

**MINUTES
ORANGEBURG COUNTY COUNCIL
AUGUST 16, 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
Clyde B. Livingston
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly**

MEMBERS ABSENT:

Janie Cooper, Vice Chairman

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 by Councilman Ravenell, seconded by Councilman Wimberly, to approve minutes of August 9, 2010 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS: AGENDA ITEMS NO COMMENTS

PUBLIC COMMENTS: OTHER MATTERS NO COMMMENTS

1. RESOLUTION OF HONOR – COACH WILLIE E. JEFFRIES

Chairman Wright read the Resolution of Honor to be presented to Coach Willie E. Jeffries. Motion by Councilman Clyde Livingston, seconded by Councilman Owens approving the Resolution honoring Coach Willie E. Jeffries. Motion passed unanimously.

Coach Jeffries in accepting the Resolution, thanked members of Council and the Council Administrator for the Resolution of Honor presented to him.

2. ORDINANCE – THIRD AND FINAL READING

AN ORDINANCE ENACTING THE ORANGEBURG COUNTY WASTE TIRE POLICY

Chairman Wright requested the County Administrator give an update on the ordinance. Bill Clark stated there was no change between second and third reading of the ordinance. The purpose of the ordinance is to bring Orangeburg into compliance with S.C. DHEC regulations for tire disposal policy. It defines what the regulations are for various type of waste tires and the various procedures and fee schedules for disposal where applicable. It maintains the Council's eligibility to receive grant funds through the program.

Motion by Councilman Heyward Livingston, seconded by Councilman Ravenell to approve third and final reading of the ordinance. Motion passed unanimously.

3. ORDINANCE – PUBLIC HEARING

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN ORANGEBURG COUNTY ("COUNTY") AND JAFZA SOUTH CAROLINA, LLC ("JAFZA"), PURSUANT TO WHICH (1) JAFZA WILL DEED REAL PROPERTY ("PROPERTY") TO THE COUNTY, THE COUNTY WILL LEASE THE PROPERTY TO JAFZA FOR A TERM OF YEARS, JAFZA WILL DEVELOP THE REAL PROPERTY ("PROJECT") DURING THE TERM AND, AT THE END OF THE TERM, THE COUNTY WILL DEED THE IMPROVED PROPERTY BACK TO JAFZA; (2) PROVIDING FOR THE FUNDING AND FUNDING MANAGEMENT OF THE PROJECT; AND (3) OTHER MATTERS RELATED THERETO

Chairman Wright asked Bill Clark to give a briefing on this ordinance. Bill Clark indicated Mr. McCrae, attorney representing Jafza and Drew Fitzgerald representing Jafza, were present . The public hearing is being done tonight as opposed to a second reading because they are finalizing some documents relating to a particular project the County is collaborating with Jafza on. The County has been able to identify sources of funding through the Tri-County Electric Co-op and the Central South Carolina Alliance so the County will be a conduit to provide special financing to Jafza to proceed with the project in Santee. Bill Clark then yielded the discussion to Mr. McCrae.

Steve McCrae, a partner at K and L Gates, who practices law in Orangeburg County addressed Council. He represents Jafza South Carolina LLC who own 1323 acres; the Jafza Magna project needs no introduction. The global recession has had an impact on the commencement of development in Santee. The collaboration is an opportunity for Jafza and the County. The

opportunity came to Jafza by the County. Jafza will deed 5 acres to the County as a grant. At the same time, the County will lease the land back to Jafza. The responsibility of Jafza will be to construct a facility called a Training Center. The funding for the construction would be through Tri-County Co-op who have funds from the Rural Development Land Grant program and other funding from Tri-County. The County will manage the funds, but Jafza will have total responsibility of building the facility and putting tenants into the building.

The construction must be completed by January 1, 2011 because there has already been one tenant identified. The tenant will be an organization involved in workforce training, which will go hand in hand with the vision for the Jafza Magna Project. The lease payments will pay back the loan that is being made by Tri-County to the County. At the end of 10 years, Jafza does have the option to buy the facility; Jafza will have the total responsibility of putting tenants in the facility, collecting rents, owning it, maintaining it, paying taxes on it. If for some reason something goes wrong, the County will be made whole because it is virtually risk free. Jafza has pledged land which will be available to the County if there is a default on the lease. Land has been identified by the County as desirable.

He expressed excitement about the project and opened the floor to take questions. Chairman Wright asked if Council members or any member of the public had questions to ask. No questions were forthcoming from Council members or the public. Chairman Wright closed the Public Hearing.

4. OFFICIAL ACTION

AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO AN INTERGOVERNMENTAL LOAN AGREEMENT WITH THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY KNOWN TO SOME AS SANTEE COOPER, PROVIDING, AMONG OTHER TERMS, THAT THE COUNTY IS THE BORROWER AND THE SCPSA(SANTEE COOPER) IS THE LENDER

Bill Clark explained the partner is Santee Cooper, also known as the S.C. Public Service Authority. Santee Cooper is already involved with the County as a partner in the Lake Marion Regional Water Agency and therefore is very interested in following the development of the system which reaches throughout the eastern part of Orangeburg County. The County has confirmed through dialogue with Santee Cooper their desire to support the County's economic development in this part of the County, particularly as it pertains to water and wastewater utilities. They have proposed to the County they have identified a certain sum of monies, Four Million Dollars, to be available to the County to be utilized for economic development purposes that would function as a line of credit. It would be available to the County on an as-needed basis; if not needed for a project activity, there is no requirement to draw down or to make any repayment activity. If the County does have a need to draw down any of the funds, it would come at favorable terms to the County. There would be a deferral of interest related payments, and/or principal payments based upon certain events described in the agreement. Interest payments particularly would be able to be deferred until six months from the

permit of any constructed facility, or two years from the date of the draw down. The principal could be deferred until the end of the term as identified in the agreement with no pre-payment penalties.

It provides a great deal of flexibility to the County should the County have need for funds to support economic development activity in the area, and this is what is identified in the agreement before County tonight. Chairman Wright asked if Council had any questions to ask of Bill Clark.

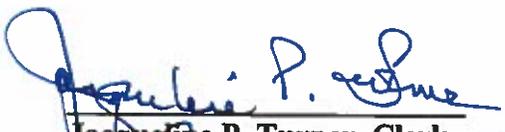
Motion made by Councilman Wimberly, seconded by Councilman Clyde Livingston that County accept the proposal as explained by Bill Clark. Motion passed unanimously.

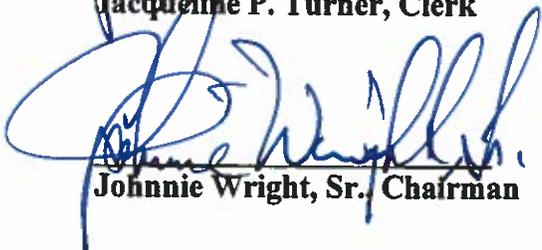
Motion made by Councilman Heyward Livingston, seconded by Councilman Owens to adjourn for an executive session for an economic development briefing and a briefing on the Jafza Training Center. Motion passed unanimously.

Adjournment for executive session.

Motion made by Councilman Ravenell, seconded by Councilman Clyde Livingston, to adjourn meeting. Motion passed unanimously.

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr. Chairman