

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
MAY 6, 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, Vice Chair  
Clyde B. Livingston  
Heyward H. Livingston  
Johnny Ravenell  
Harry F. Wimberly**

**MEMBERS ABSENT:**

**Willie B. Owens**

**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 April 15, 2013 with corrections, if any. Motion carried unanimously.***

***PUBLIC COMMENTS:***

***AGENDA ITEMS***

***NO COMMENTS***

***Mr. Jim Pratt spoke regarding the agenda items relative to Covenant Media of South Carolina, LLC, regarding a lease agreement. Mr. Pratt alleged the company has not paid taxes for three years and owed about \$60,000 in taxes. He also questioned whether other companies other outdoor advertising companies a chance to put up a billboard at that location. Mr. Pratt indicated he was a former employee of Covenant.***

***In response to Mr. Pratt's concerns, Chairman Wright asked Gregg Robinson, Executive Director of the Orangeburg County Development Commission to response. Mr. Robinson stated Covenant has the exclusive right to have a billboard on that particular stretch of highway. Other***

*companies will have the change to make proposals to the County for other locations. Mr. Robinson stated he had confirmed in advance Covenant had paid its taxes on the billboard in questions, but he had not checked all of the company's properties through the county which number approximately 400.*

*County Administrator Young stated the procurement process does include checking bidders for delinquent taxes, but Covenant was brought before Council as an economic development matter. Councilman Wimberly indicated anybody who wants to do business with Orangeburg County should be put on notice if there are back taxes, they "don't need to be asking us" for favors.. Mr. Young along with Mr. Robinson indicated the matter would be diligently investigated and cleared before proceeding further.*

**PUBLIC COMMENT:**

**OTHER MATTERS**

**NO COMMENTS**

**1. ORDINANCE- THIRD AND FINAL 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 stated the first three items on the agenda are similar and all are up for final reading.*

*Motion by Councilman Wimberly, seconded by Councilman Clyde Livingston, to approve final third reading of the ordinance. Motion passed unanimously.*

**2. ORDINANCE – THIRD AND FINAL READING**

**AN ORDINANCE TO AMEND THE ZONING MAY 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**

*Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell, to approve final third reading of the ordinance. Motion passed unanimously.*

**3. ORDINANCE – THIRD AND FINAL 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: 0270-00-07-027.00 (9238 CHARLESTON HIGHWAY) FROM THE FOREST AGRICULTURAL (FA) TO THE COMMERCIAL GENERAL (CG) DISTRICT**

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

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

***AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE BETWEEN ORANGEBURG COUNTY AND COVENANT MEDIA OF SOUTH CAROLINA, LLC, REGARDING A LEASE AGREEMENT***

*Motion by Councilman Wimberly, seconded by Councilman Clyde Livingston, to carry forward second reading approval. Motion passed unanimously.*

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

***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, SANITARY SEWER, PHASES 1B, 2, 3 AND 4, INCLUDING WITHOUT LIMITATION, LINES B THRU Z, LINE WW, PUMP STATION #3 AND ALL LINES IN OR ADJOINING MOORE ROAD, INCLUDING WITHOUT ADDITIONAL CONSIDERATION, TRANSFER OF THE EXCLUSIVE MANAGEMENT, CONTROL, TITLE AND OWNERSHIP OF THE WASTEWATER COLLECTION LINES TO THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG***

*Chairman Wright opened the Public Hearing. No comments received from the public during the Public Hearing. Public Hearing closed.*

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

**6. ORDINANCE – FIRST READING (BY TITLE ONLY)**

***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 TAX MAP NUMBER 0174-12-01-001 FROM CG (COMMERCIAL GENERAL DISTRICT) TO BI (BUSINESS AND INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE***

*Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell, to approve first reading by title only. Motion passed unanimously.*

**7. ORDINANCE – FIRST READING**

***AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY AND MARS PETCARE US, INC. PERTAINING TO CERTAIN REAL PROPERTY OWNED BY ORANGEBURG COUNTY; AUTHORIZING THE SALE OF SUCH REAL PROPERTY BY THE COUNTY TO MARS PETCARE USL INC; AND OTHER MATTERS RELATING THERETO***

*Chairman Wright requested a brief summary from County Administrator Young. Mr. Young stated Council approved a FILOT Agreement in December 2012 with Mars Petcare for its expansion of operations in the County. As part of the transaction, Mars is to receive a SSRC credit for the purchase of real property owned by the County. The property is adjacent to or contiguous with their present factory location where the expansion is to occur. The purchase is necessary for the expansion to occur.*

*Motion by Councilwoman Cooper-Smith, seconded by Councilman Heyward Livingston, for first reading approval of the ordinance. Motion passed unanimously.*

**8. AN OFFICIAL ACTION OF ORANGEBURG COUNTY COUNCIL AUTHORIZING AN AMENDED LEASE AGREEMENT FOR THE EXPANSION OF RECREATIONAL PROGRAMS**

*Chairman Wright asked Mr. Young for a briefing . Mr. Young stated the Orangeburg County Legislative Delegation has awarded funds to the Nix-Stilton Community Group to provide for recreational programs to youth in the Stilton area. State PARD funding requires the funds be passed through a unit of local government, requiring the County to enter into a lease with the Nix-Stilton Community Group. Council has approved a lease, but PARD requires the lease have a longer term from five to twenty years, which is provided for in the amended lease.*

*Motion by Councilman Clyde Livingston, seconded by Councilwoman Cooper-Smith, approving the Official Action increasing the lease to twenty years from five years. Motion passed unanimously.*

**9. REPORT FROM THE COUNTY COUNCIL COMMITTEE OF THE WHOLE**

Chairman Wright deferred to Councilwoman Cooper-Smith who presided at this meeting during his absence. Councilwoman Cooper-Smith stated the Committee decided to make some revisions. The basis revisions were (1) for recoverable costs you had to be on the fire scene for an hour or more and (2) the County will make claims to insurance company. The Fire Commission will coordinate with other fire districts inside or outside the fire district to determine whether it meets recoverable standards to be submitted to the insurance company whatever the Fire Department is recovering to general funds and then back to Fire Commission to distribute to the entities who participated in the fire.

**Motion by Councilwoman Cooper-Smith, seconded by Councilman Wimberly, that Council accept the revisions made by the Committee Of The Whole. Motion passed unanimously.**

**It was recommended the County Attorney make revisions discussed in Committee Of The Whole meeting. The draft will be returned to County Council for second reading. This draft will be a mutual agreement between the Fire Commission and County Council. It was recommended all Fire Departments adopt the ordinance or a similar ordinance with mutual requirements.**

**10. APPOINTMENTS – BOARDS, COMMITTEES AND COMMISSION–No appointments were made.**

**11. PROCUREMENT DEPARTMENT – ACCEPTANCE OF BIDS**

**(1) PROFESSIONAL POSTING**

**Chairman Wright asked for a briefing from Mr. Young. Mr. Young stated the County recently solicited bids for the posting of property for the Orangeburg County Delinquent Tax Department that contained specifications for posting reviewed and approved by Ms. Kathy Henderson, Delinquent Tax Director. Using local preference points as provided for under the Orangeburg County Procurement Code, the successful bidder was determined to be Palmetto Posting of Spartanburg, S.C. in the amount of \$180,000.**

**The bid price of \$180,000 is not the cost the County will have to pay. The \$20.00 cost for each posting is passed to the delinquent taxpayer as a part of the delinquent tax fee. Palmetto Posting will post approximately 9000 parcels at \$20.00 per parcel. Palmetto Posting will only be paid by the County for the properties posted where the property is not redeemed. The \$20.00 flat fee will be effective July 1, 2013; posting will start in July to be completed by the end of August. Palmetto Posting has agreed to defer payment until after the Delinquent Tax Sale in December, 2013.**

**Council members questioned why only one firm submitted a bid for the work. Mr. Young explained the company has contracts with many counties across South Carolina, they use Global Positioning System technology to identify the parcels to be posted, then document the posting of signs with a digital photo that is dated and time stamped.**

**Motion by Councilman Wimberly, seconded by Councilwoman Cooper-Smith, to approve the bid submitted by Palmetto Posting, Inc. in the amount of \$180,000. Motion passed unanimously.**

**2. SAFETY PADDED CELL AND CAMERAS**

**Mr. Young stated only one company submitted a bid to provide, deliver and install safety padding in an observation cell at the Orangeburg County Detention Center. Marathon Engineering Corporation, Lehigh Acres, Florida, submitted a bid for the padding only in the amount of \$23,440. While the County asked for a price to install a camera system in the cell, the company declined to bid on that work, so the County will have to bid it out again.**

**Some Council members were concerned that the bill for the padded cell was a bit high. Mr. Young stated the specifications were based on what the State Department of Corrections said was needed, but he could see if they would allow the use of a different type of material.**

**Motion by Councilman Wimberly, seconded by Councilman Ravenell to accept the bid on the condition that Mr. Young negotiate with the company to see if it can be modified and reduced. Motion passed unanimously.**

**12. RECOMMENDATION FOR CODE ENFORCEMENT APPOINTMENT – DANA G. LANG**

**Mr. Young introduced Ms. Dana G. Lang as a Constable being recommended for a Code Enforcement appointment in the Animal Control Department.**

**Motion by Councilman Wimberly, seconded by Councilman Clyde Livingston, to approve the appointment of Ms. Lang to the Animal Control Department. Motion passed unanimously.**

**13. VOTE FOR EXECUTIVE SESSION**

**(1) S.C. CODE SECTION 30-4-70(a) (2) RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATED TO A PENDING LEGAL CLAIM AND/OR THE SETTLEMENT OF LEGAL CLAIMS REGARDING THE FOLLOWING FAIR LABOR STANDARDS ACT CASE: MORRIS AIKEN, ET AL V. ORANGEBURG COUNTY, CALHOUN COUNTY, AND THE**

**ORANGEBURG-CALHOUN DETENTION CENTER, 5:12-cv-01362-TLW  
(UNITE STATES)**

**Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell to adjourn for an execution session. Motion passed unanimously.**

**2. ECONOMIC DEVELOPMENT –**

**Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell to adjourn for an economic development update. Motion passed unanimously.**

**13. VOTE FOR EXECUTIVE SESSION**

**14. EXECUTIVE SESSION**

**15. VOTE FOR ADJOURNMENT**

**Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell to adjourn. Motion passed unanimously.**

**Meeting adjourned.**

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**Jacqueline P. Turner, Clerk**

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**Johnnie Wright, Sr., Chairman**