

**MINUTES
ORANGEBURG COUNTY COUNCIL
JUNE 18, 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:

**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 Ravenell, seconded by Councilwoman Cooper-Smith, to approve minutes of June 4, 2012 with corrections, if any. Motion passed.

PUBLIC COMMENTS:

AGENDA ITEMS

NO COMMENTS

PUBLIC COMMENTS:

OTHER MATTERS

NO COMMENTS

1. ORDINANCE – PUBLIC HEARING AND THIRD AND FINAL READING

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INFRASTRUCTURE FINANCING AGREEMENT BETWEEN ORANGEBURG COUNTY, SOUTH CAROLINA AND HENRY’S SOC, LLC

Chairman Wright asked County Administrator Bill Clark to update Council on this issue prior to the Public Hearing and final third reading of the ordinance. Mr. Clark explained the matter was previously assigned to the Finance Committee where amendments to the County’s economic

development incentive guidelines for non-manufacturing projects were reviewed and discussed. recommendation of the Finance Committee was to limit the terms for a Special Source revenue credit (SSRC) for a non-manufacturing project to a period not to exceed ten years.

To comply with the recommendation Council will have to amend the terms of the existing agreement with Henry's SOC. The existing SSRC with Henry's SOC provides for a specific amount of the credit in the amount of \$230,000, but did not include a requirement to apply the credit within a specific time period. The proposed amendment to the Agreement will not change the amount of the credit, but will amend the time schedule the credit will be applied to.

The First Reading of the ordinance was done on January 17, 2012, followed by second Reading February 6, 2012. Second reading was interrupted due to legal proceedings involving Henry's SOC, which have now been resolved, per the attached letter received from Henry's attorney included in Council agenda packets. The Ordinance has changed since second reading, the amount of the annual credit has been increased to 47% for tax years 2012 through 2018 in order to apply the full credit within the ten year period, and is ready for Council's approval.

Public Hearing opened. There were no comments received from the public. Public Hearing closed. Motion by Councilwoman Cooper-Smith, seconded by Councilman Clyde Livingston to approve third and final reading of the Ordinance. Motion passed.

2. ORDINANCE – THIRD AND FINAL READING

AN ORDINANCE AUTHORIZING ORANGEBURG COUNTY TO ENTER INTO A CONTRACT TO LEASE PROPERTY TO TOWN OF NORWAY

Chairman Wright asked for an update from Bill Clark. Mr. Clark stated there has been no change between second and third reading. The Ordinance is needed to officially execute the Lease transaction with the Town of Norway authorized by Council in a previous meeting. The Town is seeking to lease the old Fire Station Building in Norway, located on property adjacent to the Solid waste Convenience Site. The County owns the old Fire Station Building and property. The building is vacant and the County does not have any immediate future plans for the building. The lease is for a one-year term for a nominal amount of \$1. The Town will be responsible for the utility payments and maintenance and upkeep of the building and grounds.

Motion by Councilman Heyward Livingston, seconded by Councilman Owens, approving the Ordinance on third and final reading. Motion passed.

3. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2012, 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 FOR 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 OR 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

Chairman Wright asked Bill Clark to update Council prior to the Public Hearing and Third Reading. Mr. Clark stated final Public Hearing and Third Reading will be held June 25, 2012. The Budget is substantially complete at this time; however, the State Budget and the amount of the Local Government fund appropriation are still unresolved at this time. The General Assembly has reduced the amount of funding to local governments below the statutory amount for the last four consecutive years; this action by the General Assembly is having a significant negative impact on local government. In addition to cutting local government revenues,, the General Assembly has authorized increases in the cost of participating in the South Carolina Retirement System and the state Health Insurance Plan.

The County has absorbed the loss of State revenues for the past five years without increasing taxes through wage freezes, a reduction-in-force, and other cost reduction actions. A modest tax increase will be needed in FY 2013 to offset the continued loss of State revenues without disruptions to local services. The amount of the increase is to be determines after the State Budget is complete and the amount of the Local Government Fund is known. All information will be available at Third Reading.

Chairman Wright opened the Public Hearing. Ms. Jeanette Jefferies spoke, expressing her opposition to any budget matters being concluded until questions related to financial matters in the Sheriff' s Department under the administration of the late Sheriff Larry Williams are answered. No further comments were made. Chairman Wright closed the Public.

Chairman Wright asked for a second reading motion. Councilman Clyde Livingston made a motion, seconded by Councilman Owens, that Council would not require unanimous consent to amend the budget on third reading. Motion passed.

Motion by Councilman Clyde Livingston, seconded by Councilman Owens to approve second reading of the FY 2012-2013 budget. Motion passed.

4. ORDINANCE – PUBLIC HEARING AND SECOND READING

AN ORDINANCE TO PROVIDE FOR APROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013, FOR ORANGEBURG-CALHOUN TECHNICAL COLLEGE, THE ORANGEBURG COUNTY SPECIAL NEEDS AND DISABILITIES BOARD, THE VOCATIONAL REHABILITATION DEPARTMENT, AND FOR OTHER PUBLIC AND SPECIAL EDUCATION; TO PROVIVE FOR THE LEVY OF SAID TAXES AND OTHER REVENUES COMING TO THE COUNTY DURING THE FISCAL YEAR FOR SAID PURPOSES

Chairman Wright opened the Public Hearing. No comments were made by the public during the Public Hearing. Chairman Wright closed the Public Hearing.

Clark stated the budget was restricted to the special education agencies mentioned in the budget and Orangeburg-Calhoun Technical and the Orangeburg County Library constitute the major recipients of funds allocated.

Public Hearing opened. No comments made by the public. Public Hearing Closed.

Chairman Wright asked for a motion. Councilwoman Cooper-Smith made a motion to give second reading approval to the budget ordinance. Councilman Clyde Livingston, seconded the Cooper-Smith motion, and made a motion to amend the motion that it would not require unanimous consent to approve the budget ordinance on third reading. The motion was seconded by Councilman Owens. The motion by Councilwoman Cooper-Smith to approve second reading was seconded by Councilman Clyde Livingston. This motion passed.

The amendment to the first motion made by Councilman Clyde Livingston to not require unanimous consent to amend the budget ordinance on third reading was seconded by Councilwoman Owens. The motion passed.

5. ORDINANCE – PUBLIC HEARING AND SECOND READING

ORDINANCE AUTHORIZING A RADIO EQUIPMENT LEASE-PURCHASE TRANSACTION WITH MOTOROLA SOLUTIONS, INC

Chairman Wright asked Mr. Clark for an update. Mr. Clark stated the purpose of the ordinance is to authorize the Lease-Purchase financing transaction with Motorola to purchase radios and emergency communications consoles as authorized by County Council in their meeting of May 21, 2012. The radios and emergency communications consoles are available for purchase under State Contract. The County will use \$300,000 from the CPST III Bond Anticipation Note to apply toward the cost of the equipment. The total amount to be financed is \$1,419,354.85 at 3.30% with 108 payments of \$15,717.771 to begin July 2013.

Public Hearing opened. No comments received from the public. Public Hearing closed.

Motion by Councilman Ravenell, seconded by Councilman Heyward Livingston to approve second reading of the ordinance. Motion passed.

6. ORDINANCE – FIRST READING (BY TITLE ONLY)

AN ORDINANCE AUTHORIZING A CONTRACT FOR THE EQUIPMENT AND SOFTWARE TRANSACTION WITH MOTOROLA SOLUTIONS, INC

Chairman Wright asked Mr. Clark to give a briefing on this matter. Mr. Clark stated this ordinance is required to authorize the contractual terms relating to the Scope of Work, warranty periods, and other terms relating to the purchase, installation and testing of the radios and emergency communication consoles that are being purchased from Motorola Solutions, Inc.

Motion by Councilman Owens, seconded by Councilman Clyde Livingston, to approve first reading of the ordinance by title. Motion passed.

7. ACCEPTANCE OF BID AND REIMBURSEMENT AGREEMENT –VOIP TELEPHONE SYSTEM – DHEC BUILDING

Chairman Wright asked Mr. Clark for input on this matter. Mr. Clark stated DHEC has made a proposal to the County to upgrade the telephone system at the DHEC Health Department Building on Carolina Avenue. The current telephone system is approximately 20 years old and lacks the features and functionality of modern telephone systems. DHEC has access to one-time State funds that could be used to upgrade the telephone system at no cost to the County.

The County advertised for bids using specifications provided by DHEC. A pre-bid conference which 20 vendors attended was held on April 10, 2012. The evaluation of bids was conducted by DHEC and it is DHEC's recommendation to award the bid to Fortran Communications in the amount of \$52,350.72. DHEC will reimburse the County for 100% of the cost of the new telephone system as provided in the contract given to Council members in their agenda packets.

Motion to accept the recommendation of DHEC to purchase the VOIP Telephone Systems from Fortran in the amount of \$52,350.72 made by Councilwoman Cooper-Smith, seconded by Councilman Owens. Motion passed.

8. ACCEPTANCE OF PROPOSAL BROADBAND SPLICING PROJECT

Chairman Wright requested Mr. Clark give an update on this matter. Mr. Clark stated following Procurement Department requirements, the County solicited proposals for the splicing of fiber cable materials in connection with the on-going broadband project. Under the supervision of Project Engineer, W. Metts Engineering, two vendors were asked to submit proposals. W. Metts Engineering is recommending awarding a contract to Kelsey Gunter Enterprises of Branchville, S.C., in the amount of \$150,393.78, which includes the cost of labor and materials to provide cable splicing for approximately 105 miles of fiber cable that will provide access to 600 plus potential subscribers in the Rowesville area. USDA Rural Utilities will reimburse 75% of the project cost, with 25% coming from the Capital Projects Sales Tax.

Motion by Councilman Wimberly, seconded by Councilman Clyde Livingston, to accept the recommendation of W. Metts Engineering to award the contract of \$150,393.78 to Kelsey Gunter Enterprises of Branchville, S.C. to complete the scope of work as outlined. Motion passed

9. PRESENTATION – ORANGEBURG MUNICIPAL AIRPORT COMMISSION – A.J. HUTTO, CHAIRMAN

Mr. Hutto made a visual and oral presentation before Council encouraging Council to consider reducing the tax rate on business aircraft from its current 10.5% to 4%. He stated Orangeburg County is one of nine counties that still has a 10.5% rate,

which puts the local airport at a disadvantage in competing for business at the airport, and puts the Orangeburg County Development Commission at a disadvantage when they are trying to attract new businesses to the county. Owners are locating their planes in other counties. Reduced tax rate would increase the number of aircraft based in Orangeburg County, increase fuel sales and revenues for hangar rentals and other services related to aircraft usage.

Following the presentation Council members asked questions, with the consensus being the Airport Commission is an agency of the City of Orangeburg agency, and as such, County Council would need to have a letter of recommendation from the City of Orangeburg relative to the Airport Commission's request for a tax reduction through the County. Chairman Wright thanked Mr. Hutto for his presentation and indicated Council would take the matter under consideration.

Chairman Wright stated the publicized Executive Session to discuss economic development has been cancelled. Motion for adjournment made by Councilman Wimberly, seconded by Councilman Owens. Motion passed.

Meeting adjourned.

Jacqueline P. Turner, Clerk

Johnnie Wright, Sr., Chairman