



**MINUTES**  
**ORANGEBURG COUNTY COUNCIL**  
**PUBLIC WORKS COMMITTEE**  
**February 4, 2019**  
**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**  
**Willie B. Owens**  
**Johnnie Wright, Sr.,**  
**Janie Cooper-Smith**

**OTHERS PRESENT:**

**Harold Young, County Administrator**  
**Connie N. Portee, Clerk to Council**  
**D'Anne Haydel, County Attorney**  
**Henry Summers, Public Works Supervisor**

**CALL TO ORDER**

**Johnny Ravenell, Chairman**

**Chairman Johnny Ravenell called to order a special session of the Orangeburg County Public Works Committee on February 4, 2019 at 4:06 p.m.**

**MOMENT OF SILENCE**

**Moment of silence observed**

**APPROVAL OF MINUTES**

**January 22, 2019 (SS)**

**Chairman Johnny Ravenell asked for a motion on the minutes. Councilman Heyward Livingston made the motion for the minutes of the Public Works Committee meeting on the above date be approved as written. Councilman Harry Wimberly seconded the motion. Motion carried. (3-0-0).**

**AGENDA ITEMS**

**Chairman Johnny Ravenell advised the committee of the agenda item.**

- 1. Roads Rerouting or Discontinuing Maintenance along Nettles Road**

**Chairman Johnny Ravenell yielded to Mr. Henry Summers for an update on Nettles Road.**

Henry Summers advised the Public service department conducted a road count from December 27, 2018 until January 3, 2019. The total road count was 102 of the number of citizens' that travel the road.

Attorney Margaret A. Collins representing the Trust of the property advised the committee of the request to abandon maintenance on the road is 95% of what is being scrapped by the County is on private property.

Chairman Johnny Ravenell advised Attorney Collins that the County has policies and procedures when looking at the County road rather it is restricted right of away, prescriptive easement, or right of way period it is not the landowners' property anymore it belongs to the County.

Attorney Margaret A. Collins ask for clarification it is in your County's policies and procedures where the County can take property by prescriptive easement.

Chairman Johnny Ravenell advised the County is not taking the property, the property is already prescriptive easement. What he was advising if the landowner is requesting the road to be moved and it is approved the landowner will have to be responsible to re rout the road and pay for all of the cost to re rout the road.

Attorney Margaret A. Collins advised she respected the position of the County, however there was no notification given to the landowner and her client has been paying taxes on the property that is apparently owned by the County for a number of years. If there is a claim of prescriptive easement she would be concerned that there was no notification.

Chairman Johnny Ravenell asked what was the owners request concerning the road.

Attorney Margaret A. Collins advised the owner contest and she as the attorney contest the County can own the road by prescriptive easement. They are not trying to get into a legal battle over a piece of property, they only want a solution amenable for the County and her client.

Councilman Harry Wimberly asked had any of the citizens in that area been notified about the road being rerouted and the request to abandon maintenance on the road.

Henry Summers advised the Public Service department has not notified any of the homeowners in the area.

Attorney Haydel advised the County does not go out and select roads to be in the County maintenance system. Someone requested the County to put this road in and there will be a paper trail on that request and if the person riding the motor grader has been scrapping the road for fifteen or ten years. Attorney Haydel advised she was not concerned about the prescriptive easement but does the County still want to maintenance this road when the citizens do have access from another area.

After a long discussion, Councilman Harry Wimberly suggested to the Committee to contact all the residence who live on the road to see if they would have any problems with entering and exiting from McMillian Rd. If all the residence signed stating they would enter and exit to McMillian Road, then the Committee can abandon maintenance on Nettles Road. If the

residence don't sign off on it, then it would be a problem. The landowner cannot move the road onto someone else's property. The policy for the County is, if the landowner wants to move the road, the landowner moves the road and the County accepts it.

Attorney Margaret A. Collins advised she would need to go back and consult with her client so the client can make that decision. The attorney ask for a copy of the results of the survey given to the residence responses to the change of the road.

Chairman Johnny Ravenell advised the Public Service department will contact the residence to see if they have a problem with coming out to McMillian Road and discontinuing maintenance on Nettles Road. No Action was taken.

## **2. Proposed Revision to Solid Waste Ordinance**

Chairman Johnny Ravenell recognized Mr. Brightman supervisor over the Landfill.

Herman Brightman advised the committee of the proposed revisions to the Orangeburg County Code of Orangeburg for Section 34 Solid Waste Management. 1.) Delete Sec. 34-4. "Green box system". [This section is totally obsolete.], 2.) Revise Sec. 34.6. "Collection of tipping fees" to include a cleanup fee from commercial haulers who bring mixed loads into the landfill. The current fee of \$150 does not cover the damage caused to trailers and equipment. 3.) Under this subsection, "Tipping fees or user fees" an explanation, definition of cleanup fee may be appropriate here. Under Sec. 34.5. "Collection and transportation equipment requirements," a statement should be added to say that "no uncovered, or improperly-secured loads will be allowed in the landfill. [Litter is an increasing problem down the entire Landfill Road and throughout the County.], and 4.) Amend to add a note about the County's commitment to promote recycling efforts. The word "recycle" is not mentioned anywhere in the ordinance.

After a long discussion, Chairman Ravenell asked for a motion. Councilman Harry Wimberly made the motion to propose a penalty for mix loads which contain house garbage bags and construction and demolition (CND) in the amount of a \$500 fine. Councilman Heyward Livingston second the motion. Motion carried (3-0-0).

## **3. An Ordinance Establishing a System for Recouping Costs Incurred to Repair Damage to County-Maintained Roads When Damage is the Result of Extraordinary Use**

Councilman Harry Wimberly advised Attorney Haydel of his recommended changes to the first draft of the ordinance. This agenda item was carried forward. No action was taken.

## **VOTE FOR ADJOURNMENT**

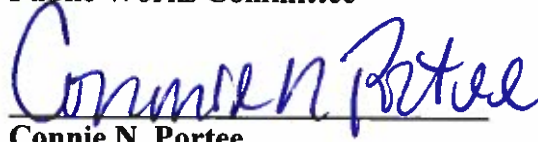
Chairman Ravenell asked for a motion for adjournment. Councilman Harry Wimberly motioned that Orangeburg County Council Public Works Committee of February 4, 2019, be adjourned. Councilman Heyward Livingston second the motion. Motion carried (3-0-0).

## **ADJOURNMENT**

Meeting adjourned at 5:26 p.m.

A handwritten signature in blue ink, reading "Johnny Ravenell", written over a horizontal line.

**Johnny Ravenell**  
**Chairman**  
**Public Works Committee**

A handwritten signature in blue ink, reading "Connie N. Portee", written over a horizontal line.

**Connie N. Portee**  
**Clerk to Council**