



**MINUTES
ORANGEBURG COUNTY COUNCIL
November 21, 2017
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.
Johnny Ravenell
Harry F. Wimberly
Heyward H. Livingston
Willie B. Owens
Janie Cooper-Smith**

MEMBERS ABSENT:

OTHERS PRESENT:

**Harold Young, County Administrator
Jerrod Anderson, Deputy County Attorney
Connie N. Portee, Clerk to Council**

CALL TO ORDER

Johnnie Wright, Sr. Chairman

On the 21st day of November 2017, Chairman Wright called to order a regular session meeting of the Orangeburg County Council at 5:39 p.m.

MOMENT OF SILENCE

Moment of silence observed

APPROVAL OF MINUTES

November 6, 2017 (RS)

Chairman Wright asked for a motion on the minutes. Councilman motioned that the minutes of the sessions of the Orangeburg County Council on the above dates be approved as written. Vice-Chairwoman Janie Cooper-Smith made the motion. Councilman Johnny Ravenell seconded the motion. Motion carried. (6-0-0).

Chairman Wright advised the citizens of the purpose of public comments agenda items and public comments of other matters.

PUBLIC COMMENTS:

AGENDA ITEMS

Glenda Lewis with Soil and Water came before Council in reference to item number eleven (11) on the agenda. To express her support of the enforcement of the Litter Ordinance. She thanked Vice-Chairwoman Janie Cooper Smith for getting a committee together and how they work very hard to make this ordinance happen.

Chairman Wright closed public comments of agenda items at 5:43 p.m.

PUBLIC COMMENTS:

OTHER MATTERS

NONE

Chairman Wright closed public comments of other matters at 5:43 p.m. and went into the regular agenda.

1. ORDINANCE THIRD 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 TMS # 0142-06-01-003.000 FROM RG (RESIDENTIAL GENERAL DISTRICT) TO FA (FOREST AGRICULTURAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Chairman Wright read the ordinance in its entirety.

Chairman Wright entertained a motion to pass the ordinance for third and final reading. Councilman Willie Owens made the motion. The motion was seconded by Vice-Chairwoman Janie Cooper-Smith. Motion carried. (6-0-0).

2. ORDINANCE THIRD 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 TMS # 0142-08-05-015.000 FROM FA (FOREST AGRICULTURAL DISTRICT); TO CG (COMMERCIAL GENERAL DISTRICT) AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Chairman Wright read the ordinance in its entirety.

Chairman Wright entertained a motion to pass the ordinance for third and final reading. Vice-Chairwoman Janie Cooper-Smith made the motion. The motion was seconded by Councilman Harry Wimberly. Motion carried. (6-0-0).

3. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO BUY AND SELL REAL ESTATE BY AND BETWEEN ORANGEBURG COUNTY AND MARK LINDER PERTAINING TO CERTAIN REAL PROPERTY OWNED BY ORANGEBURG COUNTY; AUTHORIZING THE SALE OF SUCH REAL PROPERTY BY THE COUNTY TO MARK LINDER; AND OTHER MATTERS RELATING THERETO

Chairman Wright read the ordinance in its entirety.

Chairman Wright yielded to Administrator Young to give a summary. Administrator Young advised this is one of the properties the County had that is no longer necessary for County use. Therefore it was on the market for sale. It was damaged during the hurricane and ice storm so the County has provisions coming from the insurance reserve fund that goes along with the offer price to make a sound return on the investment on the County citizens and we are requesting that you approve this sale.

Chairman Wright entertained a motion to pass the ordinance for second reading. Councilman Johnny Ravenell made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (6-0-0).

4. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND PROJECT HUNTLEY, AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; TO PROVIDE FOR ONE OR MORE SPONSOR AFFILIATES, 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 PROPERTY LOCATED IN ORANGEBURG COUNTY, SOUTH CAROLINA NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY PROJECT HUNTLEY PLAINS, OR ONE OR MORE COMPANIES RELATED THERETO; AND OTHER RELATED MATTERS

Chairman Wright yielded to Attorney Jerrod Anderson for a brief summary Attorney Anderson advised this ordinance seeks the approval of a fee-in-lieu agreement as well as placement of this new construction in a multi-county industry park with Dorchester County. The prospect wish to remain anonymous at this time. This project involves a Solar Farm

totaling 550 acres. The fee-in-lieu will provide for a forty (40) year annual stream of \$225,000 in taxes for a fee to the County for forty (40) years. The prospect has promised a minimum investment of \$115,000,000.00 will be made and there are no new jobs. There is an SSRC (Special Source Revenue Credit) involved to make sure the fee payments per year for forty (40) years maintain the \$225,000 level.

Chairman Wright asked Council if they had any questions.

Councilman Willie Owens asked, should it be necessary if we decide to pass this ordinance to attach to anything about upcoming ordinance or policies?

Harold Young advised because this ordinance was second reading, Council could approve that based upon what you come up with for third reading but it was under the discussion for this project moving forward, it was told to the prospect it would be grandfather in moving forward, prior to making of the policies.

Chairman Wright entertained a motion to pass the ordinance for second reading. Councilman Johnny Ravenell made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (6-0-0).

Councilman Willie Owens asked, what happens here would lay grounds for anything else that happens in the future?

Chairman Wright advised no.

Councilman Willie Owens advised remember that he did ask that question. Legally he hope they are right.

Councilman Johnny Ravenell asked the \$225,000, he know the County talked about it but is it set in stone? Can the County raise that \$225,000 and it be done on the third reading?

Harold Young advised it would take a unanimous vote from Council but he would have to yield to the Attorney Anderson to check if he could make that change.

Attorney Anderson advised Council can make that change but also approved by the company it would take an unanimous vote at third reading to approve any change, however the fee is figured based upon the amount of investment and there is an assess ratio given the size of the project at 6% based upon the millage involving the acreage. The statue allows you to go back to June of the processing year, so based upon the processing year or the millage this year they will chose the lowest millage to do the calculations. However, it's the SSRC that keeps the payment constant.

Councilman Johnny Ravenell asked, can the price be negotiated?

Attorney Anderson advised yes it can be negotiated because there is no deal until third reading.

Councilman Johnny Ravenell asked for the price to be negotiated.

Chairman Wright advised he believe that has been done already.

Councilman Harry Wimberly advised that the County has already committed to this project, from what he understood. If we had not committed to it. The question he had was, with any contractor the County do have is there any kind of decommissioning clause in that?

Attorney Anderson advised no there was not. The County did not have access to the third party contract between the prospect and the landowner. It maybe in that contract but the County do not know the terms of the provision.

Chairman Wright entertained a motion to pass the ordinance for second reading. Councilman Johnny Ravenell made the motion. The motion was seconded by Councilman Heyward Livingston. Motion carried. (6-0-0).

5. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF *AD VALOREM* TAX AND INCENTIVE AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND PROJECT MB TO PROVIDE FOR PAYMENT OF A FEE-IN-LIEU OF TAXES; AND OTHER RELATED MATTERS

Chairman Wright advised item five (5) and item six (6) were related so Council would vote on both items together.

Chairman Wright yielded to Attorney Jerrod Anderson for a brief summary Attorney Anderson advised this ordinance seeking to approve a fee-in-lieu agreement between a prospect wish to remain anonymous at this time however this business is a well-established business in the community. They have committed to an investment of \$10,000,000,00 and a creation of a hundred (100) new jobs. They have reported that fifty (50) of those jobs have already been created for the calendar year 2017 and they expect the next fifty (50) jobs to be in place by the end of calendar year 2018. The \$10,000,000,00, is expected to go into \$250,000.00 buildings, \$9.75 million remaining will go into machinery and equipment. There is an SSRC (Special Source Revenue Credit) that is a 30% credit for over ten (10) years. The prospect believes this project is already in an industrial park, however if not they will seek to place this new expansion into a multi county industrial park.

Chairman Wright asked Council if they had any questions.

Councilman Harry Wimberly asked, if Orangeburg County have ever set up a multi-county industrial park agreement with Barnwell County?

Attorney Anderson advised we do not have an agreement with them but there is a multi-county industrial park with Barnwell County, most of our new projects have been put into

multi-county industrial park with Dorchester County but we do have an agreement with Barnwell County.

Chairman Wright entertained a motion to pass the ordinance for second reading and resolution for item six (6). Councilman Harry Wimberly made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (6-0-0).

6. A RESOLUTION COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT BETWEEN ORANGEBURG COUNTY AND PROJECT MB; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO

Chairman Wright entertained a motion to pass the ordinance for second reading and resolution for item six (6). Councilman Harry Wimberly made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (6-0-0).

7. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE CREDIT AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND F I OF SANTEE, LLC PROVIDING FOR A PAYMENT OF A SPECIAL SOURCE REVENUE CREDIT AND OTHER MATTERS RELATED THERETO

Chairman Wright advised item seven (7) and item eight (8) were related so Council would vote on both items together.

Chairman Wright yielded to Attorney Jerrod Anderson for a brief summary Attorney Anderson advised the first ordinance deals with the approval of a SSRC (Special Source Revenue Credit) agreement or infrastructure agreement and the second ordinance deals with placing the expansion into a multi county industrial park. This prospect F I of Santee LLC wishes to take advantage of the previous legislation of Council were by they established the empowerment zone in Santee for business that plan to start their businesses off of exit 97 and exit 98 off of I-95. They have promised to make a minimum investment of \$5,000,000,00 and the creation of at least fifteen (15) new jobs. The SSRC will be a 50% SSRC (Special Source Revenue Credit) for fifteen (15) years. The industrial park they are seeking to be placed in is the multi-county industrial park that Orangeburg County shares with Dorchester County.

Chairman Wright asked Council if they had any questions. There were none.

Chairman Wright entertained a motion to pass the ordinance on items seven (7) and eight (8) for second reading. Councilman Johnny Ravenell made the motion. The motion was seconded by Councilman Heyward Livingston. Motion carried. (6-0-0).

8. ORDINANCE SECOND READING

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN ORANGEBURG COUNTY (F I OF SANTEE, LLC) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO

Chairman Wright entertained a motion to pass the ordinance on items seven (7) and eight (8) for second reading. Councilman Johnny Ravenell made the motion. The motion was seconded by Councilman Heyward Livingston. Motion carried. (6-0-0).

9. ORDINANCE FIRST READING BY TITLE ONLY

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAX AGREEMENT BY AND BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND PROJECT O1 TO PROVIDE FOR PAYMENT OF A FEE-IN-LIEU OF TAXES; AUTHORIZING THE INCLUSION OF PROJECT O1'S SITE IN A MULTI-COUNTY BUSINESS PARK; AUTHORIZING CERTAIN SPECIAL SOURCE REVENUE CREDITS; AND OTHER RELATED MATTERS

Chairman Wright yielded to Attorney Jerrod Anderson for a brief summary Attorney Anderson advised the prospect wish to remain anonymous at this time however this business is a well-established business in the community. They has promise to invest a minimum of \$15,000,000.00, they foresee the \$15,000,000.00 of that would be \$12,000,000.00 invested in buildings and \$3,000,000.00 in machinery and equipment. They have also promised a minimum of twenty (20) new jobs. The agreement includes an SSRC 25% (Special Source Revenue Credit over ten (10) years. If there is an portion of this project that in not in presently in an industrial park they will be seek to do that with an ordinance and they would look to place this in an industrial park with Dorchester County.

Chairman Wright asked Council if they had any questions. There were none.

Chairman Wright entertained a motion to pass the ordinance first reading by title only. Councilman Willie Owens made the motion. The motion was seconded by Councilman Johnny Ravenell. Motion carried. (6-0-0).

10. UPDATE FROM THE PUBLIC WORKS COMMITTEE

Chairman Wright yielded to the Public Works Chairman Johnny Ravenell. Councilman Johnny Ravenell advised the Public Works Committee met at 4:00 p.m. today and it is the recommendation from the Public Works Committee that Council move forward with the ordinance as written.

11. ORDINANCE FIRST READING

AN ORDINANCE AMENDING CHAPTER THIRTY-FOUR (34) OF THE ORANGEBURG COUNTY CODE OF ORDINANCES TO PROVIDE FOR ENFORCEMENT AND ADMINISTRATIVE PROCEDURES PERTAINING TO SOLID WASTE MANAGEMENT AND LITTER CONTROL, AMENDING ALL RELEVANT PARTS OF CHAPTER THIRTY-FOUR (34) IN CONFLICT, PROVIDING FOR A PENALTY, PROVIDING FOR SEVERABILITY

Chairman Wright read the ordinance in its entirety.

Chairman Wright asked Council if they had any questions.

Vice-Chairwoman Janie Cooper-Smith advised a lot took place in updating this ordinance, she read the ordinance and she is satisfied with the content of the ordinance. If the ordinance passes she think there will be a reduction in serial litters in Orangeburg County.

Councilman Willie Owens advised he agree with Vice-Chairwoman Janie Cooper-Smith and he hope the County has the full support of the Magistrate and other Law Enforcement Officers in enforcing this ordinance. Litter has become and is a major problem in Orangeburg County. He asked a group to form a committee to make sure they clean up their community. He thinks if we contact every community in Orangeburg County and ask the community to enforce themselves to clean up their community he believes the County would be better off.

Councilman Johnny Ravenell advised we shouldn't have to clean up behind anyone if we would clean up behind ourselves. The laws we are putting in place when it comes to Litter, we ask the community to govern themselves accordingly to no put the Litter down so we can have a Litter free County, if do not put the Litter down we would not that have to go through all these changes.

Chairman Wright entertained a motion to pass the ordinance first reading. Councilman Willie Owens made the motion. The motion was seconded by Vice-Chairwoman Janie Cooper-Smith. Motion carried. (6-0-0).

12. A RESOLUTION AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO AN ANNEXATION COVENANT WITH THE CITY OF ORANGEBURG TO OBTAIN UTILITYSERVICES TO REAL PROPERTY OWNED BY ORANGEBURG COUNTY

Chairman Wright yielded to Administrator Young to give a summary. Administrator Young advised one of the County buildings being built needs to be connected to Public Utilities and this annexation is required for the County to connect the utilities.

Chairman Wright asked Council if they had any questions.

Councilman Harry Wimberly asked so the city is requiring us to annex to them in order to get power?

Attorney Anderson advised yes, and the County made sure they got the whole seventy-three 73 acres this time so it would not have to come back before Council.

Councilman Harry Wimberly asked, where was it located?

Attorney Anderson advised this property is located where the new jail will be built.

Chairman Wright entertained a motion to pass the resolution. Councilman Heyward Livingston made the motion. The motion was seconded by Councilman Willie Owens. Motion carried. (6-0-0).

13. PROCUREMENT

a. REQUEST FOR EXEMPTION FROM PROCUREMENT SHERIFF DEPARTMENT BODY WORN CAMERAS GRANT

Chairman Wright yielded to Administrator Young to give a summary. Administrator Young advised under the State statute, the State has required the sworn deputy population use body cameras but under that State statute it stated the Counties were exempt until the State provided funding. The State has now provided funding through a grant from the State of South Carolina and this is coming before Council because the cost of it is \$97,500 which is over the limit to be approved so it must be approved by Council. It is under State contract and the money is coming from a grant to provide the Body Worn Cameras for forty-one (41) officers.

Chairman Wright asked Council if they had any questions.

Councilman Johnny Ravenell asked, would this cover all of the road officers or whoever needs cameras would have them?

Administrator Young advised it would cover only the road officers but not all of the sworn officers.

Chairman Wright entertained a motion to pass the procurement exemption. Councilman Harry Wimberly made the motion. The motion was seconded by Councilman Johnny Ravenell. Motion carried. (6-0-0).

14. UPDATE FROM SOLAR FARM COMMITTEE

Chairman Wright yielded to Councilman Harry Wimberly the Chairman of that committee for an update. Councilman Harry Wimberly advised the Solar Farm committee met twice to come up with some guidelines with the help of Richard Hall looking at some other ordinances and resolutions that have been done all over South Carolina as well as North Carolina and Georgia. We had a second meeting this afternoon with the guidelines we came up with from the first meeting and there were a lot of questions and comments that came back from some solar companies looking to contract. There will be another meeting with the Council as a whole in the near future and a follow up meeting to come up with some regulations as to how a Solar Farm may receive a fee-in-lieu in Orangeburg County.

15. VOTE FOR EXECUTIVE SESSION

Chairman Wright read the item for executive session and entertained a motion. Vice-Chairwoman Janie Cooper-Smith made the motion. Councilman Willie Owens seconded the motion. Motion carried. (6-0-0).

16. EXECUTIVE SESSION

1) ECONOMIC DEVELOPMENT UPDATE

S.C. CODE §30-4-70(A)(5) (DISCUSSION OF MATTERS RELATING TO THE PROPOSED LOCATION, EXPANSION, OR THE PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY THE PUBLIC BODY)

- a. PROJECT HUNTLEY
- b. PROJECT RECYCLE
- c. PROJECT ARROW
- d. PROJECT MB
- e. PROJECT 01

Chairman Wright asked for any comments from Council before he asked for a vote to adjourn.

Vice-Chairwoman Janie Cooper-Smith advised she would like to recognize those who serve on the Litter Campaign Committee untiringly, giving up their lunch time to come and help in making this come into fruition Diane Curlee, Glenda Lewis, Marion Lloyd, Richard Hall, Councilman Willie B. Owens, the County Administrator Harold Young, and our Clerk to Council.

Councilman Willie Owens advised Vice-Chairwoman Janie Cooper-Smith does a great job with chairing that Committee. She was worth her weight in gold.

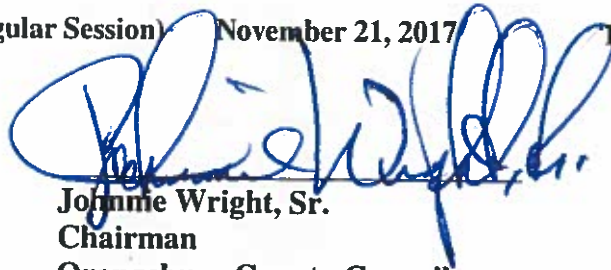
Chairman Wright thanked Vice-Chairwoman Janie Cooper-Smith and the Litter Campaign Committee for their efforts and commitment to the County.

17. VOTE FOR ADJOURNMENT

Chairman Wright entertained a motion for adjournment. Vice-Chairwoman Janie Cooper-Smith motioned that the regular session of the Orangeburg County Council of November 21, 2017 stand adjourned. Councilman Johnny Ravenell seconded the motion. Motion carried. (6-0-0).

18. ADJOURNMENT

Meeting adjourned at 6:18 p.m.



Johnnie Wright, Sr.
Chairman
Orangeburg County Council



Connie N. Portee
Clerk to Council
Orangeburg County Council