

**MINUTES
ORANGEBURG COUNTY COUNCIL
JULY 6, 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 Councilman Owens, seconded by Councilman Ravenell, to approve minutes of June 21, 2010 and June 28, 2010 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA MATTERS

No comments

PUBLIC COMMENTS:

OTHER MATTERS

Council received as information, concerns from Mr. Abe Salama about the YMCA liability form required for membership, requesting that Chairman Wright hold a public hearing on the matter, as well as asking the County Attorney to give her interpretation of the form. For clarification, Councilman Owens asked if any Council member had been approached about the contract the County has by anyone else outside of the speaker? Councilwoman Cooper stated she had not been approached by anybody and her picture was taken. If her voice was recorded, it was without her consent or knowledge. She further stated if you go to any spa and become a member they are going

to take your picture, because it is for your protection and theirs. Councilman Owens indicated the YMCA was not on Council's agenda, Mr. Salama's questions had been answered, and he felt Council needed to proceed with the meeting.

Chairman Wright indicated he felt Mr. Salama had been given sufficient time. He stated membership in the YMCA is a voluntary issue and it means if you voluntarily sign up and read what you sign, he doesn't think it should be an issue.

1. ORDINANCE- FIRST READING (BY TITLE ONLY)

(1) TO IMPOSE, SUBJECT TO A REFERENDUM, A ONE PERCENT SALES AND USE TAX WITHIN ORANGEBURG COUNTY PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT ("THE TAX"); TO PROVIDE CONDITIONS PRECEDENT TO THE IMPOSITION OF THE TAX, AND CONDITIONS OR RESTRICTIONS ON THE USE OF THE TAX REVENUE; TO SPECIFY PURPOSES AND PROJECTS FOR WHICH THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM COST OF PROJECTS TO BE FUNDED BY THE TAX; TO PROVIDE THE MAXIMUM TIME FOR WHICH THE TAX MAY BE IMPOSED; TO ESTABLISH THE PRIORITY OF EXPENDING THE NET TAX PROCEEDS; (2) TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE TAX; INCLUDING THE ISSUANCE OF BONDS IN CONNECTION WITH THE TAX; TO PRESCRIBE THE BALLOT QUESTION FOR THE REFERENDUM, INCLUDING ALL INFORMATION REQUIRED BY STATUTE TO BE CONTAINED IN THE BALLOT QUESTION; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE REGISTRATION AND ELECTION COMMISSION OF ORANGEBURG COUNTY; (3) TO PROVIDE FOR THE ADMINISTRATION AND THE PAYMENT OF THE TAX; (4) TO PROVIDE FOR BONDS TO BE ISSUED IN CONNECTION WITH THE TAX; INCLUDING ALL INFORMATION REQUIRED BY STATUTE TO BE CONTAINED IN AN ORDINANCE THAT PROVIDES FOR BONDS TO BE ISSUED IN CONNECTION WITH THE TAX; TO PROVIDE THAT THE TAX REVENUES MAY BE USED TO DEFRAY DEBT SERVICE ON THE BONDS ISSUED IN CONNECTION WITH THE TAX; AND (5) TO PROVIDE FOR OTHER MATTERS RELATING THERETO

County Administrator Clark stated meetings have been held with the Capital Project Sales Tax Commission who have taken a preliminary review of the projects developed at this point. Project submissions have been received from all 17 municipalities and approximately 85% of the County projects. The Commission will meet again Tuesday, July 13, 2010, at which time it is hoped a final review of the project list can be made by the Commission so this information can be forwarded back to County Council for inclusion in the second reading of the ordinance.

Motion made by Councilman Heyward Livingston, seconded by Councilwoman Cooper to approve first reading by title only of the Capital Project Sales Tax ordinance. Motion passed unanimously.

2. ENVIRONMENTAL MITIGATION RESOLUTION – WEST EDISTO SEWER PROJECT PHASES II AND III

Bill Clark stated the resolution was provided by the U.S. Department of Agriculture Rural Development office as the follow up to the recent announcement to the grant loan project to the West Edisto Sewer Project Phases II and III. It identifies and clarifies the various permits and state certifications necessary to follow through with the construction of the project. He has reviewed the document with the staff and is confident these are matters the County would have complied with in the course of construction anyway. He is recommending Council give its blessing to the resolution so it can be returned to the Rural Development office.

Motion by Councilman Clyde Livingston, seconded by Councilwoman Cooper, to adopt the resolution. Motion passed unanimously.

3. PUBLIC WORKS COMMITTEE REPORT – COUNCILMAN RAVENELL, CHAIRMAN

Councilman Ravenell stated the Public Works Committee met regarding a waste tire disposal policy. According to DHEC, the County needs to pass or have an updated policy in place. He requested the County Attorney give a brief synopsis on the purpose of the policy, after which he is requesting the Committee pass a resolution tonight to that effect.

The County Attorney stated the state of South Carolina has found that having unregulated collection and storage of waste tires is a breeding ground for mosquitoes, snakes, rodents, varmits and a fire hazard. It is also adverse to the welfare of residents for those reasons. As a result, the state enacted legislation concerning how you are going to handle waste tires if you live in the state of South Carolina. DHEC has authority under this Act to enact regulations which it has done. Handling waste tires is very costly and the two goals of the Act and legislation is to place the financial burden of handling the waste tires on the tire users equably among those who use tires. The handling of waste tires involves state mandated fees and credits, permits, registrations, and notifications. The South Carolina Waste Tire Grant Trust Fund was established and it maintains the state mandated fees. Certain local governments at certain times can apply for grant fees to defray the extensive cost of handling waste tires.

DHEC has informed the County the use of tire amnesty day which the County has used in the past contradicts the goal of equable apportionment of the financial burden of handling waste tires. In DHEC's view, tire amnesty day allows tire users to dispose of waste tires without charge and shifts the financial burden as to handling waste tires. In the past, part of the shift has been borne by grant funds, but DHEC has informed the County those grant funds are not going to be available if the County does not pass a policy that is in accordance with their regulations, and that means the financial burden will shift to residents in Orangeburg County who pay property taxes, because it would come out of the general fund instead of grant funds. DHEC has advised for the County to remain eligible for tens of thousands of dollars in grant funding from the Waste Tire Grant Trust Fund, the County has to authorize a written waste tire policy that incorporates all the mandatory provisions of the Act and regulations. The County finds it is important to remain eligible for the grant funding to defray the cost of handling the waste tires, and the County does want to establish a policy that will keep it in line for obtaining grant funding for the handling of waste tires. The Committee met to determine what the specifics of that might be.

Councilman Ravenell advised Council to pass the resolution tonight and start processing the action to pass an ordinance.

Motion by Councilwoman Cooper, seconded by Councilman Clyde Livingston, that Orangeburg County will pass a resolution as recommended by the Public Works Committee Chairman, and Orangeburg County will have a waste tire disposal policy that will handle all waste tires in the County, and when finished, it will be in complete compliance with the mandatory portions of the Act and regulations.

Councilman Wimberly stated there was quite a bit of discussion and not a consensus reached in the Committee on the policy itself. Definitely Orangeburg County must pass a waste tire disposal policy. DHEC has indicated in the policy that off road and ag tires are not included in their policy state-wide. He will vote in favor of this motion today for the simple fact that he can certainly bring it back to the table at a later date and make sure that the non-compliance of ag and off-road tires will be included in the policy to a point that it will not be an amnesty day, but certainly something that will be in favor of the agriculture segment of the County. He will vote in favor of it, knowing the County will go back and rewrite the policy to the point it will include total tires in Orangeburg County and not just tires included in the DHEC waste tire disposal policy.

Councilman Clyde Livingston agreed with Councilman Wimberly's comments being correct in that they should apply to all segments, all industries, and all communities in Orangeburg County. Councilwoman Cooper and Councilman Ravenell both stated they thought this was what the resolution was about that Council was going to vote on. Councilman Ravenell stated if the County does not have a policy in place, or start the process, the County can still lose grant funds. .

The County Attorney stated as she understood it, the motion is for the County, until it passes its ordinance, to act in compliance with the mandatory provisions of the Act and the regulation, and that is what DHEC asked as a starting point, and the details are Councilman Wimberly's.

Earlier motion made by Councilwoman Cooper and seconded by Councilman Clyde Livingston to approve recommendation of Public Works Committee relative to waste tire disposal policy passed unanimously.

5. AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A CONTRACT FOR CONSTRUCTION OF A BUILDING

Bill Clark stated Council had received material regarding a recommendation received from the Fire Commission to award a contract for construction of a fire training facility on the grounds where the Fire District Headquarters are located. The recommendation is a sole source contract to Jahnke & Sons Construction, Inc. dba WHP Trainingtowers of Overland Park, Kansas in the amount of \$778,064.00. The project is funded primarily from the capital project sales tax in the amount of \$688,000.00; the additional \$90,064.00 has been approved through the Fire District's capital construction budget. This is before Council for endorsement tonight so the County can engage the company under contract. He stated Gene Ball was present in case there were any questions about the details of the facility or the recommendation coming from the Fire Commission.

Chairman Wright asked if Council had any questions. Councilman Heyward Livingston commented this project had been a long time coming, and it's a lot of money, but he thinks the building is well worth it. Councilwoman Cooper agreed with Councilman Heyward Livingston, and with Mr. Ball's tenacity in promoting the building, and giving her a tour of the proposed site.

Councilman Ravenell also praised and complimented Mr. Ball on his dedication to the fire fighters and his endeavors in seeing this project through to the end. He also indicated it was the penny tax that made this building possible.

Motion by Councilman Wimberly, seconded by Councilwoman Cooper, to accept the bid of Jahnke & Sons in the amount of \$778,064.00. Motion passed unanimously.

Chairman Wright thanked the firemen who were present and what they do for the County, and Gene Ball for his dedication. Councilman Wimberly asked the firemen to help spread the word about the penny and its importance in getting things done for Orangeburg County as a whole. He stressed this is not a new tax, but a continuation of the capital project sales tax.

6. RESCHEDULING OF COUNTY COUNCIL MEETING FROM MONDAY AUGUST 2, 2010 TO MONDAY, AUGUST 9, 2010

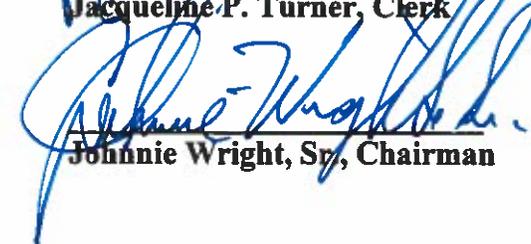
Motion by Councilwoman Cooper, seconded by Councilman Ravenell, to reschedule the August Council meeting from August 2, 2010 to August 9, 2010. Motion passed unanimously.

7. Motion by Councilwoman Cooper, seconded by Councilman Ravenell to vote for an executive session to discussion economic development and a contractual issue related to the Probate Court. Motion passed unanimously.

Motion for adjournment made by Councilman Wimberly, seconded by Councilman Ravenell. Motion passed unanimously.

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman