

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
October 7, 2013  
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.  
Janie Cooper-Smith, Vice Chairman  
Heyward H. Livingston  
Willie B. Owens  
Johnny Ravenell  
Harry F. Wimberly**

**MEMBERS ABSENT:**

**Clyde B. Livingston**

**OTHERS PRESENT:**

**Harold M. Young, County Administrator  
D'Anne Haydel, County Attorney  
Angel Howell, Executive Assistant**

**CALL TO ORDER**

**Johnnie Wright, Sr., Chairman**

**MOMENT OF SILENCE**

**Moment of silence observed**

**APPROVAL OF MINUTES**

**September 16, 2013**

**Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell, to approve minutes of September 16, 2013 with corrections, if any. Motion passed unanimously.**

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**Paul Simmons**

**Mr. Simmons, from Simmons Funeral Home in Orangeburg, SC, stood to address an issue relative to agenda item Number 3. Mr. Simmons stated that this item was a parcel being rezoned from forest and agricultural to rural community for the purpose of a funeral home. About 6 months ago, Mr. Simmons stated that he made the same request on a 90 acre tract of land and was denied. Mr. Simmons stated he was told this could not be done. He asked the difference between the two requests and also stated that the person requesting for this parcel to be rezoned does not have a license or license address. Mr. Simmons asked that this request be denied until further investigation can be done and this person can be properly qualified.**

**Mrs. Frazier stood before Council Members to read a card of thanks for the food that was served at the South Carolina State University Youth Day. A number of Orangeburg County employees were named to thank them personally. These people were invited to attend the Books and Breakfast Program at Revelon Elementary.**

**Chairman Wright acknowledged Orangeburg's newly elected mayor and allowed him to share a few words. Mr. Butler stated that he would be speaking about the City of Orangeburg. Mr. Butler stated that Orangeburg would not be divided anymore, meaning that the County and City would be seamless. Mr. Butler stated that he offers the help of the City Council to enhance the community.**

**1. ORDINANCE-THIRD READING AND FINAL READING**

**AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED ORANGEBURG COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR REAL PROPERTY DESIGNATED AS TAX MAP NUMBER 0286-00-09-006.00 AND LOCATED AT 7274 OLD NUMBER SIX HIGHWAY IN ORANGEBURG COUNTY FROM FA (FOREST AGRICULTURAL DISTRICT) TO RC (RURAL COMMUNITY DISTRICT), AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**Chairman Wright asked County Administrator Young to give a brief summary for those who were not present at the last meeting. Administrator Young stated that the Planning Commission on its June 12, 2013 meeting met to consider this zoning request. The request was to rezone a parcel in Elloree from FA (Forest and Agricultural) to RC (Rural Community) to relocate an existing miscellaneous retail store that is currently on a property that is being rented. The request was recommended for approval.**

**Chairman Wright asked that a motion be made. Councilman Willie B. Owens motioned to approve the ordinance for third and final reading. The motion was seconded by Councilman Ravenell. Motion carried.**

**2. ORDINANCE- THIRD AND FINAL READING**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE ORANGEBURG COUNTY CODE OF ORDINANCES TO PROVIDE FOR ENFORCEMENT AND ADMINISTRATIVE PROCEDURES, CODIFICATION OF THE PERMITTING AND INSPECTION DEPARTMENT, DUTIES OF THE BUILDINGS OFFICIAL, REESTABLISHMENT OF THE**

**CONSTRUCTION BOARD OF APPEALS, AMENDING ALL PARTS OF CHAPTER SIX IN CONFLICT, PROVIDING FOR A PENALTY, PROVIDING FOR SEVERABILITY**

Chairman Wright asked that County Administrator Young give a brief summary for those who were not present at other meetings. Mr. Young stated that as the state adopts provisions of the code the county must make changes to be in line with state statues. The proposed amendment establishes administration provisions, sets forth the titles of all codes enforced by the County, articulates the requirements of the Building Inspection official, codifies the rate schedule which was approved by council during the budget process, and confirms the Construction Board of Appeals. It was recommended for third and final reading.

Chairman Wright asked that a motion be carried. A motion was moved by Councilman Ravenell and seconded by Councilman Owens to pass this ordinance for third and final reading. Motion carried.

3. **PRESENTATION OF PLANNING COMMISSION RESOLUTION TO COUNCIL REQUEST FOR REZONING A PARCEL LOCATED AT 5423 CHARLESTON HIGHWAY IN BOWMAN, TAX MAP #0233-00-04-040.00 FROM FOREST AND AGRICULTURAL TO RURAL COMMUNITY**

Chairman Wright stated that this agenda item is one in which was addressed earlier in the meeting and asked Council what their pledge was. Councilman Owens moved that this issue be referred to a committee. Motion seconded by Councilwoman Cooper-Smith. Administrator Young stated that zoning policy would be covered under Public Service and Planning Committee. Motion Carried.

4. **ORDINANCE-FIRST READING**

**AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED ORANGEBURG COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TAX MAP NUMBER 0233-00-04-040.00 FROM FA (FOREST AGRICULTURAL) DISTRICT TO RC (RURAL COMMUNITY) DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

This is the same as Item #3 on the Agenda which was referred to Public Service and Planning Committee.

5. **ORDINANCE-FIRST READING**

**AN (FLOOD) ORDINANCE AMENDING CHAPTER EIGHTEEN OF THE ORANGEBURG COUNTY CODE OF ORDINANCES TO REPEAL THE**

**EXISTING ORDINANCE AND REPLACE WITH DEFINITIONS, POLICIES, AND STANDARDS IN CONFORMITY TO THE NATIONAL FLOOD INSURANCE PROGRAM**

County Administrator Young stated that Flood Insurance Rate Maps (FIRMS) for communities across South Carolina are being updated as part of a map modernization initiated by the South Carolina Department of Natural Resources and the Department of Homeland Security—Federal Emergency Management Agency. FEMA has issued preliminary FIRMS and a Flood Insurance Study (FIS) report that contain proposed flood hazard determinations for Orangeburg County. The Planning Department recommended approval of this ordinance so that the County citizens may be able to use the new maps. Councilman Wimberly asked if the County is all under one flood zone. Administrator Young stated that it varies. Councilman Wimberly asked if the new maps changed the difference in the flood plan and it doesn't meet the qualifications of the new plan, would it be grandfathered in. It was stated that Councilman Owens asked what other benefits would be received from the federal government in terms of assistance. Administrator Young stated that the map modernization would be a tremendous benefit because the older map missed a lot of roads and elevation points. The newer maps will have statistics and flood profiles that will save homeowners and citizens money because they will have more information available. Councilman Ravenell asked if it would be a wider area for floods. Mr. Young stated that new technology was used to map the contours of the flood profiles of the rivers and lakes. Modernizing the map would allow other roads that were missing off the older maps to be included in the flood plan.

Chairman Wright asked for a motion. A motion was made by Councilman Owens and seconded by Councilman Ravenell. Motion carried.

**6. ORDINANCE- FIRST READING BY TITLE ONLY**

**AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY, SOUTH CAROLINA, APPROVING THE ISSUANCE OF NOT TO EXCEED EIGHTEEN MILLION TWO HUNDRED FIFTY DOLLARS PRINCIPAL AMOUNT (\$18,250,000) CAPITAL PROJECTS SALES AND USE TAX REVENUE BOND ANTICIPATION NOTE (ORANGEBURG COUNTY, SOUTH CAROLINA, PROJECT) SERIES 2013, BY ORANGEBURG JOINT GOVERNMENTAL ACTION AUTHORITY; APPROVING THE FORM OF SAID NOTE; APPROVING THE FORM AND CONTENT OF THE NOTE PURCHASE AGREEMENT, THE CAPITAL PROJECTS SALES AND USE TAX FACILITIES CONSTRUCTION AGREEMENT, AND THE ASSIGNMENT AND SECURITY AGREEMENT; AND OTHER MATTERS RELATED THERETO**

Chairman Wright asked that County Administrator Harold Young give a brief summary. Mr. Young stated that this is a refunding of the bond anticipation note

that was previously done in order to prevent the County in lieu of the case that was pending with Florence County. They have a ruling that is pending in Supreme Court as far as the constitutionality of the penny sales tax. In light of this, it has been pushed to refund so that a clear ruling is met before the third penny sales tax is implied. Councilwoman Cooper-Smith asked that the money that is being asked for already is already possessed and will carry over. Councilman Wimberly stated that the bonds have to be redone to make sure that the money is acquired to finish various projects. Councilman Heyward Livingston asked what the outcome would be if the Supreme Court ruled against Florence County. Mr. Young stated that it would affect how the County bonds out the rest of the money for the third penny. Councilman Wimberly asked if the Supreme Court ruled in favor of Florence County, would everything continue as normal. Mr. Young's reply was yes. Councilman Wimberly asked that since this is only the first reading of the ordinance, if the Supreme Court made a ruling before the third reading, would it affect them. It was stated that further investigation would have to be done to see how Florence County used the penny sales tax and Orangeburg County usage was similar was. Administrator Young stated that this refunding is something that protects the County regardless of the Supreme Court ruling. Councilman Wimberly asked was it possible that on the third reading, the entire 84 million could not be bonded and would it be pay as you go. It was stated that it could be possible and that the Supreme Court ruling will be the ultimate deciding factor. Councilwoman Cooper-Smith stated that she believes the County has done everything legally and that the citizens will not have to wait for projects to get completed. Councilwoman Cooper-Smith asked County Administrator what will happen to Orangeburg County's projects if the ruling is against Florence County. Administrator Young stated that it is unclear because it depends on how the ruling is read. Part of the argument was that only certain projects could be completed before another set was approved.

Chairman Wright asked that a motion be made. Motion made by Councilwoman Cooper-Smith and seconded by Councilman Owens. Motion carried.

#### **7. ORDINANCE- FIRST READING BY TITLE ONLY**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REFUNDING BOND ANTICIPATION NOTE IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWO MILLION ONE HUNDRED TEN THOUSAND DOLLARS (\$2,110,000) BY ORANGEBURG COUNTY, SOUTH CAROLINA IN ANTICIPATION OF THE RECEIPT BY ORANGEBURG COUNTY OF THE PROCEEDS OF THE SALE OF A SEWER SYSTEM IMPROVEMENT REVENUE BOND; AND OTHER MATTERS RELATING THERETO**

Chairman Wright asked that County Administrator give a brief summary. Mr. Young stated that the County of Orangeburg is looking to take advantage of additional funding that was left over from the West Edisto Sewer Project. The interim financing that was required for the project by USDA will need to be extended to request additional grant funds to extend sewer further along the area

West of the Edisto. The refunding is merely an extension of time period in which the County has for the take out loan by USDA funds.

Motion moved by Councilman Owens and seconded by Councilman Ravenell to approve the ordinance by first reading. Motion carried.

#### 8. ORDINANCE-FIRST READING BY TITLE ONLY

**AN ORDINANCE MAKING PROVISION FOR TAX ANTICIPATION BORROWING BY ORANGEBURG COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,500,000 IN ANTICIPATION OF THE COLLECTION OF AD VALOREMM TAXES FOR THE FISCAL YEAR BEGINNING THE 1<sup>ST</sup> DAY OF JULY, 2013 AND ENDING THE 30<sup>TH</sup> DAY OF JUNE, 2014; TO PRESCRIBE THE TERMS AND CONDITIONS OF SUCH BORROWING AND THE FORM OF NOTE TO BE EXECUTED EVIDENCING THE SAME; AND TO MAKE PROVISION FOR THE PAYMENT THEREOF**

Chairman Wright asked that County Administrator Young give a brief summary. Administrator Young stated that in working on repaying the BAN and using the utility plan to work forward, it must be made certain that all funds are drawn down from the USDA project and the federal projects to be able to reimburse the County. There are several delays with USDA projects and federal grants that are affected primarily by the government shutdown. Councilman Wimberley asked if this money will be repaid through money that the County has or will get. Administrator Young answered yes. Councilman Owens asked if the ending date of June 2014 would have to be pushed back. The answer was no.

Chairman Wright asked that a motion be entertained to pass this anticipation note for first reading. Motion made by Councilman Heyward Livingston and seconded by Councilman Wimberly. Motion Carried.

#### 9. REQUEST FOR QUALIFICATION FROM BROADBAND VENDORS

Chairman Wright yielded the floor to County Administrator Young to give clarification to what will and needs to happen. Administrator Young stated that under the Procurement Code, a request for Qualifications for Broadband Maintenance Services were responded by 3 companies: Cooper River Information Technology and On Time Communication from Anchorage, Alaska, W. Metts Engineering Co., Inc. from Branchville, South Carolina, and the last one was from Axiologix from Sarasota, Florida. Administrator Young asked if there were any representatives from either company present. W. Metts Engineering was present. Administrator Young continued to state that Cooper River Information Technology and On Time Communication were shown to not be responsive. Therefore, County Council has two requests for qualifications that were found responsive. After looking at the proposals, County Council can now choose to accept the request and then ask for proposal for maintenance services.

*omit after*  
~~Councilwoman~~ Councilman Owens stated that he would be more likely to choose W. Metts Engineering Co., Inc. because they are local. This would be favorable

because if any problem occurred, it could quickly be resolved. Councilman Wimberly asked Councilman Owens if he was making that a motion.

A motion by Councilman Owens was made and second by Councilman Wimberley to choose W. Metts Engineering Co., Inc. Motion passed.

**10. PUBLIC WORKS COMMITTEE UPDATE**

**(1) ABANDON MAINTENANCE ON DEWDROP ROAD**

Chairman Wright yielded the floor to the Chairman of that committee, Councilman Ravenell. Councilman Ravenell stated that the Planning Commission met at 4:30 p.m. that same day to discuss abandoning maintenance on Dew Drop Road. The committee wanted to recommend abandoning maintenance.

Motion made by Councilman Ravenell and seconded by Councilman Heyward Livingston to abandon maintenance on Dew Drop Road. Motion Carried.

**11. MISCELLANEOUS COMMENTS**

He stated that County Council wants to encourage the public to minimize the amount of litter in the community. Councilman Ravenell also stated that vast amounts of litter makes the County of Orangeburg look bad and that more needs to be done. He also stated that Councilman Owens mentioned the idea of officers writing tickets for littering and that the public needs to know it will be strictly enforced. Councilwoman Cooper-Smith agreed with Councilman Ravenell and stated that litter has always been a problem in this County. She stated that people have called her wanting to form a committee to combat this problem. Councilman Wimberly stated that another problem in the County is waste tires. He stated that he wanted to encourage citizens to carry tires to the convenience sites and that as a farmer it's a big problem for rural areas.

**12. VOTE FOR EXECUTIVE SESSION**

Chairman Wright asked for a motion. Motion made by Councilwoman Cooper-Smith and seconded by Councilman Ravenell. Motion Carried.

**13. EXECUTIVE SESSION**

**(1) PERSONNEL MATTERS**

**(2) CONTRACTUAL MATTERS**

**(3) ECONOMIC DEVELOPMENT UPDATE**

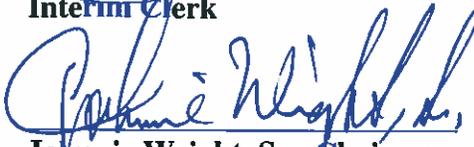
**14. VOTE FOR ADJOURNMENT**

**15. ADJOURNMENT**

**Chairman Wright asked for a motion. A motion was made and seconded.  
Motion carried.**

**Meeting adjourned.**

  
Interim Clerk

  
Joannie Wright, Sr., Chairman