

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
MARCH 15, 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 made by Vice Chairman Cooper, seconded by Councilman Owens, to approve minutes of March 1, 2010 with corrections, if any. Motion passed unanimously.**

**Councilman Wimberly made a motion to amend the agenda prior to public comment time, by adding 3A after item #3, for DMS Engineering to present a program on broadband use to Council. Motion seconded by Councilman Owens. Motion passed unanimously to amend agenda.**

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**Ms. Jeffrey wanted to know details about item #1 on the agenda. Chairman Wright asked the County Administrator to give a synopsis on this item. The Administrator explained project #61 on the sales tax referendum involved construction of**

a waterline from the Lake Marion Water facility to the town of Vance. To reach the project area the waterline has to cross the right-of-way of CSX Railway and this agreement is to get their permission to be able to cross their right-of-way. The County does not have a choice; if you want to get to Vance from the lake, you have to cross the railroad. The County has to pay for the agreement, which includes an encroachment fee of \$500 and insurance of \$700. Railroads basically make you pay for everything when you operate within their right-of-way. The cost would be considered a project expenditure for constructing the waterline and paid for from project funds associated with penny sales tax project #61. No funds will be used outside of the penny sales tax funds.

**PUBLIC COMMENTS:**

**OTHER MATTERS**

Ms. Jeffrey spoke again, thanking the County for having Animal Control, but complaining about the 30 days it took them to pick up a number of puppies abandoned near or on her property, that she fed until Animal Control picked them up. She cited being told by another citizen new Animal Control rules state if you feed strays you cannot take a stray to the dog shelter. She is upset by citizens dropping off unwanted animals and Animal Control taking 30 days to pick up the abandoned puppies. She also said Animal Control was nice and took care of the animals.

Chairman Wright thanked Ms. Jeffrey for her comments, stating the County does understand the complexity of the situation; the County is doing the very best it can in such a large county to deal with the animal situation and stay within its budgetary constraints.

Ms. Emily Scoville spoke again, stating she arrived late for the meeting, and only heard part of the discussion regarding CSX Railroad. She and two other residents, also present, have been trying to get sewage in the area, but have been told they can't get it because the County cannot come across the railroad. Now she is hearing you can go under the railroad tracks. She is also still concerned about the drainage problem affecting her rental property on Maxwell Street.

Chairman Wright deferred to Councilman Owens who stated, on the lower portion of Maxwell Street referred to, the railroad cannot come across the railroad tracks, it would have to go under the railroad tracks. It is very expensive to go over the tracks, and the County does not have the money. He has inquired about why this portion of the street does not have sewage, and asked the County Administrator if he was familiar with the situation. Bill Clark indicated this was something the engineers who designed the DPU system would be knowledge about, and he could follow up on the matter. Councilman Owens speculated this could be part of the next penny tax, if enough money is generated. Engineers have told him it is most difficult to get the sewer straight down Maxwell Street, it would have to come across from the other side of the road.

Councilman Owens asked John McLauchlin, County Engineer, to speak on this matter. Mr. McLauchlin stated they could follow up on Mr. Clark's recommendation and consult with DPU who supplies sewage in the area. However, if you do have to bore under a railroad, that is different from water, so you may have some pumping and gravity problems. Councilman Owens stated this would be something he would put in the next penny tax and try to get it done.

Ms. Scoville referred to her two neighbors who were present, who did not speak last time, stating they could speak more about the flooding on Maxwell Street. Councilman Owens stated it is going to take awhile, "just like a roof, you can't patch it when it's raining." They will have to wait until the water dries up. He visited the area Saturday and the water has come back due to a recent rain. He knows whose property it is, and they may have to pool together as land owners to get a ditch cut through there.

**1. AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL  
AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A FACILITY  
ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION INC.**

Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell to approve official action as proposed. Motion passed unanimously.

**2. RESOLUTION**

**RESOLUTION ESTABLISHING AND AGREEING TO PARTICIPATE IN THE  
LOWER SAVANNAH REGIONAL HOME CONSORTIUM**

Councilman Owens made a motion, seconded by Councilman Clyde Livingston, to carry this resolution forward.

Chairman Wright asked if there was a reason. Councilman Owens indicated he felt clarification was needed in terms of what it entails, how it will affect not just other counties, but CDCs in the area.

Councilman Ravenell asked Bill Clark for his thoughts on the resolution. Bill Clark stated the resolution concerns a home consortium proposed by LSCOG, essentially to deal with combining multi contiguous governmental entities into a consortium, to be able to receive HUD funds to be used on various home related projects. There was a meeting with Councilman Owens, Harold Young and Bill prior to the meeting; there is an issue not resolved yet and a questions they don't have an answer to. There is a meeting

scheduled tomorrow morning at 10 a.m. where they should be able to pose that question and get an answer. They may be able to come back and have a better answer for Council next week.

Councilwoman Cooper asked what the question is, because being on the LSCOG Board, she has attended all of the meetings and has heard Nora Sanders explain this consortium and what it will do for the counties and municipalities within the 6 county area. Bill Clark, requesting guidance from Councilman Owens, if he states anything improperly, explained federal monies would be funneled into the consortium to be used for home related projects. The unresolved question is whether CDCs could apply for funds that would be coming to the consortium and whether this would affect their status to be able to apply independently for home funds on their own. Further inquiry of Councilwoman Cooper to Harold Young, elicited the information he could not answer the question, he was also seeking clarification, and Bill Clark indicated he was not aware of a deadline date as he wasn't able to speak with anyone at LSCOG.

Councilman Wimberly asked whether Councilman Owens would mind if the motion was amended to state that if everything works out tomorrow (Tuesday, March 16, 2010) to his satisfaction, that a special meeting could be called Wednesday afternoon (March 17, 2010) to pass the motion. Councilman Owens agreed to the amended motion.

Amendment to Councilman Owens' motion made by Councilman Wimberly, seconded by Councilman Clyde Livingston, to carry approval of the Resolution Establishing and Agreeing to Participate in the LSCOG Regional Home Consortium to Wednesday, March 17, 2010 provided clarification is provided as to whether CDCs could independently apply for federal housing related funding outside of the consortium. Motion passed unanimously.

### **3. PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY ENDED JUNE 30, 2009 – DAWN STRICKLAND, CPA, MCGREFOR AND COMPANY, LLC**

Ms. Strickland gave a synopsis of the completed audit for the County and its three component units, Library, Fire District, and Detention Center. Ms. Strickland stated the fund balance was paid down by \$2 million, they found only 15 deficiencies in accounting practices. The summation of her report is that in financial reporting terminology the County received, "a clean report"

Several Council members indicated their approval and favorable opinion of the financial report for the first-time inclusion of summaries, giving clarity to reports in the County's federal account.

**Motion by Councilman Clyde Livingston, seconded by Councilman Owens, to accept the audit report as information. Motion passed unanimously.**

**3A. BROADBAND PRESENTATION – WILLIAM METTS**

**William Metts and Ethan Beason, representing DMS Engineering, made a presentation on their proposed application for federal stimulus money in the amount of \$19 million dollars to build a fiber optic broadband system in the southeastern portion of Orangeburg County. Seventy-five per cent of the \$19 million(\$14 million) would be a grant and 25% (\$4.7 million) would be a loan. The proposed loans are financed through revenue bonds, with a cash flow positive situation in 3 years after implementation. The system's first phase would reach 3,793 unserved subscribers in Branchville, Bowman, Rowesville, Canaan, an area of 230 miles. A second phase would extend toward Eutawville.**

**They are seeking permission from Council to go forward with the application process which they believe will see cash flow positive results and funding future construction. Orangeburg County would be the applicant for the funds, but with no funds expected from the County. DMS would put the application together and submit it on behalf of applicant Orangeburg County. The application deadline is 2 weeks from today. The application is not a commitment to accept an award; if an award is offered, and is for some reason unfavorable, there is no commitment to accept the award.**

**Following discussion addressing various issued e.g, financing of bonds, loan terms with USDA, financial advantage to Orangeburg County, their success rate and experience in securing funding for applications and other aspects of the presentation, a motion was made by Councilman Wimberly, seconded by Councilman Owens as follows:**

**Motion by Councilman Wimberly, seconded by Councilman Owens to accept Mr. Metts' offer for Orangeburg County to be the applicant for the described application for federal stimulus money contingent upon the understanding if other broadband related funds become available prohibiting multi-applications, Orangeburg County can withdraw from the application process proposed by Mr. Metts. Motion proposed by Councilman Wimberly, seconded by Councilman Owens, passed with a vote of six to one. Councilman Heyward Livingston did not vote.**

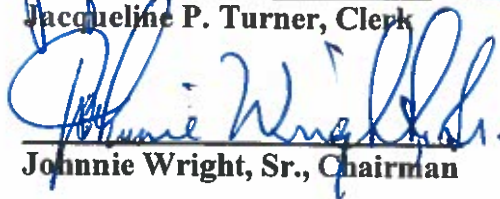
**Motion made by Councilman Heyward Livingston, seconded by Councilman Owens, to adjourn for an executive session to discuss economic development.**

**Motion for adjournment made by Councilwoman Cooper, seconded by Councilman Wimberly, to adjourn. Motion passed unanimously.**

**Meeting adjourned.**



**Jacqueline P. Turner, Clerk**



**Jonnie Wright, Sr., Chairman**