



Minutes
Sumter County Council
Regular Meeting
Tuesday, April 9, 2019 -- Held at 6:00 p.m.
County Administration Building -- County Council Chambers
13 E. Canal Street, Sumter, SC

(The recording equipment failed; therefore, there is no recording on these minutes.)

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Johnathan W. Bryan, Lorraine Dennis, Joe Perry, Mary W. Blanding, Helen Roodman, Allen Dailey.

MEDIA PRESENT: The Item, Rachel Pittman

MEMBERS OF THE PUBLIC: Approximately 18 members of the public were present.

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

INVOCATION: Councilman 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 to the agenda. The Clerk said there were no changes, however, the executive session on the agenda will be held after Public Comment. Then the Chairman called for a motion on approving the agenda as printed.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval to the agenda as presented, noting that Council will have an executive session at the end of the meeting.

APPROVAL OF MINUTES: Regular Meeting Tuesday, March 26, 2019

Chairman McCain called for a motion on approving the minutes of Council's March 26, 2019 meeting.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Sumpter, and unanimously carried by Council to grant approval to the agenda as presented, noting that Council will have an executive session at the end of the meeting.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests

- (1) **RZ-19-04 -- First Reading -- Beulah Cuttino Road (County) -- Request To Rezone A +/-74.69 Acre Parcel Located On Beulah Cuttino Road From Residential-15 (R-15) To Agricultural Conservation (AC). The Property Is Represented By Tax Map # 222-00-01-013.**

Helen Rodman, Planning Zoning Administrator, presented this request to Council. She stated that this request is to rezone a +/- 74.69 acre parcel from Residential-15 (R-15) to Agricultural Conservation (AC). The applicant is requesting this rezoning in order to create a new 2.95 acre lot for the purpose of building a house. The proposed dimensions of this new lot are not in conformance with R-15 development standards. However, the dimensions are in conformance with Agricultural

Conservation (AC) Development Standards. Also, the applicant has tentative future plans to construct an accessory structure (a personal work shop) towards the western side of the future 74.63 acre parcel.

The proposed subdivision *does not meet required R-15 lot width to depth ratio* requirements that are applicable to residential lots. Residential lots in the AC district are exempt from this standard, per *Article 8.e.13.f- Lots of the Sumter County Zoning & Development Standards Ordinance*. Furthermore, the proposed subdivision does not meet *the R-15 lot minimum width requirement. R-15 lots are required to have a minimum lot width of 100ft., per Article 3.b.5.a. - Lot Requirements (Minimum) of the Sumter County Zoning and Development Standards Ordinance.*

Mrs. Roodman stated that the applicant has informed the Planning staff that there are no further plans to develop the property other than to build a house and accessory structure on the proposed new lots. The Planning Commission recommended approval of the request as presented. After comments from Council and the Planning staff, Council took action on first reading.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval to this rezoning request as presented.

- (2) **RZ-19-01 – Third Reading -- 4980-4984 Cane Savannah Road (County) -- Request To Rezone A +/- 5.0 Acre Parcel Located At 4980-4984 Cane Savannah Road From Agricultural Conservation (AC) To General Commercial (GC) Or In The Alternative, General Residential (GR). The Property Is Represented By Tax Map # 157-00-04-001.**

Helen Roodman also presented this proposed rezoning request to Council for third reading consideration. She stated that there have been no changes to this rezoning request since first reading. Then the Chairman called for a motion on third reading.

ACTION: MOTION was made by Councilman Baten, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant third reading approval to this rezoning request as presented.

- (3) **OA-19-02 -- Third Reading -- Outdoor Pistol, Rifle, Or Skeet Ranges In HI District (County) - (19-906) -- Amend Article 3 Section 3.L.4: Heavy Industrial District (Special Exception), Exhibit 5: Permitted And Conditional Uses In The Commercial Industrial, Agricultural, And Conservation Districts, And Article 5 Section 5.B.3.F: Special Design Review Criteria (Outdoor Pistol, Rifle Or Skeet Range) Of The Sumter County Zoning & Development Standards Ordinance In Order To Include The Outdoor Pistol, Rifle Or Skeet Range (SIC Code 7999) Use As A Special Exception In The Heavy Industrial (HI) Zoning District.**

The Zoning Administrator, Mrs. Roodman, presented this proposed ordinance amendment to Council for third reading consideration. Mrs. Roodman stated that there have been no changes to this Ordinance Amendment since first reading. After her presentation, Council took action on third reading.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to grant third reading approval to this rezoning request as presented.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) Recognition Of Brent Dillard for Receiving 5th Place Ranking -- The 2018 World Championship - Representing American Power Boat Association.

Mr. Steve Dillard, father of Brent Dillard and owner of Dillard Financials, introduced his son. He stated that Brent was 14 years old when Governor Beasley of the State of South Carolina presented Brent with a resolution for being the youngest Speed Board Racer from South Carolina. Mr. Dillard said that Brent is now 32 and is making world-history for the United States by being the only American Racing in the American Power Boat Association races with the power boat. Brent came in 5th place in the 2018 World Power Boat Racing.

Then the Clerk played a video of one of the power boat races which show how Brent and other racers maneuvers the boat. Chairman McCain read a proclamation proclaiming April 9, 2019, as Brent Dillard Day in Sumter County, South Carolina. Council also presented Brent with several gifts. Several Council members thanked Brent for representing Sumter County, the State of South Carolina, and the United States on the world scene.

Brent thanked Council for the gifts and the Proclamation.

ACTION: Received as information.

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

Council deferred consideration of this item until the end of the meeting after public comment.

OLD BUSINESS:

- (1) 19-907 - Second Reading -- An Ordinance To Amend Sumter County Code Of Ordinances, Sections 6-19, 6-20 And 6-23 Of Chapter 6, Article II, Relating To Dogs And Other Animals.

Mr. Johnathan Bryan, the County Attorney, stated that this proposed ordinance would allow for changes to be made to Sumter County Code of Ordinances, Section 6-19, 6-20, and 6:23

Sec. 6-23. Disposition of unclaimed dogs.

(a) After any dog that is not positively identifiable has been impounded in the animal shelter for ten days and is unclaimed by its owner, the pound employees may dispose of such dog by a humane form of destruction. However, any dog that is not positively identifiable that has been impounded for six days may be turned over to any

organization established for the purpose of caring for animals such as the Society for the Prevention of Cruelty to Animals or to any person who is approved to adopt or rescue such a dog under the effective adoption/rescue policies and procedures, provided the requirements of S. C. Code Ann. 47-3-60 (2017) or any other state statute, do not require impoundment for a longer period. Complete records shall be kept by animal shelter officials as to the disposition of all animals impounded. (Code 1981, § 5.107; Code 1985, § 4-20)

(b) This section shall be implemented and enforced by employees or volunteers under the supervision of the County Administrator.

WHEREAS, Sumter County Council has previously enacted ordinances concerning dogs and other animals; and

WHEREAS, those ordinances, as compiled, are promulgated, in pertinent part, in the Code of Ordinances for Sumter County, South Carolina in Chapter 6, Article II, Sections 6-19 through 6-27; and

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:

That Sumter County hereby amends its Code of Ordinances Sections 6-19, 6-20 and 6-23, of Chapter 6, Article II, so that those sections shall read as follows:

1. The following definitions shall be added to Section 6-19. Definitions

Tethering means attaching an animal to a stationary object by means of a chain, cable, rope, running line, harness or similar devise. It shall not include the use of an appropriate leash to walk a dog. It shall not include appropriate leashes attached to trolley lines.

Trolley line means a run line at least ten feet in length between two pulley stop points suspended at least three feet above the dog's head which allows five feet lateral movement for the dog on each side of the primary trolley line as measured on the ground. The secondary line attached to the dog shall have a rolling trolley freely moveable a distance of at least ten feet along the primary line with a spring/shock absorber attachment and swivels at both ends. A trolley line must allow the dog free access to food, water and shelter and may restrain only one dog at a time. All collars used must be made of nylon, leather or other durable and non-metallic material and must be fitted so as not to cause injury to the dog or embed itself in the dog's neck.

2. New subsection (f) shall be added to Section 6-20. Certain actions unlawful, which new subsection (f) provides:

(f) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or otherwise cause an unattended dog to be fastened, chained, tied or restrained without limitation to houses, trees, garages or other stationary or immobile objects by means of a chain, cable rope, running line, harness or other

physical restraint for the purpose of confinement except in circumstance in which all of the following requirements are met:

(1) The tether must be attached to a properly fitting harness or collar and not directly to the dog's neck. All collars used must be made of nylon, leather or other durable and non-metallic material and must be fitted so as not to cause injury to the dog or embed itself in the dog's neck. The tether must be at least 15 feet in length and positioned so that, at its greatest length, it prevents injury, strangulation or entanglement with any obstruction, man-made or natural, or another animal and shall employ a swivel on at least one end of the tether to minimize tangling.

(2) If the tether is a chain it shall not be heavier than #2 gauge chain.

(3) A tethered dog must have access to adequate shade, shelter, food and water.

(4) A tethered dog may not be left unattended during extreme weather conditions including, but not limited to, extreme heat or near-freezing temperatures, hurricanes, thunderstorms or floods.

(5) A tethered dog must be at least 15 feet from the edge of any public road or sidewalk and not in an area open to teasing or attacks, or where the ground is continuously wet or muddy. A tethered dog must be tethered in a manner that will prevent the dog from leaving the owner's property.

(6) A tethered dog must be six months of age or older.

(7) A tethered dog must not be sick or injured.

(8) If there are multiple tethered dogs on one parcel of land, each dog must be tethered separately with sufficient space placed between the dogs to ensure that there is no contact with another tethered animal.

Exemptions: It is not unlawful for dogs in training for hunting or working to be tethered when supervised by the owner or a person with custody and control of the dog.

3. Section 6-23. Disposition of unclaimed dogs, shall be revised to read as follows.

(a) After any dog that is not positively identifiable has been impounded in the animal shelter for ten days and is unclaimed by its owner, the pound employees may dispose of such dog by a humane form of destruction. However, any dog that is not positively identifiable that has been impounded for six days may be turned over to any organization established for the purpose of caring for animals such as the Society for the Prevention of Cruelty to Animals or to any person who is approved to adopt or rescue such a dog under the effective adoption/rescue policies and procedures, provided the requirements of S. C. Code Ann. 47-3-60 (2017) or any other state statute, do not require impoundment for a longer period. Complete records shall be kept by animal shelter officials as to the disposition of all animals impounded.

(b) This section shall be implemented and enforced by employees or volunteers under the supervision of the County Administrator.

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

COMMITTEE REPORTS:

- (1) Public Works And Solid Waste Committee Meeting To Be Held At 5:30 p.m. On Tuesday, April 9, 2019, In County Council's Conference Room And/Or Chambers. (Baker, Baten, and Sumpter)

Councilman Artie Baker, Chairman of the Public Works And Solid Waste Committee, received a report from the Public Works Department asking that the Committee recommend approval to Council for Lewis Brothers Construction Company of Currie, Inc., Currie, NC, be allowed to repair work on the CSX rails in Sumter County and to secure the funds for the repairs from Sumter County's Infrastructure Account.

It was noted that the following would need to be completed:

1. International Paper: Replace fifteen (15) switch ties in STC Switch at a cost of \$4,900
2. Interlake/Jemison/Demsey: Replace eighteen (18) crossties and six (6) switch ties at a cost of \$5,060. The total cost of the repairs is \$9,960.

After the report on this matter, the Chairman asked for action on approving the report and action as outlined above.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the request to use \$9,960 from the County's Infrastructure Account to do repair work per CSX Inspection report as outlined in this Committee report.

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

Councilman Baker thanked the Chairman, County Administrator, and the Clerk to Council for working together in sponsoring the "Ja Morant" Celebration on Monday, April 8, 2019. He stated that the event really turned out nice and he believes that "Ja" and his parent were proud that the City and County worked together to have this event for him.

MONTHLY REPORTS

- 1) Board Of Adjustment And Appeals - April 10, 2019
- 2) 2019 Mayor's Prayer Breakfast - May 2, 2019
- 3) 2019 National Police Week Prayer Breakfast - May 14, 2019
- 4) 2019 Festival On The Avenue - April 11-13, 2019
- 5) 2019 Mary McLeod Bethune Festival --

COUNTY ADMINISTRATOR'S REPORT

Mr. Mixon reminded Council members that the budget process is underway and he and Mr. James Michaelson, the Finance Director along with other staff members have been meeting with different departments. Council will be updated periodically on the progress of the budget.

PUBLIC COMMENT: Chairman McCain asked if anyone from the public would like to speak during public comment; no one spoke, therefore, the closed the public comment section of the meeting.

EXECUTIVE SESSION:

It May Be Necessary To Hold An Executive Session To Discuss An Economic Development Matter, An Employment Matter, A Legal Briefing, Or Other Matters Pertaining To An Executive Session, And Take Appropriate Actions Thereafter If Required.

Chairman McCain called for a motion to enter executive session concerning a contractual matter.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to enter executive session to discuss a contractual matter. Upon conclusion of executive session, Council voted through a MOTION by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to re-enter open session.

Report From Executive Session: Chairman McCain said that Council received information in the executive session; however, no action needed to be taken at this time.

ADJOURNMENT

There being no further business for Sumter County Council, and no additional comments from the public, the meeting was adjourned at 6:27 p.m. after a motion by Councilman Baker, seconded by Councilman Baten, 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: April 23, 2019

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: April 8, 2019
- 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: April 5, 2019

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Respectfully submitted,
Mary W. Blanding
Clerk to County Council