

**MINUTES
ORANGEBURG COUNTY COUNCIL
February 7, 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 for approval of minutes of January 18, 2011 made by Councilwoman Cooper, seconded by Councilman Ravenell, with corrections, if any. Motion carried.

PUBLIC COMMENTS:

No public comments made

PUBLIC COMMENTS:

Other matters

Ms. Roberta Bibbins, newly hired Orangeburg County Librarian, introduced herself to Council. Mr. William Washington, Jr. spoke, urging Council to update the blue law which would permit citizens to shop before 1:30 p.m. While the law was enacted by the British in 1617 based on tenets of the Christian faith, it does not take into consideration other religious faiths. Citizens have to go elsewhere to spend their resources, and this does not help the business people in Orangeburg. Mr. Baby R. Larkin also spoke in favor of Council doing something to change the blue law and presented a petition to Council containing 385 signatures favoring such a change.

Mr. Phil Milhouse spoke in opposition to changing the blue law.

Mr. Allen Fairey spoke in support of the Downtown Orangeburg Revitalization Association, inviting everyone to attend the Chamber Business After Hours meeting sponsored by DORA February 10, 2011, 5:30 p.m., Fine Arts Center. Chairman Wright thanked those who spoke, indicating Council would take their comments into consideration.

RESOLUTIONS OF HONOR FOR SPENCER C. DISHER, JR., M.D., AND SILAS SEABROOKS, JR. Councilman Owens read the resolution presented to Dr. Disher and Councilwoman Cooper read the resolution presented to Mr. Seabrooks. Both gentlemen spoke thanking Council for honoring their many years of service to Orangeburg County.

1. APPOINTMENTS – LOWER SAVANNAH COUNCIL OF GOVERNMENTS HOME CONSORTIUM TECHNICAL REVIEW COMMITTEE – APPOINTEES: WILLIE B. OWNES, HAROLD YOUNG

Motion made by Councilman Wimberly, seconded by Councilman Ravenell, appointing Councilman Owens, and Harold Young, Deputy Administrator, Community Development to the Home Consortium Technical Review Committee. Motion carried.

Councilwoman Cooper stated the expertise of both nominees would be a good fit for what the Committee is trying to do. Councilman Ravenell asked for clarification on the goals of the Committee. Bill Clark, County Administrator, explained Council several months ago, took action to join with other government entities within the lower Savannah region to form the Lower Savannah Home Consortium, a group that will receive and administer funds for housing projects within the lower Savannah area. The Technical Review Committee is for the purpose of advising the members of the board on technical matters, and the appointment letter specifically asked for appointees who are technically proficient and knowledgeable in housing issues; the two appointees authorized, certainly hit the nail on the head.

2. ACCEPTANCE OF BIDS – COPY MACHINE LEASING

Chairman Wright asked Bill Clark to summarize this issue for the benefit of the public. Mr. Clark explained the County had 9 copy machines under lease, whose contract expired in November 2010. Bids were solicited for the leasing of copiers, 8 black and white and 1 color copier. The ads were advertised locally in the TIMES&DEMOCRAT, state-wide, and through South Carolina Business Opportunities, and the County's website. Bids were opened December 20, 2010, with 4 vendors responding; the low bidder was Sharp Business Systems(Greenville, S.C.) in the amount of \$35,283.24 for the 9 copiers, representing an annual savings of approximately \$28,423.80 as compared to the cost of the recently expired lease. The Sharp contract is qualified under the state purchasing contract, therefore it can be terminated at any time without penalty. As a result of being the best qualified, Mr. Clark is recommending Council award the leasing contract to the low bidder, Sharp Business Systems, in the amount of \$35,283.24.

Chairman Wright asked if Council members had any questions for Mr. Clark. Councilman Clyde Livingston asked about the next lowest bidder, if he met all criteria, was it under a state contract. Mr. Clark explained 3 or the 4 vendors qualified under the state contract, including the next lowest bidder. Councilman Clyde Livingston stated he had problems sending money to Greenville when there is only a \$2,600 difference between the contracts. Mr. Clark explained the difference between the 8 black and white copiers was \$2,000 above the low bidder and the color copier it was approximately \$5,000 above, roughly \$7,000. The local preference was applied under the current code to all 4 bidders and Sharp was still the lowest. Councilman Clyde Livingston wanted to know if it was possible to accept the color copier and bid it separately from the black and white copiers. Mr. Clark stated it could be.

Councilman Clyde Livingston stated he saw Mr. Clark's point on the color copier. Councilman Clyde Livingston made a motion Council accept the proposal for the color copier at this time. The Chairman asked for a second on the motion. Councilman Clyde Livingston stated he was going to do it separately. Councilman Owens stated he would second the motion for the benefit of discussion.

Councilman Owens asked whether the Procurement policy had been followed? Mr. Clark stated the solicitation was administered according to the Procurement policy. Councilman Owens asked whether it was stipulated Council would separate the black and white copiers from the color copier. Mr. Clark stated vendors were asked to quote the copiers separately, so he could take the position the leases could be awarded separately if that were the desire of Council, but in doing so, it would be moving away from the low bid concept. Councilwoman Cooper asked if this would cost additional money and Mr. Clark replied yes.

In the ensuing discussion it was determined vendors were asked to separate the black and white costs from the color costs because it was determined the costs would be different based on this distinction. Councilman Clyde Livingston asked if when the sales tax is computed on this contract is it going to be treated as an Orangeburg County sales tax or is it going to be a Greenville County sales tax. Mr. Clark indicated before he could answer this question he would have to research the matter.

Councilman Owens indicated he was concerned about Council putting out a single bid then after the bid comes in we separate the bid. Councilman Owens stated this was not a common practice for Council. He doesn't recall Council doing this previously. He doesn't have a special interest in any of the people that bid, he is only concerned about fairness and making sure Council does not have to back pedal in terms of any decisions Council is making.

Councilwoman Cooper stated she agreed with Councilman Owens about soliciting a bid then separating and changing it in the middle of the stream. She is for local businesses having County business, but there are times when Council cannot always give its business to a local vendor. If a decision has been made to go with the Greenville company and not separate the two, then Council should stick with it.

A question arose about local preference requirements. Councilman Wimberly stated it was put into the bid and he feels if a copier goes down, someone in Orangeburg within four or five blocks

away, as opposed to someone in Greenville 2-21/2 hours away, it is bad business; it is so close, but yet... Councilman Heyward Livingston stated service is very important, but he believes in the bid process and if all was done right, he would rather see a local person get it, but once it has gone through the process then he thinks we should stick to the process and go with the low bidder. Other questions arose about the distinction between bid packages being defined as RFPs or bids, and were they mailed as one or the other. Mr. Clark indicated he could not answer these specific questions as the Procurement Director was not present at this Council meeting.

Councilman Owens stated in all fairness Council already has put an incentive in the policy for local vendors and that incentive was taken into consideration when the bids were opened. Councilman Clyde Livingston asked about the make of the machines and was told they were Sharps and Xeroxes. He also asked how many Sharp machines are presently in use in the County. No number is available on how many Sharps are now in use by the County. All vendors who responded satisfied the set of specifications developed by the County in submitting their bids.

Following the discussion, the original motion made by Councilman Clyde Livingston to accept only the color copier from Sharp Business Systems received a second by Councilman Owens for the purpose of discussion. Following the discussion Councilman Wimberly amended Councilman Livingston's original motion to include adding the black and white copiers to accepting the low bid submitted by Sharp Business Systems. Motion seconded by Councilman Owens. Motion passed by a vote of six to one. Councilman Clyde Livingston voted nay.

3. PUBLIC WORKS – APPROVAL FOR INCLUSION INTO COUNTY MAINTENANCE SYSTEM – SUN CIRCLE DRIVE (DISTRICT 2)

Chairman Wright asked Bill Clark to give a review of this request. Mr. Clark stated Sun Circle Drive is a dirt road located within the Northwoods Subdivision, and originally platted and approved by the Planning Commission before requirements for road maintenance were established in 1990. The road does meet the requirements to be accepted into the County's road maintenance system as a dirt road and it is his recommendation Council accept this road into the County's road maintenance system. Sun Circle is ¼ of a mile in length and serves approximately 20 lots in Northwoods Subdivision.

Motion made by Councilman Ravenell seconded by Councilman Heyward Livingston to accept Sun Circle Drive into the County's road maintenance system. Motion passed.

4. UPDATE OF EMPLOYEE HANDBOOK

Chairman Wright asked either the County Administrator or County Attorney to give a review on this issue. D'Anne Haydel, County Attorney reminded Council that during April 2009,

Orangeburg County went from an ordinance system to an employee handbook system. At that point in time the County went back to 1983 and updated the different rules and policies that were in place. There have been changes in the law as well as some comparison between what is in the Handbook, and how the County actually handles certain procedures and so there is some adjustments that the Human Relations Department, Finance and Legal Department would like to recommend to Council . Some of these are policy recommendations they need to know which way Council wants to go. It is an appropriate time now, almost two years after having brought the Handbook into existence, to just update it so it is current with the law and what we actually do.

Bill Clark recommend referring this subject into a committee where the various recommendations could be presented to allow Council to provide feedback prior to having a Resolution brought back at a later time.

Motion by Councilman Owens, seconded by Councilman Heyward Livingston that the update of the Employee Handbook be referred to the Committee As A Whole for discussion. Motion passed unanimously.

Motion by Councilwoman Cooper, seconded by Councilman Ravenell to adjourn for an executive session to discuss a legal briefing regarding a potential claim against the Law Enforcement Commission and a contractual agreement related to a broadband project. Motion passed unanimously.

Before adjourning Councilman Owens stated that litter has been a problem in Orangeburg County for quite sometime, citing the fact that he lives on Belleville Road and the Landfill is past his house. He gets a lot of constituent complaints about a lot of trash falling from individual citizens cars as well as commercial travelers up and down the road. He wants somehow to look at getting a schedule where the County can have frequent trash pickups up and down the Belleville Road and one or two other roads where the dumpsters travel, because it is getting to be a problem. He reiterated it is a problem, it is not getting to be a problem. He thinks a discussion needs to be held on how the County can control or how the County can better enforce the litter laws.

Councilwoman Cooper agreed with Councilman Owens, stating Belleville Road is a problem, Kings Road is a bigger problem, Kennerly Road is a problem, but every time she goes to Harold Young he comes to her rescue.

Several Councilmen spoke, indicating through the general discussion that followed, trash is a county-wide problem. Councilman Owens felt it was more on the road going to the Landfill because everyone goes to the Landfill sooner or later. It is happening every day – he has a job picking up trash which he doesn't get paid for.

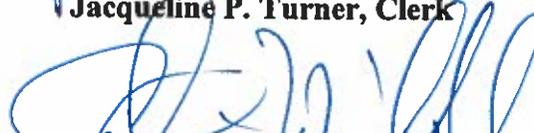
Councilman Wimberly suggested perhaps through talking with Law Enforcement something could be done to get people to pick up the trash. Councilman Wimberly also spoke about the Sheriff seeking help with copper thefts; perhaps Council could propose some kind of ordinance to help in this effort. This is something that should be open for discussion at the next Council meeting and maybe come up with some ideas about how Council can make it tough on criminals. The Sheriff and people in the community are asking for help. Council being the governing body in charge of ordinances, should be able to put an ordinance on the books that would make someone think twice about cutting air-conditioning pipes from a church.

Councilman Owens stated he was glad Councilman Wimberly brought the subject up - crime in general has gotten out of hand. Predicting he would get a lot of flack from a forthcoming statement, he stated he is in favor of bringing the Chain Gang back. People in jail are eating and watching television all day and committing the same crimes. He thinks if you, "work the hell out of them," it would act as a deterrent. There was a consensus of opinion among Council members they were in agreement about finding solutions to the problems of crime and litter enforcement in the County.

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

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman