

**MINUTES  
ORANGEBURG COUNTY COUNCIL  
FEBRUARY 6, 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, Vice Chairman  
Clyde B. Livingston  
Heyward H. Livingston  
Willie B. Owens  
Johnny Ravenell**

**MEMBERS ABSENT:**

**Harry F. Wimberly**

**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 Owens, seconded by Councilman Ravenell, to approve minutes of January 17, 2012 and January 18, 2012 with corrections, if any. Motion carried.**

**Motion by Councilman Heyward Livingston, seconded by Councilman Owens, to amend the agenda to include item 1A to receive a presentation from the Lower Savannah Council of Governments. Motion carried.**

**PUBLIC COMMENTS:**

**AGENDA ITEMS**

**Mr. David Hutto, immediate past president of DORA spoke, inviting Council members and citizens to attend a business after hours meeting Thursday, February 9, 2012, 5:30 p.m., Arts Center; the invitation was extended on behalf of DORA and the Chamber of Commerce.**

**PUBLIC COMMENTS:**

**OTHER MATTERS**

**Councilwoman Cooper spoke regarding the property tax installment plan ordinance passed by Council in October, 2011. The plan has not been implemented and citizens who were denied relief are suffering. She is disappointed and this is not right. An ordinance is a law and it has to be implemented. She has not been successful in reaching the Treasurer, and was informed by one staff member they were unaware of an installment plan, and she would have to speak with the Treasurer. Councilwoman Cooper stated residents have contacted her about lack of information available to help them participate in the tax installment program. Following her speech before Council and those in attendance, Councilman Owens made a suggestion that members of Council give Chairman Wright the authority to meet with the Treasurer to discuss implementing the tax installment plan.**

**Motion by Councilman Owens, seconded by Councilman Ravenell authorizing Chairman Wright to send a letter requesting a meeting with the Treasurer to talk about setting a date to proceed with carrying out the property tax installment program. Motion carried.**

**1. ORDINANCE – PUBLIC HEARING AND THIRD AND FINAL READING AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN ORANGEBURG COUNTY (GKN AEROSPACE SOUTH CAROLINA, INC.) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO**

**Chairman Wright asked County Administrator Bill Clark to summarize the action being taken for the benefit of those in attendance who might have missed the first two readings of the ordinance. Mr. Clark stated the ordinance is being entertained at the request of GKN who asked to have their project included into the multi-county industrial park agreement. Traditionally, the County has partnered with Dorchester County for this type of legal agreement. Under the MCIP agreements, 1% of revenue would go to Dorchester County, and 99% would remain within Orangeburg County. The purpose is to qualify the project for state incentives for which GKN may be eligible. A previous reading had been done, but it needs reaffirmation to make certain it has been properly transacted.**

**Chairman Wright opened the Public Hearing. No comments received from the citizens in attendance. Hearing no questions or comments from the public, Chairman Wright closed the Public Hearing.**

**Motion by Councilman Heyward Livingston, seconded by Councilman Ravenell to give third and final reading to the ordinance. Motion carried.**

**1A. PRESENTATION BY LOWER SAVANNAH COUNCIL OF GOVERNMENTS**

**Chairman Wright invited the staff of LSCOG to make their presentation. Councilwoman Cooper asked Ms. Shade, representing LSCOG and Ms. August, representing the Santee-Wateree Regional Transit Authority to assist in doing the honors. Ms. Shade explained**

**Orangeburg County and Santee-Wateree Regional Transit Authority received the plaque for their formation of the Regional Transit Authority from the National Association of Development Organizations for winning the Innovative and Pacesetters awards for excellence in providing buses for the Calhoun-Orangeburg Cross County Connection transportation system.**

**Chairman Wright and Councilwoman Cooper praised all those involved for their dedication, and commitment in working with two county councils, elected officials and other groups and agencies resulting in a growing and vital transportation system providing a much needed service to citizens.**

**2. ORDINANCE – SECOND READING**

***AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INFRASTRUCTURE FINANCE AGREEMENT BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA, AND HENRY'S SOC, LLC***

*Chairman Wright asked Bill Clark to summarize the action before Council. Mr. Clark stated the ordinance is a necessary follow up to action entertained by the County's Finance Committee in recent months. The County is looking at amending some guidelines for providing economic development incentives particularly as they apply to non-manufacturing projects. One of the recommendations of the Committee is to limit the term that a Special Source Revenue Credit could be applied to a period not to exceed ten years. In order to follow through on this, there is one existing agreement that requires it be amended in order to comply with the ten year period, and that is the agreement which affects Henry's SOC.*

*This will not change the amount of the credit previously approved in 2007; however it does amend the time period for which the credit will be applied. This is the purpose of the ordinance, and is before Council for second reading.*

*Motion by Councilwoman Cooper, seconded by Councilman Owens, for second reading approval of the ordinance. Motion carried.*

**3. AN OFFICIAL ACTION OF THE ORANGEBURG COUNTY COUNCIL AUTHORIZING THE PURCHASE OF PROPERTY FROM THE TOWN OF SANTEE**

**Chairman Wright requested Bill Clark summarize the action being requested. Mr. Clark stated the Official Action would authorize the County to move forward with a property transaction with the Town of Santee to purchase approximately eight and a half acres on Bass Drive near the Santee Conference Center. The County is looking to develop, in partnership with the Town, some recreational amenities to the area. The amenities will be funded with funds from the third Capital Project Sales Tax. While this is planned for the future, Council needs to go ahead now and get the property acquired. The agreement does have a clause that requires construction on the project to commence by June 24, 2014, otherwise the interest in the property will convey back to the Town. It is the County's intent to have this project underway in advance of that deadline.**

**Prior to a motion for approval Chairman Wright asked about a technicality that was to be corrected in the contract. Mr. Clark indicated a typographical error on a date in the deed required correction and will be handwritten in before it is signed by the Chairman.**

**Councilman Ravenell stated the funds for this project are not coming from the general budget. It is money that has been earmarked from the third round of the Capital Project Sales Tax fund. He has been getting questions from the area about the funding and he wanted to clarify where the money was coming from.**

**Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, to approve the Official Action of County Council to purchase property from the Town of Santee. Motion carried.**

**4. APPROVAL OF LETTER OF CREDIT AGREEMENT BETWEEN GKN AEROSPACE SOUTH CAROLINA, INC., THE CITY OF ORANGEBURG, SOUTH CAROLINA, AND THE COUNTY OF ORANGEBURG, SOUTH CAROLINA**

**Chairman Wright requested Bill Clark summarize the action required. Mr. Clark explained this approval would formalize the County's intent with regard to moving forward with the Letter of Credit Agreement. When project negotiations began with GKN Aerospace, the County contemplated a mortgage agreement. The three parties have agreed to substitute a Letter of Credit Agreement for a mortgage agreement. An acknowledgement of the Letter of Credit is required, and Council has received a copy of the agreement which is undergoing final legal review today. If Council would want to give approval contingent upon the final review and recommendation of legal counsel, then he feels this would be appropriate.**

**Councilman Ravenell asked about when the company would be in a position of acquiring workers. Mr. Clark indicated the last information he had is they intend to be in production by the summer of 2012 and are ready to begin outfitting the facility for their manufacturing process.**

**Motion by Councilman Owens, seconded by Councilman Heyward Livingston for approval of the Letter of Credit agreement between GKN Aerospace South Carolina, the City of Orangeburg, South Carolina and the County of Orangeburg, South Carolina. Motion carried.**

**5. APPROVAL OF PROPOSED AMENDMENTS TO THE ORANGEBURG COUNTY ZONING ORDINANCE TO CREATE A NEW ZONING DISTRICT**

Chairman Wright requested Bill Clark summarize this request. Mr. Clark stated the Orangeburg County Planning Commission has developed a proposed amendment to the County's zoning ordinance. The Planning Committee has the authority to make recommendations on amendments, but the final decision has to come before Council for approval.

The Planning Committee is proposing to create a new zoning district or classification which would be called RS2, or Residential Single Family/Manufactured Home District. Mr. Clark stated he is recommending this be referred to committee because Council is going to want to have an opportunity to study the zoning map and have some interaction with the Zoning Committee regarding their recommendation before Council gives approval.

Prior to the motion for referral to committee, Councilman Heyward Livingston asked what is the reason behind the request. Harold Young stated the Planning Committee is receiving more requests for single-wide mobile homes as opposed to past requests for double-wide manufactured homes due mainly to national economic problems. The amended ordinance would allow single-wide mobile homes in areas of site-built, and double-wide mobile homes.

Motion by Councilman Heyward Livingston, seconded by Councilman Owens, to refer the request to the Orangeburg County Committee As A Whole for further study and review. Motion carried.

**6. PRESENTATION OF EASTERN ORANGEBURG COUNTY SUSTAINABILITY STUDY – ROGER WALDON, CLARION ASSOCIATES**

Mr. Waldon presented an overview of the study which has been ongoing for a while, but is drawing to a close. He highlighted key segments and components of the study. The study has been a joint effort sponsored by the County and the Lower Savannah Council of Governments, with six municipalities located in the eastern part of the county participating.

Four products have resulted from the initiative: (1) A fiscal impact study that showed the impact on the counties and municipalities on different kinds of developments. (2) A community assessment report that brought together all the issues in place today in the eastern part of the county, (3) Looking at trends and

projections for what is expected to come. (4) The study is accompanied by a tool box for local government approaches to managing growth. Mr. Waldon also showed visuals highlighting some of the features in the study and highlighting features from the tool box.

Chairman Wright thanked Mr. Waldon for his presentation. Councilman Owens commented on the excellence of the presentation and suggested other major stakeholders get a copy of the report. Chairman Wright emphasized the study was possible through the County receiving grants to fund the study, at no cost to taxpayers.

#### **7. APPROVAL TO ISSUE NOTICE OF INTENT TO AWARD GOODBY'S WASTEWATER TREATMENT PLANT**

Chairman Wright requested Bill Clark summarize this matter. Mr. Clark stated in December the County received a twelve million dollar plus USDA Rural Development grant authorizing an interchange enhancement at I-95 and 301. The project is underway through the letting of two contracts, one for water transmission lines in the five county area of the Lake Marion Regional Water Agency. Council has prioritized the development of a wastewater treatment facility in the eastern part of Orangeburg County with the site on Hwy. 301, behind the Matthews Industrial Park property.

January 19, 2012 during a bid opening, nine bids were received. The low bid was received from a company in Smyrna, Ga., Ruby Collins, Inc., in the amount of \$9,340,000. The bid amount is more than what was estimated for the project, so this is the reason for the recommendation he is prepared to make. He is asking Council, upon the recommendation of the engineers, to authorize the County to execute a Notice of Intent Award with the low bidder, the purpose of which would be to authorize the County to begin a negotiation process with the bidder. It is the engineer's opinion there are some options identified in the bid documents that would allow the County to negotiate a lower price on this project, but will not obligate the County contractually with the vendor while the negotiations are ongoing.

The County also has an interest in wanting to go forward because there are two federal agencies, USDA Rural Development Project and the U.S. Army Corps of Engineers who are monitoring the County's progress on this and looking for the County to move to a final negotiated contract as they begin to consider their level of participation and funding for the project. His recommendation is asking Council to authorize the execution of a Notice of Intent To Award so the County can begin negotiating with the vendor, Ruby Collins, Inc., and before any final bid

would be approved, the bid would have to come back to County Council for authorization.

Councilman Owens asked about the anticipated timeline on the project, to which Mr. Clark stated he expected somewhere in the neighborhood of one year from the point of authorizing a construction contract to the time the facility would be ready to be placed into service. This is a time sensitive project in that the County must create the wastewater capacity in this region for industry and economic development project sites to really be maximized.

Councilman Ravenell asked about the completion of the transmission lines. Mr. Clark stated the Corps of Engineers is constructing the collection lines under a separate contract. What this would do is construct the plant and also the disposal application site for the effluent.

Councilman Heyward Livingston asked if the action being contemplated tonight is only for negotiation purposes? Mr. Clark replied in the affirmative, stating the County feels it can get a better price and this would be in the best interest of both federal partners who are looking to assist the County in getting the best deal possible for everyone involved.

Councilman Owens asked how much is the lower bid above the projected amount? Mr. Clark stated the County was anticipating a bid in the seven million dollar range, so it is about two million above where the County is, but they have identified in the bid documents some items that are optional, with expendable components. The County may wish to go back and negotiate in order to bring the price back into the County's range.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston, Council give the County Administrator and staff the authority to negotiate this contract and try to get it down to a competitive price and bring the issue back to Council. Motion passed.

#### **8. COST RECOVERY ORDINANCE – FIRE COMMISSION**

Chairman Wright requested Bill Clark summarize this ordinance. Mr. Clark referred Council to documents in their agenda packets forwarded to Council for their consideration in developing a cost recovery ordinance. The purpose of the ordinance would be to allow the County, through the Fire District, to be able to recover the cost of certain materials used to fight fires and provide emergency response to fire incidents.

**Bill Clark recommended Council refer this matter into a committee so that the final text of the ordinance might be developed and a joint dialogue could go on between County Council and the Fire Commission to bring this to the final language that would be in the ordinance. This is a terrific idea, one that really would have been great if it was done a while back; it's an idea whose time has come. He is recommending what the Fire Commission has directed and that it go to a committee for the process to get underway.**

**Chairman Wright called for a motion, recommending the ordinance go to the Committee As A Whole so all Council members could have input along with the Commissioners and others. Councilwoman Cooper asked if any of the \$36,000 could be retrieved if the ordinance become official? Mr. Clark stated he did not think this could be done retroactively.**

**Motion by Councilwoman Heyward Livingston, seconded by Councilwoman Cooper, to refer the ordinance to the Committee As A Whole. Motion passed.**

**Chairman Wright was interrupted by a women in the audience who stated she wanted to speak in reference to water and sewage and homeowner's property. Chairman Wright stated he would allow her to speak even though the public hearing portion of the meeting had been held earlier and they were not present.**

**Ms. Lottie Rodney, stating she is a representative for the property owners near the treatment plant, said the County obtained easements illegally for the treatment plant. While they are not opposed to the development that would help the entire community, it is the method used by the County in approaching them to obtain permission from them for the easements, offering them \$1 to turn over their property which they considered insulting.**

**In the ensuing discussion generated by Ms. Rodney's remarks Councilman Clyde Livingston stated the County would never intentionally do anything illegal. Councilman Owens suggested some Council members talk with Ms. Rodney after the meeting. Deputy Administrator Harold Young stated the \$1 price is part of a legal process and is no indication of the value of the property, and there is a misunderstanding of what is needed for an easement. Ms. Rodney and her group were asked to remain after the meeting so members of Council and staff could clear up the areas of concern.**

**9. VOTE FOR EXECUTIVE SESSION**

**Motion by Councilman Owens, seconded by Councilwoman Cooper, to vote for an executive session to receive an update on certain economic development projects, as well as receive a review on various property matters. Motion carried.**

**Motion by Councilman Owens, seconded by Councilwoman Cooper, to vote for adjournment. Motion carried.**

**Meeting adjourned.**

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**Jacqueline P. Turner, Clerk**

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**Johnnie Wright, Sr., Chairman**