

**MINUTES
ORANGEBURG COUNTY COUNCIL
October 15, 2012
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, Vice Chairman
Clyde B. Livingston
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Heyward F. Wimberly**

MEMBERS ABSENT:

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 Councilwoman Cooper-Smith, seconded by Councilman Ravenell to approve minutes of October 1, 2012 with corrections, if any. Motion carried.

PUBLIC COMMENTS:

AGENDA ITEMS

NO COMMENT

PUBLIC COMMENTS:

OTHER MATTERS

Ms. Jeffrey questioned Council about Sheriff Major Williams, asking why he still has his job following an automobile accident while he was driving a County vehicle and suffered injuries. She stated he reportedly had a blood alcohol content of .02 which is below the legal limit of .08. She stated the County Employee Handbook says an individual must not have any alcohol in their system while driving a County vehicle.

Chairman Wright requested County Attorney Haydel respond to the questions raised. Ms. Haydel stated the Sheriff's Department has autonomy from County Council and has the authority to hire, fire and discipline its own employees. Attorney Haydel stated the Sheriff's Department, as is the right of the Sheriff, opted not to use the Orangeburg County Employee Handbook, and employees are therefore not subject to the requirements of the Employee Handbook. County Council has no punitive authority over deputies and employees in the Sheriff's Department.

Ms. Frazier spoke, thanking Council for supporting local youth in attending Youth Day at South Carolina State University. She also requested Council consider giving 2 or 3 mills to the Fire District which is badly needed. Ms. Frazier also questioned requirements about cars being registered and taxes being collected on cars, especially in School District 5.

Motion by Councilman Wimberly, seconded by Councilman Heyward Livingston, to amend the agenda to include item 4B - judicial software for the court system. Motion passed.

1. ORDINANCE – PUBLIC HEARING – THIRD 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 THE REAL PROPERTY DESCRIBED AS TMS #0183-05-00-015.00 FROM FA (FOREST AGRICULTURAL DISTRICT) TO PUD (PLANNED USE DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Chairman Wright asked County Administrator Young to give a briefing on this matter. Mr. Young stated the rezoning request application is to change FA (Forest Agriculture) designation to PUD (Planned Use District), for the property of Dr. Singleton. The request had been approved in principal by Council earlier, and no changes have been made between second and third reading.

Motion by Councilman Ravenell, seconded by Councilman Owens giving third and final reading to the ordinance. Motion passed.

2. ORDINANCE FIRST READING (BY TITLE ONLY)

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A WASTEWATER AGREEMENT WITH THE DEPARTMENT OF PUBLIC UTILITIES, CITY OF ORANGEBURG REGARDING COUNTRY CLUB/DOVE POINT PHASE I LINE A (VERSION AUGUST 16, 2012), INCLUDING WITHOUT COST, TRANSFER OF THE EXCLUSIVE MANAGEMENT CONTROL OF, AND TITLE TO WASTEWATER COLLECTION LINE

Motion by Councilman Clyde Livingston, seconded by Councilman Owens, approving first reading by title only of the ordinance. Motion passed.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A WASTEWATER AGREEMENT WITH THE DEPARTMENT OF PUBLIC UTILITIES, CITY OF ORANGEBURG REGARDING WHITTAKER WASTEWATER EXTENSION (VERSION MAY 15, 2012), INCLUDING WITHOUT COST, TRANSFER OF THE EXCLUSIVE MANAGEMENT, CONTROL OF, AND TITLE TO WASTEWATER COLLECTION LINE

Motion by Councilman Owens, seconded by Councilman Clyde Livingston, approving first reading by title only of the ordinance. Motion passed.

4. ZONING CLASSIFICATION CHANGE TMS #0328-06-02-002.000 FROM FA TO CG

County Administrator Young indicated the property owner Ronald Palmer requested a rezoning classification to reopen a restaurant and club that had been closed for more than six months. The Planning Commission granted the request for the rezoning change. There were no public complaints regarding the rezoning request.

Motion by Councilman Wimberly, seconded by Councilman Ravenell, to approve the rezoning application. Motion passed.

4B. JUDICIAL SOFTWARE MAGISTRATE REQUEST

Administrator Young indicated Judge Winnifa Clark has requested approval to transfer its court system software to the South Carolina Judicial Department to serve as a host and maintain the software. The transfer is aimed at enhancing the efficiency of the system.

Motion to approve the software transfer made by Councilman Heyward Livingston, seconded by Councilman Owens. Motion passed.

5. RESOLUTION – HONORING 142ND ANNIVERSARY - MT. CALVARY BAPIST CHURCH

Councilwoman Cooper-Smith asked the Reverend Bonaparte, Mt. Calvary Baptist Church to stand with her as she read the resolution commemorating the 142nd anniversary of the Church. Reverend Boneparte expressed his appreciation for the recognition received by the Church.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Owens, to adopt the resolution. Motion passed.

6. PROCLAMATION – RECOGNITION OF WHITE CANE SAFETY DAY

Chairman Wright read the proclamation recognizing White Cane Safety Day.

Motion by Councilman Clyde Livingston , seconded by Councilwoman Cooper-Smith, to adopt the proclamation recognizing White Cane safety Day. Motion passed.

7. SETTING OF MILLAGE RATES FOR 2012 TAX YEAR

Administrator Young stated the millage table being recommended to County Council for the 2012 tax year is subject to the millage cap requirements set forth under South Carolina law. The 2012 tax year millage may be increased in Orangeburg County by 8.6% with the three year look back according to the formula developed by the State Budget and Control Board. Staff has recommended a 5.1 mill general funds increase from 81.9 mills to 87 mills. Each mill is valued at approximately \$4 on a \$100,000 house, meaning the tax increase would be

approximately \$20 a year on a \$100,000 residence. There has not been a tax increase in Orangeburg County in five years.

Chairman Wright stated the increase is needed because the County received \$513,921 less from the state's Local Government Fund, used to pay for mandated services. Additionally \$500,000 is state-mandates for health insurance costs and the S.C. Retirement System changes; salary increases for County employees has been factored into the increase.

Council has also voted to give the Orangeburg County Fire District a half mill increase from 16.5 to 17 mills. The New Brookland Lighting community will see a 0.2 mill increase, Brookdale Lightning District a 0.3 mill increase and newly formed Creekmoor Lightning District will receive a 6 mill increase. The residents in the three special lightning districts have opted to pay for the extra security lights in their communities.

Prior to a motion being made on the millage increase, there was discussion among members of Council: Councilman Owens stated the tax increase could have been avoided if there was at least a one mill increase every year. Then when money is really needed it would be available. Councilman Clyde Livingston questioned if Councilman Owens was advocating setting up a reserve fund which he felt would require further study. Councilman Clyde Livingston stated the whole economy going into the tank created the problem. The only way to have a reduced budget is to cut personnel; the County's budget is made up of 80% personnel costs. Not reducing personnel costs causes problems.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Owens, to adopt the millage rate recommendation. Voting by a show of hands, five Council members passed the motion. Councilmen Clyde B. and Heyward H. Livingston voted against the motion.

8. AUTHORIZATION OF FY 2012 BUDGET CARRY FORWARD ACCOUNTS

Administrator Young explained funds in the budget carry forward for FY 2013 need approval by Council for continuing projects that could not be completed in FY 2012 year, but will be completed in FY 2013.

Motion by Councilman Ravenell, seconded by Councilman Owens, to approve the Fiscal Year 2012 Budget Carry Forward funds. Motion passed.

9. PROCUREMENT DEPARTMENT ACCEPTANCE OF BIDS – (1) FY 13-1008 BROADBAND FTTP ACCESS EQUIPMENT

Chairman Wright asked Administrator Young to explain this request. Mr. Young stated W. Metts Engineering solicited bids for the Broadband FTTP Access Equipment Project, with two vendors replying. The lowest bid was submitted by Calix Corporation, Petaluma, California, in the amount of \$896,103.58. The Orangeburg County Procurement Department recommends the lowest bid be accepted. Mr. Young concurs with the recommendation to accept the lowest bid.

Motion by Councilman Wimberly, seconded by Councilman Ravenell, to accept the low bid submitted by Calix Corporation in the amount of \$896,103.58. Motion passed.

10. VOTE FOR EXECUTIVE SESSION

Motion made by Councilwoman Cooper-Smith, seconded by Councilman Heyward Livingston, to adjourn for an executive session to discuss economic development. Motion passed.

Prior to adjournment, Councilwoman Cooper-Smith stated citizens should be receiving information in their tax bills about the 2013 property tax installment payment system to begin in 2013, encouraging citizens to take advantage of this opportunity.

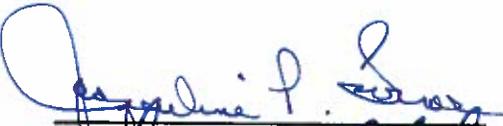
Councilmen Wimberly and Ravenell both spoke about penny tax projects and the fact that road work and other projects citizens see being worked on in their communities, are being financed through the Capital Project Sales Tax fund. The money does not come from general operating funds, and can only be used for those projects citizens voted and approved funding in the referendum.

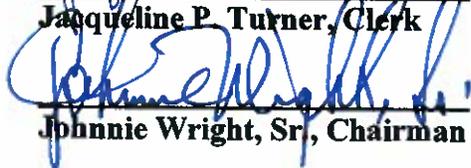
Adjournment for executive session.

VOTE FOR ADJOURNMENT

Motion for adjournment made by Councilwoman Cooper-Smith, seconded by Councilman Owens. Motion passed.

Meeting adjourned.



Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman