

**MINUTES
ORANGEBURG COUNTY COUNCIL
SEPTEMBER 20, 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
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

APPROVAL OF MINUTES

Motion made by Councilwoman Cooper, seconded by Councilman Owens, to approve minutes of September 7, 2010 and September 16, 2010 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEMS

NO COMMENTS

PUBLIC COMMENTS:

OTHER MATTERS

Rob Hibbits addressed Council, complimenting Council on their decision to leave the state insurance system because of the state's decision to increase premiums. The solicitation of bids would allow Blue Cross/Blue Shield to underwrite a policy to the County's advantage. Chairman Wright thanked Mr. Hibbits for his presentation.

County Attorney Haydel asked the Chairman to amend the agenda to include a resolution related to items 2 and 3 concerning Husqvarna. The County Administrator stated he pulled the resolution from the agenda packets because he was not certain it had been reviewed adequately

by the Legal Department before appearing on the agenda. If the County Attorney is indicating other wise, then he will defer to her. The Attorney explained the resolution triggers a time clock as to what investments can be included in the specific transactions to be passed by Council.

Motion by Councilman Clyde Livingston, seconded by Councilman Owens, to add a resolution as agenda item 3B - A Resolution To Approve The Extension Of The Termination Date Of Two Fee Agreements Between Orangeburg County, South Carolina and Husqvarna Outdoor Products N.A., Inc.; And Other Matters Related Thereto. Motion passed unanimously.

1. ORDINANCE – FIRST 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

Bill Clark stated the ordinance was prepared by the Three Rivers Solid Waste Authority and their attorney for adoption by all of the member agencies of TRSWA of which Orangeburg County is one, and represented on its Board of Directors. They anticipate refinancing certain debts presently on its books, and are contemplating the construction of various capital projects. These two items are not to exceed \$18.8 million dollars in anticipated bonding activity. It is important to note this particular bond transaction by TRSWA will not have any impact on the constituted debt of the County. It does require, based upon the by-laws of TRSWA, the approval of each governing body to allow TRSWA to go through with the action. It was authorized by their Board of Directors at their last meeting, of which Orangeburg County is represented on the Board of Directors by Council members Clyde Livingston and Johnnie Wright.

Motion by Councilman Clyde Livingston to pass the ordinance on first reading. Motion seconded by Councilman Owens. Motion passed unanimously.

Councilman Clyde Livingston stated TRSWA was refinancing some existing debt. The reason TRSWA is refinancing is they will get a better rate, the market is about as low as it will get and this will save money. Councilman Owens asked about the pay back. Councilman Clyde Livingston stated all pay back will come from TRSWA. Councilman Wimberly asked if there were any plans to increase tipping fees. Councilman Clyde Livingston stated fees should have been, but were not increased in Orangeburg County last year. Tipping fees have been kept in line with what it was felt they should be. TRSWA has dipped into this fund due to budget considerations this year. He cannot state there will not be an increase, but there is not a driving force to increase it.

2. ORDINANCE – FIRST READING (BY TITLE ONLY)

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

Bill Clark stated the two ordinances before Council are up for title only approval because although negotiations with the company have been ongoing, the draft of the documents provided for the agenda packet did not arrive until Thursday of last week. The late receipt of the documents did not provide adequate time for staff to review the documents in detail. By title approval will initiate the reading process and bring the ordinances back for second reading with a full recommendation from staff after they have been reviewed.

Motion for approval of first reading by title only made by Councilwoman Cooper, seconded by Councilman Clyde Livingston.

Councilman Clyde Livingston sought clarification from the County Attorney if the 3B amendment to the agenda related to either of the ordinances. The Attorney stated 3B is related to both. Based on this, he requested an explanation of the relationship and why the resolution needed to go on the agenda.

The Attorney stated the resolution is in the opposite order. She talked with the Prospect's counsel this afternoon, and it was his understanding all of the items were going to be on the agenda tonight. When she noticed the resolution was not on the agenda, she suggested that the resolution be added. A resolution is a temporary document that does not bind the County legislatively. Resolutions are often used to show the intent of the parties to go through with the transaction. The two transactions being talked about are items 2 and 3; until third reading is passed and public hearing, those transactions do not come into being. This is how an ordinance versus a resolution evolved here. It has been some time since the County was asked to pass a resolution; but because there are two with conversions, it was originally passed under a statute where the County was supposed to have a resolution; the fact that the County is converting to one where you don't have a resolution, makes the lawyer afraid that he should have both, so he asked for both.

Councilman Owens asked whether the County was up against a time table. The Attorney stated she did not know of any the County is up against, other than December 1 is the close of the year under the statute when you have to have things passed with three readings and a public hearing.

Motion passed unanimously.

Councilwoman Cooper asked Gregg Robinson to elaborate on the two ordinances. Mr. Robinson stated they were part of an existing fee-in-lieu currently in place with Husqvarna. There is also a new fee-in-lieu agreement and a name change involved from Electro Lux to Husqvarna, and a new fee agreement that deals with new capital investment coming to the Orangeburg area. The final readings of the ordinance will disclose the full capital investment of the company which they have requested not be revealed until third reading. It supports economic development in the County's area, is very positive for the plant itself. and an exciting time for the community in a down economy.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN 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

Motion by Councilman Wimberly, seconded by Councilman Clyde Livingston to approve first reading of ordinance by title only. Motion passed unanimously.

3B. RESOLUTION

A RESOLUTION TO APPROVE THE EXTENSION OF THE TERMINATION DATE OF TWO FEE AGREEMENTS BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA, AND HUSQVARNA OUTDOOR PRODUCTS N.A., INC; AND OTHER MATTERS RELATED THERETO

Motion to adopt resolution made by Councilman Wimberly, seconded by Councilman Clyde Livingston. Motion passed unanimously.

4. REPORT ON LAKE MARION REGIONAL WATER AGENCY – GEORGE AULL, ENGINEERING RESOURCES CORPORATION

Mr. Aull, Lead Engineer, Engineering Resources Corporation, appeared before Council, giving an update on the water projects of the Lake Marion Regional Water Agency. The LMRWA consists of 10 water projects. The water treatment plant is located a mile east of I-95 and has been fully operational for 2 years. The elevated storage tank is the regional tank and the line connecting this is the Santee Reach. All transition lines are called Reaches. The water treatment plant is fully connected, the Santee Reach is fully constructed, the regional tank is fully constructed. The Holly Hill Reach is 7 miles of pipe line awarded one year ago, and the construction is almost completed, and will be closed out next month. The Ellore Calhoun Reach extends service through Orangeburg County to the Ellore vicinity and out to Tee Vee Road. The Orangeburg Calhoun line extends service to the eastern portion of Calhoun County is

underway; construction was awarded three months ago and will be completed in less than a year. The next project is an elevated storage tank at the Matthews Industrial Park. Additional priority improvements would be the east Orangeburg Dorchester Reach, extending from the termination of the Holly Hill reach at Wells Cross Road on down to the south side of the town of Holly Hill, to the Berkeley County line to sub

The next priority would be the Berkeley Reach from Jedberg Road . Remaining priorities would be the St. George Reach, following east of I-95 from south of the town of Santee from the Holly Hill Reach all the way down to the town of St. George providing service along I-95 - I-26 interchange and the I-95 corridor. The Manning Sumpter Reach would be the final Reach crossing Lake Marion and continuing to Clarendon County to serve the Summerton area and the Manning area. The importance to Orangeburg County is a subproject, the Highway 301 waterline providing the basis for the service to Matthews Park to the town of Bowman. This is a big dream and project which has taken a lot of time.

Santee Cooper will own the physical assets of the system when it is fully constructed. The capacity is owned by the LMRWA and much of the federal share of the construction funds is coming through the Army Corp of Engineers.

Councilman Clyde Livingston thanked Chairman Wright for his efforts and the years he has put into the project. He is to be commended and praised for the good work he has done. Chairman Wright thanked the Councilman for his comments and stressed this was a team effort and all Council members are in this together representing the County.

Bill Clark indicated the advantage of working with the Army Corp of Engineers on this project has been the ability to leverage local money with federal money in the construction. It is a \$30 million dollar water plant on the shores of Lake Marion that was constructed debt free. The ability to utilize local monies principally through the once cent sales tax and then be able to get a three to one multiplier with the Army Corp of Engineers has allowed the County to take limited local funds available locally and be able to leverage them into significant amounts of money. The consequence of this is when the County builds a water treatment plant that is debt free, the cost of the debt does not get factored into the cost of the water. Everyone is a winner when they begin to receive water as a customer. He wanted to highlight how the County was able to take local monies and leverage them with partners in the project by having the penny sales tax.

5. PUBLIC WORKS COMMITTEE REPORT – COUNCILMAN RAVENELL, CHAIRMAN, PUBLIC WORKS COMMITTEE

Councilman Ravenell reported the Public Works Committee met at 4 p.m. today on Pamela Lane and Graveyard Rock Road. The recommendation from the Committee on Pamela Lane is for it to be included into the Public Works maintenance program. The Committee needs more clarity and Councilman Owens will report back to the Committee at a later date.

Regarding Graveyard Rock Road, a gate has been put up by Santee Cooper. Recently the County has had it opened because it is a public access road. It is against the rule for Santee Cooper to erect a gate. The Public Works recommendation today is that road accesses the lake

frontage for fishing activities. The Committee recommends the road be opened and remain open for that purpose. It is a public access road as is.

Motion made by Councilman Ravenell, seconded by Councilman Heyward Livingston, the gate on Graveyard Rock Road be opened and stay open for public access. Motion passed unanimously.

6. PUBLIC WORKS DEPARTMENT – REQUEST FOR ACCESS ROAD INCLUSION – CHANGE LANE (OFF NORWAY ROAD)

Bill Clark stated the request came for Change Lane which is a short road about 0.16 hundredth of a mile connecting to SC 400 or Norway Road. The road inspected by the County's Public Works Department and it is their determination the road does meet the County's standard for acceptance into the access road maintenance system, and that is their recommendation.

Motion made by Councilman Heyward Livingston, seconded by Councilman Owens to accept the recommendation of the County Administrator to accept this road into the County's road maintenance system. Motion passed unanimously.

7. APPOINTMENT – REGIONAL MEDICAL CENTER BOARD OF TRUSTEES

Motion by Councilman Clyde Livingston, seconded by Councilman Ravenell, nominating Mr. Leroy West to be appointed to the Regional Medical Center Board of Trustees.

Councilman Owens asked which district Mr. West is coming from. Chairman Wright stated Mr. West is coming from Councilman Clyde Livingston's district, and is an At-Large appointment. Motion passed unanimously.

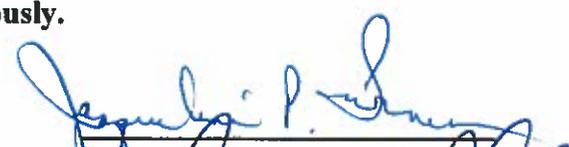
8. VOTE FOR EXECUTIVE – ECONOMIC DEVELOPMENT

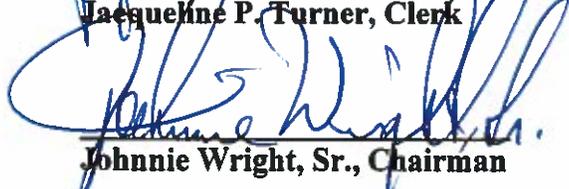
Motion by Councilman Ravenell, seconded by Councilwoman Cooper, to adjourn for executive session to discuss economic development. Motion passed unanimously.

Meeting adjourned for executive session.

Motion for adjournment by Councilman Owens, seconded by Councilman Heyward Livingston. Motion passed unanimously.

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman