – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

- 210.16 – Flood** – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
- 210.17 – Flood Hazard Boundary Map (FHBM)** – an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- 210.18 – Flood Insurance Rate Map (FIRM)** – an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- 210.19 – Flood Insurance Study (FIS)** – the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway map and the water surface elevation of the base map.
- 210.20 – Flood-resistant material** – any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood resistant. Pressure treated lumber or naturally decay resistant lumbers are acceptable flooding materials. Sheet-type floor coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable are not acceptable. Materials which retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- 210.21 – Floodway** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 210.22 – Functionally dependent facility** – a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities or port facilities necessary for the loading and unloading of cargo or passengers, shipbuilding, ship

repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

210.23 – Highest Adjacent Grade (HAG) – the highest natural elevation on the ground surface, prior to construction, next to the proposed walls of the structure.

210.24 – Historic Structure – any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be “Historic” as cited above but have been included on the inventories because it was believed that the structures or districts have **potential** for meeting the “Historic” structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.

210.25 – Limited storage – an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE, and A1-A30 zone it must meet the requirements of Section 410.5 of this ordinance.

210.26 – Lowest Floor – the lowest floor of the lowest enclosed area. Any finished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor provided that such an enclosure is not built so as to render the structure in violation of the other applicable non-elevation design requirements in this ordinance.

210.27 – Manufactured home – a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or

without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

- 210.28 – Manufactured home park or subdivision** – a parcel (or contiguous parcels) of land divided into three or more manufactured home lots for rent or sale.
- 210.29 – Mean Sea Level** – means, for the purpose of this ordinance, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community’s Flood Insurance Rate Maps.
- 210.30 – National Geodetic Vertical Datum (NGVD)** – as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.
- 210.31 – North American Vertical Datum (NAVD)** – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.
- 210.32 – New construction** – structure for which the state of construction commenced after July 7, 1987. The term also includes and subsequent improvements to such structure.
- 210.33 – New manufactured home park or subdivision** – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after July 7, 1987.
- 210.35 – Recreational vehicle** – a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less which measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 210.36 – Repetitive loss** – a building covered by a contract for flood insurance that has incurred flood-related damages on two separate occasions during a 10 year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure at the time of each such flood event.

- 210.37 – Start of construction** – for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- 210.38 – Structure** – a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.
- 210.39 – Substantial damage** – damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be taken successively and their cost counted cumulatively. Please refer to the definition of “substantial improvement.”
- 210.40 – Substantial improvement** – any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structure which have been placed on the repetitive loss list, incurred substantial damage, or substantial improvement, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards); (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years. If the improvement project is

conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

210.41 – Substantially improved existing manufactured home park or subdivision – where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

210.42 – Variance – the grant of relief from a term or terms of this ordinance.

210.43 – Violation – the failure of a structure or other developments to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications. Or other evidence of compliance required in 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

210.44 – Freeboard – a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as the hydrological effect of the urbanized watershed.

210.45 – Critical Development – development that is critical to the community’s public health and safety, is essential to the orderly functioning of a community, stores or produces highly volatile, toxic, or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury, Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plans, and gas/oil/propane storage facilities.

210.46 – Executive Order 11988 (Floodplain Management) – issued by President Carter in 1977, this order required that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practical alternative.

210.47 – Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State and community floodplain management laws or

ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

210.48 – Lowest Adjacent Grade (LAG) – is an elevation of the lowest ground surface that touches any deck support, exterior wall of a building, or proposed building wall.

210.49 – Section 1316 of the National Flood Insurance Act of 1968 – the act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

ARTICLE III. ADMINISTRATION

Section 300 – Designation of Local Floodplain Administrator. The floodplain administrator and/or designee; is hereby appointed to administer and implement the provisions of this ordinance.

Section 310 – Adoption of Letter of Map Revisions (LOMR) – All LOMR's that are issued in the areas identified in Section 130 of this ordinance are hereby adopted.

Section ~~310~~ 320 – Development Permit and Certification Requirements. Application for a Development Permit shall be made to the local Floodplain Administrator on forms furnished by him or her prior to any development activities. The Development Permit may include, but not limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

~~310.1~~ 320.1 – A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the Development Permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either Section ~~320.11~~ 330.11 or Section 420 and ~~430~~ 440. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

~~310.2~~ 320.2 – The plot plan required by Section ~~310.1~~ 320.1 must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either Section ~~320.11~~ 330.11 or Sections 420 and ~~430~~ 440.

310.3320.3 – Where base flood elevation data *is* provided as set forth in Section 130 or Section ~~320.11~~330.11, the application for a Development Permit within the flood hazard area shall show:

310.31320.31 – The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and

310.32320.32 – If the structure will be floodproofed in accordance with Section 410.2, the elevation (in relation to mean sea level) to which the structure will be floodproofed.

310.4320.4 – If no base flood elevation data is provided as set forth in Article I, Section 130 or the duties and responsibilities of the local Floodplain Administrators of Article III, Section ~~320.11~~330.11, then the provisions in the Standards for Streams without Established Based Flood Elevation and Floodways of Article IV, Section 420 must be met.

310.5320.5 – Where any watercourse will be altered or relocated as the result of proposed development, the application for development permit shall include; a description of the extent of watercourse alteration or relocation; and engineering report on the effect of the proposed project on the flood carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.

310.6320.6 – When a structure is floodproofed, the applicant shall provide certification from a registered professional engineer or architect that the non-residential, floodproofed structure meets the flood proofing criteria in Section 410.2 and Section ~~440.22~~450.22.

310.7320.7 – A lowest floor elevation or flood proofing certification is required after the lowest flood is completed. As soon as possible after completion of the lowest floor and before and further vertical construction commences, or flood proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local Floodplain Administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The local Floodplain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to

make said corrections required hereby shall be cause to issue a stop-work order for the project.

310.8320.8 – Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC Law, shall certify that according to the requirements of Section 310.6 and 310.7 that the development is built in accordance with the submitted plans and previous pre-development certifications.

Section 320.330 – **Duties and Responsibilities of the Local Floodplain Administrator.**
Duties of the local Floodplain Administrator shall include, but not be limited to:

320.1330.1 – Review all development permits to assure that the requirements of this ordinance have been satisfied.

320.2330.2 – Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

320.3330.3 – Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

320.4330.4 – In addition to the notification required in Section **320.3330.3**, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is no diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routing channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.

320.5330.5 – Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section **410.81410.71** are met.

320.6330.6 – Obtain actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with Section 310.7.

320.7330.7 – Obtain the actual elevation (in relation to mean sea level) to which new or substantially improves structures have been floodproofed, in accordance with Section 310.6.

320.8330.8 – When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 410.2.

320.9330.9 – A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Sections 310.6 and 310.7 of this ordinance.

320.10330.10 – Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example where there appears to be a conflict between the mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

320.11330.11 – When based flood elevation data or floodway data has not been provided in accordance with Section 130, obtain, review, and reasonably utilized best available base flood elevation data and floodway data available from a Federal, State, or other source, including data developed pursuant to Section ~~430.3~~440.3, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a Federal, State, or other source. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

320.12330.12 – When the exact location of boundaries of the areas of special flood hazard conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the local Floodplain Administrator in the permit file.

320.13330.13 – Make on-site inspections of projects in accordance with Section ~~330.1~~340.1.

320.14330.14 – Serve notices of violations, issue stop-work orders, revoke permits and take correction actions in accordance with Section ~~330~~340.

320.15330.15 – Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

320.16330.16 – Annexations and Detachments – Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months of any annexations or detachments that include special flood hazard areas.

320.17330.17 – The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the review process.

320.18330.18 – Perform an assessment of damage from any origins to the structure using FEMA’s Substantial Damage Estimator (SDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before damage occurred.

320.19330.19 – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvements to a structure occur shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total cost associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

The market value shall be determined by one of the following methods:

- a) The current assessed building value as determined by the county’s assessor’s office of the value of an appraisal performed by a licensed appraiser at the expense of the owner within the last six (6) months.
- b) One or more certified appraisals from a registered professional appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciations for functionality and obsolescence*.
- c) Real estate contract within the last six (6) months prior to the date of the application for permit.

320.20330.20 – If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevations for which a detailed Flood Insurance Study has been developed, the applicant shall apply for

and must receive approval from a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to actual construction.

320.21330.21 – Within 60 days of completion of an alteration of a watercourse, referenced in Section 310.20, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

320.22330.22 – Adjoining Floodplains – Cooperate with neighboring communities with respect to management of adjoining floodplains and/or related erosion areas in order to prevent aggravation of existing hazards.

320.23330.23 – Notify Adjacent Communities – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard or flood related erosion hazards.

320.24330.24 – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity required in Section **410.10410.9**.

Section 330-340 – Administrative Procedures.

330.1340.1 – **Inspections of Work in Progress:** As the work pursuant to a permit progresses, the local Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

330.2340.2 – **Stop-Work Orders:** Wherever a building or part thereof is being constructed, reconstructed, altered, or repair in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

330.3340.3 – **Revocation of Permits:** The Floodplain Administrator and/or designee may revoke any require the return of the Development Permit

by notifying the permit holder in writing, stating the reason for the revocation. Development Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Development Permit mistakenly issued in violation of an applicable State or local law may also be revoked.

330.4340.4 – **Periodic Inspection:** The Floodplain Administrator and each member of his or her inspections department shall have the right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

330.5340.5 – **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property.

330.6340.6 – **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give written notice, by certified or registered mail to the last known address or by personal service that:

330.61340.61 – The building or property is in violation of the Flood Damage Prevention Ordinance.

330.62340.61 – A hearing will be held before the Floodplain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

330.63340.63 – Following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

330.7340.7 – **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, shall make and order in writing to the owner to remedy the violation within such period, not less than 60 days. The Floodplain Administrator may prescribe; provided that where the Floodplain Administrator finds that there is imminent danger to life or

other property, that corrective action be taken in such lesser period as may be feasible.

~~330.8~~340.8 – Appeal: Any owner who has received an order to take corrective action may appeal from the order to the Sumter Board of Appeals by giving notice of appeal in writing to the Floodplain Administrator and the clerk within 10 days following the issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Sumter Board of Appeals shall hear an appeals within a reasonable time and may affirm, modify and affirm, or revoke the order.

~~330.9~~340.9 – Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following and appeal, shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

~~330.10~~340.10 – Denial of Flood Insurance under the NFIP. If a structure is declared in violation of this ordinance and after all penalties are exhausted to achieve compliance with this ordinance the local Floodplain Administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the structure upon findings that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local Floodplain Administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

~~330.11~~340.11 – The following documents are incorporated by reference and may be used by the local Floodplain Administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:

- a) FEMA 55 Coastal Construction manual
- b) All FEMA Technical Bulletins
- c) All FEMA Floodplain Management Bulletins
- d) FEMA 348 Protecting Building Utilities from Flood Damage
- e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 400 – General Standards. Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a Development Permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments

onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

400.1 – Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

400.1400.2 – All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

400.2400.3 – All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.

400.3400.4 – All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

400.4400.5 – Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus 2 feet. This requirements does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damage to the building.

400.5400.6 – All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

400.6400.7 – New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

400.7400.8 – On-site waste disposal systems shall be located an constructed to avoid impairment to them or contamination from them during flooding.

400.8400.9 – Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance. This includes post-FIRM development and structures.

400.9400.10 – Non-Conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaces, or rebuilt unless such

enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevations in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all other requirements of this ordinance.

~~400.10~~**400.11** – **Americans with Disabilities Act (ADA).** A building must meet the specific standards for floodplain construction outlined in Section 410, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements to meet the ADA provisions shall be included in the cost of improvements for calculating substantial improvement.

~~400.11~~**400.12** – Critical development shall be elevated to the 500 year elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates the 500 year flood elevation data.

~~400.12~~**400.13** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads.

~~400.13~~**400.14** – Whenever any portion of the flood plain is used, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavation shall be constructed to drain freely to the watercourse.

~~400.14~~**400.15** – **Parking and Storage.** The utilization of enclosed areas shall be the minimum necessary to allow for vehicle parking or limited storage of maintenance equipment in connection with the use of the premises.

~~400.15~~**400.16** – **Finished Construction.** The interior portion of enclosed areas below the first floor elevation shall not be partitioned or finished into separate rooms.

Section 410 – Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 130 or ~~320.11~~**330.11** the following provisions are required:

410.1 – Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated to no lower than 2 feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 410.5.

410.2 – Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than 2 feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 410.5. No basements are permitted. Structures located in A-zones may be floodproofed no lower than two (2) feet above Base Flood Elevation in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

410.21 – A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Sections 310.7 and 310.9 a variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Section 530 of this ordinance. Agricultural structures not meeting the criteria of Section 520 must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures which are floodproofed are required to have an approved maintenance plan with an annual exercise. The maintenance plan must be approved by the local Floodplain Administrator and notification of the annual exercise must be provided to same.

410.3 – Manufactured Homes.

410.31 – Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation and

be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

410.32 – Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 410.31 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

410.33 – Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

410.34 – An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged home parks or subdivisions located within flood-prone areas. This plan shall be filed with, and approved by, the local Floodplain Administrator and the local Emergency Preparedness Coordinator.

410.4 – Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the requirements of Section 310 and Sections 400 and 410.3.

410.5 – Elevated Buildings. New construction and substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

410.51 – Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

410.511 – Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

410.512 – The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening.

410.513 – Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

410.514 – Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

410.515 – Only the portions of openings that are below the base flood elevations (BFE) can be counted towards the required net open area.

410.52 – **Hazardous Velocities.** Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

410.53 – Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

410.54 – The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Sections 410.1, 410.2 and 410.3.

410.55 – All construction materials below the required lowest floor elevation specified in Sections 410.1, 410.2, and 410.3 shall be of flood resistant materials.

410.7410.6 – Accessory Structures. A detached accessory structure or garage, the cost of which is greater than \$3,000 must comply with the requirements outlined in FEMA's Technical Bulletin 7-93, *Wet Floodproofing Requirements*, or be elevated in accordance with the requirements of Section 410.1 and 410.5, or floodproofed in accordance with 410.2. When accessory structures of \$3000 or less are to be placed in the floodplain, the following criteria shall be met:

410.71410.61 – Accessory structures shall not be used for any other uses other than parking of vehicles or storage.

410.72410.62 – Accessory structures shall be designed to have low flood damage potential.

410.73410.63 – Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

410.74410.64 – Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure.

410.75410.65 – Service facilities such as electrical and heating equipment shall be installed in accordance with Section 400.4.

410.76410.66 – Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 419.51.

410.77410.67 – Accessory structures shall be built with flood resistant materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Material Requirements*, dated 8/08, available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood resistant materials.

410.8410.7 – Floodways. Located in areas of special flood hazard established in Section 130, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

410.81410.71 – No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:

- a) It has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator.
- b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.

410.82410.72 – If Section **410.81410.71** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

410.84410.73 – No manufactured homes shall be permitted, except in existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 410.3 and the encroachment standards of **410.81410.71** are met.

410.85410.74 – Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

410.9410.8 – **Fill**. Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least 2 feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The flowing provisions shall apply to all fill placed in the special flood hazard area:

410.91410.81 – Fill may not be placed in the floodway unless it is in accordance with Section **410.8410.71**.

410.92410.82 – Fill may not be placed in tidal or nontidal wetlands without the required State and Federal Permits.

410.93410.83 – Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.

410.94410.84 – Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered professional engineer.

410.95410.85 – Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities result in erosion.

410.96410.86 – The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

410.97410.87 – Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring that Structures Built on Fill in or Near Special Flood Hazard Areas are Reasonably Safe from Flooding*.

410.98410.88 – New buildings must be constructed on properly designed and compacted fill that extends beyond the building walls before dropping below base flood elevation (BFE), and has the appropriate protection from erosion and scour. The design of the fill must be approved and certified in writing by a South Carolina Registered Civil Engineer.

410.10410.9 – **Map Maintenance Activities.** The National Flood Insurance Program (NFIP) requires that flood data be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Section 130 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

a) Requirement to Submit New Technical Data

- (1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include but are not limited to:

- a. Floodway encroachment that increases or decreases base flood elevations or alter floodway boundaries;
- b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including placement of culverts; and
- d. Subdivisions or large scale development proposals requiring the establishment of base flood elevations in accordance with Section ~~420.14~~20.2.

(2) It is the responsibility of the applicant to have the technical data, required in accordance with Section ~~410.10~~410.9, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

(3) The local Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- a. Proposed floodway encroachments that increase the base flood elevations; and
- b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

(4) Floodplain development permits issued by the local Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to section ~~410.10~~410.9.

b) Right to Submit New Technical Data – The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations to base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate documentation made in writing by the local jurisdiction made in writing by the local jurisdiction and may be submitted at any time.

~~410.11~~410.10 – **Swimming Pools.** All pools, both above ground and below ground, located within the flood fringe of the SFHA must be designed and constructed to prevent flotation, collapse, and lateral movement under flood conditions. Pools are not allowed in a mapped regulatory

floodway or in any other floodway as established by this ordinance. And in no case shall pools be allowed within twenty-five feet of the top bank of any stream.

410.12410.11 – **Swimming Pool Utility Equipment Rooms.** If the building cannot be built at or above the BFE because of functionality of the equipment then a structure to house the utilities for the pool may be built below BFE with the following provisions.

- a) Meet the requirements for accessory structure in Section **410.7410.6**.
- b) The utilities must be anchored to prevent flotation and be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

410.13410.12 – **Elevators.**

- a) Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential from the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93, *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.
- b) All equipment that may be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood resistant materials where possible per FEMA's Technical Bulletin 4-93, *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.

Section 420 – Standards for Stream Without Established Base Flood Elevations and Floodways. Located within the areas of special flood hazard (Zone A) established in Section 130, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

420.1 – In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed development containing at least 50 lots or 5 acres, whichever is less.

420.2 – No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream hank unless certification with supporting technical data by a registered professional engineering is provided demonstrating that such

encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

420.3 – If Section 420.2 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood damage prevention ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 410.

420.4 – Data from preliminary, draft, and final Flood Insurance Studies constituted best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

420.5 – When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:

a) Contour Interpolation

- (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
- (2) Add one-half of the contour interval of the topographic map that is used to determine the BFE.

b) Data Extrapolation – a BFE can be determined if a site within 500 feet upstream of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

c) Hydrologic and Hydraulic Calculations – Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

Section 430 – Standards for Streams with Established Base Flood Elevations but without Floodways. Along rivers and streams where Base Flood Elevation (BFE) data is provided by no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

430.1 – No encroachments including fill, new construction, substantial improvements or other development shall be permitted unless

certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section ~~430.440~~ – Standards for Subdivision Proposal and other Development.

~~430.1440.1~~ 430.2440.1 – All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

~~430.2440.2~~ 430.3440.2 – All subdivision proposals and other proposed new development shall have adequate drainage to reduce exposure to flood damage.

~~430.3440.3~~ 430.4440.3 – The applicant shall meet the requirements to submit technical data to FEMA in Section ~~410.10410.9~~ when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

~~430.4440.4~~ 430.5440.4 – All subdivision proposal and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

Section ~~440.450~~ – Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 130, are areas designated as shallow flooding. The following provisions shall apply within such area:

~~440.1450.1~~ 440.2450.1 – All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

~~440.2450.2~~ 440.3450.2 – All new construction and substantial improvements of non-residential structures shall:

~~440.21450.21~~ 440.31450.21 – Have the lowest floor elevated at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or

~~440.22450.22~~ 440.32450.22 – Be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting

hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section ~~320~~330.

ARTICLE V. VARIANCE PROCEDURES

Section 500 – Establishments of Appeals Board. The Sumter Board of Appeals as established by the City and County of Sumter shall hear and decide requests for variances from the requirements of this ordinance.

Section 510 – Right to Appeal. Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the Court.

Section 520 – Historic Structures. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Section 530 – Agricultural Structures. Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damage during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Section ~~560~~570, this section, and the following standards:

530.1 – Use of the structure must be limited to agricultural purposes listed below:

530.11 – Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;

530.12 – Steel grain bins and steel frame corn cribs;

530.13 – General purpose barns for the temporary feeding of livestock which are open on at least one side;

530.14 – For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Section 410.2 of this ordinance; and,

530.15 – Detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are not greater than 400 square feet in area.

530.2 – The agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior of building components and elements below the base flood elevation;

530.3 – The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;

530.4 – The agricultural structure must meet the venting requirements of Section 410.51 of this ordinance;

530.5 – Any mechanical, electrical or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with Section 400.4 of this ordinance;

530.6 – The agricultural structure must comply with the floodway encroachment provisions of Section ~~410.81~~410.71 of this ordinance; and,

5307 – Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

Section ~~535-540~~ – **Functionally Dependent Uses.** Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternatives exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

Section ~~540-550~~ – **Considerations.** In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

~~540-1550.1~~ – The danger that materials may be swept onto other lands to the injury of others;

540.2550.2 – The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;

540.3550.3 – The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

540.4550.4 – The importance of the services provided by the proposed facility to the community;

540.5550.5 – The necessity to the facility of a waterfront location, where applicable;

540.6550.6 – The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

540.7550.7 – The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

540.8550.8 – The expected heights, velocity, duration, rate of rise. And sediment transport of the flood waters and effects of wave action, if applicable, expected at the site;

540.9550.9 – The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges; and,

540.10550.10 – Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure it to me located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

Section 550-560 – **Findings.** Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comment from the SC Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

Section 560-570 – **Floodways.** Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to the issuance of the variance. In order to insure the

project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

Section ~~570.580~~ – Conditions. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

~~570.1580.1~~ – Variances may not be issued when a variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

~~570.2580.2~~ – Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

~~570.3580.3~~ – Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimizations of the public, or conflict with existing local laws and ordinances.

~~570.4580.4~~ – Any applicant to whom a variance is granted shall be given a written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notifications shall be maintained with a record of all variance actions.

~~570.5580.4~~ – The local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

~~570.6580.6~~ – Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Section ~~330.5340.5~~ of this Ordinance.

ARTICLE VI. LEGAL STATUS PROVISIONS

Section 600 – Effect of Rights and Liabilities under the Existing Flood Damage Prevention Ordinance. This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted ~~October 14, 2008~~May 14, 2013, as amended, and it is not the intention to repeal but rather re-enact and continue to enforce without interruption of such existing provisions, so that all

rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Sumter County enacted on ~~October 14, 2008~~May 14, 2013, as amended, which are not reenacted herein are repealed.

Section 610 – Effect upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Official or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

Section 620 – Effective Date. This ordinance shall become effective upon adoption

PASSED:

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Section 630 – Adoption Certification.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the County Council of Sumter County, South Carolina on the ____ day of _____, 20__.

WITNESS my hand and the official seal of Sumter County, South Carolina, this the ____ date of ____ day of _____, 20__.

THE COUNTY COUNCIL FOR SUMTER COUNTY, SOUTH CAROLINA (SEAL)

BY: _____

James T. McCain, Jr.

Its: Chairman

ATTEST:

Mary W. Blanding

Its: Clerk to County Council



Sumter City-County

Planning Department

DERON L. MCCORMICK
GARY M. MIXON
CITY MANAGER
ADMINISTRATOR

GEORGE K. MCGREGOR
PLANNING DIRECTOR

COUNTY

MEMORANDUM

TO: Mary Blanding, Clerk to County Council

FROM: George K. McGregor, AICP, Planning Director

DATE: August 7, 2018

SUBJECT: COUNTY COUNCIL AGENDA – AUGUST 14, 2018

The Sumter City-County Planning Commission will have the following land use item(s) for review at County Council on Tuesday, August 14, 2018:

FIRST READING

OA-18-05, Flood Damage Prevention Ordinance (County)

Amend relevant portions of the *Sumter County Flood Damage Prevention Ordinance* to adopt the Wateree Watershed Maps and Flood Insurance Study (FIS) revisions that become effective September 28, 2018; and, to update the Ordinance to make corrections and clarifications noted in the 2017 South Carolina Department of Natural Resources Community Assistance Visit (CAV) and the Community Rating System (CRS) Cycle Visit.

THIRD / FINAL READING

PD-05-09 (Rev.1), 350 Myrtle Beach Hwy. - Carolina Truck & Trailer Parts (County)

Request to amend the ordinance for PD-05-09, specifically for the addition of Used Motor Vehicle Parts (SIC Code 5015) as a permitted use on a 9.5 acre portion of the property located at 350 Myrtle Beach and represented by Tax Map # 267-01-02-015.

If you have any questions or need additional information, please contact me at (803) 774-1660.

Sumter County Council

Third / Final Reading

August 14, 2018

Planning Commission Staff Report

PD-05-09 (Revision 1), 350 Myrtle Beach Hwy. – Carolina Truck & Trailer Parts (County)

I. THE REQUEST

Applicant:	Carolina Truck & Trailer Parts
Status of the Applicant:	Property Owner
Request:	Request to amend Ordinance PD-05-09, specifically for the addition of Used Motor Vehicle Parts (SIC Code, 5015) as a permitted use on a 9.95 acre portion of the property (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018).
Location:	350 Myrtle Beach Hwy.
Present Use/Zoning:	Undeveloped & Vehicle Part Storage / Planned Development (PD)
Tax Map Number:	267-01-02-015
Adjacent Property Land Use and Zoning:	North – Residential / General Residential (GR) South – Vacant / Agricultural Conservation (AC) East – Residential / GR West – Truck Repair & Used Motor Vehicle Parts / Light Industrial-Warehouse (LI-W)

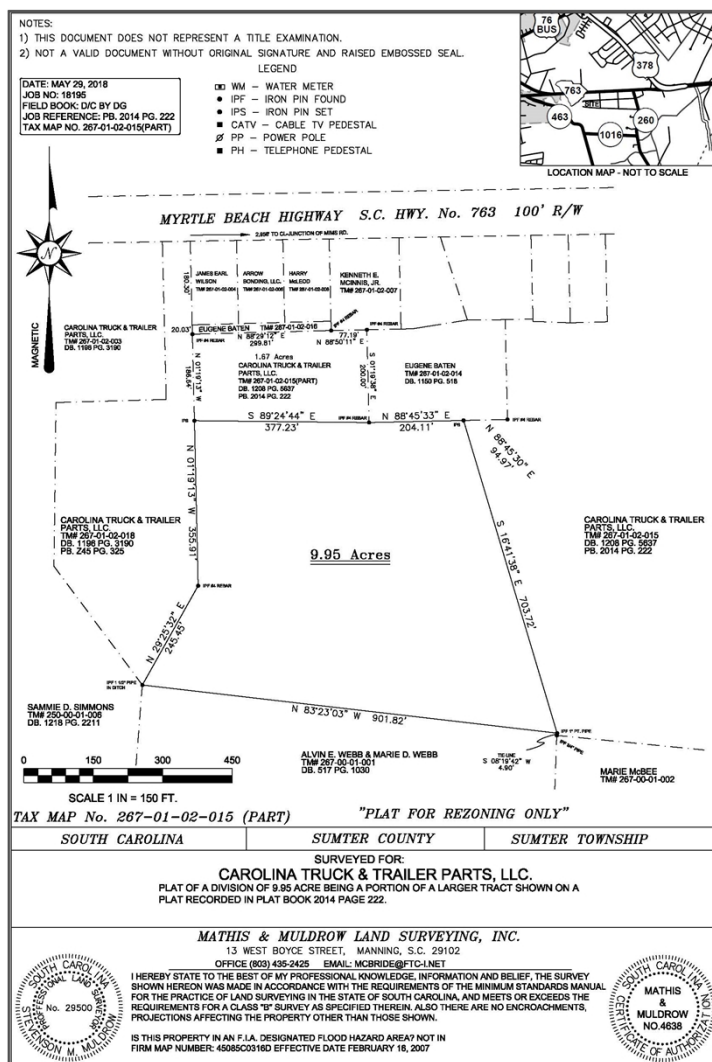
II. BACKGROUND

The applicant is requesting to amend to the text of the Ordinance for Planned Development (PD-05-09) *Section III* in order to allow for Used Motor Vehicle Parts (SIC Code 5015) as a permitted use. The use would be a continuation of the Carolina Truck & Trailer Parts Business located on property immediately adjacent to the west at 300 Myrtle Beach Hwy.

This business was approved for Truck Repair and Used Motor Vehicles Parts uses, which includes the wholesale and retail of used motor vehicle parts per SIC Code descriptions.

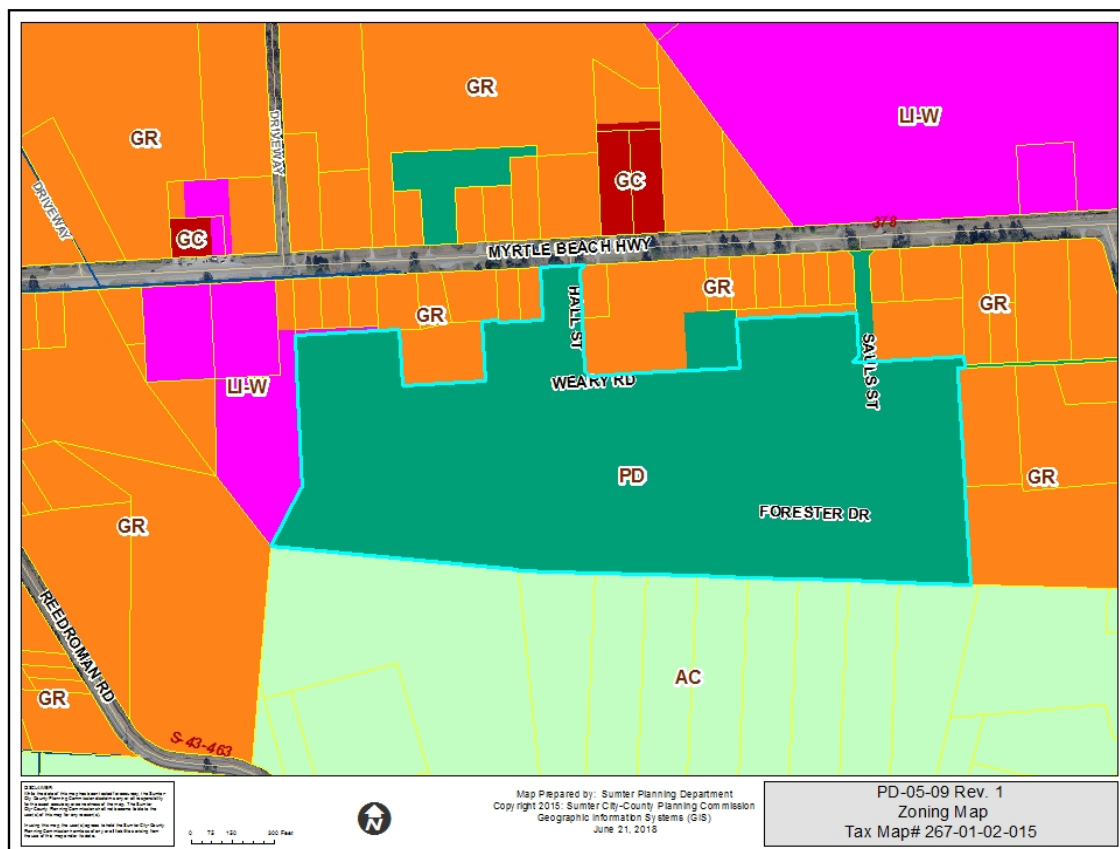
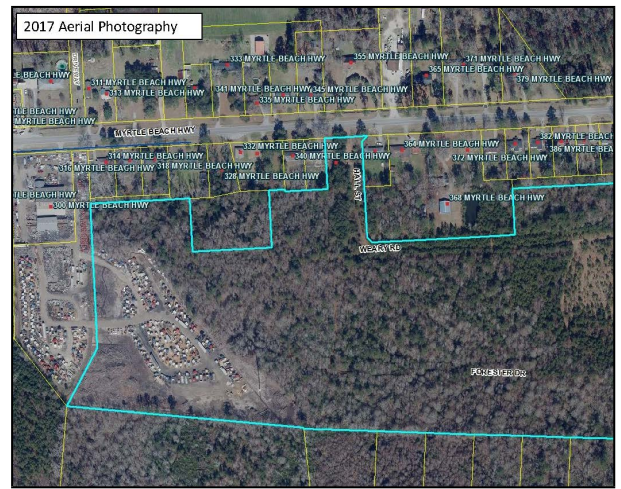
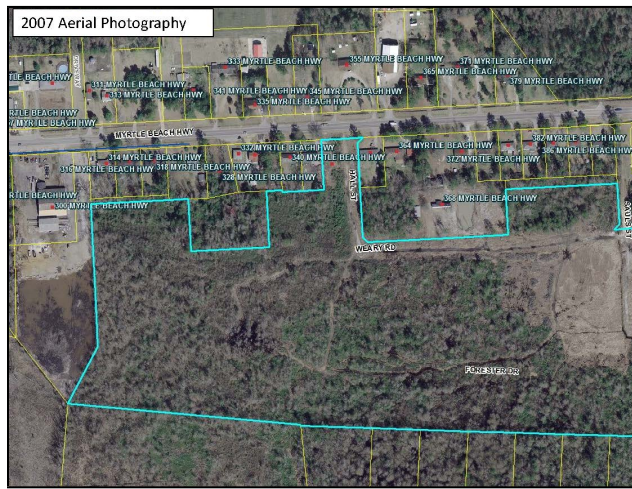


This PD Ordinance amendment request is specifically for a 9.95 acre portion of the overall +/- 47 acre property tied to this specific PD. This area is identified on a plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018. A +/- 6 acre portion of the 9.95 acres is currently being used for overflow storage of motor vehicles and parts associated with the business. According to the business owner, this is an overflow area where trucks and parts are stored until they are hauled off-site for recycling and/or repurposing. The applicant has stated that in the future they may wish to expand the existing area, not to exceed the area shown on the plat below.



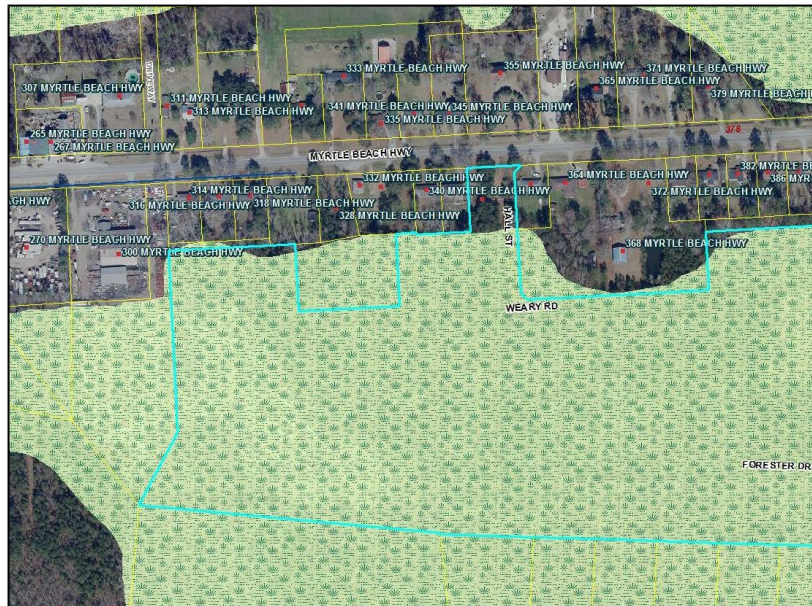
This request is a result of zoning enforcement action at the property. In February 2015, Carolina Truck & Trailer Parts, who owns property and operates a Truck Repair and Used Motor Vehicle Parts business on property immediately adjacent to the west of the subject property, purchased the +/- 47 acre property. Sometime later in that year, Carolina Truck & Trailer Parts cleared a +/- 6 acre portion of the subject property close to their existing business and began using this area for overflow storage associated with their business operation. This action on the +/- 6 acre portion of 267-01-02-15 constituted a violation of the Zoning Ordinance because the land is zoned Planned Development (PD-05-09). Per the adopted PD-05-09 Ordinance, the only

permitted uses on the property are Wholesale Nursery Stock (SIC Code 5193) and Retail Nurseries, Lawn and Garden Supply Stores (SIC Code 5261). Prior to PD-05-09 taking effect, the property was zoned GR and was the location of a residential subdivision that was never built.



Environmental:

According to high level wetlands data publically available through the US Fish & Wildlife Wetland Mapper, almost all of the +/- 47 acre PD is identified as a wetland. This data is for information purposes only and cannot be relied upon for an accurate determination of wetland boundaries or jurisdictional status. A wetlands delineation and an Army Corps of Engineers Jurisdictional Determination will need to be obtained prior to future land disturbance on the site.



III. ORDINANCE AMENDMENT

1. Amend *Section III* of Ordinance PD-05-09 to allow a Used Motor Vehicle Parts (SIC 5015) as a permitted use only on the 9.95 acre portion identified on a plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018.
2. Staff recommends the following amendments to *Section II* of Ordinance PD-05-09 be considered by the Planning Commission (if the PC votes to pass along a favorable recommendation on this request):
 - No buildings or structures permitted on the 9.95 acre portion of TMS# 267-01-02-015.
 - A minimum of a 15' wide landscape buffer consisting of 3 canopy trees per every 100 feet on center, 8 evergreen trees per 100 feet on center, and 15 tall shrubs per 100 feet on center or equal equivalent as determined by the Zoning Administrator be installed or maintained around all boundaries of the 9.95 acre portion of TMS# 267-01-02-015, which the exception of the section adjacent to TMS# 267-01-02-018.

- Any new land clearing associated with development on the 9.95 acre portion of TMS# 267-01-02-015 will require site plan approval, land disturbance permit approval, and wetlands delineation submittal, in accordance with Sumter County Zoning & Development Ordinance requirements.
- All Development, land disturbance, clearing or other applicable activities on TMS# 267-01-02-015 must adhere to the requirements and standards outlined in the Sumter County Zoning & Development Standards Ordinance unless otherwise specified by this ordinance (Ordinance PD-05-09 Revision 1).

IV. COMPATIBILITY WITH THE 2030 COMPREHENSIVE PLAN

Per the 2030 Comprehensive Plan, the subject property lies within the Suburban Development Planning Area. The primary objective of this land use designation is to scrutinize and manage the existing development patterns, foster intentional mixed-use development and identify new commercial and industrial locations where form and design are a focus, all in a more efficient manner.

The primary applicable Suburban Development Planning Area policy is:

Industrial, light-industrial, warehouse, automotive repair, and uses with a dominant outdoor storage component should be directed to established area with like uses.

V. STAFF RECOMMENDATION

Staff recommends approval of this request. However, staff does have concerns about the clearing and disturbing of land that could be within a regulated wetland. Additionally, it appears that the main business operation at 300 Myrtle Beach Highway consists of the retail and whole sale of used automotive parts, which is covered under SIC Code 5015. However, the use as a whole has the characteristics of a Salvage Yard Use, as defined in Article 10 of the County Zoning & Land Development Standards Ordinance. A Salvage Yard use is not an allowed use in the underlying adjacent LI-W zoning district where the main business is located and it is not being specifically requested for the subject property.

VI. DRAFT MOTIONS

Motion #1:

I move that the Sumter City-County Planning Commission approve PD-05-09 (Revision 1), to amend Ordinance PD-05-09 allow Used Motor Vehicle Parts (SIC Code 5015) as a permitted use, with conditions as noted in the staff report and draft ordinance.

Motion #2:

I move that the Sumter City-County Planning Commission deny PD-05-09 (Revision 1), to amend Ordinance PD-05-09 to allow Used Motor Vehicle Parts (SIC Code 5015) as a permitted use

Motion #3:

I move that the Sumter City-County Planning Commission propose an alternate motion for PD-05-09 (Revision 1).

VII. PLANNING COMMISSION – JUNE 27, 2018

The Sumter City-County Planning Commission at its meeting on Wednesday, June 27, 2018 voted to recommend approval of this request to amend Ordinance PD-05-09 allow Used Motor Vehicle Parts (SIC Code 5015) as a permitted use, with conditions as noted in the staff report and draft ordinance.

VIII. COUNTY COUNCIL – JULY 10, 2018 – FIRST READING

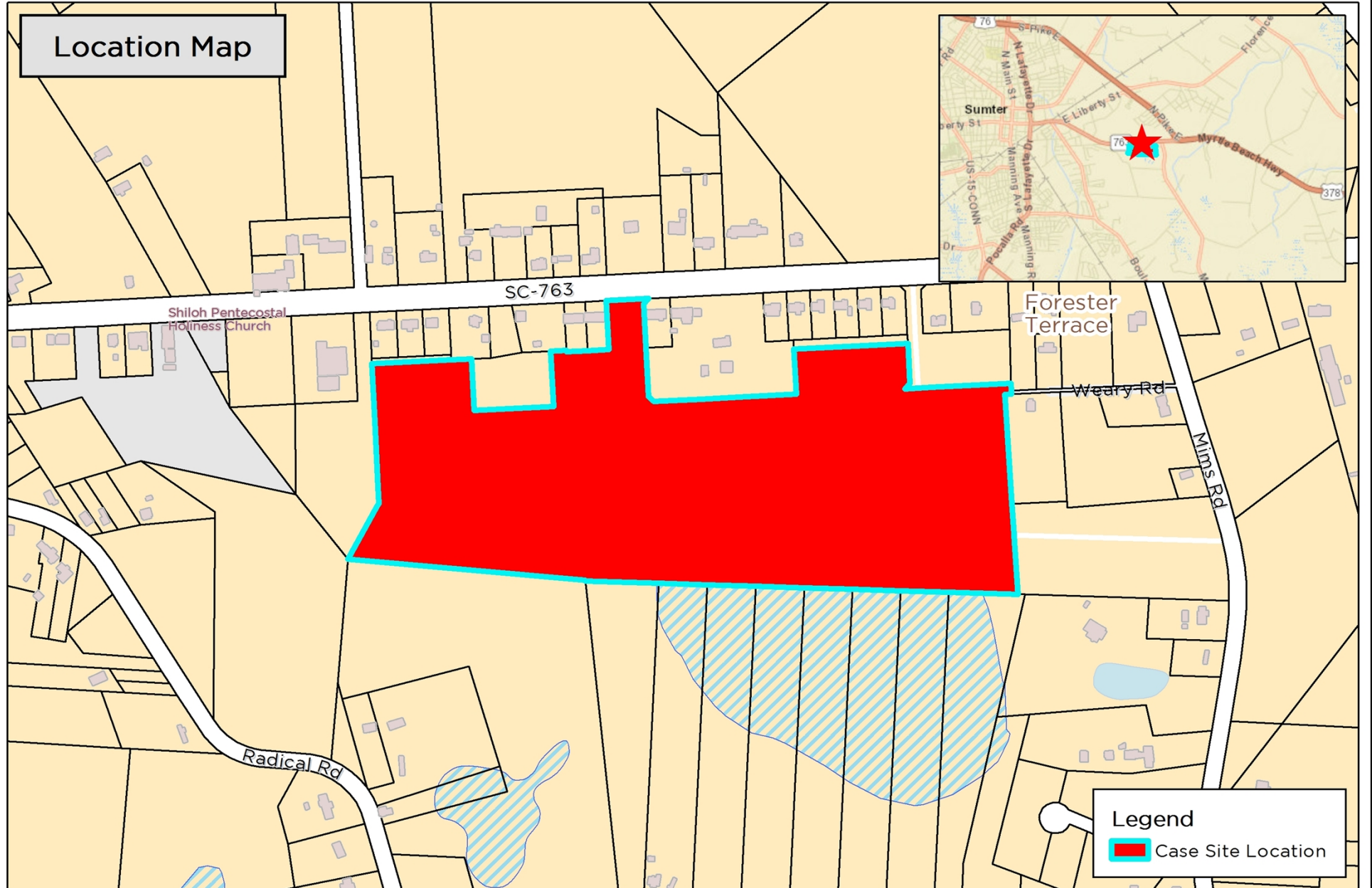
The Sumter County Council at its meeting on Tuesday, July 10, 2018, gave First Reading approval for this request.

IX. COUNTY COUNCIL – JULY 24, 2018 – SECOND READING/PUBLIC HEARING

The Sumter County Council at its meeting on Tuesday, July 24, 2018, gave Second Reading approval for this request.

X. COUNTY COUNCIL – AUGUST 14, 2018 – THIRD / FINAL READING

Location Map



Legend

■ Case Site Location

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter City-County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.

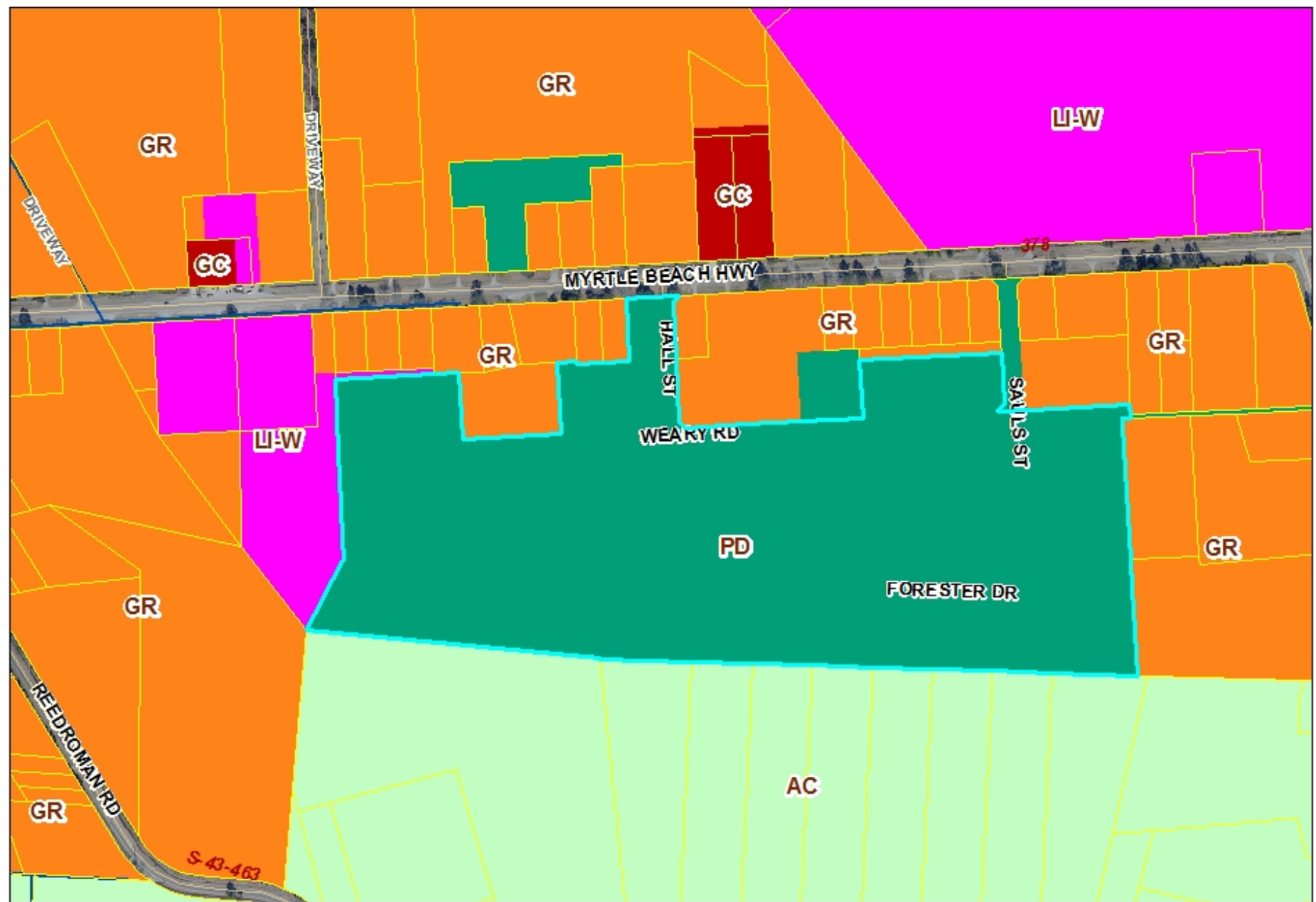
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 1 inch = 500 feet



Map Prepared by: Sumter Planning Department
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 Geographic Information Systems (GIS)
 Date: 6/7/2018, User Name: crobbins
 Document Name: PD-05-09 Rev1

PD-05-09 Rev 1
 350 Myrtle Beach Hwy, Sumter, SC 29153
 Tax Map # 267-01-02-015



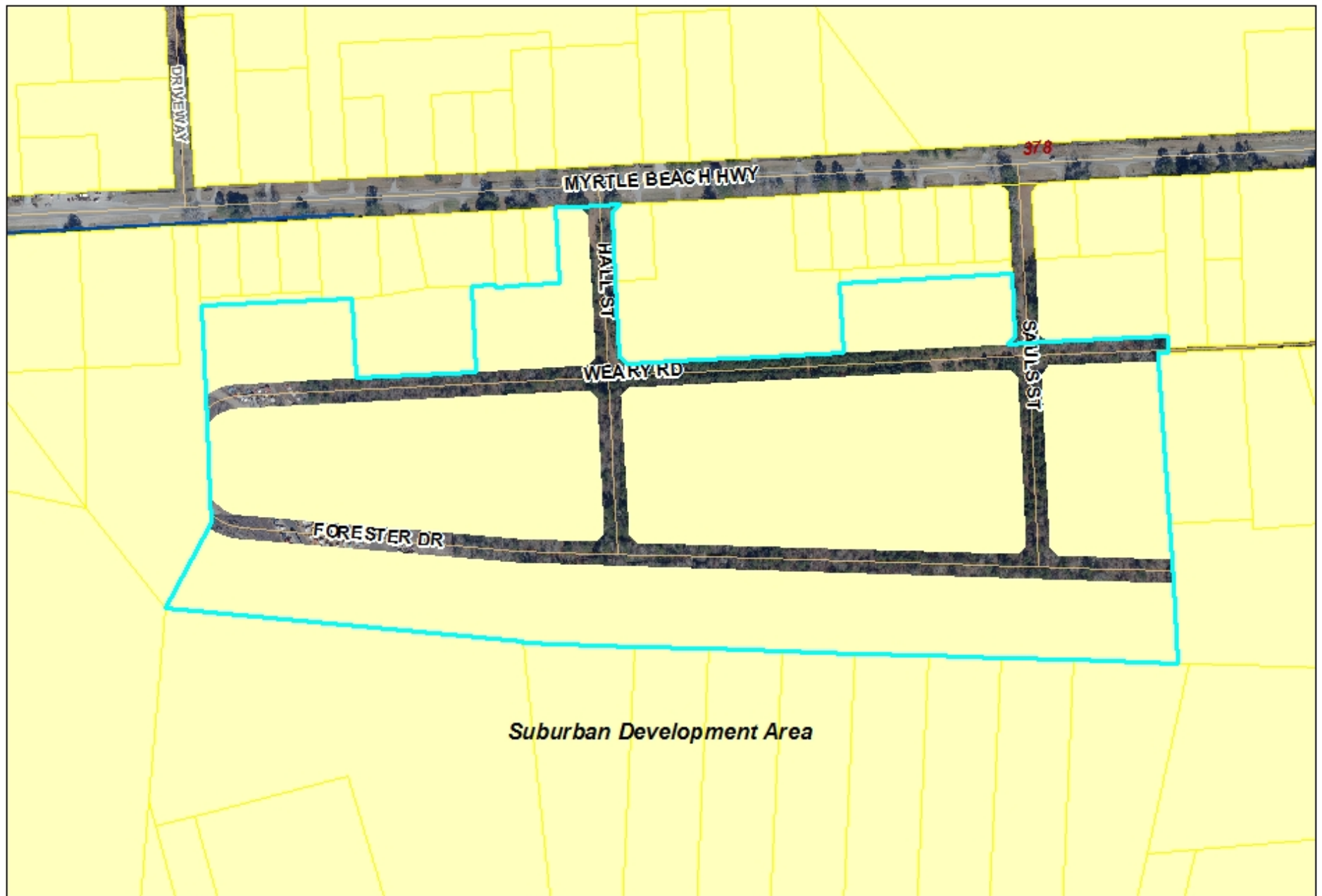
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 Geographic Information Systems (GIS)
 June 21, 2018

PD-05-09 Rev. 1
 Zoning Map
 Tax Map# 267-01-02-015



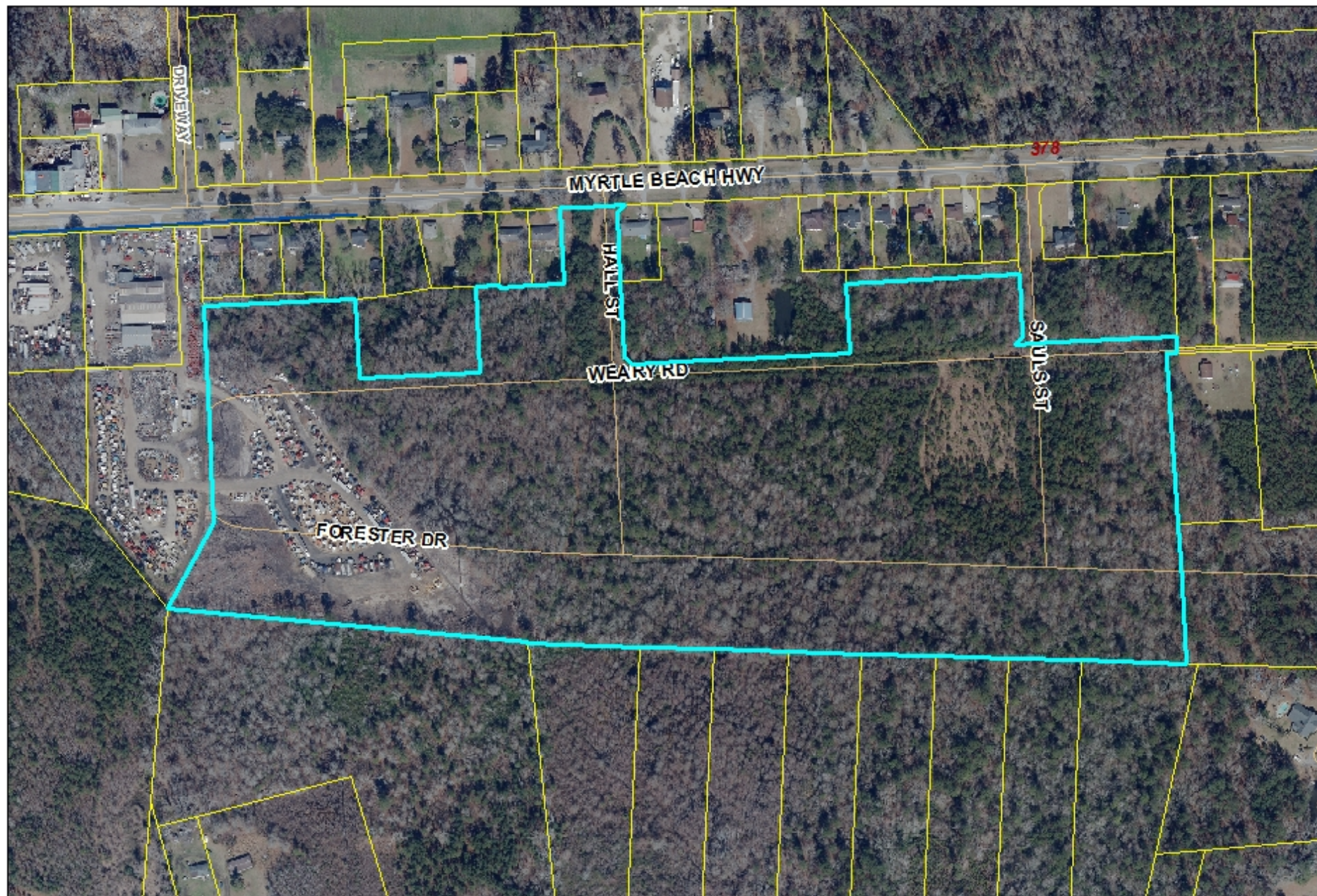
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 Geographic Information Systems (GIS)
 June 21, 2018

PD-05-09 Rev. 1
 2030 Plan Map
 Tax Map# 267-01-02-015



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 Geographic Information Systems (GIS)
 June 21, 2018

PD-05-09 Rev. 1
 2030 Plan Map
 Tax Map# 267-01-02-015

ORDINANCE PD-05-09 (Revision 1)
TO AMEND THE ZONING MAP
OF THE COUNTY OF SUMTER, SOUTH CAROLINA
BY REZONING THE PROPERTY LOCATED AT MYRTLE BEACH
HIGHWAY, OWNED BY CAROLINA TRUCK & TRAILER PARTS
FROM PLANNED DEVELOPMENT (PD-05-09) TO PLANNED DEVELOPMENT
(PD-05-09 Revision 1)

WHEREAS, Article I, Section T, entitled “Amendment Authorization and Procedure” of the Zoning and Development Standards Ordinance for the county of Sumter adopted December 7, 1999, provides a procedure for amending the Official Zoning Map of the County of Sumter, and

WHEREAS, said procedure has been followed, and the Sumter City-County Planning Commission has reviewed and hereby recommends favorably the following amendments to the Official County of Sumter Zoning Map.

NOW THEREFORE, BE IT ORDAINED BY THE CHAIRPERSON AND THE COUNTY COUNCIL OF THE COUNTY OF SUMTER, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED BY THE AUTHORITY THEREOF, THAT:

- I. The property located at Myrtle Beach Highway and owned by Carolina Truck & Trailer Parts is hereby rezoned from Planned Development (PD-05-09) to (PD-05-09 Revision 1), in accordance with the attached development plan and identified by the following tax map block and parcel numbers:
 - 267-01-02-015
 - ~~267-01-02-012~~
 - ~~267-01-03-012~~
- II. The Planned Development rezoning shall be with the following conditions:
 - All major site plan changes require County Council approval.
 - Agricultural Conservation zoning and development standards to apply to all development.
 - One curb cut as approved by SCDOT on parcel 267-01-02-012 (now combined with 267-01-02-015) along Myrtle Beach Hwy. Where curb cut is approved, a paved transition surface, with curb and gutter, not less than 50 ft. from Myrtle Beach Hwy leading to designated crusher run parking area. At least one handicapped parking space, van accessible, will be provided.
 - Office building on parcel 267-01-02-012 (now combined with 267-01-02-015).
 - One 60 sq. ft. freestanding sign permitted on parcel 267-01-02-012 (now combined with 267-01-02-015). Wall signage limited to 10% of wall area.

- Buildings constructed on property within Highway Corridor Protection District (HCPD) boundaries shall comply with HCPD architectural standards, or in similar fashion as HCPD-04-01.
- No buildings or structures permitted on the 9.95 acre portion of TMS# 267-01-02-015 (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018)
- A minimum of a 15' wide landscape buffer consisting of 3 canopy trees per every 100 feet on center, 8 evergreen trees per 100 feet on center, and 15 tall shrubs per 100 feet on center or equal equivalent as determined by the Zoning Administrator be installed or maintained around all boundaries of the 9.95 Acre Portion (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018) with the exception of TMS# 267-01-02-018.
- Any new land clearing associated with development on the 9.95 Acre Portion (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018) will require site plan approval, land disturbance permit approval, and wetlands delineation submittal at minimum.
- All Development, land disturbance, clearing or other applicable activities on TMS# 267-01-02-015 must adhere to the requirements and standards outlined in the Sumter County Zoning & Development Standards Ordinance unless otherwise specified by this ordinance (Ordinance PD-05-09 Revision 1).

III. The Planned Development zoning shall include the following permitted use and no others, unless further reviewed and recommend by the Sumter City-County Planning Commission, and specifically approved by the Chairperson and County Council of Sumter, South Carolina.

- Wholesale Nursery Stock, SIC 5193
- Retail Nurseries, Lawn and Garden Supply Stores, SIC 5261

9.95 Acre Portion Only

(Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018)

- Used Motor Vehicle Parts, SIC 5015

IV. Said property being officially rezoned to the classification Planned Development (PD), the official zoning map of the County of Sumter is so amended to reflect said change.

V. This ordinance shall become effective immediately upon its adoption on Third Reading.

**DONE RATIFIED AND ADOPTED BY THE CHAIRPERSON AND THE
COUNTY COUNCIL OF THE COUNTY OF SUMTER, SOUTH CAROLINA, ON
THIS _____ DAY OF _____, 2018.**

COUNTY OF SUMTER, SOUTH CAROLINA

James T. McCain, Chairman

ATTEST:

Mary Blanding

First Reading:
Second reading:
Public Hearing:
Third Reading :

ORDINANCE PD-05-09 (Revision 1)
TO AMEND THE ZONING MAP
OF THE COUNTY OF SUMTER, SOUTH CAROLINA
BY REZONING THE PROPERTY LOCATED AT MYRTLE BEACH
HIGHWAY, OWNED BY CAROLINA TRUCK & TRAILER PARTS
FROM PLANNED DEVELOPMENT (PD-05-09) TO PLANNED DEVELOPMENT
(PD-05-09 Revision 1)

WHEREAS, Article I, Section T, entitled “Amendment Authorization and Procedure” of the Zoning and Development Standards Ordinance for the county of Sumter adopted December 7, 1999, provides a procedure for amending the Official Zoning Map of the County of Sumter, and

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- 267-01-02-015
- 267-01-02-012
- 267-01-03-012

II. The Planned Development rezoning shall be with the following conditions:

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- Agricultural Conservation zoning and development standards to apply to all development.
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- Office building on parcel 267-01-02-012 (now combined with 267-01-02-015).
- One 60 sq. ft. freestanding sign permitted on parcel 267-01-02-012 (now combined with 267-01-02-015). Wall signage limited to 10% of wall area.

- Buildings constructed on property within Highway Corridor Protection District (HCPD) boundaries shall comply with HCPD architectural standards, or in similar fashion as HCPD-04-01.
- No buildings or structures permitted on the 9.95 acre portion of TMS# 267-01-02-015 (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018)
- A minimum of a 100' wide landscape buffer consisting of 3 canopy trees per every 100 feet on center, 8 evergreen trees per 100 feet on center, and 15 tall shrubs per 100 feet on center or equal equivalent as determined by the Zoning Administrator be installed or maintained around all boundaries of the 9.95 Acre Portion (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018) with the exception of TMS# 267-01-02-018.
- Any new land clearing associated with development on the 9.95 Acre Portion (Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018) will require site plan approval, land disturbance permit approval, and wetlands delineation submittal at minimum.
- All Development, land disturbance, clearing or other applicable activities on TMS# 267-01-02-015 must adhere to the requirements and standards outlined in the Sumter County Zoning & Development Standards Ordinance unless otherwise specified by this ordinance (Ordinance PD-05-09 Revision 1).
- Upon 72 hour written notification from Sumter County, the property owner of record or their representative shall allow Sumter County Zoning & Code Enforcement Officials to enter the property to inspect for compliance with applicable Sumter County Ordinances.

III. The Planned Development zoning shall include the following permitted use and no others, unless further reviewed and recommend by the Sumter City-County Planning Commission, and specifically approved by the Chairperson and County Council of Sumter, South Carolina.

- Wholesale Nursery Stock, SIC 5193
- Retail Nurseries, Lawn and Garden Supply Stores, SIC 5261

9.95 Acre Portion Only

(Identified on plat prepared by Mathis & Muldrow Land Surveying, Inc. dated May 29, 2018)

- Used Motor Vehicle Parts, SIC 5015

IV. Said property being officially rezoned to the classification Planned Development (PD), the official zoning map of the County of Sumter is so amended to reflect said change.

V. This ordinance shall become effective immediately upon its adoption on Third Reading.

**DONE RATIFIED AND ADOPTED BY THE CHAIRPERSON AND THE
COUNTY COUNCIL OF THE COUNTY OF SUMTER, SOUTH CAROLINA, ON
THIS _____ DAY OF _____, 2018.**

COUNTY OF SUMTER, SOUTH CAROLINA

James T. McCain, Chairman

ATTEST:

Mary Blanding

First Reading:
Second reading:
Public Hearing:
Third Reading :



BONNER BRUCE R

SCOTT MATTIE K & BRAYDEN K

CLEMMONS JACKIE D SR & LINDA D

SMITH KEVIN R & REBECCA A

SUMTER COUNTY SCHOOL DIST 2

BONNER BRUCE R & BARBARA H

STINES JERRY D

WAY RONALD M & TRACY N

TINGEN JIM W IV

COLEMAN CHARLES C SR & TAMMY B

OHANA CIR

COLEMAN CHARLES CLAYTON & TAMMY B

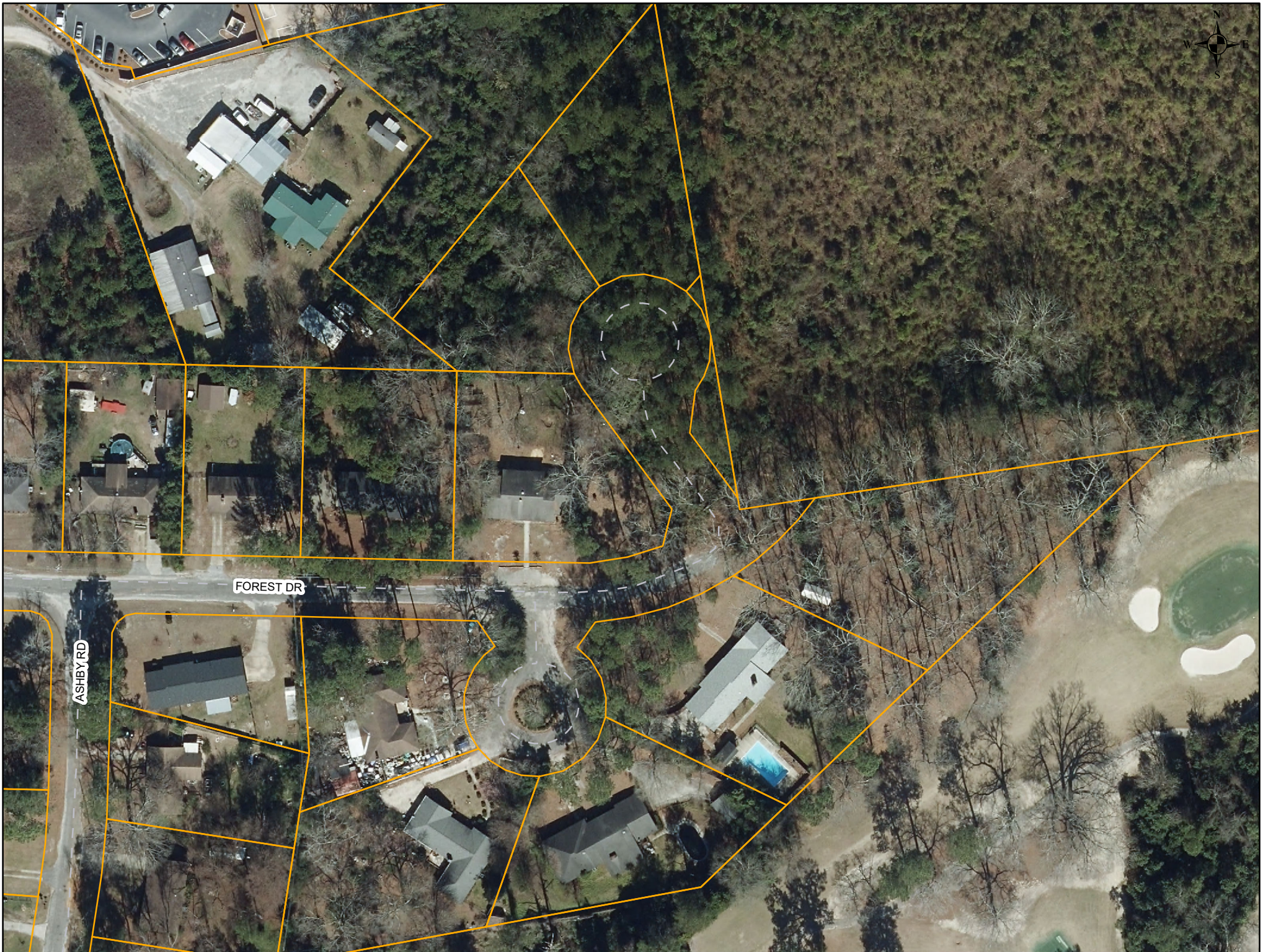
FELDER PRINCE L & DARLENE F

MITCHUM CECIL LE & SANDRA

LLOYD DR

HODGE MARGARET H

BERRY GARY A JR



1 inch = 100 feet

Sumter County Mapping Dept.



1 inch = 500 feet

Sumter County Mapping Dept.



1 inch = 100 feet

Sumter County Mapping Dept.



1 inch = 70 feet

Sumter County Mapping Dept.

ORDINANCE NO. 18-892

**AN ORDINANCE TO APPROVE AN INTERGOVERNMENTAL LOAN AGREEMENT
WITH THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO BE SECURED
BY A MORTGAGE ON 20 ACRES OF REAL PROPERTY TO CONSTRUCT AN
ECONOMIC DEVELOPMENT BUILDING AND ADJOINING BUILDING PAD TO
ATTRACT A MANUFACTURER TO SUMTER COUNTY**

WHEREAS, Sumter County Council voted on February 27, 2018 to approve a loan from the South Carolina Public Service Authority in the amount of One Million (\$1,000,000.00) Dollars to be used to construct a building on 20 acres of land at the corner of N. Wise Drive and Jefferson Road suitable for a manufacturer to be used to encourage an industry to locate at that site; and

WHEREAS, the form of the Intergovernmental Loan Agreement and Mortgage related thereto are now available and attached hereto as Exhibits A and B; and

WHEREAS, Sumter County Council intends to ratify its prior vote and incorporate by reference the terms of the attached Intergovernmental Loan Agreement and Mortgage,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF
SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY
ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. Sumter County Council hereby incorporates by reference the terms of the Intergovernmental Loan Agreement and Mortgage, attached hereto as Exhibits A and B and further approves the language of those two documents.
2. Sumter County hereby agrees to enter into the Intergovernmental Loan Agreement with the South Carolina Public Service Authority and agrees to secure that Agreement with a Mortgage on the 20 acres of land described therein.
3. The Sumter County Administrator is hereby authorized to sign the Intergovernmental Agreement and Mortgage and any other ancillary documents associated with acquiring the One Million (\$1,000,000.00) Dollar loan from the South Carolina Public Service Authority.
4. The proceeds of the loan will be used to construct a building on the corner of N. Wise Drive and Jefferson Road that will be suitable for manufacturing and will be attractive to prospective industries.
5. This Ordinance shall take effect upon third reading.

THE COUNTY COUNCIL FOR SUMTER COUNTY,
SOUTH CAROLINA (SEAL)

BY: _____
James T. McCain
Its: Chairman

ATTEST:

Mary W. Blanding
Its: Clerk of County Council

First Reading: July 25, 2013.

Second Reading: August ____, 2018.

Public Hearing: August ____, 2018

Third Reading and Adoption: August _____, 2018.

This **INTERGOVERNMENTAL LOAN AGREEMENT** (“Agreement”) is entered into by and between SOUTH CAROLINA PUBLIC SERVICE AUTHORITY (“Authority”) and SUMTER COUNTY, SOUTH CAROLINA (“County”) effective as of _____, 2018. For the mutual promises, commitments, and terms herein and for other good and valuable consideration, the parties agree as follows:

1. **Findings.**

- a. In furtherance of the growth and development of industry in Sumter County, the County is desirous of constructing a 50,000 square foot industrial speculative building and installing an adjoining (attached) 50,000 square foot graded pad for future expansion (the “Project”) on 20 acres in the Black River Airport Industrial Park (the “Site”).
- b. The Authority supplies electric power to Black River Electric Cooperative, a member-owned not-for-profit electric distribution utility located in Sumter, South Carolina. Black River Electric Cooperative provides electric service to residential, commercial and industrial consumers in Sumter County, and will provide electric power to the Site.
- c. The County finds that the construction of the Project at and upon the Site serves a significant and legitimate public purpose. Upon completion and occupancy of the building, the public, through revenues generated for the County by operations and services, as well as other taxing entities, will be the primary beneficiaries of said revenues. In addition, upon occupancy of the building by a viable industry, the economic benefit of employment opportunities will be created and sustained. Further, while the Project is in some sense speculative, there is a significant viable and high probability that it will ultimately serve the public interest to a significant and meaningful degree.
- d. The parties to this Agreement find that this Project will provide increased economic development opportunities thus increasing capital investment and creating employment opportunities in the County.

2. **Conclusions.** Based upon the above-listed findings, the parties to this Agreement reach the following conclusions:

- a. The Project serves a legitimate and viable public purpose.
- b. The Project has been approved and authorized by each party's respective governing body.
- c. The terms and conditions of this Agreement are in the best interest of the parties and are fair and equitable to the parties.

3. **Defined Consideration.**

- a. In accordance with the terms of this Agreement, the Authority shall make a loan to the County of One Million and No/100 Dollars (\$1,000,000.00); and
- b. In accordance with the terms of this Agreement and the Note (defined below), the County shall repay the Authority the total amount of the loan together with interest as herein defined for the use of these funds.

4. **Representations.**

- a. County Representations. As the basis for the undertakings in this Agreement, the County makes the following representations:
 - i. The County is a body politic created pursuant to the statutory laws of the State of South Carolina.
 - ii. The County is vested with the power and authority to enter agreements with other parties, including other political subdivisions of the State of South Carolina, to the extent that the responsibilities of public purposes intended by this agreement are met
 - iii. The County is entering this Agreement to carry out the purposes of economic development through the construction of a building, which in turn will aid and assist in the investment of capital and the creation of employment opportunities for the citizens of the County.
 - iv. The County has the legal right and authority to enter into this Agreement and to take any and all actions deemed necessary or appropriate to carry out, consummate or give legal effect to the loan transaction.
 - v. The County, by its Resolution dated July 25, , 2018, has authorized the execution, delivery and performance of the terms of this Agreement and further agrees to take any other action as may be deemed necessary to carry out, consummate or give legal effect to the loan transaction.
 - vi. The adoption of such Resolution, as well as the execution and delivery of this Agreement and compliance therewith, will not conflict with or result in any breach, nor constitute a default under any indenture, agreement or instrument to which the County is a party or by which it is bound, including any provisions of any existing rule, regulation, judgment, order or decree to which the County and/or its officers in their respective individual capacities, is subject or any as to any provisions of the

laws of the State of South Carolina.

- vii. The County has invested approximately \$1,100,000 in property acquisition, roadway, and utility infrastructure at and for the Site. The County's investment is substantial and includes usable and viable utility infrastructure.
 - viii. There is no action, suit, proceeding, inquiry or investigation, at law or in equity, or before or by any court, public board, or public body which is pending, or to the best knowledge of the County, is threatened against the County, which in any way questions the validity of the laws of the State of South Carolina upon which this Agreement is made, the powers of the County referred to above, or the validity of any proceeding taken by the County in connection with the authorization, execution or delivery of this Agreement, or wherein an unfavorable decision, ruling or finding would in any way adversely affect the transactions contemplated by, or which in any way would affect the validity or enforceability of this Agreement.
 - ix. As of the Effective Date hereof, the County by its authorized officials, will execute and deliver to the Authority a Promissory Note ("Note") to evidence its obligation to repay the loan made by it to the Authority. The Note shall secure a collateralized mortgage on the site property.
- b. Authority Representations.
- i. The Authority is a body politic and corporate of the State of South Carolina.
 - ii. The State has authorized the Authority to have certain powers, including the power to enter into agreements to carry out the Authority's various missions including economic development.
 - iii. The Authority is entering this Agreement in order to further its mission of supplying electrical power for wholesale and/or retail customers, which in turn will assist in meeting recognized public purposes such as improvements to living conditions and the creation of employment opportunities for the citizens of the County and the State of South Carolina.
 - iv. The Authority has the legal right, power and authority to enter into this Agreement and to take any and all actions as may be required to carry out, give effect to, and consummate the loan transaction.
 - v. The Authority's Board of Directors, by passage of a resolution dated _____, 2018

- (“Authorizing Resolution”), has authorized the Authority's: (a) execution, delivery and performance of this Agreement and (b) the taking of any and all actions as may be required to carry out, give effect to and consummate the loan transaction.
- vi. The adoption of the Authorizing Resolution, execution and delivery by the Authority of this Agreement and compliance with the provisions of this Agreement will not conflict with, result in any breach of any provisions of or constitute a default under any indenture, commitment, agreement, or instrument to which the Authority is a party or by which it is bound, or under any provisions of any existing rule, regulation, judgment, order or decree to which the Authority, or its officers in their respective official capacities, is subject or any provision of the laws of the State of South Carolina.
 - vii. The Authority has completed all formalities prerequisite to passing the Authorizing Resolution and to the execution and delivery of this Agreement, and same is in full force and effect at the signing of this Agreement.
 - viii. There is no action, suit, proceeding, inquiry or investigation, at law or in equity, or before of by any court, public board, or public body which is pending, or to the best knowledge of the undersigned Authority officers, is threatened against the Authority, which in any way questions the validity of the laws of the State of South Carolina upon which this Agreement is made, the powers of the Authority referred to above, or the validity of any proceeding taken by the Authority in connection with the authorization, execution or delivery of this Agreement, or wherein an unfavorable decision, ruling or finding would in any way adversely affect the transactions contemplated by, or which in any way would affect the validity or enforceability of this Agreement.
 - ix. The Authority has full capability, power and authority to fully fund the Loan.
5. **Loan.** The Authority has made the Loan in the Loan Amount such that the Loan has been fully funded as of the Effective Date. The County shall be the borrower on the Loan.
- a. **Interest.** Loan interest shall be simple interest charged only on the Outstanding Principal Balance and shall be computed on the basis of a 360-day year consisting of twelve (12) thirty (30) day months, commencing as of the Effective Date.
 - i. **Initial Interest Rate.** The Initial Interest Rate shall be zero (0%) percent, per year for

the initial three (3) years of the Loan and shall be payable as shown on Exhibit A attached hereto and made a part hereof.

- ii. Subsequent Interest Rate. On the third anniversary of the Effective Date, the interest rate on any outstanding principal balance shall begin to accrue at one-half (1/2) of the then-current 10-year Insured Municipal Market Data Index (“MMDI”). On the fourth anniversary of the Effective Date, the interest rate will be reset one-half (1/2) of the then-current MMDI. On the fifth anniversary of the Effective Date and on each anniversary of the Effective Date thereafter for the remainder term of the Loan, the interest rate on any outstanding principal balance shall be reset to the rate of interest in effect for a ten-year U.S. Treasury Note. Based on the respective interest rate indexes as set forth in this provision, these subsequent interest rates reset every year on the anniversary of the Effective Date.
- iii. Payment of Interest. The first interest rate payment, shall be due from the County to the Authority on the fourth anniversary of the Effective Date. The County shall make payments to the Authority on each anniversary of the Effective Date for the remainder of the Loan’s term in accordance with Exhibit A.
- b. Repayment of Principal. Principal of the Loan shall be due and payable as shown on Exhibit A attached hereto and made a part hereof or upon such other dates and in such amounts as agreed to by the Parties to this Agreement, or in the event this Agreement is modified, as may be set forth in such modification. There shall be no penalty for repaying the Outstanding Principal Balance, together with any accrued interest, prior to the last day of the Loan Term.
- 6. **Pledge to Secure Loan**. The Note shall be secured by a collateralized mortgage on the Site. The Note and the interest payable thereon, shall not be a debt of the County, nor a charge, lien or encumbrance, legal or equitable, upon any property of the County or upon any income, receipts or revenues of the County. No recourse shall be had for the repayment of the Note, or the interest thereon, or any part thereof, against the general fund of the County, nor shall the credit or taxing authority of the County be deemed to be pledged for the repayment of the principal of and accrued interest on the Note. The full faith, credit and taxing powers of the State of South Carolina as delegated to the County are not pledged to the repayment of the principal or of the interest that may accrue on the Note, and the Note shall never constitute an indebtedness of the County within the meaning of the Constitution of the State of South Carolina, or to any statutory limitation.

7. **Defaults and Remedies.**

- a. Events of Default. The following shall constitute events of default:
 - i. Failure of the County to repay the Loan principal or interest in accordance with the provisions of this Agreement.
 - ii. Failure of either Party to complete its respective obligations under this Agreement.
 - iii. Any representation or warranty made by a Party in this Agreement which shall prove to have been untrue or incorrect as to any material aspect when made or any breach by a Party to any covenant contained herein.
- b. Cure. No action may be initiated by either of the Parties against the other without the complaining Party first having complied with the Cure of Default or Breach provision in accordance with the terms of this Agreement.
- c. Remedies. In the event of an uncured event of default by the County, the Authority without presentment, demand, protest or further notice of any kind, all of which are expressly waived by the County, is entitled to apply for a remedy at law or in equity in accordance may declare the Outstanding Principal Balance and all accrued interest thereon due and payable with the terms of this Agreement. In the event of an uncured event of default by the Authority, the County shall be entitled to apply for a remedy at law or in equity in accordance with the terms of this Agreement.

8. **Definitions.**

- a. Agreement means this Intergovernmental Loan Agreement by and between the Authority and County.
- b. County means Sumter County, South Carolina a political subdivision of the State of South Carolina.
- c. Effective Date means the date of signing of the Agreement by both Parties.
- d. Loan means the loan between the Parties documented in this Agreement.
- e. Loan Amount means \$1,000,000.00.
- f. Loan Term means a ten (10) year period that shall begin with the Effective Date.
- g. Outstanding Principal Balance means the Loan Amount less the total monetary amount of all principal payments the County has previously repaid to the Authority.
- h. Party or Parties means the Authority and the County.
- i. State means the State of South Carolina.

9. **Miscellaneous Terms.**

- a. Applicable Law. This Agreement is subject to and governed by South Carolina Law.
- b. Assignment and Transfer. Neither Party shall assign any right or interest it has in this Agreement to a third party.
- c. Construction. The following rules of construction apply to this Agreement:
 - i. Any reference in this Agreement to the Authority or the County or to any member or officer thereof includes entities or officials succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law.
 - ii. The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or intent of the substantive provisions of this Agreement.
 - iii. Unless the context of this Agreement indicates otherwise, words importing the singular, include the plural, and vice versa.
- d. Cure of Default or Breach. If either Party believes that the other Party is in default or breach of this Agreement, the complaining Party shall send the other Party notice, in writing, of the alleged breach and necessary corrective action. The County shall have ten (10) business days to cure any default involving payment obligations. For all other events of default, the Party in receipt of the notice shall have thirty (30) days to cure or correct the event of default.
- e. Duplicate Originals. This Agreement shall be executed in a manner that will provide each Party with a duplicate original of the Agreement for their respective business records.
- f. Integration. This Agreement sets for the entire agreement of the Parties regarding the Loan. While the Parties acknowledge that this Agreement is the culmination of negotiations, the Parties also acknowledge that all of the negotiations, whether oral or written, that preceded the execution of this Agreement, were mere precursors to the Agreement and are not enforceable unless same have been expressly included in this Agreement.
- g. Modification. To be enforceable, any purported modification of this Agreement must be in writing and signed by both Parties.
- h. Notice. All notices given in connection with this Agreement shall be deemed fully given, made, and/or sent when placed in writing and delivered in person to the following agent

of the relevant party:

1. If to the County:

Gary M. Mixon
Sumter County Administrator
13 E. Canal Street
Sumter, SC 29150

2. If to Santee Cooper:

South Carolina Public Service Authority
Attn: Manager, Economic Development
P.O. Box 2946101
Moncks Corner, SC 29461-6101

- i. Litigation. In the event that either Party pursues litigation to seek remedies under this Agreement, the Parties waive any right they may have to a jury trial.
- j. Waiver. If a Party waives the other Party's compliance with regard to any duty under this Agreement, that waiver stands alone for the specific instance of non-compliance, and does not adversely affect the Party's right to performance of the duty as to any other occasion of non-compliance.
- k. Acknowledgment. The Parties acknowledge that the interest payable under the terms of this Loan, are not exempt for Federal Income tax purposes.

[THIS SECTION INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, each party has caused this Agreement to be signed in its name by its duly authorized agent, such that the parties, by the signatures of their respective authorized agents, below, agree to the foregoing terms of this Agreement.

WITNESSES:

SOUTH CAROLINA PUBLIC
SERVICE AUTHORITY

By: James E. Brogdon
Its: Interim President and CEO
Address: 1 Riverwood Drive
Moncks Corner, SC 29461

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

PROBATE

PERSONALLY appeared before me in the undersigned witness and made oath that (s)he saw James E. Brogdon, its Interim President and CEO of South Carolina Public Service Authority, sign, seal, and as his act and deed, deliver, the within written Agreement, and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this _____
day of _____, 2018.

(Seal)
Notary Public for South Carolina
My Commission expires: _____

WITNESS:

SUMTER COUNTY

_____(LS)
By: Gary M. Mixon
Its: County Administrator
Address: 13 E. Canal Street
Sumter, SC 29150

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

PROBATE

PERSONALLY appeared before me in the undersigned witness and made oath that (s)he saw the within named Sumter County, by its duly authorized representative, sign, seal, and as his act and deed, deliver, the within written Agreement, and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this _____
day of _____, 2018.

_____(Seal)
Notary Public for South Carolina
My Commission expires: _____

EXHIBIT A
LOAN REPAYMENT SCHEDULE
The Economic Development Partnership of Aiken and Edgefield Counties

Principle: \$ 1,000,000

Payment Date	Principle	Interest	Total	
, 2019	\$ 0.00	\$ 0.00	\$ 0.00	
, 2020	\$ 0.00	\$ 0.00	\$ 0.00	
, 2021	\$ 0.00	\$ 0.00	\$ 0.00	
, 2022	\$ 1,000,000.00	TBD	TBD	(1)
, 2023	\$ 1,000,000.00	TBD	TBD	(1)
, 2024	\$ 1,000,000.00	TBD	TBD	(2)
, 2025	\$ 1,000,000.00	TBD	TBD	(2)
, 2026	\$ 1,000,000.00	TBD	TBD	(2)
, 2027	\$ 1,000,000.00	TBD	TBD	(2)
, 2028	\$ 1,000,000.00	TBD	TBD	(2)
<hr/>				
TOTAL	\$			

(1) On the third anniversary of the Effective Date, the interest rate will be set at 1/2 of the MMDI. On the fourth anniversary of the Effective Date the interest rate will be set at 1/2 of the MMDI.

(2) On the fifth anniversary of the Effective Date, and each anniversary thereafter for the remainder of the Loan's term, the interest rate for any outstanding principal balance shall be reset to the current rate of interest on a ten-year U.S. Treasury Note.



Agenda
Sumter County Council
Committee Meeting: **Public Works/Solid Waste**
Tuesday, August 14, 2018 - Held at 4:30 p.m.
County Administration Building, Third Floor
County Council's Conference Room
13 E. Canal Street, Sumter, SC

.....

- I. Call to Order – Committee Chairman Artie Baker
 - II. Invocation – Council Member, Staff Member, Or Member of the Public
 - III. Action On Agenda: August 14, 2018
 - IV. New Business
 1. Update On Second Mill Dam Project.
 2. Information Concerning Abandoning Five Roads (*Easements, Interest In, etc.*).
 - (1) Ohana Circle.
 - (2) Forest Drive Cul-De-Sac.
 - (3) Part Of Winston Road.
 - (4) Part Of Earle Street.
 - (5) Alpenglow Court.
 3. Additional Items: _____
 4. **Executive Session** – It May Be Necessary For Council To Hold An Executive Session To Discuss Economic Development Matters; Receive A Legal Briefing, And/Or Receive Information Concerning Other Matters Deemed Appropriate for Executive Session.
 - V. Old Business
 1. None
 - VI. Adjournment
- cc: Committee Members – (Baker, Baten, and Sumpter)
Council Members
Staff
Media



Agenda
Sumter County Council

Special Meeting

Tuesday, August 14, 2018 - Held at 5:30 p.m.
Sumter County Administration Building – Third Floor
County Council Chambers, 13 E. Canal Street, Sumter, SC

"If The Forfeited Land Commission Meeting, Which Is Scheduled For 5:00 P.M. Ends Early, This Special Meeting Will Begin Immediate After The Conclusion Of The Forfeited Land Commission Meeting."

-
- I. **Call to Order** – The Honorable James T. McCain, Jr., Chairman
 - II. **Invocation:** Member of Council, Member of Staff, or Member of the Public
 - III. **Pledge Of Allegiance:**
 - IV. **Action On Agenda:** Tuesday, August 14, 2018
 - V. **New Business:**
 1. Information Concerning The \$2.5 Million Capital Bond.
 2. Update On Robert's Rules of Order And Handling Recusals During A Meeting.
 3. **Executive Session:** It Is Necessary To Hold An Executive Session To Receive *A Legal Briefing/Employment Matter*, And It May Be Necessary To Discuss Other Items Appropriate For Executive Session And Take Actions On Any Of These Items Thereafter.
 4. Additional Agenda Item: _____
 - VI. **Old Business**
 1. None
 - VII. **Adjournment**
- cc: Appropriate Staff and Community Members
Media

In compliance with ADA/Section 504, Sumter County is prepared to make accommodations for individuals needing assistance to participate in our programs, services, or activities.

From: Mike Gallagher [<mailto:Mike.Gallagher@compassmuni.com>]

Sent: Wednesday, August 8, 2018 1:40 PM

To: Tinker, Christina <CTinker@BBandT.com>; Smith, Andrew - Columbia, SC <AGSmith@BBandT.com>

Cc: James Michaelson <jmichaelson@sumtercountysc.org>; Proposals <Proposals@compassmuni.com>; fheizer@mcnair.net

Subject: RE: BB&T Proposal: Sumter County GO Bond, Series 2018

Purchaser	Date	Time	Rate	Conditions
South State Bank	08/08/18	8:37 AM	2.881%	None
Capital One	08/08/18	10:10 AM	3.050%	None
Sterling National	08/08/18	9:36 AM	3.080%	None
BB&T	08/08/18	9:07 AM	3.110%	None
First Citizens	08/08/18	9:09 AM	3.230%	None

We look forward to seeing you on future opportunities.

Thanks

Mike Gallagher
Director
Compass Municipal Advisors, LLC
1310 Pulaski Street
Columbia, SC 29201
803.765.1004 Office
803.315.3721 Mobile

Sumter County Council
13 E. Canal Street
Sumter, SC 29150

Phone (803) 436-2106
Fax (803) 436-2108

**NOTICE OF ABSTENTION FROM
DELIBERATIONS AND RECUSAL FROM VOTING
DUE TO A CONFLICT OF INTEREST**

Pursuant to Section 8-13-700 of the *Code of Laws of South Carolina* (1986, as amended), I am hereby giving notice of my abstention from deliberations and recusal from voting on the matter of _____ as it appears before Sumter County Council on _____, 20____. The reason I am abstaining and recusing is because of a potential conflict of interest which is:

_____.

I am providing this statement to the Chairman and I request that this statement be printed in the official minutes of the referenced meeting.

County Council Member

Date: _____

Ribbon Cutting



GRAND OPENING OF THE MORRIS COLLEGE
VETERANS RESOURCE CENTER



Wednesday, August 15 @ 10am
Student Health & Wellness Center, RM 103
100 West College St., Sumter

Taking Care of Business...





SUMTER COUNTY SHERIFF'S OFFICE

ANTHONY DENNIS, SHERIFF

To: Sumter County Council

From: Anthony Dennis, Sheriff

Date: August 3, 2018

Reference: Monthly Activity Report - Sumter County Sheriff's Office

The following Monthly Activity Report is submitted for the month of July, 2018 from the Sheriff's Office:

EXECUTIVE TEAM:

LEGAL/INTERNAL AFFAIRS

Contractual Matters - 0

FOIA Requests - 6

Subpoenas - 2

Discovery Requests - 20

Lawsuits:

Filed - 0

Disposed - 0

Appeals - 0

Jury / Bench Trials Disposed - 9

Status conferences: 0

Cases scheduled: n/a

DMV Hearings: 0

Fines assessed - \$1,172.50

Fines suspended - \$ 0.00

Total fines - \$1,172.50

Incarcerations - 0

Internal Affairs Investigations - 2

Mileage - 1,546

Training Hours - 23

Civil Papers - 0

Miscellaneous Legal: Sheriff's Association Conference (Myrtle Beach); Federal Court hearing Spartanburg; meeting w/SLED; meeting Jail re: contract; deposition; 15 policy updates

PROFESSIONAL STANDARDS

SEX OFFENDER REGISTRY:

Required Home Visits – 0
Training Hours – 0
Registrations – 56
New Registrations – 0
Special Operations - 0
Warrants Signed / Arrests – 0
Complaints - 0
Transfers in/out of county – 1
Agency / Division Meetings – 2
Hearings / Trials – 0
Annual fees assessed – \$1,350.00
Mileage – 1,220

RECRUITING AND HONOR GUARD:

Mileage – 2,520
Applications received – 7
Interviews – 5
Recruiting events - 0
Hiring boards conducted – 0
Public relation events attended - 1
Honor guard events – 0
Background Checks – 0
Special Assignment – 0

GRANTS AND TESTING:

Grants researched – 5
Grants applied for – 0
Grants Awarded - 0

INFORMATION TECHNOLOGY

Software - 15
Hardware - 2
Virus - 3
E-Mail - 12
Printer - 4
Meetings/Projects – 2
Server Issues – 2

PATROL DIVISION:

PATROL

Accidents Investigated - 6
Arrests – 51
Assist motorists – 42
Complaints – 2,578
Driver's license checks – 2
DUI/Data Master – 2
DUS arrests – 35
Escorts – 28
Fines assessed – \$58,440.00
Fines suspended – \$ 5,556.00

Total fines – \$52,884

Mental Patients – 8

Mileage – 71,225

Other citations – 78

School visits – 0

Training hours - 227

Agencies assisted - SC Highway Patrol – N/A Sumter Police Department – N/A Other – 21

CAT TEAM:

Accidents investigated – 5

Arrests - 27

Assisted motorists – 24

Complaints – 110

COP Meetings – 3

D.U.I. / Data Master – 0

D.U.S. – 14

Driver license checks – 68

Fines assessed – \$25,508.00

Fines suspended – \$ 0.00

Total fines – \$25,508.00

Interdiction hours – 187

Mileage – 19,541

Petitions – 8

Saturation hours – 25

Training hours - 56

Agencies assisted - SC Highway Patrol – N/A Sumter Police Department – N/A Other – 2

CANINE UNIT:

Search Warrants - 2

Training Hours – 88

Agencies assisted - SC Highway Patrol – N/A Sumter Police Department – N/A Other – 2

CRIME PREVENTION:

Complaints – 40

COP Meetings - 11

DARE Classes - 0

Mileage – 4,583

School visits - 3

Training hours – 172

SCHOOL RESOURCE OFFICERS/ ADMINISTRATION:

Arrests- 0

Assisted Motorists – 0

Complaints – 78

DUI – 0

Fines Assessed – 0

Fines Suspended – 0

Total Fines – 0

Mental Patients – 0

Mileage – 8,232

Other Violations – 0

Petitions – 0

Training hours – 24

Agencies assisted - SC Highway Patrol – N/A Sumter Police Department – N/A Other – 7

INVESTIGATIONS:

CRIMINAL INVESTIGATIONS DIVISION:

Accidental/natural death/suicides – 0
Arrests – 31 (Adults – 31) (Juveniles – 0)
Arson – 7
Assaults (general) – 13
Assaults (sexual) – 3
Assist other agencies – 14
B & E auto – 8
Bomb threats – 0
Breach of trust – 9
Burglaries – 38
Child abuse/neglect – 5
Contributing to the delinquency of a minor – 0
Counterfeit/credit card fraud/fraud/forgery – 15
Crime scenes worked – 37
Crime scene hours – 57
Criminal domestic violence – 35
Criminal warrants – 48
Emergency protective custody – 1
Fugitive from justice – 0
Identity theft – 6
Incorrigible child – 1
Indecent exposure – 0
Interfering with the operation of a school bus – 0
Kidnapping – 0
Larcenies (auto) – 16
Larcenies (general) – 32
Lynching – 0
Malicious injury to property – 12
Mileage – 25,142
Missing Person – 0
Murder – 0
Petitions – 0 (Juvenile)
Pointing/presenting a firearm – 4
Recovered property – \$72,453.00
Robberies – 2
Runaways – 0
Search warrants – 21
Stakeouts – 1
Stalking – 0
Stolen Property – \$96,368.00
Threatening a public official – 0
Training Hours – 107
Unlawful use of telephone – 3
Weapons violations – 0

CRIME ANALYSIS AND POLYGRAPH:

Crime analysis reports – 0
Polygraphs – 1

FORENSICS:

Autopsy – 2

Autopsy Hours – 6

NARCOTICS DIVISION:

Arrests – 0

Fines Assessed - \$0.00

Fines Suspended – \$0.00

Total Fines - \$0.00

Mileage – 8,205

Search warrants – 0

Training hours – 43

Drug complaints – 28

Seizures – currency - \$18,490.11 vehicle(s) - 0

Surveillance – 112 hours

Agencies assisted - SC Highway Patrol – 0 Sumter Police Department – 0 Other – 0

Recovered narcotics: Marijuana wt. – 1,256.451 grams Marijuana Plants - 0

Crack cocaine – 29.8 grams Cocaine powder – 3 grams

Heroin – 0 grams

Methamphetamine – 136.5 grams

All Pills – 27

Other drugs - 0

VICTIM ADVOCATE:

Interviews of Victims/Witnesses - 6

Meetings with Victims and/or families) – 91

Court Appearances – 2

Meetings (interoffice) – 107

Meetings (Prosecutors & Court Officials) – 4

Meetings (other agencies) - 11

Child forensic interviews – 0

Called to scene – 1

Debriefings & Defusings – 0

Special Assignments – 4

Training (Attended & Conducted) – 4

Mileage – 1,944

Disciplinary Hearing/Inmate Representative – 0

CIVIL PROCESS:

WARRANTS DIVISION

Arrests – 0

Attempted service – 263

Bench warrants – 2

Civil Papers - 608

Complaints – 26

Criminal warrants – 0

Executions – 62

Fines Assessed - \$0.00

Fines Suspended - \$0.00

Total Fines - \$0.00

Mileage – 7,187

Sheriff's fees – \$6,355.00

Training hours - 57

FAMILY COURT DIVISION:

Arrests – 2
Bench warrants – 27
Criminal warrants – 0
Family Court Security – 21 days 840 hours
Fines Assessed - \$16,330.20
Fines Suspended - \$0.00
Total Fines - \$16,330.20
Mileage – 6,870
Non-service – 33
Petitions - 15
Training hours – 199.5
Total papers – 338 issued, 244 served = 72% service
Total value of process – \$33,264.00
Transportation, adult – 2
Transportation, juvenile – 0

SPECIAL OPERATIONS:

TRAINING

Assist Motorists - 0
Meetings - 3
Mileage – 2,645
Training hours – 20
Training Classes - 2

ANIMAL CONTROL:

Animal control complaints – 223
Animals picked up – 101
Mileage – 5,208
Money collected – \$375.00

CODES ENFORCEMENT:

Certified mail – 8
Codes Violations- 90
Complaints – 83
Fines assessed – \$465.00
Fines suspended – \$265.00
Total fines - \$200.00
Mileage – 2,636
Training hours – 16

QUARTERMASTER:

Uniform & Equipment – 31

TOTALS FOR ALL DEPARTMENTS:

Complaints – 3,166
Arrests – 111
Civil Papers – 608
Currency Seizures - \$18,490.11
Training Hours – 1,032.50
Mileage – 168,704
Petitions - 23
Mental Patients – 8
Fines assessed – \$102,290.70
Fines suspended – \$ 5,821.00
Total fines – \$ 96,469.70
Stolen Property – \$ 96,368.00
Recovered property – \$72,453.00
Sheriff fees – \$ 6,355.00
Codes Violations – 90
Escorts – 28
Agencies assisted - SC Highway Patrol – N/A Sumter Police Department – 0 Other – 0
Recovered narcotics: Marijuana wt. – 1,256.451grams Marijuana Plants - 0
Crack cocaine – 29.8 grams Cocaine powder – 3 grams
Heroin – 0 grams Methamphetamine – 136.5grams
All Pills – 27 Other drugs- 0

STATISTICS BELOW REPORTED TO SLED

Homicide – 0
Robbery - 4
All other larceny – 46
Arson – 2
Assaults (Simple) – 58
Assaults (Aggravated) - 27
Assaults (sexual) – 3
Theft (motor vehicle) – 12
Theft from motor vehicle – 20
Theft motor vehicle parts/accessories - 5
Burglaries – 43
Kidnapping – 2
DUI – 3
Suicide – 6
Missing Person – 1

Respectfully submitted,



Anthony Dennis, Sheriff



The Annual Commander's Breakfast will feature updates on numerous activities going on at Shaw Air Force Base given by the new Wing Commander, Col. Derek J. O'Malley. Join us for breakfast while you stay informed.

Presented By:

Commander's Breakfast

**August 22
7:30-9:00 a.m.**



Sunset Country Club

**\$15 for members
\$25 for non members**





Dear Santee-Lynches Region Partners,

Santee-Lynches Regional Council of Governments is currently developing the region's next Long Range Transportation Plan (LRTP), which is used to identify and prioritize federal and state-supported transportation investments throughout the region, which includes all or parts of Clarendon, Kershaw, Lee, and Sumter Counties.

As the region changes, our transportation network must evolve to meet changing needs. This plan, FORWARD 2045, will serve as a blueprint for the region's transportation future. **The initial public input period, which is part of the foundation for this plan, will end on August 14th. We need your help over the remaining two weeks to encourage people in your communities to participate so that our planners will be aware of specific transportation needs, such as unsafe intersections and corridors, gaps in public transportation service, and areas of congestion.**

The web-based survey and mapping tool created for residents to record their opinions about transportation challenges, needs, and opportunities can be accessed at: <http://wikimapping.com/wikimap/Forward-2045.html>. If you have not already done so, please take a few minutes to complete the survey yourself, and share it with others in your networks.

Thank you very much for your attention, and for your support as we work to collect input from the community. For more information on the Santee-Lynches LRTP project, visit www.SanteeLynchesCOG.org/forward2045

Best,
Kyle

Kyle B. Kelly
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