

**MINUTES
ORANGEBURG COUNTY COUNCIL
JUNE 3, 2013
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-Smith, Vice Chairman
Clyde B. Livingston
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly**

MEMBERS ABSENT:

OTHERS PRESENT:

**Harold M. Young, 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 Wimberly, seconded by Councilman Ravenell, to approve minutes of May 20, 2013, with a correction to the spelling of Leraleigh Road in Bowman, misspelled in the minutes of May 6, 2013. Correction noted by Clerk to Council. Minutes passed unanimously.

PUBLIC COMMENTS:

AGENDA ITEMS NO COMMENTS

PUBLIC COMMENTS:

OTHER MATTERS

Ms. Jeffries complimented County Council on the amenities in the Senior Citizen Center on Sharperson Street. Councilwoman Cooper-Smith also informed the public of the facilities available at the Aquatic facility available for use by the public. Councilman Heyward Livingston stated there is a senior citizen facility available in the Springfield area

Attorney Jerrod Anderson informed Chairman Wright there should be a public hearing as a part of item #1 on the agenda; this is a snafu he just discovered.

1. ORDINANCE – PUBLIC HEARING – THIRD AND FINAL READING

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY AND MARS PETCARE US, INC. PERTAINING TO CERTAIN REAL PROPERTY OWNED BY ORANGEBURG COUNTY; AUTHORIZING THE SALE OF SUCH REAL PROPERTY BY THE COUNTY TO MARS PETCARE US, INC; AND OTHER MATTERS RELATING THERETO

Prior to the Public Hearing, Chairman Wright asked County Administrator Young to give a briefing on the ordinance. Mr. Young stated in December 2012, Council approved a FILOT Agreement with Mars Petcare for it to expand operations in Orangeburg County. As part of the transaction, Mars is to receive a SSRC credit for the purchase of real property owned by Orangeburg County; the property is adjacent to the present factory location. The purchase is necessary for the expansion to occur.

Public Hearing opened by Chairman Wright. No comments received from the public. Public Hearing closed by Chairman Wright.

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

2. ORDINANCE – THIRD AND FINAL READING

AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED ORANGEBURG COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TAX MAP NUMBER 0174-12-01-001 FROM CG (COMMERCIAL GENERAL DISTRICT) TO BI (BUSINESS AND INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Chairman Wright requested a briefing from County Administrator Young, who stated Paul Simmons, property owner, requested permission to rezone the referenced property on Magnolia Street. The Planning Commission approved the request on April 15, 2013, Council voted to accept the Planning Commission recommendation, which requires three readings of an ordinance.

Motion by Councilwoman Cooper-Smith, seconded by Councilman Owens, to approve third and final reading of the ordinance. Motion passed unanimously.

3. ORDINANCE – PUBLIC HEARING AND SECOND READING

**AN ORDINANCE AUTHORIZING RECOVER OF RESPONSE COSTS
ASSOCIATED WITH RESPONDING TO UNUSUAL EMERGENCY INCIDENTS**

Chairman Wright opened the Public Hearing. Chief Wendell Davis, City of Orangeburg, addressed Council, expressing support for the recovery ordinance, and questioned whether the City of Orangeburg would be an authorized entity able to recover costs if involved in fire incidents outside City limits. He was especially concerned about incidents where the City would respond to unusual emergencies outside of the City limits without the County being involved in the response. County Attorney Haydel stated the City could recover costs if it responded to an incident where the County also responded. The ordinance allows the City to opt in and recover costs if they assist in a fire or other emergency situation that the County is involved in, and have the County coordinate the reimbursement. Ms. Haydel recommended the City of Orangeburg pass its own ordinance for reimbursement to cover its fire response costs outside of the City and pass an agreement allowing the County to collect outside of its jurisdiction.

Following lengthy discussion relative to his particular concern, and Councilman Heyward Livingston's request Council not get off track, Councilman Wimberly suggested a meeting be scheduled between the City/County Administrators and City/County attorneys for further mutual discussion. Ms. Jeffries also addressed Council, asking how recovering funds would work, which issue was addressed in the ordinance, and explained to her. Chairman Wright closed the Public Hearing.

Motion by Councilman Wimberly, seconded by Councilman Ravenell to give second reading to the ordinance. Motion passed unanimously.

4. ORDINANCE – FIRST READING (BY TITLE ONLY)

**AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY,
SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED
ORANGEBURG COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING
DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TAX MAP NUMBER
0140-00-02-052 FROM FA (FOREST AGRICULTURAL DISTRICT) TO CG
(COMMERCIAL GENERAL DISTRICT); AND PROVIDING FOR SEVERABILITY
AND AN EFFECTIVE DATE**

Chairman Wright requested a briefing from Administrator Young. Mr. Young stated the Planning Commission met May 8, 2013 to consider a request for rezoning a parcel located at 3097 Bamberg Road. The owner wishes to operate a vehicle towing and recovery business at the location. The property has been used for this type of business in the past but has been vacant for several years. Towing, auto repair, mobile home, moving business are across from the location. The Planning Commission met, there was no opposition to the proposed rezoning request, and the Commission gave unanimous consent to the request. Council approval is being recommended.

Motion by Councilman Heyward Livingston, seconded by Councilman Owens to give first reading to the ordinance by title only. Motion passed unanimously.

5. OFFICIAL ACTION – INDIAN BLUFF

Chairman Wright requested a briefing from Administrator Young, who stated the existing lease was dated June 8, 1987. A letter received May 1, 2013, states prior to entering a new lease on the property, Santee Cooper Board of Director's approval is required. By his signature on the letter, both parties agree to extend and continue the lease for an additional 12 months from the original date of expiration, subject to all terms and conditions set forth in the Lease Agreement or any amendments. The new termination date will be June 8, 2014. The County is again requesting a 25 year lease be signed by Santee Cooper, which the Board of Director's must approve. Until the Board takes action, one year leases are extended annually.

Councilman Ravenell asked if Mr. Young anticipated any difficulties in Santee Cooper improving a 25 year renewal lease. Mr. Young was not aware of any problems; this is the process the property management department goes through in renewing the annual lease. Mr. Young stated he has been in discussion with them about the amount of funds the County is committing to improvements in Indian Bluff in the third penny tax funding.

Motion by Councilman Ravenell, seconded by Councilman Owens, to approve the Official Action. Motion passed unanimously.

6. VOTE FOR EXECUTIVE SESSION

(1) S.C. CODE SECTION 30-4-70(a)(2) RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATED TO A PENDING LEGAL CLAIM AND/OR THE SETTLEMENT OF LEGAL CLAIMS REGARDING THE FOLLOWING FAIR LABOR STANDARDS ACT CASE: MORRIS AIKEN, ET. AL V. ORANGEBURG COUNTY, CALHOUN COUNTY, AND THE ORANGEBURG-CALHOUN DETENTION CENTER, 5:12CV-01362-TLW (UNITED STATES DISTRICT COURT)

(2) ECONOMIC DEVELOPMENT

Motion by Councilwoman Cooper-Smith, seconded by Councilman Wimberly, to adjourn for an executive session. Motion passed unanimously.

Motion by Councilman Heyward Livingston, seconded by Councilwoman Cooper-Smith to adjourn. Motion passed unanimously.

Jacqueline P. Turner, Clerk to Council

Johnnie Wright, Sr., Chairman