

**Minutes
Regular Meeting
Sumter County Council
March 11, 1997 -- 6:00 P.M.
SUMTER COUNTY ADMINISTRATION BUILDING
County Council Chambers**

MEMBERS PRESENT:, James A. Campbell, Chairman; Frank E. Williams, Jr., Vice Chairman; Artie Baker, Carol Burr, Charles E. Fienning, and Louis Fleming.

MEMBERS ABSENT: Naomi Sanders

STAFF MEMBERS PRESENT: William T. Noonan, County Administrator; Mary W. Lewis, Clerk to Council; Kathy Cuttino, County Attorney; John Duffie, Planning Coordinator; George McGregor, Planner; B. J. Jefferson, Appraiser; Tommy Mims, Sheriff; and Eddie Newman, Public Works Director.

MEDIA PRESENT: The Item

PUBLIC PRESENT: Approximately 55 members of the public were in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Campbell, and the Reverend Herby Blyther, Pastor of Concord Baptist Church, gave the invocation.

ACTION ON MINUTES: MOTION was made by Councilman Fleming, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of February 25, 1997, as presented by the Clerk.

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

- (1) CU-97-05 -- Appeal Hearing -- Pete Anderson -- An Appeal Of The Planning Commission's Decision To Deny A Request For A Conditional Use In Order To Allow A Go Cart Track And Batting Cages To Be Developed On Property Located On North Pike West (Tax Map 230-00-01-019 Part).

The Chairman introduced this matter and he then asked Mr. John Duffie, the Planning Coordinator, to present this matter to Council.

Mr. Duffie updated Council on the history of this matter. He stated that the applicant proposed to construct a fun park to be located on North Pike West adjacent to the old drive-in movie theater-- which is currently zoned General Commercial. The park's plans consist of baseball and softball batting cages and a go-cart race track. He further stated that the proposed park is planned to contain areas for parking and future development. The batting cages are listed in the first stage of development with the race track at a later date.

The Planning Commission staff reviewed the plans, visited the site, and met with the applicant. The staff finds that the applicant has met the Conditional Use criteria as stated in the Sumter Zoning Ordinance. The staff also recommended that if the application is approved, the applicant needs to set aside additional undisturbed property to accommodate a possible increase in parking needs in the future.

The Planning Commission recommended denial of the request because of incompatibility with adjacent industrial uses. The motion by the Planning Commission carried with a vote of six to one.

Council then asked questions of Mr. John Duffie relating to traffic, employment possibilities, and clarification of why it was cited by the Planning Commission that the site is incompatible.

Mr. Pete Anderson, the applicant, then appealed to Council concerning this request. He stated that he and his sister want to create a place for "family entertainment." Mr. Anderson further stated that this particular type of business operates during the evening hours, after 5:00 p.m. and on the weekends both during the day and evening hours, and will employ approximately 20 to 30 people, mainly high school and college persons (part-time employment). If the Conditional Use is approved, Mr. Anderson stated that he plans to add a "theme restaurant" and video games. There will be no alcoholic beverages sold nor any video poker at this location. An off-duty policeman will be hired to monitor the grounds and facilities. This particular area was chosen because of affordable cost and location. Location is very crucial for this type of business. Mr. Anderson ended his presentation by handing Council petitions (39 sheets) with approximately 741 names in favor of the fun park.

Attorney Rusty Weinberg spoke in behalf of Mr. Anderson and stated that the issue is what Mr. Anderson is placing in the park now -- the batting cage. Then before Mr. Anderson can expand his business, he must come back before the Planning Commission and Council to approve any additional changes on the property.

Then Attorney Jack Erter spoke to Council representing Black River Electric Cooperative. Mr. Erter stated that Council's only concern is to answer the question, "Is this an appropriate land use upon review for this site?" He added that land use issues are of concern to new industrial prospects. Therefore, Council needs to consider does this project fit into this particular area for future growth of the County?

After all discussion, the Chairman called for conclusion and action on this matter.

ACTION: MOTION was made b Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to over turn the Planning Commission's decision which will provide recreation for Sumter County's families, the land is compatible with land use requirements and land development plan, conditional use criteria has been met as listed in the Zoning Ordinance, and the business will

March 11, 1997

principally be patronized in the evenings and on the weekends when there is less commercial traffic.

- (2) RZ-97-02 -- **Third Reading** -- H. H. Senter -- A Request To Rezone A Portion Of An Approximate 13.25-Acre Tract Of Land Located At The Intersection Of S. C. Highway 441 And U. S. Highway 76/378 (Tax Map 131-00-02-024) From Heavy Industrial To General Commercial, In Conjunction With A Request For A Retail/Commercial Planned Unit Development For The Entire Tract Of Land.

The Chairman introduced this matter and asked the staff to brief Council on this rezoning request. Mr. Duffie stated that the applicant has provided a conceptual plan for the property to the Planning Commission. The Planning Commission requested that prior to final approval of this development project, a review of the final plans must be given to the Planning Commission to ensure that the applicant meets all the requirements of the Zoning Ordinance.

The Shaw/Sumter Memorandum of Understanding was discussed with Shaw AFB.

Mr. Harvey Senter, the applicant, spoke on behalf of the rezoning request and stated that he feels that this development will not endanger the relationship between Shaw AFB and Sumter County.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Burr, and unanimously carried by Council to grant third reading and adoption of this rezoning request.

- (3) RZ-97-03 -- **First Reading** -- Carl J. Croft -- A Request To Rezone Property Located At 1207 Through 1229 North Main Street (Tax Map 247-00-01-007 And 230-13-03-003) In Order To Allow Extension Of The General Commercial District To A Depth Of 300 Feet From The Current 200 Feet Along North Main Street And To Allow Rezoning Of The Rear Portion Of The Property From Rural Agricultural To General Residential For Future Development.

Mr. Duffie stated that the applicant, Mr. Carl Croft, is proposing to extend the General Commercial District, fronting on North Main Street, to a depth of 300 feet instead of the current 200 feet. He is also proposing to rezone the rear portion of the property from Rural Agricultural to General Residential. The applicant has indicated that the extending of the commercial district is only a step toward long range planning for the property. However, there are no specific commercial plans for the property at this time. The applicant has also indicated that, to increase the depth of the commercial district would allow for the widening of Highway 15 North (North Main Street) and would allow for a property buffer zone between commercial and residential development; further, the applicant has indicated that a residential subdivision is planned for the remainder of the property. The applicant has learned that part of the property lies within wetlands. Therefore, a delineation must be made prior to determining the layout of the proposed lots.

March 11, 1997

The Planning staff has visited the site and finds that the proposed rezoning is in accordance with the Land Development Plan and, therefore, recommends approval of the site with the understanding that any commercial development must meet the requirements of the Sumter Zoning Ordinance (landscaping, parking, buffering, etc.). These requirements will be reviewed carefully during the building permit application stage if the request is granted approval by Council. Additionally a residential subdivision must be developed in accordance with the requirements of the Subdivision Ordinance.

The Planning Commission and the Planning staff recommended approval of the proposed rezoning request.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Fienning, and unanimously carried by Council to grant first reading of this rezoning request.

- (4) RZ-97-05/PUD-97-02 -- **First Reading** -- Coldwell Banker/Commins-Moses -- A Request To Rezone Property Located At The Intersection Of Carter Road And Terry Road (Tax Map 203-00-07-001 And 002) From Residential-15 To Residential-9/PUD, In Conjunction With A Residential Planned Unit Development.

Mr. Duffie also presented this request to Council. He stated that the request is an approximate 37 acre tract of land at the intersection of Carter Road and Terry Road. The applicant, Ms. Mary J. Terry, was represented at the meeting by Mr. Joe Davis, owner of Coldwell Banker Commins-Moses.

The applicant is proposing a mixed-use planned residential subdivision on the southern site of Carter Road and the intersection of Terry Road. The project would include a mixture of single-family housing types -- single-family detached, attached, townhouses, and zero lot line patio homes. The 71 total lots vary in size from 9,000 square feet to 13,000 square feet on average.

The Planning Commission and the Planning staff recommended approval of the rezoning request.

ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Fleming, and unanimously carried by Council to grant first reading of this rezoning request.

- (5) RZ-97-06/PUD-97-03 -- **First Reading** -- Coldwell Banker/Commins-Moses -- A Request To Rezone Property Located At The Southwest Corner Of Kolb Road And Pinewood Road (Tax Map 208-16-05-001) From Residential-9 To General Commercial, In Conjunction With A Planned Unit Development.

This rezoning request was presented by Mr. Duffie. He stated that the applicant is proposing to locate a planned commercial/retail development on this corner lot property. Included in this project will be a 7,000-square-foot convenience store, 24,000-square-foot

of retail shops, and a 3,000-square-foot out parcel. A site plan detailing the building footprints and proposed 40 feet bufferyard adjacent to the R-9 District has been submitted.

The Planning Staff has reviewed the plans and met with the applicant; staff recommends approval of this request and has taken measures to have the appropriate state agency study the need for a traffic single at this location's road intersection. The Planning Commission also recommended approval of this request.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to grant first reading of this rezoning request.

NOTE: Mr. Duffie will provide information to Council concerning present traffic and accidents in the proposed rezoning request area.

Street Name Change -- None

Grant

- (1) A Resolution Supporting The Grant Application Of Santee Wateree Regional Transportation Authority For A State Mass Transit Funds Program Grant Of \$596,122 and Section 5310, \$460,377, And Section 5311, \$70,400, Funds.

Mrs. Sonia Spivey, Director of the Santee Wateree Regional Transportation Authority, presented the following proposed resolution to Council:

WHEREAS, *the Santee Wateree Regional Transportation Authority is the public transportation provider in the Santee-Lynches Region and the designated lead agency in a coordinated transportation project sponsored by the South Carolina Department of Transportation/Division of Mass Transit;*

WHEREAS, *the Santee Wateree Regional Transportation Authority is authorized to receive funding for capital purposes, operating and administrative purposes as related to state mass transit; and*

WHEREAS, *the members of the Sumter County Council of the County of Sumter, South Carolina, have jurisdiction over the area in which the project is to be performed; and*

WHEREAS, *the said members of County Council recognize the need for service delivery by the Regional Transportation Authority,*

NOW, THEREFORE, BE IT RESOLVED *that the Sumter County Council supports the application by Santee Wateree Regional Transportation Authority for funding approximating the totals indicated by source: State Mass Transit \$596,122, Section 5311, \$460,377, and Section 5310 \$70,400.*

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to grant approval and adoption of the resolution as presented.

(2) A Resolution Supporting The Grant Application Of Santee Senior Services To Receive Section 5310 for Two Mini-Vans to Transport the Elderly.

Ms. Shirley Baker, staff person of Santee Senior Services, presented the proposed resolution to Council. She stated that the resolution will support the purchase of two mini-vans through the Federal Transportation Authority. These vehicles will be used to replace two of the agency's current vehicles which are in poor repair. The new vans will be used to provide transportation services for the elderly and handicapped.

ACTION: MOTION was made by Councilman Fleming, seconded by Vice Chairman Williams, and unanimously carried by Council to grant approval and adoption of the resolution as presented.

PUBLIC HEARINGS -- None

NEW BUSINESS:

- (1) Youth Representatives -- There were no student representatives at this meeting.
- (2) A Proclamation Declaring Sumter County a "Money 2000 County" as Proclaimed and Endorsed by Governor David M. Beasley.

Ms. Deloris O. Keller, County Extension Agent, and Barbara A. Brown, County Extension Agent and Visions for Youth, presented the resolution to Council as presented below. The Clerk was asked to publish the resolution.

***WHEREAS,** it is estimated that 70% of Americans live "paycheck to paycheck," courting disaster if their income were suddenly reduced or stopped; and*

***WHEREAS,** financial managers recommend that a family keep three to six months' income saved in an emergency fund; and*

***WHEREAS,** the U.S. individual savings rate fell from 6% to 4.5% of disposable income between 1980 and 1990; and*

***WHEREAS,** reducing a family's debt load increases its financial stability and increases the resources it can obtain from disposable income, and*

***WHEREAS,** household debt, relative to after-tax income is 50% higher than 20 years ago and rose twice as fast as net worth during the 1980's; and*

WHEREAS, between 1981 and 1990 the percentage of Americans' disposable household income used for paying debts increased from 14.5% to 18.5%; and

WHEREAS, in 1995 there were 7,369 cases of bankruptcy in South Carolina with 9,500 (29% increase) expected by the end of 1996; and

WHEREAS, the Family and Youth Development Department of the Clemson University Cooperative Extension Service is launching Money 2000, a program encouraging 2000 families in each of the state's 46 counties to be \$2000 richer by the year 2000 by increasing their savings and/or reducing their debts.

NOW THEREFORE, we, the Sumter County Council, do hereby proclaim, Sumter County a

MONEY 2000 COUNTY

from now until the end of the year 2000 and urge all citizens to take advantage of the various educational programs offered through Money 2000 so they can realize enhanced financial stability.

ACTION: After publishing the resolution, Council then took action. MOTION was made by Councilman Fienning, seconded by Vice Chairman Williams, and unanimously carried by Council to grant approval and adoption of the proclamation as published.

(3) A Proclamation Declaring March as Disabilities Awareness Month.

Mrs. Dianne Hillyer presented the proposed proclamation to Council as listed below.

WHEREAS, the South Carolina Department of Disabilities and Special Needs serves people with autism, head injuries, spinal cord injuries, mental retardation, and related disabilities; and

WHEREAS, this agency gives people with severe, lifelong disabilities a voice at the highest level of state government; and

WHEREAS, the people with severe lifelong disabilities and their families nurture great expectations for achieving goals of education, employment, and independence; and

WHEREAS, the Sumter County Disabilities and Special Needs Board works with families to provide support services which promote economic self-sufficiency and independence; and

***WHEREAS**, this March, Sumter County Disabilities and Special Needs Board is celebrating "Our Families...the Spirit of South Carolina!"*

***NOW THEREFORE**, I, James A. Campbell, Chairman of Sumter County Council, Sumter County, South Carolina, do hereby proclaim the month of March 1997 as*

DISABILITIES AWARENESS MONTH

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Baker, and unanimously carried by Council to grant approval and adoption of the proclamation as presented.

(4) Recognition of Award Received by Mr. Joseph Postell, Codes Enforcement Director.

The Chairman presented a plaque to Mr. Joseph Postell, Codes Enforcement Director, from the S. C. Litter Control Association for outstanding and dedicated service as president of the Association during 1995.

While as president, Mr. Postell made recommendations and implemented policy changes that reached the three regions within South Carolina to combat litter and provide the residents of South Carolina with a cleaner state. He also demonstrated excellent leadership qualities, and he assisted in increasing the support and participation in the South Carolina Litter Control Association.

(5) Suggested to Hold Executive Session To Discuss Contractual and/or Personnel Matters. (The Executive Session, if approved by Council, will be held after all business matters have been completed.)

See information listed after Public Comment.

OLD BUSINESS:

(1) Second Reading -- 97-317 -- An Ordinance Providing for the Withdrawal From Participation In the Santee-Lynches Regional Jail System Commission, as Created by Ordinance Number 94-262.

The Chairman introduced this matter and then Council took action on this proposed ordinance.

March 11, 1997

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Fleming, and unanimously carried by Council to grant second reading to this proposed ordinance.

COMMITTEE REPORT:

- (1) Public Works Committee Meeting **Monday, March 3, 1997, at 4:30 p.m. in Council's Conference Room.** (Committee Members: Sanders, Williams, and Baker).

Vice Chairman Williams, a member of the Committee, stated that since Councilwoman Sanders was not in attendance to the March 11, 1997, meeting because of an emergency, he would give the report of the Monday, March 3, 1997, meeting.

Aid-to-Industry Request -- After discussion with the Public Works Director, the Administrator, and a representative from the Development Board, no action is recommended at this time for assistance to a local industry through the "Aid-to-Industry" policy. This matter may be discussed at a later time.

- (2) Fiscal, Tax, and Property Committee Meeting **Tuesday, March 11, 1997, at 5:00 p.m. in Council's Conference Room.** (Committee Members: Campbell, Fienning, and Fleming).

The Chairman of the Committee gave the following report and recommendations:

- **St. Francis Xavier High School** -- The Administrator has received correspondence from the Trustees of the St. Francis Xavier High School to utilize the County's School Street property on the same terms and conditions as the former tenant, the Sumter County SDLC. It was recommended that the Administrator continue dialogue with St. Francis Xavier High School and report back to Council at a later date.
- **YWCA of the Upper Lowlands, Inc.** -- A letter has been received from YWCA requesting that the County grant the agency \$5,000 to make-up for the short-fall in its budget allocations from the United Way. The Administrator is to follow-up on this matter by informing the YWCA that because this agency is not a mandated agency, Council will not set a precedence in providing funds for its operation.
- **Reception Honoring R. J. Chic Mathis** -- Mr. Mathis will be honored by the Legislative Delegation for his work with the Transportation and Road Committees. The Delegation has asked Council for approximately \$500 to help support this reception and the committee recommended its approval with the funds coming from Council contingency.

ACTION: MOTION was made by Councilman Fleming, seconded by Councilman Fienning, and unanimously carried by Council to approve the recommendations as presented by the Committee.

MONTHLY REPORTS:

The following monthly reports were given to Council for review:

- Sumter County Public Works February 1997 Report
- Sheriff's Department February 1997 Monthly Report.

COUNTY ADMINISTRATOR'S REPORT:

The Administrator provided the following information to Council:

- Hanna, Ewing, and Associations sent a letter to the Administrator in follow-up to the Diversity Training. Mr. Ewing suggested that each participant, whether a Council Member or Department Head, develop a personal plan of action for what he/she can individually do to build bridges between people of diverse backgrounds. Secondly, Council itself along with selected others should develop an overall and on-going action plan that can impact the Sumter community.

- Larry Wolfe Amusements vs. Sumter County case has received an order from the Court of Common Pleas stating that the action be and is hereby dismissed with prejudice.

PUBLIC COMMENTS:

- Alphonso Johnson stated that he is concerned for the citizens in the Red Bay community because of the proposal to widen the Red Bay Road. He asked that the short dirt section of Red Bay Road (between Manning Avenue and Lafayette Boulevard) and other streets in the County be paved before considering widening the paved portion of Red Bay Road. Mr. Johnson asked that Councilman Baker help the Cherryvale community contact the appropriate agency to have Cherryvale Drive resurfaced. He also is interested in the possibility of the County having a similar radar detector that the City has and use the detector on St. Paul Church Road near Hickory Road.
- Dawn Vititoe spoke to Council about the needs at the Sumter County Animal Control Shelter. Council directed the Administrator to follow-up on this matter with Ms. Vititoe.

There were no additional comments from the public.

EXECUTIVE SESSION:

The Chairman stated that he would entertain a motion to enter executive session to discuss a contractual matter and to receive a legal briefing.

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Burr, and unanimously carried by Council to enter executive session to discuss a contractual matter and receive a legal briefing. At the conclusion of executive session, Council re-entered open session.

OPEN SESSION:

ACTION: MOTION was made by Vice Chairman Williams, seconded by Councilman Baker, and unanimously carried by Council to re-enter open session.

The Chairman stated that some action needs to be taken from the executive session and he would entertain a motion to that effect.

ACTION: MOTION was made by Councilman Fienning, seconded by Councilman Fleming, and unanimously carried by Council to authorize the Chairman of Council to sign a conciliation agreement between Sumter County and the Equal Employment Opportunity Commission.

ADJOURNMENT: After all business and all comments by the public, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Chairman or Vice Chairman
Sumter County Council

Clerk to County Council

Approved: _____

I certify that public and media notification of the above mentioned meeting was given prior thereto as follows:

Public Notified: Yes

Manner Notified: Agenda posted on bulletin board outside of the County Administrator's office and on the bulletin board on the first floor of the Administration Building.

Date Posted: March 6, 1997

Media Notified: Yes

Manner Notified: Agenda sent to all radio stations in the Sumter area, to WBTW TV and WRJA TV, to the Item newspaper, Shaw AFB Community Planner, the Stateburg Gazette, and to the State newspaper.

Date Notified: March 6, 1997

Respectfully submitted,

Mary W. Lewis