

**MINUTES
ORANGEBURG COUNTY COUNCIL
MAY 17, 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:

**Marion Lloyd, Deputy Administrator
D'Anne Haydel, County Attorney
Jacqueline P. Turner, Clerk to Council**

OTHERS ABSENT:

Bill Clark, County Administrator

CALL TO ORDER

Johnnie Wright, Sr., Chairman

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

Motion by Councilwoman Cooper, seconded by Councilman Ravenell, to approve minutes of May 3, 2010 with corrections, if any. Motion passed unanimously.

PUBLIC COMMENTS: AGENDA ITEMS No Comments made

PUBLIC COMMENTS: OTHER MATTERS

Sheriff Williams spoke, indicating he wanted to dispel the myth there are not positive working relationships between him and County Council. He stated there have always been positive relationships with regard to programs at the Sheriff's office protecting the citizens of Orangeburg County, and he would be remiss if he does not stand before Council and before the public to disband the notion there is not a positive working relationship; sometimes the Auditor's come and you read one thing and maybe its not intended to be that way. He stated the offices are

combined together as community leaders to work in the best interests of the citizens of Orangeburg County. Money is tight and this is understood by all; during this time you might have a gentlemen's or lady's disagreement. Collectively we are working toward the best interests of the citizens of Orangeburg County and I want to publicly stand and defend my Council for that, I thank you for that. Chairman Wright thanked the Sheriff.

Steve Nash from the Holly Hill/Providence area, spoke again about the Biomass plant. He doesn't think it's a good idea, there is not enough known about what they can do or can't do as far as pollution. There has been no information from the County about tax incentives offered and the proposed creation of 27 jobs is not much of a return for the investment the County has spent building and developing the park, and a litany of issues against the County moving forward with Biomass. Chairman Wright thanked Mr. Nash for his comments.

PUBLIC COMMENTS:

OTHER MATTERS

Mr. Abe Salama spoke about his concern regarding dangerous intersections, suggesting the formation of two committees, one to look at and study the dangerous intersections, and a second committee to recognize individual student achievement and provide scholarships to deserving students. Councilman Owens indicated Mr. Salama had expressed a good idea, that does not have to start off with scholarships, but with recognition through plaques given to outstanding students. He indicated a local student at the Aquatic Center spoke with him about County Council being more involved in the public school system through perhaps a government week recognizing the importance of local government in the community, visiting the schools and let the students see who County Council people are and the importance of what they do in the community. It's a good idea that Council can give further study. Councilwoman Cooper informed Mr. Salama the County participates with the Traffic Advisory Committee through the Lower Savannah Council of Governments. Councilman Wright thanked Mr. Salama for his comments.

Chairman Wright asked Council, before starting the meeting, to amend the agenda to move item 8 - Personal Appearance by Junior Leadership to the front of the agenda. Motion by Councilman Wimberly, seconded by Councilman Clyde Livingston to move the Junior Leadership Class of 2010 personal appearance to the first item on the agenda. Motion passed unanimously.

David Coleman, Executive Director, Chamber of Commerce, indicated a graduation ceremony later in the evening necessitated the request for moving the Junior Leadership personal appearance to the front of the agenda. The students shared with County Council their various experiences in leadership during their participation in the Class of 2010 Junior Leadership activities.

Councilwoman Cooper complimented David Coleman and his staff on the work they do with the students, and the longevity of the program, inquiring about the number of students that have passed through the program. Mr. Coleman indicated for the past 15-20 years they have averaged 30 students participating in the Junior Leadership program per year. Councilman Owens stated Council appreciates what the students are doing.

1. **ORDINANCE – SECOND READING**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN ORANGEBURG COUNTY AND ORANGEBURG COUNTY BIOMASS, LLC REGARDING (1) OPTION TO PURCHASE, (2) CONTRACT TO PURCHASE, (3) OPTION TO RE-PURCHASE OR RECEIVE PAYMENT CONCERNING REAL PROPERTY

Chairman Wright asked either Marion Lloyd or the County Attorney for a brief synopsis of the ordinance for the benefit of those who might not have been present at the last meeting. Ms. Haydel explained as stated in the ordinance, there is a prospect, Orangeburg County Biomass, LLC, that is asking for an option to purchase 55 acres of property located in the Matthews Park area. According to representations made in writing, they have done quite a bit that are site specific to their 55 acres. In exchange for going forward with additional site related investments, Biomass needs to secure the right to buy the property, and that is what is before Council today to secure the option and allow them the option for a certain period of time to buy the property, and buy it for nominal consideration, but with the understanding they are going to locate the project in Orangeburg county. The project is defined as a \$98 million dollar direct cost investment with 27 new jobs over a five year period that starts with the contract and the option.

Councilman Ravenell asked if the company does not fill their obligation does the property revert back to the county. Ms. Haydel stated if the company goes forth with the option and take ownership of the property for the first year after the closing on the property, Biomass is not to sell, transfer or encumber the property, other than to a project lender. A project lender would be someone who is lending specifically for the \$98 million dollar project that has been described on that property. Once they get to the point within that 365 day then they have a contract with the third party's construction company for the entire project. At that point we will not have the right to repurchase the property, but we will have the right of a call back that is similar to any other call back situation the County has used with an economic development prospect. To do that we you take the basic price of what you think the property would be worth today and if the dollar investment or the dollars are lacking, there is a formula set up in the agreement as to how much has to be paid back. It is sort of two-fold vs they have an option. Once they exercise the option during the one year period, after the closing, you are not to encumber the property, except to a project member, and if they do not commence construction within 365 days, you can transfer the title back to the

County, or if it has been encumbered in breach of contract then they would have to pay the County for the property.

The repurchase of the property would be at the same price they are purchasing it from the County, which would be at a nominal consideration of \$99.

Motion by Councilwoman Cooper, seconded Councilman Ravenell approving second reading on the ordinance. Motion passed unanimously.

2. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING THE PLACEMENT OF COVENANTS AND RESTRICTIONS ON THE PROPERTY OF THE ORANGEBURG COUNTY/JOHN W. MATTHEWS, JR. INDUSTRIAL PARK

Chairman Wright indicated this ordinance was not ready to go forward and would be deleted from the agenda.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, FOR THE ORANGEBURG COUNTY BUDGET FOR ORDINARY COUNTY PURPOSES AND FOR OTHER COUNTY PURPOSES FOR WHICH THE COUNTY MAY LEVY A TAX; TO PROVIDE FOR THE LEVY OF TAXES ON ALL TAXABLE PERSONAL AND REAL ESTATE PROPERTIES IN ORANGEBURG COUNTY FOR ALL COUNTY PURPOSES, INCLUDING SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST OUTSTANDING INDEBTEDNESS OF ORANGEBURG COUNTY MATURING DURING SAID FISCAL YEAR; TO PROVIDE FOR MATTERS RELATING TO ORANGEBURG COUNTY; AND TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING SAID FISCAL YEAR

Motion made by Councilman Wimberly, seconded by Councilman Owens to approve ordinance by title only. Motion passed unanimously.

4. ORDINANCE FIRST READING (BY TITLE ONLY)

AN ORDINANCE TO PROVIDE FOR APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, FOR ORANGEBURG-CALHOUN TECHNICAL COLLEGE, THE ORANGEBURG COUNTY SPECIAL NEEDS & DISABILITIES BOARD, THE VOCATIONAL REHABILITATION DEPARTMENT, AND FOR OTHER PUBLIC AND SPECIAL EDUCATION; TO PROVIDE FOR THE LEVY OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING THE FISCAL YEAR FOR SAID PURPOSES

Motion made by Councilman Owens, seconded by Councilman Heyward Livingston, to approve ordinance by title only. Motion passed unanimously.

5. PROCLAMATION – NATIONAL EMERGENCY MEDICAL SERVICES WEEK – MAY 16-22, 2010

Motion made by Councilwoman Cooper, seconded by Councilman Ravenell to approve the proclamation honoring National Emergency Medical Services Week. Motion passed unanimously.

6. APPOINTMENTS

ORANGEBURG COUNTY TAX EQUALIZATION BOARD – DISTRICT 5.

Motion made by Councilwoman Cooper to appoint John Grant to the Board. Councilman Owens seconded the motion. Motion passed unanimously.

CAPITAL PROJECT SALES TAX COMMISSION

Motion made by Councilman Heyward Livingston to appoint John Dangerfield, North, to the Commission. Councilman Owens seconded the motion. Motion passed unanimously.

Motion made by Councilman Ravenell to appoint Joseph Glover from the eastern area of Orangeburg County to the Commission. Motion seconded by Councilman Owens. Motion passed unanimously.

Motion made by Councilman Wimberly, seconded by Councilwoman Cooper to appoint Bill Clark to the Commission. Motion passed unanimously.

7. LAW ENFORCEMENT MUTUAL ASSISTANCE AND SUPPORT AGREEMENT – MYRTLE BEACH, S.C.

Councilman Wimberly asked the Sheriff to give a brief overview regarding the Agreement. The Sheriff stated that over the years his office has joined resources state-wide with municipal agencies as well as county agencies to offer support in time of need, in crises, or any matter that may relate to public safety. There are 18-20 mutual aid agreements presently with the Sheriff offices from around the state and also with municipalities.

This particular agreement came from the city of Myrtle Beach. In his discussion with them he suggested the utilization of county government because of the diversity issue that was so well in hand in that county. The Agreement is at no cost to Orangeburg County, three officers would be involved, working in a special

operative unit. This is one of the reasons why people from different counties are utilized. He utilizes the same tactics in Orangeburg for various operations, bringing in people who are unknown to the public.

Councilman Heyward Livingston asked if this would not be a day to day operation but special undercover work. The Sheriff replied yes, it has been done for a very long time. It puts no liability on the part of Orangeburg; yet having a legal bind, the Mutual Aid Agreement gives you a lawful contract between the agencies.

Councilman Owens cited with the distance involved between Orangeburg and Horry county, had a few of the Agreements been signed to which the Sheriff indicated 16-17 had been. Councilman Owens asked if Horry County has a joint police and sheriff force. The county of Horry has a police department; the Sheriff's office in Horry County handles the judicial processes of the county. They maintain the jails and courts of Horry County. This Agreement is with the city of Myrtle Beach, which puts it in a different light than other Agreements from the past.

To the question from Councilman Owens if needed, could Orangeburg call on other city law enforcement. The Sheriff indicated approximately 37 agencies across the state have worked in Orangeburg County in special operations during his tenure. Especially now, with budget cut backs, he may not have the specialized people needed in certain areas. For the last 8 years bringing people into the county to work special operations has been utilized.

Councilman Clyde Livingston asked if there was anything unique about this particular agreement, since he has been on Council 15 years and does not remember Council being asked to consider mutual aid agreements in the past. The Sheriff stated he had not been before Council in the past, but due to the diversity issues going on in Horry County and Myrtle Beach, he felt it would be better to bring the matter before his governing body to get their yea or nay before moving forward with this, giving them the total operation plan to a degree, and have their support in moving forward. Councilman Clyde Livingston wanted clarification as to the diversity issues.

The Sheriff cited allegations in Myrtle Beach related to the police concerning bikers. The Sheriff felt an agreement was best with them and diversity would be the clear understanding that he teaches his people it is not a matter of diversity, it is a matter of fairness. His officers police criminal activity and not color. Councilman Clyde Livingston asked if Myrtle Beach was asking of something from Orangeburg because Orangeburg handles the diversity issue better than they do.

Councilman Owens stated he perceives it as Myrtle Beach wants more black people over there. He asked the Sheriff is Myrtle Beach wants the Sheriff over because they are looking for officers of color?

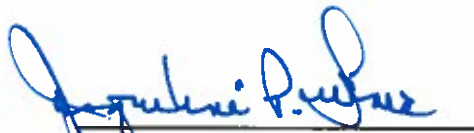
County Attorney Haydel spoke, indicating she had to break in here for a second, because she doesn't know how we ever got here. She stated this is a standard mutual aid law agreement; in the state of South Carolina more and more law enforcement agencies have the flexibility to call on someone who can come into a jurisdiction. It is her understanding the goal is to have as many of these as possible so that if you ever have trouble in your jurisdiction and somebody else is not too busy, they can come here is they work here and vice versa. She stated, I'm not sure how we got on diversity, but I did not read any of that in here, this is standard and it is how we protect our citizens all across the state when we have a shortage in a special situation."

Councilman Clyde Livingston reiterated his statement that he has been on Council 15 years and this is the first time he remembers a mutual assistance agreement coming before Council. Attorney Haydel stated she believed he was correct when it comes to mutual aid for the Sheriff's office because from a purely technical standpoint, the Sheriff as a separately elected official County-wide has the ability to sign one of these agreements without Council's permission just as any other law enforcement agency has the right to do that.

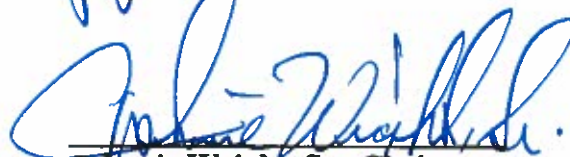
Motion made by Councilwoman Cooper, seconded by Councilman Wimberly to approve the Chairman signing the Mutual Aid Law Enforcement Agreement with the City of Myrtle Beach. Motion passed unanimously.

Motion for adjournment made by Councilman Owens, seconded by Councilwoman Cooper. Motion passed unanimously.

Meeting adjourned.



Jacqueline P. Turner, Clerk



Johnnie Wright, Sr., Chairman