

**MINUTES
ORANGEBURG COUNTY COUNCIL
AUGUST 9, 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 by Councilwoman Cooper, seconded by Councilman Wimberly, to approve minutes of July 19, 2010 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEMS

NO COMMENTS

PUBLIC COMMENTS:

OTHER MATTERS

Messrs. Elliott and Jefferson, First Providence Baptist Church, Santee, appeared before Council citing problems they were having with the Building Inspector, Gene Ball and Harold Young. They wanted to bring the matter before Council's attention, because as they interpret the Code, Council can solve the problem. In essence, light, air-conditioning, and water are being turned off so they cannot hold services. There is a dispute among members of the congregation and three services are being held in the Church. Through a judge's ruling, Messrs. Elliott and Jefferson and their group they hold services in the Church at 2 p.m. Those who meet for services prior to 2 p.m., have all the amenities available to them. The faction to which Messrs. Elliott and Jefferson

belong meet at 2 p.m., and do not have the utilities available to them, and do not have access to the controls to turn on the utilities.

They have reported this to Bruce Spicher, Harold Young and Gene Ball and have received no satisfaction and are going around in circles. Their interpretation of International Building Code 12-03.4 gives Council the authority to make certain they have access to the utilities.

Councilman Owens stated this is a matter out of the jurisdiction of Council and needs to be settled among the Church members. Councilman Ravenell stated Council has only heard one side and does not have a full understanding about what is going on. Councilman C. Livingston suggested they consult with their attorney and request a modification of the court order. Chairman Wright stated Council would look into the matter and respond to Messrs. Elliott and Jefferson at a later date.

1. ORDINANCE – PUBLIC HEARING THIRD AND FINAL READING

AN ORDINANCE (1) TO IMPROVE, SUBJECT TO A REFERENDUM, A ONE PERCENT SALES AND USE TAX WITHIN ORANGEBURG COUNTY PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT (“THE TAX”); TO PROVIDE CONDITIONS PRECEDENT TO THE IMPOSITION OF THE TAX AND CONDITIONS OR RESTRICTIONS ON THE USE OF THE TAX REVENUE, TO SPECIFY PURPOSES AND PROJECTS FOR WHICH THE TAX MAY BE IMPOSED; TO ESTABLISH THE PRIORITY OF EXPENDING THE NET TAX PROCEEDS; (2) TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE TAX, INCLUDING THE ISSUANCE OF BONDS IN CONNECTION WITH THE TAX; TO PRESCRIBE THE BALLOT QUESTION FOR THE REFERENDUM, INCLUDING ALL INFORMATION REQUIRED BY STATUTE TO BE CONTAINED IN THE BALLOT QUESTION; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE REGISTRATION AND ELECTION COMMISSION OF ORANGEBURG COUNTY; (3) TO PROVIDE FOR THE ADMINISTRATION AND THE PAYMENT OF THE TAX; (4) TO PROVIDE FOR BONDS TO BE ISSUED IN CONNECTION WITH THE TAX, INCLUDING ALL INFORMATION REQUIRED BY STATUTE TO BE CONTAINED IN AN ORDINANCE THAT PROVIDES FOR BONDS TO BE ISSUED IN CONNECTION WITH THE TAX; TO PROVIDE THAT THE REVENUES MAY BE USED TO DEFRAY DEBT SERVICE ON THE BONDS ISSUED IN CONNECTION WITH THE TAX; AND (5) TO PROVIDE FOR OTHER MATTERS RELATING THERETO

Chairman Wright requested the County Administrator bring everyone up to date on the ordinance. Bill Clark stated all municipalities and Council

members have provided a list of projects to the Capital Project Sales Tax Commission for their review and consideration to be formed into the ballot question put to the voters in November. The process has been completed. The Capital Project Sales Tax Commission completed their review, and before Council for approval of third reading today, is the phrasing of the referendum question which includes 133 projects. What Council will do is vote on authorizing the referendum to be placed on the ballot in November 2010 based on the projects recommended by the Commission. Council is not authorizing the Capital Project Sales Tax. Council is authorizing the referendum and election to take place in November.

The Capital Project Sales Tax is authorized under S.C. Code, Section 4-10-330 and authorizes the ability of counties to conduct by referendum a question to ask citizens would they wish to implement a one cent sales tax, the proceeds of which would be used for certain specific capital projects. These projects spelled out specifically in the Act generally consist of roads, water, wastewater, municipal buildings and various community facilities. Excluded from the Act would be items like general operations, personnel or equipment. They are specific in the Act about items that can be used for capital project sales tax only. If implemented, the tax goes into effect for 7 years, after which time it sunsets.

Council is in the process of a second authorization of the CPST now that runs through April 2013. If the referendum is approved in November 2010, it would not go into effect until May 2013. This is not a different tax beyond what is currently in place; it would be an extension for the 7 year period after the current tax expires in 2013. The Act requires projects be listed specifically on the referendum with a description and a budget. Once authorized and approved by voters, those projects and amounts are locked in for the 7 year period of the referendum. Based upon revenue data from the S.C. Department of Revenue, approximately 21% of revenue collected in Orangeburg County through the sales tax is generated from non-residents.

Chairman Wright opened the Public Hearing. Ms. Williamson appeared before Council stating she spoke for the many County citizens who use the Library facility and the many others who would if additional space and resources were available. She emphasized the building of a new, state of the art facility in a safe location, easily accessible to the populace. She stated while plans have not been finalized, a new headquarters or major branch located in the city, as well as improved branch library facilities, should be added to the County's needs plan and funds set aside for that purpose. She invited those who supporter her position to stand. Approximately 20 people stood. She stated they were assembled on short notice.

Chairman Wright thanked Ms. Williamson for her interest and concern and the information she brought to Council. He stated in the proposed CPST approximately \$825,000 has been allocated for the Library. While this will not build a new library, there are other initiatives that might come into play in the next 5 years when the referendum comes up, that could be used with grants to make a new library possible. He stated Council is not insensitive to the need for a new library or education, because they are not. However, it is a very complex situation looking at trying to touch all the different and various needs of the County when it comes to the penny. It has done a lot for the County and if the citizens continue to support it and stick together, it could do more.

It is complicated because everybody has certain things that are more important to them; Council can only try to put down seed money on certain things and decide how to use it to touch all the different entities. Council is sensitive to their needs. Everything cannot be done at one time, but Council will continue to work toward it, and will support whatever it can to make a difference.

Chairman Wright asked if there were others who wanted to speak at the Public Hearing. No one came forward. The public Hearing was closed.

Councilwoman Cooper asked permission of the Chairman to speak. Councilwoman Cooper stated she is an advocate of the penny. In 12 years, it has done a lot for Orangeburg County. If the past is revisited, before the first penny was passed in 1998, look at Orangeburg then and look at Orangeburg now. The County has come a long way. The County has paved 140 miles of dirt roads. The road you live on may not be paved, but the road you travel has been paved. We can pass it, let it slip by and never see it again, or we can continue it and better the quality of life for the citizens of Orangeburg County.

Motion for third and final reading of the ordinance made by Councilwoman Cooper, seconded by Councilman Ravenell. Motion passed by a unanimous show of 7 hands. No opposition was noted.

2. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE ENACTING THE ORANGEBURG COUNTY WASTE TIRE POLICY

Bill Clark referred comments on this matter to the County Attorney who is the author of the written policy. Ms. Haydel stated the policy is the one recommended by the Public Works Committee. Every single revision asked for has been made. Basically, in order for the County to be in line for certain grant funds from the DHEC Waste Tire Fund, the County had to enact a waste tire policy.

Councilman Wimberly stated Council provided for the disposal of non-off road tires by the County for a nominal fee. This was not a part of the DHEC regulations.

Motion for approval of second reading made by Councilman Heyward Livingston, seconded by Councilman Owens. Motion passed unanimously.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

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 TERMS 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

Bill Clark stated supporting documents related to this matter are still under development and will be ready for second reading next Monday night. He is working with Jafza to develop an office and training complex on the Jafza site in direct proximity to I-95 which will be the first building in the Jafza Magna Park in Orangeburg County. The documents will be ready in detail for consideration next Monday.

The County Attorney indicated there is a grant lease back transaction which is normal in economic development transactions and one of the reasons for doing this is there are certain funds available from other governmental agencies.

Motion for approval of ordinance by title only made by Councilman Ravenell, seconded by Councilwoman Cooper. Motion passed unanimously.

4. RESOLUTION

- (1) A RESOLUTION TO AMEND THAT CERTAIN AMENDED AND RESTATED MULTI-COUNTY PARK AGREEMENT, DATED MAY 17, 2010, AS SUBSEQUENTLY AMENDED, GOVERNING A JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA, TO AUTHORIZE THE EXPANSION OF THE BOUNDARIES OF THE PARK; AND OTHER MATTERS THERETO RELATED**

Bill Clark stated the resolution amends a previous ordinance with Dorchester County that defines the multi-county industrial park to direct fee in lieu of tax money to give incentive to projects to locate in the two county area. The project will be locating in Dorchester and the fee in lieu stream will direct 1% of fees generated be sent to Orangeburg County.

Motion for approval to pass the resolution made by Councilman Owens, seconded by Councilman Wimberly. Motion passed unanimously.

- ((2) A RESOLUTION CONFIRMING THE COUNTY'S INTENT TO USE THE COUNTY'S AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 BOND-CAP ALLOCATIONS; AUTHORIZING THE COUNTY ADMINISTRATOR TO MAKE DETERMINATIONS WITH RESPECT TO APPROPRIATE PROJECTS, IF ANY, ELIGIBLE TO USE THE CAP; AND OTHER RELATED MATTERS**

Bill Clark explained this resolution is related to a program created under the Stimulus Act in 2009 directing allocations for recovery zone bonds to the state of South Carolina, about \$115 million dollars; the state then gave an allocation to each county based upon a formula developed at the state level. It is not grant money. The programs provide financing assistance to economic development projects that

have already identified financing to move forward, but to buy down the cost of financing for the project.

For a private developer being considered in Orangeburg County with financing of his own, applying through this program up to \$10 million dollars of the private financing to receive a 45% buy back buy down on the interest rate financing for the private developer. The purpose is to create an incentive for economic development activity by making financing more affordable.

The County needed to supply notice to JEDA to reserve the amount of the designation for Orangeburg County. The resolution formally endorses Orangeburg's intent to make the funds available for facility bond program, private sector investment and economic development bond program.

Motion for approval of resolution made by Councilman Heyward Livingston, seconded by Councilwoman Cooper. Motion passed unanimously.

5. APPOINTMENTS:

SANTEE FIRE DISTRICT BOARD OF COMMISSIONERS:

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston recommending the appointment of John West, Jr. to the Santee Fire District Board of Commissioners. Motion passed unanimously.

Council members C. Livingston and W. Owens carried over the recommended appointments to the Disabilities and Special Needs Board.

6. APPROVAL OF CHANGE ORDER TO R&T GRADING CONTRACT RE: STEVENSON ROAD (CPST #82)

Bill Clark stated the change order is related to a previously issued paving contract that could not obtain all of the right-of-ways needed. All right-of-way permission has now been obtained and the change order addresses various site work including grading, draining and application of base

material for a total cost of \$267,885 for almost 2 miles of road. Funding is provided through CPST #82, authorized under Council District #3. The original bid was \$250,000, with an increase of \$17,000 for the work associated with the delayed right-of-way issue.

Motion for approval the change order for R&T Grading on Stevenson Road (CPST #82) made by Councilman Wimberly, seconded by Councilman Owens. Motion passed unanimously.

7. PERSONAL APPEARANCE – TERRY SEABROOK, U.S. CENSUS BUREAU

Ms. Seabrook reported the preliminary U.S. Census Bureau for 2010 showed participation increased 15 per cent over 20000 results, with the mail back response rate at 68 per cent. Nationally there was a participation rate of 72 per cent.

Councilman Ravenell reported he had not received a survey, but was glad to learn the County's participation had increased. Ms. Seabrook stated she would look into the matter and make certain he received the correct documents.

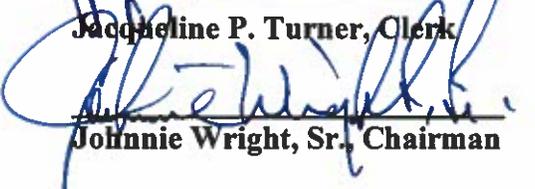
Motion made by Council Owens, seconded by Councilman Heyward Livingston to adjourn for an executive session to discuss economic development. Motion passed unanimously.

Executive Session

Motion made by Councilman Wimberly, seconded by Councilwoman Cooper. Motion passed unanimously.

Meeting adjourned.


Jacqueline P. Turner, Clerk


Johnnie Wright, Sr., Chairman