



Minutes
Sumter County Council
Regular Meeting
Tuesday, August 10, 2021 -- Held at 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC

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Social Distancing Is Required At All of County Council's Meetings And Seating Is On A First Come First Serve Basis.

<https://www.youtube.com/channel/UCAHjiqzPaonQ9LFS2kO37tA>

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Mary W. Blanding, Helen Roodman, Karen Hyatt, Lorraine Dennis, Keysa Rogers, Johnathan Bryan, Joe Perry, Gary Hawkins, Valerie Brunson, The Honorable Anthony Dennis, Chief Deputy Hampton Gardner, Major Randall Steward, Deron Brown, Kathy Ward, and two Sheriff Deputies.

MEMBERS OF THE PUBLIC PRESENT: Approximately 12 members of the public attended the meeting.

MEDIA PRESENT: The Item Newspaper, Shelby Goulding.

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

INVOCATION: Councilwoman Vivian Fleming McGhaney gave the invocation.

PLEDGE OF ALLEGIANCE: Retired US Air Force Veteran Gwendolyn Cofield served our country for 21 years. Shaw AFB was her last duty station and she liked Sumter so much that she decided to make this beautiful County her home. She has one son, Shawn; and a fur baby named Shi Zu. She enjoys traveling, singing, church, and a good game of pinnacle! She is a member of the American Legion Post 202 and she currently lives in County Council District 1.



APPROVAL OF AGENDA: Regular Meeting Tuesday, July 27, 2021
Chairman McCain stated that he would entertain a motion on the agenda of July 27, 2021.

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

APPROVAL OF MINUTES: Regular Meeting Tuesday, July 27, 2021
Chairman of County Council, James T. McCain, asked for a motion concerning the approval of the minutes for the Regular Meeting of Sumter County Council held on Tuesday, July 27, 2021. The following motion and action were taken.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously carried by Council to approve the minutes of July 27, 2021, as presented by the Clerk to Council.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests:

NOTE RZ = Rezoning Of Property As Applicable In Sumter County Zoning and Development Standards.

AC = Agricultural Conservation As Applicable In Sumter County Zoning and Development Standards.

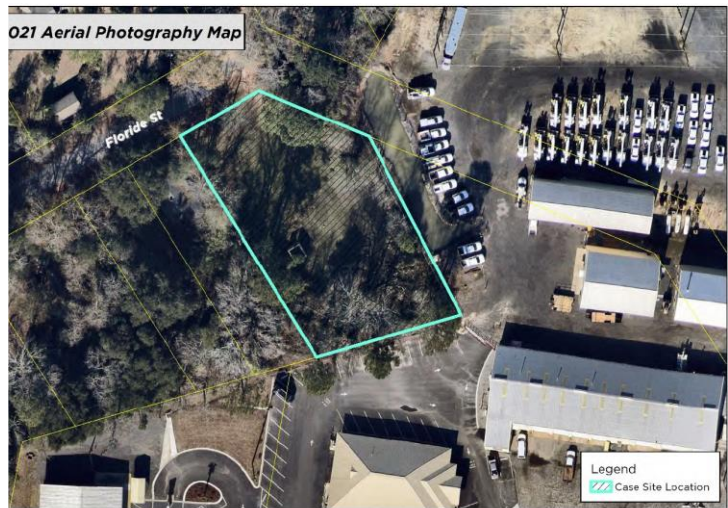
NC = Neighborhood Commercial As Applicable In Sumter County Zoning and Development Standards.

LI-W = Light Industrial-Warehouse As Applicable in Sumter County Zoning and Development Standards.

- (1) **RZ-21-14, 614 Floride St. (County) - First Reading -- A Request To Rezone +/- 0.62-Acres Of Land From Residential-9 (R-9) To Light Industrial-Warehouse (LI-W) Zoning. The Property Is Located At 614 Floride St. And Is Represented By Tax Map # 203-05-03-028.**

Ms. Helen Roodman presented this proposed rezoning request for first reading. She stated that Jay Davis is the Authorized Agent for this property. Also, she said this is a request to rezone a +/- 0.62 acre parcel of land from Residential-9 (R-9) to Light Industrial-Warehouse (LI-W). As shown in the location map to the right, the property is located on Floride St. immediately south of the intersection with Jefferson Rd. Although part of a residential zoning enclave, the subject property is vacant, and is located immediately adjacent to three LI-W zoned parcels currently owned and used by Sumter Utilities, a special trade contractor focusing on overhead utility projects. It is the applicant's intent to rezone the property to the LI-W zoning district in order to combine it with the adjacent parcel.

Mrs. Roodman also informed Council that the property is located in an area with a mixed-use pattern of development. Abutting to the east and south of the property is a specialty trade contracting company. To the immediate west and north, the land is residential. It was also noted that the Planning staff and the Planning Commission recommended approval of the request as presented by Mrs. Roodman. After Mrs. Roodman's comments, Chairman McCain called for a motion on first reading.



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

- (2) **OA-21-04, Minimum Setback Requirements For Communications Towers And Antennae In Residential Zoning Districts (County) - First Reading - (#21-958) -- Amend Article 5, Section 5.B.E.10.A. & Article 5, Section 5.B.F To Allow Engineered Fall Zones For Communication Towers And Antennae In Residential Zoning Districts And To Correct Conflicting And Duplicative Provisions.**

Mrs. Roodman also presented this proposed ordinance amendment. Sumter County has initiated an amendment to the *Sumter County Zoning & Development Standards Ordinance* in order to permit use of engineered fall zones less than the full height of the tower as certified by a South Carolina licensed engineer in residential zoning districts of the County.

Currently, Section 5.b.e.10.a of the *Sumter County Zoning and Development Ordinance* requires communications towers and antennas placed on residentially zoned properties to be set back from all lot lines by distances equal to the zoning district's setback requirement or 100% of the tower height, whichever is greater. While the Ordinance does allow towers built in non-residential zoning districts to utilize an engineered fall zone to reduce the minimum setback requirement, this allowance does not extend to residentially zoned districts.

Cell phone towers are structures built on specific parcels of land that are designed to accommodate wireless tenants. Wireless tenants utilize cell towers to deploy various technologies to a subscriber base, such as telephone, mobile data, television and radio. Cell towers are typically built by tower companies or wireless carriers.

There are five main types of towers:

1. Monopole Tower - Single tube tower. It typically stands between 100-200 ft. with antennas mounted on the exterior of the tower. Its primary use is telephony.
2. Lattice Tower - Sometimes referred to as "self-support" or SST because it is free-standing. It stands 200-400 ft. tall with a triangular base and three-four sides. It is typically used for telephony.
3. Guyed Tower - Essentially a straight rod supported by wires that attach to the ground as support. It's cheapest to construct, especially at heights of 300 ft. and beyond. Some guyed towers reach as high as 2,000 ft. typical uses are: telephony, radio, television, and paging.
4. Concealed and Stealth Towers. Stealth towers are a particular brand of concealed towers. Concealed towers are deployed to satisfy zoning regulations, and can range in size to accommodate their surroundings. They are more expensive than other types of towers because they require additional material to create a "concealed appearance," yet at the same time, they provide less capacity to tenants than other towers do.
5. Broadcast Towers - Provide mounting space for FM radio, AM radio, and television (TV) antennas. Their antennas are massive, weighing anywhere from 1,000 pounds to 15 tons depending upon the type of service they provide and the coverage they are purposed to deploy. Most broadcast towers are guyed towers with three or more guy wires attached to grounded anchors. Broadcast towers can take up a great deal of ground space - up to 300 acres, which is why they are typically found in rural areas or where natural elevation provides the best means of transmitting signals.

Cell towers are typically manufactured from steel. The cell site transmission equipment is installed in the lease area or compound area at the base of the tower and is connected to the antennas installed on the tower via coaxial or hybrid cables. Each tower design is engineered to behave a certain way under stress in the environment, typically weather related challenges such as high winds or ice storms. The 'fall zone' is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material of the tower itself.

Article 5, Section 5.b.f contains provisions related to appeal timeframes and provisions describing certain situations where an applicant can seek variance relief or special exception approval. The provisions related to the appeal timeframes are covered in Article 1 of the Ordinance. The provisions related to

variance approval conflict with other provisions in this section, and the provisions related to special exception approval are duplicative with other portions of this section.

Proposed Text Amendment

A strike-through of the proposed text amendment is attached as “Attachment #1”. The proposed amendments would impact the following sections:

1. Amend Article 5, Section 5.b.e.10.a to add the following text:

a. Residential Zoning: A tower on residentially-zoned properties must be set back from all lot lines by distances equal to the district setback requirement or the tower’s fall zone, whichever is greater. Fall zones less than the full height of the tower shall be determined by an engineer licensed in the state of South Carolina in a letter that includes the engineer’s signature and seal.

2. Amend Article 5, Section 5.b.f to remove the following text:

f. ~~Applicant may appeal to the Zoning Board of Appeals as follows: —~~

~~Failure of the Zoning Administrator to act within thirty (30) days upon the submission of a completed application meeting the requirements in Sections 5.b.4.d. and 5.b.4.e. (unless extended by agreement), which may be considered to be a denial of a permit; and therefore, is the basis for an appeal to the Board. Applicant may appeal for a variance from the general zoning district regulations, setback requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted by Special Exception pursuant to Section 1.h.4.e.~~

After all comments from Council and Mrs. Roodman, Council took action on first reading.

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

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

(1) **R-21-06 – A Resolution To Express Sumter County Council’s Request That The S.C. General Assembly Take The Necessary Actions To Continue To Allow Local Governments To Collect User Fees That Fund Critical Needs Such As Public Safety And Infrastructure.**

Mr. Gary Mixon, the County Administrator, presented this proposed resolution to Council. He stated that South Carolina Association of Counties, and other counties throughout South Carolina are asking that the S. C. General Assembly take the necessary actions to continue to allow Local Governments to collect User Fees that fund critical needs such as public safety and infrastructure needs. Sumter County collects approximately \$5,900,000 in User Fees to be able to operate the County’s departments. The fees collected within Sumter County are: Road User Fee, Stormwater Fee, Technology Fee, and Administrative Fees.

He further stated that the resolution is based on the recent S. C. Supreme Court decision in Burns v. Greenville County Council and revenues lost due to the COVI-19 pandemic. It was also noted in the resolution that counties throughout the State have been and will continue to struggle funding critical needs such as public safety and infrastructure needs.

Mr. Mixon asked Council to grant approval of the resolution which will be sent to SCAC to include in a state-wide request for help from the General Assembly. After all comments, Council took action on adopting the resolution as presented.

I would be in favor for grants that would have to be applied for with certain criteria

ACTION: MOTION was made by Councilman Edens, seconded by Councilman McGhaney, and unanimously carried by Council to grant approval of the resolution as presented and directed the Chairman and the Administrator to execute and deliver the resolution to the South Carolina Association of Counties on behalf of the Sumter County.

R-21-06:

WHEREAS, Sumter County, along with the vast majority of citizens, acknowledge that as a result of the recent SC Supreme Court decision in *Burns v. Greenville County Council* (2021), and revenues lost due to the COVID-19 pandemic, counties throughout the state have been and will continue to struggle funding critical needs such as public safety and infrastructure; and

WHEREAS, counties were specifically granted the authority to impose uniform service charges in §4-9-30 and road fees were specifically considered and deemed allowed by the SC Supreme Court in *Brown v. County of Horry* (1992); and

WHEREAS, in 1997, the SC General Assembly enacted §6-1-300(6), which defines “service or user fee” as “a charge required to be paid in return for a particular government service or program made available to the payer that benefits the payer in some manner different from the members of the general public not paying the fee”; and

WHEREAS, relying on this code section, the SC Supreme Court ruled Greenville County’s road fee ordinance invalid as it determined that the county’s residents who pay the user fee receive the same benefit as the non-payers; and

WHEREAS, the SC Supreme Court made it clear in its decision that the fee payer must receive a different benefit from paying the fee, not merely a greater benefit; and

WHEREAS, the *Burns* decision potentially puts user fees, including those that have been in place for decades, in jeopardy which could result in the loss of millions of dollars in county revenues throughout South Carolina; and

WHEREAS, one solution to this issue would be for the SC General Assembly to amend §6-1-300(6) to allow counties to have the option to utilize user fees that benefit the payer some manner different from or greater than the members of the general public not paying the fee; and

WHEREAS, the above solution does not increase counties’ revenue-raising authority beyond its ability prior to the recent *Burns* decision and therefore does not constitute a “new fee or tax”; and

WHEREAS, another potential solution would be to amend §6-1-300(6) to state that “the general public may derive a benefit from the fee as long as the substantial benefit goes to the payer”; and

NOW THEREFORE, BE IT RESOLVED by the Sumter County Council that it is in support of legislation that would preserve user fees as they are a vital source of local revenue and requests that all members of the South Carolina General Assembly take action to ensure that Home Rule is protected and that appropriate legislation is enacted to preserve this important county financial resource during the 124th Session of the General Assembly.

(2) **R-21-07 -- A Resolution Of Sumter County Council Urging That Face Coverings Or Masks Be Worn In Public In The Unincorporated Areas Of Sumter County During The Covid-19, Variant B.1.617.2 (Delta) Public Health Emergency And Recovery.**

Mr. Johnathan Bryan, the County Attorney presented the proposed resolution on behalf of Sumter County Council which indicates that Council is urging that face coverings or masks be worn in public in the unincorporated areas of Sumter County during the COVID-19, Variant B.1.617.2 (Delta) public health emergency and recovery.

He further stated that this is not a mandate, but a request urging the citizens and the employees to wear masks.

Councilman Baten asked if this was not a mandate; especially since the cases are going up every day and more people are dying because of the Delta Variant. He also briefed Council on the number of cases in South Carolina since the Delta Variant has been active. Councilman Baten voiced his concern about Council “Not Mandating” that people should wear masks.

Councilman McGhaney also asked the Administrator about whether or not there will be closure of the buildings, or other actions. The Administrator stated that he and the staff are reviewing this matter on a daily basis.

Councilman Baker stated that he would like to see included in this ordinance a statement urging the citizens to take the vaccine. Mr. Bryan stated that Councilman Baker could offer that as a motion to be included in the resolution; however, Councilman Baker did not offer a motion to include information about taking the vaccine to this resolution.

After all comments, the Chairman asked for a motion on adopting this resolution.

ACTION: MOTION was made by Councilman McGhaney, seconded by Councilman Baker, and carried by Council to grant approval of the resolution as presented, and directed the Chairman to execute and deliver the resolution as presented.

WHEREAS:

1. Variant B.1.617.2 (“Delta Variant”) of the 2019 Novel Coronavirus (“COVID-19”) was initially identified in India in December 2020 and was first detected in the United States in March 2021; and

2. The Delta Variant spreads more quickly than the original COVID-19 virus which will lead to more cases of COVID-19 and will put more strain on healthcare resources, lead to more hospitalizations and potentially more deaths; and
3. **The surge of the DELTA Variant in our community and across the country is a serious public health concern especially for school age children, those who are twelve (12) and under who are currently unable to receive any of the vaccinations that have been approved for emergency use authorization; and**
4. **Reported vaccination rates remain among the lowest in the country, with less than 45 percent of eligible South Carolinians fully vaccinated by the end of July, according to the Department of Health and Environmental Control (DHEC); and**
5. **It has been reported that the recent surge in COVID-19 cases is pushing South Carolina's pediatric Intensive Care Units (ICU)'s to capacity and that a drop in childhood vaccinations due to the pandemic and an increase in other viral diseases as people have stopped social distancing and mask wearing are also contributing to the medical system's overload; and**
6. **The South Carolina Department of Health and Environmental Control Two-week Incident Rate for the period July 21 - August 3, 2021, shows Sumter County has a HIGH Incident Rate of 675.6 cases per 100,00 people, a HIGH Trend in Incident Rate and High Percent Positive Rate of 14.1%; and**
7. **All of those factors have created the "perfect storm" that has strained capacity at Prisma Health Tuomey Hospital and Prisma Health Children's Hospital in Columbia as more children are diagnosed with COVID-19 and other respiratory illnesses, causing crowded offices, emergency rooms, floors and intensive care units; and**
8. The Center for Disease Control (CDC) and the South Carolina Department of Health and Environmental Control (DHEC) has determined that the use of face coverings help control the spread of the Coronavirus, including the Delta Variant; and
9. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the County's residents, and limits the spread of infection in our communities and within the healthcare delivery system; and
10. **In order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the County, the County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and**
11. **Sumter County Council is authorized and empowered, and has the duty to afford adequate protection for lives, safety, health and welfare by Article VIII, Section 17 of the South Carolina Constitution and the Home Rule Act of 1975, specifically S.C.Code Ann. 4-9-25 (2021); and**
12. Sumter County Council has determined, based on the recommendations of public health experts and to be responsive to a serious threat to the public health, safety, and welfare of its

citizens, that, although it would be within Sumter County’s police powers under Home Rule and S.C.Code Ann. 4-9-25 (2021) to require by ordinance that individuals wear face coverings in certain situations and locations, the Council chooses, instead, to pass this Resolution urging the wearing of face coverings in public; and

13. In light of the foregoing, County Council deems it proper and necessary to adopt this Resolution, effective immediately.

NOW, THEREFORE, BE IT RESOLVED BY THE SUMTER COUNTY COUNCIL ON THIS DATE THAT:

County Council urges all persons in Sumter County to wear facial coverings or masks in public places and public buildings within the County to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. Definitions. As used herein, the terms below shall have the following meanings:
 - a. “Establishment” means a Foodservice Establishment or Retail Establishment.
 - b. “Face Covering” means a uniform piece of cloth, fabric, or other material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person’s nose and mouth.
 - c. “Foodservice Establishment” means any establishment within the unincorporated areas of Sumter County that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis, and includes Drinking Places where beer, wine, liquor or other alcoholic beverages are served for on-premise consumption.
 - d. “Responsible Person,” with respect to an Establishment, means any individual associated with the Establishment who has the authority and ability to enforce the requirements of the Ordinance within the Establishment, such as an owner, manager, or supervisor. “Responsible Person” may also include an employee or other designee who is present at the Establishment but does not have the title of manager or supervisor, but who has the temporary or designated authority and ability to ensure that the requirements of this Ordinance are met while the Establishment is open to the public.
 - e. “Retail Establishment” means any retail business, organization, establishment, or facility open to the public within the unincorporated areas of Sumter County, including without limitation:
 - i) grocery stores, convenience stores, and any other establishment engaged in the retail sale of non-prepared food;
 - ii) commercial stores engaged in the retail sale of goods or services to the public including without limitation sporting goods stores; furniture and home-furnishings stores; clothing, shoe, and clothing-accessory stores; jewelry, luggage, and leather goods stores; department stores; hardware and home-improvement stores; book, craft, and music stores; florists and flower stores; and all other stores that sell supplies for household consumption or use;
 - iii) pharmacies and other stores that sell medications or medical supplies;
 - iv) alcoholic beverage stores; and
 - v) laundromats.

- f. “Dining” means the actual transfer of food or beverage to the mouth.
2. All persons entering an Establishment in the County or any building open to the public are encouraged to wear a Face Covering while inside the enclosed area of the Establishment, public place or building including religious establishments.
3. All Establishments in the County should require staff to wear Face Coverings while working in areas open to the general public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed.
4. All persons are encouraged to wear a Face Covering:
 - a. when walking in public where maintaining a distance of six (6) feet between other members of the public at all times is not possible;
 - b. while providing or utilizing public transportation including but not limited to taxis, Uber or Lyft;
 - c. when participating in a permitted or allowable gathering; and
 - d. while interacting with people in outdoor spaces, including but not limited to, curbside pickup, delivery and service calls.
5. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others would be excused from complying with this request.
6. Face coverings would generally not be worn by individuals in the following circumstances:
 - a) in outdoor or unenclosed areas appurtenant to Retail Establishments or Foodservice Establishments in which social distancing of at least six feet is possible and observed;
 - b) for people whose religious beliefs prevent them from wearing a face covering;
 - c) for those who cannot wear a Face Covering due to a medical or behavioral condition where the Face Covering causes or aggravates a health condition (i.e., asthma or the like);
 - d) for children under the age of eight years old, provided that adults accompanying children age eight or older shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Establishment;
 - e) when patrons of Food Service Establishments are dining, seated or socially distanced consuming food or beverage;
 - f) in private, individual offices and for employees where they are separated from customers by a plexiglass or glass shield;
 - g) when complying with directions of law enforcement officers;
 - h) in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming;
 - i) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.
 - j) by anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance;
 - k) in personal vehicles;

- l) during outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times;
- m) when a person is alone or only with other household members; and
- n) by Law Enforcement officers, Fire Fighters, EMS or other First Responders when it is not practical while engaged in a public safety matter or any emergency matter.

COMMENTS BY COUNCILMAN WASHINGTON AND OTHERS:

Road Issues: Councilman Washington asked Chairman McCain to allow him to talk to Council about a New Business item, (this was not added to the agenda; therefore, these are statements from Councilman Washington and other Council members.) The Chairman permitted Councilman Washington to speak. He asked Council to consider Council looking into the possibility of approving a one-time pot of money to allow for help with the roads in the rural areas. He stated that there are so many roads that have either pot holes, and partially paved roads. These funds could also address the issue with the private road where a community could purchase the material to have the road paved by the County; he added that this is a basic service. There are many seniors that have ambulatory services coming on the roads and children that ride school buses. If it rains, some of these roads are impassable.

Also, some of the roads need scraping, and brought up to a standard where the road can be passable throughout the County.

Councilman Washington said that if the County could have a “Once Over” it will make a difference in the County. He also mentioned that he is willing to work with the staff to develop some standards and come back to Council through the Public Works Committee to talk to Council about the possibility of allowing for some **One Time Funding** to be appropriated for helping with the road issues in the County.

Councilman Edens said that he would be in favor of reviewing a “one-time funding” for road issues and the funds to be used only for the roads and projects related to road needs.

Chairman McCain stated that this matter needs to be routed through the Public Works/Solid Waste Committee of Sumter County Council.

Councilman McGhaney concurred that there are a lot of problems with roads in the area which include drainage and some roads have bad flooding issues. She also stated that that some of the people are also having problems with their wells running dry. There are many needs in the rural areas as it relates to roads being scrapped, having crusher run placed on it, and paving of roads.

It was noted by the County Attorney that there are laws within the state about what the County can and cannot do as it relates to providing services on private roads.

It was mentioned by the Administrator that he is not sure what all can be done; but he and the Attorney will talk about the suggestions made especially to stay in line with the current laws.

American Rescue Plan Act of 2021: Lastly, Councilman Washington stated that earlier today, he gave the County Administrator a proposed application that he developed for the citizens to use to apply for funds from the County’s portion of the American Rescue Plan Act of 2021 funds. The application is for organizations that are 501(C)(3). He further stated that if changes needed to be made to the application, that the Administrator and staff could revise it.

Mr. Mixon noted that the staff is already working on a proposed allocation and preparing a presentation for Council, which will be ready by the next meeting of Sumter County Council. The presentation will detail the amount of funds that will be received and how the staff hopes that the funds can be used.

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

No executive session was held.

OLD BUSINESS:

- (1) Ordinance #21-957 – Third Reading -- An Ordinance To Authorize The Sale Of .24 Acres On South Guignard Parkway To St. Matthew Missionary Baptist Church.

Mr. Bryan presented this ordinance to Council for third reading. He stated that there have been no changes to the ordinance since first reading. The following action was taken.

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

COMMITTEE REPORTS:

- (1) Public Safety Committee Meeting Scheduled For Tuesday, August 10, 2021, at 4:45 p.m. In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (Washington, Baten, and Byrd)

The Committee Chairman, Councilman Carlton B. Washington, stated that the Committee met and received a request from the Sumter County Sheriff Anthony Dennis. Councilman Washington said that the Sheriff provided a video of a local business that has become a nuisance to the community and recently a person was shot on the outside of the location in question and later died from the shooting. Due to the activities that are going on at the facility, inside and out, Sheriff Dennis requested under:

State Code 4-9-30 Designation of Powers under each alternative form of government except board of commissioners form South Carolina Code of Laws (2021 edition).

(16.2) To obtain injunctive relief in the Court of Common Pleas to abate nuisances created by the operation of business establishments in an excessively noisy or disorderly manner which disturbs the peace in the community in which such establishments are located. Such injunctive relief shall be initiated by petition of the County Attorney in the name of the County Council not sooner than ten days following noncompliance with a written notice to the owner of the offending establishment or his agent to cease and desist in the conduct or practice which disturbs the peace and good order of the area. The provisions of this item are supplemental to (Chapter 43 of Title 15).

15-43-10 (B) As used in this section “continuous breach of the peace” means a pattern of repeated acts or conduct which either (1) directly disturbs the public peace or (2) disturbs the public peace by inciting or tending to incite violence.

The Committee recommended that the County Attorney, along with Sheriff Dennis, and other appropriate staff in the County to follow the directions in State Code 4-9-30 and 15-43-10(B) and other appropriate state laws to handle the request of the Sheriff concerning the nuisance business known as *Melted Whiskey* and seek an injunctive relief for this County.

ACTION: MOTION and a second were received from the Committee and unanimously approved by the County to approve the recommendation as presented to allow the County Attorney, along with Sheriff Dennis, and other appropriate staff in the County to follow the directions outlined in State Code 4-9-30 and State Code 15-43-10(B) and all other appropriate state laws to handle the request of the sheriff concerning the nuisance business known as *Melted Whiskey* and see an injunctive relief for the County.

(2) Land Use Committee Meeting Scheduled For Tuesday, August 10, 2021, at 5:30 p.m. In County Administration Conference Room, 13 E. Canal Street, Sumter, SC. (Edens, Baker, and Baten)

The Committee Chairman, Councilman Edens, stated that Helen Roodman gave the Committee an overview of what she thinks Mr. Dunlap is requesting; however, since Mr. Dunlap was not at the meeting because he was not aware of the time of the meeting, the Land Use Committee Meeting will be rescheduled for August 24, 2021. The Clerk to Council was asked to notify Mr. Dunlap of the time and the location of the next meeting.

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

No reports were given.

MONTHLY REPORTS

- 1) Nova Molecular Groundbreaking and Reception – August 12, 2021
- 2) Avionics Services Ribbon Cutting – August 18, 2021
- 3) Public Works Monthly Report
- 4) Mechanicsville UMC Historical Marker Unveiling
- 5) Rooted Networking Soiree Sumter Black Chamber of Commerce – postpone at this time.

COUNTY ADMINISTRATOR’S REPORT: No report

PUBLIC COMMENT -- Citizens Desiring To Speak Are Limited To No More Than Three (3) Minutes; Comments Are To Be Made Through The Chairman Of Sumter County Council.

ADJOURNMENT

After all business of Sumter County Council and comments, motion was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to adjourn the meeting at 6:49 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: AUGUST 24, 2021

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 Television first floor of the Administration Building.

Date Posted: Friday, August 6, 2021

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: Friday, August 6, 2021

Respectfully submitted,
Mary W. Blanding
Clerk to County Council
Sumter County Council