

**MINUTES
ORANGEBURG COUNTY COUNCIL
APRIL 15, 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., Chairman
Janie Cooper-Smith
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
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 April 1, 2013 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEMS

NO COMMENTS

PUBLIC COMMENTS:

OTHER MATTERS

NO COMMENTS

1. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE TO AMEND THE ZONING MAP OF UNINCORPORATED ORANGEBURG COUNTY, SOUTH CAROLINA TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS: 0183-17-01-001.000 (2366 CHARLESTON HIGHWAY) FROM THE FOREST AGRICULTURE (FA) DISTRICT TO THE BUSINESS INDUSTRIAL (BI) DISTRICT

Chairman Wright opened the floor for the Public Hearing, soliciting those with questions to speak. No questions forthcoming from the audience. Chairman Wright closed the Public Hearing.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Wimberly for second reading approval of the ordinance. Motion passed unanimously.

2. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE TO AMEND THE ZONING MAP OF UNINCORPORATED ORANGEBURG COUNTY, SOUTH CAROLINA TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS: 0343-00-02-033.000 (107 MY ROAD) FROM THE FOREST AGRICULTURAL (FA) DISTRICT TO THE RESIDENTIAL SINGLE (RS) DISTRICT

Chairman Wright opened the Public Hearing, soliciting those with questions to speak. No questions forthcoming from the audience. Chairman Wright closed the Public Hearing.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, for second reading approval of the ordinance. Motion passed unanimously.

3. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE TO AMEND THE ZONING MAP OF UNINCORPORATED ORANGEBURG COUNTY, SOUTH CAROLINA TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS: 0270-07-027.00 (9238 CHARLESTON HIGHWAY) FROM THE FOREST AGRICULTURAL (FA) DISTRICT TO THE COMMERCIAL GENERAL (CG) DISTRICT

Chairman Wright opened the Public Hearing, soliciting those with questions to speak. No questions forthcoming from the audience. Chairman Wright closed the Public Hearing.

Motion by Councilman Ravenell, seconded by Councilman Owens, for second reading approval of the ordinance. Motion passed unanimously.

4. RESOLUTION – HONORING FAIR HOUSING MONTH

Chairman Wright read the resolution and asked for a motion.

Motion by Councilman Owens, seconded by Councilman Wimberly, adopting the Fair Housing Resolution for 2013. Motion passed unanimously.

5. REPORT ON PUBLIC WORKS COMMITTEE MEETING –CHAIRMAN RAVENELL

Councilman Ravenell, Chairman of the Public Works Committee stated a meeting was held earlier in the day to address the issue of abandoning maintenance on 96 Road and Babe Road in District 4. The Public Works Committee denied the request to abandon maintenance on the roads. The Committee agreed the County

and the landowner will have to address the sediment problem. The Committee determined the County and the landowner will have to come up with a written agreement prior to any work being done on the road. Additionally, the Committee discussed tentative guidelines on how the County will handle future requests to abandon road maintenance. Any ongoing guidelines will have the correct wording. The County Attorney will be asked to review the guidelines before they are presented to the full Council for approval.

Motion by Councilman Heyward Livingston, seconded by Councilman Owens, approving the motion as outlined by the Public Works Committee. Motion passed unanimously.

6. APPOINTMENTS – BOARDS, COMMITTEES AND COMMISSIONS

Councilwoman Cooper-Smith made the following appointments: Re-appointed Dr. Mildred Rice to the Orangeburg Area Neighborhood Development Commission; Dr. Sandra Glover to the Orangeburg Area Neighborhood Development Commission; Mrs. Margaret Roberts to the Tax and Tourism Advisory Board; Mrs. Freddie O'Bryant to the Orangeburg County Library Commission. Mr. Charles H. Johnson has resigned from the Orangeburg Area Neighborhood Development Commission. Mr. William Wilson, formerly a resident of District 5, now lives in District 7 and has been appointed to the Regional Medical Center Board of Trustees by Councilman Owens.

Councilman Ravenell appointed Mr. Frederick E. Messa to the Santee Fire District.

7. ACCEPTANCE OF BIDS

1. **PUBLIC SERVICES VEHICLES** – Administrator Young stated the County recently solicited bids for the replacement of a truck and trailer for the Public Services Division. Following County procurement requirements bids were solicited and opened on March 28, 2013 with a total of five bidders responding to the truck bid and four bidders responding for the trailer. The lowest bidder for the truck was Worldwide Equipment, West Columbia, S.C. in the amount of \$118,850.00. The lowest bidder for the trailer was Carolina Trailer Sales, Campobello, S.C., in the amount of \$68,439.00, with a 90 day delivery time.

Administrator Young stated the purchase of the truck and trailer was anticipated during the FY 2013 budget process and the required funds are available. He is recommending Council's approval for these purchases.

Motion by Councilman Owens, seconded by Councilman Wimberly, to approve the purchases. Motion passed unanimously.

Administrator Young also informed Council bids were solicited for the replacement of a rollback truck for the Public Services Division to move County vehicles only, at a savings to the County. Bids were opened March 28, 2013, with a

total of four bidders responding. Following County procurement requirements, the lowest bidder is American Wrecker, Cayce, S.C in the amount of \$85,752 with a delivery time of 90 days. The purchase of this equipment was anticipated during the FY 2013 budget process and the required funds are available. He is recommending Council's approval for this purchase.

Motion by Councilman Owens, seconded by Councilman Wimberly, to approve the purchase of the rollback truck from American Wrecker, Cayce, S.C, in the amount of \$85, 752.00. Motion passed unanimously.

2. **AUDIT SERVICES** – Administrator Young stated the County is completing the final year of a five year contract for external auditing services with McGregor & Company, who are not amenable to renewing the contract.

Following County Procurement requirements, bids were solicited for external audit services, with six firms responding. The top three firms were interviewed on March 8, 2013, and the firm with the highest ranking was chosen because of their experience with capital projects, as well as with IT projects such as broadband. The Administrator is recommending Council accept the proposal of Robert E. Millhouse, Columbia, S.C, in the amount of \$273,400.00 for external auditing services. Their additional advantage is they only do audits and not taxes; with wastewater and broadband on board, their expertise is of value.

Motion by Councilman Owens, seconded by Councilman Wimberly, to accept the bid submitted by Robert E. Millhouse in the amount of \$273,400.00. Motion passed unanimously.

3. **ACCEPTANCE OF PROPOSAL - HVAC REPLACEMENT** – Administrator Young explained the HVAC experienced a mechanical failure of the air chiller for the system. The system is a critical component of the building. Under the emergency provision of the County, a proposal for the replacement of the unit was done. Following County Procurement requirements, proposals were solicited and opened on March 27, 2013, with nine companies responding. The application of the emergency section of the Orangeburg County Procurement Code determined the successful bidder for the HVAC system was McCarter Mechanical Inc., Spartanburg, S.C. in the amount of \$72,185.00, with a two week turnaround time. Administrator Young is requesting Council approval for the emergency purchase of the HVAC system.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell, to approve the emergency purchase of the HVAC system in the amount of \$72,185.000 from McCarter Mechanical Inc., Spartanburg, S.C. Motion passed unanimously.

8. **PLANNING COMMITTEE RECOMMENDATION**

Administrator Young stated the Orangeburg County Planning Commission held public hearings on February 13, 2013 on a request for Zoning Map Amendments

filed by Paul Simmons for a tract of land from the Commercial General (CG) District to the Business and Industrial (BI) District for the purpose of locating a funeral home with a crematory. Mr. Simmons received an endorsement from Mr. Joe Emory with the B&L Commissions, St. Petersburg, Florida indicating Mr. Simmons plans would have to meet the environmental standards of the Environmental Protection Agency prior to being properly licensed. Mr. Thomas from the community spoke in support of Mr. Simmons' request for rezoning and his professional reputation in the community. The Planning Commission is recommending to County Council the approval of Mr. Simmons request.

Motion by Councilman Owens, seconded by Councilwoman Cooper-Smith, to approve the request of the Planning Commission. Motion passed unanimously..

The Commission also heard a request for rezoning a tract of land from the Forest/Agriculture (FA) District to the residential General (RG) District from Jesse Kinard. The site is comprised of approximately .9 acre tract of land located at 138 Kinard Street, and would allow the construction and development of a multi-family housing complex.

An overwhelming number of neighboring landowners attended the hearing and spoke in opposition to this request and consistently argued that Mr. Kinard's request was not compatible to the existing neighborhood and the request was not compatible with the County's Comprehensive Plan for growth in the area. The commission stated the request is not compatible with the orderly growth in this area and would not be compatible with neighboring landowners. The applicant did not establish any changes in condition since the adoption of the Zoning Ordinance or Comprehensive Plan, and following proper motion and second, the Commission unanimously voted to deny the request for rezoning by Mr. Kinard. The Commission recommends their denial be approved by County Council.

Following a presentation from Mr. Carl Carpenter representing the landowners who attended the meeting in a large number, and hearing an opposition rebuttal from Mr. Kinard, County Council voted to approve the request for denial made by the Planning Commission.

Motion for denial made by Councilman Owens, seconded by Councilwoman Cooper-Smith. Motion passed with Council members Wright, Cooper-Smith, Owens and Heyward Livingston voting for denial. Councilmen Ravenell and Wimberly abstained. Councilman Clyde Livingston was absent.

9. VOTE FOR EXECUTIVE SESSION

Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell to vote for an executive session to receive a legal update and discuss a contractual matter. Motion passed unanimously.

Motion to adjourn made by Councilwoman Cooper-Smith, seconded by Councilman Owens. Motion passed unanimously.

Meeting adjourned.

Jacqueline P. Turner, Clerk

Johnnie Wright, Sr., Chairman