

**MINUTES
ORANGEBURG COUNTY COUNCIL
JUNE 20, 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
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 Councilwoman Cooper, seconded by Councilman Ravenell, to approve minutes of June 6, 2011 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEM

Chairman Wright called for comments on agenda items other than comments on the public hearing relative to budget matters. Harvey Elwood spoke, thanking and applauding Council, staff members, and Councilman Heyward Livingston for paving and other work being done in the North community.

Ms. O'Cain spoke, stating the Blue Laws are antiquated, and it is her belief people should have a choice to live their convictions on this matter. Mr. Larkin, Deacon Payne, Holy Temple Outreach Ministries, Rev. William Washington, Kevin

Labarick, spoke in favor of repealing the Blue Laws. Rev. Gray, Mount Tabor Baptist, Rev. Butler, Rev. Wilkins, Grace Baptist Church spoke in favor of keeping the Blue Laws intact.

1. ORDINANCE – THIRD AND FINAL READING

AN ORDINANCE SUSPENDING THE APPLICATION OF THE WORK PROHIBITIONS CONTAINED IN CHAPTER 1 OF TITLE 53, PURSUANT TO SECTION 53-1-160 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, COMMONLY KNOWN AS BLUE LAWS, AND OTHER MATTERS RELATING THERETO

Motion by Councilwoman Cooper, seconded by Councilman Owens to approve third and final reading of the Ordinance Suspending The Application Of The Work Prohibitions Contained In Chapter 1 Of Title 53, Pursuant to Section 53-1-160 Of The Code Of Laws Of South Carolina, 1976, As Amended, Commonly Known As Blue Laws, And Other Matters Relation Thereto. Prior to the vote being taken, Councilman Wimberly made a motion to table third reading, and send the Blue Laws before the public as a referendum in the November election. No second was received on this motion.

Motion made by Councilwoman Cooper and seconded by Councilman Owens, passed with a vote of five to two, with Councilmen Heyward Livingston and Harry Wimberly voting no.

Councilman Clyde Livingston stated he did not believe his vote today was a vote against God. His vote answers the wishes raised by the majority of his constituents. Councilman Wright expressed the same sentiment. Councilman Wimberly stated Council agrees and disagrees on many different issues; a vote has been taken, it is over, Council will get on down the road and get about its business. The best way to make the Blue Laws fails is not to shop on Sunday. Council has always worked together and the next issue to come up, will be a totally different issue, but Council will work together for the betterment of Orangeburg County, you win some and you lose some, but Council has always tried to work to move Orangeburg County forward in a positive manner, and it will not stop today.

Councilwoman Cooper stated the voices of the people have been heard, they have spoken, Council has heard them, and Council has acted on them. Voices count, votes count, you have heard it from the audience today. When there is an election, your vote counts, that one vote, can make a difference in the election of a new officer, or the passage of a new ordinance, your vote counts. People talk to their leaders, their leaders listen, and they vote based on what the people want, that is what happens.

Councilman Owens stated there is no doubt the people of Orangeburg those who are for and against, will accept the decision of this Council. He really appreciated the way in which people expressed themselves, those who were for and against, and life will go on, and there are other issues that will come up where Council has to make decisions. He hopes shortly to bring up on the agenda the work program he suggested earlier; he called it the Chain Gang at the time, he is not anxious to call it the Chain Gang, but a work program is needed and that will be coming on the agenda, and he is asking for the support of citizens when it comes, and he wants them to come out support it; if you oppose it, then come out and oppose it.

Councilman Ravenell stated for him the last time he voted, there was a controversy in keeping the Blue Law intact. He stated the ordinance states an employer cannot force an employee to work on a Sunday. If this happens he would encourage the citizens of Orangeburg County to relay this information back to County Council. County Council has to be there to protect the employees.

**2. ORDINANCE – PUBLIC HEARING AND SECOND READING – BUDGET
FY 2011-2012**

AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, FOR THE ORANGEBURG COUNTY BUDGET FOR ORDINARY COUNTY PURPOSES AND FOR OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX; TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL ESTATE PROPERTIES IN ORANGEBURG COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST OF OUTSTANDING INDEPTEDNESS OF ORANGEBURG COUNTY MATURING DURING SAID FISCAL YEAR; TO PROVIDE FOR MATTERS RELATING TO ORANGEBURG COUNTY; AND TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING SAID FISCAL YEAR

Chairman Wright stated before opening the Public Hearing, this was a very, very difficult year with decreasing revenues and increasing expenditures, County Council was faced with make some difficult decisions for the coming year. Given this realty the decision was made at this time not to have any tax increases or fee increases. County Council is electing to cut expenditures in the belief this represents the best strategy for the long-term interests of the County and its citizens. The Chairman further stated Council did a lot of talking and each persons sees things from a different perspective, but as previously stated by Councilman Wimberly, Council will work together for the betterment of the County, and move it forward, He has been on Council since 1995, the budget is always a challenge, but he has never seen such unprecedented times like he has

today. It is very hard to pass a budget and not be able to give your employees a cost-of-living raise when costs of living are going up in the grocery stores and a lot of other places. We are just trying to do the best thing we can for the County and hope our employees will support us and citizens will support us in our decision making.

Public Hearing opened. No comments made by the public. Public Hearing closed.

Motion by Councilman Owens, seconded by Councilwoman Cooper, to approve second reading of the ordinance. Motion passed unanimously.

3. ORDINANCE – PUBLIC HEARING AND SECOND READING – FY 2011-2012 BUDGET ORDINANCE

AN ORDINANCE TO PROVIDE FOR APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, FOR ORANGEBURG-CALHOUN TECHNICAL COLLEGE, AND FOR OTHER PUBLIC AND SPECIAL EDUCATION PURPOSES; TO PROVIDE FOR THE LEVY OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING THE FISCAL YEAR FOR SAID PURPOSES

Chairman Wright opened the Public Hearing. No comments were made. Public Hearing closed.

Motion by Councilman Ravenell, seconded by Councilman Owens, for second reading approval of the ordinance. Motion passed unanimously.

4. REPORT OF PUBLIC WORKS COMMITTEE, JOHNNY RAVENELL, CHAIRMAN

Councilman Ravenell stated the Committee met regarding two roads, Pamela Lane and Ruf Road. The Public Works Department was asked to estimate what it would take to bring Pamela Lane up to specifications for inclusion into the County's maintenance system. This is being worked on, so the request is being carried forward.

Relative to Ruf Road, this is a railroad crossing and all the detailed information is not available. He yielded to Bill Clark for a further explanation. Bill Clark stated Norfolk Southern Railroad has requested the County's cooperation in closing a railroad crossing at Ruf Road which is behind where the Solid Waste convenience

site and SPCA buildings are located. He received material from them today relative to the request, but he was not able to review it due the lateness of its arrival. It should be ready for action at the next regularly scheduled Council meeting.

Councilman Ravenell stated item 5 on the agenda, Acceptance of Proposal - RFP For Heavy Equipment was discussed. The recommendation of the Public Works Committee to Council is to accept the heavy equipment proposal received from Blanchard Machinery to include 35 pieces of heavy equipment, total acquisition price is \$5, 256,800.43, monthly lease payment \$62,353.36. Blanchard will acquire the County's used equipment for \$2,894,147.00. Sales from current equipment lease \$2, 557,663.00, total net cost to County \$336,484.00.; the value of the warranty on the equipment being retained is \$135,000.00. Add \$135,000 to \$336,484 together, \$471,484 net cash and warranty benefit to the County to upgrade new equipment. The monthly cost of new equipment will be a \$80,000 saving annually. The Public Works Committee is making this recommendation to Council for acceptance.

5. ACCEPTANCE OF RFP PROPOSAL – RFP FOR HEAVY EQUIPMENT

Chairman Wright asked for comments. Bill Clark stated the highlights were covered in the report given by Councilman Ravenell, and he would recommend Council carry forward the recommendation.

Prior to the motion being made Councilman Wimberly stated other proposals were received, but the Blanchard proposal was a package deal. All four proposals were reviewed and the best benefit to the County in dollars and cents over the course of the contract, plus savings to the citizens of the County, came from the Blanchard proposal, which is why the Committee accepted it in whole.

Motion to accept the recommendation of the Public Works Committee to accept the RFP proposal from Blanchard Machinery, Columbia, S.C., made by Councilman Heyward Livingston, seconded by Councilman Wimberly. Motion passed unanimously.

6. ACCEPTANCE OF BID – WORK UNIFORMS

Chairman Wright asked Bill Clark to summarize this item. Bill Clark explained the County's Public Works division utilizes the services of a rental uniform company for approximately 82 employees. The purpose of uniforms is to aid in the identification of employees in the field. The bid also covers the laundry service of these uniforms. Bids were solicited for this contract, advertised locally in the

Times & Democrat, state-wide in the South Carolina Business Opportunities and the County's website. A total of three bidders responded, with the low bidder being Cintas Corporation, Columbia, S.C., with the aggregate annual low amount of \$21,740.20 that provides for 11 sets of uniforms and cleaning service for the 82 employees over the course of a year, the cost of which is built into the departmental budgets within the Public Works Division. It is his recommendation the low bid of Cintas Corporation in the amount of \$21,740.20 be accepted .

Motion by Councilman Cooper, seconded by Councilman Owens, to accept the recommendation of Bill Clark in accepting the low bid submitted by Cintas Corporation for the employee uniforms. Motion passed unanimously.

Councilman Owens asked Chairman Wright before proceeding to agenda item 7 to clarify for the citizens present the talk involved in the \$5,668,532.12 heavy equipment bid; that's a lot of money, and citizens are thinking the County does not have any money. The County does not have any money; it would be good to give them an explanation about heavy equipment and what it costs, and if we did not do this, how much it would cost the County. He noticed eyebrows were raised when there was talk about this amount of money. He thinks the public is owed a clearer explanation, and called on Councilman Wimberly.

Chairman Wright stated he would normally call on the County Administrator for an explanation, but Councilman Wimberly would be fine because he is in that kind of business and well versed in it. Councilman Wimberly explained the County ran a motorgrader for 5 years. A new one costs \$177,000, citizens can relate to a motorgrader because it scrapes dirt roads. In the proposal buy back the County received \$125,000 for the motorgrader the County ran 5 years. The difference between \$125,000 and \$177,000 is \$52,000. If you deal with equipment, you take \$52,000 divided by 5 years, you can't run a motorgrader for a month for what it cost the County to run one for a year by leasing it. It has been a great deal for Orangeburg County to have modern, well maintained equipment at a very, very low cost to the taxpayers of the County. Anyone who runs equipment can realize what \$11,000 a year to run a \$177,000 piece of equipment means.

Councilman Ravenell explained to the public the Committee arrived at their process because the County is under a 5 year lease and the lease is up; every 5 years the County goes through the same process with heavy equipment. Councilman Wimberly further explained the program for leasing was initiated the first time in 2001 to have good, modern equipment at a nominal cost to the taxpayer; it is a good program begun by Orangeburg County that has been adopted by other counties across the state. Orangeburg has been a leader in a lot of areas in creating ways to save money. We are watching the dollars, I can promise you that.

Councilman Clyde Livingston addressed Chairman Wright, stating he concurred with his fellow Council members about the savings obtained by using the lease, and sought clarification that this replaces all the heavy equipment the County has. Chairman Wright stated it replaces all except the equipment retained, and some that have low hours on them. Councilman Wimberly stated 37 pieces are being replaced from an original estimate of 52.

Councilman Clyde Livingston stated Council should have gotten just as creative when it was working on the vehicles for the Sheriff's office. Councilman Owens stated a car is a little different from heavy equipment and he's not sure Council could have gotten a little innovative on that. Council considered very seriously prior to making a decision about the cars in the Sheriff's office. He was not given what he wanted, but we felt looking at safety and what Council has charged him with in one of the biggest land areas in South Carolina, Council did what it should have done.

Councilman Clyde Livingston wanted clarification, stating at the last budget meeting he attended and it was discussed, there was money in the debt service fund that could have been used without increasing taxes and Council could have gotten 50% of the cars the Sheriff needed. The point is he still thinks the County has a potential safety issue, Council had the money and for political reasons Council decided not to fund as many cars as it could. Following the ensuing discussion Chairman Wright indicated each Council person has a different viewpoint, it's a complicated job, and around the table you try to come together on what is best for the majority good.

Councilwoman Cooper stated safety and mileage was one of the main concerns; if it went over 150,000 miles, that was the cutoff. Chairman Wright stated there was a lot of dialogue, none of which was taken lightly, and when you start talking about a lot of things relative to the county, the economy, purchasing, it can get very complicated and sometimes it can get very emotional also. He stated everyone should try to keep it as a business decisions and try to make the best decision. Doing so will not always appease everyone. He thanked everyone for their input and Councilman Owens for his suggestion.

7. TOWN OF BOWMAN USDA-RD WATER PROJECT: CONFLICTS WAIVER

Chairman Wright asked either Bill Clark or Attorney Haydel to give an explanation on this item. Attorney Haydel stated there was a letter in each person's agenda materials that sets forth what this is about, which is the County is collaborating with the Town of Bowman on a water project and each wants to use

the same attorney. From past experience, sometimes this does not work out as beautifully as each would want it to, so this letter is to have each entity determine whether or not there is a potential conflict. If there is, then they should not engage the same attorney, but if they don't think so, then they should sign off on the agreement to the disclosure in the waiver.

Councilman Owens asked for clarification, and Attorney Haydel explained the essence of the document. Councilman Ravenell volunteered that Ms. Haydel is familiar with all the documents, has done legwork and has access to a lot of the material needed, acquisition land rights, etc., and it is of great benefit to have her working on this project. To a query on legality from Councilman Owens, Bill Clark stated these agreement are common in other types of transactions the County does where you have more than one party wanting to utilize the same legal services. If the County had anticipated there would be an issue here, the County would not have co-sponsor a grant activity with the Town of Bowman. It is simply to streamline the grant process.

Motion by Councilman Ravenell, seconded by Councilman Owens for approval of Conflicts Waiver. Motion passed unanimously.

8. A RESOLUTION AUTHORIZING AN INCENTIVE AND INDUCEMENT AGREEMENT BETWEEN RJLK HOLDINGS, LLC AND ORANGEBURG COUNTY, SOUTH CAROLINA

Chairman Wright asked Bill Clark to summarize this item. Bill Clark explained RJLK Holdings, known to Council as Project Steel, puts in place the various incentives coming from the state and locally that would allow the project to go forward.

Motion by Councilman Wimberly, seconded by Councilman Ravenell, to adopt the Resolution Authorizing An Incentive and Inducement Agreement Between RJLK Holdings, LLC And Orangeburg County, South Carolina. Motion passed unanimously.

9. PUBLIC WORKS DEPARTMENT – REQUEST TO ABANDON MAINTENANCE – WIGGLE WORM ROAD

Chairman Wright asked Bill Clark to summarize this item, but as a result of an inquiry from Councilman Owens as to whose district the road was located in, Chairman Wright stated the road was in his district. He received a request from

the land owner who owns the property on both sides of the road where there used to be a vacant house, people are driving down there and using it for their own personal uses and he wants the County to abandon maintenance on this road.

Motion by Councilman Owens, seconded by Councilman Ravenell to refer this request to the Public Works Committee for review. Motion pass unanimously.

10. RESCHEDULING OF COUNTY COUNCIL REGULARLY SCHEDULED MEETINGS – JULY, AUGUST, SEPTEMBER, 2011

Chairman Wright asked Bill Clark to summarize this item. Bill Clark explained because of the July 4th holiday, it would move the Council meeting from Monday to Tuesday, July 5, 2011. The August change is due to the South Carolina Association of Counties annual conference being pushed forward one week, and anticipating one meeting in August, Monday, August 15, 2011. The September meeting due to the Labor Day holiday would be moved to Tuesday, September 6, 2011.

Motion by Councilwoman Cooper, seconded by Councilman Wimberly, to approve the rescheduled Council meeting for July, August and September, 2011. Motion passed unanimously.

11. PERSONAL APPEARANCE – ROBERT S. CROOM, DEPUTY GENERAL COUNSEL, SOUTH CAROLINA ASSOCIATION OF COUNTIES

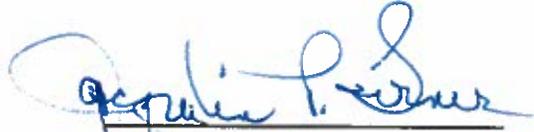
Chairman Wright apologized to Timothy Winslow who appeared instead of Robert Croom who had a scheduling conflict, for not letting him appear earlier. Mr. Winslow distributed a package explaining the services offered by the organization, and also highlighted some of the benefits accruing to the County from its participation in the services available and provided the South Carolina Association of Counties.

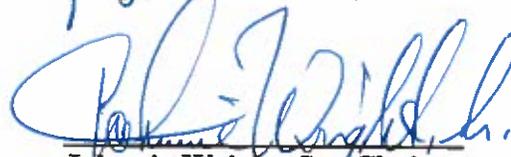
12. VOTE FOR EXECUTIVE SESSION – ECONOMIC DEVELOPMENT

Motion by Councilman Heyward Livingston, seconded by Councilman Owens, to adjourn for an executive session to discuss an economic development matter. Motion passed unanimously.

Motion to vote for adjournment made by Councilwoman Cooper, seconded by Councilman Ravenell. Motion passed unanimously.

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman