

**MINUTES
ORANGEBURG COUNTY COUNCIL
APRIL 2, 2012
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 Ravenell, to approve minutes of March 19, 2012 with corrections, if any. Motion carried.

PUBLIC COMMENTS:

AGENDA MATTERS

Ms. Jeanette Jeffries spoke, acknowledging beforehand her questions are a moot point on third reading of an ordinance, but she wanted her questions answered before Council voted on third reading of the ordinance. She wanted to know the process involved in transferring property to the Lake Marion Regional Water Agency, how the County got the property to sell to Lake Marion, and the price the County paid when it purchased the land. She stated with Clarendon and Calhoun counties having backed out from the Agency, who will be customers and who is going to end up paying the bill if there are no customers? She wanted to know why is County voting now when the TIMES&DEMOCRAT reported the County had sold the property in March, 2012 for \$5 to the Agency? She also asked about revisions made to minutes last month and wanted to know why, "any of them wasn't let know" about the revisions. She asked if a common every day person can come in and look at the revised minutes they are going to use

(tonight) before the meeting, can they see them in the office before Council sits down and pass them?

Chairman Wright responded, stating he was not certain what Ms. Jefferies was talking about regarding revisions of minutes. In the ensuing discussion, it developed Ms. Jefferies did not understand what Chairman Wright meant when he asked Council, using standard phraseology, "if there are no revisions to the minutes, they can be passed," and he asked for a motion and second to pass the minutes as written, which was obtained and the minutes passed by a majority vote.

Council members Wimberly, Cooper, Owens, Clyde Livingston, and the County Administrator, made comments in an effort to explain agendas are posted 24 hours prior to meetings in the Administrative Building and Court House, and sent to the media regarding all issues to be discussed at a Council meeting. Councilman Livingston stated minutes are not valid until they have been approved by Council in a meeting. Mr. Clark stated Ms. Jefferies could contact the Clerk to Council relative to reviewing official minutes passed by Council.

Mr. Clark also explained to Ms. Jefferies the property being transferred to Lake Marion is 2.2 acres located as part of the property the County acquired years ago for the purpose of locating a solid waste collection site, which is on U.S. 301, outside the town of Santee, where there is currently an existing site. He would have to pull the records to determine what the sale price was on the property. The reason for the \$5 sale price to the Lake Marion Regional Water Agency is because the County is a member of the Agency. It is essentially a sale of the County to an entity that the County is an owner of. It is basically a direct transfer of property.

The County has plans for construction of a wastewater treatment facility on U.S. 301 at the site near the John W. Matthews Industrial Park. The wastewater from the Town of Santee is at capacity within their treatment facility, and cannot grow anymore. This will allow excess capacity from the Santee area to come down 301 to the site of the planned treatment plant. The Lake Marion Regional Water Agency is involved because by doing it this way the County can take its money and utilize a 3 to 1 federal dollar match through the Corps of Engineers for the construction of those lines. It has been determined a pumping station was needed on the 301 line and the most cost effective way to do it was on property the County already owns.

Chairman Wright also told Ms. Jefferies Calhoun County has not backed out. Clarendon County has backed out. Clarendon County would have been the last county to receive the distribution lines, which is far in the future, and would entail having to go over or under the Lake to get to them. Mr. Clark stated Clarendon County received a large federal grant last year from USDA Rural Development to construct a number of wells to supply water to Clarendon County; when they received the grant it made their membership into the Lake Marion Regional Water Agency unnecessary from their point of view. Calhoun, Orangeburg, Dorchester, and Berkeley counties will be the customers for the treatment plant. They have contracted for 8.5 million gallons of water a day when the site and system is completed.

County Attorney Haydel answered the questions of why Council was voting on something passed, by explaining other documents, for reason of clarity, needed to be added to the ordinance for

descriptive purposes in correcting errors; these documents were included in Council agenda packets as Attachments 1 and 2, noting the deed filed and recorded on February 12, 2012, was filed in error and is being corrected. Attorney Jerrod Anderson, County attorney of record, further explained the filing was done out of order and inappropriately, without the approval of County Council and had to be corrected. Councilman Owens stated he understood Ms. Jefferies continued expressions of her concern about the \$5 issue, but this was a County decision to make. Chairman Wright explained to Ms. Jefferies the property still belongs to the County and it will serve the County purposes, and is not going to a private entity.

Councilman Clyde Livingston expressed confusion, asking Mr. Anderson, “did we mess up and transfer the property before Council approved it?” Mr. Anderson explained Council did not. Some things were done too quickly. In order to properly authorize the transaction, it is being brought back to Council.

Chairman Wright asked for public comments on other matters. No one spoke, Chairman Wright asked for a motion to amend the agenda to add an item for a presentation by the Lower Savannah of Governments.

Motion by Councilwoman Cooper, seconded by Councilman Owens, to amend the agenda to include item 1A – Presentation of Award – Lower Savannah Council of Governments. Motion carried.

PUBLIC COMMENTS:

OTHER MATTERS

Mrs. Edna Hailey, president of the Bonneville Community Improvement Organization addressed Council, expressing concerns about dogs running wild in the neighborhood. One dog bit a person who was taken to the hospital; nothing has been done about it. They would like for County to look into the situation with the dog catchers; they have spoken with Councilwoman Cooper about the situation. There are loose dogs running around. They have written letters, and distributed flyers in their neighborhood, but the owners of the dogs running loose have not taken heed to their requests. Mrs. Hailey stated they are requesting help from County Council.

Chairman Wright thanked Mrs. Hailey for her comments. Prior to coming into the regular agenda, Councilman Owens stated he feels it is incumbent upon him to respond to Ms. Hailey, even though she is not in his district. He has had people come to him about dogs in the community. The first thing to be done is to call Animal Control at 533-6178, if no answer, call the Dispatcher at 534-0045. If you are bitten by a dog, the first thing to do is go to a doctor or hospital. If you know the owner of the dog, you contact the owner and see if you can get it resolved. If not, then you go to the Magistrate and take out papers on the owner. The County has an ordinance in place and we ask the Sheriff and the Animal Control to follow that procedure, and we hope they are following the procedure. Should it be discovered they are not, then Council will insist they follow it; Councilman Owens sought confirmation from Mr. Clark on this point, who replied Councilman Owens was correct. Councilman Owens stated the proper procedures needed to be followed because he thinks people expect County Council to catch the dogs.

Councilman Cooper asked Chairman Wright to speak. Councilwoman Cooper stated the community Ms. Hailey is referring to is the one in which she lives, and they know the County has an ordinance in place. She is aware of other counties where dogs are not supposed to roam if the dog has a tag. These dogs are tagged, they are not stray dogs, the dogs have owners, Pit Bulls, German Shepherds, big dogs, in a large neighborhood; people cannot walk. Some are afraid to walk in their yards, much less the streets. She knows counties have ordinances that demand owners keep their dogs in a caged area; if you are walking the dogs, the dogs are on a leash. Owners are walking dogs not on leashes, leaving feces everywhere. Walking in your yard you can't look up you have to look down for fear of stepping in feces. Children are not free to play in the yards, and this is an environmental hazard. This is what Ms. Hailey is talking about.

Councilwoman Cooper stated they know this is a large County and everyone cannot be at the same place at the same time. If you put traps in the yard the dog may not be there by the time Animal Control comes. Councilman Owens stated owners of the property must allow Animal Control to put traps in their yard to assist in catching the dogs. Councilman Clyde Livingston asked if Councilwoman Cooper was suggesting a leash law for Orangeburg County? Councilwoman Cooper answered in the affirmative. Councilman Clyde Livingston said he did not think there was a leash law for Orangeburg County. Councilwoman Cooper replied it may not be right, but she was advocating for something to curtail large dogs. Chairman Wright stated this has been around for a long time; Councilman Owens stated one needed to be developed.

County Attorney Haydel stated she was certain Orangeburg County had in its ordinances dogs are not allowed to be at large. Exactly how it is worded she can't tell because there have been wordings where the County used by voice control, as well as penned, on a leash, or chained. The ordinance does address animals at large. Councilman Clyde Livingston asked if this would not give the County a problem when you have the Grand American Coon Hunt? Attorney Haydel stated there is a State law that exempts hunting dogs. Councilman Owens stated they do not have hunting dogs running around in the neighborhood, these are domestic dogs that are pets, not working dogs. Chairman Wright stated Council would look into this and thanked all those who spoke for their comments.

Councilman Wright asked for a motion to amend the agenda to add an item 1A, Presentation of an Award, Lower Savannah Council of Government.

Motion by Councilwoman Cooper, seconded by Councilman Owens, to add item 1A to the agenda for Presentation of An Award By The Lower Savannah Council of Governments. Motion carried.

1. ORDINANCE – THIRD AND FINAL READING

AN ORDINANCE TRANSFERRING AN INTEREST IN REAL PROPERTY FROM THE COUNTY OF ORANGEBURG TO LAKE MARION REGIONAL WATER AGENCY

Chairman Wright stated Bill Clark had already given an synopsis on this ordinance, which did not require being repeated.

Motion by Councilman Wimberly, seconded by Councilman Ravenell to give final third reading to ordinance. Motion carried.

1A. PRESENTION OF AWARD BY LOWER SAVANNAH COUNCIL OF GOVERNMENTS

Chairman Wright yielded to Vice Chairman Cooper to speak about the presentation. Councilwoman Cooper explained as Chairperson of the LSCOG she was given the honor of presenting an award to a person where an Executive Summary, submitted by the Lower Savannah Council of Governments for a nominee to the S.C. Department of Transportation for consideration to receive their 2012 S.C. Department of Transportation Special Services Award. The nominee selected for the award is an individual who has been a pioneer in the field of public transportation, and she asked Harold Young, Deputy County Administrator for Community Development to come forward. The submitted Executive Summary was read and the plaque presented to Mr. Young.

Mr. Young expressed his surprise at receiving the honor for his leadership in the planning and development of the Cross County Connection transit system, which serves Orangeburg and Calhoun counties. He credited his staff, other county officials, employees, and County Administrator for helping put the transit system together. He thanked Mr. Clark for his confidence in him, allowing him to be the lead on the transit system project.

2. REPORT FROM PUBLIC WORKS COMMITTEE CHAIRMAN, COUNCILMAN RAVENELL – ALLEY WAY OFF OLD STATE COURT (S-38-1230)

Chairman Wright yielded to Councilman Ravenell, Chairman of the Public Works Committee. Councilman Ravenell stated he researched Alley Way Road along with the Public Works Department. It is the recommendation of the Committee to abandon maintenance on Alley Way Road. It is a road the County never maintained, but it is there, and the Public Works Committee recommends abandoning the road.

Motion by Chairman Ravenell, seconded by Councilman Heyward Livingston to abandon maintenance on Alley Way Road. Motion carried.

3. PERSONAL APPEARANCE – JOHN HENDERSON, S.C. ASSOCIATION COUNTIES, 2011 OUTSANDING SAFETY ACIEVEMENT AWARD

Mr. Henderson stated the County initially received the 2011 Outstanding Safety Achievement Award from the South Carolina Association of Counties in January, 2012 at the Insurance Trust Membership meeting, for its preventive health screenings and blood drives. The award recognized counties that have implemented preventive measures that will reduce health risks. Mr. Henderson also recognized Sandra Griffin, Chairman of the Wellness Committee, and Venyke Harley, Risk Manager, and other County employees present who were instrumental in the success of the program. He stated this was a tremendous achievement that keeps people healthy before they are injured in vehicle accidents or lifting people in an ambulance. Keeping people well and fit before injury is great, because those people tend to heal faster and are injured less frequently. He extended complements to the successful Wellness Program Orangeburg County has successfully managed over the years.

Chairman Wright thanked Mr. Henderson for coming before Council to make the presentation and thanked the honored employees for all their efforts in the success of the program.

4. VOTE FOR EXECUTIVE SESSION – LEGAL BRIEFING: (A) PENDING LITIGATION, (B) REVOLVING LOAN FUND, (C) BROADBAND PROJECT.

Motion by Councilman Clyde Livingston to add an item D to amend the agenda to include a legal briefing on the March 1, 2012 deed as brought up by Ms. Jeannette Jeffrey. Motion to amend the agenda seconded by Councilman Owens. Motion carried.

Motion for an Executive Session by Councilman Wimberly, seconded by Councilman Clyde Livingston. Motion carried.

5. EXECUTIVE SESSION

Prior to adjournment, Councilman Owens requested a moment to commend Sheriff Ravenell for his concern and crack down on crime in Orangeburg County. He thinks Council should show its constituents County Council is concerned, and he will talk with the Sheriff about developing a Crime Summit to make the citizens of Orangeburg County more aware of the importance of crime prevention, assisting in reducing crime, providing education, gun control second amendment rights, drugs, meth, and other types of drugs. He will be working with the Sheriff and hope we can bring in other law enforcement divisions, towns and cities in Orangeburg, hoping to do something about what the TIMES & DEMOCRAT feeds on daily when it publishes its paper every day. Every time he goes to his paper box; “I expect to see something other than reading about crime.” He’s not criticizing the paper for doing it, because it is happening. He does think everyone should work together to reduce crime in Orangeburg County. He wanted to make this public statement because he thinks it’s time Council speak publicly about what is happening in our County. Chairman Wright thanked Councilman Owens for the observations and statement. Chairman Wright stated he is sure Council wants to make Orangeburg County the best County it can be, and if there is anything Council can do from the its perspective, Council needs to try to address that.

**6. Motion for adjournment by Councilman Wimberly, seconded by Councilman Owens.
Motion carried.**

Meeting adjourned.

Jacqueline P. Turner, Clerk

Johnnie Wright, Chairman