



Minutes
Sumter County Council
Regular Meeting
Tuesday, May 14, 2019 -- Held at 6:00 p.m.
County Administration Building -- County Council Chambers
13 E. Canal Street, Sumter, SC

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Gary Mixon, Mary W. Blanding, Johnathan Bryan, Joe Perry, George McGregor,

MEDIA PRESENT: No media.

MEMBERS OF PUBLIC: Eight members of the public were in attendance.

CALL TO ORDER: Chairman McCain 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: Regular Meeting Tuesday, May 14, 2019

Chairman McCain asked the Clerk If there were any changes to the agenda; there were no changes. Then he asked Council members for a motion on the approval of the agenda.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Baker, and unanimously carried by Council to approve the agenda as presented.

APPROVAL OF MINUTES: Chairman McCain asked for a motion concerning the approval of the minutes for April 23, 2019.

ACTION: MOTION was made by Councilman Sumpter, seconded by Councilman Baten, and unanimously carried by Council to approve the minutes for April 23, 2019, as presented.

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

- (1) **RZ-19-05 -- 526 Godwin Street (County) -- First Reading -- Request To Rezone A +/-4.98 Acre Parcel Located At 526 Godwin Street From Residential-15 (R-15) To Agricultural Conservation (AC). The Property Is Represented By Tax Map # 245-06-02-003.**

Mr. George McGregor, Planning Director, presented this proposed rezoning request to Council for first reading approval. He stated that the applicant is requesting this rezoning as the result of a zoning enforcement investigation. It was found that an automotive repair shop has been operating on the property without proper business licenses. Residential-15 (R-15) zoning does not allow for Commercial Uses. The request is to rezone the +/- 4.98 acre parcel from Residential-15 (R-15) to Agricultural Conservation (AC) in order to legally use the property for an automotive repair service.

In the Agricultural Conservation (AC) zoning district Auto Repair is considered a Conditional-300 Use (C-300) subject to Planning Staff review and approval. In addition to Staff review, signatures from at least 70% of the surrounding property owners within 300 feet of the subject parcel are required as part of the Conditional Use Approval process.

Historically, the property has a business license for go-kart sales, but in 2016 the business license was discontinued by the business owner. The applicant's family has lived on this property since this area was first developed, and multiple businesses have operated out of the existing shop building, however; automotive repair has never been a legally licensed use. This rezoning request is an effort to bring the property into compliance with current zoning regulations and business licensing requirements.

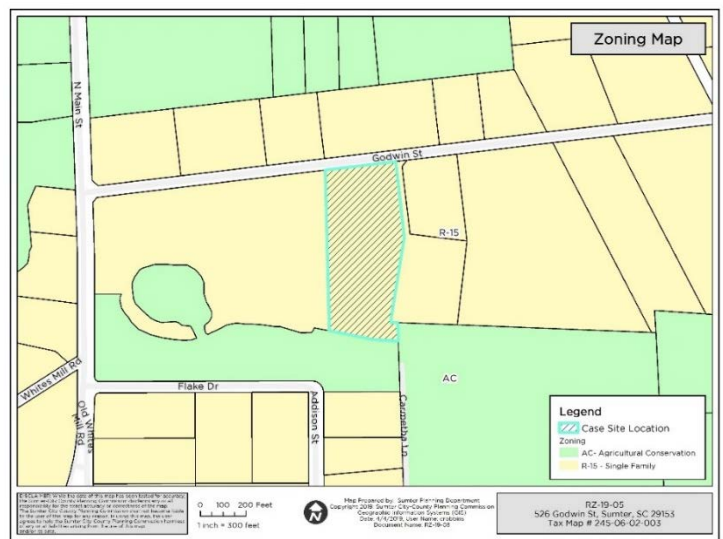


View of the property from Godwin St.

As shown on the zoning map to the right the subject property is currently zoned R-15. Adjacent to the subject property to the north, east, and west is R-15 zoning. To the immediate south, the property abuts AC zoning.

The purpose of the AC zoning designation is to protect and preserve areas of the county which are presently rural or agricultural in character and use, and are uniquely suited to agricultural uses.

While the AC zoning designation allows for Single-Family dwellings and Agricultural Uses by right, there are a host of commercial activities that are classified as conditional uses within the district, this includes automotive repair as a C-300 use.



Mr. McGregor stated that if the property is successfully rezoned, it will be possible to file a Conditional Use Application for Auto Repair to operate on the property. At that time, the property will be brought up to Site Development Standards as required for Auto Repair. After all comments from the Planning Director, the Chairman called for a motion to grant first reading approval.

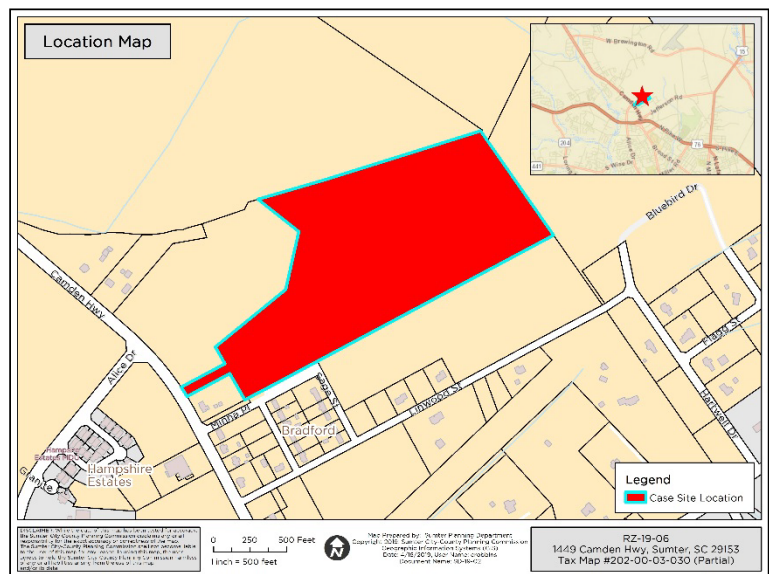
ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Sumpter, and unanimously carried by Council to grant first reading approval as presented.

- (2) **RZ-19-06 -- 1449 Camden Highway (County) -- First Reading -- Request To Rezone +/-45.78 Acres Located At 1449 Camden Highway From Agricultural Conservation (Ac) To Residential-15 (R-15). The Property Is Represented By Tax Map # 202-00-03-030 (Part).**

Mr. McGregor also presented this rezoning request to Council for first reading. He stated that this request is to rezone a +/- 45.78 acre portion of a 147.9 acre parcel from Agricultural Conservation (AC) to Residential-15 (R-15). The subject property, shown in the graphic to the right in red, is an undeveloped parcel of land along Camden Hwy.

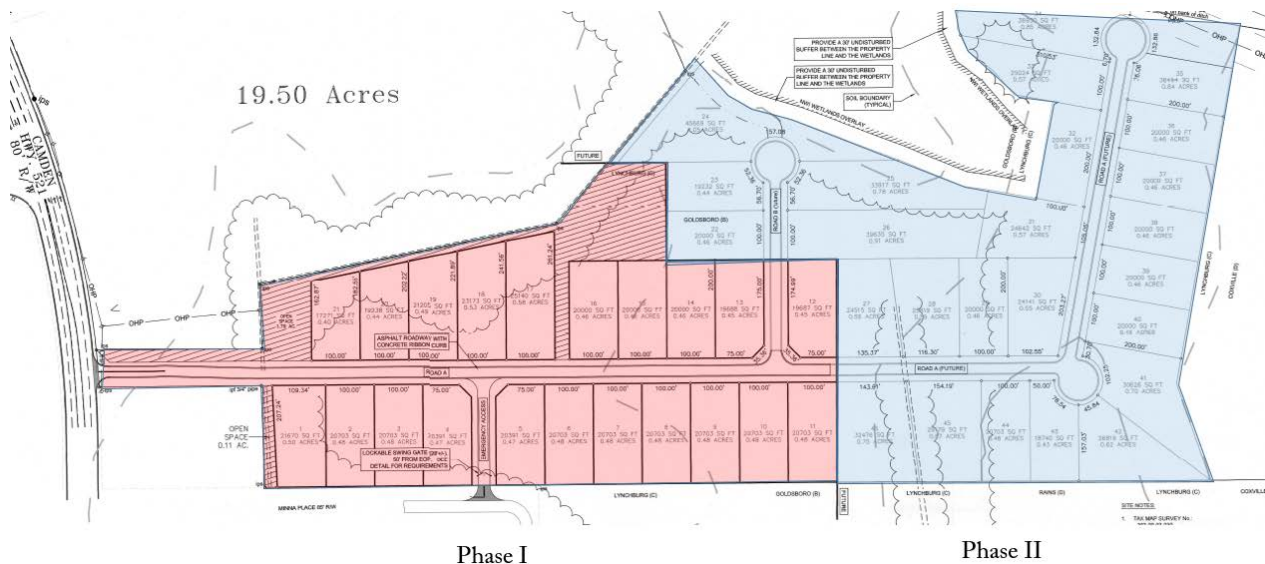
The applicant is requesting to rezone the +/-45.78 acres of the subject parcel closest to Camden Hwy. in order to develop the site at a higher residential density than AC zoning currently permits.

A photo of the subject property as it exists today is shown below.



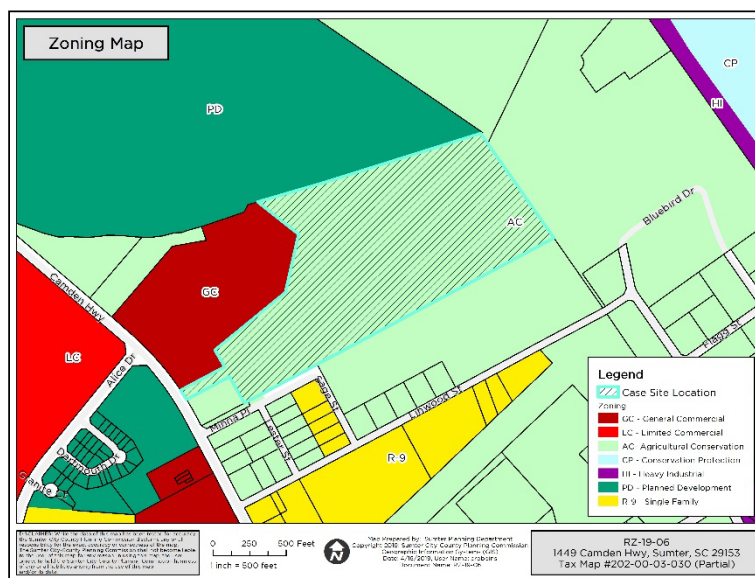
Above: View of the subject property from the dirt access drive

Mr. McGregor further stated that the applicant intends to develop this land into a single family residential subdivision. The graphic below shows the preliminary subdivision plan for the property. As proposed, the development will consist of 46 total lots ranging from 0.4 to 0.85 acres in size, with Phase I of the development accounting for 21 of those lots. This preliminary subdivision design will be reviewed and evaluated in the event an R-15 zoning entitlement is granted.



While municipal water and sewer services are available in the vicinity of Camden Highway, the applicant has indicated that they do not intend to annex into the City for municipal services. This is based on the expense of extending services to the site. As planned, the development would be served by individual well and septic.

As shown in the zoning map to the right, the subject property is currently zoned AC. This zoning designation is characterized by minimum lot sizes of over one acre, and is intended to preserve Sumter's rural and agricultural character. While the AC district plays a critical role in preserving rural areas with low density development, the area near the intersection of Alice Dr. and Camden Hwy. is already experiencing developmental pressure. Over the past 20 years, the area has been undergoing a shift from its rural, agricultural roots towards higher density residential and commercial development in response to Sumter's westward growth patterns.



The applicant intends to rezone the property to Large Single Family Lot Residential (R-15). Like the current AC zoning, an R-15 zoning designation would ensure the subject property remains primarily residential in nature, but would allow for higher density residential development than is currently permitted within the AC district. As per *Article 3, Section 3.b.5.a* of the *Sumter County – Zoning and Developmental Standards Ordinance*, if the property were rezoned to R-15, the future residential subdivision would be held to the following development standards:

Minimum Lot Size: 15,000 sf.
Minimum Lot width: 100 ft.
Minimum Lot Depth: 120 ft.

The proposed R-15 rezoning will fall below the density levels displayed by nearby zoning districts. To the south, in the Bradford subdivision, R-9 zoning is present which allows for lot sizes as small as 9,000 sf., and directly to the west, the Hampshire Estates subdivision is operating under PD zoning that permits lot sizes as low as 3,500 sf. While this proposed R-15 zoning is out of scale with the densities of neighboring residential uses, it does contain the developmental standards necessary to accommodate the applicant's proposed development.

After all comments from the Planning Director, the Chairman called for a motion concerning first reading approval.

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

- (3) **RZ-19-04 – Third 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.**

Mr. McGregor also presented this proposed rezoning request for third reading approval. He stated that there are no changes to this rezoning request since first reading. The Chairman called for a motion to approve third reading of this rezoning request.

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

OTHER PUBLIC HEARINGS:

There was no public hearing for this meeting.

NEW BUSINESS:

- (1) **19-908 – First Reading -- An Ordinance To Provide For A Levy Of Taxes For County Purposes Of Sumter County, S. C., (Known As The Budget Ordinance) For The Fiscal Year Of Said County Beginning July 1, 2019, To Direct The Expenditures Of Said Taxes And Other Funds Of Said County, And To Provide For Other Matters Related Thereto. (Title Only)**

Mr. Gary Mixon presented to Council first reading request for the 2019-2020 Fiscal Year Budget Ordinance to Council. He stated that the ordinance is presented by Title Only. Mr. Mixon also stated that the ordinance was presented during a budget workshop with the following information:

- Revenue Projects are listed in the proposed budget as \$51,612,920
- Expenditure Projects are listed in the proposed budget as \$51,882,02

Mr. Mixon stated that although there is a deficit at this time, he and other staff will continue working to ensure that Council is presented a balanced budget.

Also, Mr. Mixon gave the following dates for additional meetings as it relates to the budget:

May 21, 2019 - 4:30 p.m. Budget Workshop
May 28, 2019 - 5:30 p.m. Budget Workshop
May 28, 2019 - 6:00 p.m. Regular Meeting - Second Reading and Public Hearing
June 4, 2019 - 5:30 p.m. Budget Workshop-Fire Department Training Center
June 4, 2019 - 6:00 p.m. Special Meeting With School Board

After all comments and discussion, Chairman McCain called for a motion on this proposed ordinance.

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

- (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.**

No executive session was held.

OLD BUSINESS:

- (1) **19-907 - Third 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.**

The County Attorney, Mr. Johnathan Bryan, presented the proposed ordinance to Council for third reading approval. Mr. Byran gave an overview of the information that is included in this ordinance as discussed at first and second reading:

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 device. 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 at 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 a 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.

After all comments, the Chairman called for a motion for third reading.

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

COMMITTEE REPORTS:

(1) Budget Workshop To Be Held At 5:00 p.m. On Tuesday, May 14, 2019, In County Council's Chambers.

- Mr. Mixon stated that two major follow-up items from the Budget Workshop is a needed for additional information from the Solicitor's Office and the Veteran's Affairs Office. These items will be discussed at the next budget workshop.

Chairman McCain stated that he feels that he can speak on behalf of Council members that Council is pleased with what Mr. Mixon is doing with Council members, staff, and the overall Sumter community. He also thanked Council for accepting the contract and continuing his work with Council.

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

No comments from Council members.

MONTHLY REPORTS

- 1) Mary McLeod Bethune Festival
- 2) Sheriff's Department Monthly Report
- 3) Emerging Leaders Graduation
- 4) Bluegrass and BBQ
- 5) Ribbon Cutting Seaco

COUNTY ADMINISTRATOR'S REPORT

Mr. Mixon thanked Council members for approving his employment contract. He stated that he is thankful for Council members having confidence in him to continue working as a team member with the staff and Council.

PUBLIC COMMENT

Chairman McCain asked if anyone from the public would like to speak during public comment. No one spoke during this time; therefore, the Chairman closed the public comment.

ADJOURNMENT

After all discussion and all comments from the public, Motion was made by Councilman Baker, seconded by Councilman Sumpter to adjourn the meeting of Sumter County Council at 6:38 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: May 28, 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: May 13, 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: May 9, 2019

Respectfully submitted,
Mary W. Blanding
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