

**MINUTES
ORANGEBURG COUNTY COUNCIL
NOVEMBER 1, 2010
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

OTHERS PRESENT:

Bill Clark, Administrator
D'Anne Haydel, County Attorney
Ruth Van Faussien, Acting Clerk to Council

CALL TO ORDER:

Chairman Johnnie Wright, Sr.

INVOCATION:

Councilman Willie B. Owens

APPROVAL OF MINUTES:

Motion by Councilman Harry F. Wimberly, seconded by Vice Chairman Janie Cooper, that the minutes of the October 18, 2010 meeting be approved as written. The motion carried.

PUBLIC COMMENTS – AGENDA ITEMS:

None

PUBLIC COMMENTS – OTHER MATTERS:

None

1. ORDINANCE – PUBLIC HEARING AND THIRD AND FINAL READING

AN ORDINANCE APPROVING THE FINANCING BY THREE RIVERS SOLID WASTE AUTHORITY OF FACILITIES FOR THE TRANSPORTATION AND/OR DISPOSAL OF SOLID WASTE, INCLUDING LANDFILL GAS FACILITIES, AND RELATED FACILITIES; AND OTHER MATTERS RELATED THERETO

County Administrator Bill Clark provided a verbal summary of the actions proposed. The Three Rivers Solid Waste Authority, of which Orangeburg County is a member, is contemplating the issuance of bonds in an amount not to exceed \$18.8 million for the purpose of refinancing some existing debt and also to construct various proposed capital projects. This particular bond issue would have no impact on Orangeburg County's debt threshold; however, the documents that govern the Three Rivers Solid Waste Authority require that the governing bodies of each of the member entities adopt by ordinance an authorization for them to proceed with this particular issuance of debt. Each of the member counties are passing similar ordinances (some have been completed and some are in progress), but there is no change to this ordinance from the previous two readings.

The public hearing was then opened for any comments or questions that persons in attendance would like to offer. There were no comments or questions from the public.

Councilman Clyde B. Livingston made the motion that the third and final reading of this Ordinance Approving the Financing by Three Rivers Solid Waste Authority of Facilities for the Transportation and/or Disposal of Solid Waste, Including Landfill Gas Facilities, and Related Facilities; and Other Matters Related Thereto be approved. The motion was seconded by Councilman Willie B. Owens. The motion carried unanimously.

2. ORDINANCE – PUBLIC HEARING AND SECOND READING

AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT, BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA, AND HUSQVARNA CONSUMER OUTDOOR PRODUCTS N.A., INC. AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES, TO PROVIDE FOR A FEE-IN-LIEU OF *AD VALOREM* TAXES INCENTIVE; TO PROVIDE FOR A SPECIAL SOURCE REVENUE CREDIT; AND OTHER RELATED MATTERS

County Administrator Bill Clark deferred to Gregg Robinson, Executive Director of the Orangeburg County Development Commission, to explain this transaction. Mr. Robinson explained that this ordinance is an extension and amendment of the fee-in-lieu agreement currently in place. It also provides for the capital investment of a new product line by Husqvarna that will be announced later this evening.

Councilman Willie B. Owens commented on the long-time partnership that has been in place between Husqvarna and Orangeburg County. This company provides huge employment opportunities for the citizens of Orangeburg County,

and we treasure the relationship we have had in the past and hope to continue this relationship with Husqvarna.

The floor was then opened for any comments from the public. There were no comments offered by the public.

Vice Chairman Janie Cooper made a motion that the second reading of this ordinance be approved. Councilman Clyde B. Livingston seconded the motion approving second reading of the ordinance Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, As Amended, the Execution and Delivery of a Fee-in-Lieu of Tax Agreement, By and Between Orangeburg County, South Carolina, and Husqvarna Consumer Outdoor Products N.A., Inc. as Sponsor, and One or More Sponsor Affiliates, to Provide for a Fee-in-Lieu of *Ad Valorem* Taxes Incentive; to Provide for a Special Source Revenue Credit; and Other Related Matters. All members voted in favor of this motion.

3. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE AUTHORIZING, PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE CONVERSION OF AN ARRANGEMENT FOR FEE-IN-LIEU OF *AD VALOREM* TAX PAYMENTS BETWEEN ORANGEBURG COUNTY AND HUSQVARNA CONSUMER OUTDOOR PRODUCTS, N.A., INC. AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES UNDER TITLE 4, CHAPTER 12 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO AN ARRANGEMENT UNDER TITLE 12, CHAPTER 44, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AUTHORIZING THE EXTENSION OF THE “CONVERTED” FEE-IN-LIEU OF *AD VALOREM* TAXES INCENTIVE; AUTHORIZING THE CONTINUANCE OF A SPECIAL SOURCE REVENUE CREDIT; AND OTHER RELATED MATTERS

County Administrator Bill Clark emphasized that as Mr. Robinson had already stated, the previous ordinance was for a new Fee-in-Lieu Agreement, and the one we are considering now is for an amendment to an existing Fee-in-Lieu Agreement. Both of these would roll-up into a single transaction.

Chairman Johnnie Wright opened the floor for the public hearing to receive any comments or questions that might be offered. There were no comments offered on this portion of the meeting.

Councilman Willie B. Owens made the motion that second reading of this ordinance be approved as read by Chairman Wright. The motion was seconded by Vice Chairman Janie Cooper. All voted in favor of the motion.

Vice Chairman Janie Cooper then made comments concerning the tax notices that would soon be received by the property owners in Orangeburg County. County Council has previously endorsed the concept of receiving installment payments for property taxes but, to date, no action has been taken. She would like to see this option for property owners initiated. She feels a lot of land has been lost because people have not been able to pay all their taxes at the time they were due, and she would like for Orangeburg County Council to do everything they can to enable property owners to keep the land in their families. Councilman Willie B. Owens agreed that this process needs to be established. It could not be established this year, but Mrs. Cooper recalled that this was something County Council has been talking about for two years. Councilman Owens said we just need to get a system in place. Councilman Clyde B. Livingston commented that he also supports this process, but he mentioned that such payments would have to be made in advance. Councilman Johnny Ravenell then stated he recalled the lengthy discussions Council has had about being able to pay taxes early and he thought the process was already developed. Mr. Clark said the procedure is spelled out in State law as to how the installment payments are to be made. This procedure would be facilitated through the Treasurer's Office, so this is where we would need to pick up the dialogue. Councilman Ravenell said he would like for this Council to go on record that we will make sure we do all our research for the upcoming year and have something in place for the taxpayers in 2011. Councilman Willie B. Owens suggested that County Council meet with the County Treasurer as early as possible this year to make sure we establish how this will be done and get the information out so people can start making such tax payments by February and be sure they are finished by the December deadline. Chairman Wright said we just need to try our best to follow through on this procedure at this time. Previously there had been talk about the cost factor involved in implementing this procedure, and Council did not push the issue at that time. Councilman Ravenell asked if there was a projected time for the tax notices to go out. Administrator Clark said he believed they would be out within a week. He is to verify the date. Councilman Owens said he thought he had already received most of his tax notices.

Vice Chairman Cooper commented that she would like to thank The Times and Democrat newspaper, our County Administrator, and all the Deputy County Administrators and assistants, and our County Engineer, John McLauchlin, for all their hard work involving the presentations they made on behalf of the CPST Referendum Question that will be voted on tomorrow to extend the 1¢ tax in 2013 for another seven years.

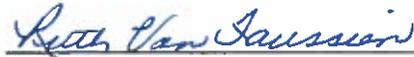
4. VOTE FOR EXECUTIVE SESSION – ECONOMIC DEVELOPMENT

The motion was made by Councilman Heyward Livingston that County Council go into Executive Session for an economic development briefing. The motion was seconded by Councilman Willie B. Owens. The motion carried.

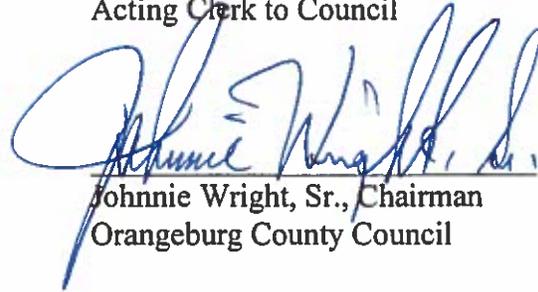
5. **ADJOURNMENT**

A motion that the meeting be adjourned was made by Vice Chairman Janie Cooper. The motion was seconded by Councilman Willie B. Owens, and the motion was approved.

Respectfully submitted,



Ruth Van Faussien
Acting Clerk to Council



Johnnie Wright, Sr., Chairman
Orangeburg County Council