

**MINUTES
ORANGEBURG COUNTY COUNCIL SPECIAL CALLED MEETING
JULY 23, 2012
4:30 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
Clyde B. Livingston
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly**

MEMBERS ABSENT:

Janie Cooper-Smith

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

**PUBLIC COMMENTS
PUBLIC COMMENTS**

**AGENDA MATTERS – NO COMMENTS
OTHER MATTERS – NO COMMENTS**

1. ORDINANCE – SECOND READING

A JOINT ORDINANCE (1) ABOLISHING THE ORANGEBURG-CALHOUN REGIONAL LAW ENFORCEMENT COMMISSION AND DEVOLVING ALL POWERS TO ORANGEBURG COUNTY; (2) REPEALING CHAPTER 30 ARTICLE 11, SECTIONS 30-3 THROUGH 30-46 OF THE ORANGEBURG COUNTY CODE OF ORDINANCES (ORDINANCE NO. 93-3-4) TITLED “REGIONAL LAW ENFORCEMENT COMMISSIO”; (3) REPEALING ARTICLE IV, DIVISION 7, SECTIONS 2-343 THROUGH 2-359 OF THE CALHOUN COUNTY CODE OF ORDINANCES (ORDINANCE NO. 92-5) TITLED “ORANGEBURG-CALHOUN REGIONAL LAW ENFORCEMENT COMMISSION”; (4) AUTHORIZING ORANGEBURG AND CALHOUN COUNTIES TO ENTER INTO A CONTRACT TO PROVIDE INCARCERATION SERVICES TO CALOUN COUNTY AND (5) OTHER RELATED MATTERS

Chairman Wright requested County Administrator Young give a synopsis of the ordinance for those who were not present at earlier Council meetings. Mr. Young stated the purpose of the ordinance is to reduce expenses associated with the operation of the Detention Center; with the County assuming sole operation of the Detention Center, measures can be instituted to lower the cost of operation.

Motion by Councilman Clyde Livingston, seconded by Councilman Owens, to approve second reading of the ordinance. Motion passed unanimously.

2. RESOLUTION AUTHORIZING APPROVAL AND EXECUTION BY THE COUNTY OF ORANGEBURG OF SPECIAL PROVISIONS OF SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR AN ENCROACHMENT PERMIT ALLOWING THE CONSTRUCTION OF A RAIL SPUR ACROSS A RIGHT-OF-WAY

Chairman Wright asked Administrator Young to give a synopsis on the resolution. Mr. Young stated the resolution would authorize an encroachment permit to allow construction of a rail spur across a right-of-way to the property line of RJLK Holding, LLC. The construction of the spur was part of the economic development incentive agreement approved by Council in 2011. South Carolina Department of Transportation has special guidelines which must be agreed upon prior to construction beginning. Mr. Young deferred to Attorney Jerrod Anderson who is the County's representative in this transaction.

In response to liability issues for the County raised by Councilmen Clyde Livingston and Harry Wimberly, Mr. Anderson stated those issues were addressed in the incentive agreement and will be part of the encroachment contracts with SCDOT when the County agrees to the encroachment contracts and to the railroad right-of-way.

Motion by Councilman Clyde Livingston, seconded by Councilman Wimberly, to adopt the Resolution. Motion passed unanimously.

3. ACCEPTANCE OF USDA GRANT AND LOAN FOR THE GOODBY'S CREEK WASTEWATER TREATMENT PROJECT

Chairman Wright asked Administrator Young to give a synopsis on this agenda item. Mr. Young stated this project has been a long time in the making, trying to secure funding for the wastewater treatment facility that is key to the Global Logistics Triangle concept, and will help in marketing the Matthews Industrial Park. The treatment plant will be located behind the John W. Matthews Industrial Park. Completion of phase one will serve the Matthews Industrial Park, and the town of Santee. Potential completed phases will look at U.S. 301 and U.S. 176, and the town of Ellore. Orangeburg County funding is part of the capital project one percent sales tax.

Mr. Young then deferred to the USDA representative present, Mr. Rusty Craven. Mr. Craven stated the USDA loan is for \$6,741,000 and the grant is for \$1,960,500. The loan is for 40 years, with an interest of rate of 2.7%, and a monthly payment of \$23,864. The total cost of the project is \$12.3 million for construction, land purchase, legal and engineering costs. The completed

plant will treat 200,000 to 250,000 gallons of wastewater per day, eventually serving approximately 111,000 users.

Motion by Councilman Clyde Livingston, seconded by Councilman Wimberly to accept the USDA loan in the amount of \$6,741,000.00, and grant in the amount of \$1,960,500.00. Motion passed unanimously.

4. CONTRACTUAL – INTERGOVERNMENTAL AGREEMENT FOR MAGISTRATE TO SERVE AS MUNICIPAL COURT JUDGE

Chairman Wright asked Administrator Young to give a synopsis on this issue. Mr. Young stated The city of Orangeburg has requested backup judicial services using Orangeburg County Magistrates to provide signatures for warrants required to make arrests and to hold bond court when necessary in the event a city judge will be out on annual or sick leave. The County Magistrates will be compensated by the City of Orangeburg for their services. The Intergovernmental Agreement requires the approval of Orangeburg County Council.

The following discussion among Council members determined the County would price the services of all County Magistrates used by the City of Orangeburg to cover all costs incurred in fulfilling the contract. Additionally, the standard County agreement usually used, would be revised to substitute the word city for the word town.

Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell, to approve the Intergovernmental Contractual Agreement with the City of Orangeburg as modified. Motion passed unanimously.

Motion by be Councilman Heyward Livingston, seconded by Councilman Owens, to vote for an executive session to discuss an economic development issue. Motion passed unanimously.

Motion to adjourn made by Councilman Owens, seconded by Councilman Heyward Livingston. Motion passed unanimously.

Meeting adjourned.

Jacqueline P. Turner, Clerk

Johnnie Wright, Sr., Chairman