

**MINUTES
ORANGEBURG COUNTY COUNCIL
APRIL 18, 2011
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
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly**

MEMBERS ABSENT:

OTHERS PRESENT:

**Bill Clark, County Administrator
Jacqueline P. Turner, Clerk to Council**

OTHERS ABSENT:

D'Anne Haydel, County Attorney

CALL TO ORDER

Johnnie Wright, Sr., Chairman

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

Motion by Councilwoman Cooper, seconded by Councilman Wimberly, to approve minutes of April 4, 2011 with corrections, if any. Motion passed unanimously.

Prior to public comments being heard, Chairman Wright announced a public hearing on blue laws is to be held Thursday, April 21, 2011, 5:30 p.m., OCTec . He asked those who wanted to speak about blue laws he would appreciate their holding their comments until that time. Council has gotten the message, and it is not necessary to continue having church service. Councilwoman Cooper asked where the hearing would be held. Bill Clark stated the hearing will be held in the Math and Science Building, Building R.

Councilman Owens stated to the Chairman he would like to amend the agenda by adding a resolution of the Orangeburg County Council urging members of the S.C. Carolina General Assembly and Governor Haley to oppose House Bill 3508 and any other legislation which would prohibit or limit the ability of local governments to provide broadband or any other communication services or systems.

Motion by Councilman Owens, seconded by Councilman Wimberly to amend the agenda to add the resolution on the broadband issue which would be item 15A on the agenda. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEMS

NO COMMENTS

Ms. Henrietta Baskin, representing AT&T as the Regional Director for External Affairs indicated before the hearing of the General Assembly, AT&T put some recommendations for carving out Orangeburg County or any funds Orangeburg got from the Federal Government, exempting them totally from all the areas. There may be one or two items up for discuss that are of concern to Orangeburg, but she wanted Council to know that AT&T has been willing to talk with anyone at anytime to talk about any kind of amendment or any proposal the County did not like, let AT&T know and have detailed discussion. The present amendment proposed and resubmitted by AT&T says Orangeburg would be exempt from anything the County puts in their request from the Federal Government for which the County received money. All these areas would be exempt and would not come under that legislation. Ms. Baskin solicited questions from members of Council.

63ly stated he lived in rural Orangeburg County and runs a business there. Right now he uses satellite. Is she promising him she will give him 190kbps, that's dark ages; he wants 5 kbps. Ms. Baskin stated that's not what the legislation says, but Councilman Wimberly stated it does. Ms. Baskins stated is says 190kws or more, but does not limit it to 190kws. Councilman Wimberly challenged AT&T to bring its standards up to FCC requirements and then they could be on the same page. Ms. Baskins stated Orangeburg's area would not be affected by this because AT&T has carved it out; any of the fire zones listed in the bill will be totally exempt.

Councilman Wimberly asked about his neighbor in Bamberg County? Ms. Baskins explained if they are in an unserved area that Orangeburg puts in its grant, they are excluded. Nothing would be said, the County could do whatever it wanted to do in that area, there would be no one who would come in and say you need to be competitive. If it is in an area served like downtown Orangeburg, where a private company has already put fiber cables in the ground or the telephone company, then AT&T would have some problems with this; not that the County could not do it, you could go to the unserved or served area, only when you are in the served area so there would not be a competitive disadvantage, then the County would need to separate that and that needs to be a separate stand alone account; the monies need to be in a separate stand alone account, and accounted for like a competitive company would have to account for it. Orangeburg County would be able to serve any area in the county that it wants to serve with the fiber. Nothing in the bill precludes Orangeburg from serving any territory.

Ms. Baskins stated she applauds the foresight of County Administrator for deciding to apply for the grant. If a private company is not coming to an area and the area cannot get broadband, then by all means the County should serve its citizens.

Councilwoman Cooper asked why is AT&T just coming to the surface, when in the past it did not, it rejected Orangeburg County? Before the bill was filed she met with the Administrator and Harold Young to let them know AT&T was filing a bill; it was here understanding Orangeburg and another county had gotten some money, and she thought the bill would not affect Orangeburg, it would only affect the other county, Oconee County. Oconee was considered to have a competitive disadvantage because a private business was already paying taxes, had laid fibers in the downtown area. It was then she heard Orangeburg was thinking about doing some of the same things. She was surprised because she came to say the bill going to be filed did not apply to Orangeburg; in the discussion she understood Orangeburg may be or wanted to talk about serving areas already served.

Councilman Owens stated appears H.B. 3508 is like a bulldog with hay; it cannot eat the hay, and it does not allow anyone else to eat it. When you look at neighboring counties such as Bamberg that borders Orangeburg County, no one served that area; but if this bill would pass, it would prohibit anyone else from serving that area. Ms. Baskins disputed this, stating the bill says a government-owned network can serve any area at all, served or unserved; the bill does not preclude Orangeburg County from going into any area that Orangeburg County has. Councilman Owens asked, why sponsor the bill at all? Ms. Baskins stated the reason for a bill being put into effect, using an example a private owned company higher pricing versus a city owned company with free resources, being able to charge less, as having an unfair advantage over a competitor.

Councilman Owens asked how long AT&T had been in business to which Ms. Baskins cited 100 hundred years, as opposed to broadband being fairly new in Orangeburg for five to six years. Councilman Owens stated AT&T has not considered those other areas because it was considered losing money. This bill would allow Orangeburg to serve in unserved areas and any other areas.

Bill Clark addressed Chairman Wright, stating Ms. Baskins was correct in saying they had met previously and are scheduled to meet again April 28, 2011, and he has known "Henry" for a number of years, likes her a lot, but he could not disagree more with the position of her company with regard to this particular bill. He understand what she has indicated is her interpretation. He has a very different interpretation of what the bill actually says, and he finds the notion that AT&T the 10th largest company in America needs legislative protection from Orangeburg County a stretch of credibility. He is willing to keep talking and discussing, but he finds very little 3508 he could recommend to County Council or to the other rural areas of South Carolina. Chairman Wright thanked Mr. Clark and Ms. Baskins for their comments.

PUBLIC COMMENTS

OTHER MATTERS

Ms. Jeffery, reading from a prepared statement, made demands that Council provide full disclosure of SLED's investigation of the Sheriff's Department, and requested an FBI investigation into the Sheriff's Department to make certain there are no questions of improper behavior, and the County is held responsible for taxpayer's money. Ms. Jenny Raysor wanted to know why a business license is needed by senior citizens to sell goods at the local flea markets. She was informed the County is not

responsible for business licensing, and was director to seek advice from the Department of Revenue representative who is available each Wednesday from 9-1 pm in the Administrative Centre. Mr. Lemuel Jameson and Harvey Elwood voiced their concerns about Plum Tree Road, New Wolfe Road and other roads in North. They praised the efforts of Councilman Heyward Livingston who explained the funding and other factors involved in getting the roads paved. Bill Clark explained the Transportation Committee has asked the County to assist them in identifying an engineer to help them with their projects; the County has been doing this, and he is expecting to have a proposal before Council by the next meeting for their consideration. Councilman Livingston indicated once this has been done things should be on the right tract.

ORDINANCE – PUBLIC HEARING – THIRD AND FINAL READING

AN ORDINANCE ACCEPTING THE TRANSFER OF THE AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS IN THE CITY OF ORANGEBURG FROM THE CITY OF ORANGEBURG, THE TOWN OF HOLLY HILL, THE TOWN OF NEESES, THE TOWN OF VANCE, THE TOWN OF BOWMAN, AND THE TOWN OF WOODFORD MUNICIPAL ELECTIONS COMMISSION TO THE ORANGEBURG COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS COMMISSION AND TO PRESCRIBE THE TERMS OF SUCH TRANSFERS.

Chairman Wright opened the Public Hearing. No comments from the public were forthcoming. Public Hearing closed.

Motion by Councilman Wimberly, seconded by Councilman Owens, to accept the ordinances of the six towns. Motion passed unanimously.

ORDINANCE –SECOND READING

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO TAKE AND ALL APPROPRIATE LEGAL ACTION TO OBTAIN REAL PROPERTY AND RIGHTS NECESSARY TO COMPLETE CERTAIN WATER PROJECTS

Motion by Councilman Owens, seconded by Councilman Ravenell that Council pass ordinance authorizing the County to take all legal action if required to obtain real properties. Motion passed unanimously.

ORDINANCE - FIRST READING (BY TITLE ONLY)

AN ORDINANCE TRANSFERRING AN INTEREST IN REAL PROPERTY FROM THE COUNTY OF ORANGEBURG TO LOWER SAVANNAH COUNCIL OF GOVERNMENT

Bill Clark explained to begin this project the County received a grant to construct a transportation center to assist the Cross County Connection Transit project. The grant had to come through the Lower Savannah Council of Governments. To construct the building it is necessary for the County to transfer the interest in the property to LSCOG during the period of construction. After completion, the building and property will revert back as an asset of the County .

Motion by Councilman Wimberly, seconded by Councilwoman Cooper to approve ordinance by title only for first reading. Motion passed unanimously.

AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL AUTHORIZING THE PURCHASE OF PROPERTY FROM RETA W. METTS AND HENRY W. METTS

Attorney Jerrod Anderson explained the action was submitted by the Orangeburg County Development Commission to expand existing rail in an area of Orangeburg County to accommodate the need of a prospect they are negotiating with in luring them to Orangeburg. To expand the rail it is necessary to purchase the property to expand the rail to the site the prospect is looking to purchase. This is confidential information needed for specific discussion in executive session, but at this time as inducement to the prospect, the property is needed to expand the rail.

Councilman Wimberly clarified with the Attorney that if the prospect decides not to come after the County puts up the money, the County loses only the earnest money of \$2,500.00, which was answered in the affirmative.

Motion by Councilman Heyward Livingston, seconded by Councilman Wimberly, to approve the Official Action authorizing the purchase of property from Reta W. Metts and Henry W. Metts. Motion passed unanimously.

RESOLUTION TO AMEND THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON MAY 17, 2010, BY AND AMONG DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE PROPERTY OF FORESTRY RESEARCH HOLDINGS, LLC

Bill Clark explained this is a process to amend an existing multi-county industrial park agreement with Dorchester County originally executed in 1995 and amended and updated in May, 2010. Dorchester County has a project being constructed in Dorchester on 13 ½ acres of property as

identified in resolution. At the completion of the location, the property will go into the multi-county industrial park agreement and 1% of the revenue from this project in Dorchester County will be assigned to Orangeburg County; this updates the list of property included in an existing agreement.

Motion by Councilman Owens, seconded by Councilman Heyward Livingston to approve the resolution. Motion passed unanimously.

ITEMS 11 AND 14 ON AGENDA CARRIED FORWARD PENDING OTHER INFORMATION NEEDED TO BE RESEARCHED ON THE HANDBOOK

RESOLUTION HONORING THE LOW COUNTY HEALTHY START

Councilwoman Cooper read the resolution and recognized the staff present.

Motion by Councilwoman Cooper, seconded by Councilman Ravenell approving the resolution. Motion passed unanimously.

PROCLAMATION COMMERATING APRIL AS FAIR HOUSING MONTH

Chairman Wright read the proclamation aloud.

Motion by Councilman Owens, seconded by Councilwoman Cooper adopting proclamation. Motion passed unanimously.

ACCEPTANCE OF BID – ROAD CONSTRUCTION (COUNCIL DISTRICT 4)

Bill Clark explained the bid was opened March 22, 2011, nine vendors attended, eight responded with bids, and the low bides is R&T Grading of Pelion, S.C. in the amount of \$537,910.00. It is a competitive bid, and he is recommending Council accept the bid. It is a company the County has worked with in the past, and found their work to be satisfactory.

Councilman Heyward Livingston stated he thought this was a good deal, and he is also recommending Council accept R&T Grading for paving 4.89 miles.

