

**MINUTES
ORANGEBURG COUNTY COUNCIL
JUNE 6, 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 May 16, 2011 with corrections, if any. Motion unanimously approved.

Chairman Wright prior to opening the meeting for public comments, asked those who were present to speak on the Blue Law issue to hold their comments until the public hearing scheduled on the Blue Law issue is opened for comments. At this time, only those wishing to speak on other matters would be heard.

PUBLIC COMMENTS

AGENDA ITEMS

No comments

PUBLIC COMMENTS

OTHER MATTERS

Ms. Norma Murdaugh, Frolic Meadow Lane, Orangeburg, appeared before Council requesting she be reimbursed for a veterinary bill in the amount of \$3,230 which she had to pay when a

stray pit bull attached the family pet. She stated on April 25, 2011, she wrote a letter to Mr. Clark, County Administrator requesting payment for injuries the dog suffered due to the negligence of Animal Control, whom she had been in contact with for three weeks, requesting they pick up the stray pit bull. Each time they said someone would come out, but no one ever came. Administrator Clark responded he had pulled the records from Animal Control and is reviewing and analyzing the reports, and Ms. Murdaugh should be hearing from him within a few days regarding the results of his review.

Mr. Michael Williams, 127 Haddock Road, complained about loud music and noise at night when he is trying to sleep. He would like Council to do something about it; there is a lack of respect for one another, it has gotten way out of hand.

Councilman Owens indicated the City has a noise ordinance, he is not sure about its enforcement, perhaps the County could do the same. It was established the County does have a noise ordinance on the books, but the problem occurs during court appearances, when there is no reliable way to measure the decibels being created by the offenders. Bill Clark indicated the loud noise is usually moving, and unless law enforcement is present at the time, it is hard to make the case. Councilwoman Cooper stated in her district citizens complain about people who play basketball, parking their cars and playing loud music. Chairman Wright suggested taking a look at the County's ordinance and refer it to the appropriate Standing Committee to see what can be done to resolve the problem.

Chairman Wright closed the public comments portion of the meeting and went into the regular agenda.

1. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE SUSPENDING THE APPLICATION OF THE WORK PROHIBITIONS CONTAINED IN CHAPTER I 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

Chairman Wright informed the audience before the public hearing opened, the County Administrator would present a slide show about the Blue Laws for those who were new at the meeting and not familiar with the law itself, and to give background information on how Council will proceed with the public hearing. He stated he would appreciate everyone trying to follow the rules put in place, and the time frame on talking. He would be very civil and open to people, if they were in the middle of a sentence he would not cut them off, but he would appreciate citizens trying to limit their time accordingly. He would also ask that people listen to each other, mind their manners, not have any outbursts, and speaking when another person is talking. Everyone has a right say what they feel, the pros, the cons, and Council will listen civilly. Everyone has a different way of looking at things. From where he is sitting, he doesn't feel Council has to legislate morality; Council will give people a choice if they want it, but everyone will have a right to say what they feel about the issue.

Bill Clark presented a slide show, the same one used at the public hearing held at Orangeburg-Calhoun Technical College last month. The two sections of the Blue Law and Rules for Public Comments are attached hereto, and made a part of the minutes. The sign-in requirement used at OC-Tec was waived for this public hearing, but citizens were asked to identify themselves at the beginning of their comments, and direct their comments to the presiding officer, Chairman Wright. Speakers were asked to limit their comments to two minutes. Written comments of any length can be submitted, and the speakers should indicate whether they support the existing Blue Laws or are opposed to the existing blue law.

Chairman Wright opened the public hearing. Eight citizens spoke, six who supported the existing Blue Law, Bill Connor, Sandra Haigler, Rev. Charles Butler, Jeanette Jeffries, Michael Williams, and Edna Ross. Two speakers spoke in opposition of the existing Blue Law, Lakesha Jeffries, speaking on behalf of the Chamber of Commerce, and Willie Johnson.

Following the comments of each speaker, Chairman Wright closed the public hearing and entertained a motion for second reading. Speaking for himself only, Chairman Wright stated he has listened to what was said by the public, and he feels the Blue Laws is giving people a choice. Just because people have a choice to shop does not mean they should not go to church. He does not see where giving people a choice is not doing the right thing which is his honest opinion. Council and each individual has a right to vote just how they feel about any matter. He is going to church on Sunday because that is what he does. If someone else wants to go to the store, that is their right.

Motion by Councilwoman Cooper, seconded by Councilman Owens, for approval of second reading of the ordinance. The motion passed with a vote of four to three, with Councilmen Wimberly, Ravenell and Heyward Livingston voting no.

Councilman Wimberly stated during second reading of an ordinance Council can amend an ordinance without requiring unanimous approval; with that in mind, and Orangeburg County promoting itself as a, "Community of Character," he will make a motion to suspend the initiative, as he feels the County has lost all character when it is voting to suspend the Blue Laws.

Councilwoman Cooper stated she attends church on Sunday. Councilman Owens requesting a point of order, indicated to the Chairman the motion did not receive a second, and could not be discussed. Councilman Wimberly asked if the motion received a second; the Chairman stated the motion did not receive a second.

2. AN OFFICIAL ACTION AUTHORIZING LEGAL SERVICES AGREEMENTS REGARDING WATER AND SEWER PROJECTS

Chairman Wright asked the County Administrator to explain this agenda item. Mr. Clark indicated Council is being asked for authorization to move forward on legal agreements regarding four separate water and wastewater projects pending at this time; the Orangeburg County water project which include 14 miles of water lines and a water tank in eastern part of the County, the Town of Vance with a 30,000 foot water main line along Highway 176 and into the Town of Vance, the west Edisto sewer project Phases II and III with a 60, 978 foot extension.

gravity sewer mains and manholes, and an extension of the Town of Bowman water system for about ten miles. The legal agreements specifically spell out the duties and responsibilities for each project.

Motion by Clyde Livingston, seconded by Councilman Ravenell, to approve the Official Action Authorizing the Legal Services Agreements Regarding Water and Sewer Project. Motion passed unanimously.

3. ACCEPTANCE OF BID-EMERGENCY SERVICES VEHICLE (GRANT FUNDED)

Bill Clark stated the Orangeburg County Emergency Services Department was recently notified it was eligible to receive State LEMPG grants funds that may be used to purchase a vehicle to assist with emergency response functions. The grant pays 100% of the cost for the vehicle and the grant needs to be completed by July 31, 2011. Bids were solicited by the Purchasing Department, advertised on the County's website, locally in the Times & Democrat and statewide in South Carolina Business Opportunities (SCBO). Additionally a phone call and an e-mail were directed to the local Ford Dealership.

One bid was received from Summerville Ford, Summerville, S.C. in the amount of \$25,452.00. The vehicle meets specifications, is a 2011 model Ford F250, ¾ ton pickup with an eight foot bed and towing package. The vehicle replaces a 1994 Suburban, and will primarily be used to respond two various emergency scenes, and haul equipment trailers to emergency scenes. When the new vehicle is placed in service, the 1994 Suburban will be sold. It is his recommendation County Council accept the bid from Summerville Ford and take advantage of the grant funds while they are available.

Motion by Councilman Owens, seconded by Councilman Wimberly to accept the bid by Summerville Ford, Summerville, S.C., submitted for the 2011 F250, ¾ ton pickup in the amount of \$25,452.00. Motion passed unanimously.

3. ACCEPTANCE OF PROPOSALS

A. ENGINEERING SERVICES FOR C-FUND PROGRAM

Chairman Wright asked if anyone wanted to speak before Council began deliberations. Dr. Jesse Kinard, Chairman of the Orange County Transportation Committee, spoke, informing Council the County will lose some \$4 million in state road construction funds within 31 days if it does not show some progress in paving 11 roads approved for paving. Roads approved for paving within the last four or five years have not been paved. If the funds are not used they must be returned to the state as uncommitted. He reminded Council of the \$2 million given to the County by the Transportation Committee to facilitate road paving, it was expected the paving would be done within a reasonable amount of time.

To alleviate the problem of not getting the roads paved, the Transportation Committee has looked for other options, resulting in their soliciting engineering firms to submit their qualifications for paving roads. Of the 11 responses received, they selected one firm, Dennis

Corporation, Columbia, S.C. He is requesting Council's approval of their selection. In response to questions raised by Council members, the County Attorney, stated a request for qualifications includes no particular proposals, as is allowed under the County's procurement code.

Motion by Councilman Wimberly, seconded by Councilman Owens, to approve the recommendation of Dr. Kinard to accept the proposal for road paving submitted by Dennis Corporation. Motion passed unanimously.

B. EXTERNAL AUDIT SERVICES

Bill Clark explained Council reviewed the results of RFPs solicited for external audit services, and following extensive discussion, made the decision to table the matter for further review. The decision was made to contact the present audit firm CC McGregor, to determine their interest in providing a one year extension of the present contract set to expire. CC McGregor submitted a proposal for a one year extension for the period ending June 30, 2011 for a fee of \$63,000. Should Council proceed with the one year extension proposed, Council would officially have to reject all proposals received.

Following discussion, motion was made by Councilwoman Cooper, seconded by Councilman Owens, to reject all previous proposals received and accept a one year extension of the present contract proposed by CC McGregor for the fiscal year ending June 30, 2011 for a fee of \$63,000.00. Motion passed unanimously.

5. PUBLIC WORKS DEPARTMENT

- A. REQUEST FOR INCLUSION IN COUNTY MAINTENANCE SYSTEM-PAMELA DRIVE**
- B. MATTERS RELATING TO RAILROAD CLOSSING AT RUF ROAD**
- C. RFP FOR HEAVY EQUIPMENT**

Chairman Wright requested Bill Clark give a report on these requests. Mr. Clark indicated the residents of Pamela Drive submitted a petition one year ago to have the road accepted in the County's Road Maintenance System. A review indicated the road did not meet requirements for acceptance. A new petition has been submitted and it is his recommendation this request be referred to the Public Works Committee for review and further discussion, as well as the Ruf Road request and the RFP for Heavy Equipment.

Motion by Councilman Livingston, seconded by Councilman Owens, to refer all three matters to the Public Works Committee for review and discussion. Motion passed unanimously.

6. RECOMMENDATIONS FROM THE ORANGEBURG COUNTY TAX & TOURISM ADVISORY COMMITTEE

Bill Clark explained the Committee met May 24, 2011 and approved funding in the amount of \$46,405.00 for the following requests, which he is submitting to Council for their approval:

Unistar Outdoor Advertising Inc.	\$12,450.00
Great Southern Publishers, Inc.	\$ 3,455.00
South Carolina State University	\$20,000.00
Orangeburg County Chamber of Commerce	\$ 8,000.00
Town of Norway	\$ 2,500.00

Motion by Councilwoman Cooper, seconded by Councilman Heyward Livingston, for approve the recommendation made by the Tax&Tourism Advisory Committee in the amount of \$46,405.000. Motion passed unanimously.

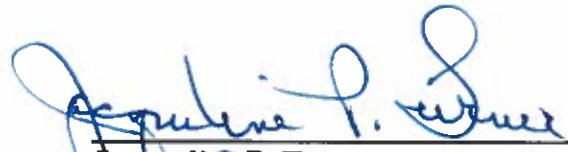
7. VOTE FOR EXECUTIVE SESSION

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

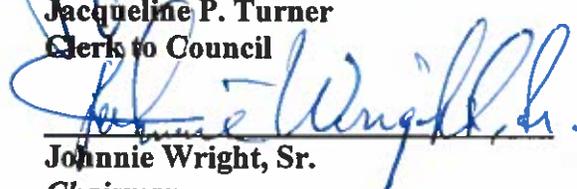
VOTE FOR ADJOURNMENT

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

Meeting adjourned.



 Jacqueline P. Turner
 Clerk to Council



 Johnnie Wright, Sr.
 Chairman