



MINUTES
ORANGEBURG COUNTY COUNCIL
PUBLIC WORKS COMMITTEE
June 4, 2018
SPECIAL CALLED MEETING
4:00 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:

Johnny Ravenell
Harry F. Wimberly
Heyward Livingston
Janie Cooper-Smith
Ray W. Sabalis
Johnnie Wright, Sr.
Willie Owens

MEMBERS ABSENT:

OTHERS PRESENT:

Connie Portee, Clerk to Council
Henry Summers, Public Works Supervisor
D'Anne Haydel, County Attorney

CALL TO ORDER

Johnny Ravenell, Chairman

Chairman Johnny Ravenell called to order a special session of the Orangeburg County Public Works Committee on June 4, 2018 at 4:07 p.m.

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

MAY 7, 2018

Chairman Johnny Ravenell asked for a motion on the minutes. Councilman Heyward Livingston motioned that the minutes of the sessions of the Orangeburg County Council on the above dates be approved as written. Chairman Johnny Ravenell seconded the motion. Motion carried. (2-0-0).

1. MAINTENANCE ABANDONMENT REQUEST ON JOG ROAD

Chairman Johnny Ravenell advised the committee of the agenda items.

Chairman Johnny Ravenell yielded to Henry Summers. Henry Summers advised for the request to abandon maintenance for Jog Road located in Bowman, a counter was put on the road for seven (7) days and within those seven (7) days the road count was nineteen (19). Jog Road total of approximate length of .4 of a mile. There are no school buses that travel the road. The mail carrier does not deliver mail along the road. The property belongs to the same owner on both sides of the road and he didn't see any issues with abandoning the maintenance on Jog Road.

Chairman Ravenell asked the owners of Jog Road did they have any objections to the committee abandoning the maintenance on Jog Road.

Robert Shuler and Gayle Shuler advised the Public Works Committee they were okay abandoning maintenance on Jog Road.

Chairman Ravenell ask the committee for a motion. Councilman Heyward Livingston made the motion to grant the request to abandon maintenance on Jog Road. Chairman Ravenell second the motion. Chairman Ravenell advised it has been motion and properly second to grant the request to abandon maintenance on Jog Road. Motion carried (2-0-0).

Henry Summers advised the Shuler's although the County has approve to abandon maintenance on the road does not mean they could put up a gate indicating the road was closed because there was another process for that to happen.

Chairman Ravenell yielded to the County Attorney D'Anne Haydel to explain the next process in closing the road. County Attorney D'Anne Haydel to give a detailed summary of the process to the Robert Shuler and Gayle Shuler.

2. MAINTENANCE ABANDONMENT REQUEST ON VENEER STREET

Chairman Johnny Ravenell yielded to Mr. Henry Summers to give a summary on Veneer Street. Henry Summers yielded to Kenneth Anderson Maintenance Supervisor. Kenneth Anderson advised fifteen (15) years ago the County used to maintain Veneer Street located in Elloree all the way through but the County stop maintaining that part because it was basically all farm land and no one travel that part of the road. The County only maintained a .5 half a mile of the road, a counter was put on the front part of road for seven (7) days and the count was 297. There are eight (8) houses in the front of the road and the part they want to abandon maintenance on is in the back which is about 4.10. There is a mail carrier and school bus route on the front part of the property but the property located in the back is just farm land this is the part they are wishing to abandon maintenance on,

Chairman Johnny Ravenell asked if the property owner own both sides of the land.

Henry Summers advised the property does own both sides of the property.

Chairman Ravenell ask the committee for a motion. Councilman Heyward Livingston made the motion to abandon maintenance request on Veneer Street. Vice-Chairwoman Janie Cooper-Smith second the motion. Chairman Ravenell advised it has been motion and properly second to grant the request to abandon maintenance on Veneer Street. Motion carried (3-0-0).

3. MAINTENANCE ABANDONMENT REQUEST ON PASADENA AVENUE

Chairman Johnny Ravenell yielded to Mr. Henry Summers to give a summary on Veneer Street. Henry Summers yielded to Kenneth Anderson Maintenance Supervisor. Kenneth Anderson advised on Pasadena Avenue there were no houses it was all farmland, he did not see any issue with discontinuing maintenance. A road count was placed on the road for seven days and the count was only six (6), there are no bus routes, no mail routes, and Southern Farmlands LLC own both sides of the land.

Chairman Ravenell ask the committee for a motion. Councilman Harry Wimberly made the motion to grant the request to abandon maintenance on the proton of Pesadena Ave. Councilman Heyward Livingston second the motion. Chairman Ravenell advised it has been motion and properly second to grant the request to abandon maintenance on Pesadena Ave excluding the part that effects the cemetery. Motion carried (3-0-0).

4. ONE TIME MAINTENANCE ON PRIVATE ROADS

Chairman Johnny Ravenell yielded to Henry Summers. Henry Summers advised do to the one time maintenance project done in the Santee area. The Public Works Department needs some kind a direction as to what to do and say other subdivisions that are calling wanting to get their road(s) fix.

Councilman Harry Wimberly asked on the road you fixed what, was the feedback on it.

Kenneth Anderson advised it was good feedback better than expected. We were expecting to put some type of material on top but we got a good mixture of sand and during all this rain the roads have held up very well.

Councilman Harry Wimberly asked was there a cost on the road work.

Kenneth Anderson advised not yet but he had all the time and machinery written up.

Henry Summers advised in Councilman Wimberly district what was done in the Santee area will not work. With black soil it will need some type of gravel, so there is a cost that we will not be able to control and that is Hay Road in the Cope area but there are more roads with in the County were the Public Works Department will be inquiring some cost.

Councilman Johnnie Wright advised his office should send the citizens that are calling to the Council person.

Chairman Johnny Ravenell agreed with Councilman Wright. Send the constituent to the Council person.

5. POLICY AND PENALTIES ON IRRIGATION SYSTEMS

Chairman Johnny Ravenell advised he asked Attorney Haydel to put something in place that is workable as it relates to the irrigation systems. Chairman yielded to County Attorney D'Anne Haydel advised the at the last meeting we discuss the obstruction to County maintained roads by irrigation systems and she was advised by the Committee to make what is wrote have to do with that issue and what she is suggesting that the Committee may want to amend the Orangeburg County Code currently the County has Sec. 28-73 which is obstruction of ditches and drainage openings, make that .1 and then .2 would be irrigation obstruction. The current State Code states "no one shall obstruct for no more than five (5) minutes that includes everything so we created 73.1 this is worded to go with the State Statue so the sec. 73.2 will deal with irrigation parallel with the State Statue and then it tells you about the end gun and how it has to be maintained. The State Statue provides for a \$25.00 fine if someone obstructs the road for more than five (5) minutes.

Councilman Harry Wimberly asked Attorney D'Anne Haydel to read with she wrote as it relates to the end guns.

Attorney D'Anne Haydel advised the committee "The placing of an end gun on an irrigation system such that it shoots water across a County-maintained road shall be deemed an obstruction of a County-maintained road. In such a case, any one or more of the following persons shall be responsible for the offense and for damages to the road: the person upon whose land the irrigation system is located and any person who is benefiting from the use of the irrigation system, such as the person who is irrigating a crop for harvest." However, it doesn't state what the County would do for an offense, damages would be like a tort action, and the County would not need the ordinance code for that.

Chairman Johnny Ravenell advised what the Committee is concern about are damages on the road as well as when the pivot cross the road.

Attorney D'Anne Haydel advised she was only told to deal with the end gun. This is why she did not go on to state the County would this or that because she was not sure if the Committee wanted a policy or to the enforcement mechanism. The State Law is the State can give a ticket for \$25.00. However, if a County road is damage without having an ordinance the County can sue someone who damages the road because it is County maintained. The County will have to prove it has the prescriptive easement but that should not be difficult to do.

Chairman Johnny Ravenell advised Attorney D'Anne Haydel what the Committee was trying to do is set something in place not to force the farms out of business but the Committee want them to take precautionary measures before something happens on a County maintained road. There has to be a penalty and a \$25.00 fine is not going to do it.

Councilman Harry Wimberly advised in the last meeting the Committee decided to concentrate on the end guns that would take care of most of the problems. Just like most of the farms in his area he spoke to telling them they have to stop the end guns from crossing the road. He believe most of the farms will stop it by someone letting them know to stop it, because they can't cross the road. If they continue then the Committee will come back and pass a rule and relegation that will charge a penalty.

Chairman Johnny Ravenell advised this need to be planned and if the farms have to make a change the Committee want to give them adequate time to make the changes that need to be done and as long as we they are making some effort.

Councilman Heyward Livingston advised he agreed to give the farms some time to adjust, it could take six (6) months or even a year.

Chairman Johnny Ravenell advised this is the farm season now and they not be able to do it during the farm season but next year some around the Committee would except to have a change. If Attorney Haydel could put something in written to that effect.

Attorney D'Anne Haydel advised she did not know what else the Committee needed because what she had already created does not punish anyone. It states the policy that you should not do this, so if what the Committee is trying to do is like give them a hand out this is our policy so do not violate it but even without this as long as the County maintaining a road and has been, all the County has to do is show proof of the prescriptive easement and the County has rights to damages and the County also have rights to obstruct someone from obstructing immediately.

Councilman Harry Wimberly advised the Committee needs to take the policy on the end guns before Council to get it adopted and this would solve a lot of the County problem with washing the road out and if Henry has all these roads identified that the pivot crosses the road then his office needs to send a letter certified to that farmer are whatever letting the farmer know he has to cease crossing the County maintained road. Giving thirty (30) or forty-five (45) days to do it. Then if they don't stop the Committee will come back to put together some rules, regulations and penalties but let us give the farms the opportunity to do it on their own.

Councilman Harry Wimberly made the motion to carry forward the rules and regulations on end guns to County Council. Also identify all pivots that are crossing County dirt roads, notify by letter to the landowner or the owner of the irrigation system that they must cease operations of the pivot crossing the road. The motion was second by Councilman Heyward Livingston. Motion carried. (3-0-0)

6. DISCUSSION ON WARRIOR DRIVE WATERLINE

Chairman Johnny Ravenell yielded to Henry Summers. Henry Summers advised the road is .5 of mile long located in Ellore there are no houses, no bus routes, and no mail carriers. The department did a seven (7) day count with 215 road count. There is a school on the other end of the road and a part of that count could include people coming to and from the school. There is a four (4) inch water line in the middle of the road and the County Administrator helped the department out by buying a 72 inch corrugated aluminum pipe to put in the road because there is a creek that runs through there. The house of Ellore has a pump station in a low area and when it rains it floods the pump station. The Town of Ellore has not made any moves to do anything with the water line. It was a phone line there and after speaking with the phone company, the phone company came to relocate the lines. The Public Works Department would like to check on abandoning maintenance on this road then it would take the liability of us to deal with it.

Chairman Ravenell advised he had contacted Jane Singh the Chairman of the Water Commission in Ellore to let her know what the Committee intentions were and get her feedback on it but she had not contacted him back as of yet.

Councilman Harry Wimberly made the motion to recommend Chairman Ravenell and Henry Summer would get together with the Town of Ellore and find out what can be done and bring that information back to the next Public Works Committee meeting. Councilman Heyward Livingston second the motion. Motion carried (3-0-0).

7. VOTE FOR ADJOURNMENT

Chairman Ravenell asked for a motion for adjournment. Councilman Heyward Livingston motioned that Orangeburg County Council Public Works Committee of June 4, 2018, be adjourned. Councilman Harry Wimberly second the motion. Motion carried (3-0-0).

8. ADJOURNMENT

Meeting adjourned at 5:16 p.m.



Connie N. Portee
Clerk to Council



Johnny Ravenell
Chairman
Public Works Committee