

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
JUNE 7, 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 by Councilman Owens, seconded by Councilman Ravenell, to approve minutes of May 17, 2010, May 26, 2010, June 1, 2010 with corrections, if any. Motion passed unanimously.**

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**NO COMMENTS MADE**

**PUBLIC COMMENTS;**

**OTHER MATTERS**

**Ms. Frazier spoke, asking for a moment of silence in memory of Mr. Thomas B. Eklund, Sr., who dedicated his life to the youth of Orangeburg, especially those residing in the Rivelon school area. Ms. Frazier also thanked Council for the John W. Stroman Senior Citizens Center dedicated last week in the Old Edisto Drive area. She stated the Center is a positive example of the one cent capital projects sales tax in action. Ms. Frazier passed out a ceremonial penny lapel pin to members of County Council.**

**Mr. Andrew Johnson, President, Concerned Citizens of Whittaker Height, brought the organization's issues before Council again about what they want Council to do in the area, particularly in the Maxwell Street area, where drainage issues are affecting rental and individually owned houses. He stated they are requesting unified support from Council in coming up with a method to resolve drainage problem in the Maxwell Place area.**

**Mr. Johnson invited Dorothy Ritter, who has also appeared before Council on the same flooding problems in the Maxwell Street area, to the podium to air her concerns. She spoke about the lack of sewage in the area as well as the flooding problem, penny tax money being spent in other areas, and the need to spend penny tax money in their area.**

**Councilman Owens requested Chairman Wright let him respond to Mr. Johnson and Ms. Ritter. He stated he has the Maxwell Street problems on his upcoming capital projects sales tax list; it was not on the previous CPST list passed by taxpayers. Money assessed for Whittaker sewage is depleted; the money available now is for the Rodney Road sewer issues, which has already been engineered and approved.**

**The drainage issues on Maxwell would require clearance from the County Attorney and would need signatures from the people who would be affected by the water on the left side of Maxwell, about four owners. If the County can do it, it would be done inside their property line to the main ditch to drain the water out. The confusion about a money issue, is the amount of money it would take to cross under the railroad line; it is a complicated issue with the railroad. Councilman Owens stated, "we can assure you with the money gotten out of the next penny, the Maxwell sewer on the other half of the street will be taken care of. If we had it, it would have been spent."**

**With regard to the recreation center mentioned, land would probably have to be found within the area, and a determination made as to where it would go. He stated this Council, along with him, will cooperate together to do their best to serve District 7 as well as any other district in the County. Requests are not being ignored, they have not been forgotten, now is the time to fix the water while it is dry, you can't patch the roof while it is raining.**

**1. ORDINANCE – PUBLIC HEARING AND SECOND READING**

**AN ORDINANCE AUTHORIZING DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ORANGEBURG COUNTY/JOHN W. MATTHEWS, JR. INDUSTRIAL PARK**

**Bill Clark indicated the ordinance is to establish covenants and restrictions expressly for the purpose of establishing development standards for the Park. The guidelines on hand are modeled after those in place at the Orangeburg County/City Industrial Park, and essentially calls for such matters as a review of constructions plans, the County's right to approve plans, rights to re-purchase, access to lots, drainage, landscaping, signage, lighting. The purpose is to protect the public investment the County made in the facility and make sure it complies with professional standards.**

The Public Hearing was opened by Chairman Wright who solicited questions from the public. No questions were asked by anyone from the public. Public Hearing closed.

Motion for second reading of the ordinance made by Councilwoman Cooper, seconded by Councilman Ravenell. Motion passed unanimously.

**2. PUBLIC WORKS COMMITTEE REPORT – CHAIRMAN JOHNNY RAVENELL**

Councilman Ravenell stated the Committee met at 4:30 p.m. today to discuss three roads Cocobella Road, Summer Camp Road and Clear Water. The Committee decided as follows:

**Cocobella – The Committee recommended that the Committee take no action on Cocobella as this time.**

**Motion by Councilman Ravenell, seconded by Councilman Clyde Livingston, that no action on Cocobella Road be taken. Motion passed unanimously.**

**Summer Camp Road (Neeses area) – The Committee decided to remove 177 feet of the road from maintenance upkeep at this time.**

**Motion by Councilman Heyward Livingston, seconded by Councilman Clyde Livingston, to remove 177 feet of Summer Camp Road from maintenance upkeep at this time. Motion passed unanimously.**

**Lake Marion Lane – Councilman Wimberly made a recommendation the Committee abandon maintenance on a portion of Lake Marion Lane from Clear Water Court south toward the construction of the new road, and Clear Water Court remain open, and that a tax map be attached to motion to serve as clarification as to exactly what portion of the road the Committee is abandoning maintenance on. Motion seconded by Councilman Heyward Livingston maintenance on part of Lake Marion Lane where it intersects Clear Water Court with the description as described be noted, and a portion of the map attached for clarity. Motion passed unanimously.**

**3. APPROVAL OF CHANGE ORDER TO C-FUND PAVING CONTRACT – BUENA VISTA DRIVE**

**Bill Clark stated County Council awarded a contract to Cherokee Inc. to construct approximately 3.32 miles of road utilizing state C-funds. Work on the contract is 75% completed. There is a road anticipated to be included in the original bid on Buena Vista Drive, but right-of-ways were not obtained from all property owners at the time the contract was let. Right-of-ways have now been obtained and the contractor has indicated they have the ability to absorb this additional .04 of a mile into the current contract if it is the desire of Council, for a cost of \$125,885.75. The cost quoted on the change order is identical to the cost cited on the original bid.**

Motion made by Councilman Heyward Livingston, seconded by Councilman Wimberly to accept the recommendation of the County Administrator to approve an additional .04 miles of Buena Vista be paved at a cost of \$125,885.75 from C-funds . Motion passed unanimously.

#### **4. APPROVAL OF TIRE DISPOSAL POLICY – THREE RIVERS SOLID WASTE AUTHORITY**

Bill Clark explained the matter might be more familiar to the Chairman and Councilman Clyde Livingston, as members of the Three Rivers Board. TRSWA is a mutual effort between Orangeburg and eight other counties, for the purpose of operating a regional landfill and also collaborating on a regional solid waste management plan. Recently TRSWA has been advised by S.C. DHEC of the need to develop a tire disposal policy for member counties. The staff of TRSWA has developed the attached grant given to Council and distributed across the membership. The indicated fees are consistent across the region and Council has been asked to take this action not only because it is part of the County's responsibility as a member of TRSWA, but also DHEC has indicated they will be suspending grant activity to member counties under the Solid Waste Grant Program until such time as the tire disposal policy has been adopted. It is before Council for consideration tonight.

Chairman Wright asked for comments from Council. Councilman Owens asked if everyone had looked at the policy. Councilwoman Cooper stated she thought it was a good policy and asked the Administrator if it would have any bearing on the County's present amenities. The Administrator was not certain what the Councilwoman meant, and Councilman Wimberly stated it applied to the County's amnesty program. The Administrator stated the tire amnesty day is what triggered the attention of DHEC, and was not viewed favorably because the volume it brought in was above and beyond what the TRSWA plan called for and the financing available through the various state funding to deal with. DHEC frowns upon tire amnesty day projects. Tire amnesty day was also costly for the County to operate as well. The drafted policy does not anticipate continuation of amnesty day.

Councilman Wimberly asked whose idea was this. Councilman C. Livingston indicated it came from DHEC, and the County would lose grant funding through non-compliance. Councilman Wimberly stated if more amnesty days were conducted the County might have less volume and could save money. He has a problem; if you stop amnesty days on tires you will create a big problem in Orangeburg County. Councilman Owens asked about amnesty day's present cost of the County. The Administrator approximated the cost at the end of 2009 was \$50,000-\$60,000 to sponsor tire amnesty day.

Chairman Wright suggested the Administrator do research on the matter. Councilman Wimberly recommended the matter be tabled until clarification is obtained. The Administrator recommended bringing Mr. Covington from TRSWA to speak to Council. Councilman C. Livingston recommended the matter be referred to the appropriate committee .

Motion by Councilman Owens, seconded by Councilman Clyde Livingston to refer the matter to the Public Works Committee for review. Motion passed by a vote of six to one.

**Councilman Wimberly opposed the motion. The record notes Councilman Wimberly opposes the entire tire disposal policy issue.**

**Discussion continued with varying points of view being expressed. Councilman Wimberly asked the Council members on the TRSWA if they were in support of the policy. Councilman C. Livingston stated what it would cost the County in grants lost, the County does not have a choice but to support the policy. He stated Council has done a good job for its citizens for the last 3-4 years in amnesty days and getting the tires disposed of, but, "there ain't no free lunch, and now we're going to have to pay for it." Councilman Wimberly objected to the policy creating a person to haul tires to the landfill who must be certified by DHEC. He stated property owners pay disposal fees when you buy tires, this represents undue hardship, and is out of kilter..**

**5. APPOINTMENT – TAX & TOURISM ADVISORY COMMITTEE – DISTRICT 2**

**Councilman Ravenell recommended Norton Shot Shuler of District 2 be appointed to the Tax and Tourism Committee.**

**Motion by Councilman Ravenell, seconded by Councilman Wimberly, appointing Norman Shot Shuler to the Tax & Tourism Committee. Motion passed unanimously.**

**6. TAX & TOURISM ADVISORY COMMITTEE RECOMMENDATIONS**

**Bill Clark explained to Council when the Tax & Tourism Advisory Committee met Tuesday, May 25, 2010, they did not have a quorum. They only had two members present and a third member called in and made her preferences regarding the requests known. The three members who voiced an opinion on the items on the agenda simply recommended all based upon the requests that were made.**

**He would need to know if Council feels comfortable acting on the requests without having had the benefit of a quorum as a Committee, or whether Council would want to act on the recommendation of the existing members which would not be official, due to lack of a quorum.**

**Councilwoman Cooper stated she read the letter and the recommendation made by the Administrator, as well as addressing the Handbook. Only the Chairman and Vice Chair came, and the other person called in; there are two types of quorums, number quorum or majority quorum. Robert Rules of Order directs the person voting being present or have a proxy. There were no proxies,**

and only two people at the meeting, and one person called in. While she has nothing against the recommendations, it is how they took place; the majority were not there to voice their concern, and there could be, there would be, repercussions later.

Due to a vacancy in District 3, it was determined, there was a quorum if the call in vote was counted; it was determined there was no proxy to make the call in vote valid, and if Council was going to set a precedence, it should be done in the correct manner.

Motion by Councilwoman Cooper, seconded by Councilman Owens to carry the matter forward until the Chairman of the Tax & Tourism Advisory Committee is notified they are to have a special meeting. Motion passed unanimously.

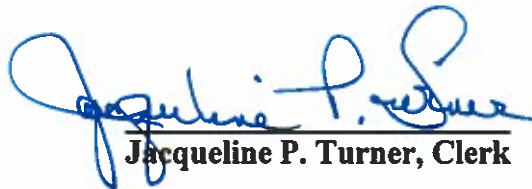
Following the carried motion, it was determined the appointment made by Councilman Ravenell to the Tax & Tourism Committee, Mr. Norton Shot Shuler, would be eligible to attend and vote at the special meeting.

**7. VOTE FOR EXECUTIVE SESSION – ECONOMIC DEVELOPMENT**

Motion to adjourn to an executive session to discuss economic development made by Councilwoman Cooper, seconded by Councilman Owens. Motion passed unanimously.

Motion to adjourn made by Councilman Heyward Livingston, seconded by Councilwoman Cooper. Motion passed unanimously.

Meeting adjourned.

  
Jacqueline P. Turner, Clerk

  
Johnnie Wright, Sr., Chairman