

**MINUTES
ORANGEBURG COUNTY COUNCIL
November 17, 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
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly
Clyde B. Livingston**

MEMBERS ABSENT:

Janie Cooper-Smith, Vice Chairwoman

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

Willie B. Owens-Prayer

APPROVAL OF MINUTES

November 3, 2014

Councilman Johnny Ravenell made a motion to approve the minutes and Councilman Willie B. Owens seconded the motion. Motion carried. Vote: 6-0-0

PUBLIC COMMENTS AGENDA ITEMS: NONE

PUBLIC COMMENTS OTHER MATTERS:

During this section Chairman Wright yielded the floor to Councilman Owens. Councilman Owens acknowledged the students in the audience. Chairman Wright yielded the floor to one of the students. One of students stood and stated that they were students from South Carolina State. Most of them were majoring in Social Work. She stated that they were attending the meeting to get a better understanding of what the council members do.

Chairman thanked the students for coming.

1. **A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA (THE "COUNTY") AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT ROSE, ACTING FOR ITSELF, AND/OR 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; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO**

Chairman Wright yielded the floor to Administrator Young for a summary. Administrator Young yielded the floor to Deputy County Attorney Jerrod Anderson. Mr. Anderson stated that this is a step towards an ordinance for Fee in Lieu of Tax Incentive Agreement. Mr. Anderson stated that the company has promised 350 new jobs. He said that Project Rose wants to be placed in the Multi-County Industrial Park. Details of the ordinance are being worked out.

Councilman Harry Wimberly made a motion to approve the resolution for Project Rose as read and it was seconded by Councilman Clyde Livingston. Motion carried. Vote: 6-0-0

2. **TO CERTIFY THE RESULTS OF THE ELECTION ESTABLISHING AND CREATING THE FOX RUN SPECIAL TAX DISTRICT PURSUANT TO S.C. CODE ANN. § 4-9-30(5)(A)(I).**

Chairman Wright yielded the floor to Administrator Young for a summary. Administrator Young stated that the Fox Run community successful presented to Council on May 16, 2014 a petition showing 15% of residents were in support of the proposed lighting district. County Council certified the petition to the Election Commission. The Election Commission placed the item on the ballot for the November 7, 2014 election. The majority of the residents in the proposed lighting district voted in favor of the Special Tax District. County Council must pass a resolution publishing the results of the election.

Councilman Owens wanted to clarify that we are not certifying the election. Administrator Young clarified that County Council

was not certifying the election, but instead passing a resolution to publish the results.

Councilman Ravenell and Councilman Wimberly had questions regarding the 15%. Administrator Young explained that a petition with signatures of 15% of the residents was needed for the item to be placed on the ballot during an election.

Heyward Livingston made motion to approve the resolution publishing the results of the election establishing a special lighting tax district for the Fox Run community. The motion was seconded by Willie B. Owens. Motion carried. Vote: 6-0-0

3. ORDINANCE-THIRD READING

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 stated that the on November 2, 2010 voters voted to adopt the third imposition of the Capital Penny Sales Tax. In order to begin multiple projects at the same time, the County opted to bond the funds from the Third Penny Capital Projects Sales Tax instead of a "pay as you go" scenario. Administrator Young stated that this ordinance places a cap on the amount to be borrowed, but is not indicative on the final amount to be borrowed. The cap is there for the limits set out by the referendum. The is basic ordinance and third reading is to approve the ability of the Orangeburg Joint Governmental Action Authority to pursue funds for the purpose of doing the Third Penny capital projects.

Chairman Wright asked Council if they had any comments prior to voting. Councilman Wimberly wanted the public to recognize that the bond is not to exceed 90 million dollars, but the revenue bond will only be 33 million dollars and not the 90 million dollars.

Mr. Wimberly then made a motion to pass third reading of the 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. The motion was second by Councilman Ravenell. Motion Carried. Vote 6-0-0

4. ORDINANCE-THIRD READING

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A TOWER AGREEMENT WITH CELLCO PARTNERSHIP REGARDING (1) SURVEY, CONSTRUCTION AND CONVEYANCE OF A PLANNED COMMUNICATIONS TOWER; (2) RELOCATION AND INSTALLATION OF ORANGEBURG COUNTY'S COMMUNICATIONS EQUIPMENT ON PLANNED TOWER AND INSTALLATION OF CELLCO PARTNERSHIP'S COMMUNICATIONS EQUIPMENT ON PLANNED TOWER; (3) LEASE OF SPACE ON PLANNED TOWER AND LEASE OF GROUND SPACE; AND (4) DISMANTLING AND REMOVAL OF EXISTING COMMUNICATIONS TOWER

Chairman Wright yielded the floor to Administrator Young. Verizon Wireless made a request to co-locate on a County own tower on Ellis Avenue. The tower is in need of guide wire repair. Verizon Wireless wishes to enter into an agreement with the County of Orangeburg to repair the tower as needed in exchange Verizon will locate there to improve their service range. Administrator Young added that we also have the capability of co-locating others on that tower to provide additional income to the County of Orangeburg.

A motion was made by Councilman Heyward Livingston to pass third and final reading of the ordinance as read and seconded by Councilman Willie B. Owens. Motion carried.

Vote: 6-0-0

5. PROCUREMENT

1) REQUEST FOR SERVICES FOR E-WASTE

Chairman Wright yielded the floor to Administrator Young. The State of South Carolina made provisions a few years back that

computers and E-waste must be recycled. The County of Orangeburg had to place recycle bins at certain location. Creative Recycling used to recycle the County's E-waste, but is no longer in business. On September 21, 2014, the Procurement Officer placed a Request for Services in the local paper seeking certified vendors to recycle E-Waste from the County's landfill. The County was contacted by two vendors. However, Strickland Electronic Recycling was the only firm to submit a proposal along with the necessary documentation. It is recommendation that County Council approves Strickland Electronic Recycling as the vendor for the County's E-waste.

Councilman Wimberly asked for clarification on the recycling process. Councilman Wimberly wanted to be certain that personal information wasn't compromised. Administrator Young stated that the computers are dismantled in the recycling process. Administrator Young also added that it is always better to erase your hard drive before placing computers in the recycle bins or anywhere else.

Councilman Ravenell asked how much we paid the previous vendor. Administrator Young yielded the floor to the Director of Public Services, Sinkler Boone. Mr. Boone stated that the previous vendor was paid \$40,000, whereas the propose vendor's contract price is for \$25,000.00. Councilman Ravenell asked which sites accept E-waste. Mr. Boone responded that there are several sites that accept E-waste throughout the County.

Chairman asked that it be published which sites accept E-waste and which ones do not. Administrator Young stated that the information is on our website and that a bulletin went out when the state handed down the mandate. Chairman Wright requested that flyers be placed at each of the sites notifying citizens which sites accept E-waste.

Councilman Clyde Livingston asked how much it cost to place the recycle bins at additional locations. Mr. Boone stated approximately \$1,000.00 to cover the bins. Councilman Clyde Livingston stated that there may be a need for additional locations. Mr. Boone stated that this has been discussed, but at this time there does not seem to be a need. Administrator Young added that technology has evolved from the T.V. style monitors to the LCD monitors, thereby decreasing the need for more recycling bins.

Councilman Clyde Livingston made a motion that we accept the proposal for Strickland Electronic Recycling. Councilman Johnny Ravenell seconded the motion. Motion carried. Vote: 6-0-0

6. VOTE FOR EXECUTIVE SESSION

Johnny Ravenell made a motion to go into executive session to discuss contractual matters for CPST III and Economic Development update. The motion was seconded by Heyward Livingston. Motion carried. Vote: 6-0-0

7. EXECUTIVE SESSION

- 1) CONTRACTUAL MATTERS FOR CAPITAL PENNY SALES TAX III**
- 2) ECONOMIC DEVELOPMENT UPDATE**

8. VOTE FOR ADJOURNMENT

Pre-vote comment was made by Administrator Young regarding the State of South Carolina attempt to place the responsibility of state roads onto the counties in exchange for additional funding to the local government fund. Administrator Young stated that the Association of Counties is asking that we contact our local delegation and let them know that we prefer not to have that version of the bill passed. Administrator Young also informed the public that changes are being made to the County's website and it will be outlined to the press.

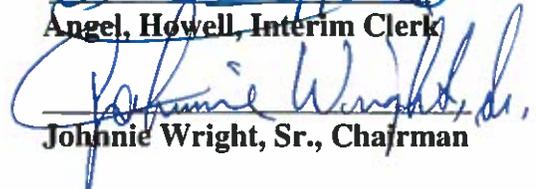
Councilman Owens again thanked the students from South Carolina State for attending the meeting.

9. ADJOURNMENT

Councilman Owens made a motion to adjourn. The motion was seconded by Councilman Clyde Livingston. Motion carried. Vote 6-0-0

Meeting adjourned.


Angel, Howell, Interim Clerk


Johnnie Wright, Sr., Chairman

