



MINUTES
Sumter County Council
Regular Meeting
Tuesday, June 22, 2021 -- Held at 6:00 p.m.
Sumter County Administration Building
Third Floor, County Council Chambers
13 E. Canal Street, Sumter, SC
Revised

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/UCAHjizPaonQ9LFS2kO37tA>

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, Eddie Newman, Karen Hyatt, Lorraine Dennis, Keysa Rogers, David Shadoan, Les Vandevander, Johnathan Bryan, Joe Perry, Allen Daily, Valerie Brunson, and two Sheriff Deputies.

MEMBERS OF THE PUBLIC PRESENT: Approximately 19 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.

CALL TO ORDER: Chairman Or Vice Chairman Of Sumter County Council

INVOCATION: Council Member, Staff Member, Or Local Citizen

PLEDGE OF ALLEGIANCE: Councilman McGhaney introduced Mr. Jones and the Pledge of Allegiance was led by Veteran Victor Jones, Council District #5 --US Retired Marine Veteran Victor C. Jones served our Country for more than 40 years of combined Active Duty and National Guard service. He served in both Field Artillery and Infantry Divisions as a First Sergeant. He also retired from Sumter County Government after providing 38 years of service in Public Safety. He is currently a member of the American Legion Post 15 and the Marine Corp League in Sumter. Mr. Jones is married to Joan and they have two Children and six grandchildren. He currently lives in Council District five. He was thanked for his service and then Councilman McGhaney presented Mr. Jones with a certificate of participation and appreciation.

APPROVAL OF AGENDA: Regular Meeting Tuesday, June 22, 2021
Chairman McCain asked if there were any changes to the agenda. The Clerk stated that there were no changes to the agenda. Then the Chairman asked for a motion on approval of the agenda.



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

APPROVAL OF MINUTES: Regular Meeting Tuesday, June 8, 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, June 8, 2021. The following motion and action were taken.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Baten, and unanimously carried by Council to approve the minutes of June 8, 2021, as presented by the Clerk to Council.

LAND USE MATTERS AND REZONING REQUESTS:

Planned Development/Rezoning Requests – None

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-21-10 -- 915 N. Wise Drive -- (County) – Second Reading/Public Hearing -- A Request To Rezone +/- 77.14-Acres Of Land From Heavy Industrial (HI) To Limited Commercial (LC). The Property Is Located At 915 N. Wise Drive And Is Represented By Tax Map # 230-00-01-015 (Part). (Prior To Action On Second Reading Council Will Hold A Public Hearing On This Rezoning Request.)**

Mrs. Helen Roodman, the Planning Director, stated that this rezoning request's applicant is the S. C. Department of Mental Health. Approximately 77 acres of land is being requested to be rezoned from Heavy Industrial to Limited Commercial. The property is near Crystal Lakes Golf Course. The applicant is requesting the rezoning to develop a Veterans Nursing Home and in the future a transitional care facility for veterans.

Mrs. Roodman stated that the Heavy Industrial Care zoning does not allow any residential care units in the zoning area. Also, Mrs. Roodman presented Council members with the current flood plan maps; however, the revised flood plan maps are currently under review; once the Planning Commission receives the new flood plan maps, Council members will be provided with a copy. This property is currently listed in the urban development planning area, although it is presently listed in the Black River Industrial Park.

The Planning staff and the Planning Commission recommend approval of the request. After Mrs. Roodman's comment, the Chairman called for a public hearing on this matter.

PUBLIC HEARING

The Chairman convened a public hearing on this matter and asked if anyone wished to speak in favor of or opposition to the request. The following person spoke to this issue.

- Ken Roey stated that he is a representative for the S. C. Department of Mental Health for the operations of the existing Veterans Nursing Homes and Oversight of the construction for new nursing facilities. He thanked County Council for all they are doing to help this project. The Project should be completed next year with 104 veterans being able to reside at the facility. **NOTE:** The other gentleman with Mr. Roey was Kevin Eubanks, PE, LEED AP, SSOE, Stevens & Wilkinson.

Chairman McCain asked if anyone else wished to speak in support or opposition to the request; no one else spoke during public hearing. Therefore, the Chairman closed the public hearing and Council took action on second reading of this rezoning request.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to approve second reading to this rezoning request as presented by the Planning Director.

- (2) **RZ-21-12 -- 911 Oswego Highway -- (County) -- Second Reading/Public Hearing -- Request To Rezone +/- 0.29-Acres Of Land From Light Industrial-Warehouse (LI-W) To Agricultural Conservation (AC). The Property Is Located At 911 Oswego Highway And Is Represented By Tax Map #'S 248-00-02-040 & 248-00-02-041. Prior To Action On Second Reading Council Will Hold A Public Hearing On This Rezoning Request.)**

Mrs. Roodman also presented this proposed rezoning request to Council for second reading and public hearing. She stated that the applicant is Mr. Michael Heriot who is present tonight on behalf of the rezoning request.

The request is to rezone approximately one-third of an acre of land from Light Industrial-Warehouse to Agricultural Conservation. This property has been historically used for a single-family residential use. In 1999, somehow, this property was changed from Agricultural Conservation to Light Industrial-Warehouse. However, the property has never changed its usage as a single-family resident. The house was built in 1958; currently the property is grandfathered non-conforming.

Mrs. Roodman stated that Mr. Heriot, the owner of the property, wants the rezoning back to Agricultural Conservation so that he can reserve his rights for future renovations or expansion of the home or use of the property.

PUBLIC HEARING:

After statements by Mrs. Roodman, the Chairman convened a public hearing on this matter. He asked if anyone wished to speak in favor of or opposition to this proposed rezoning request. The following person spoke during this public hearing.

- Mr. Michael Heriot, the property owner and applicant for this rezoning request, spoke in support of the request. He stated that he would be glad to answer any questions that Council may have and he hoped that Council would favorably consider approving this request.

There being no further comments during public hearing, the Chairman closed the public hearing and Council took action on second reading.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve second reading to this rezoning request as presented by the Planning Director.

OTHER PUBLIC HEARINGS: None

NEW BUSINESS:

- (1) Recognition and Presentation To Sumter County's Public Works Director, Mr. Eddie Newman.

Chairman McCain read the following statement to Mr. Eddie Newman:

On September 1, 1969, Eddie Newman started working for Sumter County Government as an Engineering Aid in the Public Works Department. His salary at the time was one hundred dollars a week before taxes.

Eddie would go on to be the Engineering Assistant, the Assistant Public Works Director and the Interim Public Works Director. He remembers using motor graders as snow plows during the record-breaking snow storm of 1973. Not long after Hurricane Hugo crashed into the coast and then through Sumter, Eddie took over as Director of Public Works. He can tell you stories about all the natural disasters his department has responded to. It's been quite a few. So now, after all these years, and as the longest serving Sumter County employee of all time, Eddie is finally calling it a day. And now Eddie has earned some time to enjoy working in the garden, and maybe a little bit of time on the golf course, if Debbie says that's OK.

Eddie and his wife Debbie have been married 10 years, by the way. They have a blended family of three boys – Michael, Christopher and Cameron – and two girls, Dana and Shelbie. And they are blessed with nine grandchildren who will undoubtedly keep them occupied this summer. Eddie, on behalf of Sumter County Council, we want to say 'Thank You' for over a half century of service and dedication to Sumter County Government and we hope you enjoy your well-earned retirement. Well done and Godspeed.

Then Mr. Newman thanked Council and staff for the many hours that he has had the privilege to work with team Sumter. Mr. Newman gave a short history of how things were when he first started to work at the County and he also compared how things are now including the comradery that the City and County have.

The Chairman presented Mr. Newman with a gift from Council and read the following proclamation in proclaiming June 30, 2021, as Eddie Newman Day in Sumter, South Carolina.

Whereas, *On September 1, 1969, only God knew that Mr. Marvin Eddie Newman would be granted an opportunity that would last for over five decades, and would provide him with a career growth that included positions in Sumter County Government such as an Engineering Aid, Engineering Assistant, Assistant Public Works Director, Interim Public Works Director, and his latter position, the Director of Public Works; and*

Whereas, *During his career, Mr. Newman, respectfully known as Eddie, grew in each of his former positions which gave him an ear, eye, and heart to toil for the betterment of Sumter County each year as he worked with his staff, four different County Administrators, City Public Works Directors, SCDOT Road Maintenance Engineers, Federal Agencies, including FEMA, and many other businesses, agencies, and industries; and*

Whereas, *Eddie worked tirelessly during Hurricane Hugo, the Thousand Year Flood, and other disasters and times of growth and improvements in Sumter such as economic development projects and expansions including Becton Dickinson, Continental, Sumter Airport; as well as managing the Landfill, recycling programs, intersection streetlight programs, and being able to assist the citizens in times of storms and other emergency needs.*

Now Therefore Be It Resolved, *that we the members of Sumter County Council do recognize Mr. Marvin Eddie Newman for his 51 years and six months of continuous dedicated career service because of his love for this community; Council acknowledges that this County, this State, and this Nation are all better places to live because of the outstanding contributions and services that Mr. Newman has rendered through many venues including his service to this County as a whole, his family, friends, employees, and co-workers of Sumter County Government.*

Be It Further Resolved, that members of Sumter County Council agree that it is extremely fitting that Mr. Marvin Eddie Newman be lauded for his life of service. It is Council's hope that God will continue to give him a humbled loving spirit, seasoned with wisdom, knowledge, and understanding as Council declares June 30, 2021, as:

Mr. Marvin Eddie Newman Day

In

Sumter County, South Carolina

Mr. Newman thanked Council, Mr. Mixon, a great friend, and other employees for working with him throughout the years. Councilman Baker thanked Mr. Newman for his work and allowed him to call him periodically.

(2) Presentation And Required Action On Revisions To Sumter County's Countywide Vehicle Use Policy.

Mrs. Lorraine Dennis, the Assistant County Administrator, presented this revised Sumter Countywide Vehicle Use Policy to Council for action. She stated that this particular policy will not affect all employees. It will only affect the employees that have been issued a County vehicle and those that are assigned to use a County vehicle.

Mrs. Dennis also stated that the County previously had a Vehicle Use Policy, dated back in 2008, and the Sheriff has a more current Vehicle Use Policy. To better manage these two policies and reduce and possible confusion about the two policies, Sumter County Sheriff, the Honorable Anthony Dennis, agreed to allow his office policy to be combined with the County's policy to create a policy which would be best for all those involved.

The Sheriff Office's policy has specific information in it concerning an Accident Review Committee and fees that the employee will need to pay the County in case of an accident. (See information below.) There were a few other minor changes. (The entire document is attached to these minutes.)

The County's Accident Review Committee will review the circumstances of the accident and determine the amount the employee is required to reimburse the County.

- I. *First Collision: Possible suspension (subject to final approval of department manager) and monetary penalty of a minimum of \$100.00 or more, depending on extenuating circumstances.*
- II. *Second Collision: Possible suspension (subject to final approval of department manager) and/or monetary penalty of a minimum of \$250.00 or more, depending on extenuating circumstances.*
- III. *Third Collisions: Possible termination (subject to final approval of department manager) and monetary penalty of a minimum of \$500.00 or more, depending on extenuating circumstances.*

Payment plans may be established through payroll deduction at the request of the employee.

After all comments about the revision to the policy, the Chairman of County Council called for a vote on the presentation by Mrs. Dennis.

ACTION: MOTION was made by Councilman Baker, seconded by Councilman Edens, and unanimously carried by Council to grant approval of the Vehicle Use Policy as presented by the Assistant County Administrator for all areas of the County.

(3) **Ordinance #21-954 – First Reading -- An Ordinance To Abandon And Convey Martino Avenue On Property Of Fred Lee Hatfield, III And Misty F. Hatfield On West Foxworth Mill Road.**

Mr. Johnathan Bryan presented this ordinance for first reading consideration. Mr. Bryan said that the ordinance will allow for the “paper-street” which would have been Martino Avenue. It is necessary for the Hatfield’s to have this matter resolved so that the family can have a revised plat in order to build a home on some of the property which is only a paper street. Mr. Bryan asked Council to consider providing first reading of this ordinance (see ordinance below).

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously approved by County Council to grant first reading approval of this ordinance as presented by the County Attorney.

WHEREAS, Sumter County Tax Parcel Number 233-00-02-002 was conveyed to Fred Lee Hatfield, III and Misty F. Hatfield by deed recorded on December 31, 2020, in the Office of the Register of Deeds for Sumter County in Deed Book 1278 at page 4830; and

WHEREAS, the deed conveying tax parcel 233-00-02-002 to Fred Lee Hatfield, III and Misty F. Hatfield described the property conveyed by incorporating by reference an unrecorded plat of Ferrell J. Prosser, R.L.S. dated February 12-13, 1969, less lots 1, 2 and 3 shown on a plat of Kennedy Acres recorded in Plat Book Z-29 at page 55 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, prior to the purchase of the property now identified as Tax Parcel Number 233-00-02-002 by Fred Lee Hatfield, III and Misty F. Hatfield, Marvoin B. Poston, one of their predecessors in title, recorded the plat of Kennedy Acres in Plat Book Z-29 at page 55 in the Office of the Register of Deeds for Sumter County which shows “Martino Avenue” as the only street in the Kennedy Acres Subdivision; and

WHEREAS, the lots in the Kennedy Acres subdivision were never developed other than lots 1, 2 and 3, all of which front on West Foxworth Mill Road; and

WHEREAS, “Martino Avenue” shown on the plat recorded in Plat Book Z-29 at page 55 has never been improved or accepted by Sumter County for maintenance; and

WHEREAS, “Martino Avenue” now appears on Tax Parcel Number 233-00-02-002; and

WHEREAS, the County neither claims nor denies that it has a dedicated right-of-way to Martino Avenue; and

WHEREAS, the County has determined in regard to Martino Avenue that there is no use thereof by the general public; and

WHEREAS, Sumter County does not currently need the property for any public purpose.

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

1. That Sumter County hereby abandons its interest in Martino Avenue which purportedly begins on S.C. Road No. S-43-105, West Foxworth Mill Road, and then extends approximately 1200 feet in a southerly, then southwesterly direction onto the property now owned by Fred Lee Hatfield, III and Misty F. Hatfield.

2. That the Sumter County Administrator has complete authority to execute any deeds or other legal instruments necessary to carry out the provisions of this Ordinance.

3. *That Sumter County convey to Fred Lee Hatfield, III and Misty F. Hatfield, by quitclaim deed, its interest in the approximately 1.67 acres of property in accordance with the terms of the draft quitclaim deed attached hereto and incorporated herein by reference.*

4. *This Ordinance shall take effect upon its adoption.*

(4) **Ordinance #21-955 – First Reading -- An Ordinance To Approve A Water And Sewer Utility Easement On Property Adjacent To Race Track Road.**

Mr. Bryan also presented this proposed ordinance to Council for first reading approval. Mr. Bryan stated that the City of Sumter hopes to have an easement across this property which is parallel to Race Track Road for water and sewer lines so that it may provide services to the property owned by Nova Recovery OZ Holdings, LLC. If the County provides this easement to the City of Sumter, it will assist with the development of this property and this will not interfere with any public purpose. (See ordinance below.)

After all comments from Council and the County Attorney, Council took action on first reading.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously approved by County Council to grant first reading approval of this ordinance as presented by the County Attorney.

WHEREAS, Sumter County owns the property identified in the 2021 Sumter County Tax Maps as parcel 252-00-05-029 having received a deed to the parcel from Judith Lawrence Medlin and Frances Patterson Lawrence recorded October 12, 2015 in Book 1215 at Page 4174 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, The City of Sumter has requested an easement across that property, parallel to Race Track Road, for water and sewer lines so that it may provide services to the property owned by Nova Recovery Oz Holdings, LLC; and

WHEREAS, the Sumter County Council has determined that granting the easement to the City of Sumter will assist with the development of the parcel owned by Nova Recovery Oz Holdings, LLC; and

WHEREAS, Sumter County Council believes it is in the best interest of the citizens of Sumter County to grant the requested easement and granting the easement does not interfere with any public purpose,

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

1. *That Sumter County hereby approves granting the permanent easement and the temporary construction easement requested by the City of Sumter.*

2. *That the Sumter County Administrator has complete authority to execute any deeds or other legal instruments necessary to carry out the provisions of this resolution including the draft of the Easement which is Attachment A to this Ordinance.*

(5) **Ordinance #21-956 – First Reading – An Ordinance To Amend The Code Of Ordinances, Sumter County, South Carolina Relating To Standing Committees To Add Litter Removal And Disposal To The Public Works/Solid Waste Committee.**

Mr. Johnathan Bryan presented this proposed ordinance for first reading approval. He stated that County Council recently passed an ordinance authorizing funding for capital expenditures for the purchase of litter removal equipment to be housed and maintained by the Sumter County Public Works

Department and has further authorized operations expenditures for the employment of litter control officers and litter removal equipment operators employed in the Sumter County Public Works Department in its Fiscal Year 2022 annual budget. He also stated that this ordinance cites that litter removal and disposal is a new service of Sumter County Administration and should be added to the services for County Council’s Public Works/Solid Waste Disposal Committee is responsible.

After the Attorney’s presentation, the Chairman called for a motion concerning first reading on this proposed ordinance as presented.

ACTION: MOTION was made by Councilman Baten, seconded by Councilman Baker, and unanimously approved by County Council to grant first reading approval of this ordinance as presented by the County Attorney.

WHEREAS, The Code of Ordinances, Sumter County, South Carolina, 2009 as amended, (“The Code”) contains the general and permanent ordinances of the County of Sumter, South Carolina; and

WHEREAS, Sumter County Ordinance 13-790 is codified in Section 2-248 in The Code and establishes the standing committees of Sumter County Council and prescribes the duties and responsibilities of each committee; and

WHEREAS, Sumter County Council has authorized funding for capital expenditures for the purchase of litter removal equipment to be housed and maintained by the Sumter County Public Works Department and has further authorized operations expenditures for the employment of litter control officers and litter removal equipment operators employed in the Sumter County Public Works Department in its Fiscal Year 2022 annual budget; and

WHEREAS, litter removal and disposal is a new service of Sumter County Administration and should be added to the services for which the Public Works/Solid Waste Disposal Committee is responsible.

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

1. *The words “litter removal and disposal” shall be added to the duties and responsibilities of the Public Works/Solid Waste Disposal Committee so that the Section 2-248(a)(7) shall read as follows:*

(7) Public Works/Solid Waste. Shall review and report on issues relating to recycling, waste collection and disposal, including planning for future solid waste disposal and recycling programs, litter removal and disposal, environmental issues concerning the landfill, maintenance and improvement of the county's 320 miles of dirt roads, drainage and flood control, the intersection street light program, issues concerning the county transportation committee and the use of C-Funds for paving roads.

(6) Sumter County Council’s Standing Committees, Liaisons, Etc.: (a) Method Of Appointment, (b) Composition Of Committees, (c) Committee Meetings, Etc., And Discussion And Possible Action Thereafter.

Councilman Eugene R. Baten presented this proposed agenda item to Sumter County Council. Councilman Baten said that he was concerned about members of the community approaching him

about decisions that were made by this Council without his knowledge. Councilman Baten said he had to tell the community that he did not know about these decisions because he was kept in the dark. He further stated that he believes that there have been some secret covert meetings and that the decisions that were made at these meetings were not shared with all members of Sumter County Council. Councilman Baten said that during his 15 years of serving on County Council he has never experienced anything such as this.

Councilman Baten also voiced his concerns about the Education Liaison Committee; he also cited the process in which people are appointed to the Committees and Liaisons. Councilman Baten said that he has had no problems with the process in the past. He further stated that he feels that one Committee is a very contentious committee; and these things are related to the Education Liaison. Councilman Baten said that he believes that the school board is under pressure to accept certain agreements because they believe that these agreements have been agreed upon by the full Council. However, Councilman Baten said he was not aware of these meetings.

Councilman Baten further stated that normally Council tries to put bipartisan people on the Education Liaison so there can be fairness and transparency. However, per Councilman Baten, the two people that are now on the Education Liaison should be one democrat and one republican. He also said that this practice would not put any political pressure on the School Board Trustees and it will increase transparency and feed back to all members of Sumter County Council. Therefore if someone approaches him in the future, he will not be dumfounded and say this decision was made and he had no knowledge of it.

Councilman Baten asked the Chairman to look into the Committee, Boards, and Liaison Committee appointments and make the adjustments that are needed so that this body can once again function with integrity.

Chairman McCain stated that when he first became Chairman, to his knowledge, when he made the appointments, he carried over the appointments from the former Chairman. Also, this year, whatever appointments that were made during his previous tenure as Chairman stayed in place except from positions the former Councilman Chris Sumpter held; all appointments that were previously held by Chris Sumpter, he gave them to Councilman Washington. He also asked Council Members, through the Clerk, if there were any changes. The only change that was made was a request from Councilman McGhaney. Chairman McCain said he made the change and Council unanimously adopted the list of appointees.

Chairman McCain further stated that the meetings that he has been involved in with the School District was suggested by Dr. Ralph Canty. No one had problems when these meetings were held then. It was also said by Chairman McCain that no one coerced the school board; all the County did was listen. Chairman McCain said that his stated person was something that Councilman Baten always talks about, the Republicans never vote for the School District, therefore, the Chairman wanted Councilman Baker, and Vice Chairman Byrd to hear about the needs of the School District which they did. The County did not coerce the School District, the School District came to the County and asked for two mills; never did anyone say what the School District could or could not do; that never came into the conversation. Chairman McCain said the two mills were unanimously voted on by The School District Board Of Trustees.

Councilman Baten stated that he is not talking about how the appointments were made; he is talking about the conduct of the members on the Education Liaison of Sumter County. The Chairman called Councilman Baten out of order; however, Councilman Baten made further statements concerning his displeasure about the Education Liaison Committee members' not informing Council about what was being agreed upon with the School District's 2022 Budget request.

The Chairman recognized Councilman Washington to speak. Councilman Washington stated that the concerns of Councilman Baten could be easily resolved if Council could go back to his recommendation to allow the entire Council to meet with the entire Trustee Board of the School District. There is nothing to hide. Councilman Washington also noted that having this meeting with the media present, citizens present, or whomever, it would show that there is nothing to hide. Councilman Washington also stated that in view of this issue there may be some implications of moral and ethical issues to how these meetings were held. He further stated that he is not making any statements or suggestions about the Council member from Dalzell or Councilman from Pinewood; Councilman Washington stated he felt that it was an error in judgment by the Chairman to put Councilman Baker and Vice Chairman Byrd in such a situation. He further stated that his goal on Council is not to make friends or to encourage favor or look at the "D's" and the "R's". Councilman Washington said that government should be providing basic services to the people of this County. He asked the Chairman to please consider scheduling at least two meetings with the School District; one in the fall and the other right before the County starts with its budget cycle.

Councilman Washington stated that he read an article today where the School District is giving the custodial staff a one or two percent increase in pay while other staff members will be getting a three percent raise. He further stated that the action by the School District does not square with him and it should not square with anyone else on Council.

Councilman Edens stated that County Council has nothing to do with how the School District decides what increase in pay its employees will receive; it is totally up to the School District.

Chairman McCain responded to Councilman Washington's statement about the meetings with the School District. The Chairman said he has this request under advisement and the meetings will be scheduled.

Councilman Washington responded to Councilman Edens' statement and indicated that County Council does not know what the School District will or will not do because everyone did not meet with the School District.

Councilman Baten and the Chairman discussed further the ways in which the previous meetings with the School Board this year were held. Councilman Baten strongly pointed out his frustration with the meetings and stated that he felt that the children that need the resources at the schools are the ones that are being hurt the most. Councilman Baten also suggested that there should be new appointments to this Committee.

Councilman McGhaney stated that since she has been on Council, when the Education Liaison met with the School Board, reports were brought back to County Council. Although that did not happen that way this time, she said that it should happen that way in the future. Councilman McGhaney suggested that when the meeting is called for the School District and County Council that the Legislative Delegation should be included since they have a lot to do with the funds for the School and for Council.

Councilman Washington said that the strategy that should be used for the meeting with the School Board is that the County and the School Board should meet first and then get on one accord. Then the two groups should meet with the Legislative Delegation and push back on Act 388 because there must be changes so that counties like Sumter County will be more flexible in its funding for the School District.

Councilman Baten asked the Chairman what he was going to do about his recommendation concerning the Committee Appointments; the Chairman stated that he will take it under advisement.

No further statements were made and the Chairman continued with the agenda items.

- (7) It May Be Necessary 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 at this meeting.

OLD BUSINESS: None

COMMITTEE REPORTS:

- (1) Internal Affairs Committee Meeting Scheduled For Tuesday, June 22, 2021, at 5:45 p.m. In County Council's Conference Room, 13 E. Canal Street, Sumter, SC. (Byrd, Baker, McGhaney)

The Chairman of the Committee, Vice Chairman James R. Byrd, gave the following report and recommendation from the Internal Affairs Committee Meeting.

- Litter Advisory Board Committee: The Committee recommended the following members and their appointment terms for the initial appointments to this board as outlined in the ordinance.
 1. Barbara Richburg – one year
 2. Ernest Frierson – two years
 3. Russell Brannon – three years
 4. Charles T. Edens as Council's Representative – The Ex-Officio Member.

ACTION: MOTION and second were received from the Committee and unanimously carried

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

No Report was given.

MONTHLY REPORTS

- 1) COVID19 June 18, 2021
- 2) SCAC Conference Information – July 30-August 3, 2021
- 3) Mayesville Downtown Revitalization P4P Ribbon Cutting and Grand Opening – July 8, 2021
- 4) South Carolina Rural Authority Water and Sewer Survey.

- 5) Upcoming Ribbon Cuttings And Grand Openings
- a. Animal Shelter, August 6, 2021
 - b. Aviation Week, August 19, 2021
 - c. Recreation Renovation And New Gym, September TBA

COUNTY ADMINISTRATOR’S REPORT

Mr. Mixon gave the following report:

- **Art Gallery Renovations:** This project is underway based on needs and one of the Norman Rockwell Exhibit that will be at the Art Gallery in September 2021. There must be climate control for the art-visit.
- **2021 Audit:** The County with be signing an agreement with Webster Rogers to start the County’s Audit. This Company should be on sight sometime in September.
- **Litter Equipment:** One piece of equipment for the Litter pick-up process has been ordered early so that once everything is in order (Litter Committee, staffing, guidelines, etc.), the equipment will be ready to use. It is stated that there will be a large demand for the Litter equipment throughout South Carolina, which causes the litter equipment to be in high demand. South Carolina Department of Transportation is also starting a litter pick-up program, and they too may be ordering this same type of equipment.
- **Litter Staff:** The County is beginning to work on finalizing the job descriptions and other matters relating to advertising for the positions, etc. The applications should be available in July.

COVID FUNDING: Councilman Washington thanked Mr. Mixon on his diligence in working on the Litter Program and staying abreast of everything. He also asked Mr. Mixon about the COVID funds that will be coming to Sumter County and how will the non-profits be involved in the process. Mr. Mixon stated that he and staff are attending ZOOM meetings on the roll out of the funds from Department of Treasure. At some point the Administrator and the staff will come before Council with a proposal. The non-profits and the public will be involved. Also, there will be some public meetings as well. Councilman Washington stated that he would like to be engaged in this process.

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.

No one spoke during this meeting.

ADJOURNMENT: After all business of Sumter County Council and comments, motion was made by Vice Chairman Byrd, seconded by Councilman Baker Edens, and unanimously carried by Council to adjourn the meeting at 6:58 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 13, 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: Thursday, June 17, 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: Thursday, June 17, 2021

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

SUMTER COUNTY VEHICLE USE POLICY

This policy establishes procedures regarding the assignment of County vehicle, and use of County vehicles. This applies to all County employees, unless otherwise noted within the policy.

Definitions:

Assigned Vehicle: A County-owned vehicle designated for the use of an individual employee in the normal performance of his/ her duties, but not authorized for take- home use.

Take- Home Vehicle: A County- owned vehicle designated for the use of an individual employee in the normal performance of his/ her duties including the commute from home to work.

ASSIGNED VEHICLES:

Only Sumter County employees on bonafide County business and authorized by the department manager may drive or operate County vehicles or equipment.

County-owned vehicles are to be used for official business only with reasonable consideration for use for meals, while in the course of performing business on behalf of the County. As for employees assigned take home vehicles, stopping between work and home to perform brief minor business may be acceptable, but any such use should be the exception rather than the rule, and only if the stop is directly in route from work to the employee's residence.

County-owned vehicles are not assigned for nor shall they be used for the convenience of the employee with regard to transportation needs or other non-business activities except as determined by the department manager with concurrence of the County Administrator or his/her designee.

Alcoholic beverages or any illegal drugs are not permitted in County vehicles at any time. Law enforcement personnel, as approved by the Sheriff, may transport alcoholic beverages or drugs that have been lawfully confiscated or scheduled for use during training exercises.

Hitchhikers are not permitted to ride in County owned vehicles. Non- County employees may accompany County employees in County vehicles when they have a business interest in the travel and if they are covered by their employer workers compensation plan. Due to insurance limitations and regulations, no other passengers are permitted unless authorized by the County Administrator or his/her designee (i.e. transporting children to school on the way to work).

TAKE HOME VEHICLE PROCEDURES

County employees are authorized for the take home use of a County owned vehicle under the following conditions: must possess a valid South Carolina driver's license, maintain a safe driving history, and meet the followings tests:

Test 1: The employee is:

- Subject to frequent after hours emergency callback or other unscheduled work, and such unscheduled work involves the first response to a real or present threat to life or properties requiring an immediate response, and a specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Test 2: The employee is:

- Subject to frequent after hours callback and such callback arrangements are to locations other than the employee's normal duty station.
- A special vehicle, tools or equipment are required to perform after hours assignments and unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

This category is normally reserved for emergency maintenance response situations where a group of employees share formal on call responsibilities on a rotational basis, such as public utility maintenance. In such cases, the use of the take home vehicle is for a period of on call assignment only.

Test 3: The employee is:

- Employed in a public safety position and is required to use an individually assigned vehicle during their normal tour of duty.

Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the County Administrator or his/her designee. While not on duty during such commutes, officers may assist on incidences they may encounter as needed and in accordance with departmental procedures. Any time spent responding to such incidents or callback return to work is work time and shall be reported as soon as practical.

Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle assignments must be reviewed and evaluated by the Department Manager and approved by the County Administrator or his/her designee annually beginning July 1st. The following conditions should be considered:

- Requirements of the job;
- Productivity;
- Availability of County vehicles; and
- Cost to the County

Department **Managers** shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. As for other purposes, the County Administrator **or his/her designee**, at the written request of the Department **Manager**, will authorize full-time take-home vehicles based on the criteria described.

Employees permitted to take a vehicle home (commute) from their workstation may do so for job related reasons and not as a compensatory measure.

Vehicles assigned are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit. The commuting costs of the use of a County vehicle may be a taxable fringe benefit cost to an employee. Any vehicle not specifically designated as exempt under the 1985 Tax Act shall result in a taxable fringe benefit to the employee.

The Finance Director through the Payroll Department shall compute the commuting cost of any non-exempt vehicle taken home by an employee. Sumter County will only deduct FICA taxes on the cost of this benefit. No Federal or State Income Taxes will be deducted by the County, the payment of these taxes will be the responsibility of the employee, when his or her personal income tax return is filed. The gross cost of this benefit is not subject to state retirement deductions.

Overnight assignment will not typically be granted to any employee that lives outside of a five-mile (5) radius from the nearest primary County limit boundary of **Sumter** County, unless specifically approved by the County Administrator **or his/her designee**.

DRIVER RESPONSIBILITIES/ REQUIREMENTS

Each driver of any County owned vehicle must have a valid South Carolina drivers/ operator's license. If an employee who drives a County owned vehicle is involved in an incident, on or off the job, where their license is suspended or revoked, the employee is obligated to inform their Department **Manager** and Human Resources within 24 hours of the incident. Failure to inform the County of a suspended or revoked license may result in immediate termination.

County employees, who drive vehicles weighing more than 26,000 pounds or a vehicle carrying sixteen (16) or more passengers, must have a valid Commercial Class B License. County employees who drive vehicles with a trailer must have a valid Commercial Class A License if required by law.

Employees authorized to drive or are assigned a County owned vehicle are subject to an annual review of their motor vehicle driving status with the State of South Carolina. Employees may be requested to provide a driving history as needed. The Department **Manager**, HR Director, County Administrator, and **Assistant Administrator** may review driving privileges on a case by case basis.

Employees are responsible for any vehicle or equipment assigned to them and must report unsafe operations or working conditions to their supervisor as soon as possible.

Employees shall allow sufficient time to reach destinations without violating speed limits or traffic laws. Employees must know and abide by all driving laws in all areas where they operate County vehicles and shall drive defensively at all times.

It is mandatory that all occupants of a County vehicle use seat belts at all times. The driver of the vehicle is responsible for enforcing belt usage by all occupants and shall report any failure to comply with the employee's supervisor.

The County of Sumter will not pay traffic tickets or parking fines of employees driving County owned vehicles, nor will the County pay if the employee is authorized to use their personal vehicle on County business. Employees found guilty of moving violations may be subject to corrective action.

An employee receiving a moving violation while driving a County vehicle has an obligation to immediately inform their Department **Manager**.

The Human Resources Department **will request from a prospective employee (other than law enforcement officers)**, a copy of **their** driving record if the duties of the position involve the operation of County owned/insured vehicles. After the applicant is hired, a copy of the driving record will become a part of the personnel file. Minimal driving infractions will not impede driving privileges.

INSURANCE OF VEHICLES

The County Risk Manager is responsible for maintaining adequate liability and collision coverage for assigned and unassigned vehicles.

For insurance purposes, each employee authorized to operate a County owned vehicle must provide the **Human Resources Department** with their name as it appears on the operator's license and their driver's license number.

The County's insurance is in force when an employee operates County owned vehicles or equipment. Property belonging to Sumter County, locked inside a vehicle is covered by the County's insurance against theft; however, personal property stolen from a County- owned vehicle is not covered, even if the personal property is used for County business. If your County vehicle is stolen, the following procedures are to be followed:

- Report the theft immediately to the Sheriff and **Emergency Management**.
- Obtain a copy of the police report filed.
- Provide Risk Manager with the date and location of where the theft occurred and all relevant information, including the police report.
- Provide Risk Manager with a list by model and serial number of any equipment stolen.
- Forward a completed incident report and/ or police report to **Emergency Management** within 24 hours.

Maintenance of Vehicles

Employees who are assigned vehicles are also responsible for ensuring that mechanical fluid levels are maintained including gasoline, engine oil, transmission fluid, radiator fluid and washer fluid, along with proper tire pressure.

Employees are responsible for the cleanliness (inside and out) of their assigned vehicles.

Employees with assigned County- owned vehicles are responsible for monthly inspections of their vehicles. Scheduling of routine maintenance and repairs is the responsibility of the employee to whom the vehicle is assigned.

Individual departments are responsible for monthly inspections of unassigned vehicles and scheduling routine maintenance and repairs.

No alterations may be made to County-owned vehicles without prior written approval by the department manager, County Administrator **or his/her designee**.

No bumper stickers, other than County approved stickers, may be placed on the vehicles.

The Vehicle maintenance Shop located at Sumter County Public Works is responsible for maintaining accurate and complete maintenance history for each vehicle. A monthly vehicle report will be provided to each department manager who have vehicles assigned to their department. This report will include parts cost, labor cost and fuel cost for assigned vehicles. It is the responsibility of each department manager to review their monthly vehicle report.

FUEL CONSERVATION PLAN

Employees should always be attentive to conserve fuel on a day to day basis. At times (i.e. fuel shortage and rising fuel costs), it is necessary to take further steps to assure that each department is doing their part to conserve fuel. If fuel consumption is deemed unjustifiably high, appropriate action may be required. Sumter County's Fleet Manager views monthly, the fuel usage throughout the fleet.

ACCIDENT PROCEDURES

NOTE: A card describing "What to do in case of an Accident" is maintained in the glove box of all County owned vehicles. Regardless of the situation, the procedures listed below **MUST** be followed:

- Immediate notification of the proper law enforcement agency and **Emergency Management** for an accident investigation and written report within 24 hours;
- Immediate notification of the employee's supervisor or Department Manager;
- Notification of **Emergency Management** within 24 hours of the accident, so that the insurance carrier can be notified;
- Notification to the County Administrator **or his/her designee** within 24 hours of the accident;
- "What to do in case of an Accident" card which is located in the glove compartment of the vehicle must be completely filled out, and turned into the supervisor. The supervisor will forward a copy to the County Department Manager, and **Emergency Management**.

If necessary, an injury report must be completed and submitted to the **County's Emergency Management Staff** as soon as possible in order to file a worker's compensation claim within 24 hours of the accident.

Securing accident repair estimates and approval of actual repair work is the responsibility of the County's Public Works Department, with assistance from the County's Purchasing Department.

Safety Review Committee

- The Safety Review Committee (the "Committee") will be comprised of seven members to serve terms of three years and will serve until a successor is appointed by the county administrator or designee. Any interim appointment to fill a vacancy for any cause prior to the completion of the term will be for the unexpired term. Any member may be reappointed for successive terms. Members of the Committee are selected on a broadly representative basis from among Sumter County Departments.
- The Committee will select its own chairman from among its members. The chairman will serve as the presiding officer at all hearings which he/she attends but may designate some other member to serve as presiding officer in his/her absence.
- A quorum will consist of at least two thirds of the Committee members, and no review may be held without a quorum.
- The Sumter County Safety Review Committee will convene upon the notification of the chairperson of the Committee with advance notification to each assigned member of the date, time, and location of the meeting. The Safety Committee shall be notified based on the volume of accidents up for review.
- The presiding officer will have control of the proceedings. He/she may take whatever action is necessary and reasonable to provide an equitable, orderly and expeditious review. Parties are expected to abide by his or her decisions except when a Committee member objects to a decision to accept evidence, in which case the majority vote of the Committee will govern.
- Prior to the hearing, the Committee has the authority to call for files, records, and papers pertinent to the investigation. The employee may, but in no event shall be required, to attend and address the committee meeting in person.
- The Committee members shall determine by majority vote as to whether the employee could have prevented the accident. The committee may make recommendations regarding prevention measures. In no event shall the committee make findings of fact concerning who ultimately was "at fault" nor shall the committee allocate percentages of fault. The Committee is not a disciplinary proceeding. Disciplinary action, if any shall be at the discretion of the employee's supervisor and/or department manager
- The decision of the Committee shall constitute a conclusion of the accident review case. The decisions of the Committee are not subject to be heard by the Grievance Committee of Sumter County.
- The Committees findings and recommendations, including any monetary penalty to be assessed, shall be set forth in writing and will be transmitted to the employee, and to the county administrator, and to the employee's department manager.

Vehicle or Property Damage Reimbursement

It is the policy of Sumter County that any accident or incident involving County equipment where the employee is fault reimbursement to the County may be required. The County's Accident Review Committee will review the circumstances of the accident and determine the amount the employee is required to reimburse the County.

IV. First Collision: Possible suspension (subject to final approval of department manager) and monetary penalty of a minimum of \$100.00 or more, depending on extenuating circumstances.

V. Second Collision: Possible suspension (subject to final approval of department manager) and/or monetary penalty of a minimum of \$250.00 or more, depending on extenuating circumstances.

VI. Third Collisions: Possible termination (subject to final approval of department manager) and monetary penalty of a minimum of \$500.00 or more, depending on extenuating circumstances.

Payment plans may be established through payroll deduction at the request of the employee.

Examples of At Fault Classifications:

- Following too close
- Driving too fast for conditions
- Failure to observe clearances
- Failure to obey signs
- Improper turns
- Failure to observe signals from other drivers
- Failure to reduce speed
- Improper parking
- Improper passing
- Failure to yield
- Improper backing
- Failure to obey traffic signals or directions
- Exceeding the posted speed limit
- Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) or similar charges
- Failure to follow proper County operating procedures

Post-Accident Substance

An employee who is involved in an accident or incident, which there is, or reasonably could have been personal injury will be tested. In the event of personal injury, a substance abuse test is required to meet guidelines established by worker's compensation. Incidents with property damage only may require a reasonable determination that action or inaction of the employee contributed to the incident or accident prior to a request for testing. While it is impossible to list every factor that might lead to a reasonable determination, the Supervisor, Department Manager, Emergency Management staff, County Administrator or his/her designee may review an accident or incident on a case-by-case basis to determine if a substance abuse test is necessary.

This Sumter County Vehicle Use Policy is effective upon its approval by Sumter County Council, and will become effective on the **1st day of July, 2021.**