

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
November 3, 2014  
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 Chairwoman  
Heyward H. Livingston  
Willie B. Owens  
Johnny Ravenell  
Harry F. Wimberly  
Clyde B. Livingston**

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

**Harold M. Young, County Administrator  
D'Anne Haydel, County Attorney  
Angel Howell, Interim Clerk to Council**

**CALL TO ORDER**

**Johnnie Wright, Sr., Chairman**

**MOMENT OF SILENCE**

**Harry Wimberly-Prayer**

**APPROVAL OF MINUTES**

**October 20 2014**

**A motion was made by Councilwoman Janie Cooper-Smith, seconded by Councilman Johnny Ravenell to approve minutes of October 6, 2014. Motion passed unanimously.**

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**Mr. Henry Dison (sp) spoke in reference to Item Number 4 on the agenda regarding Empire Estates. Mr. Dison stated that the proposed lighting district has been discussed among the neighborhood association and with county administrators (personnel). Mr. Dison stated that a petition was done and received 75% (seventy-five percent) of the neighborhood's approval. Mr. Dison asked Council to approve Item Number 4 on the Agenda regarding Empire Estates.**

**Mr. Henry Dison (sp) spoke in reference to Item Number 3 on the agenda regarding Empire Estates. Mr. Dison stated that the proposed lighting district has been discussed among the neighborhood association and with county administrators (personnel). Mr. Dison stated that**



a petition was done and received 75% (seventy-five percent) of the neighborhood approval. Mr. Dison asked Council to approve Item Number 4 on the Agenda regarding Empire Estates.

**PUBLIC COMMENTS:**

**OTHER MATTERS**

Ms. Delores Frazier addressed County Council on behalf Rivelon Elementary, the Boys and Girls Club, and the Edisto Drive community regarding Youth Day. Ms. Frazier thanked County Council, the County Administrator, and staff who volunteered there for the County's annual support of Youth Day at South Carolina State University. Ms. Frazier also invited County Council to attend Books and Breakfast at Rivelon Elementary.

Mr. Howard Williams addressed County Council about a light on Maxwell Place. He stated that the light was taken down. He said he is the president of the Crime Watch Association for Whitaker Heights and that he would appreciate the light being place back on Maxwell Place. Councilman Willie Owens responded to Mr. Howard Williams. Councilman Owens stated that there is a committee in that area that recommends where lights are placed. Councilman Owens recommended that Mr. Howard William go back to the committee and ask the committee to go to DPU and tell DPU where to put the light in question.

Mr. Andrew Johnson addressed County Council. He is the president of the Concerned Citizens of the Whitaker Heights community. Mr. Johnson asked on behalf the Concerned Citizens that projects from the Once Percent Penny Tax Referendum be brought to fruition in the Whitaker Heights Community. Mr. Johnson requested that County Council give dates on when these projects will be started and completed. Mr. Johnson stated as per the County's Mission Statement that the County is to provide a prosperous and healthy living environment. Mr. Johnson listed some of the following items that will contribute to a prosperous and healthy living environment, but have received limited or no action:

Sewer System  
Sidewalk on Myers Road  
Flooding on Maxwell Place  
Dilapadated Structure Removal  
Lighting District  
Resurfacing Streets in the Whitaker Heights Community

Mr. Johnson referenced a November 16, 2009, County Council meeting wherein he addressed County Council regarding Capital Penny Sales Tax II Referendum items. He mentioned all the referendum items affecting the Whitaker Heights community such as Referendum items 101, 20, 107, and 113. Mr. Johnson made special note of a recreational facility project that was approved for \$500,000.00 (Five Hundred Thousand and No Cents) under the 1998 CPST Referendum. Mr. Johnson asked County Council to provide additional funding as needed to complete these projects and to direct Administrator Young to act immediately. Mr. Johnson cited South Carolina Code of Law as it relates to the hire and role of the County



**Administrator.** Mr. Johnson requested that one of the council members put the concerns of the Concerned Citizens of Whittaker Heights in the form of a motion for approval by County Council as a whole.

**Chairman Wight** yielded comments to Councilman Willie B. Owens as district representative. Councilman Owens addressed Mr. Johnson. Councilman Owens stated that most of the items listed by Mr. Johnson are in the Third Penny Referendum. Therefore, they haven't been started because the County does not have the fund to do so. Councilman Owens referred Mr. Johnson to Item Number 4 on the agenda regarding the bonding of the Third Penny (Capital Penny Sales Tax III). Mr. Owens mentioned that funds for a sewer project that Mr. Johnson referenced, was spent in a previous phase. Councilman Owens said that most of the items were not completed, because the County was unable to. Councilman Owens told Mr. Johnson that he could probably get his lights through the Concerned Citizens of Whittaker committee. Then they must go to DPU.

Mr. Johnson said that additional lights were requested and letter was sent to DPU requesting lights be placed where committee recommends. He also stated in his letter that if funds were available in their special light district account, that they be used for the additional lighting or in the alternative remove lights from some areas and place them in different areas. The last information the Concerned Citizens of Whittaker have was that the person responsible for reviewing the Special Tax District accounts was not available.

Councilman Owens suggested that he accompany Mr. Johnson on quest for information for the additional lighting.

Councilman Owens reiterated that a lot of these things cannot be done until the County gets more money. Councilman Owens informed Mr. Johnson that the trees that need cutting are on state roads and is the responsibility of SCDOT (South Carolina Department of Transportation). Councilman Owens recommended them to the Maintenance Department of SCDOT.

Councilman Owens also addressed the issue of the recreational facility, which has \$500,000.00 in the Third Penny (Capital Penny Sales Tax III). Mr. Owens said he does not think that they will be able to build the facility on Highway 301 next to Guthrie for \$500,000.00. Councilman Owens stated that they have discussed this issue several times, but when the money comes (available through the bond) it would be given for the project.

Councilman Owens informed Mr. Johnson that neither he nor County Council is holding up any of the projects.



1. **A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN ORANGEBURG, SOUTH CAROLINA (THE "COUNTY") AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT GREEN, ACTING FOR ITSELF, ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE "COMPANY"), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT"); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO**

Chairman Wright asked Administrator Young to give a brief summary. Administrator Young yielded to Deputy County Attorney Anderson for explanation. Mr. Anderson stated that the resolution read by the Chairman is related to Items Number 6 and 7 (sic: 5&6) on the agenda. The resolution pertains to a prospect that desires to remain anonymous at this time. Mr. Anderson stated that they are some details that need to be ironed out, which will take place before the second readings. However, the company wanted to move forward by title only, that the correlating ordinance can have three readings by close of the year. The company plans to invest a minimum of \$2.5 Million (Two Million Five Hundred Thousand). The details regarding the number of jobs created will be ironed out by second reading of the ordinance. Councilman Wimberly asked if the project will be named by the second reading. Mr. Anderson said that by law it will have to be done by third reading.

Councilman Owens made motion to pass the resolution for Project Green and seconded by Councilman Clyde B. Livingston. Motion Carried. Vote: 7-0-0

2. **ORDINANCE-THIRD READING**

**ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND WALKER EMULSIONS (USA) INC. PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO**



**Chairman Wright asked for a summary. Deputy County Attorney Anderson stated that Walker Emulsion has promised an investment of \$4.6 Million (Four Million Six Hundred Thousand Dollars. Walker Emulsion promised a minimum of eleven new jobs. The company is located in the old Valspar building.**

**Councilman Wimberly made a motion to pass third reading of the ordinance authorizing the execution and delivery of a Fee Agreement by and between Orangeburg County, South Carolina and Walker Emulsions (USA) Inc. Providing for a payment of a fee in lieu of taxes and Councilman Heyward Livingston second it. Motion Carried. Vote: 7-0-0.**

**3. ORDINANCE-SECOND READING**

**AN ORDINANCE CERTIFYING THE PETITION CALLING FOR THE CREATION OF THE EMPIRE ESTATES SPECIAL TAX DISTRICT AND ESTABLISHING THE EMPIRE ESTATES SPECIAL TAX DISTRICT WHICH SHALL BE CREATED TO PROVIDE FOR STREET LIGHTING WITHIN THE PROPOSED DISTRICT**

**Chairman Wright asked Administrator Young for a summary. Administrator Young stated that Empire Estates have seen how the Special Lighting District has improved other neighborhoods. Administrator Young said that state statute requires a petition that is certified by Council. Petition from the community was placed in Council's agenda packets along with supporting documents.**

**Councilman Johnny Ravenell made a motion to approve the ordinance certifying the petition calling for the creation of the Empire Estates Special Lighting District and establishing the Empires Estates Special Tax District which shall be created to provide for street lighting within the proposed district. Councilwoman Janie Cooper-Smith second it. Motion carried. Vote: 7-0-0**

**Councilman Ravenell made a post vote comment regarding comments made by Mr. Henry Dison and Mr. Andrew Johnson. Councilman Ravenell advised Mr. Dison to make sure that lights are placed exactly where the associations wants them, because there is a cost factor in relocating the lights.**

**4. ORDINANCE-FIRST READING BY TITLE ONLY**

**ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY, SOUTH CAROLINA APPROVING THE ISSUANCE BY THE ORANGEBURG JOINT GOVERNMENTAL ACTION AUTHORITY OF NOT TO EXCEED \$90,000,000 IN PRINCIPAL AMOUNT OF ITS CAPITAL PROJECTS SALES AND USE TAX REVENUE BOND (ORANGEBURG COUNTY, SOUTH CAROLINA**



**PROJECTS), SERIES 2014; APPROVING THE FORM AND CONTENT OF THE BOND PURCHASE AGREEMENT AND THE ASSIGNMENT AND SECURITY AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF THE CAPITAL PROJECTS AGREEMENT; APPROVING THE APPROPRIATION OF CAPITAL PROJECTS SALES AND USE TAX REVENUES FOR THE FISCAL YEAR THAT BEGAN ON JULY 1, 2014; AND OTHER MATTERS RELATED THERETO**

Chairman Wright yielded the floor to Administrator Young for a summary. Administrator Young said that this ordinance is part of the process for bonding the Third Penny (Capital Penny Sales Tax III). Administrator Young said that the \$90 Million (Ninety Million Dollars) is a cap figure based on the referendum. It does not mean that the County is borrowing \$90 Million (Ninety Million Dollars). The figure is just a cap for referendum purposes. As stated in previous meetings, the Capital Penny Sales Tax revenue is revenue that comes in quarterly. Orangeburg County Council has decided to do a bond issuance instead of waiting on quarterly payments. This allows the County to start multiple projects simultaneously instead of waiting on quarterly payments.

The referendum ordinance does not state that the County has to do this. This is just an extra burden that the County takes upon itself to make sure as many projects can be done more quickly. Administrator Young reiterated that capital projects funds are in addition to the General Fund. Therefore, we have to wait until we have those funds in hand or else we will have to use money from the General Fund, which cannot be done. Administrator Young also referenced the delay in the first bond due to the lawsuit that was ongoing in Florence County. Once finalized, the entire process had to start over.

Councilman Willie Owens made a motion to pass first reading by title only of the Ordinance of the County Council of Orangeburg, South Carolina approving the issuance of by the Orangeburg Joint Governmental Action Authority of not to exceed \$90,000,000.00 in principal amount of its Capital Projects Sales and Use Tax Revenue Bond. The motion was second by Johnny Ravenell. Motion carried. Vote: 7-0-0.

**5. ORDINANCE-FIRST READING BY TITLE ONLY**

**AN ORDINANCE (1) APPROVING AN AMENDMENT TO THE EXISTING AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND DORCHESTER COUNTY, SOUTH CAROLINA TO (A) ENLARGE THE BOUNDARIES OF THE INDUSTRIAL PARK TO INCLUDE CERTAIN PROPERTY LOCATED IN ORANGEBURG COUNTY, SOUTH CAROLINA NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY A**



**COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT GREEN AND (B) PROVIDE FOR AN EXTENDED TERM FOR INCLUSION OF SUCH PROPERTY IN THE PARK; AND (2) AUTHORIZING OTHER RELATED MATTERS**

Chairman Wright stated that Deputy Attorney Anderson has already given an explanation. Councilman Ravenell made a motion to approve first reading by title only of the ordinance (1) approving an amendment to the existing amended and restated agreement for development of Joint County Industrial Park by and between Orangeburg County, South Carolina and Dorchester County, South Carolina to (A) enlarge the boundaries of the industrial park to include certain property located in Orangeburg, County, South Carolina now or to be hereafter owned and/or operated by a company identified for the time being as Project Green and (B) provide for an extended term for inclusion of such property in the park; and (2) authorizing other related matters. Councilman Willie B. Owens second the motion. Motion carried. Vote:7-0-0.

**6. ORDINANCE-FIRST READING BY TITLE ONLY**

**AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND AMONG ORANGEBURG COUNTY, SOUTH CAROLINA (THE "COUNTY") AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT GREEN, ACTING FOR ITSELF, ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE "COMPANY"), WHEREBY THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT"); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY; AND (3) OTHER MATTERS RELATING THERETO**

Chairman Wright stated that Deputy County Attorney Anderson has already given an explanation. Councilman Heyward Livingston made a motion to pass the ordinance for first reading by title only for Fee in Lieu of Tax and Incentive Agreement by and among Orangeburg County, South Carolina and the company for the time being identified as Project Green. The motion was second by Councilwoman Janie Cooper-Smith. Motion carried. Vote: 7-0-0

**7. PROCUREMENT**

**1) FY15-0929 REQUEST FOR PROPOSAL-VEHICLE EXTRICATION EQUIPMENT**

Chairman Wright yielded the floor to Administrator Young for an explanation. Administrator Young stated that the request for proposal was advertised. He also stated that the extrication equipment is used to



remove people who are trapped inside crashed vehicles and collapse buildings. Two companies responded to the request. The two companies were Spartan Fire and Emergency Apparatus, Inc. and MES-Carolinas. Equipment from both companies was used in a demonstration by Emergency Services Department and the Star Team. Administrator Young mentioned that he was present at the demonstration. The individual charged with using the equipment during these events were ones who used the equipment during the demonstration. They were given a score sheet to rate each equipment from the respective companies. Weight of equipment and the ease of use are the most critical scoring factors. Spartan Apparatus scored high in those two areas. Administrator Young recommended Spartan Fire and Emergency Apparatus for the amount of \$43,010.00 (Forty-Three Thousand Ten Dollars) to County Council.

Councilwoman Janie Cooper-Smith made a motion to approve the proposal of Spartan Fire and Emergency Apparatus for the amount of \$43,010.00 (Forty-Three Thousand Ten Dollars). The motion was seconded by Councilman Willie B. Owens. The motion carried.

Vote: 7-0-0

8. **ORANGEBURG COUNTY ADMINISTRATIVE COMMITTEE UPDATE**

Chairman Wright yielded the floor to Councilman Wimberly who is the Chairman of the Administrative Committee. Councilman Wimberly listed the two items on the agenda which were Orangeburg County Employee Handbook Social Media Policy and Orangeburg County Employee Handbook Time and Attendance Policy. Councilman Wimberly made a motion that Council approves the Social Media Policy and the Attendance Policy together. Councilwoman Janie Cooper-Smith seconded the motion. The motion carried. Vote: 7-0-0

Chairman Wright asked for additional comments before a vote for executive session. Councilman Willie B. Owens thanked the Whitaker Community for coming out to the meeting. Councilman Johnny Ravenell stated that the public needed to know that all projects cannot be done at once. There are several districts and council members. Councilwoman Janie Cooper-Smith informed Council of the award she received from the YMCA of Columbia for Community Leader Ambassador for the YMCA 2014. Administrator Young added for the record that the County has been working with Northwoods Estates on a Sewer Special Purpose District. It was discovered that a Sewer Special Purpose District requires more than a Lighting Special Purpose District. There is more work to be done, but the petition and other information will be coming soon.



**9. VOTE FOR EXECUTIVE SESSION**

Councilwoman Cooper-Smith made motion to enter into executive session. The motion was seconded by Councilman Owens. Motion carried. Vote: 7-0-0

**10. EXECUTIVE SESSION**

1) ATTORNEY-CLIENT PRIVILEGED LITIGATION UPDATE

2) ECONOMIC DEVELOPMENT UPDATE

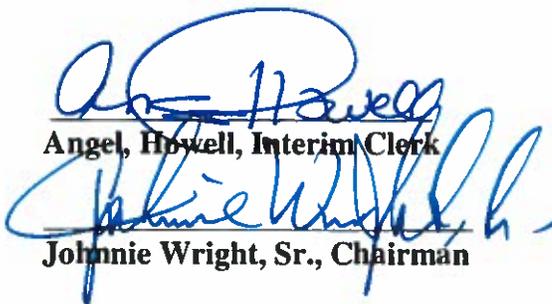
**11. VOTE FOR ADJOURNMENT**

A motion was made by Councilman Heyward Livingston for adjournment and seconded by Councilwoman Cooper-Smith. Motion carried.

Vote: 7-0-0

**12. ADJOURNMENT**

Meeting adjourned.

  
Angel, Howell, Interim Clerk

Johnnie Wright, Sr., Chairman

