



Minutes
Sumter County Council
Regular Meeting
Tuesday, July 10, 2018 -- Held at 6:00 p.m.
County Administration Building -- County Council Chambers
13 E. Canal Street, Sumter, SC

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

COUNCIL MEMBERS ABSENT: Charles T. Edens

STAFF MEMBERS PRESENT: Mary Blanding, Gary Mixon, Johnathan Bryan, Keysa Rogers, Lauretha McCants, Odell Thompson, Valerie Brunson, Patricia Jefferson; George McGregor, and two Sheriff Deputies.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 19 people were present at this meeting.

CALL TO ORDER: The meeting was called to order by Chairman James T. McCain, Jr.

INVOCATION: Council Member Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE

All in attendance repeated the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA: Regular Meeting Tuesday, July 10, 2018

Chairman McCain asked the Clerk to Council if there were any changes to the agenda. Mrs. Blanding, asked Council to consider moving Item #1 under New Business (*Presentation by Sumter Veterans Association*) right after the approval of minutes of Tuesday, June 26, 2018. Then the Chairman called for a motion on the approval of the Agenda.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant approval of the agenda as recommended by the Clerk and move the Presentation by the Veterans Association to be heard immediately after action on the minutes.

APPROVAL OF MINUTES: Regular Meeting Tuesday, June 26, 2018

Chairman McCain called for a motion on the approval of the minutes of June 26, 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) **Presentation By Sumter Veterans Association - Ms. Valerie Brunson.**

Ms. Valerie Brunson, the Director of the Veterans Affairs Office, along with several other members of this Association thanked Council members for the Veterans Park that is under construction at this time. However, during the Memorial Day Ceremony, a picture of the entire proposed plan for the park was displayed. Several dignitaries took a picture during the Groundbreaking ceremony right

after the Memorial Day Ceremony. Mr. Harry Bishop, presented a framed copy of the picture to Council members as a token of appreciation for Council working to ensure that the Veterans Flag Park becomes a reality. Mr. Bishop emphasized that the Veterans Association have been working for over eleven years to make this park a reality.

After the presentation, Council members took pictures with the members of the Veterans Association.

ACTION: Received as information.

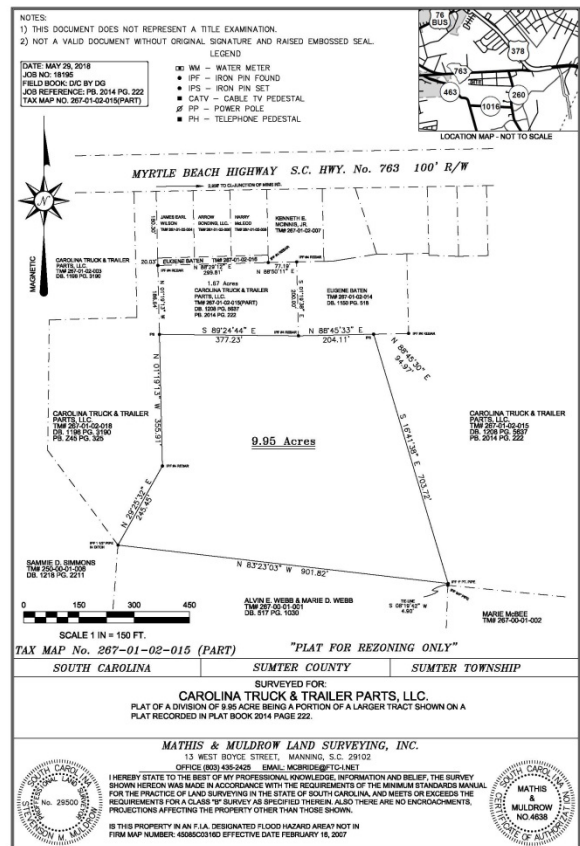
LAND USE MATTERS AND REZONING REQUESTS:
Planned Development/Rezoning Requests

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

Mr. McGregor, the Planning Director, stated that 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 5150) 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 (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.

Mr. McGregor further stated that 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.

Artie Baker – asked that the Planning Commission look at the Heavy Industrial Zoning

It is recommended that the ordinance be amended as follows to satisfy this request.

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).*

Mr. McGregor stated that the Planning Staff recommended 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.

After all comments, the Chairman called for a motion on this first reading request.

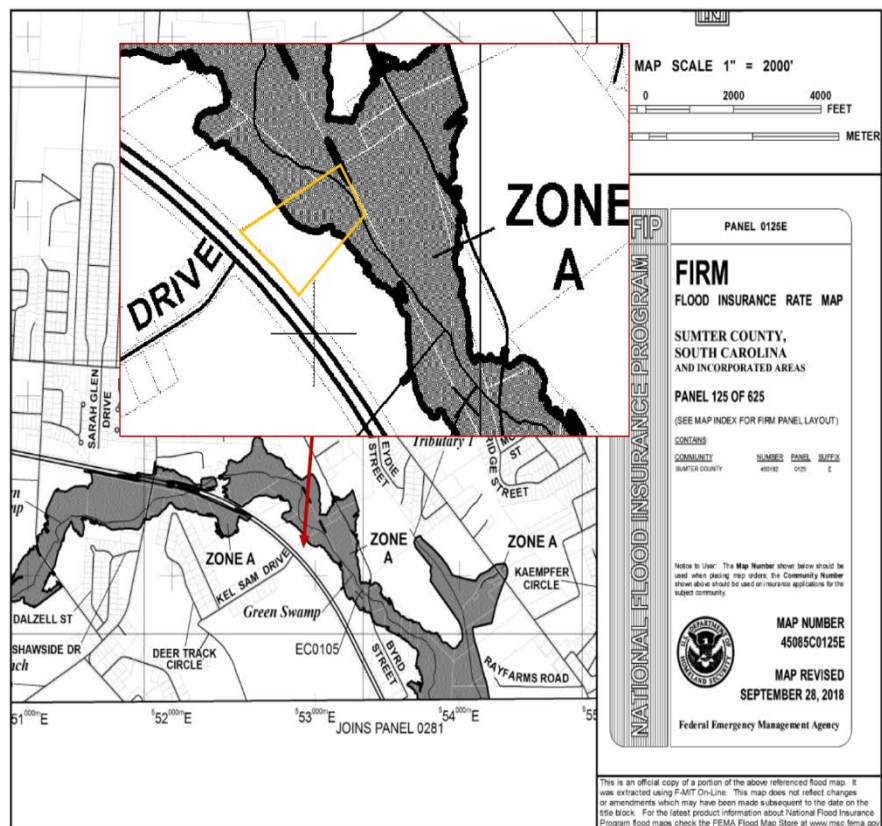
ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval as presented.

NOTE: Councilman Baker asked that the Planning Commission look at this property as Heavy Industrial Zoning instead of a Planned Development.

- (2) **RZ-18-06, 3425 Thomas Sumter Highway (County) - First Reading - 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.**

This request was also presented by the Planning Director, Mr. McGregor. He stated that this request is to rezone a 1.9 acre portion of the split zoned 4.85 acre tract of land from General Commercial (GC) to Residential-9 (R-9) so that the entire parcel will be zoned R-9.

As shown on the zoning map, the property is located on the east side of Thomas Sumter Highway adjacent to the median crossover for Kel-Sam Farms Subdivision. In June of 2017, Anointed Word Christian Worship Center received Conditional Use approval (CU-17-20) in order to build a church and associated cemetery on the property. After more thorough evaluation of the site, it was determined that construction of the church on this property was not possible; however, the congregation wishes to use the parcel for an off-site cemetery.



In the GC District, cemeteries are permitted as an on-site accessory use with churches, however; cemeteries are permitted as stand-alone Conditional Use in the R-9 district. Although 2/3rd of the property is already zoned R-9, the rear portion of the property is very wet and is within a special flood hazard area as shown in the FIRMETTE graphic below. Based on these environmental factors, the rear portion of the property is not ideal for the establishment of a cemetery. As such, the applicant requests this rezoning in order to establish a cemetery on the front 1.9 acre portion of the tract located outside of the floodplain. As shown in the graphic below, more than half of the tract is in the Special Flood Hazard area, and in 2015 this parcel did experience flooding during the 100 year flooding. Based

upon the sensitive nature of a cemetery, not utilizing the rear portion of this tract for burial is in the public interest from a health and safety standpoint.

Councilman Artie Baker asked that the Planning Department find out what DHEC says about the potential of a cemetery at this location prior to this property being rezoned.

Mrs. McGhaney stated that this may not be the best place for a cemetery since it has a large part of wetlands. However, she stated that she is in support of citizens using their property as they see fit; yet, there has been times in Sumter County that coffins were floating in water when torrential rain fell and the cemetery was in a flood zone.

Planning staff is not opposed to a stand-alone cemetery use at this site. However, staff recommends that a text amendment be brought forward that would add stand-alone cemeteries as a conditional use in the GC district versus rezoning the subject property to R-9.

The Sumter City-County Planning Commission at its meeting on Wednesday, June 27, 2018, recommended forwarding the rezoning request to County Council for consideration. In the alternative, the Commission recommended that Council consider a zoning ordinance text amendment to allow cemeteries in the General Commercial (GC) zoning district.

Councilman Sumpter commended the applicant on trying to develop this cemetery due to the fact that local churches are charging a large sum for a person to be buried in the church cemetery, whereas this cemetery may be an alternative for some indigent citizens. He also stated that Councilman Sumpter stated that it is important for Sumter's beautification along its Highway Corridors are maintained and are Architectural Sound. Mr. Sumpter also asked the question - 100 years from now who will take care of this property?

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

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

- (3) **OA-18-02 -- Second Reading /Public Hearing -- 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. (Council Will Hold A Public Hearing Prior To Action On Second Reading Of This Ordinance Amendment.)**

Mr. George McGregor presented this proposed ordinance to Council. He stated this proposed Ordinance Amendment would allow certain fluttering devices in the County, 12 feet tall, 8 to 16 wide. 36 square feet in total for the flag. They would be permissible in all Commercial districts. It was discussed how many should be allowed, how often, the size of each, etc. After the presentation, the Chairman called for a public hearing.

1. **Definition:** a feather flag sign is a lightweight, portable, and freestanding, on-premise sign typically constructed of a single plastic or metal shaft that is affixed to the ground or a base with an attached pendant vertically attached to the shaft.

2. Size: Maximum height of 12 feet; maximum width of 3 feet; maximum sign area 36 sq. ft.
3. Number:
 - Parcels with less than 50 linear feet of frontage measured at the primary street-2 flags
 - Parcels with 50 to 100 linear feet of frontage-3 flags
 - Parcels with 100 linear feet or more-4 flags
4. Feather flag signs shall be permitted on all properties with a commercial or industrial zoning designation (PO, NC, LC, GC, LI-W, HI) and on any parcel in the AC Zoning district.
5. Feather flags shall meet all district sign setbacks and be maintained in good repair at all times.
6. Feather flag signs shall be permitted as a conditional use and limited to up to three 30 day only periods per year for a total maximum of 90 days. A permit is required (\$25 temporary sign/conditional use). Those exact dates will be annotated on the permit issued by the Planning Department.
7. For Multi-tenant properties, each business/tenant shall be entitled to a conditional use for feather flag signs for up to three-30 day only periods per year for a total of 90 days so long as the total number of feather flags on the parcel at any one time does not exceed the limits established in #3 above. A permit is required (\$25 temporary sign/conditional use). Those exact dates will be annotated on the permit issued by the Planning Department.

Mr. McGregor stated that the Planning Commission was not unanimous on this Ordinance Amendment.

The Zoning Administrator is responsible for managing the enforcement of the flags.

The Chairman convened a public hearing on this matter; he asked if anyone would like to speak in favor of or opposition to this proposed ordinance amendment. The following persons spoke during public hearing.

Public Hearing

Chris Hardy, CEO of the Greater Sumter Chamber of Commerce read the Position Statement from the Chamber as listed below.

Date 7/9/18 --Action: Approved

Chamber Opposes Including Fluttering Flags into County Sign Ordinance:

The Greater Sumter Chamber of Commerce Board of Directors oppose including “fluttering flags” into the County sign ordinance. Nearly 20 years ago, the Chamber led an effort to have these types of flags removed from the ordinance. At that time, the Chamber and community leaders were advised by the Mayor of Greenville during the annual Chamber retreat to consider having them removed as they did not reflect a visual pleasing community. Thankfully with the support of County Council, these flags were removed from the allowable portion of the ordinance.

In 2007, the issue was brought up to allow these flags back into the sign ordinance. The Chamber's position remained the same as it was believed that it was not in the community's best interest. With a body of work built to support existing businesses, we understand the need for our small businesses to adequately promote their business. Though the actual flags themselves are not the root of the issue, the long-term effect is most concerning.

Since 2007, the last time this was discussed, the appearance of our community is of even greater importance. We are becoming more successful with economic development recruitment and growth. We are seeing a greater concentration on Tourism and its economic impact to our community. We must continue to maintain attractive thoroughfares and entranceways into our community.

At this time, these types of flags are not permissible within the existing sign ordinance though you can see many of these flags in our community. Our primary concern is adequate enforcement, if these flags were to be allowed. If they are allowed, we urge Council to include restrictions on the use of these types of flags to include duration, number of flags allowed per business and maintenance of the flags.

Nell Thomlinson spoke to this issue. She stated that she is representing the Building Industries of Sumter Clarendon Counties formerly the Home Owners Association. She asked if these signs are for Commercial or Residential. *(As the ordinance is drafted it is for commercial only and does not include subdivisions.)* Ms. Thomlinson stated that the Building Industry would like for Council to consider allowing the flags to be permitted during open houses since it is a commercial business that is sponsoring the open house. She added that it is suggested that the flags be permitted from 9:00 a.m. until 5:00 p.m.; they are asking that fluttering flags be allowed in a residential area.

After all comments, the Chairman closed the public hearing, and he called for a motion on second reading.

ACTION: MOTION was made by Councilman Byrd, seconded by Councilman Baker, and carried by Council to grant second reading to this ordinance with language change to allow the fluttering signs to be treated as the County treats banners in its current ordinance with a sliding scale. Councilman Baten voted in opposition.

NOTE: Vice Chairman Byrd asked for the Planning Department to consider parameters for allowing Fluttering Signs in a residential district as cited by Ms. Thomlinson and other persons selling their homes in a subdivision.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS CONTINUED:

(2) Update From Voter Registration Election Commission - Mrs. Patricia Jefferson.

Mrs. Patricia Jefferson, the Director Vote Registration and Election Commission Director, spoke to Council concerning the interaction with her department and other departments within the County. She stated that during the last election on June 12, 2018, the Maintenance Department, Mrs. Lorraine Dennis, the Assistant County Administrator; and Mrs. Keysa Rogers, the Human Resources Director, were very willing to help her and the other volunteers to make sure that all the Voting Machines were received in the proper manner and stored as needed. She thanked them for working with her office to get everything accomplished. Mrs. Jefferson wanted Council to know how well each department will assist the other in time of need.

She also stated that on June 26, 2018, the Sheriff's Department, Correctional Staff, Assessors Office, Mary Blanding, and other County officials were also there helping during the runoff. She applauded each department and person for being so helpful during the elections. Mrs. Jefferson also informed Council that there was some difficulty at the South Sumter Gym Precinct concerning the hours of operations. She asked that Council, staff, and others work together to ensure that everything is in order prior to the General Election in November 2018.

ACTION: Received as information.

(3) Santee Lynches Regional Council On Governments (SLRCG) -- Workforce Development Department - Ms. Areatha Clark.

Ms. Clark stated that SLRCG Workforce Development is an approach to economic development:

- by creating and/or retaining jobs (Business Retention & Expansion)
- by growing incomes (Through education, skills and job training)

Ms. Clark stated that the Workforce Innovation And Opportunity Act (WIOA) provides funding and services for adults, Displaced Workers, and Out-of-School Youth. WIOA helps job seekers to develop technical skills, academic skills, soft skills, and career development/job search skills.

Mr. Christopher McKinney, CEO of the SLRCG, was also present on behalf of this presentation.

ACTION: Received as information.

(4) 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.

OLD BUSINESS:

(1) 18-890 - Third Reading - An Ordinance To Approve The Revised Sumter-Lee Regional Detention Center Contract.

The County Administrator presented this proposed ordinance for third reading approval. He stated that there have been no changes to this proposed ordinance since second reading approval. After all comments, the Chairman called for a motion on this proposed ordinance as presented.

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

NOTE: Councilwoman McGhaney did not participate in the discussion or voting on this matter.

COMMITTEE REPORTS:

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

There were no comments from Council members during this time.

MONTHLY REPORTS

- 1) Sumter County Sheriff's Office
- 2) SCAC 2018 Conference Information
- 3) Zumba In The Park
- 4) Food Truck July 2018
- 5) Welcome Invitation To Commander and Family

COUNTY ADMINISTRATOR'S REPORT

Mr. Mixon reported that South Carolina Department of Transportation (SCDOT) sent a letter to the County indicating that SCDOT will has agreed to abandon their interest in Clara Louis Kellogg Drive near Dillon Park. This is a part of the construction project that is going on at Dillon Park for the new Football Fields. Council members will manager this road in the future and will also close part of for this project. The public will continue to have access to the road.

PUBLIC COMMENT: The Chairman of Council asked if anyone wished to speak to Council during public comment. No one spoke during this time.

ADJOURNMENT: After all comments by members of Sumter County Council and no further comments from the public, motion was made by Councilman Baker seconded by Councilman Sumpter, and unanimously carried by County Council members to adjourned the meeting at 7:10 p.m.

Respectfully submitted,

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

Mary W. Blanding
Clerk to County Council
Sumter County Council

Approved: July 24, 2018

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 9, 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 6, 2018

Respectfully submitted,
Mary W. Blanding
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