

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
JANUARY 4, 2010  
5:30 P.M.**

**Pursuant to the Freedom of Information Act, the news media was notified and notice was posted on the bulletin board 24 hours prior to the meeting.**

**MEMBERS PRESENT:**

**Johnnie Wright, Sr., Chairman  
Janie Cooper, Vice Chairman  
Clyde B. Livingston  
Heyward H. Livingston  
Willie B. Owens  
Johnny Ravenell  
Harry F. Wimberly**

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

**Bill Clark, County Administrator  
D'Anne Haydel, County Attorney  
Jacqueline P. Turner, Clerk to Council**

**CALL TO ORDER**

**Johnnie Wright, Sr., Chairman**

**MOMENT OF SILENCE**

**Moment of silence observed**

**APPROVAL OF MINUTES**

**Motion by Vice Chairwoman Cooper, seconded by Councilman Ravenell, to approve minutes of December 21, 2009 with corrections, if any. Motion passed unanimously.**

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**NO COMMENTS**

**PUBLIC COMMENTS:**

**OTHER MATTERS**

**NO COMMENTS**

**1. AUTHORIZATION OF COUNTY TO ENTER INTO CONTRACT WITH YMCA OF COLUMBIA REGARDING THE ORANGEBURG COUNTY AQUATIC FACILITY**

**Chairman Wright called on the County Administrator to give a synopsis on the contract. Bill Clark reminded Council of their December 7, 2009 decision authorizing action to go forward with the major terms presented at that time, and return to Council with a final document, which is being presented tonight. There have been no substantive**

**changes to the major terms of the agreement, which have been prioritized in an attachment to the agreement, which he summarized for the benefit of the audience. The summary is incorporated and attached as a part of these minutes.**

**Mr. Clark stated construction is progressing well, with paving of the front parking lot, the entire facility under roof, and there will be an accelerated schedule on the finishing of the facility as work is being done indoors and not affected by weather. Additionally, he suggested when the weather turns warmer, he would like to arrange for those who are interested, a walking tour of the facility for a firsthand look at what is happening at the facility in preparation for an April 2010 opening.**

**In coordination with the Y, there will be a job fair close to opening day, as well as an open house event to acquaint the community with what is going on at the facility. Asked by Councilman Owens when job listings and descriptions are to be posted for viewing, Bill Clark indicated that would occur within the next 30 days or less. He indicated the agreement presented to Council has been before the Board of Directors of the Columbia YMCA and has their endorsement; it only requires Council's decision and execution at this point.**

**Chairman Wright asked if there were any questions. Councilman Ravenell inquired if the jobs would be full-time with benefits year round. Bill Clark responded there would be a number of full-time benefited jobs at the facility, but the majority will be part-time jobs that will benefit student populations, youth populations, particularly with the operation of the water park which will be operated on a seasonal basis consistent with the school year. Councilman Wimberly asked about the 14 member advisory board and whether 7 members would be coming from the YMCA out of Columbia. Mr. Clark explained the YMCA would be looking for members in the Orangeburg community who have served in the capacity as volunteers to the Y in the past; the board will be representative of the Orangeburg community. The director will be a resident of the County at the insistence of the YMCA.**

**Councilman Owens asked about the appointment of 7 Council members and signage. Bill Clark stated the 7 members would be chosen at the discretion of Council members; the YMCA would welcome recommendations for any other appointments to come to the Advisory Board. There is a mock up of the signage available for them to see upstairs, and the open glass wall fronting the facility have a large rendering of the County seal attached to the wall.**

**Councilman Clyde Livingston posed a series of questions concerning management, liability, insurance, operation budget and other costs, which were answered by Bill Clark and the County Attorney. Councilman C. Livingston made a motion to postpone authorization of the agreement. The motion died for lack of a second.**

**Councilman Heyward Livingston voiced his concern about not being apprised of all negotiations, especially the \$1.5 million change in the YMCA's investment, which he understood would be larger.**

**Councilman Ravenell asked about the duties and responsibilities of Advisory Board members. Bill Clark indicated they were included in the contract and Council members could refer to them in considering candidates for appointments to the Advisory Board. Candidates should be able to promote the facility and its programs in the community and be able to assist with the annual scholarship campaign and support the values and interests of the YMCA, but become familiar with the operations and be able to make recommendations as to the operation of the facility, but in an advisory capacity. The Orangeburg facility would be similar to how other branches operate within the Columbia area.**

**Additionally the County Attorney stated the YMCA has one board of directors for the entire United States. All other board of directors and all of their facilities are advisory in nature; that is their model, they do not deviate from it.**

**Councilman Owens wanted it understood that all promotional activities for the opening would be conducted by the YMCA. Bill Clark agreed, indicating the Y will be in partnership with the County in any promotional advertising activities that go on in the community that would lend itself to making the facility successful. Councilman Owens also inquired if a trigger clause should be in the agreement to make the agreement null and void should the YMCA fail to live up to some of their conditions? The County Attorney said no, there is a breach of contract provision, and if they fail to live up to their duties, that would trigger a breach of contract and a breach of contract can be remedied in a letter of intention by walking away from the contract.**

**In response to an earlier concern of Councilman Clyde Livingston, Councilman Owens stated it is his understanding there is no need to have a separate liability contract for the Aquatic Center other than what the County has under the umbrella of the County. The County Attorney added a footnote, stating if insurance has to be separate for some reason, it would be the same types of insurance at the same rate the County currently has for other buildings.**

**Discussion followed exploring all aspects of the contract with input from all 7 Council members. Chairman Wright stated it is the ninth hour and the project is almost built, is it to be stopped for insurance. He expressed appreciation for the in-dept questions asked by Councilman Clyde Livingston, who asked why the decision could not be carried over to the next Council meeting, what is the problem in carrying it over to the next meeting. Councilman Wimberly called for the question. Councilman Owens called for the question. Chairman Wright asked Bill Clark to give a synopsis on the question asked by Councilman Clyde Livingston.**

**Bill Clark explained the document has been endorsed by the Y, there is on-going construction activity and decisions that need to be made with regard to staffing and outfitting the facility. It would be his preference to receive authorization tonight if the majority of Council is in that position.**

**Motion made by Vice Chairman Cooper, seconded by Councilman Owens, to give the County Administrator the authorization to enter into a contract with the YMCA of Columbia regarding the Orangeburg County Aquatic facility. Motion passed unanimously.**

**2. AN OFFICIAL ACTION OF THE ORANGEBRG COUNTY COUNCIL  
AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A  
CONTRACT TO PURCHASE PROPERTY FROM CAROLINA  
LUMBER**

**Chairman Wright asked Bill Clark to give an overview of this project. Mr. Clark explained this is adjoining a parcel of property currently owned by the County on Mixon Mill Road and will facilitate some additional programming potential for the site. An appraisal has been completed on the property and negotiated a price shown in the document, with the purchase to be contingent upon receipt of an environmental report on the property and the title review. He deferred further comment to Councilman Clyde Livingston for additional information.**

**Councilman Clyde Livingston indicated this is another site for the CREST program and will be a senior citizen center and will have other programmatic things added to it that created an interest in another 12 acres from the 1.8 acres acquired with the original building primarily for use by senior citizens and a youth program when the details are worked out. It will be driven by the needs and desires of the community.**

**Councilman Owens asked if this will be coordinated with the Council on Aging in any way. Councilman C. Livingston replied in the affirmative, saying he could not speak for them since their are not a county agency, but there have been conversations and there is one to come on line before this one does, and the details will probably be worked out in that location and then replicated at Mixon Mill Road.**

**Councilman Heyward Livingston stated he was familiar with the area and asked for a further description of where the property is, which Councilman C. Livingston gave to him. Councilman Owens asked about the population in the**

area; Councilman C. Livingston was not sure, indicated it has a heavy population, centralized between Cordova, Cordova Road, Cannon Bridge Road and a portion of Edisto Drive.

Councilman Heyward Livingston asked how many sheds would be torn down; Councilman C. Livingston indicated at this point there was no certainty any sheds would be torn down; there may be some use for them in the program.

Chairman Wright indicated the motion to give authorization for Orangeburg County to enter into a contract to purchase the property from Carolina Lumber was made by Councilman Clyde Livingston and seconded by Councilman Owens. Motion passed unanimously.

**3. ACCEPTANCE OF BID – WHITTAKER PARKWAY SEWER PROJECT SECTION B (CPST II -#96 – DISTRICT 7)**

Chairman Wright asked the County Administrator to give an overview of the project. Bill Clark indicated this project is funded by the Capital Project Sales Tax, identified for construction purposes as part of Section B of the Whittaker Parkway sewer project. More specifically it is a sewer line to be installed on a portion of Brentwood Drive and Rodney Street, then connecting back to Whittaker Parkway.

B.P. Barber where the Project Engineer on this project, who designed and administered the bid project process. Bid opening was done December 16, 2009, with 12 competitive bids received, with the low bid submitted by Palmetto Site Prep of Orangeburg, S.C. in the amount of \$338,385.56. Of this amount the portion Orangeburg County will be responsible for is \$328,925.56. The Project Engineer is recommending the low bidder of Palmetto Site Prep, with whom the County has had experience working with in the past. He is supporting the recommendation of the Project Engineer to award the bid to Palmetto Site Prep.

Motion by Councilman Owens, seconded by Vice Chairman Cooper to accept the low bid of \$328,925.56 submitted by Palmetto Site Prep. Motion passed unanimously.

Councilman Ravenell spoke about contractors who submit low bids coming back later submitting change orders that succeed some of the other bidders and he

wants to make sure this does not happen, unless it come back through Council. Councilman Owens indicated there will be hold down on change orders.

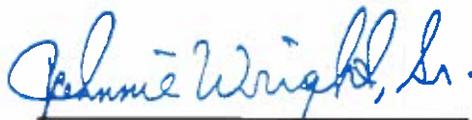
Councilman Wimberly asked if there will be an impact fee for the County. Bill Clark indicated not for the County, this is for construction only. As individual residents along this route would desire to tap in, at that point there would be an impact fee and tap fee to the resident. Councilman Wimberly stated if the County is footing \$338,000 worth of construction as a gift to the city of Orangeburg through DPU are they going to turn around and charge the people an impact fee, if there is one, and a tap fee to make money. I can see an impact fee on something they construct, but if public money is put into it, there ought to be some consideration. Whether you can get that done Mr. Owens I don't know. That's an awful lot of free gifts to the city, impact fee and hook up fees. Councilman Owens stated he will try to deal with this.

Councilman Clyde Livingston asked Chairman Wright if the staff could research the purpose and logic as to what the impact of tap and cap fees are supposed to be covering and if they are held in a special fund and how they are to be used. Bill Clark indicated the staff could do this. Councilman Wimberly asked Councilman Owens if the residents will be asked to sign an annexation form. Councilman Owens replied in the affirmative. Councilman Wimberly reiterated if the City is using taxpayer's money to create a situation, they need to be challenged on a constitutional basis, whether the City can take tax money and make someone sign that they will be annexed into a district.

Motion for adjournment made by Vice Chairman Cooper, seconded by Councilman Ravenell. Motion passed unanimously.

Meeting adjourned.

  
Jacqueline P. Turner, Clerk

  
Johnnie Wright, Sr., Chairman