

**MINUTES
ORANGEBURG COUNTY COUNCIL
NOVEMBER 5, 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-Smith, Vice Chairwoman
Clyde B. Livingston
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly**

MEMBERS ABSENT:

OTHERS PRESENT:

**Harold M. Young, 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

Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell, to amend agenda to include item 8B, appointments. Motion passed.

PUBLIC COMMENTS AGENDA ITEMS NO COMMENTS

PUBLIC COMMENTS OTHER MATTERS NO COMMENTS

1. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A WASTEWATER AGREEMENT WITH THE DEPARTMENT OF PUBLIC UTILITIES, CITY OF ORANGEBURG REGARDING COUNTRY CLUB/DOVE POINT PHASE I LINE A (VERSION AUGUST 16, 2012) INCLUDING WITHOUT COST, TRANSFER OF THE EXCLUSIVE MANAGEMENT, CONTROL OF, AND TITLE TO WASTEWATER COLLECTION LINE

Chairman Wright opened the Public Hearing. No comments received from the public. Public Hearing closed.

Chairman Wright asked County Administrator Young to give a briefing on the ordinance. Administrator Young explained the County will build wastewater lines in the Country Club/Dove Point area, transferring ownership to the City of Orangeburg Department of Public Utilities to operate and maintain the lines.

Motion by Councilman Owens, seconded by Councilwoman Cooper-Smith to approve second reading of the ordinance. Motion passed.

2. ORDINANCE PUBLIC HEARING AND SECOND READING

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A WASTEWATER AGREEMENT WITH THE DEPARTMENT OF PUBLIC UTILITIES, CITY OF ORANGEBURG REGARDING WHITTAKER WASTEWATER EXTENSION (VERSION MAY 15, 2012), INCLUDING WITHOUT COST, TRANSFER OF THE EXCLUSIVE MANAGEMENT, CONTROL OF, AND TITLE TO WASTEWATER COLLECTION LINE

Chairman Wright asked the County Administrator to give a briefing on the ordinance. Administrator Young explained this ordinance is the same as the Country Club/Dove Point ordinance, with the City of Orangeburg assuming control when the lines are completed.

Chairman Wright opened the Public Hearing. Ms. Scoville asked Councilman Owens, whether Maxwell Place would be included. Councilman Owens said yes. No additional questions asked. Public Hearing closed.

Motion by Councilman Owens, seconded by Councilman Ravenell, to give second reading to the ordinance. Motion passed.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA (“THE COUNTY”) AND A COMPANY TO BE KNOWN FOR THE TIME BEING AS PROJECT FIRE, ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/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 MANUFACTURING AND RELATED FACILITIES IN THE COUNTY (THE "PROJECT"); (2) CERTAIN SPECIAL SOURCE CREDITS IN CONNECTION WITH THE PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO

Motion by Chairman Wright for Council to adjourn for ten minutes for an executive session to meet with members of the Orangeburg County Development Commission to receive information. Motion seconded by Councilwoman Cooper-Smith. Motion passed.

The County Council meeting adjourned approximately 10 minutes for an executive session. Council reconvened at 6:16 p.m.

Motion by Councilman Wimberly, seconded by Councilwoman Cooper-Smith, to approve ordinance first reading of the ordinance by title only. Motion passed.

4. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE TO AMEND 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 ENLARGE THE BOUNDARIES OF THE INDUSTRIAL PARK TO INCLUDE CERTAIN PROJECT FIRE PROPERTY LOCATED IN ORANGEBURG COUNTY, SOUTH CAROLINA; AND AUTHORIZING OTHER RELATED MATTERS

Chairman Wright requested County Attorney Haydel to explain the requirements about an industrial park additions. Attorney Haydel explained the expansion of an industrial park is to entice economic development prospects to locate in Orangeburg County.

Motion by Councilman Heyward Livingston, seconded by Councilman Ravenell to approve first reading of ordinance by title only. Motion passed.

5. RESOLUTION

A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN

ORANGEBURG COUNTY, SOUTH CAROLINA ("THE COUNTY") AND A COMPANY TO BE KNOWN FOR THE TIME BEING AS PROJECT FIRE, ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/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 MANUFACTURING AND RELATED FACILITIES IN THE COUNTY (THE "PROJECT"); (2) CERTAIN SPECIAL SOURCE CREDITS IN CONNECTION WITH THE PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO

Motion by Councilwoman Cooper-Smith, seconded by Council Heyward Livingston, to approve adoption of the resolution. Motion passed.

Discussion followed the passing of the motion, Councilman Wimberly explained the use of code names for prospective investors is not because Council wants to keep secrets from the public, but are used at the request of investors for reasons of confidentiality, which is important to potential investors. Premature leaks can jeopardize projects the County has been working for years to secure. Councilwoman Cooper-Smith also expressed disappointment in the leak, feeling the media should help the County in keeping the confidentiality requested by companies. Councilman Ravenell stated the purpose is about creating jobs.

6. RESOLUTION

A RESOLUTION APPROVING POST-ISSUANCE TAX COMPLIANCE POLICIES AND PROCEDURES FOR ORANGEBURG COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO

Chairman Wright requested Administrator Young give a briefing on this resolution. Mr. Young stated adoption of the resolution is necessary for tax exemption bonds in compliance with U.S. Department of Agriculture requirements.

Motion by Councilman Owens, seconded by Councilman Ravenell to adopt the resolution. Motion passed.

7. REPORT – PUBLIC WORKS COMMITTEE CHAIRMAN, COUNCILMAN RAVENELL

Chairman Wright asked Councilman Ravenell to report on the meeting of the Public Works Committee. Councilman Ravenell stated the Committee met earlier in the day to discuss the road paving contract with Dennis Engineering being done with "C" funds. It is the recommendation of the Committee to complete projects A,B,C, and F with Dennis, but no other projects under this contract will be approved until further action by the Public Works Committee.

Motion by Councilman Ravenell, seconded by Councilman Clyde Livingston to complete projects A,B,C, and F, with Dennis Engineering, but no further work is to be done by Dennis Engineering until action by the Public Works Committee at the next meeting of the Public Works Committee. Motion passed.

8. PROCUREMENT DEPARTMENT – BROADBAND BID

Chairman Wright requested Administrator Young give a briefing on the broadband bid. Mr. Young stated the FY 13-1003 Broadband Phase 4 Telecommunications Outside Plant Splicing Project have been opened and evaluated. The low bidder is Kelsey Gunter, Branchville, S.C, in the amount of \$152,025.38. It is his recommendation Council accept the low bid submitted.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell, to accept the low bid submitted by Kelsey Gunter, Branchville, S.C., in the amount of \$152,025.38. Motion passed.

For the understanding of the public, Councilman Ravenell stated that if flags are seen on the road, this does not mean the road is being paved. This means broadband work is being done. Mr. Young stated the low buildings appearing are housing broadband equipment. An additional grant has been received to provide broadband in different areas of the county, which will provide internet service in rural Orangeburg County.

8A. APPOINTMENTS

Mr. Young stated the Lower Savannah Workforce Development Board is nominating three people from the private sector for inclusion on the Board – William L. Reynolds, Jr., Patricia P. Carson, and Frances Russell.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Ravenell, to accept the nominees as recommended. Motion passed.

Motion by Councilman Clyde Livingston to appoint Terry W. Cook to the County Development Commission, and Tara Williamson to the Orangeburg County Library Board. Motion seconded by Councilman Wimberly. Motion passed.

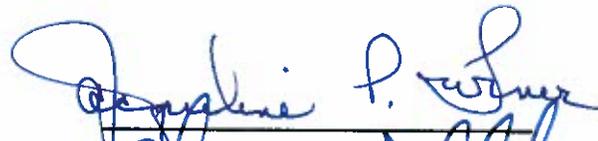
Councilman Owens appointed William Wilson, as an at-large member to The Regional Medical Center Board of Directors. Councilman Wimberly recommended discussion in Council on this appointment. Councilman Owens agreed to hold up the appointment at this time, but stated he is pushing the nomination; he missed out on an appointment in his district before.

9. Motion by Councilwoman Cooper-Smith, seconded Councilman Clyde Livingston to vote for an executive session to discuss (1) 230-4-70(A)(2)- the Legal Advice Where The Legal Advice Relates to A Pending Claims Or Settlement Of Legal Claims Re The Following Probate And Circuit Court Matters: In the Matters Of The Estate Of Larry D. Williams, 2012-ES-38-00526. (2) Orangeburg County V. Ivadella Walters, Individually And As Personal Representative Of The Estate Of Larry Dalton Williams; And The South Carolina Federal Credit Union, Case No. 20102-CP-38-00667. (3) Legal Briefing – Contractual Matter – Orangeburg County Library. Motion passed.

10. EXECUTIVE SESSION

11. Motion for adjournment made by Councilman Ravenell, seconded by Councilman Owens. Motion passed.

Meeting adjourned.


Jacqueline P. Turner, Clerk

Johnnie Wright, Sr., Chairman