

**MINUTES
ORANGEBURG COUNTY COUNCIL
DECEMBER 19, 2011
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, Chairman

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

Motion by Councilwoman Cooper Smith, seconded by Councilman Owens, to approve minutes of December 5, 2011 with corrections, if any. Motion passed.

PUBLIC COMMENTS:

AGENDA ITEMS

Danny Covington spoke regarding item #2 on the agenda, a \$2,200,000 General Obligation Bond up for third and final reading. He noted there is nearly \$60 million dollars on deposit at the Hospital; \$25 million of it is drawing less than 2 per cent, \$15 million is drawing less than a half per cent. The Hospital does need to get what revenue it can off of these dollars. They are getting ready to offer 4.25 per cent interest. He thinks the Hospital would love to come somewhere in between with the County. He stated he was speaking for himself, he was not speaking for the Board or the Hospital. He stated there is \$10 million in government bonds out now. He is thinking there might be some kind of agreement where both entities could come together. He is not currently abreast on all that the County is doing, but he thought he would throw this out; it might be an interesting situation if both groups could work together.

Councilman Clyde Livingston commended Mr. Covington on his comments and suggested that as chairman of his finance committee, if he could talk with his Board and see about the Hospital buying some of the County's bonds. Chairman Wright thanked Mr. Livingston for his observations, and thanked Mr. Covington for addressing Council.

PUBLIC COMMENTS:

OTHER MATTERS

NO COMMENTS

1. ORDINANCE – THIRD AND FINAL READING

AN ORDINANCE ESTABLISHING THE CREEKMOOR SPECIAL LIGHTING DISTRICT

Chairman Wright asked County Administrator Clark to comment on this ordinance in case there were people present who were hearing about the ordinance for the first time. Mr. Clark stated the residents of the Creekmoor Subdivision submitted a petition to the County requesting a special lighting district, created by the residents imposing a millage on themselves for the purpose of installing street lights in the area. This is done by two processes, one by referendum and the other by petition if seventy-five per cent of the resident freeholders, owning at least 75 per cent of the assessed valuation of the property within the district submit a petition they can go forward on this basis without a referendum, and this is what citizens in Creekmoor have done. It is before Council for final reading.

Motion to approve third and final reading of the ordinance made by Councilwoman Cooper, seconded by Councilman Clyde Livingston. Motion carried.

Councilwoman Cooper asked Bill Clark if he had any idea when the lights would actually go on? Mr. Clark stated he did not have that information yet, it will take some coordination between he and the Auditor to get the millage created on the tax bills and start collecting revenue which would be used to pay for the lights. When he has had this conversation with the Auditor and DPU, he will be ready to move forward.

Councilman Wimberly asked Bill Clark if the County can put the lights out on bid to put the poles and lights up, does it have to go through DPU? Even though the power to run the lights come from DPU, are the lights not the property of the Creekmoor residents once they put the money out there and pay the taxes. Bill Clark stated DPU's involvement is they go out looking over the proposed district, develop a lighting plan with the wattage to determine what is necessary to illuminate the proposed district, and the millage is then based on equalizing the rate among the assessed value in the district and what would be necessary to pay the monthly bill.

Councilman Wimberly asked whatever DPU charges the residents have to pay? Bill Clark stated this was the precedence on the three existing lighting districts as well. Councilman Wimberly stated basically the charge or the assessment on the tax bill is just to pay the electricity. It doesn't buy the equipment? Bill Clark stated to his knowledge no. Councilman Owens interjected it pays for poles. Councilman Clyde Livingston stated it probably covers depreciation. Bill Clark stated he did not have an answer to Councilman Wimberly's questions, he would have to check with DPU.

Motion by Councilwoman Cooper, seconded by Councilman Clyde Livingston, to give final third reading to the ordinance. Motion passed.

2. **ORDINANCE – THIRD AND FINAL READING**

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) GENERAL OBLIGATION BOND OF ORANGEBURG COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO

Chairman Wright asked Bill Clark to summarize the ordinance again. Bill Clark said this funding is coming to the County through the U.S. D.A Rural Facilities, and it is the last link in putting together the funds to renovate the former Holly Hill Middle School property which is located in downtown Holl Hill. When completed the facility will house a variety of government services including a Holly Hill/DHEC Health Department, the municipal offices for the Town of Holly Hill, the Holly Hill Police Department, and the consolidation of some County services including County office space, a branch library and a regional judicial complex.

The project has been designed by an architect and is ready to go for construction bids. At this point, with the issuance of the bonds, the County will have all the funding in place necessary for the construction. It will be a big enhancement to providing services in the eastern half of Orangeburg County. There are no changes from second reading of the ordinance, and the ordinance needs third reading approval by County Council.

Motion for third and final reading made by Councilman Heyward Livingston, seconded by Councilman Clyde Livingston. Motion carried.

3. **ORDINANCE – PUBLIC HEARING AND THIRD AND FINAL READING**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT DATED AS OF NOVEMBER 21, 2011 BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND GKN AEROSPACE SOUTH CAROLINA, INC., PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES, THE ISSUANCE OF SPECIAL SOURCE REVENUE CREDITS, AND OTHER MATTERS RELATED THERETO

Chairman Wright opened the Public Hearing. No comments were forthcoming from those in attendance. Public Hearing closed.

Chairman Wright asked Mr. Clark for a summary of this ordinance. Mr. Clark stated the ordinance initiates the insertion of the company's name where in previous iterations it was approved by project name. This officially indicates that GKN Aerospace is the company and no longer going on the project name, at the request of the company.

Motion by Councilman Wimberly, seconded by Councilman Ravenell to approve third and final reading of the ordinance. Motion carried.

4. ORDINANCE – SECOND READING

AN ORDINANCE TO PROVIDE AUTHORIZATION FOR THE TRANSFER OF UNSPENT FUNDS FROM THE 2008 BOND FUND TO THE GENERAL FUND; AND TO PROVIDE THAT SUCH FUNDS ARE RESTRICTED FOR CAPITAL PURCHASE ONLY

Chairman Wright asked by Clark to summarize. Mr. Clark indicated second reading approval is being requested today because the ordinance requires a public hearing scheduled for third reading, January 17, 2012.

Motion by Councilman Owens, seconded by Mr. Ravenell, giving second reading approval of the ordinance. Motion carried.

5. ORDINANCE – SECOND READING

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN ORANGEBURG COUNTY (GKN AEROSPACE SOUTH CAROLINA, INC.) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO

Chairman Wright asked for a motion and second to include GKN Aerospace into the Industrial Park

Motion for second reading made by Councilman Ravenell, seconded by Councilman Owens to include GKN Aerospace South Carolina Inc, into the Industrial Park. Motion carried..

6. *ORDINANCE –PUBLIC HEARING AND SECOND READING*

AN ORDINANCE PROVIDING FOR A USER RATE SCHEDULE FOR USERS OF THE ORANGEBURG COUNTY POTABLE WATER SYSTEM

Chairman Wright opened the Public Hearing. No comments or questions raised by those present. Chairman Wright closed the Public Hearing.

Chairman Wright requested a summary from Mr. Clark. Mr. Clark stated the ordinance is required by USDA Rural Development office in connection with various grants the County has received to extend water service into various areas of the County. The County is required to develop a rate schedule which is included in this ordinance, applicable to where the County will expand services into the Vanc area, as well as sections of the Orangeburg area such as U.S. 301, and U.S. 176. It is important to follow a timeline in getting this ordinance passed. Second reading is scheduled tonight and it is anticipated a special called meeting on December 29, 2011 in order to entertain a third reading and a additional public hearing prior to year's end.

Motion by Councilman Ravenell, seconded by Councilman Owens. Motion carried.

7. *ORDINANCE – PUBLIC HEARING AND SECOND READING*

AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY APPROVING A WATER PURCHASE CONTRACT BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND THE TOWN OF BOWMAN, SOUTH CAROLINA; AUTHORIZING THE EXECUTION AND DELIVERY OF THE AFOREMENTIONED CONTRACT; AND OTHER MATTERS RELATING THERETO

Chairman Wright opened the Public Hearing, soliciting questions and comments. No questions or comments were entertained by those in attendance. Chairman Wright closed the Public Hearing.

Bill Clark explained the ordinance acquired by USDA must be completed before the end of the year and is scheduled for a special called Council meeting on December 29, 2011, when all rates and financial information will have been calculated and included in the ordinance.

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

8. **ORDINANCE – FIRST READING**

AN ORDINANCE PROVIDING FOR THE AMENDMENTS OF THAT CERTAIN WATER PURCHASE AND SUPPLY AGREEMENT BETWEEN THE LAKE MARION REGIONAL WATER AGENCY AND ORANGEBURG COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO

Chairman Wright asked Bill Clark to explain this ordinance. Mr. Clark stated the Lake Marion Regional Water Agency discovered recently there is language in the water and supply agreement each member signed that presents a potential conflict to members being able to borrow money either through USDA or other sources to build their distribution lines. It comes down to a matter of priority for debt repayment as identified in the agreements that conflicts with USDA language. The issue first hit in Calhoun County who has a funding application pending. The amendments have been drafted by LMRWA Attorney Belton Zeigler for each individual agency to execute among their own governing bodies so the Agency agreements can be amended. While not presently affecting Orangeburg County, it has the potential to affect Orangeburg in the future. The changes are outlined in the background material supplied in each agenda packet.

Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell, for first reading approval of the amendments as outlined in the ordinance. Motion carried.

9. **REPORT FROM PUBLIC WORKS COMMITTEE CHAIRMAN, COUNCILMAN RAVENELL**

Chairman Ravenell said the Committee met on Willow Bay Road on Palmetto Plantation. It has met all the criteria and has been paved, with the developer bringing the road up to specifications for it to be accepted into the Public Works system. The Committee is recommending acceptance into the County's maintenance system, the portion of Willow Bay Road that has been brought up to specification at this time.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, to accept Willow Bay Road into the County's maintenance system. Motion carried.

Chairman Ravenell explained the unpaved road off of Ellexlee Road and Bonner Road in Santee has been recommended for inclusion into the County's road maintenance system. This acceptance shortens the work needed to be performed by the Motorgrader operator, improving the quality of the road surface for the community.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, to accept Ellexlee Road into the County's maintenance system. Motion carried.

10. *REPORT FROM FINANCE COMMITTEE, CHAIRMAN, COUNCILWOMAN COOPER-SMITH*

Chairwoman Cooper-Smith reported the Orangeburg Finance Committee met earlier today to review the matter of guidelines for fee-in lieu of agreement for non-manufacturing entities. Members of the Committee are Chairman Johnnie Wright, Council members Ravenell and Cooper-Smith. For a non-manufacturing entity to be eligible to receive consideration for fee-in-lieu, four conditions must be met (1) The amount of the investment must be at least \$2.5 million dollars; (2) A Special Source Revenue Credit for non-manufacturing projects shall be limited to expenses related to infrastructure only; (3) the Special Source Revenue Credit on non-manufacturing projects shall be for a term not to exceed ten years; (4) The amount of the SSRC shall not exceed 5% of the total investment for the project. Mention was made about retroactive payments, to be discussed further with the Administrator, which requires an additional Committee meeting before being finalized. Several issues discussed today will be incorporated into the final draft of the ordinance.

11. *ACCEPTANCE OF BIDS:*

A. *C-FUND CONSTRUCTION PROJECTS*

Chairman Wright asked Bill Clark to summarize this matter. Bill Clark stated Orangeburg County Transportation Committee, custodian of C-Fund monies solicited vendors according to Orangeburg County Procurement Code requirements and are submitting to Council their recommendation to accept the bid of R&T Grading, Pelion, S.C., in the amount of \$269,835.00 to pave a total of 1.83 miles on six unpaved roads – Dukenfield Drive, Park Ridge Road, Pineridge Road, Dogwood Lane, Canvasback Road and Grassy Lane. R&T Grading has provided acceptable services in other projects, and the

County has been pleased with their product. Full cost comes from the C-Fund and the Transportation Committee.

Motion by Councilman Heyward Livingston, seconded by Councilwoman Cooper Smith, to accept recommendation of the Orangeburg County Transportation Committee to accept the bid submitted by R&T Grading, Pelion, S.C, in the amount of \$269,835.00 to pave 1.83 miles of six unpaved roads Dukenfield Drive, Park Ridge Road, Pineridge Road, Dogwood Lane, Canvasback Road and Grassy Lane. Motion carried.

**B. ROWESVILLE TELECOMMUNICATIONS OUTSIDE PLANT PROJECT
(BROADBAND)**

Chairman Wright requested Bill Clark summarize this matter. Mr. Clark indicated the Procurement Department solicited bids following Procurement Code procedures in conjunctions with the Broadband Project Engineer, William Metts. It is the recommendation of Mr. Metts that Council accept the bid submitted by Power Telephone Supply in the amount of \$505,273.69 for the purchase of 74 miles of main line fiber cable and 31 miles of fiber drop cable (in the Rowesville area), with a delivery period of 20-26 weeks. Orangeburg County Council's acceptance is contingent on Council receiving a letter from USDA RUS confirming the release of funds for the project.

Motion for the County accepting the bid of Power Telephone Supply in the amount of \$505,273.69, pending the notification from USDA RUS of the funds being released. Motion made by Councilman Wimberly, seconded by Councilman Clyde Livingston. Motion carried.

**12. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN
FINANCIAL REPORTING – GOVERNMENT FINANCE OFFICER'S ASSOCIATION**

Chairman Wright asked Bill Clark to summarize this action. Mr. Clark stated Orangeburg County has been named as a recipient of a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending June 30,, 2010, by the Government Finance Officer's Association. This is the 23rd consecutive year the County has received this recognition.

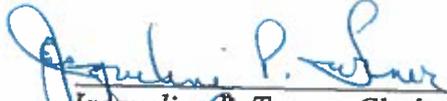
Chairman Wright thanked Mr. Clark and the staff for their diligence in adhering to the highest financial standards in serving Orangeburg County.

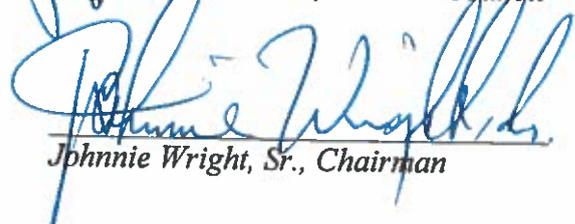
13. *VOTE FOR EXECUTIVE SESSION TO DISCUSS ECONOMIC DEVELOPMENT AND A PERSONNEL MATTER*

Motion by Councilwoman Cooper- Smith to adjourn for an executive session. Motion seconded by Councilman Owens. Motion carried.

Motion by Councilman Wimberly for adjournment, seconded by Councilman Ravenell. Motion carried.

Meeting adjourned.


Jacqueline P. Turner, Clerk to Council


Johnnie Wright, Sr., Chairman