

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
DECEMBER 17, 2012  
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 Owens, to approve minutes of December 3, 2012, and December 5, 2012, with corrections if any. Motion passed with a correction made by Councilwoman Cooper-Smith to the minutes of December 3, 2012, relative to award distribution made by Ms. Shade, Executive Director, Lower Savannah Council of Governments, to local mayors. Ms. Keyes, Chair, Orangeburg County Development Commission accepted the plaque on behalf of Mayor Johnson, Holly Hill, who was not present at the meeting due to his attendance at a City Council meeting in Holly Hill.**

**PUBLIC COMMENTS**

**AGENDA ITEMS**

**NO COMMENTS**

**PUBLIC COMMENTS**

**OTHER MATTERS**

**NO COMMENTS**

**1. ORDINANCE – THIRD AND FINAL READING**

**AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA (“THE COUNTY”) AND ALBEMARLE CORPORATION, ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN MANUFACTURING AND RELATED FACILITIES IN THE COUNTY (THE “PROJECT”); (2) CERTAIN SPECIAL SOURCE CREDITS IN CONNECTION WITH THE PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO**

**Chairman Wright requested Administrator Young give a summary of the ordinance for the benefit of those who were not present at earlier Council meetings. Mr. Young stated the ordinance is a continuation authorizing a FILOT Agreement with updates to the original FILOT Agreement to insert the company name Albemarle Corporation in place of the project code name.**

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

**2. ORDINANCE – THIRD AND FINAL READING**

**AN ORDINANCE TO AMEND THE EXISTING AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND DORCHESTER COUNTY, SOUTH CAROLINA TO ENLARGE THE BOUNDARIES OF THE INDUSTRIAL PARK TO INCLUDE CERTAIN ALBEMARLE CORPORATION PROPERTY LOCATED IN ORANGEBURG COUNTY, SOUTH CAROLINA; AND AUTHORIZING OTHER RELATED MATTERS**

**Chairman Wright requested Administrator Young give a summary of the ordinance. Mr. Young explained this ordinance adds additional space for the company relative to their expansion.**

**Motion by Councilman Ravenell, seconded by Councilman Wimberly approving third and final reading of the ordinance. Motion passed unanimously.**

**3. ORDINANCE – PUBLIC HEARING – THIRD AND FINAL READING**

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY AND PROJECT SUNRISE; AUTHORIZING A SPECIAL SOURCE REVENUE CREDIT IN FAVOR OF PROJECT SUNRISE; AND OTHER MATTERS RELATING THERETO**

**Chairman Wright requested a summary from the County Administrator prior to opening the Public Hearing. Mr. Young, and Attorney Anderson both stated the company is established in the county and are expanding their product line and acquiring additional real estate, which entitles them to apply for benefits through the fee-in-lieu of tax and incentives agreements and special source revenue credits.**

**Chairman Wright opened the Public Hearing. No comments were received from the people. Chairman Wright closed the public hearing.**

**Motion by Councilwoman Cooper-Smith, seconded by Councilman Heyward Livingston, approving third and final reading of the ordinance. Motion passed unanimously.**

**Following the motion, Councilman Wimberly asked about the name of the company being revealed. Pet Mars is the corporation, and their representative spoke, thanking the County for its assistance in aiding the company to take advantage of the fee-in-lieu tax laws, allowing for \$12.5 million in capital investments, and to acquire land for expansion of their operation.**

**4. RESOLUTION – A RESOLUTION APPROVING REMOVAL OF DORCHESTER COUNTY PROPERTY FROM JOINT COUNTY INDUSTRIAL PARK BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA**

**Chairman Wright requested a summary of the resolution from Administrator Young. Mr. Young stated the resolution is necessary due to the law requiring any property being used for a multi-county industrial park, must be used as spelled out in the original agreement. The parcels are being used by a church group which does not qualify for the multi-county park designation.**

**Motion to adopt resolution made by Councilman Heyward Livingston, seconded by Councilman Owens. Motion passed unanimously.**

**5. RESOLUTION – A RESOLUTION CONSENTING TO THE PARTIAL ASSIGNMENT OF SIMS BARK CO. OF GEORGIA, LLC OF ITS INTERESTS**

**IN A FEE IN LIEU OF TAX AGREEMENT TO PAVESTONE, LLC AND OTHER MATTERS RELATED THERETO**

**Chairman Wright requested Mr. Young to summarize the resolution. Mr. Young stated under State code 12-44-20 a company may assign or otherwise transfer any or all of its rights and interests under the Fee Agreement with the consent of the county it has the agreement with. The county must provide prior approval or subsequent ratification of the assignment of interests under the Fee Agreement. Sims Bark is seeking a partial assignment of its interests under the Fee Agreement from Orangeburg County. They are in full compliance with their obligations under the Fee Agreement and he recommends Council adopt the resolution.**

**Motion by Councilman Owens, seconded by Councilman Ravenell to adopt the resolution. Motion passed unanimously.**

**6. OFFICIAL ACTION – AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL AUTHORIZING ORANGEBURG COUNTY TO PURCHASE PROPERTY**

**Chairman Wright requested Mr. Young summarize this official action. Mr. Young stated Councilman Clyde Livingston wishes to purchase the property and improve the site to be used as a Community Enhancement Site (CREST). He has located property at 1886 Charleston Highway, Orangeburg, S.C., TMS#0172-12-07-003.000. The price is not to exceed \$350,000.00.**

**Chairman Wright called for any comments from Council prior to a motion being made. Councilman Wimberly stated this project is in his district and Councilman Clyde Livingston has offered to have one of his sites in an area in his District that will be of benefit to the citizens in the area. He stated Councilman Clyde Livingston has been successful with his CREST projects, especially the Senior Citizen project.**

**Motion made by Councilman Wimberly, seconded by Councilman Owens to purchase the property in an amount not to exceed \$350,000.00. Motion passed on a vote of 6 to 1. Councilwoman Cooper-Smith voted no, with the comment, “Clyde’s projects have really been a success but I can’t go along with this one because I haven’t seen the building; there are times when we are going to disagree.”**

**Councilman Clyde Livingston stated the CREST project will be used by two lead agencies, the Boys and Girls Club and Project Life: Positeen, directed by Liz Keitt, as a teen center for the older participants in Ms. Keitt’s program, as well as office space for Ms. Keitt. The building will also be used by the Boys and Girls Club. Chairman Wright stated the money is coming from the one percent Capital Projects Sales Tax fund, not the general treasury for operating expenses.**

**7. APPOINTMENT TO ORANGEBURG COUNTY BOARDS, COMMISSIONS AND COMMITTEES**

**Chairman Wright called for any Council appointments to be made to Orangeburg County Boards and Commissions. Councilwoman Cooper-Smith appointed Stephanie Snipes to the Orangeburg County Library to the seat vacated by Ms. Eartha Corbitt; re-appointed Idella Carson to the Orangeburg County Fire Commission; re-appointed Linton Davis to the At-Large seat of the Disabilities and Special Needs Board. Councilman Owens appointed Harvey Elwood to the Disabilities and Special Needs Board. Councilman Heyward Livingston appointed Fred Gasking to the Orangeburg County Zoning Board of Appeals.**

**Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, approving the nominations made to the Board and Commissions. Motion passed unanimously.**

**8. NOMINATION FOR VACANCY ON THE EMPLOYEE GRIEVANCE COMMITTEE**

**Chairman Wright requested clarification from Attorney Haydel about the nomination for a vacancy on the Employee Grievance Committee. Ms. Haydel explained the Committee is formed of members appointed by County Council to serve four year terms. A vacancy has occurred and needs to be filled, by a recommendation made from County Council. Following discussion it was decided to refer the matter to the Administrative Committee prior to the next scheduled meeting of County Council.**

**Motion by Councilman Owens, seconded by Councilman Heyward Livingston to refer the matter to the Administrative Committee of County Council. Motion passed unanimously.**

**9. APPROVAL OF ORANGEBURG COUNTY EMPLOYEE HOLIDAYS – FY 2013**

**Chairman Wright requested Administrator Young explain the FY 2013 holiday schedule. Before doing so, Mr. Young stated he wanted to ask Council to consider giving County employees one additional day of holiday leave for FY 2012 as is being done by 30 counties within the state as well as state government giving their employees an extra day. He felt it would be a morale booster for County employees.**

**Motion by Councilman Owens, seconded by Councilman Ravenell to give employees an extra day (Wednesday, December 26, 2012) for FY 2012. Motion passed unanimously.**

Following the decisions to grant County employees an extra day for the FY 2012 Christmas Holiday, a motion was made by Councilman Wimberly, seconded by Councilwoman Cooper-Smith to approve FY 2013 Orangeburg County Holiday schedule as written. Motion passed unanimously.

**10. PROCUREMENT DEPARTMENT – 1. HOLLY HILL SERVICES BUILDING**

Chairman Wright requested Administrator Young summarize this request. Mr. Young stated the project is for the renovation of an old building given to the County some years ago by the town of Holly Hill for a nominal fee of \$10. It has taken some time for the County to accumulate the funds in collaboration with other entities to begin the renovation project that will house a County magistrate's office, a branch of the County Library, a DHEC health department facility, and Holly Hill town hall and police department.

The project has \$2.2 million from the U.S. Department of Agriculture, \$1 million from the Capital Projects Sales Tax, \$1 million from the Town of Holly Hill, and \$300,000 budgeted by Orangeburg County for furnishings.

Initially seven firms submitted bids, with the lowest bidder being based in Las Vegas. When contacted the company stated it made a serious error in computing its bid, due to their plans to start a company in Charleston, S.C. Mr. Young stated it was felt the County did not want to do business with a company that had already messed up paperwork in such a grievous fashion. The second lowest bidder was H.G. Reynolds Company, Aiken, S.C., in the amount of \$4,110,000.00, which the County accepted. This is a company familiar to the County with a proven record with a variety of buildings they have renovated. It is his recommendation Council accept the low bid submitted by H.G. Reynolds.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston accepting the low bid of \$4,110,000 submitted by H.G. Reynolds, Aiken, S.C. Motion passed unanimously.

Following the motion Councilman Ravenell stated the citizens in the eastern portion of the County are anxiously awaiting the completion of the Holly Hill Services Building, so they no longer will have to travel to Orangeburg to get legal and other matters taken care of. Mr. Young anticipated a groundbreaking ceremony should be held by the end of January, 2013.

**11. PERSONAL APPEARANCE – TIMOTHY T. HUNTER, WIL LOU GRAY OPPORTUNITY SCHOOL**

Mr. Hunter did not appear to make his presentation.

Messrs. Bruce Zahn, Director and Kenny Johnson, Assistant Director, Orangeburg County YMCA Aquatic Facility, were introduced and spoke briefly, outlining their respective personal backgrounds.

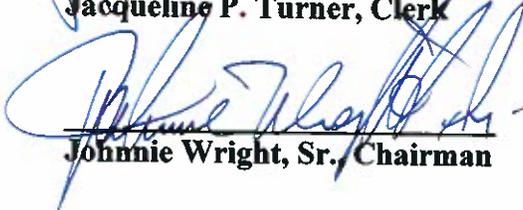
12. VOTE FOR EXECUTIVE SESSION (1) ECONOMIC DEVELOPMENT; (2) S.C. CODE SECTION 30-4-70(a)(2) RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO A PENDING LEGAL CLAIM AND/OR SETTLEMENT OF LEGAL CLAIMS REGARDING THE FOLLOWING CASES: THE ESTATE OF LARRY WILLIAMS, 2010-ES-38-00526 (PENDING IN PROBATE COURT) AND ORANGEBURG COUNTY V. IVADELLA WALTERS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LARRY DALTON WILLIAMS; AND THE SOUTH CAROLINA FEDERAL CREDIT UNION, 2012-CP-38-667(PENDING IN CIRCUIT COURT)

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

Motion to adjourn made by Councilman Wimberly, seconded by Councilman Owens. Motion passed unanimously.

Meeting adjourned.

  
Jacqueline P. Turner, Clerk

  
Johnnie Wright, Sr., Chairman