

**MINUTES
ORANGEBURG COUNTY COUNCIL
APRIL 5, 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**

MEMBERS ABSENT:

OTHERS PRESENT:

**Bill Clark, County Administrator
Jerrod Anderson, Assistant County Attorney
Jacqueline P. Turner, Clerk to Council**

OTHERS ABSENT:

D'Anne Haydel, County Attorney

CALL TO ORDER

Johnnie Wright, Sr., Chairman

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

Motion made by Councilman Owens, seconded by Councilman Heyward Livingston, to approve minutes of March 15, 2010 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS: AGENDA ITEMS NO COMMENTS

PUBLIC COMMENTS: OTHER MATTERS NO COMMENTS

1. ORDINANCE PUBLIC HEARING

**PUBLIC HEARING AUTHORIZING AN ORDINANCE TO AMEND
THE DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK BY
AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND
ORANGEBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR
DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK SO AS**

**TO REVISE AND CLARIFY CERTAIN TERMS OF THE AGREEMENT
AND OTHER MATTERS RELATING THERETO**

Chairman Wright asked the County Administrator or the Assistant County Attorney to start the hearing by explaining the ordinance; Bill Clark deferred to Jerrod Anderson, author of the ordinance. Mr. Anderson explained the matter deals with discussion between economic development in Dorchester County to revise the current multi-county industrial park agreement formed in 1995. The revisions reflect current state law and increase the efficiency of adding new parcels and dropping existing parcels from the park.

Councilman Owens inquired about what percentage Dorchester County would get. Mr. Anderson stated percentages will stay the same as to location; if a prospect comes, in and the park is in Dorchester County, whatever the prospect is paying the split will remain the same, 99% will go to the home county and 1% will be shared with the county that does not have a location in the park.

Chairman Wright asked about the term, "dropping off" used in his explanation. Mr. Anderson replies if a prospect is not cooperating with getting information to the county, the county would have the power to drop out, according to a certain procedure spelled out in the agreement, but giving certain notice to them of the other county of the existing problem and the danger of them being dropped due to the absence of information not forthcoming. Councilman Owens asked about the benefits of having a multi-county development park. Mr. Anderson explained it generally has tax credit implications, but he was not cognizant of all benefits available to the county.

There being no further issues or questions from County Council or from the public, Chairman Wright closed the public hearing.

2. ORDINANCE – SECOND READING

AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND ORANGEBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK SO AS

**TO REVISE AND CLARIFY CERTAIN TERMS OF THE AGREEMENT
AND OTHER MATTERS RELATING THERETO**

Chairman Wright asked for a motion approving second reading of the ordinance.

Motion for second reading made by Councilman Ravenell, seconded by Councilwoman Cooper. Motion passed unanimously.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN OPTION AGREEMENT BETWEEN ORANGEBURG COUNTY AND ORANGEBURG COUNTY BIOMASS, LLC FOR CERTAIN REAL ESTATE CONSISTING OF APPROXIMATELY 55 ACRES, A PORTION OF TMS NUMBER 0265-00-001.000 AND A PORTION OF 0265-00-01-001-002, LOCATED IN ORANGEBURG COUNTY AT THE SOUTHWEST CORNER OF THE JOHN MATTHEWS INDUSTRIAL PARK ADJACENT TO THE ORANGEBURG COUNTY WASTEWATER TREATMENT FACILITY IN GOODBY'S CREEK

Chairman Wright asked Bill Clark to give a synopsis on what was being requested of Council. Bill Clark stated terms of this option agreement are being worked out with a company Orangeburg County Biomass LLC, looking to locate a project in the John Matthews Industrial Park on U.S. 301. The project represents about \$98 million dollar capital investment and 27 jobs, on 55 acres in the Matthews Park, on the back side of the property where a wastewater treatment facility has been proposed. The process tonight puts in motion the process to execute an option agreement with the company for this particular acreage.

Motion for approval of first reading of the ordinance by title only made by Councilman Ravenell, seconded by Councilman Owens. Motion passed unanimously.

4. RESOLUTION

**RESOLUTION ESTABLISHING AND AGREEING TO PARTICIPATE
IN THE LOWER SAVANNAH REGIONAL HOME CONSORTIUM**

Chairman Wright asked Bill Clark for further clarification after he read the resolution in the event any Council member had questions. Bill Clark indicated the resolution spells out members of LSCOG are proposing to band together in a consortium for the purpose of securing home project funds to develop a source of housing funds for each of the counties. All other counties of the region are participating, that is the reason this issue is before Council tonight.

Chairman Wright called for any questions from Council members. Councilman Clyde Livingston asked is this an agreement, specifying the years 2011-2013 for two years, and then it would come back to be addressed again, or how did it work? Bill Clark stated he was not sure of the answer to this question, he would have to contact COG and ask Mr. Rogers. Councilwoman Cooper, as well as Councilman Wimberly interjected they both thought it was a three year program.

Councilman C. Livingston asked when it would take effect in 2010. Bill Clark stated it would begin July 1, 2010. Councilman C. Livingston also asked the difference between the terminology consortium, which to his knowledge County Council has not entered into any other consortium agreements, and if the definition of consortium imply anything other than various other agreement the County has? Bill Clark stated was his understanding it only implies the County is going to cooperatively band with the other counties in the Lower Savannah region for the purposes of applying for grant funds.

Motion by Councilman Wimberly, seconded by Councilwoman Cooper, to adopt the resolution. Councilman Owens abstained from voting on this item, "stating so it would not appear as a conflict of interest." Motion unanimously as read.

Following the motion, Councilwoman Cooper commented of the 6 counties in LSCOG, all have approved the consortium; now that Orangeburg County has voted its approval, all counties have approved the resolution. Orangeburg County has been asked to be the lead county with COG. She thinks it is a great program and a lot of low-income citizens will

benefit from this home consortium. Her hat is off to Lower Savannah and all others who helped to make this possible.

Councilman C. Livingston asked what does Orangeburg County gain by being the lead county? Bill Clark stated from an administrative standpoint Orangeburg County will be the agency that calls the meetings, sets the agendas on behalf of the consortium. Councilman C. Livingston asked whether the County received any administrative funds for this? Councilman Owens replied the County receives 10%. Further questions asked by Councilman C. Livingston elicited from Bill Clark funds will come directly through the consortium and not directly to Orangeburg County, and Councilwoman Cooper stated the board will decide who gets what, and what projects are implemented. Bill Clark indicated each member will have representation on the board as part of the consortium.

Councilman Ravenell asked what the average amount would be coming to the consortium. Bill Clark replied the amount coming to the consortium will be approximately \$1.3 million per year and then will be allocated among the members according to the vote of the consortium. Allocation of appropriations will be based on the merit of the applications as determined by members of the consortium. Councilpersons Wimberly and Cooper indicated a meeting will be held Thursday with consortium representatives from each county present who would be able to answer questions being posed by Councilman C. Livingston.

5. PROCLAMATION - FAIR HOUSING MONTH - MARCH 2010

Motion made by Councilman Clyde Livingston, seconded by Councilman Heyward Livingston, adopting the proclamation recognizing Fair Housing Month in March 2010. Motion passed unanimously.

6. APPOINTMENTS

**A) AQUATIC FACILITY ADVISORY BOARD – DISTRICT 1 -
Motion by Councilman Clyde Livingston, seconded by Councilman Wimberly to accept the recommendation of Chairman Wright 's appointment of Chappelle M. Davis, Jr. to the Aquatic Facility Advisory Board. Motion passed unanimously.**

Following the vote, Councilman Owens stated he would like to see other appointments made to complete the Advisory Board prior to the ribbon cutting so the director of the Aquatic Facility can meet and familiarize this Council with their duties and responsibilities. Councilwoman Cooper expressed her concurrence with Councilman Owens' comments, and the need to get all appointments made as quickly as possible, so members will know what their jobs and responsibilities are. Councilman C. Livingston asked if the board is an advisory board, which was confirmed by Councilman Owens, who indicated they still should be taken seriously. Councilwoman Cooper reiterated the ribbon cutting is May 17th. Chairman Wright requested Council members to try and find people to fill the positions as soon as possible.

B) ORANGEBURG COUNTY DEVELOPMENT COMMISSION – DISTRICT 5 – Motion by Councilman Owens, seconded by Councilman Ravenell to accept Councilwoman Cooper's recommendation to appoint John Cunningham to the Orangeburg County Development Commission. Motion passed unanimously.

C) ORANGEBURG COUNTY CONSTABLES – ANIMAL CONTROL – Motion by Councilwoman Cooper, seconded by Councilman Owens to re-appoint Ben Boensch, Steven Holloway, and appoint Virginia Mitchell as Orangeburg County Constables to Animal Control. Motion passed unanimously.

7. ACCEPTANCE OF BIDS

A) WATER LINE EXTENSION – VALLEY DRIVE – (DISTRICT 3)

Bill Clark explained this project is #78 on the Capital Project Sales Tax referendum, for Dist. 3. Four bids were received and opened March 24, 2010, with the low bid submitted by G. H. Smith Construction, in the amount of \$48,228.30. G.H. Smith met all requirements of the bids, and has performed well on similar projects for the County in the past. It is his recommendation that council accept the low bid of \$48,228.30.

Motion made by Councilman Wimberly, seconded by Councilman Ravenell, to accept the low bid of \$48,228.30 submitted by G. H. Smith Construction. Motion passed unanimously.

B) CONSTRUCTION OF STORAGE BUILDING – NEESES TOWN HALL

Bill Clark explained the bid for the storage building at the Neeses Town Hall fulfills the County's obligation to replace an in-house storage facility the town gave up to house the Magistrates Court inside the Neeses Town Hall. The 8 bids were received and opened March 4, 2010. The low bid was submitted by Skip Welch of Orangeburg, S.C. in the amount of \$34,491.00. He is recommending Council accept the low bid of \$34,491.00.

Motion made by Councilman Heyward Livingston, seconded by Councilwoman Cooper, to accept the low bid of \$34,491.00 submitted by Skip Welch. Motion passed unanimously.

8. PUBLIC WORKS –

A) REQUEST TO ABANDON MAINTENANCE ON A PORTION OF SUMMER CAMP ROAD (OC 1729) – NORTH AREA

B) REQUEST TO ABANDON MAINTENANCE ON A PORTION OF LAKE MARION LANE (VANCE AREA)

Bill Clark stated he is recommending both of these requests be referred to the Public Works Committee for further review and consideration, particularly because additional information is needed from Santee Cooper regarding their request.

Motion by Councilman Heyward Livingston, seconded by Councilman Owens, to refer the two separate requests to the Public Works Committee for further review and consideration. Motion passed unanimously.

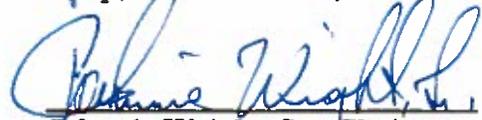
Councilman Owens inquired, for clarification, whether sidewalks being constructed on Chestnut are being done by the city? Bill Clark replied he was not sure if it was the city or state, but it was not a County project.

Councilwoman Cooper recognized and applauded Earl Whalen for his help in getting overhead street signs put up on Goff Avenue, Belleville Road and Russell Street. Councilman Owens commented on the visibility of the signs and commended both Councilwoman Cooper and Earl Whalen for a job well done.

Motion to adjourn made by Councilwoman Cooper, seconded by Councilman Ravenell. Motion passed unanimously.

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman