

**MINUTES
ORANGEBURG COUNTY COUNCIL
MAY 16, 2011
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 Councilwoman Cooper, seconded by Councilman Owens, to approve minutes of May 2, 2011 with corrections, if any. Motion passed unanimously.

Chairman Wright explained, prior to the beginning of the public comments portion of the meeting if those gathered were there to speak about the Blue Laws, to hold their comments until the public hearing to be held before second reading of the ordinance on June 6, 2011. He explained a public hearing was conducted at OC Technical College to give the public an opportunity to speak and other previous Council meetings afforded citizens ample speaking time, as well as a special public hearing held at OC Technical College attended by the public. There will be a public hearing on second reading. He is asking the public to hold their comments until that time.

PUBLIC COMMENTS

AGENDA ITEMS

No comments

PUBLIC COMMENTS

OTHER MATTERS

No comments

1. ORDINANCE – FINAL THIRD READING

AN ORDINANCE TRANSFERRING AN INTEREST IN REAL PROPERTY FROM THE COUNTY OF ORANGEBURG TO LOWER SAVANNAH COUNCIL OF GOVERNMENTS

Chairman Wright asked the County Administrator to explain this ordinance for those who have not been in attendance at previous meetings. Bill Clark explained the ordinance addresses the site being built to house the Cross County Connections, the transfer center for the buses, on Carolina Avenue, at the old nurses dormitory. LSCOG must be given ownership due to Federal grant dollars involved in the construction; once the project is completed, the property will be transferred back into the ownership of Orangeburg County.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, to give final third reading to the ordinance. Motion passed unanimously.

2. ORDINANCE – FIRST READING (BY TITLE ONLY) BUDGET ORDINANCE FOR FY 2011-2012

AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, FOR THE ORANGEBURG COUNTY BUDGET AND ORDINARY COUNTY PURPOSES AND FOR OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX; TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL ESTATE PROPERTIES IN ORANGEBURG COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST OUTSTANDING INDEBTEDNESS OF ORANGEBURG COUNTY MATURING DURING SAID FISCAL YEAR; TO PROVIDE FOR MATTERS RELATING TO ORANGEBURG COUNTY; AND TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING SAID FISCAL YEAR

Motion by Councilman Owens, seconded by Councilwoman Cooper, to approve first reading by title only to the budget for FY 2011-2012. Motion passed unanimously.

**3. ORDINANCE – FIRST READING (BY TITLE ONLY) BUDGET
ORDINANCE FOR FY 2011-2012**

AN ORDINANCE TO PROVIDE FOR APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, FOR ORANGEBURG-CALHOUN TECHNICAL COLLEGE, THE ORANGEBURG

COUNTY SPECIAL NEEDS & DISABILITIES BOARD, THE VOCATIONAL REHABILITIES DEPARTMENT, AND FOR OTHER PUBLIC AND SPECIAL EDUCATION; TO PROVIDE FOR THE LEVY OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING THE FISCAL YEAR FOR SAID PURPOSES

Motion by Councilwoman Cooper, seconded by Councilman Ravenell, to approve first reading by title only of the ordinance. Motion passed unanimously.

4. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE SUSPENDING THE APPLICATION OF THE WORK PROHIBITIONS CONTAINED IN CHAPTER 1 OF TITLE 53 PURSUANT TO SECTION 53-1-160 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, COMMONLY KNOWN AS BLUE LAWS, AND OTHER MATTERS RELATING THERETO

Motion by Councilwoman Cooper, seconded by Councilman Owens, to approve first reading by title only of the ordinance. Motion passed by a vote of six to one. Councilman Wimberly voted against ordinance.

5. OFFICIAL ACTION – AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL AUTHORIZING THE PURCHASE OF PROPERTY FROM THE STATE OF SOUTH CAROLINA

Chairman Wright asked the County Administrator to give an explanation of the issue. Bill Clark explained this action authorizes the County to move forward with the purchase of .32 of an acre of property from the state for \$950.00. This small parcel is necessary to facilitate an economic development project.

Motion by Councilman Ravenell, seconded by Councilman Wimberly to approve the Official Action. Motion passed unanimously.

In response to an inquiry from Councilman Owens regarding adjoining property, Mr. Clark indicated the County has an option on adjoining property.

6. RESOLUTION – EMERGENCY MEDICAL SERVICES WEEK – MAY 15-21, 2011

Chairman Wright read the resolution, after which the staff was recognized with a standing ovation, and the thanks of the Chairman and members of County Council for the outstanding job EMS does in serving the community.

Motion adopting the resolution made by Councilman Heyward Livingston, seconded by Councilman Owens. Motion passed unanimously.

7. RESOLUTION ESTABLISHING NATIONAL TRANSPORTATION WEEK IN ORANGEBURG COUNTY, S.C. – May 15-21, 2011

Chairman Wright read the resolution. Motion by Councilwoman Cooper, seconded by Councilman Owens, to adopt the resolution establishing National Transportation Week in Orangeburg County, S.C. , May 15-21, 2011.

8. PERSONAL APPEARANCE –DR. ANNE CROOK – ORANGEBURG-CALHOUN TECHNICAL COLLEGE

Dr. Crook, who is retiring as President of Orangeburg-Calhoun Technical College, addressed Council, thanking them for their past support of the College and asking Council during budget deliberations to fully fund the College.

PRESENTATION – JUNIOR LEADERSHIP PROGRAM – CHAMBER OF COMMERCE, DAVID COLEMAN

Ms. Leigh Walker spoke on behalf of Mr. Coleman who was not present, thanking Council for its support of the Chamber and the Junior Leadership Program. Her remarks were followed by presentations from four students who participated in the program and spoke about the valuable learning experience it was for each of them.

9. ACCEPTANCE OF BID FOR SHERIFF DEPARTMENT VEHICLE

Chairman Wright asked the County Administrator to explain the bid. Bill Clark explained the Sheriff asked the County to assist his office in the purchase of a 2011 Chevrolet Tahoe. Local vendors as well as the State Procurement office were solicited. It is the recommendation of Bill Clark and staff, Council accept the low bid submitted by the State Procurement office because of their low bid in the amount of \$28,224, and a faster delivery time. Fairey Motors, local vendor, received the local vendor's preference, but their price of \$30,986,

was still \$1,522 higher than the State Procurement price even after the preference was applied.

Following discussion with Councilman Clyde Livingston, favoring the local vendor, and wanting the record to show he voted against the recommendation, Councilman Heyward Livingston favored the low price which could be used, as an example, to perhaps increase the salary of County employees. His position is, "times are too tough to spend money we don't have." Councilman Clyde Livingston stated it is traditional for each new Sheriff to receive a new car.

Motion by Councilman Ravemell, seconded by Councilman Owens, to accept the low bid of \$28,224 from the State Procurement office to purchase a new car for Sheriff Ravenell. Motion passed with a vote of six to one. Councilman Clyde Livingston voted against the recommendation.

10. ACCEPTANCE OF PROPOSAL – EXTERNAL AUDIT SERVICES

Chairman Wright asked the County Administrator to explain this issue. Mr. Clark explained the County's 3 year contract for external auditing services with C. C. McGregor will expire June 11, 2011. As such a Request for Proposals for the external auditing services was developed, advertised locally in the Times and Democrat, and statewide in the South Carolina Business Opportunities. The RFP solicited proposals for a four-year period beginning June 30, 2011. Six responses to the RFP were received. In reviewing qualifications of the firms, factors considered included proposed costs, qualifications of professional personnel, time and budget requirements, past experiences and past performances.

Baird & Company of Augusta, Ga. was most aggressive, submitting the lowest bid of \$154,000.00 for a 4 year contract. The firm met the requirements to perform the requested scope of services, has successfully conducted external audits for county government entities in South Carolina, including Aiken and Florence counties, both of whom provided positive references. The staff investigated and researched, establishing the company was founded in 1927, and experienced in working with government entities. Of note to the proposal, there would be an additional fee of \$1,500 that would impact cost in each instance where a single audit would need to be performed as part of the audit. For Orangeburg this would be two single audit requirements, and should be figured into the amount proposed. Change orders if approved by Council would be billed at a rate of \$120-\$160 an hour. The \$154,000 amount is inclusive of travel for staff.

It is his recommendation County Council award the contract for external auditing services to Baird & Company for a 4 year contract in the amount of \$154,000.00. The amount represents a significant saving over the current contract.

Chairman Wright asked for a motion and a second, then discussion. Councilman Heyward Livingston made the motion, seconded by Councilman Owens. Motion passed. Discussion followed.

Councilman Wimberly clarified the contract was for 4 years, affirmed by the Administrator as being \$38,500 per year for a total of \$154,000, with the County able to get out of the contract if not satisfied. Councilman Clyde

Livingston wanted to know the exact wordage, which the Administrator did not have available, but could produce at a later time, if needed. Councilman Wimberly stated it is hard not to accept a low bid which is \$100,000 less than the next bid, but for him it is an issue of, "you get what you pay for," praising the work of the present Auditor's, particularly with regard to findings of the last 2 years. He is leery of a price this cheap.

Councilman Owens asked how long those whose references were checked had been in touch with the company. Florence had just completed work with the company; Aiken, approximately 3 years ago. Councilman Owens stated if they are able to do the work, we should give them the contract. If they are not performing, I don't think they would have been in business since 1927.

The Administrator went on the website to review copies of their audit reports, which are similar with ones the County has been accustomed to receiving. The Administrator stated his agreement with Councilman Wimberly's opinion of the current Auditors, and his recommendation is no reflection on the quality of the work conducted by the present Auditors. He stated it is hard to not accept a low bid when it's \$100,000 less than the others.

Councilman Heyward Livingston stated while not understanding the big differences in proposals, if the company checked out as described by the Administrator, he is going along with his recommendation for the low bidder. Councilman Clyde Livingston, noting expected travel expenditures, characterized the proposal as lower than actually submitted and a substandard price, none of the Baird staff attended a South Carolina school, and he wanted a racial breakdown, in addition to the gender breakdown provided. He will still support a local firm getting the bid, just as he did for the Sheriff's vehicle. He is of the opinion the County is putting itself in a bad position, going in thinking we may have to get out. He raised the issue of litigation is the County could not get out of the agreement because of cause, if they could not raise a good cause.

Bill Clark indicated if the assumption is the owner is not going to perform, it is his recommendation Council invite one of the owners in to meet with Council and let them answer Council's questions directly. Following further input and discuss from each members of Council, Councilman Owens suggested the issue be tabled until matter can be studied further for clarification.

Substitute motion by Councilman Wimberly, seconded by Councilman Owens, to table the discussion until the June 6, 2011 meeting of County Council, prior to which the Administrator will invite the Baird firm to meet with Council to make a presentation before them and answer their questions. Motion passed.

**12. INTERGOVERNMENTAL AGREEMENT – TOWN OF ELLOREE
WATER GRANT**

Chairman Wright asked the Administrator to explain the agreement being sought. The Town of Elloree is seeking a grant from the Department of Commerce for the purpose of extending municipal water service to an area near Elloree along Tee Vee Road. The Intergovernmental Agreement was provided to the County by the Town with the intent of including it as part of the Town's grant application. He is seeking Council authorization for he and the County Attorney to meet with Town officials and the newly-hired grant administrator to make certain the Agreement is sufficient to cover the interests of both parties and to further authorize the execution of the Agreement if both parties are satisfied.

Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell authorizing the Administrator and County Attorney to sign the Intergovernmental Agreement for a Department of Commerce water grant, contingent upon the stipulation proposed by the County Administrator being satisfied. Motion passed unanimously.

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

Prior to the vote for adjournment, Councilman Wimberly addressed Chairman Wright, stating it was the Chairman's prerogative not to have discussion on agenda items, but tonight it was your decision not to have discussion on an agenda item, and it is his opinion it would have been better for the public to know beforehand there would be no discussion, especially on an agenda item, prior to the meeting. Some people came to the meeting to speak, either pro or con, and they were not allowed to speak. Councilman Wimberly addressed Dr. Crook, stating, "as soon as they pass this blue law thing you won't have to worry about the money."

Chairman Wright stated he appreciated Councilman Wimberly's remarks, saying he's glad Councilman Wimberly said what he did, pointing out he is always very, very, open to people having comments on agenda items, and thinks he's been very accommodating to that, and the only reason he said what he did is we have had people commenting for weeks, we had a special meeting on the blue laws, and we are going to have another one at the next meeting, so I felt that we have done that, and I have been very accommodating and very fair. Councilwoman Cooper

commended the Chairman on the way he had been handling the blue laws issue, stating people were given weeks to make comments, expressing her disappointment at the poor attendance at the special public hearing held at OC Technical College, that by allowing people to come in and speak again tonight, which is usually done, there is the danger of opening the door or setting the stage for people to comment repeatedly. Councilman Owens agreed with Councilwoman Cooper.

Councilman Clyde Livingston said it should have been announced before the meeting, Council learns from hindsight, people thought there was an item on the agenda for discussion, Council has to protect the rights of the minority, not black or white, but the two people who have something to say.

Councilman Heyward Livingston stated Chairman Wright as Chairman of Council has the final say on what is discussed, there is only one chairman, although Council members can express their opinions.

Motion for adjournment made by Councilwoman Cooper, seconded by Councilman Ravenell. Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman