

**MINUTES
ORANGEBURG COUNTY COUNCIL
JANUARY 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, Vice Chairman
Clyde B. Livingston
Heyward H. Livingston
Willie B. Owens
Johnny Ravenell
Harry F. Wimberly**

MEMBERS ABSENT:

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

APPROVAL OF MINUTES

Motion to approve minutes of December 19, 2011, December 29, 2011, and January 2, 2012 made by Councilman Owens, seconded by Councilman Heyward Motion passed unanimously.

Motion by Councilman Clyde Livingston, seconded by Councilman Owens, to add an item C, real estate, to item 5, Executive Session. Motion carried.

PUBLIC COMMENTS

AGENDA ITEMS NO COMMENTS

PUBLIC COMMENTS

OTHER MATTERS

Ms. Gladys Arends spoke, extending an invitation to Council members to attend a meet the Sheriff event at the Mixson Mill Senior Center. Sheriff Ravenell will be speaking. Chairman Wright thanked Mrs. Arends for the invitation.

1. ORDINANCE – PUBLIC HEARING AND THIRD READING

AN ORDINANCE TO PROVIDE AUTHORIZATION FOR THE TRANSFER OF UNSPENT FUNDS FROM THE 2008 BOND FUND TO THE GENERAL FUND; AND TO PROVIDE THAT SUCH FUNDS ARE RESTRICTED FOR CAPITAL PURCHASES.

Chairman Wright opened the Public Hearing. There were no comments or questions asked from the citizens in attendance. Public Hearing closed.

Chairman Wright asked Bill Clark, County Administrator, to review the action being proposed. Mr. Clark stated the funds left over from the 2008 General Obligation Bond, a little over one million dollars, are in the Bond Fund account and need to be transferred to the General Fund account to be used for restricted Capital Project purchases. The action is retroactive to the fiscal year ending June 30, 2011.

Motion by Councilman Wimberly, seconded by Councilwoman Cooper, to accept third and final reading of the ordinance. Motion carried.

2. ORDINANCE – PUBLIC HEARING AND THIRD READING

AN ORDINANCE OF THE COUNTY COUNCIL OF ORANGEBURG COUNTY PROVIDING FOR THE AMENDMENTS OF THAT CERTAIN WATER PURCHASE AND SUPPLY AGREEMENT BETWEEN THE LAKE MARION REGIONAL WATER AGENCY AND ORANGEBURG COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO

Chairman Wright opened the Public Hearing. There were no comments or questions from the citizens in attendance. Public Hearing closed.

Chairman Wright asked Bill Clark to explain this ordinance. Mr. Clark explained there is language in the agreements signed by participating counties that might be in conflict with the ability of members to borrow funds to construct water

distribution lines for their customers, specifically with the USDA Rural Development Program. The issue first came up in Calhoun County because they had an application pending with USDA. The same situation could affect any other county working with the agency. The ordinance would amend language to remove a priority in the order of debt service payments from the LMRWA. Without the amendment, members may be ineligible to receive a construction loan from USDA Rural Development. Each member will be required to adopt the identical ordinance. There has been no change between the second and third reading of the ordinance.

Motion by Councilman Heyward Livingston, seconded by Councilman Owens, to accept third and final reading to the ordinance. Motion carried.

3. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE REGARDING INCENTIVES FOR NON- MANUFACTURING ENTITIES (HENRY’S LLC)

Chairman Wright asked Bill Clark to explain. Mr. Clark stated the original ordinance and agreement package was included in today’s packet. Recently the Finance Committee has been discussing various amendments to the County’s economic development incentive guidelines for non-manufacturing projects; there are currently two. The guidelines would apply to new projects.

One of the recommendations from the Committee, is to limit the term for a Special Source Revenue Credit (SSRC) for a non-manufacturing project to a period not to exceed ten years. Looking back at the previous agreement with Henry’s SOC, this would have to be amended to match that recommendation. The guidelines passed with the SSRC under Henry’s SOC identified a specific amount of the credit to provide some infrastructure costs, but it did not include a requirement to apply that credit within a specific time period. This amendment would adjust the time in the ordinance in order to apply the original credit within the ten year time period.

The amount of the credit would not change. The ordinance would change the rate percentage at which it would be applied. The percentage of the credit if it is applied in equal amounts for the remaining seven years to a ten year period, would need to be adjusted to 32%, or if Council wanted to consider any other type of accelerated type of schedule or other schedule, the question would needed to be worked out between now and second reading. In order to take care of the business at hand the issue was placed on the agenda for Council’s consideration tonight for first reading.

Chairman Wright asked if there were any questions to be asked and answered prior to a motion for second reading. No questions were raised.

Motion by Councilwoman Cooper, seconded by Councilman Clyde Livingston, to approve the ordinance for first reading. Motion carried.

**4. REPORT FROM PUBLIC WORKS COMMITTEE CHAIRMAN,
COUNCILMAN RAVENELL – RE JACKSON DRIVE AND NINETY-SIX AND
BABE ROADS**

Councilman Ravenell stated the Public Works Committee met earlier today and discussed Jackson and Ninety-Six Road. The Committee has recommended that a portion of Jackson Drive be accepted into the County's maintenance system.

Motion by Councilman Ravenell, seconded by Councilman Clyde Livingston to accept a portion of Jackson Drive into the County's maintenance system. Motion carried.

Councilman Ravenell stated the Committee also met about Ninety-Six Road and Babe Road, two intersecting roads in Neeses. The review and discussion concluded with a consensus the Committee would meet for additional discussion to determine if this road will be accepted into the County's maintenance system.

5. VOTE FOR EXECUTIVE SESSION

Chairman Wright stated the economic development issue noted on the agenda will not be discussed because Gregg Robinson, Economic Development Director, had not returned from a trip. In addition the posted personnel matter would not be addressed tonight. The only item up for discussion would be item C, a real Estate matter.

Motion by Councilwoman Cooper, seconded by Councilman Clyde Livingston, to adjourn for an executive session to discuss a real estate matter. Motion carried.

Prior to adjourning, Councilwoman Cooper stated she was very proud of Council. It is now tax time and last year Council voted unanimously to pass an ordinance instituting tax installment payments. She asked Bill Clark what is being done to let the citizens know they can apply to the

County Treasurer's office to find out more about it. She is receiving calls directed to her and not the Treasurer's office about tax installment payments. Mr. Clark stated he would follow up with the Treasurer and bring back a report. He did not want to make a statement until he talked with the Treasurer in person.

Additionally, Councilman Owens stated previously the Republican Party was asking counties to pay for their Primary, scheduled for January 21, 2012. He stated he thought it was an open primary, not readily advertised, but it means anyone can participate in the Primary. He thinks it should be publicly known and since it is an open Primary the public should know that anyone who would like to can participate in the Republican Primary.

Councilman Wimberly asked about the affect on the June Primary. Councilman Owens stated it would not affect the June Primary. Councilman Clyde Livingston stated all elections and primaries are open in South Carolina, but you cannot vote in the same primary on the same day.

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

Meeting adjourned.

Jacqueline P. Turner, Clerk

Johnnie Wright, Sr., Chairman