



MINUTES
ORANGEBURG COUNTY COUNCIL
1437 Amelia Street
Orangeburg, South Carolina 29115
Room 200-A
Special Called Meeting
June 30, 2016
1:00 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.
Janie Cooper-Smith
Johnny Ravenell
Harry F. Wimberly
Heyward H. Livingston
Willie B. Owens
Clyde B. Livingston

MEMBERS ABSENT:

OTHERS PRESENT:

Harold M. Young, County Administrator
Marion Lloyd, Deputy Administrator
Sinkler Boone
Henry Summers, Public Services Deputy Administrator
Steven Jarvis
Angel Howell, Interim Clerk to Council
Lillian Watson, Temporary Clerk to Council

CALL TO ORDER

Johnnie Wright, Sr. Chairman

On the 30th day of June 2016, Chairman Wright called to order a special called session meeting of the Orangeburg County Council at 1:00 pm.

MOMENT OF SILENCE

Moment of silence observed

Before moving forward in the agenda Chairman Wright asked for a motion to ask for legal briefing from the county's attorney concerning item two (2) on the agenda to be conducted in executive session. Councilman Willie B. Owens made the motion. The motion was seconded by Vice-Chair Councilwoman Cooper-Smith. (7-0-0).

PUBLIC COMMENTS:

AGENDA ITEMS

Public comments were made by Kent Whitfield, Baby Ray Larkin, and Kevin DeBarr, all retired military veterans. Mr. Kent Whitfield, restaurant owner of Applebee's, wanted to express his concerns about item number two (2) on the agenda. Mr. Whitfield advised that Applebees sales are seventy percent (70%) food versus alcohol. When restaurants do not sell alcohol on Sundays, citizens and tourist take their business elsewhere, such as Columbia. This takes away money from Orangeburg County. When tourist come to Orangeburg County on Saturdays they leave Saturday night because of the no sale of alcohol on Sundays. Mr. Whitfield again stated that this takes away money from the County. Many citizens overindulge on Saturday nights because of the no alcohol sales on Sundays as well. When Orangeburg County citizens travel to Columbia to drink alcohol on Sundays, this causes a hazard to that person and other individuals on the road as well, because of the distance of travel. There have been many highway deaths because of this. If Orangeburg County allowed citizens to purchase alcohol on Sundays, individuals could purchase their alcohol and then go home to indulge. Mr. Whitfield advised that for Sunday alcohol sales restaurants, convenience stores, etc., the County should impose a special license that has to be purchased alternatively. If businesses do not want to serve alcohol that is more money that can be imposed on a license just for Sunday sales. This will allow businesses such as retail, grocery stores, convenient stores, and restaurants to purchase the license. Mr. Whitfield advised that Richland County serve alcohol on Sundays. However, businesses that are already closed on Sundays, such as Greens, choose to be closed on Sundays. Those are their operation hours and their employees enjoy having Sundays off. Some businesses may not want the special license because of not operating on Sundays. Mr. Whitfield advised that the taxes on purchasing alcohol on Sundays can be used for other things in Orangeburg County such as purchasing computers for the library. Many other businesses, such as Fridays do not want to come to Orangeburg County because they see this law as a deterrent. Mr. Whitfield advised County Council to think about the future businesses of Orangeburg County.

Chairman Wright thanked Mr. Whitfield for his comments and asked were there any other comments.

Mr. Baby Ray Larkin, a citizen of Orangeburg County, advised that he is for the alcohol sales on Sundays and would like to see this referendum on the ballot in November for the citizens to vote on it. Mr. Larkin stated that alcohol sales on Sundays bring money to Orangeburg County. Mr. Larkin advised that he has spoken to many hotel and restaurant owners concerning the sales of alcohol on Sundays. The coon hunters bring money to Orangeburg County on an annual basis and would like to sit down on Sundays and have a sociable drink, but cannot because of the no alcohol sales on Sundays. Mr. Larkin continued to talk about the different festivals and activities such as the Festival of Roses. Mr. Larkin advised that Orangeburg is behind the "eight (8) ball." On Sundays when the football games, basketball games etc. come on, citizens would like to drink and watch the game at restaurants, but cannot. The money from the alcohol tax will help the County tremendously advised Mr. Larkin. Mr. Larkin advised that he attends church often, but on some Sundays would like to have a sociable drink with family and friends. Mr. Larkin restated that Orangeburg County should put this referendum on the ballot.

Mr. Larkin thanked Chairman Wright and the County Council for their time. Chairman Wright asked were there anymore comments from the public.

Mr. Kevin DeBarr, a citizen of Orangeburg County, advised that he is for the sales of alcohol on Sunday. Mr. DeBarr advised that he is a proud American while showing a picture of Uncle Sam to the County Council. Mr. DeBarr advised that the symbol meant a lot to him and his fellow military colleagues. If this referendum can be placed on the ballot this gives all the citizens of Orangeburg County a freedom to vote, and the freedom to choose. If this referendum does not make it on the ballot, Mr. DeBarr advised that the citizens of Orangeburg County will be upset. Mr. DeBarr advised that the choice should be up to the citizens of Orangeburg County.

Mr. DeBarr thanked County Council for their time. Chairman Wright thanked Mr. DeBarr for his comments and asked were there any other comments. There were none. Chairman Wright closed this part of the agenda.

PUBLIC COMMENTS:

OTHER MATTERS

Chairman Wright asked were there any public comments concerning other matters. There were none. Chairman moved forward with the agenda.

1. ORDINANCE SECOND READING

TO LEVY AND IMPOSE A ONE PERCENT SALES AND USE TAX, SUBJECT TO A REFERENDUM IN ORANGEBURG COUNTY PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, SOUTH CAROLINA CODE ANNOTATED SECTION 4-10-300, ET SEQ.; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR THE IMPOSITION AND COLLECTION OF THE TAX AND THE MAXIMUM AMOUNT OF NET PROCEEDS TO BE RAISED BY THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTION IN THE REFERENDUM; TO PROVIDE CONDITIONS PRECEDENT TO THE IMPOSITION OF THE TAX AND CONDITIONS OR RESTRICTIONS ON THE USE OF THE TAX REVENUE; TO ESTABLISH THE PURPOSES AND PROJECTS FOR WHICH THE NET PROCEEDS OF THE TAX ARE TO BE EXPENDED; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE ORANGEBURG COUNTY VOTER REGISTRATION AND ELECTION COMMISSION; TO PROVIDE FOR THE PAYMENT OF THE TAX; TO PROVIDE FOR THE ISSUANCE OF BONDS, IN ONE OR MORE SERIES, TAX-EXEMPT OR TAXABLE, IN AN AMOUNT NOT TO EXCEED THE AGGREGATE OF \$74,261,000; AUTHORIZING THE COUNTY ADMINISTRATOR TO

PRESCRIBE THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND PLEDGE OF REVENUES RELATED TO THE BONDS; PROVIDING OTHERWISE FOR THE DISPOSITION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR BORROWING IN ANTICIPATION OF THE ISSUANCE OF THE BONDS; PROVIDING FOR THE DISPOSITION OF PROPERTY RELATED TO THE BONDS; AND OTHER RELATED MATTERS

Chairman Wright yielded to Administrator Young. Administrator Young advised that this is the approval of the imposition of the one percent sales tax which will continue into the fourth series of capital project sales tax. Administrator Young also advised that this is not an additional penny. This is the renewal of the penny for the fourth time that the voters of Orangeburg County can vote to approve. Administrator Young wanted to make it clear that the state statute does not allow the County to buy fire trucks and other vehicles with capital project's proceeds.

Chairman Wright thanked Administrator Young for his comments and highlights. Chairman Wright advised that this is a continuation that starts in 2019. No citizen will be double taxed.

Councilman Harry Wimberly made a motion for second reading. Councilman Johnny Ravenell seconded the motion. Motion carried. (7-0-0).

2. ORDINANCE SECOND READING

AN ORDINANCE CALLING FOR A REFERENDUM AND BALLOT QUESTION IN REGARD TO BEER AND WINE SALES FOR CONSUMPTION-ON-PREMISES SALES AND TO ALLOW THE SALE OF BEER AND WINE AT PERMITTED OFF-PREMISES LOCATIONS WITHOUT REGARD TO DAYS OR HOURS OF SALES

Chairman Wright asked that a motion be made to go into executive session before moving forward to item two (2) on the agenda to obtain some legal information from the attorney before moving forward. Vice-Chair Councilwoman Cooper-Smith made the motion. Councilman Willie B. Owens seconded the motion. Motion carried. (7-0-0).

Chairman Wright entertained a motion to go back into regular session. Councilman Willie B. Owens made the motion. The motion was seconded by Vice-Chair Councilman Janie Cooper-Smith. Motion carried. (7-0-0).

Chairman Wright yielded to Administrator Young. Administrator Young advised that under this ordinance it does not include hard liquor. Only beer and wine sales

can be sold on Sundays with this ordinance. According to the State Department of Revenue, you would have to have a permit to be able to sell alcohol on Sundays. If you already have one, you do not have to obtain a new one. In the state of South Carolina, hard liquors are not approved to be sold on Sundays. Administrator Young restated that this ordinance is to sell beer and wine on Sundays, not hard liquor or other liquor store items.

Chairman Wright stated that County Council cannot change the laws and thanked Administrator Young for the clarification. Mr. Baby Ray Larkin asked would hotels have to obtain a license to sell alcohol on Sundays. Administrator Young replied, "Correct." Administrator Young also stated that this vote is to put this ordinance on the ballot to allow the citizens to vote on it in November. This is not County Council condoning drinking on Sundays.

Vice-Chair Councilwoman Cooper-Smith made the motion to pass the second reading of the ordinance. Councilman Willie B. Owens seconded the motion. Motion carried. (6-0-1).

3. LEASE APPROVAL

A. ROADS AND BRIDGES EQUIPMENT

B. LANDFILL EQUIPMENT

Chairman Wright yielded to Sinkler Boone. Mr. Sinkler Boone advised that all the County Council members should have a copy of the proposed five year lease agreement by Caterpillar. The County is ending a five year lease agreement at the end of the 2016 year. Mr. Boone advised that they are trading in the majority of the 2006 and 2011 equipment. Mr. Boone also stated that the County has some equity and will be using some of that equity to buy several pieces of 2011 equipment that has low hours on it and one (1) piece of new equipment. The lease includes leasing forty nine (49) units of equipment. The County traded a total of forty five (45) units, bought out three (3) units and kept four (4) of the units that have low mileage that the County owned from the previous agreement. Mr. Boone advised that the purchase price of the equipment is either under the state purchasing agreement or a purchasing agreement with the National Joint Power Alliance (NJPA), an organization the County of Orangeburg has been a member of for some time. Mr. Boone opened the floor for any questions concerning the lease agreement.

Councilman Heyward Livingston asked would the total of the new contract be eight million dollars (\$8,000,000). Mr. Boone advised that would be the total cost for the equipment. Councilman Heyward Livingston asked what would be the difference in the pricing of the motor graders. Councilman Harry Wimberly stated that a motor grater under the new agreement would cost two hundred twenty one thousand dollars (\$221,000). The old motor graders that the County have formally operated

for five (5) years is worth one hundred eight thousand five hundred dollars (\$108,500). In five (5) years the County gets approximately half of the money back. Councilman Heyward Livingston confirmed with Mr. Boone that the cost of the motor graders are approximately twenty thousand dollars (\$20,000) annually. Councilman Harry Wimberly advised that it would cost approximately twenty five hundred dollars (\$2500) a week to rent one, so the lease price is a good price. Councilman Heyward Livingston asked does Caterpillar charge per unit that needs to be serviced or per trip. Mr. Boone advised that the County and Caterpillar came up with a more beneficial agreement concerning service calls. Mr. Boone yielded to Mr. Henry Summers. Mr. Henry Summers stated that in the past the County was paying Caterpillar four hundred fifty dollars (\$450) per service call. On the new agreement the County has agreed to pay Caterpillar two hundred fifty dollars (\$250) per service call. In the past Caterpillar would come for a week to service the units, in the new agreement Caterpillar will only come out two (2) times. If Caterpillar cannot fix the units in two (2) trips, the units can be sent to Columbia, Summerville, or Charleston to be fixed. Councilman Heyward Livingston asked would it be the County's responsibility to transport it to Summerville, Columbia, or Charleston. Mr. Summers replied, "Yes." Councilman Heyward Livingston asked if Caterpillar serviced three to four (3-4) units in one day would they charge for one (1) service call or (3) three to four (4) service calls. Mr. Summers advised that Caterpillar will charge only for one service call and he has it documented and signed by an employee of Caterpillar.

Administrator Young advised that the County Council should keep in mind that there is some money in the budget for a lube truck which would help curve some of the cost as well.

Councilman Wimberly asked if all maintenance would be done by the County. Mr. Summers advised that it would be and will be costing one hundred six thousand dollars (\$106,000). Caterpillar will accept the County's maintenance program. It is already in the budget for the lube truck and an individual to operate it. Councilman Wimberly advised that a used lube truck can be found for fifty or sixty thousand dollars (\$50,000-\$60,000). Councilman Ravenell asked will the lease with Caterpillar affect the trucks. Mr. Boone stated that Caterpillar truck lease is separate from the budget for the lube truck. Councilman Clyde Livingston asked what would happen if the County exceeded the estimated hour usage. Will the estimated hour usage have an impact on what Caterpillar will buy the unit back for? Mr. Boone advised that the buyback is guaranteed, but it can affect the equity the County has in the motor grader. Councilman Wimberly stated once you go over the estimated hour usage the trade in allowance is prorated. Mr. Boone advised that the County only exceeded hours on two of the motor graders. Mr. Summers advised that the County is currently looking for ways to lessen the hours on the graders. The majority of the hours on the graders are traveling hours versus work hours. Vice- Chair

Councilwoman Cooper-Smith asked the probability of someone vandalizing the equipment if you leave the grader at the work site. Mr. Boone advised that the County usually park the equipment in the operator's yard. Councilman Clyde Livingston asked if the equipment had a lot of vandalism last year. Administrator advised that it was a lot of vandalism with the demo but not the graders. Vice- Chair Councilwoman Cooper- Smith asked if Caterpillar provides insurance for vandalism purposes. Administrator Young advised that the County would provide insurance for that. Councilman Johnny Ravenell asked would the individual driving the motor grader go to the work site from his residence. Mr. Summers stated that was correct. Mr. Summers advised that they are trying to do a better job with keeping up with the work hours. If someone cranks the grater up at 6:00 A.M. and does not move the grader, the hour meter is still running and no work has been done. Councilman Ravenell asked does the Caterpillar tracker coordinate with the tracker for Orangeburg County. Mr. Summer advised that the County's tracker and the tracker for Caterpillar has nothing to do with each other. Caterpillar is not looking at just the hours worked, they are looking at the total number of hours on the graders. Councilman Clyde Livingston asked is anyone reconciling both trackers. Administrator Young states that as soon as the switch is turned Caterpillar is considering that time hours worked. The County's tracker tracks the time the machine is cranked and hours worked. Mr. Boone advised that the County looks at the time from a productivity aspect. Administrator Young stated that something be put in place to reconcile the hours worked versus the hours of sitting time. Mr. Summers advised that the new graders do not have a steering wheel. You cannot move the grader until the oil temperature reaches a certain level. In the winter time the grader has to run approximately an hour before moving. It will not steer properly without running for at least an hour. Councilman Clyde Livingston confirmed the equity cost with the different equipment with Mr. Boone. Mr. Boone advised that the County is keeping three (3) pieces of equipment with low hours on it. Warranty will also be added to these pieces. Councilman Clyde Livingston confirmed with Mr. Boone that Caterpillar is writing a check back to the County for two hundred ninety-one thousand dollars (\$291,000). Administrator Young advised that the County will be contacting Caterpillar and letting the municipalities know that after the purchase of the new equipment, they can go to Caterpillar to purchase the traded equipment. Councilman Heyward Livingston asked what the savings would be with the state purchasing the graders. Mr. Boone stated that the state contract price is one hundred ninety-four thousand two hundred forty eight dollars (\$194,248). Mr. Boone does not have the regular price. Councilman Ravenell asked what time frame would Caterpillar have the equipment ready. Mr. Boone advised if County Council approved it today, Caterpillar would have the delivery later on this year, approximately in October or November.

Chairman Wright thanked everyone for their comments. Councilman Harry Wimberly made a motion to accept the proposal provided by Public Works. Councilman Heyward Livingston seconded the motion. Motion carried. (7-0-0).

4. **VEHICLE PURCHASE APPROVAL**
 - A. ANIMAL CONTROL DEPARTMENT
 - B. ROADS AND BRIDGES DEPARTMENT

Chairman Wright yielded to Mr. Boone. Mr. Boone advised that two (2) animal control pickups were originally in the 2015 budget. One (1) of the animal control pickups have approximately more than two hundred twenty thousand (220,000) miles on it. The other has approximately more than two hundred forty thousand (240,000) miles on it. The 2006 construction pickup has approximately more than two hundred ten thousand (210,000) miles on it. Mr. Boone advised that all these vehicles have high mileage on them and now would be a good time to purchase new ones, especially for animal control. Vice- Chair Councilwoman Janie Cooper- Smith asked how many vehicles animal control currently have. Mr. Boone advised that animal control have five (5) pickups. Mr. Summers advised that one (1) pickup was a total lost in an accident, so animal control has four (4) pickups at this present time.

Councilman Wimberly asked a question concerning the sticker price of the vehicles. Mr. Summers explained the difference in pricing on the handout given.

Chairman Wright thanked Public Works for their comments and asked for a motion. Vice- Chair Councilwoman Cooper-Smith made a motion to approve the vehicle purchase for the Animal Control Department and the Roads and Bridges Department. Councilman Willie B. Owens seconded the motion. Motion carried. (7-0-0).

5. **VOTE FOR EXECUTIVE SESSION**

Chairman Wright advised that no public information needs to be given concerning the agenda items for executive session. Chairman Wright advised that the meeting be adjourned, the County Council take a ten (10) minute break, and then go into executive session.

Councilman Heyward Livingston made the motion to go into executive session. Vice-Chair Councilwoman Cooper- Smith seconded the motion. Motion carried. (7-0-0).

6. **EXECUTIVE SESSION**

A. CLERK TO COUNTY COUNCIL SERVICES

**LEGAL BASIS-FOIA EXEMPTION S.C. CODE 30-4-70(A)(1)
(DISCUSSION OF APPOINTMENT AND EMPLOYMENT OF A PERSON
TO THE POSITION OF CLERK TO COUNTY COUNCIL)**

**B. A PROPOSED CONTRACT BETWEEN ORANGEBURG COUNTY AND
PIEDMONT COMPANIES, INC. REGARDING BUILDING DESIGN,
CONSTRUCTION, LEASE AND PURCHASE**

**LEGAL BASIS - FOIA EXEMPTION S.C. CODE 30-4-
70(A)(2)(DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED
CONTRACTUAL AGREEMENT**

Chairman Wright advised that no public information needs to be given concerning the agenda items for executive session. Chairman Wright advised that the meeting be adjourned, the County Council take a ten (10) minute break, and then go into executive session.

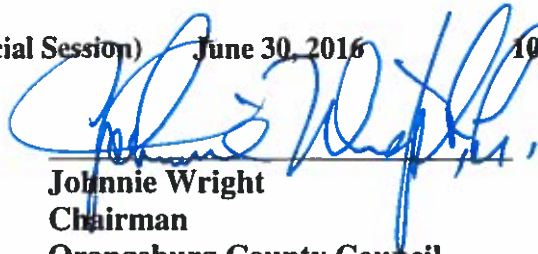
Councilman Heyward Livingston made the motion to go into executive session. Vice-Chair Councilwoman Cooper-Smith seconded the motion. Motion carried. (7-0-0).

7. VOTE FOR ADJOURNMENT

Before adjourning the meeting, Chairman Wright asked if anyone had any questions or comments. Mr. Baby Ray Larkin wanted an update on the status on the veteran's home in Orangeburg. Administrator Young advised that this property is not affiliated with the County, it is private. Mr. Baby Ray Larkin asked about a restaurant ordinance concerning employees washing their hands and using gloves. Chairman Wright and Vice-Chair Councilwoman advised that would be DHEC's rules and regulations. Administrator Young advised that the County Veterans Transit is what the County handles. Any other services outside of that you can check with Veteran's Affairs for more information. Vice-Chair Councilwoman Cooper-Smith advised that the Veteran's Affairs needs volunteer drivers. If anyone would like to donate some of their time, please see Veterans Affairs Director, Ms. Grimes.

Chairman Wright entertained a motion for adjournment. Vice-Chair Councilwoman Cooper-Smith made the motion. The motion was seconded by Councilman Willie B. Owens. Motion carried. (7-0-0).

8. ADJOURNMENT



Johnnie Wright
Chairman
Orangeburg County Council



Ann Powell
Interim Clerk to Council
Orangeburg County Council