

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
JANUARY 19, 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  
Heyward H. Livingston  
Willie B. Owens  
Johnny Ravenell  
Harry F. Wimberly**

**MEMBERS ABSENT:**

**Clyde B. Livingston**

**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**

**Councilwoman Cooper requested the minutes of January 4, 2010, page 3, last paragraph, be corrected to indicate that Councilmen Wimberly and Owens "called for the question," related to authorization for the County to enter into contract with the YMCA of Columbia regarding the Orangeburg County Aquatic facility.**

**Motion by Councilman Owens, seconded by Councilwoman Cooper, to approve minutes of January 4, 2010 with corrections noted by Councilwoman Cooper. Motion passed unanimously.**

**PUBLIC COMMENTS:**

**AGENDA MATTERS**

**NO COMMENTS**

**PUBLICCOMMENTS:**

**OTHER MATTERS**

Mr. John Crum appeared before Council voicing his concerns about a matter he brought before the County Appeals Board that allegedly took nine months for them to respond to, denying his appeal, and an additional 3 months when he made a request to meet with the Appeals Board. Mr. Crum also complained about the grass at the convenience sites not being taken care of properly. He submitted a proposal to the County to cut the grass but did not receive what he considered an appropriate letter of denial to his proposal. Following his remarks, Chairman Wright asked Bill Clark to look into the matter related to the tax and Appeals Board and report back to County Council.

**1. RESOLUTION AUTHORIZING THE COUNTY OF ORANGEBURG TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWNS REGARDING ENFORCEMENT OF THE ANIMAL CONTROL CODE**

Chairman Wright asked Bill Clark to give a synopsis of the Animal Control ordinance. Bill Clark explained the County recently made amendments to the Animal Control ordinance. There are a number of municipalities in the County for whom the County provides enforcement services, and it is necessary for these municipalities to update their ordinances to be in agreement with the County ordinance. Each municipality has received a standard intergovernmental agreement with instructions and forms needed to execute the documents on the local level and return to the County. An agreement must be executed with each municipality desiring the County to work within their municipal limits.

The resolution authorizes the County's side of the intergovernmental agreements to fulfill its obligations under those agreements. Three municipalities have responded, indicating they are scheduling their activity and want to continue on the basis under which they have in the past. The resolution authorizes the County to fulfill its obligation under those agreements

Councilman Ravenell asked whether the previous agreement with the town of Elloree is still valid; Mr. Clark indicated it was. Each municipality has been given a 60 day grace period in which to initiate the action toward updating the ordinances. He expects each will follow through. Councilman Wimberly asked if within the 60 day period if all towns are covered within this point in time. Mr. Clark indicated all would be covered. Further, in the letters to the towns, the County indicated the County would automatically put that period in place unless the town called and indicated specifically that they wanted to be withdrawn. He has not received any calls to this effect. All the towns he has talked to so far have indicated they are going forward.

Motion to accept the resolution as written made by Councilman Wimberly, seconded by Councilman Heyward Livingston. Motion adopted unanimously.

**2. SOLID WASTE CONVENIENCE SITES – AMENDMENT TO HOURS OF OPERATION**

Bill Clark reminded Council during their retreat of December 8, 2009, one of the items discussed was the schedule of operations for the Solid Waste convenience sites. As a result of this discussion, there was a recommendation to close the Sunday partial day of operation from 2-7 p.m., because Sunday represents the slowest day of the week in terms of volume and use by

citizens, Orangeburg County's present hours of operation exceed those in neighboring counties, and there is an opportunity to reduce annual operating costs to the public by approximately \$50,000, not including utility savings. His recommendation would be the Solid Waste Convenience Sites remain open Monday through Saturday from 7 am to 7 pm. To provide adequate notice to the public, it is recommended continuation of Sunday operations through February 28, 2010 and discontinue Sunday operations beginning March 2010.

Chairman Wright asked Council members whether they had any questions and concerns. Councilwoman Cooper stated she is opposed to closing the Convenience Sites on Sunday because many people work 5 days a week, they do a lot of cleaning around the yard and house on Saturdays, take garbage to the collection site on Sunday. Councilwoman Cooper further stated, "I think if we close it on Sunday we will find a lot of litter beside the road and right now the litter is somewhat under control that's not there and to have to hire somebody later to pick up litter ... I'm just not for closing it.

Councilman Heyward Livingston stated he would not really have a problem with closing on Sunday, but he would like it tabled for a couple of weeks and get some public input on it. He's had a few people to question what we are doing about it. He would be in favor of tabling it for a couple of weeks until you get public input.

Chairman Wright asked for a little more feedback from other Council members on this. Councilman Wimberly asked if there could be a public hearing at the next meeting. This would give the public an opportunity, to know there will be a public hearing at the next regular Council meeting. It would give some feedback. If you don't hear any, I don't have a problem with it.

Chairman Wright stated Orangeburg convenience sites are open more than the majority of counties; very few counties have the operational hours Orangeburg has. He understands the concerns of what might happen, but sometimes changes have to come. He stated he was willing to go for the public hearing at the next meeting if that is what the others want to do. Councilman Wimberly indicated his was just a suggestion; he is in favor of closing on Sunday.

Bill Clark indicated Sunday closings were in Aiken, Bamberg, Barnwell, Calhoun and Dorchester counties. Aiken is closed 2 days a week, Wednesday and Sunday; Bamberg, 3 days a week, Tuesday, Thursday and Sunday; Barnwell, Tuesday, Thursday and Sunday; Calhoun, Tuesday, Thursday and Sunday; Dorchester, Wednesday and Sunday; Lexington, Tuesday and Thursday. Berkeley county is the only county with a schedule typical of Orangeburg; they operate 4 hours on Sunday as opposed to the 5 hours Orangeburg operates.

Councilwoman Cooper stated these are smaller counties that probably have people picking up their litter for them. She stated she was still opposed to it, but was willing to hear what the people have to say.

Councilman Owens stated he supports the closing because #1 it would save the County a little money; the county is in a squeeze for money, the budget is shrinking every day from the state as well as from the County. Secondly, he thinks the sites are open enough time. For anyone who would like to dump their trash, they can dump their trash. It would be a relief for those

people who do not want to work on Sunday. If there is a problem with people who are dumping in areas where they should not be dumping, he suggested the County put some cameras at those spots where people are inclined to dump illegally and they be caught and fined.

Councilman Ravenell asked which fund the savings from the closing would go to, general fund or solid waste. Bill Clark stated the savings would go to the Solid Waste fund.

Motion by Councilman Owens to postpone action until a public hearing is held and then voting on the amendment. Motion seconded by Councilwoman Cooper. Motion passed unanimously.

### **3. APPROVAL OF BUDGET CALENDAR FOR FY 2011**

Chairman Wright asked the County Administrator for his comments. Bill Clark says the calendar follows very closely the schedule the County operated under last year and will give an opportunity for staff and Council to prepare the budget before presenting it to the public and Council readings.

Motion made by Councilman Ravenell, seconded by Councilman Wimberly that County Council approved the budget calendar for FY 2011 as presented by the County Administrator. Motion passed unanimously.

### **4. PUBLIC WORKS DEPARTMENT – REQUESTS TO ABANDON MAINTENANCE (1) BETHANY ROAD (2) COMMERCIAL BOULEVARD**

Chairman Wright asked Bill Clark for his comments. Bill Clark stated the requests from Bethany Baptist Church and the second from Mr. Joe Binnicker asking the County to abandon maintenance on a portion of dirt roads. Both appear on first review to be good candidates for closure, but it has been County procedure in the past, that these requests be referred to the Public Works Committee to allow time for input from the public and reveal any potential impact on public safety. It is his recommendation to refer both to the Public Works Committee.

Motion by Councilman Livingston, seconded by Councilman Owens to refer the requests to abandon a portion of maintenance on Bethany Road and Commercial Boulevard to the Public Works Committee for review. Motion passed unanimously.

### **5. VOTE FOR EXECUTIVE SESSION – (1) ECONOMIC DEVELOPMENT (2) LEGAL BRIEFING**

Motion to adjourn for an executive session to discuss economic development and receive a legal briefing made by Councilwoman Cooper, seconded by Councilman Wimberly. Motion passed unanimously.

Chairman Wright indicated Councilman Owens wanted to make a statement prior to adjournment. Councilman Owens stated there has been a lot of rain recently with high water tables and he has received a good many complaints from some of his constituents about water

problems in ditches in neighborhoods as well as in the yards. He has visited a couple of houses on Maxwell Street in the Whittaker Heights community. They have a cesspool that has stayed for several days. He asked what does the County do normally when the water is coming off someone else's property onto another person's property. Chairman Wright stated if it is not something that might come off a public road, then it is the owner's responsibility. He requested confirmation from the County Administrator on the correctness of his statement. The County Administrator affirmed Chairman Wright was correct.

Councilman Owens asked if he could recommend that they ask the landowner to control their water? Bill Clark stated he probably would have to defer to the Attorney as to what the legal options would be there, but the County would be responsible for any drainage activity occurring as a result of the activity within the right-of-way on the road. But, if it is between two private property owners, then this would not be a matter the County would be a party to.

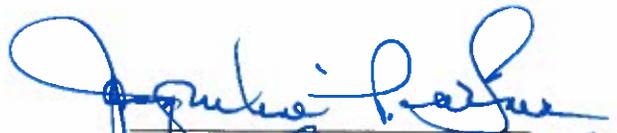
Following input from Council members Cooper and Livingston, Councilman Owens indicated he just was not sure who was responsible, "if your water is running off your land onto my land," and wanted some direction. Chairman Wright stated these are common issues, especially when it rains and people get frustrated because of yard flooding and are looking for somebody to help.

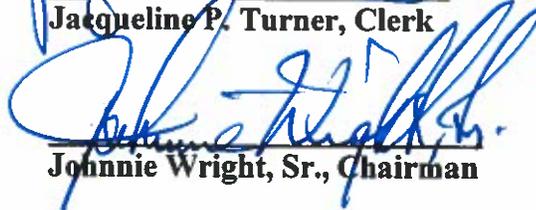
#### 6. VOTE FOR ADJOURNMENT

Motion for adjournment made by Councilwoman Cooper, seconded by Councilman Owens. Motion passed unanimously.

Meeting adjourned.

Executive Session.

  
Jacqueline P. Turner, Clerk

  
Johnnie Wright, Sr., Chairman