

**Minutes  
Sumter County Council  
Regular Meeting  
September 11, 2007 - Held at 6:00 p.m.  
County Administration Building County Council Chambers  
13 E. Canal Street, Sumter, SC**

**MEMBERS PRESENT:** Vivian Fleming-McGhaney, Chairwoman; Eugene Baten, Vice Chairman; Artie Baker, Larry Blanding, Jimmy Byrd, and Charles T. Edens.

**MEMBERS ABSENT:** Councilman Roland Robinson

**STAFF MEMBERS PRESENT:** Mr. William T. Noonan, County Administrator; Mrs. Mary W. Blanding, Clerk to County Council; Mr. Johnathan Bryan, County Attorney; Mrs. Lorraine Dennis, Deputy Administrator/Human Resources Director; Mr. Gary Mixon, Deputy Administrator; The Honorable Anthony Dennis, County Sherriff; The Honorable Verna Moore, County Coroner; Mrs. Pamela Craven; Finance Director; Mr. Allen Daley, Sheriff's Department; Mr. Lee Monahan, Sheriff's Department.

**MEDIA PRESENT:** The Item and WIS-TV

**PUBLIC PRESENT:** Approximately 24 members of the public were in attendance.

**CALL TO ORDER:** Chairwoman Vivian Fleming-McGhaney called Sumter County Council's meeting of August 28, 2007, to order.

**INVOCATION:** The Chairwoman of Sumter County Council, Vivian Fleming McGhaney, gave the invocation.

**PLEDGE OF ALLEGIANCE:** All in attendance repeated the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Councilwoman McGhaney stated that she would entertain a motion to approve the September 11, 2007, agenda with any additions or deletions.

The Clerk to Council offered the following proposed adjustments to the September 11, 2007, agenda.

**MOVE** The Following items just before Committee Report:

**07-651** First Reading and Public Hearing

**07-647** Second Reading and Public Hearing

**ADD** under New Business: Presentation By Harvey Belzar and The Honorable Phil Leventis.

**ACTION:** MOTION was made by Councilman Baker, seconded by Vice Chairman Baten, and unanimously carried by Council to approve the September 11, 2007, agenda as amended.

**ACTION ON MINUTES OF AUGUST 28, 2007:** Chairwoman McGhaney stated that she would entertain a motion to approve the minutes of County Council's meeting of August 28, 2007.

The Clerk to Council asked Council to amend the minutes by changing the following Adding Council Byrd name as the person who seconded the motion to action on the minutes of August 14, 2007.

**ACTION:** MOTION was made by Vice Chairman Baten, seconded by Councilman Baten, and unanimously carried by Council to grant approval of the minutes of August 14, 2007, as presented by the Clerk.

**LAND USE MATTERS AND REZONING REQUESTS – NONE**

**Planned Development/Rezoning Request – None**

**Street Name Change – None**

**Grant Awards – None**

**OTHER PUBLIC HEARINGS – See items listed below – just before Committee Reports**

**NEW BUSINESS**

**(1) Presentation By South Carolina Forestry Commission**

Mr. Havey Belzar from the Forestry Commission presented the County with a check for \$180,956.94. The funds represent a portion of the income that is produced through the work at Manchester State Park.

Senator Leventis stated that the opportunity to provide these funds to Sumter County is symbolic of the work that the Forestry Commission's staff performs each day. Mr. Belzar has worked in the field of natural resources, conservation, and forestry for most of his life. Senator Leventis ended his comments by stating that he appreciates the partnership that the State Office and the County officials have in making Sumter a better place to live for the citizens. He also thanked the Forestry Commission for providing the funds to Sumter County.

**ACTION:** Received as information.

**(2) A Resolution Abandoning Sumter County's Interest In And Discontinuing The Maintenance Of A Portion Of Lynette Drive.**

The Administrator presented this proposed resolution to Council for consideration of approval. He stated that the resolution would allow Sumter County to discontinue the maintenance of a portion of Lynette Drive. After review of the resolution, Council took action on its adoption.

WHEREAS, Lynette Drive, as shown on the Sumter County Auditor's Tax Map Sheet #208, extends from Cockerill Road (Road S-43-645) northwesterly to the CSX Railroad where it ends; and

WHEREAS, Sumter County Council has determined that the section of Lynette Drive which begins at the CSX Railroad and extends 0.14 miles in a southeasterly direction is unnecessary for public use and has been removed from the State of South Carolina Highway System; and

WHEREAS, the County neither claims nor denies that it has a dedicated right-of-way to the portion of Lynette Drive affected by this Resolution, but acknowledges that the South Carolina Department of Transportation, by correspondence dated August 29, 2007, a copy of which is attached hereto as "Exhibit 1," has abandoned its interest in that part of Lynette Drive and has removed that part of Lynette Drive from the State Highway System with the understanding that Sumter County will accept maintenance responsibility for this section of road even though previously the State of South Carolina Department of Transportation has, from time to time in the past, maintained Lynette Drive for the benefit of the general public; and

WHEREAS, the County has determined in regard to the portion of Lynette Drive proposed to be discontinued, that there is little use thereof by the general public, that the persons traveling to and from other real property situated on Lynette Drive have adequate access to and from such other property without using the portion of Lynette Drive proposed to be discontinued, that the cost of maintenance of the portion of Lynette Drive proposed to be discontinued is quite high compared to the low use thereof, and that the proposed discontinuance will result in the savings to the County in maintenance cost and that the proposed discontinuance will not adversely affect travel on the remaining portion of Lynette Drive; and

WHEREAS, based on the foregoing, the proposed portion of Lynette Drive sought to be discontinued is found to be useless and no longer required for public use or convenience, and accordingly, that it would be in the best interest of the traveling public that the portion of Lynette Drive described herein be discontinued from the portion of the County maintained road system; and

NOW, THEREFORE, BE IT RESOLVED by the County Council for Sumter County, South Carolina, in Council duly assembled:

1. That the County hereby abandons that portion of Lynette Drive which begins at the CSX Railroad and extends 0.14 miles in a southeasterly direction;
2. That the abandoned portion of Lynette Drive shall not hereafter be a part of the County's maintained road system.
3. That this Resolution does not affect any rights in or to Lynette Drive other than the rights of the County therein, should any there be.
4. This Resolution shall take effect upon its adoption.

Adopted this 11<sup>th</sup> day of September, 2007.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Edens, and unanimously carried by Council to approve the resolution as presented and directed the Chairwoman and the Clerk to execute and deliver the resolution on behalf of the County.

- (3) It May Be Suggested To Hold Executive Session To Receive A Legal Briefing From The County Attorney Or Discuss Contractual Or Personnel Matters.

No executive session held.

**OLD BUSINESS -**

- (1) 07-652 -- Second Reading -- An Ordinance Authorizing Sumter County, South Carolina, To Enter Into A Lease/Purchase Transaction Relating To The Financing Of Fire Equipment; Authorizing The Execution And Delivery Of An Equipment Lease Purchase Agreement In An Amount Not To Exceed \$600,000; And Other Matters Relating Thereto.

The Administrator presented this proposed ordinance to Council for second reading consideration. He stated that this is a lease purchase agreement for \$600,000 for the acquisition of necessary fire equipment to be utilized in the County.

**ACTION:** MOTION was made by Councilman Baker, seconded by Councilman Byrd, and unanimously carried by Council to grant second reading approval of this proposed ordinance as presented.

- (2) 07-646 – Third Reading -- Drug Paraphernalia: Unlawful To Advertise For Sale, Possess, Manufacture, Sell, Deliver Or Possess With Intent To Sell Or Deliver In The County Of Sumter, South Carolina.

The County Attorney, Mr. Johnathan Bryan, presented this proposed ordinance to Council for third reading consideration. He stated that there have been no changes to this ordinance since first reading. After review of the ordinance, Council took action on third reading.

**WHEREAS,** S. C. Code Ann. §44-53-391 makes it unlawful to advertise for sale, manufacture, possess, sell or deliver, or possess with intent to sell or deliver drug paraphernalia; and

**WHEREAS,** the penalty for any person found guilty of violation of that statute shall be subject to a civil fine; and

**WHEREAS,** imposition of such a fine under that statute shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense; and

**WHEREAS, Sumter County Council has determined that advertising for sale, possessing, manufacturing, selling, delivering or possessing with intent to sell or deliver drug paraphernalia is contrary to good order and is, in fact, criminal conduct.**

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

- 1. Paraphernalia is any instrument, device, article, or contrivance used, designed for use, or intended for using, ingesting, smoking, administering, or preparing marijuana, hashish, hashish oil, cocaine, crack, crank or any other illegal drug or illegal controlled substance. Paraphernalia is also any instrument; device, article, or contrivance used, designed or intended to facilitate abuse of lawful drugs or lawful controlled substances. Paraphernalia is also any instrument, device, article, or contrivance used, designed for use, or intended for using, ingesting, smoking, administering, or preparing any lawful drug or lawful controlled substance for an unlawful use or in an unlawful manner.**
  
- 2. Paraphernalia may include, but is not limited to:**
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana or hashish pipe, with or without screens, hashish heads, or punctured metal bowls.**
  
  - b. Bongs, chilams, water pipes, electric pipes, air-driven pipes, ice pipes, chillers, chamber pipes or any other pipe or device designed or intended for smoking, inhaling, using, or enhancing the use of marijuana, hashish, hashish oil, cocaine, crack, crank or any other illegal drug or illegal controlled substance.**
  
  - c. Carburetion tubes, masks, and other devices designed for use or intended for use with marijuana, hashish, hashish oil, cocaine, crack, crank or any other illegal drug or illegal controlled substance.**
  
  - d. Masks designed for smoking or enhancing the use of marijuana, hashish, hashish oil, cocaine, crack, crank or any other illegal drug or illegal controlled substance.**
  
  - e. Roach clips designed for smoking or enhancing the use of marijuana, hashish, hashish oil, cocaine, crack, crank or any other illegal drug or illegal controlled substance.**

- f. Separation gins designed for use or intended for use in cleaning marijuana or any other illegal drug or illegal controlled substance.
  - g. Spoons or vials for cocaine, marijuana, hashish, hashish oil, crack, crank, or any other illegal drug or illegal controlled substance.
- 3. Paraphernalia is not cigarette papers used to roll tobacco or pipes used to smoke tobacco.
- 4. In determining whether an object is paraphernalia, the following, along with all other logically relevant factors and competent proof must be considered:
  - a. Statements by the owner or anyone in control or custody of the object that its use or intended use for paraphernalia is defined herein.
  - b. The proximity of the object to unlawful drugs or unlawful controlled substance.
  - c. Residue of an unlawful drug or unlawful controlled substance found in, on, or about the object.
  - d. Evidence, direct or circumstantial, concerning the use or intended use of the object for paraphernalia as defined herein.
  - e. Instructions, guidelines, or descriptive materials provided or accompanying the object concerning its use or intended use for paraphernalia as defined herein.
  - f. Instructions or guidelines, oral or written, concerning the use or intended use of the object for paraphernalia as defined herein.
  - g. Advertising, national, state, or local, concerning the use or intended use of the object for paraphernalia as defined herein.
  - h. The display of the object for sale in a manner that shows its use or intended use to be for paraphernalia as defined herein.
- 5. In determining whether an object is used or intended for use as paraphernalia or for its legitimate, lawful purpose, factors to consider include whether the owner or anyone in possession or control of the object is a legitimate supplier or legitimate user of the object for a lawful purpose (a tobacco dealer or cigarette smoker); whether there exists legitimate uses

for the object in the City of Sumter that accounts for the scope or quantity of the objects sold or possessed; expert testimony concerning the scope and use of said object; and whether there is competent evidence to connect the object to an unlawful use or purpose. Sales or use of an object disproportionate to its legitimate use may be used to show that an object is used or intended for use for paraphernalia as defined herein.

6. It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver or to possess with intent to deliver or sell, drug paraphernalia in Sumter County, South Carolina. A person who violates this provision is guilty of a misdemeanor triable in Summary Court and, upon conviction, shall be sentenced in accordance with Sumter County Code Section 1-8.
  
7. This Ordinance shall take effect upon its adoption.

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

#### OTHER PUBLIC HEARINGS -

- (1) Public Hearing: 07-647 - An Ordinance To Amend Chapter 4, Article II Of The Sumter County Code Of Ordinances To Make It Unlawful To Own More Than A Certain Number Of American Pit Bull Terriers Or To Transport Fighting Dogs For The Purpose Of Participation In Dog Fighting Or Animal Fighting And To Require Business Licenses For Dog Breeders. (Council may take action on Second Reading of this ordinance either immediately after public hearing or during Old Business.)

The Chairwoman convened a public hearing on this matter; she asked if anyone wished to speak to this issue that they would be allowed to speak for three minutes. The following persons spoke.

- Ø Cheryl Johnson stated that she lives in Wedgefield; she does not own any Pit Bulls nor has she ever owned any. However, she feels that this ordinance, as currently written would put hardships on people that love and own Pit Bulls. She also stated that the results of certain dogs which are mated can breed a dog that looks like a Pit Bull. Ms. Johnson also stated that irresponsible breeders and irresponsible owners are providing Pit Bulls that - Ms. John also stated that there should be a leash law in Sumter County where no dogs are allowed on a leash, not changed to anything. The dogs should be confined in a fenced yard or a kennel suitable to the size of the dog.
  
- Ø Ashley May read an e-mail to Council concerning dogs. The article is as follows: Let me start by saying that I acknowledge the fact that our nation has a dog problem. I am adamantly against dog fighting and irresponsible dog owners who run the street or who neglect by not providing adequate health care or living conditions. I wholeheartedly embrace the notion that something needs to be done to address these problems immediately. However, having the ordinance as it is written is not the

answer. Ms. May continued to read the e-mail which stated concerns about the Denver, Colorado ordinance. She further stated that the problem with the ordinances in Denver was a lack of enforcement. If Sumter County does not have enough funds to enforce the current laws, how will it be able to fund a new law?

- Ø Clyde R. Smith spoke in support of the ordinance. He stated that he has a Labrador dog; one that you can pet, kiss, and not worry about the dog attacking the neighbors. Mr. Smith said that he hears the good stuff that people say about Pit Bulls; however, he is not concerned about whether a dog is a Pit Bull or Pit Bull mix, will the owner be responsible to the dog and the action of the dog. Mr. Smith asked the questions, who will pay the bill after one of these dogs attacks a child or an adult? Who pays for the reconstructive surgery, the loss of wages while recuperating from an attack, etc.? He suggested that within this proposed ordinance that Council includes language where a dog must have a microchip placed in the dog to be able to locate the dog if he attacks a person or another animal.
- Ø Aline Adams stated that she is not in support of this ordinance. She said her issue is responsible ownership. Ms. Adams has spent 38 years in the health care field; when she retired, she began rescuing animals. She now has six dogs and two cats. One of the dogs that she has is a Pit Bull that someone just dropped off in front of her home. Ms. Adams also said that even though she has one Pit Bull, Council should not limit the amount of Pit Bulls she can own.
- Ø Kit Bowen stated that she is a responsible dog owner and is not in support of this ordinance. She stated that she believes in being a responsible dog owner and being held accountable for what the animal does. Ms. Bowen stated that these two ordinances do nothing for the people who do not care about animals.
- Ø Alexandria Baten stated that she owns a dog and has owned a dog all her life and she is concerned for the safety and wellbeing of dogs. However, she is 100% in support of this ordinance. As citizens, we need to separate our emotions from public safety issues. The proposed ordinance is addressing public safety issues. The organization PETA, *People For The Ethical Treatment Of Animals*, has said that Pit Bulls are used in dog fighting because they have a natural propensity for violence. These dogs are naturally violent. The proposed ordinance is common sense; she quoted the Sheriff of Richland County, Leon Lott, "it is only common sense to regulate the amount of Pit Bulls." The ordinance does not address limiting a person from having other dogs; it is just requesting that people limit the amount of Pit Bulls a person should own.
- Ø Annett Douglas stated that she and her husband just moved to Sumter within the last three months. She just found out that her neighbor has two Pit Bull puppies. The children walked the dogs without leashes. She added that their concern is that these dogs will grow up and will not be cute puppies. One thing that she and her family keeps in mind, these dogs are animals; even though they are sweet dogs, we never know what might set off a dog.
- Ø Judy Engle stated that there are laws on the County books now that are not being enforced which would control dogs. There is a leash law throughout the County which

is not enforced. She added that when she has called Animal Control, they tell her to catch it and they will come pick it up. Ms. Engle said that she cannot catch the dog that just killed her potbelly pig and cat. Also, she said that she will NOT catch the dog that is tearing at her fence to get her two dogs that are safely locked in the fenced yards. She asked Council not to make more laws when the current laws cannot be enforced.

- Ø John Adams stated that he wanted to clarify that there are two ordinances, one about the Pit Bulls and the other about the Registering of Dangerous Animals. He stated that he understands the intentions of the ordinance limiting the number of Pit Bulls a person can own, but he believes that the ordinance is misguided. Mr. Adams stated that the ordinance makes an assumption that anyone with more than five Pit Bulls are up to no good with the dogs. However, if he and his mother want to help with abandoned animals whether they are Pit Bulls are not, they should not be limited to the number of these animals they want to assist.

After all comments, the Chairwoman closed the public hearing and asked each Council member to voice their concern about this item as listed under 07-647 – Second Reading.

- (3) 07-647 – Second Reading -- An Ordinance To Amend Chapter 4, Article II Of The Sumter County Code Of Ordinances To Make It Unlawful To Own More Than A Certain Number Of American Pit Bull Terriers Or To Transport Fighting Dogs For The Purpose Of Participation In Dog Fighting Or Animal Fighting And To Require Business Licenses For Dog Breeders. (Council may take action on Second Reading of this ordinance either immediately after public hearing or during Old Business.)

At the conclusion of the public hearing, the Chairwoman asked for comments from each Council member.

Councilman Larry Blanding: No comments.

Councilman Jimmy Byrd: No comments at this time. Prior to action on this matter, and after all comments from the public and Council member, Councilman Byrd stated that his reason for not supporting this ordinance is based on a person's rights to own any amount of dogs, etc. that he/she wishes.

Councilman Charles T. Edens stated that even though there have been attacks on humans by Pit Bulls and articles have been in the local paper about these dog attacks. However, it was usually only one dog or maybe two. Therefore, this ordinance would not address what has happened to these people. He stated that he is not in support of a breed specific ordinance. Additionally, the County currently has a leash law in effect and it just needs to be carried out by the Sheriff's deputies.

Councilman Baker: No comments.

Councilman Robinson: Absent from meeting.

Chairwoman McGhaney stated that she is not willing to support the ordinance as it is written. She stated that she has had many phone calls asking that this ordinance not be

supported due to the language in the ordinance. Chairwoman McGhaney stated that the leash law and the existing State laws ought to be able to handle these issues concerning dogs. The main issue is for the owners to be responsible.

Vice Chairman Baten: Stated that he introduced this ordinance because part of his responsibility as a member of the Public Safety Committee is to provide laws for this County which will protect the public safety, peace of order, and welfare of the citizens. He added that as he has heard from the public, it appears that animal rights have taken over human rights. It appears that dogs have the right to roam our streets openly and attack people anytime they want to; while citizens do not have the right to walk the streets in their neighborhoods and not be attacked by dogs.

Councilman Baten also provided newspaper clippings concerning the recent attacks by Pit Bulls and asked the public whether or not they wanted to go see the 60-plus dogs that the County is taking care of and securing them after an incident. Vice Chairman Baten then read an excerpt from the Attorney General's letter stating that "although it may be true that all Pit Bulls are dangerous, the evidence supports the conclusion that a group of Pit Bulls are dangerous animals. Clearly the ordinance classifies the Pit Bulls breed differently than other breeds reasonably further and rationally is related to public safety." He stated that public safety is what this ordinance is all about. He cited other information received from the Attorney General's Office and stated that he thinks that five Pit Bull dogs are too many for anyone to own; however he placed it at five so that he could get the support of his colleagues.

Mr. Bryan, the County Attorney, stated that he has read the opinion from the Attorney General's Office which was prepared by Charles H. Richardson, Senior Assistant Attorney General and reviewed and approved by Assistant Deputy Attorney General Robert D. Cook. Mr. Bryan cited the following from the opinion from the Attorney General's Office: "...Inasmuch as there are not South Carolina cases that I am aware of that have interpreted similar ordinances, I strongly suggest that a declaratory judgment action be brought to determine the constitutionality of such an ordinance with finality." The letter is actually stated that the Attorney General's Office is not sure about the constitutionality of the ordinance as it is currently written.

Mr. Bryan further stated that if this Council is of a mind to pass this ordinance, then more facts need to be received so that the County can make some legislative findings. The County should call on expert witnesses such as those that breed dogs, etc. The expert witnesses could either provide an affidavit or testimony, so that Council could make some legislative decisions.

After all deliberations on this matter, Council took action on second reading approval.

**ACTION:** MOTION was made by Councilman Byrd, seconded by Councilman Edens, and carried by Council to deny second reading to this ordinance. Council members Baker, Byrd, Edens, and McGhaney voted in the affirmative; Council members Baten and Blanding voted in opposition. Councilman Robinson was absent. The motion carried and second reading was denied.

- (1) 07-651 -- First Reading -- An Ordinance To Amend Chapter 4, Article II Of The Sumter County Code Of Ordinances To Promulgate The Requirements For Registering A Dangerous Animal.

The County Attorney presented this proposed ordinance to Council for review. He stated that in handling a recent case for the Sheriff's Office, he learned that there is a State Law which requires persons who own dangerous animals to register the animals. The law also defines a dangerous animal, defines the animal's location, and defines who owns the animal. See information below.

S. C. Code of Laws, §47-3-710 defines "dangerous animal" as an animal of the canine or feline family:

- 1) which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury or otherwise endanger the safety of human being or domestic animals; or
- 2) which:
  - a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by S. C. Code of Laws §47-3-720; or
  - b) commits unprovoked acts in a place other than the place where the animal is confined as required by S. C. Code of Laws §47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being; or
- 3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

Mr. Bryan also stated that he did not get this information to Sheriff Dennis prior to this meeting; however, the State law indicates the following:

WHEREAS, S.C. Code of Laws, §47-3-760(E) requires every person who owns a dangerous animal to register the animal with the local law enforcement authority of the County in which the owner resides; and

WHEREAS, S.C. Code of Laws, §47-3-760(E) authorizes the County governing body to determine the requirements of the registration for such dangerous animals

1. Any person residing in Sumter County, who owns a dangerous animal, as that term is defined in S. C. Code of Laws, §47-3-710, shall register the animal with the Sumter County Sheriff by visiting the Sheriff's office and completing such forms as the Sheriff shall require to identify the owner, the animal and the place where the animal is confined, as required by in S. C. Code of Laws, §47-3-720.
2. The owner shall provide the proof of liability insurance or surety bond required by S.C. Code of Laws, §47-3-760(E) at the time the animal is registered.

3. The Sheriff shall supply to the owner the metal license and certificate in accordance with S.C. Code of Laws, §47-3-760(E).
4. Violation of this Ordinance by the owner of a dangerous animal is a violation of S.C. Code of Laws, §47-3-760(A) and such violations shall be punished in accordance with the punishment prescribed in that section.

The Attorney suggested that Council allow for first reading to this ordinance and then allow input from the Sheriff as to the additional cost it would be of pay for implementing the registering of the animals. Mr. Bryan also stated that the animal owner must determine whether or not the animal in his/her possession is dangerous or not.

After discussion on this matter, the Chairwoman convened a public hearing on this proposed ordinance. After closing the public hearing, Council took action on first reading.

**ACTION:** MOTION was made by Baker, seconded by Councilman Byrd, and unanimously council to grant first reading approval.

- (2) **Public Hearing:** 07-651 -- An Ordinance To Amend Chapter 4, Article II Of The Sumter County Code Of Ordinances To Promulgate The Requirements For Registering A Dangerous Animal. (Council may take action on First Reading of this ordinance either immediately after public hearing or during New Business.)

The Chairwoman convened a public hearing on this matter. The following persons spoke on this matter.

- Ø Sheriff Anthony Dennis stated that the Sheriff's Department is in support of the ordinance. He also stated that if a case occurs that someone reports a dog bit; the Sheriff's Office is allowed to seize the dog and the only way the dog is allowed to return to its owner is if the owner registers the dog and a registration is granted to the owners.
- Ø Clyde Smith stated that he is about responsibility; he would like for Council to amend this ordinance in such a way that the animal owner will be held responsible for the action of his/her dangerous animal. If your animal causes damage to another person, animal, or property, restitution should be required. Microchips should be used as part of the registering process.
- Ø Charles Douglas stated that this ordinance seems to deal with promulgating the requirements for registering a dangerous animal. He stated that there needs to be specifications on how exactly should someone determine whether or not his/her animal is reasonably vicious. Mr. Douglas said for him, it all boils down to fear. If a person cannot walk through his/her neighborhood due to dogs, cats, etc., roaming without a leash and behaving in a threatening manner towards you or your family, then that animal is dangerous.
- Ø Ashley Mae said that she is a Veterinarian Technician and she believes that a Veterinarian is more than capable of determining whether or not a dog is a vicious animal.

- Ø Alexandria Baten stated that she is in support of registering a dog; however, she does not want to be bitten or attack by a dog before someone identifies it as a dangerous animal. Council needs to be pro-active in this matter and determine what vicious breed(s) and then require the owners to register these dogs; people have a right to be safe.
- Ø Aline Adams stated that she believes animal owners must be responsible. She is concerned about this ordinance being breed specific. However, the County Attorney informed her that this ordinance is not breed specific.
- Ø Kent Bowen stated that he is retired Air Force and has lived in Sumter for approximately 12 years. He asked County Council not to make Sumter County a dog free County.

After all comments, the Chairwoman closed the public hearing and Council took action on first reading. Action is recorded under "First Reading."

#### COMMITTEE REPORTS:

- (1) Technology/Personnel Committee Meeting Held On Tuesday, September 11, 2007, At 4:00 P.M. In County Council's Conference Room At The County Administration Building (Baten, Byrd, and McGhaney.)

The Chairman of the Committee, Vice Chairman Baten, stated that the Committee received a personnel briefing in executive session. There is no action to be taken.

- (2) Fiscal, Tax, and Property Committee Meeting Held On Tuesday, September 11, 2007, At 4:30 P.M. In County Council's Conference Room At The County Administration Building (McGhaney, Blanding, and Edens -- All Council Members Are Asked To Attend This Meeting.)

The Chairman of the Committee, Chairwoman McGhaney, gave the following report and recommendations.

- Ø Regional Wastewater – After a presentation from Mr. Jim Darby, Santee Lynches Regional Council On Governments CEO, concerning a Regional Wastewater Agreement, the Committee recommended entering into the Agreement along with other areas and to approve the use of \$7,000 from the County's Infrastructure Fund to cover Sumter County's expenses for its portion of the agreement.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented and to authorize the Administrator to secure \$7,000 from the County's Infrastructure Fund to be used for Sumter County's portion of expenses for this agreement.

- Ø Airport Hangar – Mr. Bill Lynam made a presentation to the Committee concerning the expenses of constructing new air plane hangars. Mr. Lynam will provide the Committee with some additional information at its meeting on September 25, 2007.
- Ø Naming and Replacement of Private Road Signs – This request was received as information, and Mr. Eddie Newman, Public Works Director, will provide the Committee with additional information at its September 25, 2007, meeting. Mr. Newman was asked to follow-up with the possibility of renaming or naming roads “numerically” which might deter vandalism of private road signs.
- Ø Marriage License --- The Committee received a request to increase the Marriage License Fees in Sumter County’s Probate Office from \$45 to \$50 effective September 12, 2007.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented to increase the Marriage License Fee from \$45 to \$50 effective September 12, 2007.

- Ø Executive Session: Contractual Matters and A Personnel Matter was discussed in executive session. It was recommended after the executive session, that the County Administrator and the County Attorney will continue with discussions on a contractual agreement.

ACTION: MOTION and second were received from the Committee, and unanimously carried by Council to approve the recommendation as presented to allow the Administrator and the County Attorney to continue with negotiations on a contractual matter.

- (3) Report From Council Members On Other Meetings, Trainings, and/or Conferences.  
No comments.

**MONTHLY REPORTS:**

- Ø Letter to Dr. Spann
- Ø Letter to Deron McCormick Concerning Invoices
- Ø School District #17
- Ø SCDOT Concerning Traffic speed on Jefferson Road and Caution Light At Sumter Christian School
- Ø Thank You Letter From Williams Funeral Home – Mrs. Magnolia R. Williams
- Ø Letter From Mr. Carl Holmes, Sr., SCCADA Commissioner
- Ø Marlowe and Company Government Affairs Consultants
- Ø Greater Sumter Chamber of Commerce
- Ø Sumter Development Board and Sumter Smarter Growth Initiative First Annual Investors Review
- Ø Sumter County Shiloh Water System
- Ø Letter From Robert C. Spencer
- Ø North Carolina/South Carolina Association of Community Development Corporations 2007 Conference
- Ø SCAC Technical Bulletin – Indigent Defense Act – Act No. 108 of 2007
- Ø Airport Commission

Ø Sheriff's Department Monthly Report

**ADMINISTRATOR'S REPORT:**

Ø Stated that he and the Chairwoman will be attending a trip to Washington concerning the MEGA Park. The trip is scheduled for Tuesday, September 18, 2007.

**PUBLIC COMMENT:**

The Chairwoman asked if anyone from the public would like to make comments to members of Sumter County Council. The following persons spoke:

Ø Carol Roberts stated that she is from Colorado and she believes that Council should remember that there should be no "breed specific" associated with a dangerous or vicious dog. Any dog could become vicious if the animal is treated wrong.

**ADJOURNMENT:**

There being no further business and no additional comments from the public, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Vivian Fleming-McGhaney

to County Council  
Sumter County Council

Mary W. Blanding

Chairman or Vice Chairman

Sumter County Council

Clerk

Approved: September 25, 2007

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

Public Notified: Yes

Manner Notified: Agendas posted on bulletin board on third floor of the Administration Building.

Date Posted: September 6, 2007

Media Notified: Yes

Minutes- Regular Meeting of Sumter County Council

September 11, 2007

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**Manner Notified:** Agendas were sent to most radio stations, television stations, and newspapers in the Sumter, Columbia, Manning, and Florence communities. Also, E-Mail notification was sent to Sumter County's Home Page, WIBZ, The Item, The Chamber, Time Warner Cable.

**Date Notified:** September 6, 2007

Respectfully submitted,

Mary W. Blanding  
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